

Results at a glance

Evaluation of the *Contraventions Act* Program (March 2017)

Parliament adopted the *Contraventions Act* to establish a ticketing system that could be used to enforce certain federal statutory offences designated as contraventions. This system is expected to better reflect the distinction between criminal offences and regulatory offences and to alter or abolish the consequences in law of being convicted of a contravention. Justice Canada also established the *Contraventions Act* Fund to support the implementation of the *Contraventions Act* in a manner consistent with all applicable constitutional and legislative language rights. This evaluation covers both the Act and the Fund.

WHAT WAS FOUND

- The *Contraventions Act* Program provides a much-needed tool that supports the work of enforcement officers, and ensures that statutory offences designated as contraventions are enforced in a fair and consistent manner. However, while confirming the relevance of the Fund, evaluation findings could not ascertain a rationale for leaving the Fund within the *Roadmap for Canada's Official Languages*.
- The Program's relevance is weakened by two systemic shortcomings. The fact that the Act is still not operational in all provinces results in Canadians being exposed to uneven treatment based on the location where a federal statutory offence designated as a contravention occurs. Additionally, only a small fraction of all federal statutory offences are designated as contraventions; those that are not designated are not being appropriately enforced.
- An increasing number of offences are being enforced using the ticketing system provided by the *Contraventions Act*. Overall, enforcement officers appear to have access to the training and the tools they require to proceed with the issuance of contravention tickets, but evaluation findings confirm that having to deal with prosecution systems that vary from one province to the next does raise some challenges for federal enforcement authorities.
- The Program is having positive impacts on key stakeholders. Enforcement officers have access to a critical tool that supports their work. The Act allows Canadians to be treated in a fair and consistent manner that adequately reflects the nature of the offence they are alleged to have contravened. The

court system also benefits from having the *Contraventions Act* operational.

- The Program continues to offer a cost-effective approach for implementing a ticketing system for federal contraventions. It is far more effective than creating a parallel federal system, which would lead to significant duplication of efforts.
- To date, the Program has only used a portion of the funds that have been allocated to it. Until the full implementation of the Act is achieved, it is difficult to assess the extent to which the annual allocations are adequate. In the meantime, however, the Program has only been using between 41% and 60% of its allocated funds.

RECOMMENDATIONS:

- That the Department of Justice enter into discussions to seek the removal of the *Contraventions Act* Fund from the Roadmap prior to its five-year renewal.
- That the Department of Justice develop a strategy with respect to the implementation of the *Contraventions Act* regime in all provinces.
- That the Department of Justice take measures to initiate the identification and designation as contraventions of additional federal statutory offences in collaboration with client departments.

ABOUT THE EVALUATION

The Department of Justice Canada's programs are evaluated every five years to meet the accountability requirements of the Treasury Board's Policy on Results, address requirements of senior management, and inform the renewal of programs and agreements.

The evaluation covers the activities of the Program carried out during a period of three fiscal years, from 2013–14 to 2015–16, using information collected through four lines of inquiry to assess the relevance and performance of the Program.

For the full report, please visit the Evaluation Division website: <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/2017.html>

