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SNL2014 CHAPTER C-11.01

**CHILD CARE ACT**

Amended:  
2018 cC-12.3 s117

**CHAPTER C-11.01**

**AN ACT TO REGULATE CHILD CARE SERVICES**

*(Assented to December 16, 2014)*

*Analysis*

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*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

## Short title

1. This Act may be cited as the *Child Care Act* .

[2014 cC-11.01 s1](#)

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## Definitions

2. In this Act

- (a) "affiliated child care service provider" means a person who is a child care service provider operating a child care service in a family home and who holds an approval certificate issued by an agency;
- (b) "agency" means an agency referred to in subsection 9(2);
- (c) "agent" means a person who or an organization that operates an agency;
- (d) "approval certificate" means the document referred to in subsection 9(3);
- (e) "child" means a person younger than 13 years old;
- (f) "child care service" means an activity or other arrangement that provides temporary care or supervision of a child but does not include
  - (i) transition to school activities provided to children before entry to Kindergarten that are developed and approved by the Department of Education and Early Childhood Development,
  - (ii) activities or other arrangements of artistic instruction, tutoring or sports that are provided to children who are enrolled in school full-time,
  - (iii) day camps during school breaks that are provided to children who are enrolled in school full-time,
  - (iv) an occasional activity or other arrangement of more than 10 consecutive hours that either is a child care service exempted under another provision of this Act or the regulations or is provided by a child care service provider exempted under another provision of this Act or the regulations, and
  - (v) those other activities or arrangements exempted under this Act or the regulations;
- (g) "child care service provider" means a person who or an organization that operates a child care service and includes an affiliated child care service provider but does not include
  - (i) schools operating under the *Schools Act, 1997* ,
  - (ii) hospitals where the child care service is provided to in-patient children,
  - (iii) parents and relatives when providing care or supervision to a child who is related to them,
  - (iv) a person who operates a child care service for a child in the home of that child in exchange for compensation from one or more of the child's parents or relatives, and
  - (v) those other persons or organizations exempted under this Act or the regulations;

- (h) "employee" means a person who is employed including a person whose services are under contract, an administrator and a caregiver;
- (i) "facility" means,
  - (i) in relation to a child care service, a centre or family home consisting of one or more buildings, houses and indoor or outdoor areas where the child care service is operated but does not include a location that is generally open to the public, and
  - (ii) in relation to an agency, one or more buildings or houses where the agency is operated;
- (j) "licensee" means a child care service provider or agent who holds a licence under this Act;
- (k) "manager" means a person appointed under subsection 5(1);
- (l) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (m) "monitor" means a person appointed by an agency under paragraph 9(2)(d);
- (n) "parent" means the following persons in relation to a child:
  - (i) a mother and her spouse or cohabiting partner,
  - (ii) a father and his spouse or cohabiting partner,
  - (iii) a foster parent as defined in the *Children, Youth and Families Act* , and
  - (iv) a guardian;
- (o) "peace officer" means a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police and includes a person approved by the Attorney General to perform the duties of a peace officer;
- (p) "provincial director" means the Provincial Director of Child Care appointed under section 4;
- (q) "relative" means
  - (i) a parent, sibling, niece or nephew of a parent, and
  - (ii) a sibling, niece or nephew of a child;
- (r) "student" means a person who assists a child care service provider as a requirement of an early childhood education program at a post-secondary institution; and
- (s) "warrant" means a warrant issued under section 20 and a telewarrant issued under section 21.

[2014 cC-11.01 s2; 2018 cC-12.3 s117](#)

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### **Labrador Inuit rights**

3. (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador*

*Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, a manager issues a licence he or she may add to that licence terms and conditions that the licensee shall comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act* .

[2014 cC-11.01 s3](#)

## **PART I ADMINISTRATION**

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### **Provincial Director of Child Care**

4. The minister shall appoint a person to be the Provincial Director of Child Care who shall be responsible for

- (a) establishing province-wide policies and standards for child care services including licensing and facilities;
- (b) establishing province-wide policies and standards for persons involved in operating a child care service;
- (c) reviewing, evaluating and monitoring adherence to the established policies and standards; and
- (d) advising and reporting to the minister on matters with respect to this Act and the regulations.

