

POA FINAL REPORT BACKGROUNDER

The Law Commission of Ontario (LCO)'s Final Report on the Modernization of the *Offences Act* (POA) includes major recommendations that would significantly affect the way regulatory offences are dealt with in Ontario.

Enacted more than 30 years ago, the POA creates the procedure that governs the prosecution of offences under Ontario statutes, regulations and municipal by-laws, including parking, traffic, liquor, employment standards, occupational health and safety and environmental offences, among others. The approximately 2.1 million charges brought annually under these statutes (excluding parking offences) are heard by the Ontario Court of Justice.

The Final Report takes into account significant developments that have occurred since the POA came into force, such as the enactment of the *Canadian Charter of Rights and Freedoms*, significantly increased penalties for some offences, the transfer of prosecution and courts administration of POA matters from the Province to municipalities and the licensing of paralegals.

The Final Report, including 47 Recommendations, addresses the need for POA processes to be fair, effective and proportionate and is the result of consultation, research, including commissioned papers, and the comments of the expert Project Advisory Group.

The LCO's key recommendations include:

- Replacing Part II of the POA which deals with parking offences with monetary penalties that could be disputed before a municipal hearings officer. Court resources would be reserved for more serious and complex matters.
- Replacing a single trial process with two processes, depending on the seriousness of the offence.
- Providing clear sentencing principles to help the court render appropriate and consistent sentences that will promote compliance with regulatory standards.
- Increasing the options for sentencing to be fairer to defendants and more appropriate to the objective to be achieved in the sentence.
- Making simple, plain language information guides available to defendants.
- Identifying future initiatives relating to Aboriginal communities and youth.