



BILL NO. 13

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act to Amend Chapter 120 of the Revised Statutes, 1989, the Day Care Act

CHAPTER 33
ACTS OF 2018

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 11, 2018**

The Honourable Zach Churchill
Minister of Education and Early Childhood Development

*Halifax, Nova Scotia
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**An Act to Amend Chapter 120
of the Revised Statutes, 1989,
the Day Care Act**

Be it enacted by the Governor and Assembly as follows:

1 The title of Chapter 120 of the Revised Statutes, 1989, the *Day Care Act*, is changed from “An Act to Revise and Consolidate the Day Care Services Act and the Day Nurseries Act” to “An Act Respecting Early Learning and Child Care”.

2 Section 1 of Chapter 120 is amended by striking out “*Day Care*” in the first line and substituting “*Early Learning and Child Care*”.

3 Section 2 of Chapter 120 is repealed and the following Section substituted:

2 In this Act,

(a) “agency” means a person licensed by the Minister to manage family child-care homes;

(b) “care provider” means a person approved by an agency to provide a family home child-care program in the care provider’s home;

(c) “child care” means services providing children with care, guidance and supervision that support the child’s development and learning and that are provided by an individual other than the child’s parent, except those services exempted by the regulations;

(d) “Director” means the Director appointed pursuant to this Act;

(e) “facility” means a building or part of a building where child care is provided, but does not include a place such as a hospital or a school that is subject to other statutory regulation;

(f) “family child-care home” means a care provider’s home where a family home child-care program is provided;

(g) “family home child-care program” means a child-care program provided by a care provider in the care provider’s home;

(h) “licence” means a licence issued or renewed pursuant to this Act;

(i) “licensee” means the person or agency in whose name a licence has been issued;

(j) “Minister” means the Minister of Education and Early Childhood Development;

(k) “parent” means a parent, guardian, foster parent or any other person having the care and custody of a child.

4 Section 4 of Chapter 120 is amended by striking out “license” in the last line and substituting “licence”.

5 (1) Subsection 5(1) of Chapter 120 is amended by striking out “license” in the second and in the third lines and substituting in each case “licence”.

(2) Section 5 of Chapter 120 is further amended by adding immediately after subsection (1) the following subsection:

(1A) An agency may make an application in the prescribed form and manner for a licence or the renewal of a licence to operate as an agency.

(3) Subsection 5(2) of Chapter 120 is amended by

(a) striking out “license where he is” in the first and second lines and substituting “licence if”; and

(b) striking out “and the facility” in the first line of clause (a) and substituting “, the facility and the agency”.

(4) Subsection 5(3) of Chapter 120 is amended by

(a) striking out “license” in the second line and substituting “licence”; and

(b) striking out “he” in the second line and substituting “the Minister”.

(5) Subsection 5(4) of Chapter 120 is amended by striking out “license” in the first and in the last lines and substituting in each case “licence”.

6 Subsection 6(1) of Chapter 120 is amended by

(a) striking out “license” in the second, in the third, in the fourth and in the last lines and substituting in each case “licence”; and

(b) striking out “where he” in the second line and substituting “if the Minister”.

7 Section 7 of Chapter 120 is repealed and the following Section substituted:

7 A licence is deemed cancelled when

(a) a person to whom it was issued ceases to operate or own a facility;

or

(b) an agency ceases to manage family child-care homes.

8 Chapter 120 is further amended by adding immediately after Section 7 the following Sections:

7A An agency shall

(a) recruit and approve persons, who meet the qualifications set out in the regulations, as care providers;

(b) approve family child-care homes, that meet the requirements set out in the regulations, as places where family home child-care programs may be provided;

(c) enter into agreements with care providers as required;

(d) manage and monitor care providers to ensure compliance with the requirements set out in the regulations for care providers;

(e) monitor family child-care homes to ensure compliance with the requirements set out in the regulations for family child-care homes;

(f) revoke approvals given pursuant to this Section to a care provider or a family child-care home if there is a failure by the care provider or family child-care home to comply with the requirements set out in the regulations;

(g) hire a family home consultant who has the qualifications prescribed by the regulations;

(h) ensure the family home consultant provides services and support to care providers and to family child-care homes managed by the agency in accordance with the regulations; and

(i) perform any other duties assigned by the Director or prescribed by the regulations.

7B Every care provider shall

(a) provide a family home child-care program in accordance with the program standards and requirements set out in the regulations; and

(b) have responsibility for the health and safety of the children in the family child-care home enrolled in the family home child-care program as required by the regulations.

9 (1) Subsection 8(1) of Chapter 8 is repealed and the following subsections substituted:

(1) The Director, or a person acting on the Director's behalf, may at any reasonable time enter

(a) a facility, or any place that the Director has reasonable grounds to believe is a facility; or

(b) an agency,

and may examine the premises, equipment, facilities, books and records located in the facility or agency.

(1A) With the consent of the care provider, the Director, or a person acting on the Director's behalf, may attend and inspect a family child-care home to ensure compliance by the agency with the regulations.

