

Gazette
officielle
^{DU} Québec

Part

2

No. 46

14 November 2012

Laws and Regulations

Volume 144

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
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Partie 1 “Avis juridiques”:	\$469
Partie 2 “Lois et règlements”:	\$641
Part 2 “Laws and Regulations”:	\$641

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.03 per copy.

3. Publication of a notice in Partie 1: \$1.61 per agate line.

4. Publication of a notice in Part 2: \$1.07 per agate line. A minimum rate of \$236 is applied, however, in the case of a publication of fewer than 220 agate lines.

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Coming into force of Acts

Gouvernement du Québec

O.C. 998-2012, 31 October 2012

**An Act respecting the professional recognition of
medical electrophysiology technologists
(2012, c. 10)**

**— Coming into force of certain provisions
of the Act**

COMING INTO FORCE of certain provisions of the Act
respecting the professional recognition of medical
electrophysiology technologists

WHEREAS the Act respecting the professional recogni-
tion of medical electrophysiology technologists (2012, c. 10)
was assented to on 16 May 2012;

WHEREAS section 21 of the Act provides that the
provisions of the Act come into force on the date or
dates to be set by the Government;

WHEREAS, under Order in Council 780-2012 dated
4 July 2012, section 11 of the Act came into force on
20 September 2012;

WHEREAS it is expedient to set 21 November 2012 as
the date of coming into force of sections 1 to 10 and
12 to 20 of the Act;

IT IS ORDERED, therefore, on the recommendation of
the Minister of Justice:

THAT 21 November 2012 be set as the date of coming
into force of sections 1 to 10 and 12 to 20 of the Act
respecting the professional recognition of medical electro-
physiology technologists (2012, c. 10).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

2291

Regulations and other Acts

Gouvernement du Québec

O.C. 1032-2012, 7 November 2012

Code of Civil Procedure
(c. C-25)

Family mediation — Amendment

Regulation to amend the Regulation respecting family mediation

WHEREAS, under article 827.3 of the Code of Civil Procedure (R.S.Q., c. C-25), the Government, by regulation, may establish the conditions a mediator must satisfy to be certified and the tariff of fees of mediators for services provided pursuant to articles 814.3 to 814.14 and article 815.2.1 of the Code;

WHEREAS the Government made the Regulation respecting family mediation (R.R.Q., c. C-25, r. 9);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting family mediation was published in Part 2 of the *Gazette officielle du Québec* of 27 June 2012 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comments were received before the expiry of that period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting family mediation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting family mediation

Code of Civil Procedure
(c. C-25, art. 827.3)

1. The Regulation respecting family mediation (c. C-25, r. 9) is amended in paragraph 1 of section 1

(1) by replacing “psychologues du Québec or” by “psychologues du Québec,”;

(2) by inserting “or the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec,” before “or be an employee of an institution”.

2. Section 10 is replaced by the following:

“**10.** The fees payable by the Family Mediation Service for services provided by 1 or 2 mediators pursuant to articles 814.3 to 814.14 and the third paragraph of article 815.2.1 of the Code of Civil Procedure (R.S.Q., c. C-25), where the interest of the parties and of their children are involved, are set on the basis of the following hourly rate:

(1) \$110 for an information session on the mediation process other than a group session;

(2) \$110 for a mediation session;

(3) \$110 for any work done outside the sessions as part of a mediation, such as for the drawing up outside the sessions of the summary of the agreements.

The fees are set at \$225 per mediator for a group information session on the mediation process of a duration of more or less 2 hours and a half.

10.1. The Service pays the fees provided for in the first paragraph of section 10 up to a number of sessions involving the same parties for a total duration of 5 hours or 2 hours and a half, including, where applicable, the time devoted to work done outside the sessions as part of a mediation.

That duration is of 2 hours and a half where the mediator's services are provided to parties that were already entitled to payment by the Service of a number of sessions of a total duration of 5 hours, including, where applicable, the time devoted to work done outside the sessions as part of a mediation, or to parties who obtained a judgment of separation from bed and board, unless mediation has been ordered by the court pursuant to article 815.2.1 of the Code of Civil Procedure. That duration is also of 2 hours and a half where the mediator's services are provided to parties to modify an agreement or have a judgment rendered on the principal application reviewed.

