
MEMORANDUM

JBM-C 2-2020

Subject: Bill 177 Update

Date: March 5, 2020

To: Joint Board of Management

From: Miranda Van Dyke, Manager, Court Services

The purpose of this memo is to provide JBM with an update for information purposes regarding the status of the changes introduced by Bill 177 that affect Provincial Offences Court operations, and next steps.

Transfer of Part III POA Prosecutions

Legislation passed on December 14, 2017 (Bill 177: Stronger, Fairer Ontario (budget Measures) Act) included changes (in Schedule 35) that permit the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry of the Attorney General's Criminal Law Division under Part III of the *Provincial Offences Act*. The Ministry will continue to prosecute certain Part III POA cases, including those in which a criminal charge is also laid, charges involving Ontario's sex offender registry and Young Persons, and a review of POA fatalities will be conducted on a case-by-case basis to determine if the Crown Attorney or municipality will prosecute. In the Fall of 2018, Ontario's Cannabis Laws changed and have generated a new type of POA prosecution work that has become the responsibility of both the municipalities for Part I matters and the Ministry for Part III. The transfer of POA Part III offences will include offences under the Cannabis Control Act which came into force on October 17, 2018.

The Ministry is continuing to plan for a phased approach to the transfer of this Part III work and the timing of individual transfers across the Province will be informed by local site readiness and capacity to assume this important responsibility.

An amending legal agreement will be required, consisting of an amending Memorandum of Understanding and amending Local Side Agreement which will specifically address the transfer of the Part III prosecutions. The Ministry will be working with a cross-section of municipal representatives across Ontario in the development and finalization of these legal agreements to achieve the transfer. Regional Court Services staff are engaged in ongoing communications with other municipal representatives to leverage the experience and knowledge of other municipalities across the Province in responding to this initiative.

The Region received correspondence from the Niagara Crown Attorney's Office on January 28, 2020, seeking to engage in discussions regarding the proposed Part III transfer with respect to components of the transfer agreement specific to Niagara region as well as feedback on education/training information to support the transfer. Niagara Region Court Services staff will be meeting with a representative of the Crown Attorney's office in March to have preliminary discussions and collect information related to the proposed Part III Transfer implementation in Niagara.

Modernization Streamlining Amendments

The same legislation passed in December 2017, included several POA streamlining amendments intended to simplify and reduce demand for judicial resources, including Early Resolution Reforms, Clerk Review and Screening Reforms, and Certificate Evidence Reforms. Amendments to improve POA fine enforcement were also passed, including the requirement to pay oldest fines first and clarifying that the default "fee" is an administrative monetary penalty, payable even if an extension of time to pay the fine has been granted.

While the goal of modernization is to create efficiencies, simplify and reduce the demand for judicial resources, it is anticipated that the municipalities will experience impacts as a result particularly given the increased reliance on Court staff to perform functions currently undertaken by Justices of the Peace. These changes could have significant implications in Niagara, including but not limited to pressures on staffing resources and operations, and changes to the Early Resolution process which may impact time to trial.

Next Steps

While the legislation related to the Part III POA Transfer and POA Modernization has been passed, it has not yet been fully proclaimed. The Ministry of the Attorney General has indicated a target date of August 2020 to proclaim certain reforms and determine implementation dates in partnership with municipalities.

As the necessary agreements are still taking shape and communications remain ongoing, the business implications of the Part III Transfer and modernization for Niagara are not yet certain. Any budget implications related to implementation of these initiatives will be submitted for review and subject to the approval of JBM and Council for the 2021 budget.

Niagara Region Court Services Staff will continue to monitor status of the proposed changes and engage in communication with stakeholders in order to provide the Joint Board of Management a more fulsome report in future to facilitate discussion and receive direction related to implications and potential options for implementation.

Respectfully submitted and signed by;



Miranda Van Dyke
Manager, Court Services