

Presentation by the
**Association of
Manitoba
Municipalities**



to

The Standing Committee on Legislative Affairs

Bill 36: The Courts Administration
Improvement Act

Tuesday, May 31st, 2005

On behalf of Manitoba municipalities, I am pleased to appear before this committee today to outline the Association of Manitoba Municipalities' position on Bill 36: The Courts Administration Improvement Act.

While this Bill amends a number of current acts, the section of most importance to municipalities is the changes to the Summary Convictions Act. Municipal governments are charged with the responsibility of administering local affairs through bylaws, and for these bylaws to be effective there must be measures in place to ensure they are enforceable. While having the appropriate personnel in place to issue fines is one aspect of enforcement, an equally important component is the resolution of fines once they are issued.

Currently, the only recourse for municipalities to ensure that fines are paid is to take the matter through the provincial court system. This process is not only time-consuming and costly, but ties up the already overburdened criminal court system in simple bylaw matters. From a strictly cost-benefit perspective it does not make sense for municipalities to chase unpaid fines as the amount owing does not cover the actual costs of this course of action.

Alternative methods of enforcement are needed in order to improve this bylaw process. The AMM has participated on a committee of stakeholders that have explored the options available to municipalities, including the model found in the City of Brandon. Removing the initial stages of the bylaw enforcement process from the court system is a more appropriate method and will greatly reduce the cost associated with enforcement.

For this reason the AMM is pleased to see the introduction of Bill 36 and the changes that it proposes to the Summary Convictions Act. This bill allows municipalities to appoint screening officers that will review offense notices issued and gives screening officers the jurisdiction to cancel, uphold and send to trial offenses, or enter into compliance agreements.

By removing the initial stages of bylaw enforcement from the court system, it will greatly reduce the costs of enforcement, while freeing up the criminal courts to deal with criminal matters. The Department of Justice has indicated that this new system will be voluntary and adaptable to the specific needs of those municipalities that wish to participate. This is an important component of this process, as it will allow municipalities to meet local needs.

The current bylaw enforcement system is inadequate to meet the needs of municipalities. The AMM trusts that the changes that will be brought about by Bill 36 will address many of the inadequacies of the current system and will allow municipalities to enforce bylaws in a cost effective manner.