



**TOWNSHIP OF ESSA
AUTOMATED SPEED ENFORCEMENT
ADMINISTRATIVE PENALTY (ASE AP) PROGRAM
POLICY
PREVENTION OF POLITICAL INTERFERENCE**

1. Purpose:

The purpose of this Policy is to prevent political interference in the administration of the Essa's ASE Administrative Penalty Program.

In accordance with Ontario Regulation 333/07 made under the *Municipal Act*, where a municipality has implemented an Administrative Penalty Program, it is required to establish a Policy for the prevention of political interference in its Administrative Penalty Program.

2. Definitions

For the purposes of this Policy, the following definitions are provided in accordance with Essa's ASE Administrative Penalty By-law:

"Administrative Fee" means any monetary amount specified in Essa's ASE AP By-law 2024-18 or set out in Ontario Regulation 355/22 made under the *Highway Traffic Act*.

"APS" – means Administrative Penalty System.

"Hearing Decision" means the Notice that contains the decision made by a Hearing Officer as referred to in section 6.10 of Essa's ASE AP By-law 2024-18.

"Hearing Officer" – means a person who is appointed by Township of Essa Council to perform the duties of the Hearing Officer as set out in section 6 of Essa's ASE AP By-law 2024-18.

"Hearing Review" means the process set out in section 6 of Essa's ASE AP By-law 2024-18.

"Penalty Order" – means an order that is made under subsection 21.1(2) of the *Highway Traffic Act*.

"Person" – includes an individual or a business, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and license plate portion, and different persons are named on each portion, the person whose name appears on the license plate portion as provided by the Ontario Ministry of Transportation is the "Person" for the purposes of this Policy.

“*Screening Decision*” means the Notice which contains the decision of the Screening Officer, delivered in accordance with section 5.7 of Essa’s ASE AP By-law 2024-18.

“*Screening Officer*” means a person who performs the functions of a Screening Officer in accordance with section 5 of Essa’s ASE AP By-law 2024-18.

“*Screening Review*” means the process as set out in section 5 of Essa’s AP By-law 2024-18.

“*Township*” means the Corporation of the Township of Essa.

3. Scope

- 3.1 This Policy defines what constitutes political interference in relation to Administrative Penalties, to ensure that responsibilities of the Screening and Hearing Officers are conducted in accordance with the fundamental principles of justice, which include decision-making and procedural independence, fairness, impartiality and integrity, without political interference.
- 3.2 This Policy applies to all elected members of Council as well as other Township of Essa officials and staff in relation to their interaction with Automated Speed Enforcement Staff.
- 3.3 In regard to members of Council, this Policy should be read and interpreted within the context of prevailing provincial legislation (ie: *Municipal Conflict of Interest Act*) and the Council Code of Conduct, including its related policies, procedures and guidelines.

4. Policy

4.1 Principles of Preventing Political Interference

- 4.1.1 No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with Provincial Offences Officers or other persons responsible for the administration of Essa’s Automated Speed Enforcement Program.
- 4.1.2 No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically or otherwise, with a Screening Officer or Hearing Officer, or other persons responsible for the administration of Essa’s APS, respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except the person who is entitled to be heard in a Screening Review or Hearing Review respectively.

- 4.1.3 All individuals involved with the enforcement and administrative functions of Essa's Automated Speed Enforcement Program and its affiliated Administrative Penalty Program shall carry out such duties in a manner which upholds the integrity of the administration of justice.
- 4.1.4 If someone attempts to influence a Screening Officer, Hearing Officer, or employee that is engaged in the administration of Essa's ASE Program or its affiliated APS Program contrary to the rules henceforth, the Screening Officer, Hearing Officer or employee shall report the incident to the Manager of Automated Speed Enforcement as soon as possible. No action shall be taken against the Screening Officer, Hearing Officer, or employee for making any such report in good faith.

5. Accountability

- 5.1 Any interference in Essa's ASE Program or its affiliated APS Program by an individual may result in charges under the *Criminal Code* of Canada, Provincial Statute or other disciplinary action.
- 5.2 Any interference with Essa's ASE Program or its affiliated APS Program by a member of Council may be considered a Council code of Conduct violation.
- 5.3 A Screening or Hearing Officer, Township employee or other individual performing duties related to Essa's ASE Program and its affiliated APS Program shall report any attempt at political influence or interference, pecuniary, political or otherwise, to the Manager of Automated Speed Enforcement. No action shall be taken against the Screening Officer, Hearing Officer or employee or other person(s) for making any such report in good faith.
- 5.4 A Screening Officer or Hearing Officer shall disclose any actual, potential or perceived political interference as soon as possible to the Manager of Automated Speed Enforcement.

Cross References

Municipal Act, 2001, as amended
Municipal Conflict of Interest Act, as amended
Highway Traffic Act
Ontario Regulation 355/22 (ASE Administrative Penalties)
Township of Essa ASE AP By-law 2024-18
Council Code of Conduct C09-2010, as amended
Council-Staff Relations Policy By-law 2019-10

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Details

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