[2014 cC-11.01 s4](#)

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### **Managers**

5. (1) The minister shall appoint one or more managers who shall exercise the powers and perform the duties and functions that are conferred or imposed upon them by this Act and the regulations.

(2) An appointment under subsection (1) shall be in writing and may include those terms and conditions the minister considers advisable.

[2014 cC-11.01 s5](#)

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### **Inspectors**

6. (1) The minister shall appoint one or more inspectors who shall exercise the powers and perform the duties and functions that are conferred or imposed on them by this Act and the regulations.

(2) Inspectors appointed under this Act shall have the qualifications and experience set out in the regulations.

(3) A manager shall not be appointed as an inspector under this Act.

(4) Inspectors appointed under this Act may be accompanied by one or more persons when exercising the powers or performing the duties or functions conferred or imposed on inspectors by this Act and the regulations and those other persons shall have the rights and powers given to an inspector under section 19 while accompanying the inspector.

(5) Nothing in this Act or the regulations limits inspectors appointed under other Acts and regulations from exercising powers or carrying out duties or functions conferred or imposed on them by other Acts and regulations.

[2014 cC-11.01 s6](#)

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### **Protection from liability**

7. A manager, inspector, the provincial director or other person is not personally liable for anything done or omitted in good faith in the exercise or performance, or intended exercise or performance, of

- (a) a power, duty or function conferred or imposed upon him or her by this Act or the regulations; or
- (b) a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred or imposed by this Act or the regulations,

or for the costs in connection with an action or proceeding.

[2014 cC-11.01 s7](#)

## **PART II LICENCES**

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### **Child care service**

8. A child care service provider shall not operate a child care service unless that child care service provider

- (a) holds a valid child care service licence for that child care service;
- (b) is exempt from the requirement to hold a child care service licence to operate that child care service; or
- (c) is approved by an agency and the agent of that agency holds a valid agency licence.

[2014 cC-11.01 s8](#)

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### **Agency**

9. (1) An agent shall not operate the business of an agency as set out in subsection (2) unless that agent holds a valid agency licence.

- (2) An agency shall

- (a) approve affiliated child care service providers in accordance with the provisions of this Act and the regulations that apply to applications for a child care service licence to operate a child care service in a family home;
  - (b) supervise affiliated child care service providers it approves and the child care services operated by those affiliated child care service providers to ensure compliance with the provisions of this Act and the regulations that apply to affiliated child care service providers and to licensees that hold a child care service licence to operate a child care service in his or her home;
  - (c) provide supports to affiliated child care service providers it approves; and
  - (d) appoint monitors to exercise the powers and perform the duties and functions conferred or imposed upon them by this Act and the regulations.
- (3) Where an agency approves an affiliated child care service provider, the agency shall issue an approval certificate to that affiliated child care service provider.
- (4) An agency shall ensure that a monitor visits each affiliated child care service provider the agency approves and the facility in which the child care service of that affiliated child care service provider is operated at least once a month.

[2014 cC-11.01 s9](#)

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#### **Application for licence**

**10.** An applicant shall apply in writing to a manager for a licence under this Act in the form prescribed by the minister.

[2014 cC-11.01 s10](#)

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#### **Renewal and variation**

**11.** (1) A licensee shall apply in writing to a manager to renew or vary a licence under this Act in the form prescribed by the minister before the licence expires.

(2) Where an application to renew a licence is made at least 60 days before the day the licence expires, the existing licence is considered to be valid until the licensee receives the decision of a manager on the licensee's application for renewal.

[2014 cC-11.01 s11](#)

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#### **Issuance**

**12.** (1) Where a manager is satisfied upon the inquiry and investigation that he or she considers necessary that all requirements prescribed in this Act and the regulations are met, the manager may

- (a) issue a child care service licence to a child care service provider;
- (b) issue an agency licence to an agent;
- (c) renew a licence; or

(d) vary a licence.

(2) A manager may issue, renew or vary a licence with or without terms and conditions.

