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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

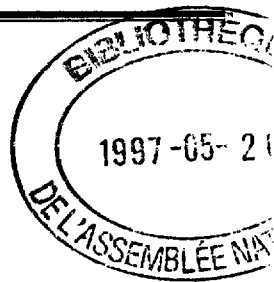
Bill 145

**An Act respecting the Ministère de la Famille  
et de l'Enfance and amending the Act  
respecting child day care**

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**Introduction**

**Introduced by**  
**Madam Pauline Marois**  
**Minister of Education and Minister responsible for Family Policy**



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## EXPLANATORY NOTES

*This bill creates a government department, to be known as the Ministère de la Famille et de l'Enfance, placed under the authority of the Minister of Child and Family Welfare whose mission it is to raise awareness of the importance of child and family welfare and to provide families and children with the means to achieve their full potential. The Minister is responsible for facilitating the involvement of persons and groups that are interested in family issues and for developing, and proposing to the Government, guidelines and policies that are favourable to families and children. In addition, the Minister will advise the Government on any matter relating to the welfare of families.*

*The bill provides for the organization of the new department and transfers responsibility for childcare to the Minister.*

*Amendments to the Act respecting child day care provide for the establishment of childcare centres and introduce the permit issuance and financing rules applicable to such centres.*

*A childcare centre is defined as an establishment which both provides educational childcare in a facility and coordinates educational home childcare in a given territory, mainly for the benefit of children in the infant to four-year-old range. The bill specifies that the coordination function respecting home childcare formerly performed by home day care agencies will be assumed by childcare centres. Moreover, it establishes the conditions subject to which a childcare centre permit may be issued.*

*The exemption and financial assistance available under the former provisions are replaced by an alternate contribution payable by certain parents. The Government will fix such contribution and determine the cases in which a payment exemption will be granted.*

*As concerns the financing of childcare, the bill reserves all government grants for the holders of childcare centre permits and modifies the manner in which places giving entitlement to grants are determined and distributed. Additional controls are provided for in the bill, including increased powers as regards inspection and provisional administration.*

*New rules are introduced for day care centre, nursery school and stop over centre permits, notably as concerns the persons that may be issued such permits and their renewal and recognition. It is further specified that childcare provided in childcare centres, day care centres and nursery schools must be educational childcare and that childcare provided at school will henceforth be governed by the Education Act and the Act respecting private education.*

*In addition, the bill contains consequential amendments as well as transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Conseil de la famille (R.S.Q., chapter C-56.2);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Education Act (R.S.Q., chapter I-13.3);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting child day care (R.S.Q., chapter S-4.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Charter of the city of Québec (1929, chapter 95);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act to amend the Act respecting child day care and other legislative provisions (1996, chapter 16);
- Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21).



# **Bill 145**

## **AN ACT RESPECTING THE MINISTÈRE DE LA FAMILLE ET DE L'ENFANCE AND AMENDING THE ACT RESPECTING CHILD DAY CARE**

**THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

### **DIVISION I**

#### **RESPONSIBILITIES OF THE MINISTER**

**1.** The Ministère de la Famille et de l'Enfance shall be under the direction of the Minister of Child and Family Welfare, appointed under the Executive Power Act (R.S.Q., chapter E-18).

**2.** The mission of the Minister shall be to raise awareness of the importance of child and family welfare, and to provide families and children with the means to achieve their full potential.

In particular, the Minister shall ensure that society places more emphasis on child and family welfare. He shall provide parents with the support they need to meet their responsibilities fully and to protect their relationship with their children.

In his interventions, the Minister shall have regard for the diversity of family models and focus primarily on the needs of children.

**3.** The responsibilities of the Minister with regard to family welfare shall include

(1) ensuring that families have access, in their daily lives, to services that meet their various needs, in particular as regards housing, health care, education, childcare, safety and leisure activities;

(2) helping families to maintain conditions conducive to harmonious family relationships and to the development of their children;

(3) facilitating a reconciliation of professional and family responsibilities, and promoting an equitable division of family responsibilities;

(4) providing families, especially low-income families, with financial support to meet the essential needs of their children;

(5) providing parents with financial support to facilitate access to maternity leave, paternity leave and parental leave.

**4.** The responsibilities of the Minister with regard to child welfare shall include

(1) encouraging both parents to make an effective contribution to their child's education;

(2) establishing objectives to allow children to achieve their potential;

(3) developing and maintaining a system of childcare centres providing educational childcare and support services for parents;

(4) ensuring the harmonious development of childcare;

(5) facilitating access to childcare for all families.

**5.** The Minister shall act in collaboration with service providers in the field of family welfare, in order to ensure the complementarity and effectiveness of the action undertaken.

The Minister shall facilitate actions designed to allow families and children to achieve their potential, by granting professional, technical or financial support to persons and groups that participate in, or wish to participate in, such actions.

**6.** The Minister shall draw up guidelines and policies designed to help families and children achieve their potential, propose them to the Government, and supervise their implementation.

More specifically, the Minister

(1) may agree, with the government departments and bodies concerned, on arrangements to facilitate the development and implementation of such orientations and policies;

(2) may conduct or commission research, studies and analyses.

**7.** The Minister shall advise the Government and government departments and bodies on any matter relating to child and family welfare. The Minister shall ensure that the actions of the Government are coherent, and for that purpose, shall

(1) be involved in the development of measures and the making of ministerial decisions relating to child and family welfare, and shall give his opinion whenever appropriate in the interests of family welfare;

(2) coordinate government activities specifically relating to child and family welfare.

The Minister may require the necessary information for exercising such responsibilities from the government departments and bodies concerned.

**8.** The Minister shall, in addition, assume any other responsibility assigned by the Government.

**9.** The Minister may enter into agreements in accordance with the law with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization.

**10.** The Minister may also enter into agreements with any person, association, partnership or body, concerning any matter under his authority.

**11.** The Minister shall table before the National Assembly a report on the activities of the department for each fiscal year within six months of the end of the fiscal year or, if the Assembly is not sitting, within 30 days of resumption.

## **DIVISION II**

### **DEPARTMENTAL ORGANIZATION**

**12.** The Government shall appoint a person as Deputy Minister of Child and Family Welfare in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

**13.** Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall, in addition, exercise any other function assigned to him by the Government or the Minister.

**14.** In the exercise of his functions, the Deputy Minister has the authority of the Minister.

**15.** The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his functions under this Act to a public servant or the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the functions he indicates, and in that case shall specify the title of the public servant or holder of a position to whom the functions may be subdelegated.

**16.** The personnel of the department shall consist of the public servants required for the exercise of the functions of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants where they are not determined by law or by the Government.

**17.** The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government.

**18.** The Government may, on the conditions it determines, allow the required signature to be affixed by means of an automatic device to the documents it determines.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

**19.** Any document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 17, is authentic.

### **DIVISION III**

#### **AMENDING PROVISIONS**

#### **CITIES AND TOWNS ACT**

**20.** Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 125 of chapter 2 of the statutes of 1996 and by section 60 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*), for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein.”

**21.** Section 412 of the said Act, amended by section 151 of chapter 2 of the statutes of 1996 and by section 61 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “Act respecting child day care (chapter S-4.1)” in the first paragraph of paragraph 46 by the words “Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*)”;

(2) by striking out subparagraph *a* of the second paragraph of paragraph 46;



(3) by replacing subparagraphs *b*, *c* and *d* of the second paragraph of paragraph 46 by the following subparagraphs:

“(b) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister’s regional representative, act in that capacity and exercise the functions attached thereto;

“(c) exercise any power the said Minister authorizes it to exercise under the said section;

“(d) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l’Enfance.”

## MUNICIPAL CODE OF QUÉBEC

**22.** Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 226 of chapter 2 of the statutes of 1996 and by section 62 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*), for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein.”

