

**NATIONAL ASSEMBLY OF THE FIRST SESSION OF
THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**REPORT OF
THE SPECIAL SELECT COMMITTEE
ON THE
CHILDCARE AND DEVELOPMENT SERVICES BILL 2009
(BILL NO. 31 OF 2009)**

**PRESENTED TO THE NATIONAL ASSEMBLY
BY
THE CHAIRPERSON OF THE COMMITTEE
ON
16TH JUNE, 2011.**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
CHILDCARE AND DEVELOPMENT SERVICES BILL 2009
– BILL NO. 31 OF 2009.**

Publication

1. AN ACT to regulate childcare services and to provide for parameters for the granting of licenses for childcare and development services and connected matters. This Bill was published on 25th June, 2009.

Introduction and First Reading

2. The Bill was introduced in the National Assembly and read a first time on 9th July, 2009.

Committal to Select Committee

3. Following its first reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.

Members of the Special Select Committee

4. At a meeting held on 9th July, 2009 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Childcare and Development Services Bill – Bill No. 31 of 2009.

Members of the People's Progressive Party/Civic (PPP/C) (6)

The Hon. Priya D. Manickchand, M.P.,
Minister of Human Services and Social Security

The Hon. Dr. Frank C.S. Anthony, M.P.,
Minister of Culture Youth and Sport

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

Members of the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

Mrs. Clarissa S. Riehl, M.P.,
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P.

Mr. Mervyn Williams, M.P.

Member of the Alliance For Change (AFC) (1)

Mrs. Latchmin Budhan- Punalall, M.P.

First Meeting of the Committee – Election of Chairperson

5. At its first meeting held on 4th August, 2009, the Committee elected the Hon. Priya D. Manickchand, M.P., Minister of Human Services and Social Security as Chairperson of the Special Select Committee.

Other Meetings of the Committee

6. The Committee met on 5 other occasions as follows:

Tuesday, 10th October, 2009

Tuesday, 17th November, 2009

Tuesday, 24th November, 2009

Tuesday, 1st March, 2011

Tuesday, 7th June, 2011

7. A copy of the Attendance Record of the Committee can be found at **Appendix I.**

Consideration of the Bill

7. The Committee commenced consideration of the Bill on 10th October, 2009.
8. The following Clauses were accepted as presented:
1, 3, 6, 14, 17, 18, 19, 21, 21, 22, 23 and 24.
9. The following Clauses were amended:
2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 20, 26, 27, 28, 29, 31, 32 and 33.
Clause 25 was deleted.
10. A copy of the Matrix containing details of the amendments made to the Bill by the Committee can be found at **Appendix II.**
11. A copy of the new Bill, containing all of the changes, can be found at **Appendix III.**

Report of the Special Select Committee

12. At its 6th Meeting held on 7th June, 2011, the Special Select Committee on the Childcare and Development Services Bill 2009 – Bill No. 31 of 2009 agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.
13. The Report is accordingly hereby submitted.

Minutes

14. The Minutes of Proceedings of the Committee can be found at **Appendix IV.**

Verbatim Records

15. Verbatim Records of the proceedings of the Committee have been prepared and are available at Parliament Office.

A handwritten signature in black ink, reading "Priya D. Manickchand", written over a horizontal dotted line.

The Hon. Priya D. Manickchand, M.P.,
Minister of Human Services and Social Security
Ministry of Human Services and Social Security

*Committees Division,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.*

7th June, 2011.

APPENDIX I

SPECIAL SELECT COMMITTEE ON THE CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 BILL NO.31 OF 2009

ATTENDANCE RECORD (2009-2011)

