



Department of Justice

Fees Report

Fiscal year 2019–20

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada

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Catalogue No. J1-26E-PDF

ISSN 2562-136X

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Minister's message

On behalf of the Department of Justice, I am pleased to present our report on fees for 2019–20.

The *Service Fees Act* provides a modern legislative framework that enables cost-effective delivery of services and, through better reporting to Parliament, improves transparency and oversight.

The *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA), which allows, under Part II, for the garnishment of federal payments such as income tax refunds and employment insurance benefits for the payment of support family obligations, experienced a significant change to the fee regime set out in its Regulations this year.



The Department amended the Regulations to improve the effectiveness of the FOAEAA program by making the calculation of the fees owed at the end of a specific year less complicated. They also add transparency to the Department's accounts receivable related to the government's cost recovery under the FOAEAA program.

I welcome the increased transparency and oversight that the *Service Fees Act's* reporting regime embodies, and I am fully committed to the reporting regime provided under the *Service Fees Act*.

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada

About this report

This report, which is tabled under section 20 of the *Service Fees Act*ⁱⁱⁱ and section 4.2.8 of the *Directive on Charging and Special Financial Authorities*^{iv}, contains information about the fees that the Department of Justice had the authority to set in 2019–20.

Government of Canada departments may set fees for services, licences, permits, products, the use of facilities; for other authorizations of rights or privileges; or to recover, in whole or in part, costs incurred in relation to a regulatory scheme.

For reporting purposes, fees must be categorized under the following three fee setting mechanisms:

1. Act, regulation or fees notice
 - An act of Parliament delegates the fee setting authority to a department, minister or Governor in Council.
2. Contract
 - Ministers have the authority to enter into contracts, which are usually negotiated between the minister and an individual or organization, and which cover fees and other terms and conditions. In some cases, that authority may also be provided by an act of Parliament.
3. Market-rate or auction or both
 - The authority to set these fees is pursuant to an act of Parliament or regulation, and the minister, department or Governor in Council has no control over the fee amount.

This report contains information about all fees that are under the Department of Justice's authority, including any that are collected by another department.

The information covers fees that are subject to the *Service Fees Act* and fees that are exempted from the *Service Fees Act*.

For fees set by contract, fees set by market-rate, auction or both, the report provides totals only. For fees set by act, regulation or fees notice, it provides totals for fee groupings, as well as detailed information for each fee.

Although the fees that the Department of Justice charges under the *Access to Information Act* are subject to the *Service Fees Act*, they are not included in this report. Information on the Department of Justice's access to information fees for 2019–20 can be found in our access to information report, which is posted on the [Department of Justice Access to Information and Privacy Research and Reports web page](#)^v.

Remissions

A remission is a partial or full return of a fee to a fee payer who paid for a service for which a department deemed that the service standard was not met.

Under the *Service Fees Act*, departments must develop policies for determining whether a service standard has been met and for determining how much of a fee will be remitted to a fee payer if a service standard is not met. This requirement will not take effect until April 1, 2021, so this report does not include remissions issued under the *Service Fees Act*. It does, however, include remissions issued under the Department of Justice's enabling legislation.

Overall totals, by fee setting mechanism

The following table presents the total revenue, cost and remissions for all fees that the Department of Justice had the authority to set in 2019–20, by fee setting mechanism.

Overall totals for 2019–20, by fee setting mechanism

Fee setting mechanism	Revenue (\$)	Cost (\$)	Remissions (\$)
Fees set by contract	1,025,655	1,018,475	Remissions do not apply to fees set by contract.
Fees set by market-rate, auction or both	0	0	Remissions do not apply to fees set by market-rate, auction or both.
Fees set by act, regulation or fees notice	2,613,510	2,871,535	11,123,317
Total	3,639,165	3,890,010	11,123,317

Totals, by fee grouping, for fees set by act, regulation or fees notice

The following tables present, for each fee grouping, the total revenue, cost and remissions for all fees that the Department of Justice had the authority to set in 2019–20 that are set by any of the following:

- act
- regulation
- fees notice

A fee grouping is a grouping of all the fees that a department has the authority to set for activities relating to a single business line, directorate or program.

