

# Department of Justice

## **Fees Report**

Fiscal year 2018 to 2019

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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 fiscal year 2018 to 2019, my organization's second annual report under the *Service Fees Act*.

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

Last year, a detailed listing of individual fees under the department's authority, along with anticipated increases, was added to the reporting requirements.



This year's report provides more detail on each fee, such as the type and rate of adjustment, the service standard and the performance result. This information provides additional context on each fee, in the spirit of open and transparent fee management.

I welcome the increased transparency and oversight that the *Service Fees Act's* reporting regime embodies, and I am fully committed to transitioning my department to this modern framework.

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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*<sup>iii</sup> and section 4.2.8 of the *Directive on Charging and Special Financial Authorities*, contains information about the fees that the Department of Justice had the authority to charge in the 2018 to 2019 fiscal year.

This report contains information about all fees that are under the Department of Justice's authority, even if some or all of the fees are collected by another department.

The information reported includes fees that:

- fall under the *Service Fees Act*
- are exempt from the *Service Fees Act*

The information covers fees set by:

- contract
- market-base, auction or both
- act, regulation or fees notice

For fees set by the following mechanisms, the report provides totals only:

- contract
- market-base, auction or both

For fees set by act, regulation or fees notice, the report provides totals for fee groupings, as well as detailed information for each individual fee.

Although the fees charged by the Department of Justice 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 fiscal year 2018 to 2019 is posted on the [Department of Justice Access to Information and Privacy Research and Reports web page](#)<sup>iv</sup>.

## 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. This requirement does not take effect until April 1, 2020. This report therefore includes **only** those remissions issued under the Department of Justice's enabling legislation. It does not include remissions issued under the *Service Fees Act*.

## Overall totals, by fee type

The following table presents the total revenue, cost and remissions for all fees that the Department of Justice had the authority to charge in fiscal year 2018 to 2019, by fee type.

### Overall totals for fiscal year 2018 to 2019, by fee type

Fee type	Revenue (\$)	Cost (\$)	Remissions (\$)
<b>Fees set by contract</b>	1,001,374	994,364	Remissions do not apply to fees set by contract.
<b>Fees set by market base, auction or both</b>	0	0	Remissions do not apply to fees set by market base, auction or both.
<b>Fees set by act, regulation or fees notice</b>	3,025,342	2,746,363	3,912,754
<b>Total</b>	<b>4,026,716</b>	<b>3,740,727</b>	<b>3,912,754*</b>

\*Total remissions represents the amount of fees related to the *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA) Part II that were not collected during the five-year binding period. The remissions are significant because fees can only be collected from garnishable moneys payable to the support payer after garnishment has taken place. Any fees not collected in-year can be collected in a subsequent year during the five-year binding period. Any portion of the fees not collected during the five-year binding period is remitted, that is to say the support payer no longer owes the fees.

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

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 charge in fiscal year 2018 to 2019 that are set by any of the following:

- act
- regulation
- fees notice

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

### Legal Services: totals for fiscal year 2018 to 2019

Fee grouping	Legal Services		
Revenue (\$)	Cost (\$)	Remissions (\$)	
1,001,374	994,364	Remissions do not apply to fees set by contract.	

**Family Law: totals for fiscal year 2018 to 2019**

<b>Fee grouping</b>	Family Law	
<b>Revenue (\$)</b>	<b>Cost (\$)</b>	<b>Remissions (\$)</b>
3,025,342	2,746,363	3,912,754

## 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 charge in fiscal year 2018 to 2019 and that was set by any of the following:

- act
- regulation
- fees notice

<b>Fee grouping</b>	Legal Services
<b>Fee</b>	Legal services provided to Crown Corporations, non-federal organizations and International organizations
<b>Fee-setting authority</b>	<ul style="list-style-type: none"> <li>• <a href="#">Department of Justice Act<sup>v</sup></a></li> <li>• <a href="#">Federal Accountability Act<sup>vi</sup></a></li> <li>• <a href="#">Director of Public Prosecutions Act<sup>vii</sup></a></li> <li>• <a href="#">Financial Administration Act<sup>viii</sup></a></li> </ul>
<b>Year introduced</b>	2006
<b>Last year fee-setting authority was amended</b>	Approved by Treasury Board in December 2018
<b>Fee type</b>	Service
<b>Fee amount (\$)</b>	70.06 to 195.27 hourly rate
<b>Total fee revenue (\$)</b>	1,001,374
<b>Adjustment type</b>	Periodic
<b>Adjustment rate (% or formula)</b>	The TB approved rates in December 2018 represents an average increase of 2.1% from 2016-17 levels
<b>2020 to 2021 fee amount (\$)</b>	To be determined subject to Treasury Board approval
<b>Future fee-adjusted amount (\$)</b>	To be determined subject to Treasury Board approval
<b>Adjustment date</b>	2020-21
<b>Fee-adjustment authority</b>	Treasury Board Secretariat



