

Department of Justice
Fees Report
Fiscal year 2022–23

The Honourable Arif Virani, P.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 2022–23.

The Department charges fees under two groupings, namely Family Law and Legal Services. Family Law fees are set by act or regulation and Legal Services fees are set by contract. Family Law includes two programs: the *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA) and the Central Registry of Divorce Proceedings (CRDP). The FOAEAA program charges a fee to support debtors for processing garnishee summons under Part II of the Act. Any fee, or part of that fee, that remains payable after an application has been active for one year or at the expiry of the garnishee summons is cancelled. The CRDP program charges a fee to a person who files an application for divorce in Canada and receives services under section 5 of the CRDP Regulations. Legal Services fees are charged to third parties (such as Crown corporations, non-federal organizations, and international organizations) for legal services rendered.



The Department's fee regime is seeing a slow return to normal after the COVID-19 pandemic, which affected the numbers of applications for garnishment and in divorce registrations. For example, the total amounts garnished in 2020-21 under the FOAEAA program were the highest ever, due to the increased number of people who were entitled to more federal funds and benefits during the pandemic (such as the Canada Emergency Response Benefit (CERB)). These amounts decreased in 2021-22 and again in 2022-23, in part because there were fewer garnishment applications once the CERB program ended. The CRDP program collected less revenue in 2022-23 since there were fewer divorce applications compared to pre-pandemic levels.

The Department recently conducted reviews of all its fees in accordance with the *Service Fees Act* (SFA) and the *Directive on Charging and Special Financial Authorities*.

I welcome the transparency and oversight of the SFA's reporting regime and am fully committed to continuing to meet its requirements.

The Honourable Arif Virani, 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, the *Low-Materiality Fees Regulations*ⁱⁱⁱ, and subsection 4.2.8 of the Treasury Board *Directive on Charging and Special Financial Authorities*^{iv}, contains information about the fees the Department of Justice had the authority to set in fiscal year 2022-23.

The report covers fees that are subject to 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 inherent 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 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 2022–23 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 2022–23, the Department of Justice was not subject to the requirements set out in section 7 of the *Service Fees Act*; however, it issued remissions under its enabling legislation. These remissions have been for reasons other than not meeting a service standard.

The authority to remit is delegated in the *Family Orders and Agreements Enforcement Assistance Act*^{vi}, section 61(j), and is detailed in section 12 of the *Family Support Orders and Agreements Garnishment Regulations*^{vii}. In this context, if a fee, or part of that fee, remains payable after an application has been active for one year or at the expiry of the garnishee summons, that fee is remitted (in other words, it is cancelled).

The other sections of this report provide detailed amounts for the Department of Justice’s remissions for 2022–23.

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 2022–23, by fee-setting mechanism.

Overall totals for 2022–23, by fee-setting mechanism

Fee-setting mechanism	Revenue (\$)	Cost (\$)	Remissions (\$)
Fees set by contract	1,502,909	1,470,355	Remissions do not apply to fees set by contract.
Fees set by act, regulation or fees notice	1,983,572	2,515,870	4,761,148
Total	3,486,481	3,986,225	4,761,148

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 the Department of Justice had the authority to set in 2022–23 that are set by the following:

- act
- regulation

Family Law: totals for 2022–23

Revenue (\$)	Cost (\$)	Remissions (\$)
1,983,572	2,515,870	4,761,148

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 2022–23 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^{vi}, section 58

Family Support Orders and Agreements Garnishment Regulations^{vii}, section 10

(SOR/2019-65, s. 1)

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. The fee amount was last modified in 1999.

Service standard

Not subject to service standard requirement of the *Service Fees Act*^l

Performance result

Not subject to service standard requirement, pursuant to the *Service Fees Act*

Application of *Low-Materiality Fees Regulations*

Low-materiality (<\$51)

2022–23 fee amount (\$)

38.00

^l Work is underway for the establishment and reporting of FOAEAA service standards, even though it is not subject to the service standard requirement and the remission clauses pursuant to the *Service Fees Act*.

2022–23 total fee revenue (\$)

1,423,557

2022–23 total remissions issued for the fee (\$)

4,761,148

Fee adjustment date in 2024–25

Not applicable

2024–25 fee amount (\$)

38.00

Fee grouping

Family Law

Fee

Central Registry of Divorce Proceedings (CRDP)

Fee-setting authority

Divorce Act^{viii}, section 27(1)

Central Registry of Divorce Proceedings Fee Order^{ix}, section 2(1)

Year fee-setting authority was introduced

1986

Last year fee-setting authority was amended

2021

Service standard

Not subject to service standard requirement of the *Service Fees Act*²

Performance result

Not subject to service standard requirement, pursuant to the *Service Fees Act*

Application of *Low-Materiality Fees Regulations*

Low-materiality (<\$51)

2022–23 fee amount (\$)

10.00

2022–23 total fee revenue (\$)

560,015

2022–23 total remissions issued for the fee (\$)

This fee was not subject to remissions

Fee adjustment date in 2024–25

Not applicable

2024–25 fee amount (\$)

10.00

² Work is underway for the establishment and reporting of CRDP service standards, even though it is not subject to the service standard requirement and the remission clauses pursuant to the *Service Fees Act*.

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/FullText.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*, <https://laws-lois.justice.gc.ca/eng/regulations/sor-88-181/>
- ^{viii} *Divorce Act*, <https://laws-lois.justice.gc.ca/eng/acts/D-3.4/FullText.html>
- ^{ix} *Central Registry of Divorce Proceedings Fee Order*, <https://laws-lois.justice.gc.ca/eng/regulations/sor-86-547/page-1.html>