

Draft Regulations

Draft Regulation

An Act to establish the new Code of Civil Procedure (2014, chapter 1)

Family mediation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter 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 is consequential to assent on 21 February 2014 to the Act to establish the new Code of Civil Procedure (2014, chapter 1), and reflects the amendments made to the family mediation rules by that Act. More specifically, reference is no longer made to an information session on the mediation process, but rather to a parenting and mediation information session, which is conducted only in a group setting. The draft Regulation strikes out the current provisions in the Regulation dealing with the tariff of fees that apply to an information session other than group sessions and to the mediator's report stating the absence of the parties or one of them at the information session, or mentioning a statement from a party that the party cannot attend an information session for a valid reason. It also sets out the maximum number of hours for which the Family Mediation Service will pay fees for services provided by one or two mediators, doing away with any reference to a number of sessions. The draft Regulation sets the time limit and procedure for claiming mediators' fees payable by the Service and the applicable terms of payment. In that respect, mediators are required to file their report with the Service within 12 months after the last mediation session, whether that session suspends or ends the mediation. Mediators who give a group parenting and mediation information session also have 12 months after the session to file a bill with the Service. Where, however, mediation is ordered by the court and the parties do not enter into mediation within the allotted time or the mediation has been entered into but is ended before the dispute is resolved, the mediator must send his or her report not later than 10 days following the expiry of that allotted time or after the date on which the mediation is ended. Lastly, the draft Regulation contains transitional provisions dealing with, among other things, the time limits within which mediators must claim fees.

Study of the file has shown no significant impact on citizens or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Annie Gauthier, Direction des orientations et politiques, Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 646-5580, extension 20172; fax: 418 646-4894; email: annie.gauthier@justice.gouv.qc.ca

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.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting family mediation

An Act to establish the new Code of Civil Procedure (2014, chapter 1, a. 619)

1. The Regulation respecting family mediation (chapter C-25, r. 9) is amended by replacing the heading of Division II by the following:

**“DIVISION II
STANDARDS WITH WHICH A PERSON, BODY
OR ASSOCIATION ACTING AS CERTIFIER MUST
COMPLY”.**

2. The heading of Division III of the French text is replaced by the following:

**“SECTION III
TARIF DES HONORAIRES”.**

3. Section 10 is replaced by the following:

“10. Where the interests of the parties and their children are at stake, the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 417 to 423 and 605 to 618 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside

the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

The fees are set at \$225 per mediator for a group parenting and mediation information session of a duration of more or less 2½ hours.”.

4. Section 10.1 is replaced by the following:

“**10.1.** The Service pays the fees provided for in the first paragraph of section 10 up to a maximum, as the case may be, of 5 hours or 2½ hours of mediation including, where applicable, time spent on work performed outside the sessions in connection with the mediation.

The Service pays those fees up to a maximum of 2½ hours of mediation where the parties were already entitled to payment by the Service of 5 hours or 2½ hours of mediation and again seek mediation to settle another dispute, or the parties have obtained a judgment of separation from bed and board unless, in either case, mediation has been ordered by the court pursuant to articles 420 to 423 of the Act to establish the new Code of Civil Procedure (2014, chapter 1). The Service also pays the fees up to a maximum of 2½ hours of mediation where the parties resort to the mediation to modify an agreement or have a judgment rendered on the principal application reviewed.”.

5. Section 10.2 is replaced by the following:

“**10.2.** Where the interests of the parties and their children are at stake, the fees payable by the Service are set at \$50, where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Act to establish the new Code of Civil Procedure (2014, chapter 1).”.

6. Section 10.3 is replaced by the following:

“**10.3.** Where the interests of the parties and their children are at stake, the fees payable by the parties are set on the basis of

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to section 10.1; and

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties, and for any work performed by the mediator outside the sessions in connection with the mediation.

Where the interests of only the parties are at stake, 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 422 of the Act to establish the new Code of Civil Procedure (2014, chapter 1) and for any work performed by the mediator outside the sessions in connection with the mediation. Those fees are set at \$50 where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of that Act.”.

7. Section 12 is replaced by the following:

“**12.** For the purposes of this tariff, where the Act to establish the new Code of Civil Procedure (2014, chapter 1) provides that the mediator is to file a report with or send a report to the Service, the report must be accompanied by a bill signed by the parties attesting to the number of hours and mediation services they received, where applicable. Where the parties already received 5 hours or 2½ hours of mediation payable by the Service and they again resort to mediation within 9 months after the last service payable by the Service, the report must also be accompanied by an attestation from the mediator stating that the parties resorted to that mediation to settle another dispute.

