



	<p>(b) give all clients or service users a reasonable opportunity to provide ideas or proposals for ways to improve the services to which the user fee relates;</p> <p>(c) conduct an impact assessment to identify relevant factors, and take into account its findings in a decision to fix or change the user fee;</p> <p>(d) explain to clients clearly how the user fee is determined and identify the cost and revenue elements of the user fee;</p> <p>(e) establish an independent advisory panel to address a complaint submitted by a client regarding the user fee or change; and</p> <p>(f) establish standards which are comparable to those established by other countries with which a comparison is relevant and against which the performance of the regulating authority can be measured.</p>
Tabling of proposal	<p>(2) In addition to subsection (1), the Minister must cause to be tabled in each House of Parliament a proposal</p> <p>(a) explaining in respect of what service, product, regulatory process, facility, authorization, permit or licence the user fee is being proposed;</p> <p>(b) stating the reason for any proposed change in user fee rate;</p> <p>(c) including the performance standards established in accordance with paragraph (1)(f), as well as the actual performance levels that have been reached;</p> <p>(d) giving an estimate of the total amount that the regulating authority will collect in the first three fiscal years after the introduction of the user fee, and identifying the costs that the user fee will cover; and</p> <p>(e) describing the establishment of an independent advisory panel in accordance with paragraph (1)(e) and describing how any complaints received under section 4.1 were dealt with.</p>
Similarity with the Canada's trading partners	<p>(3) If the amount of user fee being proposed by the Minister pursuant to subsection (2) is higher than that existing in a country with which a comparison referred to in paragraph (1)(f) is relevant, the Minister must as part of the proposal being made give reasons for the difference.</p>
Committee	<p>(4) Every proposal tabled under subsection (2) is deemed referred to the Committee.</p>

#### COMPLAINTS

Complaints about proposed fees	<p><b>4.1</b> (1) A regulating authority that receives a complaint about a proposed user fee within the period set out in a notice issued by that authority must</p> <p>(a) try to resolve the complaint; and</p> <p>(b) give the complainant notice in writing of proposed measures for its resolution.</p>
Referral of complaint to panel	<p>(2) If the complaint is not resolved to the complainant's satisfaction within 30 days after the expiry of the period set out in the notice, the complainant may request in writing that the regulating authority refer the complaint to an independent advisory panel.</p>
Selection of panel members	<p>(3) Within 40 days after the expiry of the period set out in the notice, the regulating authority and the complainant must each select one member to sit on the panel and those members must select a third member.</p>
Joining complaints	<p>(4) The regulating authority may decide, for reasons of economy and efficiency, that two or more complaints about a particular proposal be dealt with by the same panel. In that case, the panel member to be selected by the complainants is selected by a majority vote.</p>
Mandate of panel	<p>(5) The panel must, within 30 days after all members have been selected, send</p>

a report in writing of its findings and recommendations for resolving the dispute to the regulating authority and the complainant.

Power to award costs

(6) Subject to subsection (7), the panel has the power to award costs of the proceedings, including the cost of the fees and expenses of panel members.

Exception

(7) If, in the opinion of the panel, a complaint is frivolous or vexatious, the complainant bears all the costs.

Debt due to Her Majesty

(8) Costs payable by the complainant become a debt due to Her Majesty and may be recovered as such in any court of competent jurisdiction.

#### COMMITTEE REVIEW

Review and report

5. The Committee may review a proposal for a user fee referred to it pursuant to subsection 4(4) and submit to the Senate or the House of Commons, as the case may be, a report containing its recommendation as to the appropriate user fee, subject to the provisions of section 5.1.

#### REDUCTION OF USER FEE

Reduction of user fee

5.1 Where a regulating authority's performance in a particular fiscal year in respect of a user fee does not meet the standards established by it for that fiscal year by a percentage greater than ten per cent, the user fee shall be reduced by a percentage equivalent to the unachieved performance, to a maximum of fifty per cent of the user fee. The reduced user fee applies from the day on which the annual report for the fiscal year is tabled under subsection 7(1) until the day on which the next annual report is tabled.

#### RESOLUTION OF THE HOUSE

Resolution

6. (1) The Senate or the House of Commons may pass a resolution approving, rejecting or amending the recommendation made by the Committee pursuant to section 5.

No report

(2) If, within twenty sitting days after the tabling of a proposal under subsection 4(2), the Committee fails to submit a report containing its recommendation to the Senate or the House of Commons, as the case may be, the Committee is deemed to have submitted a report recommending that the proposed user fee be approved.

#### ANNUAL REPORT BY MINISTER

Report

7. (1) Every Minister shall cause to be laid before each House of Parliament, on or before December 31 following the end of each fiscal year, a report setting out all the user fees in effect, including the information referred to in subsection 4(2).

Committee

(2) A report laid under subsection (1) shall be referred by the House to the Committee.

#### REVIEW OF ACT

Review

8. A review of the provisions and operation of this Act shall be completed by the President of the Treasury Board during the third year after this Act is assented to. The Minister shall cause a report of the results of the review to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is completed.