[2014 cC-11.01 s12](#)

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### **Refusal to issue, renew or vary**

13. (1) A manager may refuse to issue, renew or vary a licence where

(a) the applicant is a person who is younger than 19 years old;

(b) the applicant is applying for an agency licence and the applicant is not a not-for-profit corporation or a corporation without share capital;

(c) the applicant fails to provide the documentation required by this Act and the regulations;

(d) one or more of the applicant, child care service, agency or facility do not meet the requirements set out in this Act and the regulations;

(e) the applicant was previously issued a licence that was later revoked;

(f) the manager is satisfied that the applicant made one or more false or misleading statements in the application or in the information provided in support of the application;  
or

(g) the manager is satisfied that it would not be appropriate to issue, renew or vary a licence.

(2) Where an application is refused, the manager shall provide written reasons to the applicant by regular mail.

(3) An applicant whose application has been refused may request a review of the application.

(4) A request for review under subsection (3) shall be in writing and made to the minister within 30 days after the applicant receives the written reasons for refusal.

(5) A review shall be performed within 60 days of the receipt of the written request and a written decision including reasons shall be sent by regular mail to the person who requested the review within 5 business days of being decided.

(6) An appeal lies from the decision of the minister to a judge of the Trial Division.

[2014 cC-11.01 s13](#)

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### **Licences generally**

14. (1) Licensees are entitled to operate only the child care service or agency specified in the licence in the facility specified in the licence in accordance with the terms and conditions attached to it.

(2) Licences issued by a manager shall set out

(a) the name of the licensee;

- (b) the name of the child care service or agency that is permitted to operate under the licence;
  - (c) the type of licence;
  - (d) the commencement and expiration dates of the licence;
  - (e) where the licence is a child care service licence,
    - (i) the street address of the facility where the child care service is operated,
    - (ii) the maximum number of children and the ages of the children who may participate in the child care service at any one time, and
    - (iii) where applicable, the number of homerooms permitted under the licence and the maximum number of children and the age range of children that may be assigned to those homerooms; and
  - (f) where the licence is an agency licence, the street address of the agency.
- (3) Licences are valid for a maximum of 3 years.
- (4) Licences are not transferrable or assignable.

[2014 cC-11.01 s14](#)

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#### **Terms**

**15.** Licensees holding a valid licence shall

- (a) maintain insurance coverage in accordance with the regulations;
- (b) prepare, maintain and keep books and records in accordance with this Act and the regulations;
- (c) operate the child care service or agency in accordance with this Act, the regulations and the terms and conditions of the licence;
- (d) where the licensee is a child care service provider, obtain written approval from a manager before doing one or both of the following:
  - (i) renovating a facility in a way that modifies the configuration of the space, or
  - (ii) making a material change to its program; and
- (e) comply with this Act, the regulations and any terms, conditions and requirements that may be prescribed by the minister.

[2014 cC-11.01 s15](#)

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#### **Suspension and revocation**

- 16.** (1) A manager may suspend or revoke a licence where the manager is satisfied that

- (a) one or more of the following have violated this Act, the regulations or a term or condition of the licence:
    - (i) the licensee,
    - (ii) a child care service or agency the licensee operates,
    - (iii) a child care service provider operating a child care service under the licence or under an approval certificate issued by the licensee, or
    - (iv) an employee, student or volunteer who assists or provides services in the operation of the child care service or agency; or
  - (b) the applicant made one or more false or misleading statements in the application or to an inspector.
- (2) A manager shall not suspend a licence for more than 30 days.
- (3) Where a licence is suspended and the terms and conditions necessary to lift the suspension are met in the time set by the manager and to the satisfaction of the manager, the manager shall reinstate the licence with or without terms or conditions.
- (4) Where a licence is suspended and the terms and conditions necessary to lift the suspension are not met in the time set by the manager and to the satisfaction of the manager, the manager shall revoke the licence.
- (5) Where a licence is suspended or revoked, the manager shall serve a notice of suspension or revocation and written reasons for the decision on the licensee, the child care service provider or an employee of the licensee or the child care service provider.

[2014 cC-11.01 s16](#)

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#### **Review of suspension or revocation**

- 17.** (1) A licensee whose licence has been suspended or revoked may request a review of the suspension or revocation.
- (2) A request for review under subsection (1) shall be in writing and made to the minister within 30 days from the date the licensee receives the written reasons for suspension or revocation.
- (3) A review shall be performed within 60 days of the receipt of the written request and a written decision including reasons shall be sent by regular mail to the person who requested the review within 5 business days of being decided.
- (4) An appeal lies from the decision of the minister to a judge of the Trial Division.

