

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);