

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 77**

**An Act respecting child day care**

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First reading . . . . .  
Second reading . . . . .  
Third reading . . . . .

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M. DENIS LAZURE

Ministre des affaires sociales

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*This bill establishes the frame of organization of child day care. It divides it into day care in day care centres, nursery schools and stop-over centres, school day care and home day care, and provides for the establishment of home day care agencies.*

*The bill establishes the Office des services de garde à l'enfance and subjects all day care to its jurisdiction. The functions assigned to it are, in particular, after consultation with the interested persons and bodies, to identify priorities, the needs of the population and the existing resources in matters of day care and to coordinate and promote the organization of day care.*

*It specifies in which cases a permit must be obtained from the bureau and the persons to whom it may be issued. For that purpose, it allows municipal corporations, school boards and corporations of school trustees to hold a day care centre permit or a home day care agency permit.*

*It enables school boards to provide school day care to children attending classes and receiving educational services in kindergarten and primary grades.*

*The bill provides for the payment of grants to various permit holders, confirms the principle of the parents' contribution to day care expenses and provides for the payment of financial assistance for the benefit of certain children.*

# Bill 77

## An Act respecting child day care

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### CHAPTER I

#### INTERPRETATION AND APPLICATION

1. In this act, unless otherwise required by the context,

“home day care agency” means a body authorized to coordinate all the home day care provided by persons it has recognized as persons responsible for home day care;

“bureau” means the Office des services de garde à l’enfance established by section 47;

“day care centre” means an establishment that receives at least ten children on a regular basis for day care for periods of up to 24 consecutive hours;

“stop-over centre” mean an establishment that receives at least ten children on a casual basis for day care for periods of up to 24 consecutive hours;

“nursery school” means an establishment that receives at least ten children from 2 to 5 years of age on a regular basis for day care for periods of up to 3 hours a day, but not pre-school care organized by a school board or a corporation of school trustees;

“home day care” means day care provided, for a consideration, by a natural person to up to nine children, including that person’s children, in a private residence, on a regular basis, for unrestricted periods;

“school day care” means day care provided by a school board or a corporation of school trustees to children attending classes and receiving educational services in kindergarten and primary grades in its schools.

**2.** Every child is entitled to receive good, continual, personal day care until the end of the primary level, taking account of the organization and resources of the bodies and persons providing day care.

A person or a family is entitled to choose the day care most convenient for him, or for it, taking account of the available resources; a permit holder, a school board or a corporation of school trustees, or a person responsible for home day care is entitled to receive or to refuse to receive a child.

## CHAPTER II

### ORGANIZATION OF DAY CARE

#### DIVISION I

##### ORGANIZATION OF DAY CARE CENTRES, NURSERY SCHOOLS, STOP-OVER CENTRES AND HOME DAY CARE

#### § 1.—*Permits*

**3.** No person may provide or offer to provide day care in a day care centre or in a nursery school, or act or claim to act as a home day care agency, or use, with or in his name or firm name, the expressions “day care centre”, “nursery school” or “home day care agency”, unless he holds a permit issued by the bureau for these purposes.

No person may provide or offer to provide day care on a regular basis in a stop-over centre, unless he holds a permit issued by the bureau for that purpose.

**4.** A day care centre permit shall only be issued to

- (1) a cooperative association;
- (2) a non-profit corporation whose board of directors is composed in the majority of parents of children who are or will be registered at that centre;
- (3) a municipal corporation; or
- (4) a school board or a corporation of school trustees.

The applicant for a day care centre permit shall undertake to provide children with day care and a programme of activities to promote their physical, intellectual, emotional, social and moral development, and must, in addition, fulfil the other conditions provided by this act or the regulations.

**5.** A nursery school permit shall only be issued to

- (1) a cooperative association;
- (2) a non-profit corporation whose board of directors is composed in the majority of parents of children who are or will be registered at that nursery school; or
- (3) a municipal corporation.

The applicant for a nursery school permit shall undertake to provide children with a programme of activities to promote their physical, intellectual, emotional, social and moral development, and must, in addition, fulfil the other conditions provided by this act or the regulations.

**6.** Notwithstanding the first paragraph of section 4 or of section 5, the bureau may issue a day care centre or a nursery school permit to a person when

- (1) the applicant does not hold any other permit issued under this act, does not receive more than ninety children in his establishment and meets the other conditions provided by the second paragraph of section 4 or of section 5; and
- (2) in the opinion of the Ministre des affaires sociales, the public interest requires it.

**7.** The permit holder contemplated in subparagraphs 3 and 4 of the first paragraph of section 4, in subparagraph 3 of the first paragraph of section 5 and in section 6 shall form a committee of five persons elected by and from among the parents of children who are or will be registered at the day care centre or nursery school.

The committee referred to in the first paragraph must be consulted on all aspects of the life of the children received by the day care centre or nursery school and, in particular, on

- (1) the preparation, evaluation and revision of the programme of activities to promote the physical, intellectual, emotional, social and moral development of the children;
- (2) the acquisition and use of the educational materials and equipment to be used in the day care centre or nursery school;

(3) the location or the change of location of the day care centre or nursery school;

(4) the arrangement and furnishings of the day care centre or nursery school;

(5) the services to be provided in the day care centre or nursery school.

