

## 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 marital 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 by the Family Mediation Service 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 set the fees payable for work done outside the sessions as part of a mediation and to include those fees in the free services, to reduce the fees payable where the mediator's report mentions a statement from a party that the party cannot attend an information session for a valid reason, to reduce the number of sessions up to which the fees are payable by the Family Mediation Service and to increase the fees payable for mediation sessions and information sessions on the mediation process. It also makes consequential amendments in respect of 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<sup>e</sup> 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<sup>e</sup> 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, art. 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 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 the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Protection of waters from pleasure craft discharges — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges (R.R.Q., c. Q-2, r. 36) may be made on the expiry of 60 days following this publication.

The draft Regulation is to subject the waters of Lac Kipawa in the Abitibi-Témiscamingue region and the waters of Grand Lac Saint-François in the Chaudière-Appalaches and Estrie regions to the provisions of the Regulation. The addition to the Regulation follows requests made by the municipalities that will be responsible for the enforcement of the Regulation on the lakes mentioned.

The Regulation respecting the protection of waters from pleasure craft discharges prohibits the discharge of organic and inorganic waste from pleasure craft into the waters designated in the Regulation. Owners of pleasure craft equipped with non-portable or portable toilets are