



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 74

An Act to amend the Educational Childcare Act

Introduction

**Introduced by
Madam Nicole Léger
Minister of Families**

**Québec Official Publisher
2014**

EXPLANATORY NOTES

The purpose of this bill is to clarify the concept of related person under the Educational Childcare Act as regards certain relations between persons governed by the Act, including family members or relatives.

The bill authorizes the Minister responsible for the Act to require from a day care permit holder the information or documents necessary to ascertain the existence or absence of relations described in the Act. It also specifies additional circumstances in which the Minister may cancel or reduce the subsidy granted to a recipient or suspend its payment if the recipient refuses or neglects to provide the information required by the Minister.

LEGISLATION AMENDED BY THIS BILL:

- Educational Childcare Act (chapter S-4.1.1).

Bill 74

AN ACT TO AMEND THE EDUCATIONAL CHILDCARE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Educational Childcare Act (chapter S-4.1.1) is amended

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

“(a) subject to section 93.3, the person’s spouse or child, the child of the person’s spouse, or the person’s mother, father, aunt, uncle, brother or sister or their spouse;”;

(2) by adding the following subparagraph after subparagraph *e* of paragraph 2:

“(f) a person to whom the person directly or indirectly grants a security, a loan or any other economic benefit in relation to the establishment of a day care centre delivering subsidized childcare or the financing of its activities.”

2. The Act is amended by inserting the following sections after section 93.2:

“**93.3.** For the purposes of sections 93.1 and 93.2, the persons referred to in subparagraph *a* of paragraph 2 of section 3 are considered related to one another if

(1) one directly or indirectly participates with the other in the operation or the management of a day care centre delivering subsidized childcare; or

(2) one directly or indirectly grants the other a security, a loan or any other economic benefit in relation to the establishment of a day care centre delivering subsidized childcare or the financing of its activities.

“**93.4.** A day care permit applicant or holder who files an application with the Minister to obtain subsidized childcare spaces or to enter into a subsidy agreement must send the Minister, in the form determined by the Minister, the name and contact information of any permit applicant or holder with whom the day care permit applicant or holder is related within the meaning of paragraph 2 of section 3 or a declaration attesting to the absence of relations described in that paragraph.

“**93.5.** A day care permit applicant or holder to whom subsidized childcare spaces have been granted must inform the Minister without delay of any change in the applicant’s or holder’s circumstances that calls into question

the applicant's or holder's entitlement to a subsidy under the Act or the subsidy agreement entered into with the Minister.

“93.6. The Minister may require from the persons described in section 93.4 or a person with whom the Minister has entered into a subsidy agreement any document or information necessary to ascertain the existence or absence of relations described in paragraph 2 of section 3.”

3. Section 97 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 1:

“(1.1) makes a false declaration or distorts a material fact when applying for subsidized childcare spaces or when entering into a subsidy agreement;”;

(2) by inserting the following subparagraphs after subparagraph 2:

“(2.1) refuses or neglects to inform the Minister of any change in the recipient's circumstances that calls into question the recipient's entitlement to a subsidy under the Act or the subsidy agreement entered into with the Minister;

“(2.2) refuses or neglects to provide any document or information required by the Minister under section 93.6;”.

4. This Act comes into force on 11 September 2014, unless the Government sets an earlier date for its coming into force.