**8.** A stop-over centre permit shall only be issued to a person who wishes to provide day care on a regular basis, as determined by regulation.

The applicant for a stop-over centre permit shall undertake to provide children with day care and must, in addition, fulfil the other conditions provided by this act or the regulations.

**9.** A home day care agency permit shall only be issued to

(1) a cooperative association;

(2) a non-profit corporation;

(3) a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5);

(4) a municipal corporation; or

(5) a school board or a corporation of school trustees.

The applicant for a home day care agency permit must, in addition, fulfil the other conditions provided by this act or the regulations.

**10.** The holder of a home day care agency permit must recognize, in the manner determined by regulation, as a person responsible for home day care, a natural person who applies to it therefor. However, to be so recognized, that person must fulfil the other conditions provided by this act and the regulations.

The person referred to in the first paragraph shall undertake to provide children with day care and with a programme of activities to promote their physical, intellectual, emotional, social and moral development, and must submit to the control and supervision of the holder of the home day care agency permit who has recognized him.

A person may provide home day care without being recognized as a person responsible for home day care by the holder of a home day care agency permit.

**11.** The holder of a home day care agency permit shall, in addition, coordinate all day care provided by the persons he has recognized as persons responsible for home day care.

For that purpose, he shall, in particular,

- (1) promote the development of home day care;
- (2) maintain an information service on available home day care;
- (3) offer technical and professional support to persons responsible for home day care.

**12.** A day care centre, nursery school or stop-over centre permit shall indicate the maximum number of children the centre or school may receive.

A day care centre permit shall, in addition, indicate the class of the centre, having regard to the age of the children it may receive and the services it must provide.

A home day care agency permit shall indicate the maximum number of children who may be received by all the persons recognized as persons responsible for home day care.

**13.** A permit is issued for two years unless the bureau issues it for a shorter period if it considers it necessary.

A permit shall be renewed on the conditions prescribed by this act or the regulations.

**14.** A permit holder, except a municipal corporation, school board or corporation of school trustees, must keep the books and accounts determined by regulation, in the manner prescribed by regulation.

The fiscal period of a permit holder ends on 31 March each year. However, the fiscal period of a municipal corporation, school board or corporation of school trustees, as a permit holder, ends on the same date as that of the corporation or board.

A permit holder, except a municipal corporation, school board or corporation of school trustees shall, in addition, not later than 30 June each year, remit to the bureau a report of his activities and a financial report for the preceding fiscal period. In the case of a municipal corporation, these reports shall be remitted not later than 31 March each year and, in the case of a school board or a corporation of school trustees, not later than 30 September each year.

The report of activities shall also contain the information the bureau may determine by regulation.

**15.** A permit holder shall notify the bureau, by registered or certified mail, within 15 days, of a change of address, of name or of firm name.

In the case of a corporation contemplated in subparagraph 2 of the first paragraph of section 4 or in section 6, a permit holder shall, in the same manner, notify the bureau of any change of director.

**16.** No permit may be assigned or transferred except with the written authorization of the bureau.

**17.** A permit holder must post his permit in accordance with the standards established by regulation.

**18.** Before renting premises or altering the arrangement of his establishment, the holder of a day care centre, nursery school or stop-over centre permit shall submit the plans of these premises or alterations to the bureau and obtain from it an authorization certifying that the plans of these premises or of these alterations comply with the standards established by regulation.

The works carried out must be in conformity with the plans approved by the bureau.

**19.** A permit holder who intends to cease his activities must notify the bureau of it and cease them in accordance with the conditions determined by regulation.

**20.** The bureau may suspend, cancel or refuse to issue or to renew a permit, where

(1) the permit holder or a person employed by a day care centre, nursery school, stop-over centre or home day care agency has committed, authorized the commission of, consented to or participated in the commission of an offence against this act or the regulations;

(2) the permit holder has ceased to fulfil the conditions provided by this act or the regulations for the issue of a permit;

(3) the health, safety or well-being of children provided with day care in a day care centre, in a nursery school or in a stop-over centre, is endangered;

(4) the applicant or holder of a permit made a false declaration or distorted a material fact when he applied for the issue or the renewal of a permit, or in a report, a document or information required by the bureau under this act or the regulations.

**21.** The bureau shall, before refusing to issue a permit or before suspending, cancelling or refusing to renew a permit, or before refusing the assignment or transfer of a permit, give the applicant or the permit holder the opportunity to be heard.

The applicant or the holder must express in writing his intention to be heard by the bureau, within 15 days from the invitation transmitted to him.

**22.** A certified true copy of the substantiated decision of the bureau is sent, by registered or certified mail, to the applicant or to the permit holder.

**23.** The holder of a day care centre, nursery school or stop-over centre permit, the person responsible for home day care or a school board or a corporation of school trustees providing school day care shall keep, in accordance with the regulations, a registration and attendance card for each child he or it receives, and must communicate it in writing or verbally or facilitate access to it of the person having parental authority, at his request.