[2014 cC-11.01 s17](#)

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#### **Consequences of suspension or revocation**

- 18.** (1) Where a licence is suspended or revoked the child care service or agency specified in that licence shall not be operated.
- (2) Where a licence is revoked, the licensee shall immediately return the licence to a manager.

(3) Where an agency licence is revoked, a manager may issue a temporary child care service licence to one or more affiliated child care service providers of that agency for a maximum of 6 months where the manager is satisfied that the affiliated child care service provider is in compliance with this Act and the regulations.

(4) Where a temporary child care service licence expires, an affiliated child care service provider shall not operate a child care service unless that affiliated child care service provider

- (a) holds his or her own valid child care service licence;
- (b) is under the supervision of, and holds an approval certificate from, an agency whose agent holds a valid agency licence; or
- (c) is exempt from the requirement to hold a licence.

[2014 cC-11.01 s18](#)

### **PART III INSPECTIONS AND VIOLATION ORDERS**

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#### **Inspections**

**19.** (1) An inspector appointed under this Act may, at all reasonable times and without a warrant, for a purpose related to the administration or enforcement of this Act or the regulations, inspect or examine the facilities, premises, processes, books and records of a child care service provider, child care service, agency, agent or a person the inspector may consider relevant for the purpose of determining compliance with this Act or the regulations and the inspector may do one or more of the following:

- (a) enter
  - (i) a facility,
  - (ii) premises where property, books or records relating to a child care service or agency are or may be kept, or
  - (iii) premises where anything is done or is suspected of being done in connection with a requirement of this Act or the regulations;
- (b) conduct tests and make copies, extracts, photographs or videos the inspector considers necessary; or
- (c) require a child care service provider, agent, owner of a facility or premises or their employees, students and volunteers to
  - (i) give the inspector all reasonable assistance, including the production of books and records as requested by the inspector and to answer all questions relating to the administration or enforcement of this Act or the regulations and, for that purpose, require a person to attend at a facility or premises with the inspector, and
  - (ii) make available the means to generate and manipulate books and records that are in machine readable or electronic form and any other means or information necessary for the inspector to assess the books and records.

(2) Notwithstanding subsection (1), an inspector appointed under this Act shall not enter a dwelling-house without the consent of the occupant except under the authority of a warrant.

(3) A person shall not knowingly make a false or misleading statement, either orally or in writing, to the inspector while he or she is exercising powers or carrying out duties or functions under this Act or the regulations.

(4) An inspector appointed under this Act shall inspect the following at least once a year to determine whether they are in compliance with this Act and the regulations:

- (a) each child care service that is operated under a licence and the facility in which it is operated; and
- (b) each agency and the facility in which it is operated.

(5) An inspector appointed under this Act shall inspect the greater of 10% or 5 of the affiliated child care service providers approved by each agency and the facilities in which the child care services of those affiliated child care service providers are operated each year.

[2014 cC-11.01 s19](#)

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### **Warrants**

**20.** (1) Where an inspector appointed under this Act

- (a) is denied entry to a facility or premises to carry out an inspection; or
- (b) believes on reasonable and probable grounds that there has been a contravention of this Act or the regulations,

the inspector may file an application with the Provincial Court for a warrant.

(2) Where a Provincial Court judge is satisfied on the basis of an inspector's sworn information that there are reasonable grounds to believe that the inspector has been denied entry to a facility or premises to carry out an inspection or there has been a contravention of this Act or the regulations, the judge may issue a warrant authorizing the inspector to do one or both of the following:

- (a) enter the facility or premises and carry out an inspection under this Act; or
- (b) seize or remove any of the books or records that may be required as evidence of contravention and may retain those documents until the time they are required in a court proceeding.

(3) A Provincial Court judge may receive and consider an application for a warrant or extension of warrant without notice to the child care service provider, agent or the owner of the facility or premises.

(4) Child care service providers, agents, owners of a facility or premises and their employees, students and volunteers shall not obstruct an inspector while the inspector is exercising the powers and performing the duties and functions as authorized by the warrant.

