



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 32
(2003, chapter 27)

**An Act to amend the Act respecting
childcare centres and childcare services
as regards places giving entitlement to
grants**

**Introduced 13 November 2003
Passage in principle 12 December 2003
Passage 17 December 2003
Assented to 18 December 2003**

**Québec Official Publisher
2003**

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services to provide that the Minister of Employment, Social Solidarity and Family Welfare may, on the conditions determined by the Minister, enter into an agreement with any person holding a day care centre permit to allow that person to be allotted places giving entitlement to grants.

The bill provides that the Minister may, in certain cases, reallocate places giving entitlement to grants allotted to a childcare centre or a day care centre. The bill also provides that the number of places indicated on the permit is the number of allotted places giving entitlement to grants.

The bill states that the contribution fixed by the Government for certain services may be indexed according to a method prescribed by regulation and that a parent may be fully or partially exempted from payment of the contribution.

Furthermore, the bill amends certain regulatory provisions, especially to revise the amount of the contribution required from parents.

Lastly, the bill includes concordance amendments and fixes 1 January 2004 as the date on which the Act comes into force.

Bill 32

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES AS REGARDS PLACES GIVING ENTITLEMENT TO GRANTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) is amended by adding the following section after section 11.1.1:

11.1.2. The maximum number of children indicated on the permit of a childcare centre or a day care centre operated by a permit holder referred to in section 39.1 is the number of places giving entitlement to grants allotted to the centre pursuant to section 41.7.”

2. Section 39 of the said Act is amended

(1) by inserting “which may be indexed at the time and according to the method prescribed by regulation” after “certain services determined in the regulation” in the first paragraph;

(2) by inserting “fully or partially” before “exempted” in the second and third paragraphs;

(3) by replacing “is exempted from payment of a contribution,” in the fifth paragraph by “is fully exempted from payment of a contribution, require the whole contribution if the parent has been partially exempted from payment of the contribution,”;

(4) by adding the following paragraph at the end:

“Where the contribution fixed under the first paragraph is revised, the revised amount is payable as of the coming into force of the amendment. For the purposes of paragraphs *e* and *f* of section 190 and section 191 of the Consumer Protection Act (chapter P-40.1), the total amount to be paid by a parent and the rate stated in the contract between a parent and a childcare centre permit holder or a home childcare provider are revised accordingly as of the coming into force of the amendment.”

3. Section 39.1 of the said Act is amended by replacing “on 11 June 1997 is” in the first paragraph by “is”.

4. The said Act is amended by inserting the following section after section 41.6.2:

“41.6.3. For the purpose of assessing the effect of the accessibility to the educational childcare referred to in section 39 on the development of children and equal opportunity for children, and making sure that educational childcare meets parents’ needs, the Minister may require parents who have a child occupying a place giving entitlement to grants to send, at the time determined by the Minister and on the appropriate form made available to them, the documents and information prescribed by regulation concerning their employment situation, the class of annual income to which they belong, the family make-up and their childcare needs.

The documents and information must be kept and used in accordance with the conditions prescribed by the Commission d’accès à l’information under section 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

5. Section 41.7 of the said Act is amended

(1) by replacing “according to the appropriations voted annually for such purpose” by “where appropriations are granted for that purpose and according to those appropriations”;

(2) by adding the following paragraph at the end:

“The Minister may reallocate all or part of the places allotted to a childcare centre pursuant to the first paragraph if the Minister considers that the permit applicant or the permit holder cannot open the places within the time determined by the Minister. The Minister may also reallocate places allotted to a childcare centre or a day care centre if those places remain unoccupied.”

6. Section 73 of the said Act is amended by replacing paragraph 21 by the following paragraphs:

“(20.1) fixing, for the services it determines, the contribution referred to in section 39 and prescribing the indexation method and schedule applicable to the contribution;

“(20.2) determining terms and conditions for payment of the contribution fixed under section 39 and the cases in which a parent may be fully or partially exempted from payment of that contribution for all or some services, as specified;

“(21) determining the age class to which the contribution referred to in section 39 applies;

“(21.1) determining the documents and information that must be sent to the Minister by the parents referred to in section 41.6.3 concerning their

employment situation, the class of annual income to which they belong, the family make-up and their childcare needs;”.

7. Section 83 of the Regulation respecting childcare centres, enacted by Order in Council 1069-97 (1997, G.O. 2, 4368), is amended by replacing “The capacity” in the introductory sentence by “Subject to section 11.1.2 of the Act, the capacity”.

8. Section 4 of the Regulation respecting reduced contributions, enacted by Order in Council 1071-97 (1997, G.O. 2, 4392), is replaced by the following section:

“**4.** The reduced contribution is fixed at \$7 per day, whatever the type of service chosen by the parent.”

9. Section 8 of the said Regulation is amended by inserting “full” before “exemption”.

10. Section 9 of the said Regulation is amended by inserting “full” before “exemption” in the first paragraph.

11. Section 10 of the said Regulation is amended by inserting “fully” before “exempted”.

12. Section 12 of the said Regulation is amended

(1) by replacing “the exemption” in the first paragraph by “full exemption”;

(2) by replacing “the exemption” in the fourth paragraph by “full exemption”.

13. Section 39 of the Regulation respecting day care centres, enacted by Order in Council 1971-83 (1983, G.O. 2, 3527), is amended by replacing “The maximum capacity” in the introductory sentence by “Subject to section 11.1.2 of the Act, the maximum capacity”.

14. Section 170.1 of the Regulation respecting income support, enacted by Order in Council 1011-99 (1999, G.O. 2, 2881), is amended by replacing “3 \$ for each dependent child multiplied by the number of days in daycare for which a 5 \$ contribution” in the first paragraph by “\$5 for each dependent child multiplied by the number of days in daycare for which a \$7 contribution”.

15. The child day-care expenses referred to in subparagraph 2 of the first paragraph of section 41 and section 75.6 of the Regulation respecting financial assistance for education expenses, enacted by Order in Council 844-90 (1990, G.O. 2, 1685), are increased to \$35 and \$490, respectively, where a child has not reached the age of admission to preschool education determined under section 1 of the Education Act (R.S.Q., chapter I-13.3).

This modification has effect until those amounts are modified by a regulation made under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3).

16. This Act comes into force on 1 January 2004.