The information referred to in the first paragraph is confidential and no person may give or receive a written or verbal communication of it or otherwise have access to it, even for the purposes of an inquiry, except with the express authorization of the person having parental authority over the child concerned, or upon the order of a tribunal or in the other cases provided for by this act or the regulations.

Nevertheless, the bureau may, for the purposes of an inquiry, studies or research, examine the cards referred to in the first paragraph and make copies of them, provided that the anonymity of the persons concerned is preserved.

#### § 2.—*Provisional administration*

**24.** The bureau may assume for a period of not over 90 days provisional administration of a day care centre, nursery school, stop-over centre or home day care agency,

(1) if the day care centre, nursery school, stop-over centre or home day care agency permit has been suspended or cancelled in accordance with this act or the regulations;

(2) if the holder of the day care centre, nursery school or stop-over centre permit indulges in practices or tolerates a situation which could endanger the health, safety or well-being of the children he receives;

(3) in case of malfeasance or breach of trust by the permit holder;

(4) if it has reasonable grounds to believe that the permit holder uses the grants contemplated in section 32 for purposes other than those for which they have been granted to him.

**25.** The period of 90 days provided by section 24 may, upon the recommendation of the bureau, be extended by the Minister for such period as he may determine provided that the additional period does not exceed 90 days.

**26.** From the date on which the bureau decides to assume provisional administration of a day care centre, nursery school, stop-over centre or home day care agency, the powers of the permit holder are suspended.

**27.** As soon as possible after it assumes provisional administration of a day care centre, nursery school, stop-over centre or home day care agency, the bureau shall make a provisional report of its findings to the Minister, accompanied with its recommendations.

**28.** Before submitting a provisional report to the Minister, the bureau shall give the permit holder the opportunity to be heard.

The bureau must attach to the report referred to in the first paragraph a summary of the representations the permit holder has made before it.

**29.** The Minister may, if the bureau's provisional report confirms the existence of any situation contemplated in section 24,

(1) attach such restrictions to the day care centre, nursery school, stop-over centre or home day care agency permit as he sees fit;

(2) prescribe a period during which the holder of a day care centre, nursery school, stop-over centre or home day care agency permit must remedy any situation contemplated in section 24;

(3) order the bureau to continue to administer the day care centre, nursery school, stop-over centre or home day care agency or to discontinue it and not resume it unless the permit holder fails to comply with the conditions the Minister imposes under paragraphs 1 and 2.

**30.** The bureau must make a final report to the Minister upon ascertaining that the situation contemplated in section 24 has been corrected or cannot be corrected.

**31.** The Minister may, upon the recommendation of the bureau, entrust a person with making an inquiry into any matter in connection with the administration or operation of a day care centre, nursery school, stop-over centre or home day care agency.

The person designated under this section has, for the purposes of inquiry, the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37), except the power to impose imprisonment.

When an inquiry is ordered under this section, the Minister may suspend the powers of the permit holder and appoint an administrator to exercise them for the duration of the inquiry.

### § 3.—*Grants*

**32.** The bureau may make grants, in the cases and in accordance with the terms and conditions determined by regulation,

(1) to the holder of a day care centre permit contemplated in section 4;

(2) to the holder of a home day care agency permit for his benefit or for the benefit of a person responsible for home day care recognized by that holder;

(3) to the holder of a non-profit stop-over centre permit.

## DIVISION II

### ORGANIZATION OF SCHOOL DAY CARE

**33.** A school board or a corporation of school trustees may provide school day care to children attending classes and receiving educational services in kindergarten and primary grades in its schools.

Day care shall be provided on a regular basis on school days outside school hours, during the periods fixed by regulation.

**34.** A school board or a corporation of school trustees shall, within thirty days after setting up school day care in its territory, notify the bureau of it.

## DIVISION III

### INSPECTION

**35.** An inspector of the bureau may, at any reasonable time, enter any premises where he has reasonable grounds to believe that activities for which a permit is required under this act are carried on, or that activities contemplated in section 33 are carried on, to ascertain that this act and the regulations are complied with.

**36.** An inspector has, at any time, access to all the books and accounts that must be kept by a person carrying on an activity for which a permit is required under this act. However, in the case of a municipal corporation, school board or corporation of school trustees, access is limited to registrations respecting day care provided in accordance with this act or the regulations.

The person having custody, possession or control of the books and accounts, or registrations, must communicate them to the inspector and facilitate his examination.

Any information obtained by an inspector in the performance of his duties is confidential; it shall not be communicated or made available to a person not lawfully entitled to it, except with the written authorization of the person concerned.

**37.** An inspector who exercises the powers provided by sections 35 and 36 does not cease to act as agent of the bureau.

An inspector shall, when so required, produce a certificate signed by the chairman or the secretary of the bureau, attesting his capacity.

**38.** No person may hinder an inspector contemplated in sections 35 and 36 in the performance of his duties or mislead him by concealment or by a false declaration.

