

Results at a glance

Evaluation of the *Contraventions Act* Program

The *Contraventions Act* allows the federal government to designate federal statutory offences as contraventions, which may be enforced by means of tickets, instead of prosecuting these offences under the summary conviction process established in the *Criminal Code*. By establishing a ticketing procedure, the impact on offenders that results from a conviction based on a federal contravention ticket is lessened, the significant burden of the summary conviction process is eliminated, and the use of court resources is reduced.

As for the *Contraventions Act* Program, it consists of a range of responsibilities undertaken by the Department to implement the contraventions regime. To this end, Justice has signed agreements with participating provinces to make existing provincial ticketing schemes applicable to federal contraventions.

The *Contraventions Act* Fund supports measures that are expected to ensure provincial, territorial or municipal governments' capacity to deliver services related to federal contraventions in a manner consistent with applicable language rights found in the *Criminal Code* and the *Official Languages Act*.

WHAT WAS FOUND

- The contraventions regime is directly aligned with the goal of ensuring a fair, relevant and accessible justice system in Canada, through the implementation of a prosecution scheme that adequately reflects the nature of statutory offences, as opposed to criminal offences.
- While progress has been made to increase the number of offences designated as contraventions, continued progress in this regard is essential for the regime to remain relevant.
- The addition of Newfoundland and Labrador represents a significant achievement. However, the regime is still not operational in Alberta, Saskatchewan and the territories.
- With respect to the *Contraventions Act* Fund, as was noted in the previous evaluation, it is essential in ensuring that language rights are upheld. However, it is not well aligned with the goal and purpose of the *Action Plan for Official Languages* in which it is included.
- Administrative monetary penalty (AMP) regimes constitute another alternative to the summary conviction process that do not duplicate the

contraventions regime but rather play a complementary role in enforcing statutory offences.

- During the period covered by the evaluation, an average of approximately 30,000 tickets were issued annually through the contraventions regime.
- The contraventions regime is providing a much-needed tool for enforcement officers to carry out their mandate and lessens the burden placed on the court system.
- The process to allocate funding under the *Contraventions Act* Fund is efficient. However, the timeliness and consistency of reports submitted by participating provinces could be improved.

RECOMMENDATIONS:

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.

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.

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.

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.

ABOUT THE EVALUATION: The Evaluation of the *Contraventions Act* Program was conducted by the Department of Justice Evaluation Branch and covered fiscal years 2016-17 to 2019-20. Its main objectives were to examine the effectiveness and efficiency of the Program, in accordance with the Treasury Board's *Policy on Results* (2016).

