

MANAGEMENT RESPONSE AND ACTION PLAN

PROJECT TITLE: Evaluation of the *Contraventions Act* Program
RESPONSIBILITY CENTRE: Innovations, Analysis and Integration Directorate

Conclusions	Recommendation	Management Response	Action Plan	Responsible Manager (Title)	Planned Completion Date
<p>Consistency with the Roadmap for Canada’s Official Languages</p> <p>The evaluation could not ascertain a rationale for integrating the <i>Contraventions Act</i> Fund in the Roadmap for Canada’s Official Languages. While the ‘community pillar’ of the Roadmap aims to enhance the vitality of official language minority communities and is pursuant to Part VII of the <i>Official Languages Act</i> (OLA), the <i>Contraventions Act</i> Fund arises out of Part IV of the OLA. In its 2001 decision, the Federal Court ruled that the federal government was required to take the necessary measures to “ensure that the quasi-constitutional rights provided by... Part IV of the OLA... are respected in any present or future regulations or agreements... that relate to the responsibility for administering the prosecution of federal contraventions.”</p> <p>Thus, unlike other Roadmap funding programs, the <i>Contraventions Act</i> Fund was not created to advance a departmental policy position or to contribute to enhancing the vitality of linguistic minority communities, but rather to enable the Department of Justice to fulfil its existing legal duties towards offenders.</p>	<p>Recommendation 1:</p> <p>That the Department of Justice enter into discussions to seek the removal of the <i>Contraventions Act</i> Fund from the Roadmap prior to its five-year renewal.</p>	<p>Agreed.</p> <p>The Department will undertake measures needed to remove the <i>Contraventions Act</i> Fund from any renewal of a five-year Roadmap / Action Plan on official languages, in collaboration with Canadian Heritage.</p>	<p>The Department will establish the appropriateness of removing the <i>Contraventions Act</i> Fund from the Roadmap with a view to informing the Minister of the distinction between the Fund’s policy objectives from the Roadmap core vocation. The Department will also seek ministerial approval to inform the Minister of Canadian Heritage that the <i>Contraventions Act</i> Fund should be removed from any planning activities related to the renewal of the next five-year Roadmap / Action Plan on Official Languages.</p>	<p>Director, Innovations, Analysis and Integration Directorate, Programs Branch</p>	<p>March 31, 2018</p>

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<p>As such, offenders within the context of federal contraventions linguistic measures are not beneficiaries but rather right holders. The <i>Contraventions Act</i> Fund was not created as a response to the duties of federal institutions with respect to subsections 41(1) and 41(2) of the OLA, but in accordance with Part IV of the OLA and sections 530 and 530.1 of the <i>Criminal Code</i>.</p>					
<p>Implementation of the <i>Contraventions Act</i> in all provinces</p> <p>Twenty-five years after the establishment of the Act, federal offences designated as contraventions must still be enforced by way of the summary conviction process in Newfoundland and Labrador, Saskatchewan, and Alberta. Canadians who are alleged to have contravened a federal offence designated as a contravention continue, therefore, to be exposed to uneven treatment based on the location where the alleged offence occurred. Further, the Act not being operational throughout the country is not compatible with the proper application of the rule of law.</p> <p>Despite the sustained efforts on the part of the <i>Contraventions Act</i> Implementation Management Team, the Department of Justice has not been able to secure the engagement of those provinces to negotiate agreements.</p>	<p>Recommendation 2:</p> <p>That the Department of Justice develop a strategy with respect to the implementation of the <i>Contraventions Act</i> regime in all provinces.</p>	<p>Agreed.</p> <p>The Department is already in negotiations with Newfoundland and Labrador and anticipates entering into an agreement in early new fiscal year. The Department has also pursued the interest of Alberta and Saskatchewan in implementing the contraventions regime in their respective jurisdictions.</p> <p>The Department recognizes the risks associated with an inequitable respect of the rule of law across the country due to absence of agreements in the remaining provinces. To that end, Justice will develop a strategy that will ensure the implementation of the <i>Contraventions Act</i> across Canada.</p>	<p>As part of its strategy, the Department will contemplate two options based on the progress made and lessons learned:</p> <ol style="list-style-type: none"> 1. Obtain provincial commitment at the DM level to secure the necessary resources to undertake the necessary negotiations towards implementing the contraventions regime in Alberta and Saskatchewan, or, 2. Implement an autonomous federal contraventions regime as permitted by the <i>Contraventions Act</i> in Alberta, Saskatchewan and the Territories. To that end, the Department's Contraventions Team will also document the proposal to implement an autonomous regime, recommend that the remaining provisions of the <i>Contraventions Act</i> be brought into force and recommend the establishment of an autonomous regime to ensure equitable respect for the rule of law across Canada. 	<p>Director, Innovations, Analysis and Integration Directorate, Programs Branch</p>	<p>March 31, 2020</p>

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<p>Scope of the <i>Contraventions Act</i></p> <p>Evaluation findings indicate that the number of offences designated as contraventions should be increased. Only a small fraction of all federal statutory offences can currently be enforced using the ticketing system provided by the <i>Contraventions Act</i>, and those statutory offences that are not designated as contraventions are not appropriately enforced because officers lack the proper tool to do so.</p> <p>The Department of Justice cannot unilaterally increase the number of offences covered under the <i>Contraventions Act</i>, as each department responsible for the management and enforcement of these laws and regulations must agree to any such changes. That said, the Department of Justice retains the fundamental responsibility of exercising a leadership role with respect to the Act, such as in the identification of additional offences that could be designated as contraventions.</p>	<p>Recommendation 3:</p> <p>That the Department of Justice take measures to initiate the identification and designation as contraventions of additional eligible federal statutory offences in collaboration with client departments.</p>	<p>Agreed.</p> <p>The Department will take measures enabling the Contraventions Team to work closely with its client-departments currently using the contraventions regime to explore the possibility of increasing the number of offences designated as contraventions and to put in place, in cooperation with Legislative Services and Treasury Board Secretariat, more systematic procedures in order to be kept abreast of legislative changes.</p> <p>In addition, the Department will take measures to enable the Contraventions Team to explore the appropriateness of expanding the scope of the regime.</p>	<p>With a view to enhancing and effectively administering the enforcement of the Act and its regulations, the Department's Contraventions Team has already taken the opportunity to exert a positive influence on federal practices in this matter and has prepared in 2015 a specific initiative in that regard. Within that context it will be seeking approval to move forward and will be seeking proactively the involvement and participation of its client-departments that currently use the scheme as well as others in order to identify offences which are eligible to be designated as contraventions and take required legal steps to add them to those which can be prosecuted under the regime. Given competing priorities, additional resources to effectively identify and designate new federal statutory offences as contraventions may be required.</p>	<p>Director, Innovations, Analysis and Integration Directorate, Programs Branch</p>	<p>March 31, 2020</p>