#### DIVISION IV

##### CONTRIBUTION, EXEMPTION AND FINANCIAL ASSISTANCE

**39.** The holder of a day care centre, nursery school or stop-over centre permit or a school board or corporation of school trustees providing school day care shall fix the amount of the contribution he or it requires for the children he or it receives. That contribution shall be exacted from the person having parental authority or any other person determined by regulation.

Furthermore, he or it shall notify the bureau of the amount of the contribution referred to in the first paragraph and of any change in that amount, within fifteen days after it is fixed or changed.

**40.** A person responsible for home day care shall fix the amount of contribution he requires for the children he receives. He must notify in writing the home day care agency which recognized him of the amount of the contribution and of any change in that amount, within fifteen days after it is fixed or changed. The holder of a home day care agency permit shall notify the bureau in the same manner.

**41.** The bureau, at the request of a person from whom payment of a contribution is required, under section 39 or 40, by the holder of a day care centre permit, by a person responsible for home day care or a by school board or corporation of school trustees providing school day care may exempt that person from that payment, in accordance with the terms and conditions and in the cases determined by regulation.

However, a person responsible for home day care shall not benefit by an exemption for his child who is provided with day care in a day care centre or in the home.

**42.** The bureau shall determine, by regulation, the cases, terms and conditions in or on which it may pay, in respect of a child, financial assistance corresponding to the exemption granted under section 41,

- (1) to the holder of a day care centre permit;
- (2) to the holder of a home day care agency permit for the benefit of a person responsible for home day care recognized by that agency; or
- (3) to a school board or corporation of school trustees providing school day care.

## DIVISION V

### APPEAL

**43.** An applicant whose application for a permit is refused or a holder whose permit is cancelled, suspended, or not renewed, or to whom the assignment or transfer of a permit is refused, may appeal from the decision of the bureau before the Commission des affaires sociales,

- (1) if the reasons of fact or law invoked in support of the decision are clearly erroneous;
- (2) if the proceedings are affected by gross irregularity;
- (3) if the decision has not been rendered impartially.

The Commission shall proceed with the appeal in accordance with its rules of proof, practice and procedure.

**44.** The bureau shall send the record respecting the decision appealed from to the Commission within 15 days following the service upon it of that appeal.

**45.** A person having parental authority to whom the holder of a day care centre, nursery school or stop-over centre permit,

a person responsible for home day care or a school board or corporation of school trustees providing school day care refuses to give access to his child's registration and attendance card or refuses to give written or verbal communication of that card may, upon summary motion, apply to the Commission des affaires sociales to obtain access to that card or to obtain communication of it, as the case may be.

**46.** Any person may appeal before the Commission des affaires sociales from a decision of the bureau respecting the exemption from payment requested under section 41.

The Commission shall proceed with the appeal in accordance with its rules of proof, practice and procedure.

## CHAPTER III

### OFFICE DES SERVICES DE GARDE À L'ENFANCE

#### DIVISION I

##### ESTABLISHMENT OF THE BUREAU

**47.** The Office des services de garde à l'enfance is hereby established.

**48.** The bureau is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this act.

**49.** The head office of the bureau shall be at the place determined by the Government; notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The bureau may hold its sittings anywhere in Québec.

**50.** The bureau is composed of seventeen members, thirteen of whom, including the chairman, are appointed by the Government.

**51.** The members of the bureau appointed by the Government, other than the chairman, shall be designated in the following manner, ensuring the representation of all Québec regions:

(1) five members, including the vice-chairman, are chosen from among the parents who, at the time of their appointment, have children who are provided with day care in a day care

centre, in a nursery school, at home or at school, after consultation with the groups or bodies interested in child day care;

(2) three members are chosen from among persons engaged in providing day care, after consultation with the representative bodies of these persons;

(3) one member is chosen from among employers who, at the time of their appointment, are parents of children who are provided with day care in a day care centre, in a nursery school, at home or at school, after consultation with the representative bodies of employers;

(4) one member is chosen from among employees who, at the time of their appointment, are parents of children who are provided with day care in a day care centre, a nursery school, at home or at school, after consultation with the representative union associations of employees;

(5) one member is chosen from among school commissioners or trustees, after consultation with the representative associations of school boards;

(6) one member is chosen from among members of the councils of municipal corporations, after consultation with the representative associations of these corporations.

**52.** Four other members of the bureau shall be civil servants designated by the *Ministre des affaires sociales*, the *Ministre de l'éducation*, the *Ministre des affaires municipales* and the *Ministre d'État à la condition féminine*, respectively. These members do not have the right to vote.

**53.** The chairman of the bureau is appointed for not over five years and the twelve other members contemplated in section 51 are appointed for not over three years.

However, among the first members, four are appointed for one year, four for two years and four, including the vice-chairman, for three years.

**54.** At the expiry of his term, a member of the bureau remains in office until he is replaced or reappointed.

**55.** The Government, in accordance with the mode of designation prescribed in section 51, shall fill every vacancy occurring during the course of the term of a member of the bureau, other than the chairman, for the remainder of the term of that member.