**23.** Article 552 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 63 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “Act respecting child day care (chapter S-4.1)” in the first paragraph by the words “Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*)”;

(2) by striking out subparagraph *a* of the second paragraph;

(3) by replacing subparagraphs *b*, *c* and *d* of the second paragraph by the following subparagraphs:

“(b) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister’s regional representative, act in that capacity and exercise the functions attached thereto;

“(c) exercise any power the said Minister authorizes it to exercise under the said section;

“(d) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l’Enfance.”

## ACT RESPECTING THE CONSEIL DE LA FAMILLE

**24.** The title of the Act respecting the Conseil de la famille (R.S.Q., chapter C-56.2) is amended by adding, at the end, the words “et de l’enfance”.

**25.** The preamble to the said Act is amended by replacing the words “the family” in the last paragraph by the words “child and family welfare”.

**26.** Section 1 of the said Act is amended by inserting the words “et de l’enfance” after the word “famille”.

**27.** Section 3 of the said Act is replaced by the following section:

“**3.** The Conseil shall be composed of 15 members chosen on the basis of their interest and expertise in any matter relating to child and family welfare.”

**28.** Section 4 of the said Act is amended

(1) by replacing the words “responsible for the administration of this Act” in the first paragraph by the words “of Child and Family Welfare”;

(2) by replacing the words “family associations or groupings” in the second paragraph by the words “associations or groups devoted to the welfare of families and children”.

**29.** Section 7 of the said Act is amended by striking out the words “, except for five of the first members who shall be appointed for two years” in the first paragraph.

**30.** Section 9 of the said Act is amended

(1) by striking out the words “, who shall devote his full time to his duties,” in the first paragraph;

(2) by striking out the second paragraph.

**31.** Section 10 of the said Act is amended by replacing the word “temporarily” by the words “absent or”.

**32.** Section 11 of the said Act is amended by striking out the words “other than the chairman” in the first paragraph.

**33.** Section 12 of the said Act is amended by replacing the words “Six members” in the third paragraph by the words “A majority of the members”.

**34.** Section 14 of the said Act is amended

(1) by replacing the words “the family” by the words “child and family welfare”;

(2) by adding the following paragraph:

“A further function of the Conseil shall be to file an annual report on the situation and needs of families and children in Québec with the Minister.”

**35.** Section 15 of the said Act is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) solicit opinions, and receive and hear the requests and suggestions of persons and groups on any matter pertaining to child and family welfare;

“(2) submit recommendations to the Minister on matters within its area of expertise;”;

(2) by striking out the words “after consultation of the Minister,” in paragraph 3;

(3) by striking out paragraph 4.

**36.** Section 16 of the said Act is amended by striking out the second paragraph.

**37.** Section 18 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**18.** The Conseil may set up not more than two committees to assist it in the exercise of its functions, one to examine the situation and needs of families, and the other to examine the situation and needs of children specifically.”

**38.** Section 21 of the said Act is amended by replacing the words “30 September” by the words “31 August”.

**39.** Section 22 of the said Act is amended by replacing the words “the report in the National Assembly within 30 days of receiving it” by the words “in the National Assembly the report of the Conseil’s activities and the report on the situation and needs of families and children in Québec within 30 days of receiving them”.

**40.** Section 27 of the said Act, replaced by section 36 of chapter 21 of the statutes of 1996, is amended by replacing the words “Relations with the Citizens and Immigration” by the words “Child and Family Welfare”.

## ACT RESPECTING PRIVATE EDUCATION

**41.** The Act respecting private education (R.S.Q., chapter E-9.1) is amended by inserting, after section 62, the following section:

**“62.1.** An institution may only provide childcare at school to children to whom it already provides preschool developmental and cognitive learning services or elementary school instructional services.”

**42.** Section 111 of the said Act is amended by adding, after paragraph 7, the following paragraph:

“(8) prescribe standards for the provision of childcare at school.”

## EXECUTIVE POWER ACT

**43.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 47 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21), is again amended by adding, at the end, the following paragraph:

“(33) A Minister of Child and Family Welfare.”

## ACT RESPECTING MUNICIPAL TAXATION

**44.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 64 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing subparagraph *c* of paragraph 14 by the following subparagraph:

“(c) an immovable belonging to a cooperative or a non-profit organization holding a childcare centre, day care centre, nursery school or stop over centre permit issued under the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*), which is used chiefly for the carrying on of the functions of such a childcare centre, day care centre, nursery school or stop over centre;”;

(2) by striking out subparagraph *d* of paragraph 14.

**45.** Section 236 of the said Act, amended by section 65 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph *g* of paragraph 1 by the following subparagraph:

“(g) a cooperative or non-profit organization, under a childcare centre, day care centre, nursery school or stop over centre permit issued thereto under the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*);”.

## EDUCATION ACT

**46.** Section 256 of the Education Act (R.S.Q., chapter I-13.3), amended by section 66 of chapter 16 of the statutes of 1996, is replaced by the following section :

**“256.** A school board may provide childcare at school to children to whom preschool or elementary education is provided in its schools.”

**47.** The said Act is amended by inserting, after section 454, the following section :

**“454.1.** The Government may, by regulation, prescribe standards for the provision of childcare at school.”

## GOVERNMENT DEPARTMENTS ACT

**48.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 19 of the Act respecting the Ministère de la Métropole (1996, chapter 13) and section 60 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21), is again amended by adding, at the end, the following paragraph :

“(34) The Ministère de la Famille et de l'Enfance.”

## ACT RESPECTING CHILD DAY CARE

**49.** The title of the Act respecting child day care (R.S.Q., chapter S-4.1) is replaced by the following title :

“AN ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES”.

**50.** Section 1 of the said Act, amended by section 1 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the definition of “home day care agency” by the following definition :

““childcare centre” means an establishment that provides educational childcare, primarily for children from birth to kindergarten age, in a facility where seven or more children are received for periods not exceeding 48 consecutive hours, and that coordinates, oversees and monitors, in a given territory, educational home childcare provided to children in the same age range. Subsidiarily, such childcare may be offered to kindergarten and elementary school age children who cannot be provided childcare at school within the meaning of the Education Act (chapter I-13.3) and the Act respecting private education (chapter E-9.1);”;

(2) by replacing the definition of “day care centre” by the following definition:

““day care centre” means an establishment that provides educational childcare in a facility where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours;”;

(3) by replacing the definition of “nursery school” by the following definition:

““nursery school” means an establishment that provides educational childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day and are offered activities conducted over a fixed period;”;

(4) by striking out the definition of “bureau”;

(5) by striking out the definition of “school day care”.

**51.** Section 1.1 of the said Act, amended by section 2 of chapter 16 of the statutes of 1996, is replaced by the following section:

**“1.1.** The object of this Act is to enhance the quality of educational childcare provided by childcare centres, day care centres, nursery schools and persons responsible for home day care and of childcare provided by stop over centres so as to ensure the health and safety and foster the development and well-being of the children to whom childcare is provided.

A further object of this Act is to foster the harmonious development of childcare centres, having regard, however, to the rules relating to grants.”

**52.** Section 2 of the said Act, amended by section 3 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “Persons exercising such rights shall take into account” in the first line of the third paragraph by the words “Such rights shall be exercised having regard to” and by replacing the words “the rules relating to exemptions, financial assistance and grants” in the second and third lines of that paragraph by the words “the rules relating to grants, the priority that must be given, in childcare centres, to children from birth to kindergarten age”;

(2) by striking out the words “, a school board” in the fourth line of the third paragraph.

**53.** The heading of Division I of Chapter II of the said Act, the French text of which was replaced by section 4 of chapter 16 of the statutes of 1996, is replaced by the following heading:

“PERMITS”.