(5) At the request of an inspector, a peace officer shall assist in enforcing a warrant.

[2014 cC-11.01 s20](#)

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### **Telewarrants**

**21.** (1) Where, in the opinion of an inspector, it would not be practical to appear in person before a Provincial Court judge to apply for a warrant, the inspector may make the application by telephone or other means of telecommunication.

(2) Where an inspector acts under the authority of a warrant obtained under this section, the inspector shall provide a facsimile of the warrant to an employee of the child care service provider or agency or to the owner or an employee of the facility or premises present at the time the warrant is carried out.

(3) In subsection (2), "facsimile" includes a record produced by electronic means or a written record of a telephone conversation made by both parties to the conversation while it is in progress and which the parties have confirmed as to its accuracy by reading their record of the conversation to one another at the end of the conversation.

[2014 cC-11.01 s21](#)

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### **Inspection report**

**22.** An inspector appointed under this Act shall prepare a written report of each inspection within 30 days of the inspection and provide it to

- (a) a manager;
- (b) the child care service provider of a child care service where that child care service or the facility in which it is operated was the subject of the inspection;
- (c) the agent of an agency where that agency or the facility in which it is operated was the subject of the inspection; and
- (d) the affiliated child care service provider and the agent of his or her supervising agency where that affiliated child care service provider or the facility in which his or her child care service is operated was the subject of the inspection.

[2014 cC-11.01 s22](#)

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### **Consequences of non-compliance**

**23.** (1) Where an inspection report details evidence of non-compliance with this Act or the regulations, a manager may

- (a) issue a written violation order against the licensee requiring the licensee to bring one or more of the child care service, agency or facility into compliance; or
- (b) suspend or revoke a licence.

(2) A violation order issued by a manager shall be posted in accordance with section 30 for either 30 consecutive days or until a manager is satisfied that the child care service, agency and facility are in compliance with this Act and the regulations, whichever is longer.

[2014 cC-11.01 s23](#)

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### **Requirements of violation orders**

**24.** A violation order shall

- (a) be issued against a licensee with respect to a specific child care service or agency;
- (b) set out the name of the child care service or agency that is the subject of the violation order and the street address where the child care service or agency is operated;
- (c) describe the violation of this Act or the regulations;
- (d) where applicable, set out the time by which the licensee shall bring the child care service, agency or facility into compliance;
- (e) set out the date it was issued;
- (f) be signed by the manager who issued it; and
- (g) be served on the licensee.

[2014 cC-11.01 s24](#)

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#### **Review of violation orders**

**25.** (1) A licensee who receives a violation order may request a review of the violation order.

(2) A request for review under subsection (1) shall be in writing and made to the minister within 30 days from the date the licensee receives the violation order.

(3) A review shall be performed within 60 days of the receipt of the written request and a written decision including reasons shall be sent by regular mail to the person who requested the review within 5 business days of being decided.

(4) An appeal lies from the decision of the minister to a judge of the Trial Division.

[2014 cC-11.01 s25](#)

### **PART IV INFORMATION AND ACCESS**

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#### **Application of this Part**

**26.** Unless otherwise provided for in this Part, this Part applies only to the following:

- (a) child care service providers that operate a child care service under a child care service licence;
- (b) affiliated child care service providers;
- (c) agents; and
- (d) agencies.

[2014 cC-11.01 s26](#)

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**Information is confidential**

27. (1) Child care service providers, agents and agencies shall keep confidential all information with respect to

- (a) children who are currently or have been previously registered in their or their affiliated child care service provider's child care service;
- (b) children who apply to become registered in their or their affiliated child care service provider's child care service; and
- (c) the parents and relatives of children referred to in paragraphs (a) and (b).

(2) Notwithstanding subsection (1), information with respect to children and their parents and relatives may be disclosed without consent

- (a) by an affiliated child care service provider to a monitor or an employee of the agency that issued that affiliated child care service provider's current approval certificate while the monitor or employee is exercising powers or carrying out duties or functions under this Act or the regulations;
- (b) to an inspector while he or she is exercising powers or carrying out duties or functions under this Act or the regulations;
- (c) for the purpose of complying with a subpoena, warrant or court order;
- (d) where required by this Act or the regulations or by another Act or regulations; and
- (e) where required to ensure the health or safety of a child registered in a child care service.

