

January 25, 2022

Hon. Sonya Savage
Minister of Justice and Solicitor General
324 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister:

Re: Bill 21 - Provincial Administrative Penalties Act.

The Town of Gibbons Council, at its January 12, 2022 meeting discussed a number of key issues that the Government of Alberta, two items that your ministry is specifically undertaking that are poised to fundamentally impact the lives of Albertans. The two key issues include the development of a Provincial Police Service (APPS) and Bill 21 - Provincial Administrative Penalties Act (Bill 21).

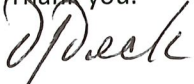
The citizens of Gibbons are proud, hardworking, dedicated, and reasonable family people who recognize that public safety is paramount, and that certain rights and freedoms may be contravened in times of disasters or pandemics for the sake of public good and done without consultation. One such example is that our citizens have for the most part, adopted the recommendations set forth by the Province during its response to the Covid-19 saga often without question.

There is however, times when citizens of Alberta must without exception, be consulted extensively in order to ensure that their voices are heard, respected, and play a significant role in creating the framework for the legislation (policy statement) being contemplated (i.e. APPS and Bill 21). Members of Council are scheduled to participate in the upcoming APPS consultations on February 1, 2022 and truly believe that should the Province be conducting these sessions without a predetermined decision in place, the concept of meaningful input from its citizenry will be realized and not just an exercise in placation.

It is the very process of inviting meaningful input from the citizens of Alberta or lack thereof of a formal consultation process in the development and adoption of the Bill 21 is why our Council is in firm opposition to its implementation without an amendment that reinstates a citizens ability to appeal traffic tickets in court versus making an application to appeal through an online submission. This erosion of due process represents one more step in the degradation of a citizens' rights and freedoms to a position where one should just "pay up" and then "shut up."

It is Council's hope that our society through the actions and policies of the Provincial Government has not become a society of where money is everything even at the expense of ones right to a sense of fairness and due process.

Thank you.



Dan Deck
Mayor

Cc: All Alberta Municipalities
All Alberta MLAs
Ab Munis
RMA
Dale Nally, MLA for Morinville – St. Albert

Provincial Administrative Penalties Act

Overview

The *Provincial Administrative Penalties Act, 2020*, will make our roads safer by introducing stronger and immediate impaired driving penalties and reducing the time it takes to enforce traffic and non-criminal impaired driving matters, to ensure impaired drivers are off the streets. It will restore critical capacity to Alberta's justice system by creating a streamlined, fast, fair and efficient method for resolving non-criminal impaired and traffic disputes to free up court time to prosecute serious criminal matters and ensure police are on the streets instead of doing paperwork or sitting in courtrooms.

Immediate Roadside Sanctions Program

The new Immediate Roadside Sanctions (IRS) Program will be introduced on December 1, 2020 and will provide a comprehensive array of serious, immediate and escalating consequences for impaired drivers—a system that has been proven to reduce impaired driving significantly in other jurisdictions. Consequences for drivers will include driver's licence suspensions, new fines, vehicle seizures, mandatory education, and participation in the Ignition Interlock Program (IIP).

Increased impaired driving consequences under the new IRS Program will include:

- Driver's licence suspensions;
- Fines of up to \$2,000;
- Increasing length of vehicle seizure up to 30 days;
- New mandatory education programs for repeat offenders; and
- Participation in the IIP for repeat offenders.

SafeRoads Alberta Branch

Most non-criminal, first-time impaired drivers will be able to deal with these penalties through SafeRoads Alberta, a new branch dedicated to providing a speedy method of resolving disputes. The new process will be significantly quicker, dealing with all matters in 30 days to ensure impaired drivers are off the roads, not the months or years it can take to go through the current administrative and court processes. Repeat offenders, impaired drivers who cause bodily harm or death, and other more serious cases will still receive criminal charges in addition to the other penalties.