NAME	Aug	Oct.	Nov.		March	June
	4 th	10 th	17 th	24 th	1 st	7 th
The. Hon. Priya D. Manickchand, M.P.	Abs.	Pr.	Pr.	Pr.	Pr.	Pr.
The Hon. Dr. Frank C.S. Anthony, M.P.	Pr.	Ex.	Pr.	Pr.	Abs.	Ex.
Mrs. Indranie Chandarpal, M.P. Chief Whip	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
Mrs. Shirley V. Edwards, M.P.	Abs.	Pr.	Pr.	Pr.	Pr.	Pr.
Mr. Norman Whittaker, M.P.	Abs.	Pr.	Pr.	Ex.	Abs.	Pr.
Rev. Kwame Gilbert, M.P.	Abs.	Pr.	Pr.	Pr.	Pr.	Pr.
Mrs. Clarissa Riehl, M.P.	Abs.	Pr.	Pr.	Ex.	Ex.	Ex.
Mrs. Volda A. Lawrence, M.P.	Abs.	Abs.	Abs.	Abs.	Abs.	Abs.
Mr. Mervyn Williams, M.P.	Abs.	Ex.	Ex.	Pr.	Abs.	Abs.
Mrs. Latchmin Punalall, M.P.	Abs.	Pr.	Pr.	Pr.	Pr.	Pr.

Pr. - Present
Abs. - Absent
Ex. - Excused

Committees Division
Parliament Office
Public Buildings
Georgetown

APPENDIX II

APPENDIX 2
SPECIAL SELECT COMMITTEE ON CHILDCARE AND DEVELOPMENT
SERVICES BILL 2009
BILL NO. 31 OF 2009
Amendments approved by the Committee

CLAUSES OF PRESENT BILL	AMENDMENTS
<p style="text-align: center;">TITLE A BILL – Intituled</p> <p>AN ACT to regulate childcare services and to provide for parameters for the granting of licences for childcare and development services and connected matters.</p>	<p>Unaltered</p>
<p>CLAUSE 1</p>	<p>Unaltered</p>
<p>CLAUSE 2 Subsection (1), Marginal notes Interpretation</p> <p>Subsection (1), paragraph (a)</p> <p>Subsection (1), paragraph (b)</p> <p>In this Act, unless the context otherwise requires – “childcare service” means a pre-school care or a service providing care, developmental and educational assistance including early stimulation, such as, play group, home care, day care or night care services or a combination of both, to one or more children by a caregiver or sponsor, in the absence of any parent or guardian –</p> <p>Paragraphs (c) to (f)</p> <p>Paragraph (g)</p> <p>“Minister” means the Minister responsible for welfare of children and social security;</p> <p>Paragraph (h)</p>	<p>Interpretation</p> <p><i>Act No. 2 of 2009</i></p> <p>In this Act, unless the context otherwise requires – “childcare service” means a pre-school care or a service providing care, developmental and educational assistance including early stimulation, such as, play group, home care, day care or night care services or a combination of both. <i>or a safe home</i>, to one or more children <i>under twelve years</i> by a caregiver or sponsor, in the absence of any parent or guardian –</p> <p>Unaltered</p> <p>“Minister” means the Minister responsible for <i>the</i> welfare of children;</p>

<p>“night care service” means a childcare service that is provided for the night in the absence of any parent or guardian in the home of the sponsor or caregiver or in a childcare facility or residential care facility for a fee or reward;</p> <p>Paragraphs (i) and (j)</p> <p>Paragraph (k)</p> <p>“residential care facility”, in relation to a child means a home providing care and accommodation for a child which is carried on by a voluntary or non-governmental organization but does not include –</p> <ul style="list-style-type: none"> a) a nursing home, mental nursing home or residential care home; b) a school; or c) a hospital. <p>Paragraph (l)</p> <p>“sponsor”, in relation to a child care service, includes the owner of the service and, in relation to a proposed childcare service, includes the person who proposes to own the services the person who proposes to own the service and may be an agency including a Company, corporation, an agency established under a business name or a non-governmental organization;</p>	<p>“night care service” means a child care service that is provided at night in the absence of any parent or guardian in the home of the sponsor or caregiver or in a childcare facility or residential care facility for a fee or reward;</p> <p>Unaltered</p> <p>“residential care facility”, in relation to a child means a home providing care and accommodation for a child which is carried on a by a voluntary organisation but does not include –</p> <ul style="list-style-type: none"> a) a nursing home, mental nursing home or residential care home; b) a school; or c) a hospital. <p>“sponsor”, in relation to a child care service, includes the owner of the service and, in relation to a proposed childcare service, includes the person who proposes to own the service and may be an agency including a Company, corporation, an agency established under a business name, <i>provided that where a sponsor is a company, the company secretary shall be liable to comply with any conditions as a sponsor under this Act</i></p>
<p>Paragraph (m)</p> <p>Subsection (2)</p>	<p>Unaltered</p> <p>Unaltered</p>
<p>CLAUSE 3</p>	<p>Unaltered</p>
<p>CLAUSE 4, Subsection (1) (a)</p> <p>For the purpose of this Act, a person is</p>	<p>For the purposes of this Act, a person is</p>