[2014 cC-11.01 s27](#)

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**Access to information**

28. Parents of a child registered in a child care service, and persons authorized in advance in writing by one or more of those parents, are entitled to a copy of the following upon request:

- (a) the documents and records of the child care service provider and child care service with respect to that child;
- (b) the violation orders made against the child care service provider with respect to that child care service;
- (c) where applicable, the child care service licence or the agency licence of the supervising agency;
- (d) where the child care service provider is an affiliated child care service provider, the approval certificate issued by his or her supervising agency; and
- (e) other documents and records with respect to that child set out in the regulations.

[2014 cC-11.01 s28](#)

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### **Entry to facility**

29. Parents of a child registered in a child care service, and persons authorized in advance in writing by one or more of those parents, may enter the facility in which that child care service is operated at any time during its operating hours.

[2014 cC-11.01 s29](#)

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### **Posting of violation orders and other documents**

30. (1) All documents required to be posted in accordance with this Act or the regulations shall be posted together in a place that is prominent, visible and near the main entrance of the facility in which the child care service that is the subject of the documents is operated.

(2) A licensee holding a child care service licence shall post the current licence issued by a manager for that child care service and a copy of outstanding violation orders with respect to that child care service.

(3) A licensee holding an agency licence shall post the current licence issued by a manager for that agency and a copy of outstanding violation orders with respect to that agency.

(4) An affiliated child care service provider shall post the current approval certificate issued by the supervising agency for that child care service and a copy of outstanding violation orders with respect to that child care service.

[2014 cC-11.01 s30](#)

## **PART V GENERAL**

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### **Offence**

31. (1) A person who contravenes this Act or the regulations or makes a false statement in an application, return, form or record required under this Act or the regulations is guilty of an offence and liable on summary conviction

(a) for a first offence, to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for not more than 60 days or to both a fine and imprisonment; or

(b) for a subsequent offence, to a fine of not less than \$2,000 and not more than \$5,000 or to imprisonment for not more than 90 days or to both a fine and imprisonment.

(2) Each contravention of this Act or the regulations constitutes a new and separate offence.

(3) Where an offence under this Act or the regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

(4) Where a person is convicted of an offence under this Act or the regulations, in addition to another punishment that may be imposed under this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order requiring the offender to comply with those conditions that the court considers appropriate in the circumstances for securing the offender's good conduct and for preventing the offender from repeating the same offence or committing other offences.

[2014 cC-11.01 s31](#)

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**Service**

32. (1) Where, under this Act or the regulations, service upon a person is required, service shall be made in person or by registered mail at the last known address of the person and where that person is a corporation, service shall be made in the same manner upon a director or chief executive officer of the corporation.

(2) Personal service referred to in subsection (1) may be proved by a statement under oath either orally or in writing by the person who served the document.

(3) A document sent by registered mail in accordance with subsection (1) shall be considered to be served on the fifth day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, the person did not receive the document, or did not receive it until a later date.

[2014 cC-11.01 s32](#)

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**Statutory review**

33. (1) The minister shall, every 5 years, conduct a review of this Act and the regulations and consider the areas which may be improved.

(2) A review conducted under subsection (1) shall include public consultations.

[2014 cC-11.01 s33](#)

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**Regulations**

34. The minister may make regulations

- (a) prescribing child care service providers or child care services that are included in, or exempted from, the application of this Act or the regulations or a part of them and prescribing the terms or conditions of inclusion or exemption;
- (b) prescribing the design and construction of facilities and the furnishings, materials and equipment to be provided at facilities;
- (c) respecting applications for licences;
- (d) respecting licences including types of licences, when a licence is required, the requirements that shall be met before a licence is issued and the terms and conditions of licences;
- (e) respecting the suspension and revocation of licences;
- (f) respecting certification including levels of certification, applications for certification or for renewal of certification, and the requirements that shall be met before it is granted;
- (g) prescribing the qualifications, experience and other requirements of licensees, child care service providers and agents as well as employees, students and volunteers of licensees, child care service providers, agents and agencies;

