



# Guide to Complaint Resolution Mechanism for Parks Canada's 2013 User Fee Proposal

March 2013



# Introduction

Parks Canada has proposed an adjustment to its user fees charged at its national parks, national historic sites and national marine conservation areas for the 2013 season.

The government of Canada is committed to ensuring transparency and responsiveness when user fees are proposed that may affect Canadians. The provisions of the *User Fees Act* (2004) provides Canadians with a complaint resolution process.

## Steps that federal government departments must follow under the *User Fees Act*



Parks Canada launched its user fee public consultations on January 11, 2013 through its national website and through other channels. Canadians were invited to provide their comments on proposed user fee increases. Several public and private organizations and associations were also invited to provide their input.

While Parks Canada always welcomes Canadian's comments on user fees and any other subject, the public consultation period was an opportunity to offer input that is specifically related to the 2013 user fee proposals. Once input was considered and responded to, some adjustments were made to the proposal.

Input was received and responses were made. If you submitted input as a complaint and feel you did not get a satisfactory response you may ask that your complaint be reviewed by an Independent Advisory Panel.

This guide explains the various steps of the user fee approval process and the options you now have. The guide has been tailored to Parks Canada, but it is consistent with all requirements of the *User Fees Act*.

It is important that you read and understand this guide, particularly if you wish to request your complaint be reviewed, as certain requirements and timelines must be followed.

More information can be found on the *User Fees Act* at <http://laws-lois.justice.gc.ca/eng/acts/U-3.7/>



## User fee approval process and timelines

### **Proposal Notification and Consultations period**

*January 11 to February 18, 2013 – NOW COMPLETED*

- User Fee proposals are communicated to clients and complaints received.

### **Notification of Complaint Submission period**

*Up to March 13, 2013 – WE ARE HERE*

- Parks Canada responds and attempts to resolve complaints.

### **Official Complaint Resolution Period**

*Duration: 30 days from the end of the Complaint Resolution period*

- Agency endeavours to resolve all complaints
- Complainant with unresolved complaint can request an Independent Advisory Panel, this must be done in writing.

### **Establishment, Review & Recommendations by Independent Advisory Panel**

*Duration: 40 days from the end of the Establishment of Independent Advisory Panel*

- Panel members are selected.
- Panel reviews complaint(s) and prepares recommendations.

### **Tabling of final submission in Parliament**

*Preparation plus 20 sitting days from the end of the Independent Advisory Panel Review and Recommendations*

- Minister tables User Fee Proposal in Parliament, for possible Committee review.

### **Ministerial Approval, Publication in Canada Gazette and Implementation of fees**

*Publication of approved fees within 30 days of Ministerial approval*



## Who may submit input regarding the proposal?

Input about Parks Canada's user fee proposal must be submitted under the name of an individual or corporate body, provided the criteria below are met.

Eligible individuals:

- Must be Canadian citizens 16 years of age or over; or,
- Must be residents of Canada 16 years of age or over.

Eligible organizations:

- Must be Canadian-based.

## Subjects that are out of scope

Please note that input not pertaining specifically to the Parks Canada user fee proposal will not be considered, as it is beyond the scope of this process.

## Inappropriate input

According to the *User Fees Act*, there are two categories of inappropriate complaints: frivolous and vexatious. All input will be considered with that in mind.

Input will be considered to be frivolous if, for instance:

- It contains no rational argument or does not specifically refer to a user fee proposal;
- It is made for an improper purpose, such as raising issues that go beyond the application of the *User Fees Act*; or
- It is based on incorrect assumptions that clearly demonstrate that the author has not made a reasonable effort to understand all the facts.

Input will be considered to be vexatious if, for instance:

- The author uses inflammatory language or behaviour;
- The author's pattern of conduct shows that he or she wishes to interfere with the operations of Parks Canada or seeks to illegitimately discredit it with the public or media; or
- The author disregards genuine attempts from Parks Canada to respond to the input.

Please note that input targeting specific individuals will be dismissed, and any mention of specific individuals will be disregarded. All input containing offensive or disrespectful language will be dismissed.



## Responding to your input

Parks Canada is addressing concerns and will endeavour to resolve user fee complaints that arose during the public consultation period. Parks Canada's goal is to provide a response that you find satisfactory.

Parks Canada is committed to an open and transparent input submission process. Your input will be summarized in a report, and so cannot be considered confidential. However, if you have submitted input and do not represent a business, group or organization, your name will be protected pursuant to the *Access to Information Act* and the *Privacy Act*.

## Independent advisory panels

If you submitted input in the nature of a complaint as part of this process, Parks Canada is committed to establishing clear lines of communication with you so that your complaint may be resolved. However, if you feel that you have not received a satisfactory response, you may ask that your complaint to be reviewed by an independent advisory panel. This is a higher-level resolution mechanism.

If an independent advisory panel is requested, its mandate is to provide an independent review of your complaint, as well as non-binding recommendations for its resolution. The panel consists of three members. You and Parks Canada will each choose one panel member following certain guidelines. Then, the two panel members will select a neutral third member.

Parks Canada must receive your formal application for an independent advisory panel completed in its entirety (form separately provided), by 11:59 PM (EDT) April 12, 2013 and you must explain the specific reasons why the response you received from Parks Canada was unsatisfactory. Parks Canada will then contact you to provide you with more information on this process and how to select your panel member.

In accordance with the *User Fees Act*, Parks Canada may group multiple complaints into one panel for reasons of economy or efficiency. In this case, a majority vote among the complainants is required to determine the panel member who will represent them.

The panel proceedings begin once all members have been selected. From this point, a maximum of 30 days is allotted for the panel to review the complaints and report its findings and recommendations. The work of the panel will be considered complete when its final recommendations are received by Parks Canada, or if the complainant withdraws from the process. Parks Canada will communicate the panel's recommendations to the complainant at the end of the proceedings.

**It is important to note that if the Independent Advisory Panel judges a complaint inappropriate, frivolous or vexatious, pursuant to the *User Fees Act*, expenses may be charged to the complainant.**

## Taking your input into account

The input submission process under the *User Fees Act* is not legally binding for the Government of Canada, but all input received, whether or not it is studied by a panel, will be documented and noted in Parks Canada's user fee proposal tabled in both Houses of Parliament.

Parks Canada strives to foster open lines of communication with its clients at all times. You are encouraged to visit the Parks Canada website ([www.pc.gc.ca](http://www.pc.gc.ca)) regularly for the latest information.