10.2. Where the interest of the parties and of their children are involved, the fees payable by the Service are set at \$50, where the mediator's report states the following:

(1) the parties, or one of the parties, are absent from the information session on the mediation process other than a group session. Those fees are payable only once for sessions involving the same parties;

(2) no mediation session was conducted in the cases referred to in article 815.2.1 of the Code of Civil Procedure.

The fees are set at \$10 where the mediator's report mentions a statement from a party that the party cannot attend an information session for a valid reason. Those fees are payable only for one statement per party.

10.3. Where the interest of the parties and of their children are involved, the fees payable by the parties are set on the basis of the following hourly rate:

(1) \$110 for every mediation session and for any work done outside the sessions as part of a mediation for which the fees are not paid by the Service pursuant to section 10.1;

(2) \$110 for each session during which the services of an additional mediator are required by the parties, and for any work done by the mediator outside the sessions as part of a mediation.

Where an application involves only the interest of the parties, the fees payable by the parties are set on the basis of the hourly rate of \$110 for a mediation session conducted by a mediator designated by the Service pursuant to article 815.2.1 of the Code of Civil Procedure and for any work done by the mediator outside the sessions as part of a mediation. Those fees are set at \$50 where the mediator's report states that no mediation session has been held in the cases referred to in article 815.2.1 of the Code of Civil Procedure.”.

3. Section 11 is revoked.

4. Section 12 is replaced by the following:

“**12.** For the purposes of this tariff, where the Code of Civil Procedure provides that the mediator must file with the Service his or her mediation report, the mediator must do so without delay, along with a bill, signed by the clients, stating the number and nature of the services they received, where applicable. The Service pays the fees to the mediator if the mediator files those documents.”.

5. Mediation in progress before the coming into force of this Regulation, including mediation undertaken within 3 months following an information session on the mediation process other than a group session which the parties attended before the coming into force of this Regulation, remains governed by the former provisions.

6. This Regulation comes into force on 1 December 2012.

2293

M.O., 2012

Order of Minister of Sustainable Development, Environment, Wildlife and Parks dated 1 November 2012

An Act respecting the conservation and development of wildlife
(c. C-61.1)

Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT, WILDLIFE AND PARKS

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting trapping and the fur trade (R.R.Q., c. C-61.1, r. 21);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 1 November 2012

DANIEL BRETON,
*Minister of Sustainable Development, Environment,
Wildlife and Parks*

Regulation to amend the Regulation respecting trapping and the fur trade

An Act respecting the conservation and development
of wildlife
(c. C-61.1, s. 56)

1. The Regulation respecting trapping and the fur trade (c. C-61.1, r. 21) is amended in Schedule III

(1) by replacing “15-05/30-06” in the Black Bear column for FAMUs 10, 12, 14 and 15 by “15-05/10-06”;

(2) by replacing “08-10/01-04” in the Beaver, River Otter column for FAMUs 30, 31 and 32 by “18-10/01-04”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Treasury Board

C.T. 211924, 30 October 2012

An Act respecting the Pension Plan of Management Personnel
(c. R-12.1)

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS section 174 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) provides that the rate of contribution applicable to the plan each year is determined according to the rules, terms and conditions prescribed by regulation, that the rate is based on the result of the actuarial valuation referred to in the first paragraph of section 171 and is adjusted from 1 January following the receipt by the Minister of the report of the independent actuary and, for the two subsequent years, from 1 January of each year;

WHEREAS, under subparagraph 18 of the first paragraph of section 196 of the Act, the Government may, by regulation, establish, for the purposes of section 174 of the Act, the rate of contribution applicable to the plan each year, according to the rules, terms and conditions prescribed by the regulation;

WHEREAS, under subparagraph 18.1 of the first paragraph of section 196, the Government may, by regulation, prescribe, for the purposes of section 177.1 of the Act, the rules, terms and conditions for establishing and paying the compensatory amount in respect of the years determined under this regulation and the latest date on which that amount must be established;

WHEREAS, under the first paragraph of section 196, the Government exercises the regulatory powers provided for therein after consultation by the Commission administrative des régimes de retraite et d'assurances with the pension committee referred to in section 196.2 of the Act;

WHEREAS section 28 of the Act to amend the Act respecting the Pension Plan of Management Personnel and other legislative provisions (2012, c. 6) provides that, despite the first paragraph of section 177.1 of the Act respecting the Pension Plan of Management Personnel, the first regulation made under that section may, for the years 2012 and 2013, provide for a contribution rate other than the rate referred to in that paragraph but without exceeding it;

WHEREAS the Minister received the report of the independent actuary on 12 November 2010;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers listed in paragraphs 1 to 6 of that provision;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by its decision dated 24 May 2005 (C.T. 202420);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, be made.