**56.** The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman.

The members of the bureau contemplated in section 51 receive no remuneration. However, they are entitled, in accordance with the standards fixed by the Government, to an attendance allowance and to the reimbursement of justifiable expenses incurred by them in the exercise of their functions.

**57.** The chairman shall exercise his functions on a full-time basis.

He is responsible for the administration and general direction of the bureau within the scope of its internal management by-laws.

**58.** When the chairman is temporarily unable to act, the vice-chairman shall replace him.

When the vice-chairman is temporarily unable to act, a member designated by the Government shall replace him.

When another member appointed by the Government is temporarily unable to act, the Government may designate a person to replace him.

**59.** The chairman of the bureau shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the bureau.

However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

**60.** A member of the bureau, other than the chairman, having a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the bureau, must, under pain of forfeiture of office, divulge this interest in writing to the chairman and abstain from participating in any deliberation or decision regarding that undertaking.

**61.** The forfeiture contemplated in sections 59 and 60 is not incurred for the sole reason that a member of the bureau or a member of his family receives benefits granted under this act.

**62.** Eight of the thirteen voting members, including the chairman, are a quorum of the bureau. In case of a tie-vote, the chairman has a casting vote.

**63.** The secretary and the other members of the personnel of the bureau are appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

**64.** The minutes of the sittings of the bureau approved by it and signed by the chairman or the secretary are authentic. The same rule applies to a document or copy emanating from the bureau or forming part of its records, when signed by the chairman or the secretary.

No document is binding on the bureau or may be attributed to it unless it is signed by the chairman or the secretary.

The signature of the chairman or the secretary may be affixed by means of an automatic device to the documents determined by regulation.

**65.** The fiscal period of the bureau terminates on 31 March each year.

**66.** Not later than 31 August each year, the bureau shall make a report of its activities for its preceding fiscal period to the *Ministre des affaires sociales*. This report must also contain any and all information the Minister may require.

The Minister shall table the report before the *Assemblée nationale* within 30 days of his receiving it, if it is in session; if he receives it while the *Assemblée nationale* is not sitting, he shall table it within 30 days following the opening of the next session or within 15 days following resumption, as the case may be.

The bureau shall, in addition, give the Minister any information he may require on its activities.

**67.** The books and accounts of the bureau shall be audited by the Auditor General each year and whenever so ordered by the Government. The reports of the Auditor General shall accompany the annual report of the bureau.

**68.** The Minister may, with government approval, issue directives dealing with the objects and orientation of the bureau. The bureau is bound to comply with them.

The Minister shall table the directives issued under this section before the *Assemblée nationale* within 15 days after they receive government approval, if it is in session; if it is not sitting, he shall table them within 15 days following the opening of the next session or resumption, as the case may be.

## DIVISION II

### FUNCTIONS OF THE BUREAU

**69.** The bureau shall see that child day care of good quality is provided.

It shall supervise the carrying out of this act and the regulations; for that purpose, it shall, in particular,

(1) identify, after consultation with the interested persons and bodies, the priorities and needs of the population and the existing resources in matters of child day care;

(2) maintain an information system comprising statistical data in the fields contemplated in this act and the regulations;

(3) prepare and distribute information on child day care;

(4) carry out or cause to be carried out studies and research on child day care;

(5) work towards the assessment, preparation and revision of policies in child day care by publishing its studies and research;

(6) coordinate and promote the organization and development of child day care;

(7) promote the implementation of training and proficiency courses for persons engaged in child day care;

(8) offer technical and professional support to bodies and persons engaged or wishing to engage in child day care.

**70.** The bureau may designate regional representatives and determine their functions.

It may also, in writing, authorize a person, a body or a public establishment within the meaning of the Act respecting health services and social services to exercise, in whole or in part, the powers conferred upon it by this act or the regulations.

**71.** The bureau may, in accordance with the law, make agreements with another government or with one of its departments or agencies or with a person with a view to the carrying out of this act or the regulations.

**72.** The bureau may establish advisory committees to study special questions and to report their findings and recommendations to it.

The committees may be wholly or partially composed of persons who are not members of the bureau.

The attendance allowances, fees or refundable expenses of committee members are determined by the bureau in conformity with the government standards established for that purpose.

**73.** The bureau may make internal management by-laws for the conduct of its affairs and, in particular, to establish an

executive committee, determine its functions and fix the term of office of its members.

The internal management by-laws must receive government approval. They come into force on the day of their publication in the *Gazette officielle du Québec* or on a later date fixed therein.