**54.** The heading of Subdivision I of Division I of Chapter II of the said Act is struck out.

**55.** Section 3 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

**“3.** No person,

(1) except the holder of a childcare centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children are received for periods that may exceed 24 without exceeding 48 consecutive hours;

(2) except the holder of a childcare centre permit issued by the Minister, may coordinate or claim to coordinate home childcare or recognize persons as persons responsible for home day care within the meaning of section 8;

(3) except the holder of a childcare centre or day care centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours;

(4) except the holder of a childcare centre or nursery school permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day;

(5) except the holder of a childcare centre or stop over centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children are received on a casual basis, as defined by regulation, for periods not exceeding 24 consecutive hours, unless the parents of the children are on the premises and available to respond to the needs of their children.

Subject to the provisions of the second paragraph of section 8, no person, except the holder of a permit issued by the Minister, may provide or offer to provide childcare for remuneration in a private residence to more than six children.

If the childcare is provided by a natural person, the person's own children and any child of any assisting person if they are under nine years of age must be included in computing the number of children.”

**56.** Section 4 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 5 of chapter 16 of the statutes of 1996, is amended

(1) by inserting the words “a childcare centre,” after the word “operate” in the first line of subparagraph 1 of the first paragraph;

(2) by inserting the words “a childcare centre,” after the words “care in” in the first line of subparagraph 2 of the first paragraph;

(3) by striking out subparagraph 3 of the first paragraph;

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) use a name that includes the term “childcare centre”, “nursery school”, “stop over centre” or “day care centre”;;

(5) by adding, at the end, the following paragraph:

“Notwithstanding subparagraph 4 of the first paragraph, a person or body that on *(insert here the date immediately preceding the date of introduction of this bill)* uses a name which includes the term “childcare centre” and which appears in its declaration of registration filed under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45) may continue to use that name.”

**57.** Section 5 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) undertakes to provide educational childcare which promotes the physical, intellectual, emotional, social and moral development of children in accordance with the program prescribed by regulation;;

(2) by striking out subparagraph 3 of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraph:

“However, the Minister may not issue a day care centre permit or a nursery school permit to a school board.”

**58.** Section 6 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

“**6.** The Minister may issue a stop over centre permit to any person that satisfies the requirements of subparagraphs 1, 4 and 5 of the first paragraph of section 5 and undertakes to provide childcare and to operate the establishment on a regular basis in keeping with the conditions determined by regulation.

However, the Minister may not issue a stop over centre permit to a school board.”



**59.** Section 7 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

**“7.** The Minister may issue a childcare centre permit to a non-profit legal person or a cooperative two-thirds or more of the members of whose board of directors of not fewer than seven members are parents who are future users of the educational childcare coordinated or provided by the childcare centre but are neither members of its staff, nor persons responsible for home day care or their assistants.

However, the Minister may not issue a childcare centre permit to a private educational institution within the meaning of the Act respecting private education (chapter E-9.1).

The Government may make regulations establishing rules for the election of the directors of a cooperative or non-profit legal person referred to in the first paragraph, and for the operation of its board of directors.”

**60.** Section 7. 1 of the said Act, enacted by section 5 of chapter 16 of the statutes of 1996, is replaced by the following section:

**“7.1.** To obtain a childcare centre permit, an applicant must satisfy the requirements of the first paragraph of section 5 and undertake to coordinate, monitor and supervise the educational childcare provided by the persons responsible for home day care it recognizes.

Furthermore, the applicant must have been allotted places giving entitlement to grants and hold no other permit issued under this Act.”

**61.** Section 7.2 of the said Act, enacted by section 5 of chapter 16 of the statutes of 1996, is repealed.

**62.** Section 8 of the said Act, amended by section 6 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “home day care agency permit” in the first paragraph by the words “childcare centre permit”;

(2) by replacing the words “home day care agency permit” in the second paragraph by the words “childcare centre permit”;

(3) by replacing the third paragraph by the following paragraphs:

“The person must undertake to provide educational childcare which promotes the physical, intellectual, emotional, social and moral development of children in accordance with the program prescribed by regulation and agree to monitoring and supervision by the holder of the childcare centre permit having recognized the person. As well, the person must, on request, furnish to

the permit holder the names and addresses of the parents of the children received by the person and any document or information required for obtaining grants under this Act, including the attendance card referred to in section 22, in keeping with the conditions prescribed by regulation.

A person recognized as a person responsible for home day care may assist another person so recognized for the same childcare operation.”

**63.** Section 9 of the said Act is replaced by the following section :

“**9.** The holder of a childcare centre permit shall coordinate, monitor and supervise the educational childcare provided by persons responsible for home day care recognized by the permit holder and, for that purpose, shall

- (1) promote the development of home childcare;
- (2) recognize persons according to the needs identified by the permit holder;
- (3) maintain an information service concerning available home childcare;
- (4) offer technical and professional support to persons responsible for home day care;
- (5) implement the monitoring and supervision measures determined by regulation applicable in respect of persons responsible for home day care recognized by the permit holder.”

**64.** Section 10 of the said Act, replaced by section 7 of chapter 16 of the statutes of 1996, is amended

- (1) by striking out subparagraph 1 of the third paragraph;
- (2) by replacing the word “establishment” in subparagraph 2 of the third paragraph by the word “facility”;
- (3) by replacing the word “establishment” in subparagraph 3 of the third paragraph by the word “facility”.

**65.** Section 10.0.1 of the said Act, enacted by section 7 of chapter 16 of the statutes of 1996, is repealed.

**66.** Section 10.1 of the said Act, amended by section 8 of chapter 16 of the statutes of 1996, is replaced by the following section:

“**10.1.** A permit holder that is required under section 10 to form a parents committee shall, by way of a written notice, call a meeting of all the parents of children who are received in the day care centre or nursery school

so that they may elect their representatives on the parents committee. The meeting must be held within three months after the issue of the permit and, subsequently, every year before 15 October.”

**67.** Section 10.3 of the said Act, replaced by section 9 of chapter 16 of the statutes of 1996, is amended by striking out the words “or 10.0.1”.

**68.** Section 10.4 of the said Act is amended by replacing the word “bureau” in the second line of the fourth paragraph by the word “Government”.

**69.** Section 10.5 of the said Act is amended by replacing the words “received by” in the second line by the words “received in” and by striking out the words “or by the persons the permit holder has recognized as persons responsible for home day care” in the second and third lines.

**70.** Section 10.6 of the said Act is amended by replacing the words “, nursery school or home day care agency” in the first and second lines by the words “or nursery school”.

**71.** Section 11 of the said Act, amended by section 11 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word “establishment” in the first paragraph by the word “facility”;

(2) by striking out the third and fourth paragraphs.

**72.** The said Act is amended by inserting, after section 11, the following section:

**“11.0.1.** A childcare centre permit shall indicate

(1) the name and address of the permit holder;

(2) the name and address of the childcare centre and of each of the facilities where children are received;

(3) the maximum number of children that may be received in each of the facilities;

(4) the maximum number of children per age class or per grouping of age classes that may be received in each of the facilities;

(5) the maximum total number of children that may be received by all the persons recognized as persons responsible for home day care by the permit holder;

(6) the maximum total number of children to whom the educational childcare coordinated or provided by the centre may be provided;

(7) the territory in which the permit holder is authorized to operate.

The Minister shall fix the territory referred to in subparagraph 7 of the first paragraph according to the criteria determined by regulation.”

**73.** Section 11.1 of the said Act, amended by section 12 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word “establishment” in the first paragraph by the word “facility”;

(2) by striking out the last paragraph.

**74.** The said Act is amended by inserting, after section 11.1, the following section:

**“11.1.1.** The holder of a childcare centre permit may not receive more children in the facilities of the centre than the maximum number indicated on the permit, or receive more children in a given facility than the maximum number indicated on the permit for that facility.

Nor may the permit holder receive children in age classes other than those indicated on the permit, or receive more children per age class or per grouping of age classes than the maximum number indicated on the permit.