La greffière du Conseil du trésor,
MARIE-CLAUDE RIOUX

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 18 and 18.1; 2012, c. 6, s. 28)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (R.R.Q., c. R-12.1, r. 1) is amended by replacing section 11 by the following:

“**11.** The rate of contribution to the plan applicable from 1 January following receipt by the Minister of the independent actuary’s report accompanying the actuarial valuation provided for in the first paragraph of section 171 of the Act and the rates applicable respectively on 1 January of the two following years are obtained

(1) on the basis of the rate of contribution resulting from that valuation, as indicated in Schedule I.1, and the rate of the current service resulting from that valuation; those rates apply to the portion of the pensionable salary in excess of 35% of the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan;

(2) by setting a floor rate of contribution equal to the rate of the current service less 1% and a ceiling rate of contribution equal to the rate of the current service plus 1.5%;

(3) by retaining

(a) the rate of contribution referred to in subparagraph 1, if that rate is at least equal to the floor rate of contribution but does not exceed the ceiling rate of contribution;

(b) the floor rate of contribution or the ceiling rate of contribution, depending on whether the rate of contribution referred to in subparagraph 1 is lower or higher, respectively.

The rate of contribution applicable to the plan for the year concerned is indicated in Schedule I.2.

For the purposes of this Division, the rate of the current service refers to the rate of contribution required to finance the benefits accrued annually and the administrative expenses determined by the actuarial valuation.

11.1. Despite section 11, the rate of contribution applicable to the plan from 1 January 2013 is obtained by deducting from the rate indicated in Schedule I.1 in respect of that year a factor of 0.54%.

The rate of contribution to the plan thus applicable for the year 2013 is set at 12.30%.

DIVISION V.1 COMPENSATION

(s. 196, 1st par., subpar. 18.1)

11.2. Where the rate of contribution resulting from the valuation referred to in subparagraph 1 of the first paragraph of section 11 exceeds the ceiling rate of contribution determined under that paragraph for a year concerned, the Commission must establish, not later than 30 September of the following year, the amount to be paid by the employer as compensation for the year concerned.

The compensatory amount corresponds to the difference between the sum of the contributions that would have been paid if the rate of contribution resulting from the valuation had applied to the plan for the year concerned and the sum of the contributions paid into the plan for that year.

In the case of the employers referred to in Schedule IV to the Act, the Commission must transfer, in accordance with section 177.1 of the Act, the compensatory amount not later than within 30 days of the date on which the Commission established the amount pursuant to the first paragraph. For other employers, the Commission must send them a statement of account for the compensatory amount not later than within 60 days of the date on which the Commission established the amount, and section 43 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.R.Q., c. R-10, r. 2) applies, with the necessary modifications.

11.3. Despite the first paragraph of section 11.2, the Commission establishes the amount to be paid by the employer as compensation for the years 2012 and 2013 not later than 30 September of the year that follows the year concerned. For the purposes of the second paragraph of that section, the rate of contribution resulting from the actuarial valuation is deemed to be 12.84% for each of those years and the third paragraph of that section applies, with the necessary modifications.”.

2. The following schedules are inserted after Schedule I:

“SCHEDULE I.1

(s. 11)

RATE OF CONTRIBUTION RESULTING FROM THE ACTUARIAL VALUATION

Year	Rate of contribution resulting from the actuarial assessment
2012	12.84%
2013	12.84%

SCHEDULE I.2

(s. 11)

RATE OF CONTRIBUTION

Year	Rate of contribution to the plan
2012	12.30%
2013	12.30%

”.

3. This Regulation comes into force on 1 January 2013.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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