The mediator must file the report referred to in article 617 of the Act to establish the new Code of Civil Procedure with the Service not later than 12 months after the last mediation session, whether that session suspends or ends the mediation. Where, however, the mediation is ordered by the court and the parties do not enter into mediation within the allotted time, or the mediation has been entered into but is ended before the dispute is resolved, the mediator must send the report referred to in article 423 of the Act to establish the new Code of Civil Procedure to the Service not later than 10 days after the allotted time for entering into the mediation or after the date on which the mediation is ended.

The Service will pay the fees to the mediator only if the documents are filed or sent within the prescribed time.”.

8. The Regulation is amended by inserting the following after section 12:

“**12.1.** For the purposes of this tariff, a mediator who gives a group parenting and mediation information session must file a bill with the Service attesting to the session not later than 12 months after the session. The Service will pay the fees to the mediator only if the bill is filed within that time.”.

9. Where the mediation ends or is suspended before (*insert the date of coming into force of this Regulation*), or is ordered by the court and the time allotted for entering

into the mediation expires before that date, or the mediation is ended before the dispute is resolved before that date, the time period set out in section 12, as replaced by section 7 of this Regulation, begins to run as of (*insert the date of coming into force of this Regulation*).

In addition, where the group parenting and mediation information session is given before (*insert the date of coming into force of this Regulation*), the time period set out in section 12.1, as inserted by section 8 of this Regulation, begins to run as of that date.

10. Fees that are payable by the Service before (*insert the date of coming into force of this Regulation*) for an information session on the mediation process other than a group session, and for a mediator's report stating the absence of the parties, or one of the parties, at such an information session, or mentioning a statement from a party that the party cannot attend an information session for a valid reason, continue to be payable by the Service in accordance with the provisions of the Regulation as it read on (*insert the date that is one day before the date of coming into force of this Regulation*).

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

102342

Draft Regulation

An Act respecting contracting by public bodies (chapter C-65.1)

Contracts in the field of information technologies and supply, service and construction contracts of public bodies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting contracting by public bodies in the field of information technologies, the Regulation to amend the Regulation respecting supply contracts of public bodies, the Regulation to amend the Regulation respecting service contracts of public bodies and the Regulation to amend the Regulation respecting construction contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation respecting contracting by public bodies in the field of information technologies determines the specific conditions applicable to contracts entered into by a public body subject to the Act respecting contracting

by public bodies (chapter C-65.1) where they are mainly intended for the acquisition of goods or the provision of services in the field of information technologies.

In compliance with any applicable intergovernmental agreement, the draft Regulation promotes the principles stated in section 2 of the Act, in particular transparency in contracting processes, the honest and fair treatment of tenderers and accountability reporting by the chief executive officers of public bodies to verify the proper use of public funds.

Since contracts likely to be entered into in the field of information technologies are supply or service contracts, the draft Regulation retains for the most part the structure and substance of the regulations already in force that apply to those categories of contracts, while adding certain particularities specific to information technologies.

The draft Regulation proposes, among other things, a special competitive tendering procedure involving a competitive dialogue and introduces in certain circumstances and on certain conditions the possibility of entering into a contract by mutual agreement for the acquisition of cloud goods and services.

The draft Regulation to amend the Regulation respecting supply contracts of public bodies, the draft Regulation to amend the Regulation respecting service contracts of public bodies and the draft Regulation to amend the Regulation respecting construction contracts of public bodies each make consequential adjustments to the rules proposed by the draft Regulation respecting contracting by public bodies in the field of information technologies. Those adjustments concern mainly the content of the notice and tender documents, compliance of tenders and a requirement for the public body, following the awarding of a contract and on the written request of a tenderer, to provide the tenderer with the results of the tender evaluation.

Also, the draft Regulation to amend the Regulation respecting supply contracts of public bodies integrates the provisions of the draft Regulation respecting contracting by public bodies in the field of information technologies regarding the conduct of compliance tests on the proposed goods, the taking into account of the total acquisition cost to award the contract, as well as the replacement of goods during the term of a delivery order contract.

Lastly, the draft Regulations described in this notice introduce measures respecting the transmission of tenders by electronic means.

The draft Regulations have no impact on the public and should not have negative impacts on enterprises, including small and medium-sized businesses.