Nor may the permit holder allow the persons recognized as persons responsible for home day care to receive more children than the total maximum number indicated on the permit, or act outside the territory indicated on the permit.”

**75.** Section 12 of the said Act, amended by section 13 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the first paragraph by the following paragraph:

**“12.** A permit is issued or renewed for three years, unless the Minister issues or renews it for a shorter period if he considers it necessary.”;

(2) by replacing the third paragraph by the following paragraph:

“Where an application for renewal has been made by the permit holder and the Minister has yet to decide the application on the date of expiry of the permit, the permit remains in force until the decision is made.”

**76.** Section 13 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 14 of chapter 16 of the statutes of 1996, and sections 13.1, 13.2 and 13.3 of the said Act, enacted by the said section 14, are replaced by the following sections:

**“13.** The holder of a childcare centre permit and every person responsible for home day care recognized by the permit holder shall keep and preserve the books, accounts and registers determined by regulation, in the manner and form prescribed by regulation.

Moreover, the Government may, by regulation, determine among such documents those which a person responsible for home day care is required to transmit to the permit holder by which the person was recognized.

**“13.1.** The fiscal year of a permit holder shall end on 31 March. However, in the case of a municipality, its fiscal year as a permit holder shall end on the same date as its fiscal year as a municipality.

**“13.2.** Not later than 30 June each year, the holder of a childcare centre permit shall submit a financial report for the preceding fiscal year to the Minister.

The financial report must be audited if the permit holder received from the Minister, during the preceding fiscal year, one or more grants totalling \$25,000 or more.

The Government may, by regulation, determine the form of the report and the information it must contain.

**“13.3.** Not later than 1 March each year, the holder of a childcare centre permit shall submit its budget estimates for the next fiscal year to the Minister.

The Government may, by regulation, determine the form of the estimates and the information they must contain.

**“13.4.** Not later than 30 June each year, every permit holder shall submit an activity report to the Minister. In the case of a municipality, the activity report must be submitted not later than 31 March each year.

The Government may, by regulation, determine the information which the activity report must contain.”

**77.** Section 17 of the said Act, amended by section 17 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “The holder of a day care centre, nursery school or stop over centre permit” in the first paragraph by the words “A permit holder”;

(2) by replacing the words “programme of activities provided” in the second line of the fourth paragraph by the words “activities offered”.

**78.** The said Act is amended by inserting, after section 17, the following section:

**“17.0.1.** The holder of a childcare centre permit must obtain the written authorization of the Minister before acquiring or leasing premises for the permanent relocation of a facility operated under the permit. The written authorization of the Minister must also be obtained by a permit holder to increase the number of children beyond the maximum indicated on the permit or to modify or increase the permit holder’s territory of operation.

The permit holder shall apply for authorization in writing and the Minister shall make his decision within 90 days of receipt of the application.

The Minister may refuse to grant authorization, in particular, if all places giving entitlement to financial assistance have been allotted in the territory concerned or where the Minister considers that the proposed change does not address the needs and priorities identified by the Minister considering, among other factors, the permit applications and other applications for authorization under the first paragraph in respect of which the Minister has yet to make a decision.”

**79.** Section 17.1 of the said Act, amended by section 18 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “The holder of a day care centre permit, nursery school permit or stop over centre permit” in the first paragraph by the words “A permit holder”;

(2) by replacing the word “establishment” in subparagraph 1 of the first paragraph by the word “facility”.

**80.** Section 18.1 of the said Act, replaced by section 20 of chapter 16 of the statutes of 1996, is amended

(1) by inserting the words “a childcare centre,” after the words “care in” in paragraph 1;

(2) by replacing subparagraph c of paragraph 2 by the following subparagraph:

“(c) under section 210, 212, 213, 343, 346, 362, 366, 368, 380, 397, 398, 423, 430, or any of sections 433 to 436.1 or 463 to 465 of the Criminal Code;”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) the applicant or an officer of the applicant held a permit that was revoked or not renewed under paragraph 3, 4 or 5 of section 19 in the three years preceding the application;”.

**81.** Section 19 of the said Act, amended by section 21 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing paragraph 3 by the following paragraph:

“(3) the health, safety or well-being of children to whom childcare is being provided in a childcare centre, day care centre, nursery school or stop over centre or to whom home child care is being provided is endangered;”;

(2) by adding, at the end, the following paragraphs:

“(6) the permit holder has refused or neglected to comply with a notice issued under section 36.1;

“(7) the permit holder has refused or neglected to pay a sum owed to the Minister under this Act or the regulations.”

**82.** Sections 20 and 21 of the said Act, respectively amended and replaced by sections 22 and 23 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“20.** Before refusing to issue, suspending, revoking or refusing to renew a permit, the Minister shall notify the applicant or permit holder in writing and give the applicant or permit holder at least 10 days to present observations.

**“21.** The decision of the Minister shall be communicated in writing to the applicant or permit holder.”

**83.** Section 22 of the said Act, amended by section 24 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the first paragraph by the following paragraph:

**“22.** A permit holder or a person responsible for home day care shall keep and preserve, in accordance with the regulations, a registration card and an attendance card for each child and must, at the request of the child’s parent, give written or verbal communication of the card to the parent and allow, in accordance with the regulations, the parent to examine and copy the card.”;

(2) by replacing the figure “34.1” in the second paragraph by the figures “8, 34.1”.

**84.** The heading of Subdivision 2 of Division I of Chapter II of the said Act is replaced by the following heading:

## **“DIVISION II**

### **“PROVISIONAL ADMINISTRATION”.**

**85.** Section 23 of the said Act, amended by section 25 of chapter 16 of the statutes of 1996, is replaced by the following sections:

**“23.** The Minister may designate a person to assume, for a period of not over 90 days, provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre

(1) if the permit under which it is operated has been suspended or revoked in accordance with this Act;

(2) if the permit holder engages in practices or tolerates a situation which could endanger the health, safety or well-being of the children;

(3) in the case of a childcare centre, if the permit holder acts or has acted contrary to the rules of sound management applicable to an organization receiving grants out of public funds;

(4) if there has been malfeasance or breach of trust on the part of the permit holder;

(5) in the case of a childcare centre, if the Minister has reasonable grounds to believe that the permit holder is using grants under section 41.6 for purposes other than those for which the grants were made.

**“23.1.** A provisional administrator exercising powers and functions assigned to him under this division may not be sued for any act done in good faith in the exercise of those powers and functions.”

**86.** Section 24 of the said Act is amended by striking out the words “, upon the recommendation of the bureau,”.

**87.** Sections 25 and 26 of the said Act, respectively amended by sections 26 and 27 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“25.** From the date on which the administrator designated by the Minister assumes provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre, the powers of the permit holder are suspended.

**“26.** As soon as possible after he assumes provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre, the administrator shall submit his findings and recommendations to the Minister in a provisional report.”

**88.** Sections 27 and 28 of the said Act, the latter amended by section 28 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“27.** Before the administrator submits his provisional report, the Minister must give the permit holder at least 10 days to present observations.



**“28.** If the provisional report confirms the existence of one of the situations described in section 23, the Minister may

(1) attach such restrictions to the childcare centre, day care centre, nursery school or stop over centre permit as the Minister sees fit;

(2) fix a time within which the permit holder must remedy any situation described in section 23;

(3) direct the administrator to continue to administer the childcare centre, day care centre, nursery school or stop over centre or to discontinue the administration and not resume it unless the permit holder fails to comply with the conditions imposed by the Minister pursuant to paragraph 1 or 2.”

**89.** Section 29 of the said Act is amended by replacing the word “bureau” by the word “administrator”.

**90.** Section 30 of the said Act, amended by section 29 of chapter 16 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraph:

**“30.** The Minister may entrust a person with making an inquiry into any matter in connection with the administration or operation of a childcare centre, a day care centre, a nursery school or a stop over centre.”

