

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 2

AMENDMENT:

Replace by:

2. Section 5 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) fostering children’s educational success, particularly by facilitating their transition into the school system.”;

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

The Government determines, by regulation, any other element or service to be included in the educational program. It may, in the same way, prescribe a single program applicable in whole or in part to the childcare providers it determines and provide for program equivalencies.”

*Adopté
SR*

AM 2
s. 3 (5.1)

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 3

AMENDMENT:

Insert "with the required expertise in the field of early childhood" after "body" in the third paragraph of proposed section 5.1.

Adopted
SP

AM 3
s. 3 (5.2)

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 3

AMENDMENT:

Add "Nor may they tolerate such behaviour from their employees." at the end of the last paragraph of proposed section 5.2.

Adopted
SPL

Bill 143

**An Act to improve the educational
quality and foster the harmonious
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Section 5

AMENDMENT:

In proposed section 6.1:

1. Replace “four” in proposed paragraph 3 by “six”.
2. Add after paragraph 3:

(4) holds an attestation issued by a police force or the Minister for himself or herself and for each person of full age living in the residence, establishing that none of them has an impediment under paragraph 2 or 3 of section 26;

(5) holds a certificate attesting that he or she has successfully completed a first aid course determined by government regulation;

(6) is covered by a civil liability insurance policy whose amount and coverage are determined by government regulation;

(7) notifies the parent using his or her services in writing that, as regards childcare services, he or she is subject only to the conditions provided for in this section, that he or she offers unrecognized home childcare, that he or she is not subject to monitoring by a home childcare coordinating office and that the quality of his or her childcare service is not assessed by the Minister; and

(8) has not been convicted of an offence under section 6.2, or more than two years have elapsed since the conviction.

For the purposes of subparagraph 4 of the first paragraph, the Government determines, by regulation, the terms and conditions a person must fulfil to obtain an attestation establishing that no impediment exists.

The notice provided for in subparagraph 7 of the first paragraph, in the form prescribed by the Minister, must be signed by the parent and kept by the person offering the childcare for as long as the child receives the services. The notice must also contain any other element provided for by government regulation."

Adopti
SP

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 5

AMENDMENT:

Insert after section 6.1:

"6.2. The person referred to in section 6.1 may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child to whom he or she provides childcare or undermine the child's dignity or self-esteem."

*Adopted
SP*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 6

AMENDMENT:

Insert after section 10:

10.1. The Act is amended by inserting the following section after section 57:

“57.1. Childcare providers must keep an education record for each child to whom they provide childcare.

Among other things, education records include information concerning the child’s development, information allowing better early detection of any difficulties the child may encounter and information facilitating the child’s transition into the school system.

No information contained in the record may be communicated to a third party without the consent of the parent of the child concerned, except in the case of an inspector authorized under section 72. The record is given to the parent when the childcare services are no longer required.

The Government determines, by regulation, the elements comprising the education record, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information it contains.”

*Adopted
SP*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 11

AMENDMENT:

1. Insert “, other than those established on Aboriginal territory,” after “All childcare providers” in proposed section 59.1.
2. Replace “use only the waiting list generated by” by “use only the registrations entered in” in proposed section 59.2.

*Adopted
SA*

AM 8
s. 18 (103.5)

Bill 143

**An Act to improve the educational
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development of educational childcare
services**

Section 18

AMENDMENT:

Add the following paragraph at the end of proposed section 103.5:

The Minister makes public the recommendations under subparagraphs 1 and 2 of the second paragraph made by the advisory committee concerned.

Adopte
SP

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
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Section 18

AMENDMENT:

In proposed section 103.7:

1. Replace "renewable three-year" in the first paragraph by "non-renewable five-year".
2. Strike out "reappointed or" in the second paragraph.

Adpt
SP

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 18

AMENDMENT:

In proposed section 103.6:

1. Replace “seven” in the introductory clause of the first paragraph by “nine”.
2. Add the following subparagraphs after subparagraph 7 of the first paragraph:
 - (8) one person designated by a regional economic development agency of the territory concerned; and
 - (9) one person designated by a community organization with a family-related mandate designated by the Minister.
3. Replace “4 to 6” in the third paragraph by “1 to 6, 8 and 9”.
4. Strike out “, including a community organization with a family-related mandate,” in the fourth paragraph.

*Adapté
SPM*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 18.1

AMENDMENT:

Insert after section 18:

18.1. Section 106 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 14 of the first paragraph:

“(14.1) determine the elements comprising the education records of the children to whom the childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;”;

(2) by replacing “or to a childcare provider” in subparagraph 18 of the first paragraph by “, to a childcare provider or to the person referred to in section 6.1”;

(3) by inserting the following subparagraph after subparagraph 18 of the first paragraph:

“(18.1) determine the terms and conditions the person referred to in section 6.1 must fulfil to obtain an attestation from a police force or the Minister establishing that no impediment exists;”;

(4) by inserting the following subparagraphs after subparagraph 29 of the first paragraph:

“(29.1) determine the other elements and services all educational programs must include;

“(29.2) establish a single educational program and determine which childcare providers are required to apply it in whole or in part;

“(29.3) determine equivalencies for the single educational program;

“(29.4) determine the amount of insurance and insurance coverage the person referred to in section 6.1 must have;

“(29.5) determine the first aid course the person referred to in section 6.1 must take, its content and duration and how it is to be updated;

“(29.6) determine the elements to be included in the notice the person referred to in section 6.1 must give the parent;

“(29.7) determine the documents and information the person referred to in section 6.1 must give the parents of the children to whom he or she provides childcare;”.

