



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

Backgrounder - The Modernization of the Provincial Offences Act

The process for the enforcement and prosecution of offences that are created by provincial legislation and regulations and municipal by-laws is mainly governed by the *Provincial Offences Act* (POA). Each year there are millions of charges in Ontario to which the POA applies. The charges are in such diverse areas as parking, driving, health and safety and environment. As a result the POA touches and affects many Ontarians. Many of those dealing with the POA believe that many of its provisions are outdated, however. The Law Commission of Ontario has therefore undertaken a project on modernizing the POA and has released a Consultation Paper for feedback on a number of issues.

Since the POA came into force nearly 30 years ago, many legal developments have occurred that need to be reflected in the prosecution of provincial offences under the POA. These include the adoption of the *Canadian Charter of Rights and Freedoms* in 1982, the increase in the maximum fines for many provincial offences, the increase in the use of administrative monetary penalties as an alternative to using the courts to deal with non-compliance with regulatory requirements and the use of new technologies in the justice system.

After preliminary consultations and research, the LCO has developed this Consultation Paper which provides the basis for discussion with the public over the next three months.

The Consultation Paper raises many issues and asks one or more questions relating to each issue. The issues raised include

- the increased use of administrative monetary penalties rather than using the courts to enforce non-compliance with regulatory requirements;
- sentencing reform;
- the need for a more comprehensive system for youth charged with a provincial offence;
 - the codification of defences available for provincial offences;
 - the codification of offence classification;
 - service provisions permitting service by courier and specified electronic means; and
- embracing the use of technology with an approach similar to that of *Highway Traffic Act*.

In addition to feedback on the questions the Consultation Paper raises, the LCO welcomes submissions on these threshold questions

- whether these particular issues should be pursued and addressed in the LCO's final report; and
- if there are issues that have been missed in the Consultation Paper.

Based on the LCO's independent research, including the responses to the Consultation Paper, the LCO will make a number of recommendations for reform of the POA that will be set out in a final report for the project.

Written submissions on the Consultation Paper will be accepted until Monday, February 1st, 2010. The Consultation Paper also explains how people may provide feedback in more informal ways.

All interested parties are invited to provide submissions by mail, fax, or e-mail to:

Law Commission of Ontario
Modernization of the Provincial Offences Act Project
276 York Lanes, York University
4700 Keele Street
Toronto, ON M3J 1P3

Fax: 416 650-8418

E-mail: LawCommission@lco-cdo.org

In addition, comments can be submitted using the LCO website comments form at <http://projects.lco-cdo.org/ModernizationofPOA>.

If you have questions regarding this consultation, please contact us at:
(416) 650-8406