

Draft Regulation

Act respecting municipal courts
(chapter C-72.01)

Criminal Code
(R.S.C. 1985, c. C-46)

Municipal Courts — 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 Municipal Courts Regulation, appearing below, may be made on the expiry of 45 days following this publication.

The draft Regulation specifies the procedure for filing an application under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the office of the associate chief judge of the Court of Québec who is responsible for municipal courts, Palais de justice, 300, boulevard Jean-Lesage, bureau 5.01, Québec (Québec) G1K 8K6. Further information may be obtained by contacting Julie Bussièrès; telephone: 418 649-3628; fax: 418 650-7994.

The Honourable CLAUDIE BÉLANGER
Associate Chief Judge of the Court of Québec
Responsible for municipal courts

Regulation to amend the Municipal Courts Regulation

Act respecting municipal courts
(chapter C-72.01, s. 56.2)

Criminal Code
(R.S.C. 1985, c. C-46, ss. 482 and 482.1)

1. The Municipal Courts Regulation (chapter C-72.01, r. 1.1) is amended by replacing the second paragraph of section 59 by the following:

“An application under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), (1982, c. 11), must be announced not later than when the date of the trial is set. The judge must then set a schedule for service of the application and, where applicable, for the opposing party’s response.

If the judge believes it is advisable, the judge may instead order that such an application, as well as the opposing party’s response where applicable, be served before the date of the trial is set.”

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

106285

Draft Regulation

Act respecting the National Student Ombudsman
(chapter P-32.01)

Procedure for filing and processing complaints

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the procedure for filing and processing complaints, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms and conditions applicable to the filing of complaints and to their processing by the school service centre or private educational institution and the National Student Ombudsman. The draft Regulation also prescribes the use of a complaints register, as well as the information that it must be possible to enter in the information asset that the National Student Ombudsman may determine.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Nancy-Sonia Trudelle, Secretary General, Bureau de la sous-ministre et du secrétariat général, Ministère de l’Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; telephone: 418-643-3810, extension 3276; email: nancy-sonia.trudelle@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Bernard Drainville, Minister of Education, Ministère de l’Éducation, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5; email: ministre@education.gouv.qc.ca.

BERNARD DRAINVILLE
Minister of Education

Regulation respecting the procedure for filing and processing complaints

Act respecting the National Student Ombudsman (chapter P-32.01, s. 29, 31, par. 2, 41, 61, par. 2 and 62)

DIVISION I PURPOSE

1. This Regulation determines the terms and conditions applicable to the filing of a complaint made by a student or child referred to in section 16 of the Act respecting the National Student Ombudsman (chapter P-32.01) or the parents of that student or child who are dissatisfied with a service they received, are receiving, ought to have received or require from the school service centre or a private educational institution.

This Regulation also determines the terms and conditions applicable to the processing of complaints received by the school service centre or private educational institution and the National Student Ombudsman.

Lastly, this Regulation prescribes the use of a complaints register, as well as the information that it must be possible to enter in the information asset that the National Student Ombudsman may determine.

DIVISION II COMPLAINT PROCESSING BY A SCHOOL SERVICE CENTRE OR PRIVATE EDUCATIONAL INSTITUTION

2. A complaint filed with the person directly concerned by the complaint, with the person's immediate supervisor or with the person in charge of processing complaints may be filed verbally or in writing.

3. A personnel member of an institution who receives a complaint must inform the principal of the institution in writing.

The notice must contain the name of the complainant, the name of the student or homeschooled child if the student or child is not the complainant, the name of the person concerned by the complaint, the facts on which the complaint is based and the date of receipt of the complaint.

4. A person in charge of processing complaints who receives a complaint in accordance with section 24 of the Act respecting the National Student Ombudsman must send an acknowledgement of receipt to the complainant within 2 working days after receiving the complaint.

The acknowledgement of receipt must specify the date of receipt of the complaint and indicate the date on which the processing period of 15 working days ends. It must also specify the possibility of filing a complaint with the regional student ombudsman if the complaint has not been processed by that date. In addition, the acknowledgement of receipt must indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

5. The opinion on the merits of the complaint that the person in charge of processing complaints must give in accordance with section 25 of the Act respecting the National Student Ombudsman must mention the possibility of filing a complaint with the regional student ombudsman. The opinion must also indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

DIVISION III COMPLAINT PROCESSING BY THE REGIONAL STUDENT OMBUDSMAN

6. The regional student ombudsman must send the complainant an acknowledgement of receipt within 2 working days after receiving the complaint.

DIVISION IV COMPLAINTS REGISTER

7. A complaints register must be kept by each school service centre and private educational institution.

8. A person who receives a complaint must enter the following information in the complaints register:

(1) the date of receipt of the complaint;

(2) the name of the student or homeschooled child, the name of the person directly concerned by the complaint and, if the complaint was filed with the immediate supervisor of the person directly concerned, the name of the immediate supervisor;

(3) the object of the complaint;

(4) a summary of the alleged facts on which the complaint is based.

Despite the first paragraph, when a complaint is received by a personnel member of an educational institution, the information is entered in the complaints register by the principal of the educational institution or by the person designated by the principal for that purpose.

DIVISION V
INFORMATION ASSET

9. The information asset that the National Student Ombudsman may determine in accordance with section 61 of the Act respecting the National Student Ombudsman must comply with the following standards for record keeping:

(1) a record must be opened for each complaint and each report and must contain the information provided for in section 10;

(2) the records must be updated as developments occur.

10. The information asset must make it possible to enter the following information:

(1) the date of receipt of the complaint;

(2) the name, gender, date of birth, contact information and permanent code of the student or homeschooled child;

(3) the facts on which the complaint is based;

(4) the nature of the complaint;

(5) the date and summary of any relevant verbal communication received or sent as part of the processing of the complaint;

(6) the name and contact information of the person directly concerned by the complaint, the person's immediate supervisor and the main stakeholders concerned by the complaint;

(7) the documents produced or received as part of the processing of the complaint, as well as the date on which they were received or sent;

(8) the notes relating to the analyses made during the processing of the complaint, the conclusions, the grounds for those conclusions and the corrective measures recommended or the recommendations, as applicable.

The information asset must likewise make it possible to enter the information concerning reports and the information relating to acts of sexual violence, with the necessary modifications.

DIVISION VI
FINAL

11. This Regulation comes into force on 28 August 2023.

106286