

Department of Justice
Fees Report
Fiscal year 2021–22

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

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Minister's message

I am pleased to present the Department of Justice's report on fees for 2021–22.

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) program experienced another notable fiscal year in 2021-22, where it reached its second highest total amounts garnished in one year. As with the previous year, the Government of Canada dedicated efforts to helping Canadians during difficult times by providing economic support to individuals facing hardship. This contributed to an important share of the garnishments of employment insurance payments to satisfy family support obligations of vulnerable Canadian children and families under the FOAEAA, increasing the fees collected under the regime. The Government's investments in developing a hybrid model for conducting virtual and in-person hearings helped courts across Canada ease COVID-19 restrictions throughout the year. As a result, the Central Registry of Divorce Proceedings (CRDP) program saw an increase in divorce registrations and its associated revenues.



The introduction of the *Service Fees Act* and the *Directive on Charging and Special Financial Authorities* has contributed to increasing departmental accountability and information sharing with fee payers. To ensure that all obligations are met and fairness in the management of fees, the Department conducts periodic fee reviews. The CRDP fee review completed during the 2021-22 fiscal year determined that the current fee remains relevant and appropriate. The FOAEAA fee review began during the 2021-22 fiscal year and is expected to be completed by the end of 2022-23.

I welcome the transparency and oversight that the *Service Fees Act*'s reporting regime embodies, and am fully committed to continuing to meet its reporting requirements. These serve to highlight important ways in which Canadians from coast to coast continue to benefit from the Department of Justice's efforts to support the Government of Canada, to promote respect for rights, and to make the justice system more efficient, fair, and accessible.

The Honourable David Lametti, P.C., K.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 Actⁱⁱ](#), the [Low-Materiality Fees Regulationsⁱⁱⁱ](#), and subsection 4.2.8 of the Treasury Board [Directive on Charging and Special Financial Authorities^{iv}](#), contains information about the fees Department of Justice had the authority to set in fiscal year 2021–22 including any that were collected by another department.

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

For reporting purposes, fees are categorized by fee-setting mechanism. There are three mechanisms:

1. Act, regulation or fees notice
The authority to set these fees is delegated to a department, minister or Governor in Council pursuant to an act of Parliament.
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 a regulation, and the minister, department or Governor in Council has no control over the fee amount.

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

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 2021–22 is in our annual report to Parliament on the administration of the *Access to Information Act*, [Department of Justice Access to Information and Privacy Research and Reports^v](#).

Remissions

In 2021–22, the Department of Justice was not subject to the requirements set out in section 7 of the *Service Fees Act* and subsection 4.2.4 of the Treasury Board *Directive on Charging and Special Financial Authorities*; however, it issued remissions under its enabling legislation.

The Department of Justice’s remission clause, pursuant to section 12 of the *Family Support Orders and Agreements Garnishment Regulations* is on the following web page: [Family Support Orders and Agreements Garnishment Regulations^{vi}](#).

The other sections of this report provide detailed amounts on the Department of Justice’s remissions for 2021–22.

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 2021–22, by fee-setting mechanism.

Overall totals for 2021–22, by fee-setting mechanism

Fee-setting mechanism	Revenue (\$)	Cost (\$)	Remissions (\$)
Fees set by contract	1,806,046	1,774,903	Remissions do not apply to fees set by contract.
Fees set by act, regulation or fees notice	2,432,653	2,701,309	4,609,242
Total	4,238,699	4,476,212	4,609,242

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

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.

This 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 2021–22 that are set by the following:

- act
- regulation

Family Law: totals for 2021–22

Revenue (\$)	Cost (\$)	Remissions (\$)
2,432,653	2,701,309	4,609,242

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 2021–22 and that was set by 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*^{vii}
- *Family Support Orders and Agreements Garnishment Regulations*^{vi}

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 was last modified in 1999.

Service standard

Not subject to service standard requirement ¹

Performance result

Not subject to service standard requirement ²

Application of *Low-Materiality Fees Regulations*

¹ Work is in progress for the FOAEAA service standard to be available online as part of the periodic review process; it will be reported in the future for transparency purposes as part of the best practices and requirements, even though it is not subject to the service standard requirement.

² The FOAEAA performance results will be available once the service standard has been reviewed.

- Low-materiality (<\$51)

2021–22 fee amount (\$)

38.00

2021–22 total fee revenue (\$)

1,762,564

2021–22 total remissions issued for the fee (\$)

4,609,242

Fee adjustment date in 2023–24

Not applicable

2023–24 fee amount (\$)

38.00

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 standardNot subject to service standard requirement ³**Performance result**Not subject to service standard requirement ⁴**Application of *Low-Materiality Fees Regulations***

- Low-materiality (<\$51)

2021–22 fee amount (\$)

10.00

2021–22 total fee revenue (\$)

670,089

2021–22 total remissions issued for the fee (\$)

This fee was not subject to remissions

Fee adjustment date in 2023–24

Not applicable

2023–24 fee amount (\$)

10.00

³ Work is in progress for the CRDP service standard to be available online as part of the periodic review process; it will be reported in the future for transparency purposes as part of the best practices and requirements, even though it is not subject to the service standard requirement and 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 Support Orders and Agreements Garnishment Regulations*, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-88-181/page-1.html>
- ^{vii} *Family Orders and Agreements Enforcement Assistance Act*, <https://laws-lois.justice.gc.ca/eng/acts/F-1.4/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>