Family Law: totals for 2019–20

Fee grouping	Family Law	
Revenue (\$)	Cost (\$)	Remissions (\$)
2,613,510	2,871,535	11,123,317*

* Total remissions represents the amount of fees related to the FOAEAA Part II that were not collected during the prescribed timeframe; therefore, fees are remitted as per the section 12 of the *Family Support Orders and Agreements Garnishment Regulations*. The remissions are explainable because fees can only be collected from garnishable moneys payable to the support debtor after garnishment has taken place and support commitments have been fulfilled. Any portion of the fees not collected during the year is remitted and no longer owed by the support debtor. On April 1, 2019, a new FOAEAA Part II fee structure was implemented. This change eliminated the carry forward provision that allowed uncollected fees to be collected in a subsequent year over the five-year period. As a result of this new fee collection structure, there is a significant increase in remissions for the fiscal year 2019-20 compared to the prior year (\$3,912,754 in 2018-19). In subsequent years, remissions should return to a range similar to amounts reported prior to the coming into force of the new fee regime.

Details on each fee set by act, regulation or fees notice

This section provides detailed information on each fee that the Department of Justice had the authority to set in 2019–20 and that was set by any of the following:

- act
- regulation
- fees notice

Fee grouping	Family Law
Fee	Fee to process garnishment under Part II of <i>Family Orders and Agreements Enforcement Assistance Act</i> (FOAEAA)
Fee-setting authority	<ul style="list-style-type: none"> • Family Orders and Agreements Enforcement Assistance Act^{vi} • Family Support Orders and Agreements Garnishment Regulations^{vii}
Year fee-setting authority was introduced	1994
Last year fee-setting authority was amended	The FOAEAA Fee structure set out in the Regulations was last modified in 2019, however, the fee amount being charged was last modified in 1999.
Service standard	Not required by the <i>Service Fees Act</i> for fees that fall under <i>Low-Materiality Fees Regulations</i> .
Performance result	Not required by the <i>Service Fees Act</i> for fees that fall under <i>Low-Materiality Fees Regulations</i> .
Application of Low-Materiality Fees Regulations	Low-Materiality: <\$51
2019–20 fee amount (\$)	38 ¹
2019–20 total fee revenue (\$)	1,962,128
Fee adjustment date	Not applicable
Adjusted fee amount in 2021–22 (\$)	Not applicable

¹ On April 1, 2019, a new FOAEAA Part II fee structure was implemented. This amendment eliminates the provision of the carry forward over the five-year period and revises the fee to \$38 annually for processing every garnishee summons issued against a support debtor on or after April 1, 2019. The old rules continue to apply for garnishee summons served on Her Majesty before April 1, 2019 until each of them reaches the 2019-20 anniversary date (day and month) they were first received; after that day, the new rules apply. Once the anniversary date is reached, all accumulated uncollected fees from previous years are remitted.

Fee grouping	Family Law
Fee	Central Registry of Divorce Proceedings (CRDP)
Fee-setting authority	<ul style="list-style-type: none"> • Divorce Act^{viii} • Central Registry of Divorce Proceedings Fee Order^{ix}
Year fee-setting authority was introduced	1986
Last year fee-setting authority was amended	Not applicable
Service standard	Not required by the <i>Service Fees Act</i> for fees that fall under <i>Low-Materiality Fees Regulations</i> .
Performance result	Not required by the <i>Service Fees Act</i> for fees that fall under <i>Low-Materiality Fees Regulations</i> .
Application of <i>Low-Materiality Fees Regulations</i>	Low-Materiality: <\$51
2019–20 fee amount (\$)	10
2019–20 total fee revenue (\$)	651,382
Fee adjustment date	Not applicable
Adjusted fee amount in 2021–22 (\$)	Not applicable

Endnotes

- ⁱ Department of Justice, <https://www.justice.gc.ca/>
- ⁱⁱ Government of Canada, <https://www.canada.ca/home.html>
- ⁱⁱⁱ *Service Fees Act*, <https://laws-lois.justice.gc.ca/eng/acts/S-8.4/index.html>
- ^{iv} *Directive on Charging and Special Financial Authorities*, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32502>
- ^v Department of Justice Access to Information and Privacy Research and Reports, <https://www.justice.gc.ca/eng/trans/atip-airpr/rep-rap.html>
- ^{vi} *Family Orders and Agreements Enforcement Assistance Act*, <https://laws-lois.justice.gc.ca/eng/acts/F-1.4/index.html>
- ^{vii} Family Support Orders and Agreements Garnishment Regulations, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-88-181/index.html>
- ^{viii} *Divorce Act*, <https://laws-lois.justice.gc.ca/eng/acts/D-3.4/FullText.html>
- ^{ix} Central Registry of Divorce Proceedings Fee Order, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-547/page-1.html>