<b>Service standard</b>	<p>If applicable:</p> <ul style="list-style-type: none"> <li>• Client satisfaction mean rating on the overall quality of legal advisory, litigation, legislative, and regulatory drafting services on a 10-point scale. Target rating of 8 and above as per the <a href="#">2017-18 Departmental Results Report<sup>ix</sup></a>.</li> <li>• Client satisfaction mean rating on the Department of Justice Canada performance against service standards for the delivery of legal services on a 10-point scale. Target rating of 8 and above as per the <a href="#">2017-18 Departmental Results Report<sup>ix</sup></a>.</li> <li>• Percentage of litigation files that have a successful outcome (settled and adjudicated). Target 70%</li> </ul>
<b>Performance result</b>	<p>2017-18 Actual Results:</p> <ul style="list-style-type: none"> <li>• Advisory: 8.8</li> <li>• Litigation: 8.5</li> <li>• Legislative: 8.6</li> <li>• Regulatory: 7.9</li> <li>• Responsiveness/Accessibility: 8.9</li> <li>• Usefulness: 8.6</li> <li>• Timeliness: 8.5</li> <li>• 79% of litigation files that have a successful outcome (settled and adjudicated).</li> </ul>

<b>Fee grouping</b>	Family Law
<b>Fee</b>	Fee to process garnishment under Part II of <i>Family Orders and Agreements Enforcement Assistance Act</i> (FOAEAA)
<b>Fee-setting authority</b>	<ul style="list-style-type: none"> <li>• <a href="#">Family Orders and Agreements Enforcement Assistance Act<sup>x</sup></a></li> <li>• <a href="#">Family Support Orders and Agreements Garnishment Regulations<sup>xi</sup></a></li> </ul>
<b>Year introduced</b>	1994
<b>Last year fee-setting authority was amended</b>	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.
<b>Fee type</b>	Other authorization
<b>Fee amount (\$)</b>	38 – cumulative yearly installment over a period of five-year binding period for a total of 190**
<b>Total fee revenue (\$)</b>	2,343,408
<b>Adjustment type</b>	Exempt
<b>Adjustment rate (% or formula)</b>	Exempt

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2020 to 2021 fee amount (\$)	38
Future fee-adjusted amount (\$)	Not applicable
Adjustment date	Not applicable
Fee-adjustment authority	Not applicable
Service standard	Voicemail messages from support debtors are returned within two business days.
Performance result	98% of calls received were returned within the service standard of two business days.

\*\* On April 1, 2019, a new FOAEAA Part II fee structure was implemented: this change eliminates the five-year period and revises the fee to \$38 annually for processing every garnishee summonses issued against them 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 in 2019-2020 the anniversary date (day and month) they were first received. After that day, the new rules apply.

Fee grouping	Family Law
Fee	Central Registry of Divorce Proceedings (CRDP)
Fee-setting authority	<ul style="list-style-type: none"> <li>• <a href="#">Divorce Act</a><sup>xii</sup></li> <li>• <a href="#">Central Registry of Divorce Proceedings Fee Order</a><sup>xiii</sup></li> </ul>
Year introduced	1986
Last year fee-setting authority was amended	Not applicable
Fee type	Service
Fee amount (\$)	10
Total fee revenue (\$)	681,934
Adjustment type	Exempt
Adjustment rate (% or formula)	Exempt
2020 to 2021 fee amount (\$)	10
Future fee-adjusted amount (\$)	Not applicable
Adjustment date	Not applicable
Fee-adjustment authority	Not applicable

<b>Service standard</b>	The CRDP must issue a Clearance Certificate or a Notice of Duplication to the appropriate court registrar within three weeks of receiving a valid and complete Registration of Divorce Proceedings Form.
<b>Performance result</b>	The CRDP provided a Clearance Certificate or a Notice of Duplication to the appropriate court registrar within three weeks for every valid and complete Registration of Divorce Proceedings Form it received. (100% compliance with service standard).



## Endnotes

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- 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. Department of Justice Access to Information and Privacy Research and Reports, <https://www.justice.gc.ca/eng/trans/atip-airpr/rep-rap.html>
- v. *Department of Justice Act*, <https://laws-lois.justice.gc.ca/eng/acts/J-2/page-1.html>
- vi. *Federal Accountability Act*, <https://laws-lois.justice.gc.ca/eng/acts/F-5.5/page-1.html>
- vii. *Director of Public Prosecutions Act*, <https://laws-lois.justice.gc.ca/eng/acts/D-2.5/page-1.html>
- viii. *Financial Administration Act*, <https://laws-lois.justice.gc.ca/eng/acts/F-11/>
- ix. 2017–18 Departmental Results Report, [https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2017\\_2018/dpr-rmr/p5.html#sec521](https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2017_2018/dpr-rmr/p5.html#sec521)
- x. *Family Orders and Agreements Enforcement Assistance Act*, <https://laws-lois.justice.gc.ca/eng/acts/F-1.4/index.html>
- xi. Family Support Orders and Agreements Garnishment Regulations, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-88-181/index.html>
- xii. *Divorce Act*, <https://laws-lois.justice.gc.ca/eng/acts/D-3.4/FullText.html>
- xiii. Central Registry of Divorce Proceedings Fee Order, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-547/page-1.html>