

Tell Us Your Experiences with Provincial Offences

If you have been charged with a provincial offence in the past (or have recently been charged), we'd like to hear about what you think of the process.

On November 16, 2009, the Law Commission of Ontario (LCO) launched a public consultation for its project on the Modernization of the Provincial Offences Act, the first stage of a project that will develop recommendations for changes to the *Provincial Offences Act* (POA) and possibly other statutes that significantly affect prosecutions under the POA. The consultation will take two forms: responses to the questions raised in our Consultation Paper, available on the LCO's website at <http://www.lco-cdo.org/en/provincialoffencesactconsultationpapertoc.html>, or the telling of your own experience with the *Provincial Offences Act*, as explained below.

The POA governs much of the process for the enforcement and prosecution of offences created by provincial legislation and regulations and municipal by-laws. 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 the environment. As a result, the POA touches and affects many Ontarians.

The Consultation Paper outlines a number of issues and asks a series of questions about those issues.

We are interested in

- Whether you think some of these issues are more important than others
- Whether we have missed any important issues; and
- Your views about what should be done about these issues

Written submissions on the Consultation Paper will be accepted until February 1, 2010. The Consultation Paper also explains how people may provide feedback in more informal ways, including email, by telephone, web conferencing and focus groups.

We also want to hear about your own experiences with provincial offences. This would include such things as being charged with an offence (e.g. speeding) and appearing in court to respond to such a charge. Any submissions describing your experience with provincial offences are encouraged. The LCO would also like to hear about any experiences that you have had with administrative monetary penalties.

Thinking about the following questions may help you respond, but it is not necessary to address any of them in telling your story:

- Briefly explain how you got involved in the provincial offences system.
- Did you feel that the process was fair and the results just? Did you think that the process was efficient?

- Did you feel that the process was easily understandable or did you find it confusing?
- If your business was charged, or if you were personally charged, would it have been helpful for the justice of the peace or the judge to have more sentencing options? For example,
 - would it have helped if the justice could have ordered that you compensate someone who was hurt by your violation rather than pay a fine?
 - would it have helped if the justice could have ordered you to do community service rather than pay a fine?
- Did you try to read the POA or parts of it when you were charged? Would you read the POA if you knew that it listed what defences were available to provincial offences in Ontario and set out how those defences worked?
- Could technology have been used to make the process easier for you?

For more information on these and other issues, please see the Consultation Paper, which can be viewed at <http://www.lco-cdo.org/en/provincialoffencesactconsultationpaper.html> or you can email or phone the LCO and we will send a copy of the Paper to you.

The description of your experiences can be sent to the LCO by fax, mail, email or by using the LCO website comments box at <http://projects.lco-org/ModernizationofthePOA>.

You can mail, fax or e-mail the LCO at:

Law Commission of Ontario
Modernization of the Provincial Offences Act Project
276 York Lanes, York University
4700 Keele Street
Toronto, Ontario
M3J 1P3
Fax: (416) 650-8418
LawCommission@lco-cdo.org

Please note that the information that you provide to the LCO will be carefully considered and may be used in LCO publications, presentations and otherwise made publicly available. Let us know in writing when you make your comment if you do not want us to use it, or any part of it, in this way or do not wish us to use your name. We will respect your request unless required to do otherwise by law.

Launched in September 2007, the LCO is funded by the Law Foundation of Ontario, the Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada and supported by the law deans of the other Ontario law schools. It operates independently of government to recommend reforms to enhance access to justice.