regarded as a caregiver if that person offers childcare services-

- a) to one or more children under the age of **eight**, for a fee or reward; and

Subsection (1), paragraph (b)

Subsection (2), paragraphs (a) and (b)

The following person shall not be regarded as a care giver, if the person –

- a) is the parent or guardian;
- b) has parental responsibility **of** the child;

Paragraph (c) and (d)

Paragraph (e)

who is employed as a babysitter by two or more different employers while looking after any child wholly or mainly in the home of the employers.

Subsection (3)

For the purposes of this Act, a person is regarded as a babysitter in respect of a child if he is employed to look after the child by –

- a) a parent or guardian; or
- b) a person who is not a parent but who has parental responsibility **of** the child; or

- (c) has a de facto custody of the child; or

Paragraph (d)

CLAUSE 5

Subsections (1) to (3)

Subsection (4)

The Agency shall intimate the applicant the decision regarding registration as a caregiver or sponsor within thirty days from the date of

regarded as a caregiver if that person offers childcare services-

- a) to one or more children under the age of **twelve**, for a fee or reward; and

Unaltered

The following person shall not be regarded as a caregiver, if the person-

- a) is the parent or guardian **of a child**;
- b) has parental responsibility **for** the child;

Unaltered

is employed as a babysitter by two or more employers while looking after any child wholly or mainly in the home **of one or more** the employers.

For the purposes of this Act, a person is regarded as a babysitter in respect of a child if he is employed to look after the child by-

- a) parent or guardian **of the child**; or
- b) a person who is not a parent or guardian but who has parental responsibility **for** the child; or

- (c) **a person who** has de facto custody of the child; or

Unaltered

Unaltered

The Agency shall **notify** the applicant **of** the decision regarding registration as a caregiver or sponsor within thirty days from the date of

<p>receipt of the application after all the requirements imposed by it under this Act have been met.</p> <p>Subsection (5)</p>	<p>receipt of the application after all the requirements imposed by it under this Act have been met.</p> <p>Unaltered</p>
<p>CLAUSE 6</p>	<p>Unaltered</p>
<p>CLAUSE 7 Subsection (1)</p> <p>While registering a person as a caregiver or sponsor and issuing a licence, the Agency shall impose such reasonable requirements on him, as it considers appropriate.</p> <p>Subsection (2), paragraphs (a) to (h)</p> <p>Insertion of a new paragraph (i)</p> <p>Subsection (3)</p> <p>Subsection (4)</p> <p>In determining the maximum number of children to be specified under section (2) (a), the Agency take into account the number of other children who may at any time be on any premises on which the person concerned provides or likely to provide childcare services, and the size of the building for which the person is to be registered as a caregiver or sponsor.</p> <p>Subsections (5) and (6)</p>	<p>While registering a person as a caregiver or sponsor and issuing a licence, the Agency shall impose such reasonable requirements on <i>the licensee</i>, as it considers appropriate.</p> <p>Unaltered</p> <p><i>require the person to maintain an environment where the welfare of the child is protected and promoted.</i></p> <p>Unaltered</p> <p>In determining the maximum number of children to be specified under section (2) (a), the Agency shall take into account the number of other children who may at any time be on any premises on which the person concerned provides or <i>is</i> likely to provide childcare services, and the size of the building for which the person is to be registered as a caregiver or sponsor.</p> <p>Unaltered</p>
<p>CLAUSES 8 Subsection (1)</p> <p>The Agency may, on a request made by a licensed caregiver or sponsor, after giving prior notice to the parent or guardian by him, if it satisfied otherwise, cancel his licence in</p>	<p>The Agency may, on a request made by a licensed caregiver or sponsor, after giving prior notice to the parent or guardian, if <i>the agency is</i> satisfied otherwise, cancel <i>the</i></p>

