

REGION OF OTTAWA-CARLETON  
 RÉGION D'OTTAWA-CARLETON

REPORT  
 RAPPORT

Our File/N/Réf. Your File/V/Réf.	L.1.1.94
DATE	6 October 1998
TO/DEST.	Co-ordinator, Transportation Committee
FROM/EXP.	Regional Solicitor
SUBJECT/OBJET	<b>PROVINCIAL OFFENCES ACT TRANSFER - UPDATE</b>

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### **DEPARTMENTAL RECOMMENDATION**

**That the Transportation Committee receive this report for information.**

### **PURPOSE**

At its regular meeting of September 16, 1998, the Transportation Committee requested that staff provide an update on the Province's proposed *Provincial Offences Act* transfer. In response to that request, the Legal Department has prepared the following report on the status of the necessary legislation.

### **DISCUSSION**

As part of its review of the restructuring of services between Provincial and municipal governments, the Crombie "Who Does What" Panel recommended in 1996 that the administration and prosecution of some provincial offences be assumed by the municipal sector. In exchange for taking on these new responsibilities, the Panel also recommended that the net fine revenue generated from violations of provincial offences be transferred to the new municipal partner. To assist in an evaluation of the feasibility of such a proposal, the Ministry of the Attorney General established the *Provincial Offences Act* Transfer Task Force, made up of representatives both from the municipal sector and from interested Provincial ministries. The Region of Ottawa-Carleton was an original member of the Task Force and an active participant in the consultation process.

Based on the Crombie Panel's recommendations, the Provincial Government introduced Bill 108, the *Streamlining of Administration of Provincial Offences Act, 1997*, on January 20, 1997, for First Reading. The bill was subsequently referred to the Standing Committee on General Government for public hearings and line by line review. Following the inclusion of a number of

minor technical amendments, the revised bill received Third Reading on June 9<sup>th</sup> of this year and Royal Assent was subsequently granted on June 12<sup>th</sup>.

The changes to the *Provincial Offences Act* incorporated by Bill 108 provide the legislative framework for the transfer of responsibility for the administration and prosecution of provincial offences from the Ministry of the Attorney General to municipalities. The Act now permits the execution of a general memorandum of understanding, along with a more specific "local side agreement", between the Ministry and a municipal partner in each of Ontario's 61 court districts. These agreements, setting out the rights and responsibilities of the municipality and the Ministry, are to form the basis for the implementation of the transfer in each area.

In an effort to ensure a smooth and seamless transition, and in recognition of the time necessary for implementation across the Province, the Ministry of the Attorney General has announced that the *Provincial Offences Act* transfer will be phased in over a two year period. Notwithstanding this timetable, the Ministry has announced that, as of January 1, 1998, the net fine revenue for each court district will be set aside until such time as the necessary agreements are in place. Once the memorandum of understanding and the local side agreement have been executed, the retained fine revenue will flow to the municipal partner. Fine revenues generated as a result of parking infractions or other municipal by-law violations do not form part of the transfer, as these are already remitted to the originating municipality.

Regional staff continue to work both with the Ministry of the Attorney General and local municipalities to ensure that the *Provincial Offences Act* transfer for the Ottawa-Carleton court district can occur as soon as practicable. It is anticipated that a more detailed report on the transfer and its implementation in Ottawa-Carleton will be presented to the Corporate Services and Economic Development Committee this fall.

This report is respectfully submitted.

*Approved by Donald W. Wilson  
on behalf of J. Douglas Cameron*

DGW/sp