

MANAGEMENT RESPONSE AND ACTION PLAN

Evaluation Report Title: Evaluation of the *Contraventions Act* Program

Approval Date of Evaluation by Deputy Minister (02/2021):

Recommendation 1: The Programs Branch should continue to actively support the expansion of the scope of the contraventions regime by increasing the number of offences designated as contraventions. A particular focus should be placed on offences relevant to the Atlantic Provinces to reflect the fact that the regime is now fully operational in Newfoundland and Labrador.

Rationale for Recommendation: Evaluation findings indicate that, in order for the contraventions regime to remain relevant and achieve its full potential, a number of key conditions must be met. The first of these is to ensure that a volume of federal offences designated as contraventions is adequate and sufficient to meet the needs of enforcement authorities. While progress has been made in this regard, more needs to be done. In addition, enforcement officers and managers noted that having the regime operational in Newfoundland and Labrador has a substantial impact on its potential use to enforce fishery-related offences in the Atlantic region.

Management Response: The Programs Branch Legal Services Division agrees to continue to actively support the expansion of the scope of the contraventions regime by increasing the number of offences designated as contraventions.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
<p>Identification and analysis: The Programs Branch Legal Services Division will conduct a study meant to identify potential areas of federal activities – fisheries being one of them – where offences are not adequately enforced and which could be designated as contraventions.</p>	<p>Analysis report and recommendations: The Programs Branch Legal Services Division’s report will identify areas of activities along with potential federal offences eligible to be designated as contraventions under the <i>Contraventions Act</i> and will draft recommendations accordingly, including preliminary drafting instructions as required for any <i>Contraventions Regulations</i> amendment.</p>	<p>Laurie Wright, Senior ADM, Policy</p>	<p>December 2022</p>
<p>Communications with the relevant federal departments and agencies: The Programs Branch Legal Services Division will engage with client departments legal services units with a view to share and discuss appropriateness of designating offences and content of a proposal.</p>	<p>Mandate statement and drafting instructions: The Programs Branch Legal Services Division will work with client departments legal services units in defining a specific mandate based on the Legal Services Division’s report, and will undertake regulatory amendment process as required, including finalizing drafting instructions.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2023</p>

Recommendation 2: The Programs Branch should pursue options to secure the participation of the provinces of Saskatchewan and Alberta in the contraventions regime, or establish alternative means by which the regime can be applicable, to the extent possible, in these two provinces.

Rationale for Recommendation: In order for the contraventions regime to achieve its full potential, it must be operational in all provinces. Just as the scope of offences covered by the contraventions regime is a critical factor in establishing its relevance, having the regime operational in all jurisdictions is equally important. The recent addition of the province of Newfoundland and Labrador in the contraventions regime represents a significant achievement, but challenges remain, such as adding the provinces of Saskatchewan and Alberta.

Management Response: The Programs Branch Legal Services Division agrees to pursue options to secure the participation of the provinces of Saskatchewan and Alberta in the contraventions regime, or establish alternative means by which the regime can be applicable, to the extent possible, in these two provinces.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
<p>Communications with both jurisdictions and secure mandate: The Programs Branch Legal Services Division will initiate communication with assigned counterparts of both jurisdictions, with a view to discuss the possibility of reopening dialogue and undertaking analysis of any potential and viable innovative approach to implement the regime in its entirety or partially in their respective jurisdiction. If attempts to do so were to be unsuccessful, considerations could be given to the appropriateness of involving the Deputy Minister or the Minister in making representations.</p>	<p>Official response from the provinces: The Programs Branch Legal Services Division would expect a formal response confirming the general approach if agreed upon from both jurisdictions. A formal response could also be addressed to the Deputy Minister or the Minister depending on the situation.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2022</p>
<p>Identification of alternative legal means for implementing: Should the provinces accept to secure a mandate and negotiate, the Programs Branch Legal Services Division would engage with provincial assigned representatives in concretely exploring and discussing ways to deliver entire or partial implementation of the contraventions regime or any other means allowing the implementation.</p>	<p>Proposal for implementation: Should the provinces agree, the Programs Branch Legal Services Division would elaborate a proposal to either implement the regime entirely or partially (for categories of offences only) or to implement it by any other legal means allowing the implementation. Should the provinces not agree, the Programs Branch Legal Services Division could develop a proposal to implement an autonomous federal regime as provided by the <i>Contraventions Act</i>.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2023</p>

Recommendation 3: The Programs Branch should engage the relevant federal departments and agencies in a systemic review of fine levels to ensure that the *Contraventions Act* is achieving its intended impact on those who commit offences designated as contraventions.

Rationale for Recommendation: A main challenge of the contraventions regime is the fact that fines attached to offences are, at times, not sufficient to adequately penalize the offenders. Historically, fines for offences designated as contraventions have not exceeded \$500, which increasingly is seen as inadequate to achieve the desired impact on offenders.

Management Response: The Programs Branch Legal Services Division agrees with the above recommendation to engage the relevant federal departments and agencies in a systemic review of fine levels to ensure that the *Contraventions Act* is achieving its intended impact on those who commit offences designated as contraventions.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
<p>Communications with federal departments and agencies: The Programs Branch Legal Services Division will contact client departments legal services units through the existing study group and present the issue with a possible solution.</p>	<p>Analysis report and recommendations: The Programs Branch Legal Services Division's report will identify fine amounts required to be amended and will draft recommendations accordingly, including preliminary drafting instructions as required for any <i>Contraventions Regulations</i> amendment.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2022</p>
<p>Identification of areas where adjustments of fine levels are required: The Programs Branch Legal Services Division will engage with client departments legal services units with a view to discuss appropriateness of amending existing fine amounts.</p>	<p>Mandate statement and drafting instructions: The Programs Branch Legal Services Division will work with client departments legal services units in defining a specific mandate under which the regulatory amendment process as required will be undertaken, including finalizing drafting instructions.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2023</p>

Recommendation 4: The Programs Branch should review the current reporting process and work with participating provinces and municipalities to help ensure that more complete and consistent data regarding tickets issued and trials held is gathered and reported.

Rationale for Recommendation: Provinces and municipalities provide all required financial statements as well as information and data concerning the number of tickets issued and trials held, however significant gaps remain in some of these reports. There is some lack of consistency in the information provided, and improved reporting on non-financial information and data would better support both the ongoing management of the *Contraventions Act* Program, and future evaluations of the Program.

Management Response: The Programs Branch Innovation, Analysis and Integration Directorate agrees with the above recommendation to work with participating provinces and municipalities to help ensure that more complete and consistent data regarding tickets issued and trials held is gathered and reported.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
<p>Consultation with partners on reporting process/template: The Programs Branch will consult with participating jurisdictions to seek their feedback and input into a reporting template which can be adopted by all partners.</p>	<p>Standardized reporting template and timeline: Implementation of a common template for reporting on data pertaining to tickets issued and trials held, as well as an agreed-upon timeline for submitting the report on an annual basis.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2021</p>
<p>Reporting requirements included in future agreements: Future agreements will include an annex that contains the agreed-upon reporting template. Specific reporting requirements and timelines will also be included in the reporting clauses of the agreement.</p>	<p>New agreements contain templates on reporting requirements: Template and requirements will be approved and ready for implementation in the new funding cycle - 2023–2028.</p>	<p>Laurie Wright Senior ADM, Policy</p>	<p>December 2023</p>