



Management Response and Action Plan
Contraventions Act Evaluation

Department of Justice Canada

Management Response and Action Plan

Project Title: *Contraventions Act* Evaluation

Responsibility Centre: Innovations, Analysis and Integration Directorate

Conclusions	Recommendations	Management Response	Action Plan	Responsible Manager (Title)	Planned Implementation Date
<p>The scope of statutory offences designated as contraventions should be expanded. There is little rationale for excluding other less serious statutory offences that meet the overall requirements of the <i>Act</i> (e.g., limited fine, no imprisonment). Such an expansion would contribute to achieving the stated objectives of the <i>Act</i>. To this end, the Department may need to review its current guidelines relating to the designation of federal statutory offences as contraventions. These guidelines currently limit the scope of offences that can qualify as contraventions. In light of the fact that enforcement officers can either proceed with a ticket or by summary convictions, depending on circumstances, it may be beneficial to widen the current scope these guidelines have created.</p>	<p>1. The Department of Justice Canada, in collaboration with other federal departments, should assess opportunities for expanding the current scope of the <i>Contraventions Act</i>.</p>	<p>Agreed.</p> <p>The Department will work towards the creation of a network of federal institutions currently involved with contraventions to explore the possibility of expanding the use of contraventions and to put in place, in cooperation with Legislative Services, operating procedures in order to be kept abreast of legislative changes. The issue of cost recovery in relation to training will be explored.</p>	<p>With a view to enhancing and effectively administering the enforcement of the <i>Act</i> 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 is seeking the participation of the federal institutions that currently use the scheme in creating an advisory group.</p> <p>It is anticipated that a first meeting will take place in December 2010 or January 2011 and potential subject matters to be discussed could include an assessment of opportunities for expanding the current scope of the <i>Contraventions Act</i>, an analysis of the legal risks associated with the designation of federal offences as contraventions, coordination of the regulatory processes and the collection of field data.</p>	<p>Director, Innovations, Analysis and Integration Directorate</p>	<p>December 2010 or January 2011</p>
<p>Not all individuals who are found guilty of an offence and who are ordered to pay a fine actually pay their fine. At this point, the <i>Contraventions</i></p>	<p>2. The Department of Justice Canada should explore avenues for collecting unpaid fines</p>	<p>Agreed.</p> <p>In the late 1990's, the Department had discussed the matter of</p>	<p>The Contraventions Team is aware that the one alternative that is currently available to enforcement officers if an</p>	<p>Director, Innovations, Analysis and</p>	<p>April 1, 2011</p>

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<p><i>Act</i> does not provide a straightforward solution to deal with unpaid fines. In fact, one of the main characteristics of the <i>Act</i>, which is that no individual convicted through a contraventions ticket is liable to imprisonment, has raised some difficulties. It appears to have had the unintended impact of discrediting the contraventions tickets among some enforcement officers.</p> <p>The one alternative that is currently available to enforcement officers if an individual were to systematically ignore his or her tickets is to proceed by way of summary conviction. While this alternative will always remain available, the fact remains that the very purpose of implementing the <i>Contraventions Act</i> was to avoid the summary conviction process. Resorting to an administrative solution (such as the income tax process) will always be more efficient than resorting to a legal solution (such as the summary conviction process).</p>	<p>relating to federal contraventions.</p>	<p>collecting unpaid fines with representatives of the Canada Revenue Agency. As several issues had been raised, the Department did not pursue the matter any further. The Department will again explore the feasibility of collecting unpaid fines relating to federal contraventions by examining all possibilities in order to determine whether these fines can be collected.</p>	<p>individual were to systematically ignore his or her tickets is to proceed by way of summary conviction. While this alternative will always remain available, the fact remains that the very purpose of implementing the <i>Contraventions Act</i> was to avoid the summary conviction process.</p> <p>To address this issue, the team is committed to explore again how responsibilities could be assigned for the collection of unpaid fines and assess the feasibility of putting in place a process of collection, resorting to an administrative solution (such as the income tax process)</p>	<p>Integration Directorate</p>	
<p>Technically speaking, the <i>Act</i> is operational in all provinces except Newfoundland and Labrador, Saskatchewan and Alberta. This means that just over 80% of the Canadian population now resides in a province where contraventions tickets may be used. The Department of Justice Canada has been in negotiation with the remaining provinces.</p>	<p>3. The implementation of the <i>Contraventions Act</i> in Newfoundland and Labrador, Saskatchewan and Alberta should be considered a priority of the Department of Justice Canada.</p>	<p>Agreed.</p> <p>The Department is already in negotiations with Newfoundland and Labrador and anticipates being able to enter into an agreement with the province by the end of the fiscal year. The delay in reaching agreement has been outside of the control of the Department. The Department will also pursue the</p>	<p>The Contraventions Team is taking proper steps to reactivate the negotiations with the Government of Newfoundland and Labrador by means of an invitation from the senior level to pursue the work, sharing relevant documents on the current status of the file and identifying the legal, financial and technical steps to be</p>	<p>Director, Innovations, Analysis and Integration Directorate</p>	<p>April 1, 2011 for Newfoundland and Labrador.</p>