(2) Subsection 8(2) of Chapter 120 is amended by

(a) striking out "owner" in the first line and substituting "licensee";

(b) striking out "his" in the second line of clause (a) and substituting "the Director's";

(c) adding "and the agency" immediately after "facility" in the third line of clause (a);

(d) striking out “his” in the second line of clause (b) and substituting “the Director’s”;

(e) adding “and the agency” immediately after “facility” in the last line of clause (b);

(f) striking out “his” in the second line of clause (c) and substituting “the Director’s”; and

(g) adding “and the agency” immediately after “facility” in the last line of clause (c).

10 Chapter 120 is further amended by adding immediately after Section 8 the following Section:

8A The Director, or a person acting on the Director’s behalf, carrying out an inspection under this Act shall produce, on request, the identification provided to the Director or person for this purpose.

11 Section 9 of Chapter 120 is amended by

(a) adding “(1)” immediately after the Section number;

(b) striking out “license” in the first line and substituting “licence”; and

(c) adding the following subsection:

(2) Every licensee and care provider shall maintain files, log books, records, returns and other documents as prescribed by the regulations.

12 Section 10 of Chapter 120 is amended by striking out “license” in the second line and substituting “licence”.

13 Section 11 of Chapter 120 is amended by striking out “license” in the last line and substituting “licence”.

14 Section 13 of Chapter 120 is amended by striking out “license” in the third line and substituting “licence”.

15 Section 14 of Chapter 120 is amended by striking out “license” in the fourth line and substituting “licence”.

16 (1) Section 15 of Chapter 120 is repealed and the following Section substituted:

15 (1) The Governor in Council may make regulations

(a) exempting a child-care service from the operation of this Act;

(b) prescribing forms and providing for their use;

(c) prescribing the procedure to make an application for a licence and a licence renewal;

- (d) prescribing the fees to be paid for a licence;
- (e) prescribing criteria for revocation or suspension of a licence;
- (f) prescribing the requirements for approval as a care provider;
- (g) prescribing qualifications for care providers;
- (h) prescribing the requirements for approval of a care provider's home as a family child-care home;
- (i) prescribing qualifications for a family home consultant;
- (j) prescribing the role, powers and duties of an agency;
- (k) prescribing the standards and requirements for a family home child-care program;
- (l) establishing policies, procedures and requirements for the health and safety of children in a facility, family child-care home and an agency play space;
- (m) prescribing the manner in which a licence is to be viewable by the public;
- (n) respecting a review by the Minister of action taken pursuant to this Act;
- (o) respecting files, log books, records and other documents maintained for the purpose of this Act;
- (p) prescribing the procedures for responding to the Director's request to provide information;
- (q) respecting the conditions, including the maximum number of children in a facility or family child-care home and child-staff ratios for which the facility or agency is licensed;
- (r) respecting fees, subsidization, capital and operating costs;
- (s) requiring and prescribing standards of programs, services, health, space, fire protection and safety in or for a facility, family child-care home and an agency play space;
- (t) respecting a child-care advisory committee to advise the Minister;
- (u) respecting the establishment of facilities and agencies;
- (v) defining any word or expression used by but not defined in this Act;
- (w) further defining any word or expression defined in this Act;
- (x) respecting any manner or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(2) The regulations made pursuant to Chapter 120 before the coming into force of this Act are valid to the extent that they would be valid if made pursuant to Chapter 120 as amended by this Act.

17 Clause 24(2)(b) of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is amended by striking out “day-care” in the last line and substituting “child-care”.

18 (1) Subclause 79(1)(av)(vi) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by striking out “Day” in the first line and substituting “Early Learning and Child”.

(2) Subsection 90(1) of Chapter 39 is amended by striking out “Day” in the third line and substituting “Early Learning and Child”.

(3) Section 91 of Chapter 39 is amended by striking out “Day” in the second line and substituting “Early Learning and Child”.

19 Subclause 4(i)(ii) of Chapter 4 of the Acts of 2004, the *Health Protection Act*, is amended by striking out “Day” in the first line and substituting “Early Learning and Child”.

20 Clause 66(d) of Chapter 17 of the Acts of 2006, the *Licensed Practical Nurses Act*, is amended by striking out “Day” in the fourth line and substituting “Early Learning and Child”.

21 (1) Subclause 65(au)(va) of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out “Day” in the first line and substituting “Early Learning and Child”.

(2) Subsection 71A(1) of Chapter 18, as enacted by Chapter 7 of the Acts of 2004 and amended by Chapter 9 of the Acts of 2005, is further amended by striking out “Day” in the fourth line and substituting “Early Learning and Child”.

(3) Section 71B of Chapter 18, as enacted by Chapter 7 of the Acts of 2004, is amended by striking out “Day” in the second line and substituting “Early Learning and Child”.

22 Clause 14(1)(b) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out “Day” in the last line and substituting “Early Learning and Child”.

23 Clause 36(b) of Chapter 376 of the Revised Statutes, 1989, the *Public Service Act*, as enacted by Chapter 37 of the Acts of 2013, is amended by striking out “day” in the second line and substituting “child”.

24 Clause 78(d) of Chapter 21 of the Acts of 2006, the *Registered Nurses Act*, is amended by striking out “*Day*” in the fourth line and substituting “*Early Learning and Child*”.

25 Clause 4(b) of Chapter 396 of the Revised Statutes, 1989, the *Remembrance Day Act*, is amended by striking out “*Day*” in the second line and substituting “*Early Learning and Child*”.

26 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