## CHAPTER IV

### REGULATIONS

**74.** The bureau may make regulations, for the whole or part of the Québec territory,

(1) determining the form and tenor of an application for the issue or renewal of a permit, the qualifications of a person soliciting a permit or its renewal, the requirements he must fulfil, the information and documents he must furnish and the duties he must pay;

(2) establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of the premises where day care is provided;

(3) determining the conditions that a permit holder who ceases his activities must fulfil;

(4) establishing classes of day care centres, taking into account the age of the children received there and the services that must be provided;

(5) determining the maximum number of children who may be received in premises used as a day care centre, nursery school or stop-over centre or for home day care, taking into account the dimensions and arrangement of these premises, the services that must be provided there and the class to which the day care establishment belongs, where such is the case;

(6) establishing standards of hygiene, salubrity and safety to be complied with in day care centres, nursery schools, stop-over centres or homes;

(7) determining the elements of the programme of activities that a day care centre, nursery school or home must provide to children in order to promote their physical, intellectual, emotional, social and moral development;

(8) determining the form and tenor of the registration and attendance card that the holder of a day care centre, nursery school or stop-over centre permit, a person responsible for home day care or a school board or corporation of school trustees

providing school day care must keep for each child he or it receives, and establishing standards for the keeping, examination and photographic reproduction of that card;

(9) identifying the books and accounts that a permit holder, except a municipal corporation, school board or corporation of school trustees, must keep and establishing rules for the keeping of these books and accounts;

(10) determining the information that a permit holder must furnish in his report of activities;

(11) determining the conditions on and the cases in which day care is provided on a regular basis in a stop-over centre;

(12) determining the conditions that the applicant for a home day care agency permit must fulfil;

(13) determining the conditions that a natural person soliciting recognition as a person responsible for home day care must fulfil;

(14) establishing the terms and conditions of recognition of a natural person as person responsible for home day care;

(15) determining the cases, terms and conditions in or according to which grants may be given to the holder of a day care centre permit contemplated in section 4, to the holder of a home day care agency permit for his benefit or the benefit of a person responsible for home day care or to the holder of a non-profit stop-over centre permit;

(16) fixing the periods during which a school board or a corporation of school trustees provides school day care on school days, outside school hours, to the children attending classes and receiving educational services in the kindergarten and primary grades in its schools;

(17) establishing standards of qualification of persons who provide day care;

(18) determining the ratio between the number of members of the staff of a day care establishment and the number of children received there;

(19) determining the formalities of registration, admission and discharge of children in a day care establishment;

(20) establishing standards for the posting of permits;

(21) determining the persons from whom a day care establishment may require the amount of the contribution for the children it receives;

(22) determining the cases, terms and conditions in or according to which a person may be exempted from the payment of a contribution;

(23) determining the cases, terms and conditions in or according to which financial assistance corresponding to the exemption from contribution may be paid;

(24) determining the documents on which the signature of the chairman or secretary of the bureau may be affixed by means of an automatic device.

Every draft regulation contemplated in the first paragraph shall be published in the *Gazette officielle du Québec* with a notice that upon the expiry of at least thirty days following such publication, they will be submitted to government approval.

Every regulation contemplated in this section comes into force on the day of the publication in the *Gazette officielle du Québec* of a notice indicating that they have received government approval or, if amended on that approval, of its final text, or on a later date fixed in the notice or final text.

## CHAPTER V

### OFFENCES AND PENALTIES

**75.** Every person who contravenes this act or the regulations is guilty of an offence and liable, on summary proceeding, in addition to the costs, to a fine of \$200 to \$1 000 in the case of an individual, and to a fine of \$500 to \$2 000 in the case of a corporation.

In the case of a subsequent offence within two years, the fines provided for in the preceding paragraph are \$400 to \$2 000 in the case of an individual, and \$1 000 to \$4 000 in the case of a corporation.

**76.** Proceedings under this act or the regulations are instituted by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

**77.** Where, on any premises, activities for which a permit is required under section 4, 5, 6, 8 or 9 are carried out without a permit, the bureau may have the children evacuated or immediately close these premises before proceedings are instituted under section 75.

Sec. 78. *This section is entirely new law.*

Sec. 79. *This section is entirely new law.*

Sec. 80. *This section is entirely new law.*

Sec. 81. *This section is entirely new law.*

## CHAPTER VI

## TRANSITIONAL AND FINAL PROVISIONS

**78.** Section 32.4 of the Education Act (R.S.Q., c. I-14) is amended by adding at the end the following paragraph:

“(12) to see to the implementation and operation of school day care provided to the children in the kindergarten and primary grades.”

**79.** Section 54.6 of the said act is amended by inserting at the end of the first paragraph the following subparagraph:

“(6) recommendations to the school board on the implementation of day care provided to the children in the kindergarten and primary grades.”

**80.** The said act is amended by inserting after section 255 the following:

“§ 31.—*Powers and Duties of School Commissioners and Trustees respecting School Day Care and Day Care Centres*

“**255.1** School commissioners and trustees may, on a regular basis, on school days outside teaching periods, provide school day care to children attending classes and receiving educational services in the kindergarten and primary grades in their schools in accordance with the Act respecting child day care (1979, c. *insert here the chapter number of Bill 77*) and the regulations.

They may, for that purpose, require a contribution from the person having parental authority or another person determined by regulation under the said act.

They may also establish day care centres, apply for a permit in accordance with the said act for that purpose and require a contribution from the person having parental authority or another person determined by regulation under the said act.

For these purposes, they may employ personnel and make agreements.”

