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NEW LAW PUTS RETIRED JUSTICES OF THE PEACE BACK ON THE BENCH

Access To Justice Act Also Modernizes Provincial Offences Act Court

TORONTO — Retired justices of the peace can now serve on a day to day basis as needed in Ontario, to help manage the caseload for criminal and Provincial Offences Act proceedings, Attorney General Michael Bryant announced today.

The recently passed Access to Justice Act, 2006 amends the Justices of the Peace Act. For the first time ever, retired justices of the peace can now be assigned by the Ontario Court of Justice to preside over criminal and provincial offences matters on a temporary basis. This will increase flexibility for the Court when scheduling justices of the peace for criminal and Provincial Offences Act matters.

“Twenty-one additional justices of the peace are now officially authorized for assignment across the province,” said Bryant. “This is the first wave of appointments that will provide additional capacity for the Ontario Court of Justice and help improve access to justice for all Ontarians.”

The Access to Justice Act also amends the Provincial Offences Act, to permit witnesses to testify and be cross-examined by electronic means such as video conferencing. For example, police officers would be able to give evidence from locations outside of court, allowing for more efficient use of their time.

“This is an important step in modernizing the procedures for prosecuting provincial offences through the use of available technology,” said Chief Terry McLaren, president of the Ontario Association of Chiefs of Police. “It allows police services to schedule the work of their officers more effectively, which will improve the administration of justice.”

The additional justices of the peace should also assist municipalities with the administration of POA courts.

“Proceedings under the Provincial Offences Act will be improved with these reforms,” said Doug Reycraft, president of the Association of Municipalities of Ontario. “This will benefit all Ontarians by introducing greater flexibility into the system. We are pleased that the government is moving quickly with its implementation of this important legislation.”

Amendments to the Justices of the Peace Act include:

- Establishing minimum qualifications for prospective justices of the peace including a university degree or a comparable community college diploma, or an equivalency, including life experience, and at least 10 years work or volunteer experience.
- Establishing a new Justices of the Peace Appointments Advisory Committee to increase openness and transparency in the appointment process. The committee will reflect regional and community diversity.
- Expanding the powers of the Justices of the Peace Review Council to make the complaints and discipline process more effective.
- Increasing flexibility in the scheduling of justices of the peace by making all future appointments full-time presiding. Presiding justices of the peace can perform a broad range of functions, including presiding over trials in POA matters, such as Highway Traffic Act offences.

On October 19, 2006, the Access to Justice Act was passed. It regulates paralegals and updates the Provincial Offences Act, the Limitations Act, 2002, and the Courts of Justice Act. In addition, the Legislation Act will be created to update the rules for use, publication and interpretation of Ontario's laws.

More information on the Access to Justice Act can be found at www.e-laws.gov.on.ca/DBLaws/Source/Statutes/English/2006/S06021_e.htm.

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