*Adapti
SP*

AM 12
s. 18.2

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 18.2

AMENDMENT:

Insert after section 18.1:

18.2. Section 107 of the Act is amended by striking out paragraph 1.

*Adptd
SA*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 19

AMENDMENT:

Add after proposed section 113.2:

"113.3.A childcare provider that contravenes the first or third paragraph of section 57.1 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

"113.4.The person referred to in section 6.1 that contravenes a provision of section 6.2 is guilty of an offence and is liable to a fine of \$5,000 to \$75,000."

*Adopted
SP*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
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Section 20.1

AMENDMENT:

Insert before section 21:

20.1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by inserting the following chapter after section 6:

“CHAPTER I.1

“UNRECOGNIZED HOME CHILDCARE

“DIVISION I

“INVESTIGATION ESTABLISHING THAT NO IMPEDIMENT EXISTS

“6.1. The person referred to in section 6.1 of the Act must have an investigation establishing that no impediment exists carried out in respect of himself or herself and every person of full age residing in the private residence where the childcare is provided.

He or she must, for each person, provide the police force with a copy of the consent to investigation of all of the information provided for in the second paragraph of section 27 of the Act that may establish an impediment.

“6.2. For every person referred to in the first paragraph of section 6.1, the police force must issue an attestation establishing that no impediment exists or, where applicable, an attestation of information that may establish an impediment. In the latter case, the person may then decide not to offer childcare services or provide the attestation to the Minister for the Minister’s assessment.

The police force must notify the Minister in writing when it issues an attestation of information that may establish an impediment.

“6.3. On request, the Minister assesses the attestation of information that may establish an impediment provided by the person referred to in section 6.1 of

the Act. If the Minister concludes that the content of the attestation is not related to the abilities and conduct required for home childcare or that it will not impede the carrying out of the person's responsibilities or constitute a moral or physical danger for the children to whom the person proposes to provide childcare, an attestation establishing that no impediment exists is issued to the person. Otherwise, the Minister notifies the person in writing that he or she does not have the capacity to provide childcare.

"6.4. The person must keep the consent to investigation and the attestation establishing that no impediment exists and provide parents with a copy of the attestation issued.

"6.5. The person must ensure that he or she obtains a new attestation if

- (1) the last attestation dates back 3 years or more;
- (2) the information it contains has changed; or
- (3) the Minister, on being made aware the information it contains has changed, requires a new attestation.

Sections 6.1 to 6.3 apply, with the necessary modifications, to the obtaining of the new attestation referred to in the first paragraph.

"DIVISION II

"FIRST AID COURSE

"6.6. The person referred to in section 6.1 of the Act must hold a certificate not older than 3 years attesting that the person has successfully completed a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

The person must provide parents with a copy of the certificate.

"DIVISION III

"CIVIL LIABILITY INSURANCE

"6.7. The person referred to in section 6.1 of the Act must be covered by a civil liability insurance policy for an amount of at least \$1,000,000 per claim with coverage extending to the person's activities as a childcare provider.

The person must provide parents with a copy of his or her proof of insurance.

“DIVISION IV

“NOTICE TO PARENTS

“6.8. The person referred to in section 6.1 of the Act must provide parents with the notice required under that section. In addition to the particulars required under subparagraph 7 of the first paragraph of that section, the notice must include the following information:

(1) the surname, given name, address and telephone number of the person providing the childcare services;

(2) the parent’s surname, given name, address and telephone number;

(3) the child’s surname, given name and address if it differs from the parent’s address;

(4) that a copy of the notice must be kept in the residence where the childcare services are provided for as long as the services are provided to the child there; and

(5) that the person is subject to the provisions of section 6.2 of the Act.”

*Adoptive
SPH*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Not later than (*insert the date that is 18 months after the date of coming into force of this Act*), the Government must make a first regulation regarding the other elements and services to be included in the educational program and education record under the third paragraph of section 5 of the Educational Childcare Act, enacted by section 2, and the fourth paragraph of section 57.1 of the Educational Childcare Act, enacted by section 10.1, respectively.

Adopted
SP

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 25

AMENDMENT:

Replace “*(insert the date of assent to this Act)*” by “31 December 2017”.

Adopted
8/2

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 24

AMENDMENT:

Replace by:

24. A natural person who, on *(insert the date of coming into force of section 4)*, provides childcare services to up to six children has until 1 September 2019 to comply with section 6 of the Educational Childcare Act (chapter S-4.1.1), as amended by section 4, or with section 6.1, enacted by section 5.

A legal person who, on *(insert the date of coming into force of section 4)*, provides childcare services to up to six children has until 1 September 2019 to comply with section 6 of the Educational Childcare Act, as amended by section 4.

Adopted

AM 18
s. 26

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 26

AMENDMENT:

Replace “*(insert the date of assent to this Act)*” by “31 December 2017”.

Adopted
SPR

AM 19
s. 27

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section 27

AMENDMENT:

Replace "31 May 2018" by "1 September 2018".

Adopted
SPR

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

Section

AMENDMENT:

Replace "1 April 2019" by "1 September 2018".

*Adopté
SP*

Bill 143

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
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Section 29

AMENDMENT:

Replace by:

29. The provisions of this Act come into force on *(insert the date of assent to this Act)*, except sections 6 to 9, 12 to 15, 18, 21 and 22, which come into force on 31 December 2017.

Adopti
SPR