**81.** Section 412 of the Cities and Towns Act (R.S.Q., c. C-19), amended by section 90 of chapter 7 of the statutes of 1978, section 78 of chapter 36 and by section 260 of chapter (*insert here the chapter number of Bill 125*) of the statutes of 1979, is again amended by adding, at the end, the following:

Sec. 82. *This section is entirely new law.*

Sec. 83. *The object of the proposed amendment is to strike off from the definition of "reception centre" under the Act respecting health services and social services (R.S.Q., c. S-5), the words "including nurseries and day care centres" and to add that the definition of "reception centre" does not include a day care establishment contemplated in this bill.*

Sec. 84. *The proposed amendment provides concordance with section 83 of this bill.*

Sec. 85. *The proposed amendment provides concordance with section 83 of this bill.*

“xv.—*Child day care*”

“(46) To establish, maintain and improve day care centres, nursery schools or stop-over centres and act as a home day care agency, in accordance with the Act respecting child day care (1979, c. *insert here the chapter number of Bill 77*) and the regulations.”

**82.** The Municipal Code is amended by inserting, after article 405, the following:

“SECTION XIVA

“CHILD DAY CARE

“**405a.** Every local corporation may make, amend or repeal by-laws to establish, maintain and improve day care centres, nursery schools or stop-over centres and act as a home day care agency, in accordance with the Act respecting child day care (1979, c. *insert here the chapter number of Bill 77*) and the regulations.”

**83.** Section 1 of the Act respecting health services and social services (R.S.Q., c. S-5) is amended by replacing paragraph *k* by the following paragraph:

“(*k*) “reception centre”: facilities where in-patient, out-patient or home-care services are offered for the lodging, maintenance, keeping under observation, treatment or social rehabilitation, as the case may be, of persons whose condition, by reason of their age or their physical, personality, psycho-social or family deficiencies, is such that they must be treated, kept in protected residence or, if need be, for close treatment, or treated at home, including nurseries, but excepting day care establishments contemplated in the Act respecting child day care (1979, c. *insert here the chapter number of Bill 77*), foster families, vacation camps and other similar facilities and facilities maintained by a religious institution to receive its members or followers;”

**84.** Section 12 of the said act, is amended by striking out paragraph *d*.

**85.** Section 159 of the said act is amended by replacing the first paragraph by the following paragraph:

“**159.** The Government shall determine, by regulation, the contribution that may be required for the recipients who are sheltered in an establishment or taken in charge by a foster family.”

Sec. 86. *The proposed amendment provides concordance with section 83 of this bill.*

Sec. 87. *The effect of the proposed amendment is to subject the chairman of the Office des services de garde à l'enfance to the Act respecting the Government and Public Employees Retirement Plan.*

Sec. 88. *The purpose of the proposed amendment is to entrust the Commission des affaires sociales with the competence to hear the appeals and applications brought under sections 43, 45 and 46 of the Act respecting child day care.*

Sec. 89. *The proposed amendment provides that appeals brought under section 46 of the Act respecting child day care are heard by the social aid and allowances division.*

**86.** Sections 161 and 162 of the said act, replaced by section 39 of chapter 72 of the statutes of 1978, are again replaced by the following sections:

**“161.** The Government shall determine, by regulation, the conditions and cases in which the Minister may pay an expense allowance to a recipient sheltered in an establishment or pay that expense allowance in the name of a recipient to the establishment where he is sheltered.

That regulation shall also fix the amount of that allowance.

**“162.** Any person may appeal before the Commission from any decision respecting the exemption from payment requested under section 160 or the payment of an expense allowance requested under section 161.”

**87.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 105 of chapter 7, section 31 of chapter 38, section 25 of chapter 18, section 31 of chapter 24, section 53 of chapter 64 of the statutes of 1978 and by section 34 of chapter 10 of the statutes of 1979, is again amended by adding after paragraph 28 of the first paragraph, the following paragraph:

“(29) the chairman of the Office de garde à l'enfance.”

**88.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34), amended by section 106 of chapter 7 and section 32 of chapter 16 of the statutes of 1978 and by section 59 of chapter 1 of the statutes of 1979, is again amended by adding at the end the following paragraphs:

“(w) the appeals brought under section 43 of the Act respecting child day care;

“(x) the applications made under section 45 of the Act respecting child day care;

“(y) the appeals brought under section 46 of the Act respecting child day care.”

**89.** Section 26 of the said act, amended by section 107 of chapter 7 of the statutes of 1978, is again amended by replacing the first paragraph by the following paragraph:

**“26.** The appeals contemplated in paragraphs *a*, *b*, *i*, *u*, *v*, and *y* of section 21 shall be heard by the social aid and allowances division.”

Sec. 90. *The proposed amendment provides that applications made under section 45 of the Act respecting child day care and appeals brought under section 43 of the said act are heard by the health services and social services division.*

Sec. 91. *The proposed amendment provides that in the case of applications made under section 45 of the Act respecting child day care, one member constitutes a quorum of the division hearing the application and two members are a quorum in the case of appeals brought under section 43.*

Sec. 92. *The proposed amendment provides for the procedure to be followed to bring an appeal under sections 43 and 46 of the Act respecting child day care or to make an application under section 45 of the said act.*

Sec. 93. *The proposed amendment provides that when the Commission des affaires sociales is seized of an appeal or an application under sections 43, 45 and 46 of the Act respecting child day care, a copy must be issued forthwith to the Office des services de garde à l'enfance.*

**90.** Section 28 of the said act is replaced by the following section:

**“28.** The requests and applications contemplated in paragraphs *d, e, f* and *x* of section 21 and the appeals contemplated in paragraphs *g, h, j, l, r, s, t* and *w* of the said section 21 shall be heard by the health services and social services division.”

