

Department of Justice
Fees Report
Fiscal year 2020–21

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

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Minister's message

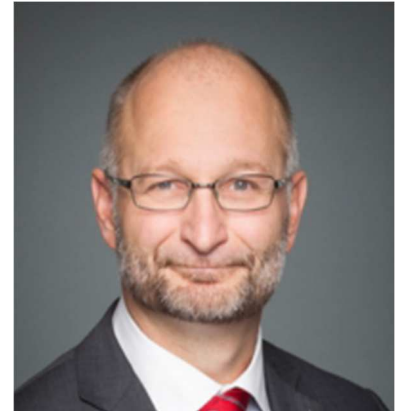
On behalf of the Department of Justice, I am pleased to present our report on fees for 2020–21.

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.

Over the past year, the COVID-19 pandemic affected the Department's fees regime in a number of ways. The Government of Canada was dedicated to help Canadians during these difficult times by providing economic support to individuals facing hardship. As a result, there was also an important increase in the garnishment of employment insurance payments to satisfy family support obligations of vulnerable Canadian children and families under the *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA), increasing the fees collected under the regime. Moreover, as courts across Canada moved quickly to create new remote ways of accessing services, the Department saw a significant drop in applications and associated revenues to the Central Registry of Divorce Proceedings (CRDP).

Through the introduction of the *Service Fees Act* and the *Directive on Charging and Special Financial Authorities*, departmental accountability and information to fee payers has increased. To ensure that all obligations are met and that there is fairness in the management of fees, the Department is conducting periodic fee reviews. The first periodic fee review commenced in 2020-21 and the Department is committed to completing the periodic review of all its fees by the end of the fiscal year 2022-2023.

I welcome the 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*ⁱⁱ, including the *Low-Materiality Fees Regulations*ⁱⁱⁱ and subsection 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 2020–21.¹

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
 - 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. The report also includes any fees that are collected by another department.

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

For fees set by contract, the report provides totals only. For fees set by act, regulation or fees notice, the report 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* were 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 2020–21 can be found in

1. All years presented in this manner refer to fiscal years.

our access to information report, which is posted on our Web page: [Department of Justice Access to Information and Privacy Research and Reports^v](#).

Remissions

This report does not include remissions issued under the authority of the *Service Fees Act*, since this requirement took effect on April 1, 2021. Remissions issued under the *Service Fees Act* will be reported for the first time, as applicable, in the 2021–22 Fees Report, which will be published in 2022–23.

The *Service Fees Act* requires departments to remit a fee, in part or in full, to a fee payer when a service standard is deemed not met. Under the *Service Fees Act* and the *Directive on Charging and Special Financial Authorities*, departments had to develop policies and procedures for determining:

- whether a service standard has been met
- how much of a fee will be remitted to a fee payer if a service standard is deemed not met

The “Overall totals for 2020-21, by fee-setting mechanism” presents the total remissions by fee-setting mechanism. The “Totals, by fee grouping, for fees set by act, regulation or fees notice” provides further details related to remissions that were issued under the Department of Justice’s enabling legislation in 2020–21.

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 2020–21, by fee-setting mechanism.

Overall totals for 2020–21, by fee-setting mechanism

Fee-setting mechanism	Revenue (\$)	Cost (\$)	Remissions (\$)
Fees set by contract	1,363,756	1,429,247	Remissions do not apply to fees set by contract.
Fees set by either market rate or auction	0	0	0
Fees set by act, regulation or fees notice	3,518,189	3,146,541	4,561,281
Total	4,881,945	4,575,788	4,561,281

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

The following section presents, for each fee grouping, the total revenue, cost and remissions for all fees that the Department of Justice had the authority to set in 2020–21 that are set by any of the following:

- act
- regulation

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

Family Law: totals for 2020–21

Fee grouping

Family Law

Revenue (\$)	Cost (\$)	Remissions (\$)
3,518,189	3,146,541	4,561,281

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 2020–21 and that was set by any of the following:

- act
- regulation

Fee grouping

Family Law

Fee

Fee to process garnishment under Part II of Family Orders and Agreements Enforcement Assistance Act (FOAEAA)

Fee-setting authority

- *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

Exempt

Performance result

Exempt

Application of *Low-Materiality Fees Regulations*

Low-materiality (<\$51)

2020–21 fee amount (\$)

38.00

2020–21 total fee revenue (\$)

2,943,909 ²

Fee adjustment date in 2022–23

Not applicable

2022–23 fee amount (\$)

38.00

² The increase in revenue is mostly associated with the employment insurance (EI) garnishment. Regular EI, EI for the emergency response benefit, as well as the one-time Goods and Services Tax (GST) payment issued in response to the COVID-19 pandemic were garnishable, significantly increasing the revenues compared to the costs. In light of the recent results, the Department is aware of this situation and the fees review is currently ongoing.

Fee grouping

Family Law

Fee

Central Registry of Divorce Proceedings (CRDP)

Fee-setting authority

- *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

2021

Service standard

Exempt³

Performance result

Exempt⁴

Application of *Low-Materiality Fees Regulations*

Low-materiality (<\$51)

2020–21 fee amount (\$)

10.00

2020–21 total fee revenue (\$)

574,280

Fee adjustment date in 2022–23

Not applicable

2022–23 fee amount (\$)

10.00

³ The CRDP service standard is currently under review as part of the periodic review process that the Department began in 2020-21; however it will be reported in the future for transparency purposes as this fee is not subject to the remission clauses pursuant to the Service Fees Act.

⁴ The CRDP performance results will be available once the service standard has been reviewed.

Endnotes

- ⁱ Government of Canada, <https://www.canada.ca/home.html>
- ⁱⁱ *Service Fees Act*, <https://laws-lois.justice.gc.ca/eng/acts/S-8.4/index.html>
- ⁱⁱⁱ *Low-Materiality Fees Regulations*, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-109/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>