**91.** Division II of Chapter II of the said Act is repealed.

**92.** Section 34 of the said Act, replaced by section 30 of chapter 16 of the statutes of 1996, is amended by replacing the words “chairman of the bureau” by the word “Minister”.

**93.** Section 34.1 of the said Act, enacted by section 30 of chapter 16 of the statutes of 1996, is amended

(1) by replacing the words “or activities referred to in section 32 are carried on, to ascertain” in subparagraph 1 of the first paragraph by the words “are carried on, to verify”;

(2) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) at any reasonable time, enter any premises where home childcare governed by this Act is provided to verify whether the provisions of Division IV of Chapter II and the regulations thereunder are complied with;”;

(3) by striking out the words “or a school board” in subparagraph 3 of the first paragraph.

**94.** Section 36 of the said Act, amended by section 31 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “agent of the bureau” in the first paragraph by the words “an agent of the department”;

(2) by replacing the words “chairman or secretary of the bureau” in the second paragraph by the word “Minister”;

(3) by adding, at the end, the following paragraph:

“An inspector may not be sued for any act done in good faith in the exercise of his functions.”

**95.** The said Act is amended by inserting, after section 36, the following section:

**“36.1.** The Minister may issue a remedial notice

(1) to advise a person of the person’s non-compliance with this Act or the regulations;

(2) to advise the holder of a childcare centre permit that the permit holder is acting or has acted contrary to the rules of sound management applicable to an organization receiving grants out of public funds;

(3) to advise the holder of a childcare centre permit that the financial situation of the childcare centre must be redressed.

The notice must be in writing and must indicate what steps should be taken to remedy the situation and fix a time within which those steps must be taken.”

**96.** The heading of Division IV of Chapter II of the said Act is replaced by the following heading:

“CONTRIBUTION AND GRANTS”.

**97.** Sections 38 and 39 of the said Act, respectively amended by sections 33 and 34 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“38.** The holder of a childcare centre permit and the person responsible for home day care shall fix the amount of the contribution to be paid for each child they receive.

**“39.** The Government may, by regulation, fix an amount of contribution other than the amount payable under section 38 for certain services determined in the regulation. Subject to the provisions of the third paragraph, the amount of the contribution shall apply according to the age class, determined in the

regulation, of the children to whom the services are provided and shall be payable by the parent or any other person determined in the regulation to the childcare centre permit holder or the person responsible for home day care.

The Government may, by regulation, determine the conditions subject to which a parent may pay the contribution fixed under the first paragraph or, in certain cases, be exempted from payment thereof.

The parent may pay the contribution fixed under the first paragraph or may be exempted from payment thereof, provided that a grant has been made for that purpose under section 41.6 in respect of the place to be occupied by the child.

The first paragraph does not apply to a person responsible for home day care or to a person assisting that person, if their children are provided home childcare.

The holder of a childcare centre permit or a person responsible for home day care may not require payment of a contribution if the parent is exempted from payment of a contribution, or require payment of an amount other than the fixed amount of contribution if the parent is entitled, in accordance with the third paragraph, to pay the fixed amount.”

**98.** The heading of Subdivision 2 of Division IV of Chapter II of the said Act is struck out.

**99.** Sections 40 and 41 of the said Act, replaced by section 35 of chapter 16 of the statutes of 1996, are repealed.

**100.** Section 41.1.1 of the said Act, enacted by section 36 of chapter 16 of the statutes of 1996, and section 41.2 of the said Act are repealed.

**101.** Section 41.3 of the said Act is replaced by the following section:

**“41.3.** A parent who feels aggrieved by a decision made by a childcare centre regarding the contribution or exemption referred to in section 39 may apply to the Minister for a review of the decision.”

**102.** Section 41.4 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

**“41.4.** An application for review of a decision must be made in writing within 90 days after the day on which the parent applying for the review was notified of the decision.”;

(2) by replacing the words “to the person who establishes that circumstances prevented him” in the second paragraph by the words “upon proof that the parent was prevented by circumstances”.

**103.** Section 41.5 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The decision shall be transmitted to the parent who applied for the review and to the person who made the reviewed decision.”

**104.** Section 41.6 of the said Act, replaced by section 37 of chapter 16 of the statutes of 1996, is again replaced by the following sections:

**“41.6.** Subject to section 41.7, the Minister may make grants, in keeping with the conditions determined by regulation, to an applicant for or holder of a childcare centre permit for the benefit of the applicant or permit holder or for the benefit of a person responsible for home day care recognized by the applicant or permit holder.

The Minister may also make grants to any person or organization in order to facilitate or support the development or improvement of childcare, responses to specific childcare needs, or experimentation or innovation in the field of childcare.

**“41.6.1.** Any grant received without entitlement must be repaid to the Minister, on the terms and conditions determined by regulation, by the person or organization to whom or which or for whose benefit the grant was paid.

The Government may determine, by regulation, the conditions subject to which a sum that is due may be deducted from any future grants.

**“41.6.2.** The Minister may contact parents to verify whether the services referred to in section 39 have actually been provided.”

**105.** Sections 41.7 and 41.8, respectively replaced and enacted by section 37 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“41.7.** The Minister shall determine, according to the appropriations voted annually for such purpose by Parliament, the number of new places giving entitlement to grants which are to be opened in childcare centres and allot such places according to the needs and priorities he has identified.

**“41.8.** The acquirer of a childcare centre shall retain the grants under section 41.6, subject to the other provisions of this Act and the regulations, if the acquirer obtains a childcare centre permit to operate at the same location or in the same territory.

Persons responsible for home day care recognized by a permit holder are deemed to have been recognized by the acquirer of the childcare centre upon the issue of a permit to the acquirer, subject to the other provisions of this Act and the regulations.”

**106.** Section 44 of the said Act, amended by section 40 of chapter 16 of the statutes of 1996, is again amended by replacing the words “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 providing school day care” in the first paragraph by the words “a permit holder or a person responsible for home day care”.

**107.** Section 45 of the said Act is amended by replacing the words “person who believes he has been wronged” in the first line of the first paragraph by the words “parent who feels aggrieved”.

**108.** The said Act is amended by inserting, after Division V of Chapter II, the following division:

## **“DIVISION VI**

### **“REPRESENTATION AND DELEGATION**

**“45.1.** The Minister may designate regional representatives and determine their functions.

The Minister may also authorize, in writing, a person, department, body or a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5) to exercise some or all of the powers conferred on the Minister by this Act and the regulations.

Such a person, body or public institution may not be sued for any act done in good faith in the exercise of those powers.”

**109.** Chapter III of the said Act, comprising sections 46 to 72, is repealed.

**110.** Section 73 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and by section 52 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word “bureau” in the first line of the first paragraph by the word “Government”;

(2) by inserting the words “a childcare centre or” after the words “provided in” in subparagraph 4 of the first paragraph;

(3) by replacing the words “premises of a” in subparagraph 5 of the first paragraph by the words “premises of a childcare centre,”;

(4) by inserting the words “childcare centres,” after the words “observed in” in subparagraph 6 of the first paragraph;

(5) by replacing subparagraphs 6.1 to 10.2 of the first paragraph by the following subparagraphs:

“(6.1) prescribing the requirements that must be satisfied by the holder of a childcare centre, day care centre, nursery school or stop over centre permit applying for authorization to engage temporarily in activities for which the permit was issued elsewhere than at the address of the facility appearing on the permit;

“(7) prescribing the educational childcare program that must be offered to children by a childcare centre, a day care centre, a nursery school or a person responsible for home day care;

“(8) establishing rules for the election of the directors of the cooperative or legal person referred to in the first paragraph of section 7, and for the operation of its board of directors;

“(9) determining the rules of operation of the parents committee referred to in section 10;

“(10) determining the books, accounts and registers that must be kept by the holder of a childcare centre permit or a person responsible for home day care and prescribing the form and manner in which such records must be kept and preserved;

