

From Queen's Park by Sylvia Jones MPP ? What are AMPS and why should we care about them?

The Ministry of the Attorney General is considering changes to the Provincial Offences Act (POA) that would have serious repercussions for access to justice in Ontario.

The proposal would replace the court procedures for resolving disputes related to charges under the Provincial Offences Act, such as municipal bylaw charges, traffic infractions and violations of the Trespass to Property Act, among others with an online dispute system, known as an administrative monetary penalty system (AMPS).

The proposed system would provide an alternative to an in-court process by offering an online dispute system, where individuals could pay their fine or dispute the charge. If you disagree with the charge, your dispute would then be reviewed by what the provincial government is calling an "independent hearing officer." That is a municipal employee who would decide if the fine will be paid in full or reduced, without a hearing. Currently these decisions are made by independent Justices of the Peace.

Organizations, including the Ontario Trucking Association and the Ontario Paralegal Association, believe that this proposal would lead to a deterioration of our right to access to justice and would limit people's legal rights. The Ontario Motor Coach Association is concerned that the proposed system is trying to simplify charges that are too complex and require the opportunity to debate the charges. The Ontario Bar Association, the Law Society of Upper Canada, and the Prosecutors' Association of Ontario have also questioned the lack of details provided about the changes; such as whether those involving demerit points will be covered by the administrative monetary penalty system. Municipalities (who currently administer the POA and receive the fines) have weighed in on the proposed system and many have argued that there needs to be more details provided regarding which charges will fall under it, the financial implications of the proposed system, and the need to ensure individual legal rights are protected. The principles of our legal system are to ensure every Ontarian has access to justice and to protect their rights to the fullest extent of the law. An administrative monetary penalty system seems to violate these principles. If the provincial government intends to go forward with establishing an administrative monetary penalty system, they need to ensure that legal rights are protected and access to justice is maintained.

I have serious concerns with the proposal and how it would impact our constitutional right to impartial judicial rights. If you are interested in learning more about the proposal, please contact my office at 1-800-265-1603 or sylvia.jonesla@pc.ola.org

