

Draft Regulations

Draft Regulation

Code of Civil Procedure
(R.S.Q., c. C-25)

Family mediation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting family mediation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the conditions to be satisfied by a mediator for certification so as to include psychoeducators on the roll of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, and family and marriage therapists on the roll of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec. It also amends the tariff of fees payable to a mediator for services provided pursuant to articles 814.3 to 814.14 and the third paragraph of article 815.2.1 of the Code of Civil Procedure. In short, the purposes of the draft Regulation are to add contents to the group information session by increasing the duration of the session that will no longer be deductible from the free services, to include the time needed to draw up a summary of the agreements in the free services, to reduce the fees for wasted time and for valid reasons, to reduce free mediation time and to increase the tariff for mediation sessions and information sessions on the mediation process. The draft Regulation also makes consequential amendments to the fees payable by the parties.

Further information on the draft Regulation may be obtained by contacting Pierre Tanguay, Direction des orientations et politiques, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 646-5580 extension 20197; fax: 418 646-4894.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

JEAN-MARC FOURNIER,
Minister of Justice

Regulation to amend the Regulation respecting family mediation

Code of Civil Procedure
(R.S.Q., c. C-25, a. 827.3)

1. The Regulation respecting family mediation (c. C-25, r. 9) is amended in section 1 by inserting “et des thérapeutes conjugaux et familiaux du Québec or the Ordre professionnel des psychoéducateurs et psychoéducatrices” in paragraph 1 after “travailleurs sociaux”.

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, 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 drawing up 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 spent to draw up the summary of the agreements.

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 spent to draw up the summary of the agreements, 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.

For the purposes of the second paragraph, payment of the fees by the Service is subject to a 12-month period that has elapsed since the last of the services provided, among those covered by the first paragraph of section 10, for which the fees are paid by the Service, unless, within that period, mediation has been ordered by the court pursuant to article 815.2.1 of the Code of Civil Procedure.

10.2. Where the interest of the parties and of their children are involved, the fees payable by the Service are set at \$10, 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) a party states that the party cannot attend an information session for a valid reason. Those fees are payable only for one statement per party;

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

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 drawing up the summary of the agreements 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 the time spent by the mediator to draw up the summary of the agreements, where applicable.

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. Those fees are set at \$10 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 April 2012.

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Draft Regulations

An Act respecting racing
(R.S.Q., c. C-72.1)

Standardbred horse racing and betting houses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting Standardbred horse racing and the Regulation to amend the Regulation respecting betting houses, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations amend the Regulation respecting Standardbred horse racing (c. C-72.1, r. 2) and the Regulation respecting betting houses (c. C-72.1, r. 7) to allow the relaunching of horse racing and betting houses in Québec.

They reduce the requirement for holding a minimum number of race programs to 40 race programs before a betting house licence can be obtained, and add a provision allowing the holder of a professional race track licence and a racing licence who holds 40 race programs annually to obtain no more than 10 betting house licences, as well as 1 additional betting house licence for every 10 additional programs held.

In addition, they strike out the Schedule listing the regions surrounding a race track in which a horse racing betting house may be operated, and specify that the area