“(10.1) determining, for the purposes of sections 13.1 to 13.4, the form of the financial report, the budget estimates and the activity report as well as the information they must contain;

“(10.2) determining the form and tenor of the registration and attendance card that must be kept for each child by the holder of a childcare centre, day care centre, nursery school or stop over centre permit or a person responsible for home day care and prescribing standards for the preservation, consultation and reproduction of such cards;”;

(6) by replacing the words “cases and conditions in or on” in subparagraph 11.1 of the first paragraph by the words “conditions under”;

(7) by striking out subparagraph 12 of the first paragraph;

(8) by replacing the words “home day care agency” in subparagraph 12.1 of the first paragraph by the words “childcare centre”;

(9) by inserting, after subparagraph 13 of the first paragraph, the following subparagraph:

“(13.1) determining the monitoring and supervision measures applicable in respect of persons responsible for home day care;”;

(10) by replacing subparagraph 15 of the first paragraph by the following subparagraph:

“(15) determining the conditions subject to which grants may be made under section 41.6 and determining for such purpose the documents or information that a person responsible for home day care must transmit to the holder of a childcare centre permit by which the person was recognized;”;

(11) by striking out subparagraph 16 of the first paragraph;

(12) by replacing subparagraphs 16.1 to 19 of the first paragraph by the following subparagraphs:

“(16.1) requiring that a permit holder have in his employ a person responsible for the management of the childcare centre, day care centre, nursery school or stop over centre and prescribing the standards of qualification and requirements the person must satisfy and the tasks the person must perform;

“(17) establishing standards of qualification for persons working in a childcare centre, a day care centre, a nursery school or a stop over centre or providing home childcare and prescribing the requirements they must satisfy;

“(18) determining the ratio between the number of staff members and the number of children who are received in a childcare centre, a day care centre, a nursery school or a stop over centre or to whom home childcare is being provided;

“(19) determining the child registration, admission and discharge formalities for childcare centres, day care centres, nursery schools or stop over centres and for home childcare;”;

(13) by striking out the words “38 or” in subparagraph 20 of the first paragraph;

(14) by replacing subparagraphs 21 and 22 of the first paragraph by the following subparagraphs:

“(21) fixing, for the services it determines, the amount of the contribution referred to in section 39 and determining the age class to which it applies, the conditions subject to which a parent may pay it and the cases in which a parent may be exempted from payment thereof;

“(22) determining the terms and conditions of repayment of a grant received without entitlement and determining the conditions subject to which such a debt may be deducted from any future grants;”;

(15) by striking out subparagraphs 22.1 and 23 of the first paragraph;

(16) by replacing the figure “74.9” in subparagraph 24 of the first paragraph by the figure “74.10”;

(17) by striking out the second paragraph.

**111.** Section 74 of the said Act, replaced by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words “first paragraph of section 4, section 7.2” by the words “section 4”.

**112.** Section 74.1 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words “agency permit that contravenes any provision of the fourth paragraph of section 11.1” in the second paragraph by the words “childcare centre permit that contravenes any provision of section 11.1.1”.

**113.** Section 74.2 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by striking out the words “or holder of an agency permit that contravenes any provision of section 10.0.1, 10.2 or 10.6”.

**114.** Sections 74.4 and 74.5 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, are replaced by the following sections:

**“74.4.** Every holder of a childcare centre permit or person recognized as a person responsible for home day care that fails to keep the books, accounts and registers referred to in section 13 or records false or inaccurate information therein is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

**“74.5.** Every holder of a childcare centre permit that fails to produce the report referred to in section 13.2 or the budget estimates referred to in section 13.3 or records false or inaccurate information in the report referred to in section 13.2 is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.

Furthermore, every permit holder that fails to submit the report referred to in section 13.4 or records false or inaccurate information therein is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent conviction, to a fine of \$1,000 to \$10,000.”

**115.** Section 74.6 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words “holder of a day care centre, nursery school or stop over centre permit, person responsible for home day care or school board providing day care” by the words “permit holder or person responsible for home day care”.

**116.** Sections 74.7 and 74.8 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, are replaced by the following sections:



**“74.7.** Every holder of a childcare centre permit or person recognized as a person responsible for home day care that contravenes any provision of the fifth paragraph of section 39 is liable to a fine of \$250 to \$1,000 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$2,000.

**“74.8.** Every person that contravenes any provision of section 35 is liable to a fine of \$250 to \$1,000 and, in the case of a second or subsequent conviction, to a fine of \$500 to \$2,000.”

**117.** Section 74.9 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words “subparagraph 24 of the first paragraph” by the words “paragraph 24”.

**118.** Section 74.10 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by striking out the word “, employee”.

**119.** The said Act is amended by inserting, after section 76, the following section:

**“76.1.** The Minister may cancel or suspend, in whole or in part, the payment of grants to the holder of a childcare centre permit that refuses or neglects to comply with any provision of sections 13, 13.2 to 13.4, 22 and 36.1 or to pay a sum owed to the Minister under this Act or the regulations.

The Minister may also cancel or suspend the payment of grants to a person responsible for home day care who refuses or neglects to comply with any provision of sections 8, 13 and 22 or to pay a sum owed to the Minister under this Act or the regulations.”

**120.** Section 98 of the said Act, amended by section 897 of chapter 2 of the statutes of 1996 and by section 58 of chapter 16 of the statutes of 1996, is again amended

(1) by inserting the words “childcare centres or” before the words “day care” in the first paragraph;

(2) by adding, after subparagraph 2 of the second paragraph, the following subparagraph:

“(3) the maintenance of a childcare centre operated by a person holding a day care centre permit issued by the Office des services de garde à l’enfance before 1 September 1997.”

**121.** Section 100 of the said Act is amended by replacing the words “Health and Social Services” by the words “Child and Family Welfare”.

**122.** The said Act is amended by replacing the word “bureau” wherever it appears by the word “Minister”, with the necessary modifications.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**123.** Section 114 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 67 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) operate a day care centre, a nursery school or a stop over centre, in accordance with the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*) and the regulations;”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister’s regional representative, act in that capacity and exercise the functions attached thereto;”;

(3) by replacing paragraph 4 by the following paragraph:

“(4) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l’Enfance.”

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**124.** Section 135.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), amended by section 68 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) operate a day care centre, a nursery school or a stop over centre, in accordance with the Act respecting childcare centres and childcare services (*insert here the year and chapter number of that Act*) and the regulations;”;

(2) by replacing paragraph *b* by the following paragraph:

“(b) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister’s regional representative, act in that capacity and exercise the functions attached thereto;”;

(3) by replacing paragraph *d* by the following paragraph:

“(d) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l’Enfance.”

## CHARTER OF THE CITY OF QUÉBEC

**125.** Section 4 of the Charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67, by Order in Council 3653-78 adopted on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 and section 1 of chapter 61 of the statutes of 1984, by section 134 of chapter 27 of the statutes of 1985, by section 2 of chapter 116 of the statutes of 1986 and by section 69 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 4.1 of the second paragraph by the following subparagraph:

“(4.1) acquire, construct and equip, in the municipality, immovables that may be leased or disposed of gratuitously or by onerous title, in whole or in part, for the benefit of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services (*insert here the year and chapter number of this Act*), for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein;”.

## CHARTER OF THE CITY OF MONTRÉAL

**126.** Article 9 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 3 of chapter 71 of the statutes of 1964, by section 210 of chapter 38 of the statutes of 1984, by section 143 of chapter 27 of the statutes of 1985, by section 1 of chapter 74 of the statutes of 1995 and by section 70 of chapter 16 of the statutes of 1996, is again amended by replacing paragraph c.2 by the following paragraph:

“(c.2) power to acquire, construct and equip, in the municipality, immovables that may be leased or disposed of gratuitously or by onerous title, in whole or in part, for the benefit of a childcare centre, a day care centre, a stop over centre or a nursery school within the meaning of the Act respecting childcare centres and childcare services (*insert here the year and chapter number of this Act*), for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein;”.

