



PBC AS AN ADMINISTRATIVE TRIBUNAL

BACKGROUND

- The Parole Board of Canada (PBC) is part of the Public Safety Portfolio.
- The Parole Board of Canada is an independent administrative tribunal that has exclusive jurisdiction and absolute discretion under the *Corrections and Conditional Release Act (CCRA)* to grant, cancel, terminate or revoke day parole, full parole, and authorize or approve temporary absences. The Board can on referral also terminate or revoke statutory release.
- Furthermore, the Board has exclusive jurisdiction and absolute discretion to order, refuse to order or revoke a record suspension under the *Criminal Records Act*. In addition, the PBC is authorized to modify or remove driving prohibitions under Section 109 and to investigate *Royal Prerogative of Mercy (RPM)* requests under Section 110 of the CCRA. The Board also provides recommendations on clemency to the Minister of Public Safety and Emergency Preparedness.

Key Messages

- The Board is a tribunal because it has adjudicative functions. This means that similarly to courts, the Board reviews all available information and renders decisions.
- The Board is an administrative tribunal because contrary to courts, which represent the judicial branch, it is part of the government. The PBC is a federal agency, which relies on its enabling legislations for jurisdiction. Board members are appointed by Order-in-Council to render decisions on behalf of the PBC. Since the PBC operates in a quasi-judicial environment, its decisions are subject to judicial review by the Federal Court of Canada.
- Even though the Board is a government agency, it is independent. This means that PBC and its Board members operate without pressure or interference from external sources in the decision-making process. As part of its independence, the PBC maintains an "arms-length" relationship with the Minister of Public Safety as well as other government departments. For their part, Board members are appointed to hold office during good behaviour and are entitled to remuneration.