In addition to saving lives and preventing needless injury, these new measures are expected to benefit Albertans in several other ways:

- Freeing up about 8 per cent of court time to ensure Alberta's prosecutors and courts can clear their multi-year backlog to prosecute serious criminal matters;
- Eliminating approximately 1,200 complex full, or multi-day trials; and
- Freeing up more than 30,000 hours of police time – ensuring police are on the streets protecting Albertans and their communities.

This new impaired driving administrative model is based on changes made in British Columbia, which has seen many positive impacts, including:

- A 36 per cent drop in impaired driving incident rates from 2011 to 2018.
- A 54 per cent drop in number of impaired driving fatalities from 2010 to 2018.
- An 8 per cent reduction in hospital admissions – even a modest decrease in emergency visits saves millions of dollars in critical capacity.
- A decrease in the median elapsed time for all types of cases (single or multiple charges), all offence types (including traffic) by 17 days from 2011-12 to 2018-19.
 - During the same time period, the median elapsed time increased by 16 days for Canada and by 7 days in Alberta.

Current	New
<p>When an officer has reasonable grounds to believe that a driver has committed an impaired offence, the driver:</p> <ul style="list-style-type: none"> • is issued an administrative penalty called the Alberta Administrative Licence Suspension (AALS); • receives an immediate 15 month suspension; • receives a three-day vehicle seizure; • is criminally charged with an impaired offence. • A driver can drive again after 3 months if they install an ignition interlock device. <p>Police investigation, documentation, and testimony can often consume 5-8 hours or more per file.</p>	<p>When an officer has reasonable grounds to believe that a driver has committed an impaired offence, the driver will:</p> <ul style="list-style-type: none"> • be issued an administrative penalty called the IRS FAIL. • receive an immediate 15 month driver's licence suspension. • receives a 30 day vehicle seizure. • be issued a \$1,000 fine. • be required to complete mandatory impaired driving education • if a repeat offender, or there is bodily harm or injury, they receive an escalating administrative penalty and will be criminally charged with an impaired offence. • A driver can drive again after 3 months if they install an ignition interlock device. • If a driver chooses not to participate in IIP, they will remain suspended with no ability to drive for the full suspension term. <p>Police can issue this process in an hour or less on average.</p>
<p>If a driver wishes to dispute their driver's licence suspension, they must:</p> <ul style="list-style-type: none"> • appear in person at an office or registry agent location to obtain, complete and file a notice of appeal with the Alberta Traffic Safety Board within 30 days. • appear before a panel, which may take approximately up to five months to schedule and resolve. 	<p>If a driver wishes to dispute their notice, they will:</p> <ul style="list-style-type: none"> • access the website and pay the fine, request time to pay, or request a review of the sanction. • attend an oral review (phone or video) which will be scheduled within 21 days or submit request a written review. • receive the written decision within 30 days of the issuance of the notice.
<p>The driver will also have to proceed to the Criminal Courts to resolve the criminal charge. This can include:</p> <ul style="list-style-type: none"> • A driver will also be arrested, detained for several hours to conduct further testing and be processed and then released with a requirement to return to court or face additional criminal charges. • The individual must attend at one or more initial docket appearances and ultimately at a trial. The trial process is complex and generally requires expert assistance to navigate. • Upon conviction a driver will receive a criminal punishment and a permanent criminal record. 	<p>If the driver is unsatisfied, they may seek Judicial review at the Court of Queen's Bench of Alberta.</p>

Traffic Safety Violations

The *Provincial Administrative Penalties Act* also allows for other traffic contraventions to be resolved by SafeRoads Alberta. This new online system of dealing with non-criminal traffic offences will be introduced in late 2021 and will be easier and quicker for Albertans to navigate. SafeRoads Alberta will divert nearly two million traffic tickets from Alberta's courts, freeing up court time for criminal matters, ensuring law enforcement can spend more time on the streets and less in courtrooms for violations, and avoids the necessity for hundreds of thousands of Albertan's to visit courthouses merely to pay tickets or schedule hearings.

The resources currently devoted to managing these millions of tickets can then be dedicated to addressing serious justice matters and returning police to the community.