



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 2
(2014, chapter 8)

An Act to amend the Educational Childcare Act

Introduced 22 May 2014
Passed in principle 12 June 2014
Passed 21 October 2014
Assented to 22 October 2014

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EXPLANATORY NOTES

The purpose of this Act is to clarify the concept of related person in the Educational Childcare Act as regards certain ties between persons governed by that Act, including family members and relatives.

The Act authorizes the Minister responsible for the Educational Childcare Act to require from a day care permit holder the information or documents necessary to ascertain the existence or absence of ties described in that Act, and introduces a mechanism for reviewing decisions with regard to the concept of related person.

Lastly, it specifies additional circumstances in which the Minister may cancel or reduce the subsidy granted to a recipient or suspend its payment, including when a recipient refuses or neglects to provide the information required by the Minister.

LEGISLATION AMENDED BY THIS ACT:

- Educational Childcare Act (chapter S-4.1.1).

Bill 2

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, other than a financial institution, who directly or indirectly grants the person a security, a loan or any other economic benefit in relation to the establishment of a day care centre delivering subsidized childcare or the funding 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 one directly or indirectly participates with the other in the operation or management of a day care centre delivering subsidized childcare.

“**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 ties 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 could call into question the applicant’s or holder’s entitlement to a subsidy under the law 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 ties described in paragraph 2 of section 3.

“93.7. For the purposes of sections 93.1 and 93.2, a day care permit applicant or holder who is dissatisfied with a decision with regard to the concept of related person may, within seven days after notification of the decision, apply in writing for its review.

“93.8. The Minister designates the persons responsible for reviewing decisions with regard to the concept of related person. The persons designated must not come under the same administrative authority as the person who rendered the decision under review.

“93.9. After giving the person concerned an opportunity to submit observations and produce documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record. The person may confirm, quash or vary the decision under review.

“93.10. The application for review must be dealt with promptly. The review decision must be rendered within 15 days after receipt of the application or, as applicable, after the expiry of the time requested by the applicant to submit observations or produce documents.

“93.11. The review decision must be written in clear and concise terms, with reasons given, and be notified to the applicant.”

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 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 could call into question the recipient’s entitlement to a subsidy under the law or under 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.