- (h) prescribing requirements for the supervision, health, safety, nutrition and behaviour guidance of children registered in a child care service;
- (i) prescribing requirements for the program to be followed in a child care service;
- (j) prescribing when parents and managers shall be notified of information with respect to children registered in a child care service;
- (k) respecting the insurance coverage that shall be carried with respect to a child care service provider, child care service, agent or agency;
- (l) prescribing hours of operation of a child care service;
- (m) respecting requirements for registration of a child in a child care service including the information and documentation that must be submitted;
- (n) prescribing the child to caregiver ratio and the maximum number of children that may be registered in a child care service;
- (o) prescribing the documentation, books and records that shall be kept by child care service providers, agents and agencies, the manner in which they shall be kept and whether parents or persons authorized by parents are entitled to a copy of them;
- (p) respecting the provincial director, managers and inspectors appointed under this Act including the qualifications, experience and other requirements of those persons;
- (q) prescribing the powers, duties and functions of the provincial director, managers and inspectors appointed under this Act;
- (r) respecting monitors including the qualifications, experience and other requirements of monitors;
- (s) prescribing the powers, duties and functions of monitors;
- (t) respecting violation orders including when violation orders are issued, the terms and conditions of violation orders and what information shall be included in a violation order;
- (u) respecting the documents that shall be posted at a facility and the manner in which they shall be posted;
- (v) prescribing restrictions on advertising and promotional materials with respect to child care service providers, child care services, agents and agencies;
- (w) defining a word or phrase used but not defined in this Act; and
- (x) generally, to give effect to this Act.

[2014 cC-11.01 s34](#)

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#### **Fees and forms**

**35.** The minister may set fees and establish forms for the purpose and administration of this Act and the regulations.

[2014 cC-11.01 s35](#)

**PART VI  
TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS  
AND COMMENCEMENT**

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**Transitional**

36. (1) Where an applicant submitted an application under the *Child Care Services Act* or the *Child Care Services Regulations, 2005* and that application has not been issued, granted or refused on the coming into force of this Act, it shall be considered to be an application under this Act or the regulations.

(2) On the coming into force of this Act, a valid licence issued under the *Child Care Services Act* shall continue to be valid as though it were a licence issued under this Act until whichever of the following occurs first:

(a) the licence expires; or

(b) one year after the coming into force of this Act.

(3) On the coming into force of this Act, a licence suspended under the *Child Care Services Act* shall continue to be suspended as though it were suspended under this Act.

(4) An outstanding violation order issued under the *Child Care Services Act* before the coming into force of this Act shall be considered to be an outstanding violation order under this Act.

[2014 cC-11.01 s36](#)

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**SNL2010 cC-12.2 Amdt.**

**37. Paragraph 11(5)(b) of the *Children and Youth Care and Protection Act* is repealed and the following substituted:**

(b) a teacher, educational psychologist, guidance counsellor, school principal, social worker, family counsellor, member of the clergy or religious leader, persons involved in operating or providing a child care service or agency, a youth worker and a recreation worker;

[2014 cC-11.01 s37](#)

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**SNL2001 cC-14.1 Amdt.**

**38. The Schedule to the *Citizens' Representative Act* is amended by deleting the words " Day Care and Homemaking Services Licensing Board".**

[2014 cC-11.01 s38](#)

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**SNL2005 cS-16.2 Amdt.**

**39. Paragraph 4(1)(e) of the *Smoke-free Environment Act, 2005* is repealed and the following substituted:**

- (e) a facility as defined in the *Child Care Act* that is a family home while a child care service is being operated or a facility as defined in the *Child Care Act* that is not a family home;

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SNL1993 cT-4.1 Amdt.

**40. Paragraph 4.1(1)(h) of the *Tobacco Control Act* is repealed and the following substituted:**

- (h) a facility as defined in the *Child Care Act* that is a family home while a child care service is being operated or a facility as defined in the *Child Care Act* that is not a family home;

[2014 cC-11.01 s40](#)

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SNL1998 cC-11.1 Rep.

**41. The *Child Care Services Act* is repealed.**

[2014 cC-11.01 s41](#)

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**Commencement**

**42. This Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council. (In force Jul. 31/17)**

[2014 cC-11.01 s42](#)