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<p>The fact that the <i>Act</i> is not yet operational in three provinces is a concern. It creates a situation whereby the exact same unlawful behaviour that would contravene a federal statutory offence designated as a contravention is treated differently, based on the geographical location of the offender. This could trigger legal risks, particularly in provinces where the <i>Act</i> is not operational, in light of the fact that offenders are exposed to greater penalties.</p>		<p>interest of Alberta and Saskatchewan in entering into an agreement to implement contraventions in their respective jurisdictions. In addition, the Department will review all its agreements to ensure some uniformity across Canada.</p>	<p>fulfilled before entering into an agreement. The delay is caused by staff turnover in Newfoundland-Labrador.</p> <p>The Contraventions Team has also entered into discussions with Prince Edward Island with a view to signing a revised agreement that would include official languages clauses.</p> <p>Once these agreements are in place, the Department will discuss opportunities to implement the Contraventions regime in Alberta and Saskatchewan.</p>		
<p>On the issue of reporting, provinces are essentially divided into two groups:</p> <ul style="list-style-type: none"> Those provinces that access resources under the <i>Contraventions Act</i> Fund must submit specific reports, based on a template that the Department has prepared. These provinces are Nova Scotia, Ontario, Manitoba and British Columbia. To date, these jurisdictions have submitted the required reports, which describe activities undertaken with the Fund, along with statistics on the number and type of contraventions tickets issued in the province. 	<p>4. The Department of Justice Canada should implement a consistent data collection strategy in all provinces where the <i>Contraventions Act</i> is currently operational. This data should include, at a minimum, yearly statistics on the number and types of federal contraventions tickets being issued, challenged in court, and paid.</p>	<p>Agreed.</p> <p>The Department will explore provincial and territorial interest in establishing a federal-provincial-territorial working group to ensure full implementation of contraventions, to discuss the collection of useful data to support the use of contraventions and to establish a close network to engage provincial and territorial stakeholders.</p>	<p>The Contraventions Team has taken concrete steps to join the existing FPT Network on Access to Justice in Both Official Languages. The Group, co-chaired by representatives from the Department of Justice Canada and one province, benefits from the participation of all the provinces and territories and appears to be the most relevant forum to ensure proper leverage for contraventions regime implementation and management.</p> <p>The Contraventions Team has reviewed existing agreements to</p>	<p>Director, Innovations, Analysis and Integration Directorate</p>	<p>April 1, 2011</p>

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<ul style="list-style-type: none"> In the remaining three provinces (Prince Edward Island, New Brunswick and Quebec), current reporting activities differ. While the province of Quebec submits some annual statistics on federal contraventions along with financial information, the other two provinces are currently not submitting any such report, despite the reporting provisions contained in the <i>Contraventions Act</i>. <p>Having statistics consistently gathered in all provinces where the <i>Act</i> is operational (regardless of contributions made through the Fund) would greatly contribute to effective monitoring of its implementation. This is particularly desirable since these statistics exist in provincial databases.</p>			<p>enhance data collection and proposes, once the FPT Network has been established to include contraventions, to further discuss the issue of consistent and reliable data.</p>		

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	<p>5. The Department of Justice Canada should consider allocating additional resources to execute its mandate, enabling it to fulfill more adequately its duties which would include the implementation of the above recommendations, training and other activities to ensure that the <i>Contraventions Act</i> is implemented across Canada.</p>	<p>Agreed.</p> <p>The Department will bring to the attention of senior management the need to establish a team whose qualifications fully reflect the nature of the duties related to the implementation of a legislative scheme across Canada, as well as the challenges and issues common to the evolution of this file.</p> <p>Management wishes to establish a stable and durable team that will be in a position to ensure the implementation of not only the <i>Contraventions Act</i>, but also the continued management of the various operations and structures required to ensure the full achievement of the objectives of the regime established by the <i>Act</i>. Therefore, management believes it is appropriate to reorganize the team in order to respond adequately and in a timely manner to the increasing demands of client departments, in particular within the framework of the increased complexity of the regulatory process, as well as to the necessity to implement the regime throughout Canada and to the service and legal guidance delivery. These elements constitute the basis for the implementation of the <i>Contraventions Act</i>.</p>	<p>The Department has already begun a strategic review exercise to raise the profile of the contraventions regime. This review will assist management in determining the resource needs to ensure the successful implementation of contraventions across Canada. Given the increased demand related to regulatory amendments and to legal advice related to contraventions, a need for an additional lawyer has been identified. Programs Branch will continue to consider the evolution of the work and its nature to properly assess the qualifications required for the successful implementation of the contraventions regime in Canada.</p>	<p>Director, Innovations, Analysis and Integration Directorate</p>	<p>December 2010</p>

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		<p>In addition, a relevant team will enable the creation and maintenance of a network of federal institutions and a federal-provincial-territorial working group to ensure not only that our practices are uniform, but that they are constantly improving.</p>			