**91.** Section 29 of the said act, amended by section 109 of chapter 7 of the statutes of 1978, is again amended by replacing the second paragraph by the following paragraphs:

“In the case of a request contemplated in paragraphs *d, f, r* and *x* of section 21, a single member constitutes a quorum.

In the case of an appeal contemplated in paragraphs *e, h, j, s, t* and *w* of section 21, two members constitute a quorum.”

**92.** Section 32 of the said act, amended by section 110 of chapter 7 of the statutes of 1978, is again amended by replacing the first paragraph by the following paragraph:

**“32.** The appeals, applications or requests contemplated in paragraphs *a to l* and *n to y* of section 21 shall be brought by a written declaration filed with the Commission or mailed to its address within ninety days after the date of the occurrence of the event being the occasion thereof or after the date of notification of the decision appealed from. The appeals contemplated in paragraph *m* shall be brought by a written declaration filed with the Commission or mailed to its address within thirty days after notification of the decision appealed from.”

**93.** Section 33 of the said act, replaced by section 111 of chapter 7 of the statutes of 1978, is again replaced by the following section:

**“33.** Where the Commission is seized of a request, application or appeal contemplated in paragraphs *e, f, h, i* and *j* of section 21, the secretary or the assistant-secretary shall issue forthwith a copy of the declaration to the *Ministre des affaires sociales*; where the Commission is seized of an appeal contemplated in paragraph *k* of the said section 21, a copy must be issued forthwith to the *Ministre du revenu*; where the Commission is seized of an appeal contemplated in paragraphs *m, n* and *o* of the said section 21, a copy must be issued forthwith to the *Commission des accidents du travail*; where the Commission is seized of an appeal contemplated in paragraph *p* of the said section 21, a copy must be issued forthwith to the *Commission administrative du régime de retraite*; where the Commission is seized of an appeal contemplated in para-

Sec. 98. *This provision is entirely new law.*

graph *q* of the said section 21, a copy must be issued forthwith to the Régie de l'assurance automobile du Québec; where the Commission is seized of an appeal contemplated in paragraphs *r* to *v* of the said section 21, a copy must be forwarded without delay to the Office des personnes handicapées du Québec; where the Commission is seized of an appeal or an application contemplated in paragraphs *w* and *x* of the said section 21, a copy must be forwarded without delay to the Office des services de garde à l'enfance.

A Minister, the Commission des accidents du travail, the Commission administrative du régime de retraite, the Régie de l'assurance automobile du Québec, the Office des personnes handicapées du Québec or the Office des services de garde à l'enfance to whom copy of a declaration was forwarded in accordance with this section may intervene at any stage of the proceedings."

**94.** A permit authorizing the operation of a reception centre belonging to the class of day care centres issued under the Act respecting health services and social services, remains in force until the date of its expiry under that act; it shall be renewed in conformity with this act.

**95.** A person who, on (*insert here the date of the tabling of Bill 77*) holds a permit allowing the operation of a reception centre belonging to the class of day care centres, issued under the Act respecting health services and social services, or a person who solicits such a permit under that act, before (*insert here the date of the tabling of Bill 77*) may keep his corporate status and the rules of formation of the board of directors, notwithstanding any inconsistent provision of this act.

**96.** The regulations made under the Act respecting health services and social services continue to apply to a reception centre belonging to the class of day care centres to the extent that they are consistent with this act, until regulations are made under this act.

**97.** A person who, on (*insert here the date of the coming into force of section 8 and of the second paragraph of section 3 of Bill 77*), provides day care at a stop-over centre on a regular basis must, within the following year, obtain a stop-over centre permit.

**98.** No municipal by-law adopted under a general law or special act may have the effect of preventing

(1) the implementation or maintenance of a day care centre or of day care in a home for the sole reason that it consists of a day care centre or day care in a home;

(2) the maintenance of day care in a day care centre provided by a person holding a permit authorizing the operation of a reception centre belonging to the class of day care centres issued by the Ministre des affaires sociales before (*insert here the date of the tabling of Bill 77*).

This section prevails against any general law or special act and against any municipal by-law adopted under a general law or special act.

[[ **99.** The sums required for the carrying out of this act shall be taken, for the fiscal period 1979-1980, out of the consolidated revenue fund and, for subsequent fiscal periods, out of the moneys granted annually for such purpose by the Legislature. ]]

**100.** The Ministre des affaires sociales is responsible for the application of this act.

**101.** This act will come into force on the date to be fixed by government proclamation, except the provisions excluded by such proclamation, which will come into force on such later date as may be fixed by government proclamation and except section 98, which comes into force on the day of the sanction of this act.