

the only beneficiaries of registry services. In its 1985 Report to the Task Force on Program Review, the Study Team on the Justice System also identified family law practitioners, the courts, Government, and the general public as beneficiaries of those services. As will appear from the information set out in this Report, the burden of defraying the costs of operating the registry has nevertheless been placed entirely on applicants for divorce. Your Committee cannot but question the fairness of requiring only some users or beneficiaries of a service to pay a fee while others benefit from the service at no cost. It appears to your Committee that cost-recovery initiatives should be structured in such a way as to impose on beneficiaries of government services a fee that is in proportion to the benefits they receive.

While the amount of the fee prescribed by the Order is not unreasonable by itself, your Committee wanted to know whether the costs of providing registry services justified setting the fee at this amount. These further inquiries disclosed that the fee imposed by the *Central Registry of Divorce Proceedings Fee Order* has produced revenues that are considerably in excess of the costs incurred by the Government for the operation of the registry. The information made available to the Committee shows that over a period of five years, revenues from this fee have exceeded by some 66% the direct and indirect costs of operating the registry. The following table reproduces this information.

<u>Fiscal Year</u>	<u>Direct and Indirect Costs</u>	<u>Revenues</u>
1986-87	\$315,000	\$800,000
1987-88	\$454,000	\$642,380
1988-89	\$349,588	\$608,400
1989-90	\$401,412	\$691,470
1990-91	\$618,351 ²	\$816,250 ³

The table shows that over the five years for which information is available, the \$10 fee imposed by the Order reported upon has generated excess revenues totalling almost one and one-half million dollars.

In enacting subsection 27(1) of the *Divorce Act*, Parliament contemplated that the Minister of Justice may be given authority to prescribe "a fee to be paid by any person to whom a service is provided under this Act or the regulations". In the judgement of members of your Committee, Parliament did not contemplate that the amount to be paid by a person to whom a service is provided would significantly exceed the costs of providing the service. As a general rule, the Joint Committee for the Scrutiny of Regulations considers that where Parliament authorizes a fee to be prescribed in respect of a service to be rendered by a public authority, it is an implicit term of the grant of this authority that the amount of the fee that is prescribed will bear a reasonable connexion to the costs of providing the service. Any instrument imposing a

² In 1990-91, the indirect costs of operating the registry increased by some 72% over the previous year. Despite many attempts, the Committee has been unable to obtain any satisfactory explanation for this increase from departmental officials.

³ Includes a receivable amount of \$124,780.