**127.** Article 524 of the said Charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 of the statutes of 1968, by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980, by section 21 of chapter 71 of the statutes of 1982, by section 670 of chapter 91 of the statutes of 1986, by section 2 of chapter 86 of the statutes of 1988, by section 12 of chapter 87 of the statutes of 1988, by section 12 of chapter 80 of the statutes of 1989, by section 4 of chapter 89 of the statutes of 1990, by section 14 of chapter 90 of the statutes of 1990, by section 16 of

chapter 82 of the statutes of 1993 and by section 117 of chapter 30 of the statutes of 1994, is again amended by replacing the words “day-care centres” in the fourth line of subparagraph *dd* of paragraph 2 by the words “childcare centres or day care centres”.

## **ACT TO AMEND THE ACT RESPECTING CHILD DAY CARE AND OTHER LEGISLATIVE PROVISIONS**

**128.** Sections 75 and 80 of the Act to amend the Act respecting child day care and other legislative provisions (1996, chapter 16) are repealed.

**129.** Section 82 of the said Act is amended

(1) by replacing the words “31 December 1997” in the third line by the words “the date fixed by the Government”;

(2) by replacing the words “31 December 1998” in the fifth line by the words “the date fixed by the Government”.

## **ACT RESPECTING THE MINISTÈRE DES RELATIONS AVEC LES CITOYENS ET DE L’IMMIGRATION AND AMENDING OTHER LEGISLATIVE PROVISIONS**

**130.** Section 10 of the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration and amending other legislative provisions (1996, chapter 21) is amended by striking out the words “, of families” in the second paragraph.

**131.** Section 11 of the said Act is amended by striking out the word “, families” in paragraph 4.

## **DIVISION IV**

### **TRANSITIONAL AND FINAL PROVISIONS**

**132.** The Government shall acquire the rights and assume the obligations of the Office des services de garde à l’enfance.

**133.** Unless otherwise indicated by the context, in any Act and in any regulation, order in council, order, proclamation, ordinance, contract, agreement, accord or other document, a reference to the Office des services de garde à l’enfance shall be a reference to the Minister of Child and Family Welfare.

**134.** The programs administered by the Office shall continue to be administered by the Minister. The Government or the Minister, depending on which approved the program, may amend or terminate a program.

**135.** The regulations of the Office are deemed to be regulations of the Government.

**136.** The permits issued by the Office are deemed to be permits issued by the Minister.

**137.** The financial assistance and grants provided by the Office are deemed to be financial assistance and grants provided by the Minister.

**138.** The Attorney General shall become a party to any proceeding to which the Office was a party, without continuance of suit.

**139.** Matters before the Office shall be continued by the Minister, with no further formality.

**140.** The members of the personnel of the Secrétariat à la famille and of the Office des services de garde à l'enfance shall become, with no further formality, members of the personnel of the Ministère de la Famille et de l'Enfance, to the extent determined by the Government.

**141.** The term of office of the members of the Office shall end on (*insert here the date of coming into force of section 109*).

**142.** The records and other documents of the Office shall become the records and documents of the Ministère de la Famille et de l'Enfance.

**143.** Notwithstanding section 7 of the Act respecting the Conseil de la famille, as amended by section 29, the term of office of the next members to be appointed to that council shall be two years, for five members, and one year, for four other members.

**144.** The appropriations granted for the fiscal year 1997-98 for child and family welfare shall be transferred, to the extent determined by the Government, to the Ministère de la Famille et de l'Enfance.

**145.** For the purposes of sections 146 to 166,

a "former provision" of the "Act" is a provision of a section of the Act respecting child day care as it read before the coming into force of the provision of this Act which amends it;

a "new provision" of the "Act" is a provision of a section of the Act respecting child day care as amended by this Act.

**146.** Every person that, on 31 August 1997, is the holder of a day care centre permit or a home day care agency permit, is receiving, among the grants provided for in the budgetary spending program of the Office, a grant for the operating expenses of the day care centre or home day care agency and is

(1) a non-profit legal person the majority of the members of whose board of directors are parents who are users of the childcare provided by the day care centre or, in the case of an agency, by persons responsible for home day care recognized by the legal person, provided that such parents are neither members of the staff of the centre or agency, nor persons responsible for home day care or their assistants, or

(2) a cooperative whose board of directors is composed as described in subparagraph 1,

shall become, on 1 September 1997, the holder of a childcare centre permit issued under the new provisions of section 7 of the Act.

A person that becomes the holder of a childcare centre permit pursuant to this section has until 31 August 1999 to bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act, and until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit.

Where the holder of a home day care agency permit becomes the holder of a childcare centre permit pursuant to this section, the persons having been recognized by the permit holder as persons responsible for home day care are deemed to be so recognized by the permit holder, subject to the new provisions of the Act and the regulations.

**147.** The holder of a day care centre permit that, on 1 September 1997, becomes the holder of a childcare centre permit pursuant to section 146 of this Act and that, on the said date, is also a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9.1), may not retain its childcare centre permit beyond 31 August 1999 unless it ceases to be a private educational institution.

**148.** A school board that, on 31 August 1997, is the holder of a day care centre permit shall retain its permit and may, notwithstanding the new provisions of section 5 of the Act, obtain the renewal of its permit, subject to the other conditions of the said Act and the regulations, for a period expiring on 31 August 1999 at the latest.

**149.** The following rules apply to a person, other than a person referred to in section 146 of this Act that, on 31 August 1997, is the holder of a home day care agency permit:

(1) the person shall retain the permit and may obtain its renewal for a period expiring on 31 August 1999 at the latest;

(2) the person, and the persons recognized by the person as persons responsible for home day care, shall be governed by the former provisions of sections 7, 10.0.1, 10.1 to 10.8, 11 to 12, 13.1, 41.6, 42, 74.1, 74.2, and 74.8 to

74.10 of the Act, the new provisions of sections 8, 9, 13, 13.2, 13.4, 14 to 16, 18 to 30, 34 to 36.1, 41.6.1, 41.6.2, 44 and 74.4 of the Act, and by the Regulation respecting home day care agencies and home day care made by Order in Council 1669-93 (1993, G.O. 2, 6863), adapted as required;

(3) the person shall also remain eligible, until 31 August 1999 at the latest, for the grants provided for by the former provisions of section 41.6 of the Act, for the benefit of that person and of the persons recognized by the person as persons responsible for home day care;

(4) if the person is neither a municipality nor a school board, the person shall become the holder of a childcare centre permit pursuant to the new provisions of section 7 of the Act if the person brings the composition of its board of directors into conformity with the requirements of subparagraph 1 of the first paragraph of section 146 of this Act and satisfies the other conditions prescribed by the new provisions of the Act and the regulations. The person has until 31 August 1999 to bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act and until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit. The provisions of the last paragraph of section 146 apply to the persons recognized by the person as persons responsible for home day care;

(5) if the person is a municipality or a school board, the person may continue to act as a home day care agency until 31 August 1999 at the latest.

A person that acquires a home day care agency from the holder of a permit that is eligible for the grants provided for in the former provisions of section 41.6 of the Act may obtain a childcare centre permit to act within the same territory and, subject to the new provisions of the Act and the regulations, becomes eligible for the grants provided for in the new provisions of section 41.6. The provisions of the last paragraph of section 146 apply to the persons recognized by the person as persons responsible for home day care.

**150.** An immovable that belongs to a cooperative or a non-profit organization which is the holder of a home day care agency permit, that appears on the agency permit as the address of the agency and that is used chiefly for the carrying on of the functions of the agency is exempt from all real estate, municipal and school taxes.

**151.** No business tax may be levied by reason of an activity conducted by a cooperative or a non-profit organization in accordance with a home day care agency permit.

**152.** An applicant for a day care centre permit or home day care agency permit whose eligibility for grants and financial assistance under a development plan of the Office or following the determination and allotment of places approved by the Government for the fiscal years extending from 1989 to 1994

and for the fiscal year 1996-97 was confirmed by the Office becomes, on 1 September 1997, an applicant for a childcare centre permit, subject to the new provisions of the Act and the regulations and so long as the future permit holder satisfies the requirements of the first paragraph of section 146 of this Act.

The provisions of the second paragraph of section 146 of this Act apply to the applicant once it obtains the permit.

**153.** An application for a day care centre or home day care agency permit filed with the Office before 1 September 1997 and made for or on behalf of a non-profit legal person or a cooperative whose board of directors satisfies the requirements of the first paragraph of section 146 of this Act, becomes, on 1 September 1997, an application for a childcare centre permit.

**154.** The provisions of the Regulation respecting day care centres made by Order in Council 1971-83 (1983, G.O. 2, 3527), adapted as required, apply to an applicant for a childcare centre permit and the holder of a day care centre permit that has become the holder of a childcare centre permit until the Regulation is amended or replaced by a regulation made under the new provisions of section 73 of the Act.

**155.** The provisions of the Regulation respecting home day care agencies and home day care made by Order in Council 1669-93 (1993, G.O. 2, 6863), remain in force until 31 August 1999.

The provisions of the said Regulation, adapted as required, apply to an applicant for a childcare centre permit and to the holder of a home day care agency permit.

**156.** A person, other than a person referred to in section 146 of this Act, that on 31 August 1997 is the holder of a day care centre permit and is eligible for the grants provided for in the former provisions of section 41.6 of the Act, remains eligible for such grants until 31 August 2002, subject to the new provisions of the Act and the regulations.

The said permit holder is governed by the new provisions of sections 13 and 13.2, paragraph 5 of section 23, paragraph 2 of section 36.1, and sections 41.6.1, 41.6.2, 74.4, 74.5 and 76.1 of the Act, adapted as required.

If the said permit holder is a natural person, a partnership or a profit-seeking legal person, any application for a grant made by the permit holder must include proof that the parents committee has approved the purposes for which the grant is applied for.

**157.** The former provisions of sections 38 to 41, 41.1.1 and 41.2 of the Act, and the provisions of the Regulation respecting exemption and financial assistance for a child in day care made by Order in Council 69-93 (1993, G.O. 2, 745) remain in force until the Government, by order, terminates the



application of those provisions. The Government may, however, amend the Regulation for the period during which it remains in force.

#### The provisions

(1) also apply to the holder of a day care centre permit, other than one to whom or to which the former provisions of section 40 of the Act apply, that, on (*insert here the date immediately preceding the date of introduction of this bill*), was eligible for financial assistance;

(2) adapted as required, also apply to the holder of a childcare centre permit issued under the new provisions of section 7 of the Act and to a person responsible for home day care recognized by such a permit holder.

However, a parent from whom the contribution fixed by the Government under the new provisions of section 39 of the Act is required for care provided to a child cannot be exempted from payment of that contribution pursuant to the former provisions of section 40 of the Act.

A parent who pays the contribution fixed under the new provisions of section 39 of the Act for care provided to a child is not eligible for exemption in respect of the contribution paid for care provided to the child.

The former provisions of sections 41.3 to 41.5 and section 45 of the Act apply to a parent who feels aggrieved by a decision made under the former provisions of section 41.5 of the Act.

**158.** The Government may appropriate sums annually to allow the Minister to grant exemptions and financial assistance for the purposes of section 157, particularly in respect of childcare provided at school by a school board pursuant to section 256 of the Education Act, as amended by section 46 of this Act.

**159.** The Minister may develop and implement a plan allowing a non-profit legal person, other than one to which section 146 of this Act applies, that on (*insert here the date immediately preceding the date of introduction of this bill*) is the holder of a day care centre permit, to become, subject to the conditions determined by the Minister, eligible for grants, including grants for operating expenses, determined under the new provisions of section 41.6 of the Act and included in the budgetary spending program.

The said permit holder shall become the holder of a childcare centre permit issued under the new provisions of section 7 of the Act as soon as the grants have been made by the Minister. The permit holder must, in the ensuing year, bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act, and has until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit.

**160.** The Minister may develop and implement a plan allowing an applicant for or the holder of a childcare centre permit under the new provisions of section 7 of the Act to acquire, subject to the conditions determined by the Minister, a day care centre or a home day care agency operated by a person that was the holder of a day care centre permit or home day care agency permit on *(insert here the date immediately preceding the date of introduction of this bill)*.

Following the acquisition, the applicant shall become the holder of a childcare centre permit and has until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit.

**161.** The Minister may, subject to the conditions he determines, enter into an agreement with the holder of a day care centre permit or home day care agency permit that undertakes to take part in the plans established under sections 159 and 160 of this Act, stipulating that the permit holder may be allotted places for which parents are to pay the fixed contribution, or for which parents are to be exempted from payment of the contribution under the new provisions of section 39 of the Act, and may be allotted the grant determined by the Minister to the extent that moneys are allocated for that purpose under the new provisions of section 41.6 of the Act.

Likewise, the Minister may enter into such an agreement with the holder of a home day care agency permit issued under the former provisions of section 7 of the Act that undertakes to satisfy the requirements of subparagraph 4 of the first paragraph of section 149 of this Act as regards the composition of its board of directors.

A permit holder that, following such an agreement, receives grants under the new provisions of section 41.6 of the Act shall be governed by the new provisions of sections 39, 41.6.1, 41.6.2, 74.7 and 76.1 of the Act, adapted as required, and by the provisions of subparagraph 2 of the first paragraph of section 149 and the second paragraph of section 156 of this Act.

The new provisions of sections 41.3 to 41.5 of the Act, adapted as required, apply to a parent who feels aggrieved by a decision concerning the contribution or exemption referred to in the new provisions of section 39 of the Act.

**162.** The first regulation concerning childcare centres made under the new provisions of paragraphs 1 to 10.2, 12.1 to 15, 16.1 and 24 of section 73 of the Act, and the first regulation made under the new provisions of paragraphs 20 to 22.1 of that section, are not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., chapter R-18.1), provided they are made before 1 September 1997.

The same applies in the case of the first regulation amending the Regulation respecting exemption and financial assistance for a child in day care, the Regulation respecting day care centres or the Regulation respecting home day care agencies and home day care.

Such regulations shall come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act.

**163.** Every person operating a nursery school on the date fixed by the Government under section 129 of this Act must obtain the required permit in the ensuing year.

The same applies to every person operating a stop over centre for which a permit is required under the new provisions of section 6 of the Act.

**164.** Unless otherwise indicated by the context, a reference to the Act respecting child day care in any Act, regulation, by-law, order in council, contract or other document is a reference to the Act respecting childcare centres and childcare services.

**165.** The Government may, by way of regulations made before 1 September 1998, adopt any other transitional measures required for the application of this Act.

Regulations made under the first paragraph may, if they so provide, operate from any date not prior to 1 September 1997.

**166.** Until the coming into force of section 109 of this Act, the new provisions of the Act and the provisions of sections 159 to 161 of this Act that apply to the Minister shall be read, adapted as required, as if they applied to the Office.

**167.** The provisions of this Act come into force on the date or dates to be determined by the Government, except section 20, paragraphs 1 and 2 of section 21, section 22, paragraphs 1 and 2 of section 23, sections 41, 42, 44 to 47 and 49, paragraphs 1 to 3 and 5 of section 50, sections 51 to 57, 59 to 85 and 87 to 93, subparagraphs 2 and 3 of the first paragraph and the second paragraph of section 94, sections 95 to 108 and 110 to 120, paragraphs 1 to 3 of section 123, paragraphs 2 and 3 of section 124, sections 125 to 129 and 145 to 166 which come into force on 1 September 1997.