<p>respect of the premises, subject to any requirement as it may deem fit.</p> <p>Subsections (2) to (4)</p> <p>Subsection (5)</p> <p>Where it appears to the Agency that a licensed caregiver or sponsor has contravened any requirement under this Act or that where circumstances exist which rendered it necessary for it to take immediate action in the best interest of any child or in public interest, it may suspend the licence for a specified period or cancel the licence:</p> <p>Proviso</p> <p>Subsection (6)</p> <p>Where the Agency cancels or suspends the licence under this section, it may direct he caregiver or sponsor to notify immediately the parent or guardian who is provided childcare services by him</p> <p>Subsection (7)</p> <p>Where the Agency issues a new licence in the name of another person under subsection (2), the caregiver or sponsor shall immediately notify the parent or guardian who is provided childcare services by him of the change of name of licence.</p>	<p>licence of the caregiver or sponsor in respect of the premises, subject to any requirement as it may deem fit.</p> <p>Unaltered</p> <p>Where it appears to the Agency that a licensed caregiver or sponsor has contravened any requirement under this Act or where circumstances exist which render the agency necessary to take immediate action in the best interest of any child or in the public interest, the agency may suspend the licence for a specified period or cancel the licence:</p> <p>Unaltered</p> <p>Where the Agency cancels or suspends the licence under this section, it may direct the caregiver or sponsor to notify immediately the parent or guardian to whom childcare services are provided by the caregiver or sponsor.</p> <p>Where the Agency issues a new licence in the name of another person under subsection (2), it shall be the duty of the new caregiver or sponsor to immediately notify the parent or guardian who is provided childcare services of the new caregiver or sponsor of the change of name of licensee.</p>
<p>CLAUSE 9</p> <p>A person shall not be registered as caregiver or sponsor if he-</p> <p>Paragraphs (a) to (c)</p>	<p>A person shall not be registered as caregiver or sponsor if that person -</p> <p>Unaltered</p>

<p>CLAUSE 10</p> <p>The Agency may require a caregiver or sponsor to display evidence of having received any training in early childhood care and development as determined by it at any time before or after issue of a licence.</p>	<p>The Agency may require a caregiver or sponsor to display <i>certification of other</i> evidence of having received any training in early childhood care and development as determined by <i>the Agency to be satisfactory</i> at any time before or after issue of a licence.</p>
<p>CLAUSE 11</p> <p>Sections 5 and 7 shall not apply to any childcare service provided by-</p> <ul style="list-style-type: none"> a) any children’s home run by a voluntary residential care facility; b) any hospital; c) any children’s home provided equipped and maintained by the State or its agencies. 	<p>Sections 5 and 7 shall not apply to any childcare service provided by <i>any hospital.</i></p> <p>Deleted</p> <p>Deleted</p>
<p>CLAUSE 12</p> <p>(1) The Agency shall not register an applicant as a caregiver or sponsor if it is satisfied that the person is not a suitable individual or is on the list that is kept under section 53 of the Protection of Children Act 2009 for the time being or who has committed any offence under this Act or written law.</p>	<p>The Agency shall not register an applicant as a caregiver or sponsor if it is satisfied that the person is not suitable or is on the list kept under section 53 of the Protection of Children Act 2009 for the time being or who has committed any offence under this Act or written law.</p>
<p>CLAUSE 13</p> <p>Paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>to keep the buildings and grounds and all equipments and furnishing used for childcare services well maintained, secure, clean and hygienic conditions.</p>	<p>Unaltered</p> <p>to keep the buildings and grounds and all <i>equipment</i> and furnishing used for childcare services well maintained, secure, clean and hygienic conditions.</p>

CLAUSE 14	Unaltered
CLAUSE 15 Notwithstanding anything contained in any written law, a caregiver or sponsor shall ensure that no child being cared for is subjected to-	Notwithstanding anything contained in any written law, a caregiver or sponsor shall ensure that no child being cared for <i>by the caregiver or sponsor or any person authorised or employed by them</i> is subjected to-
CLAUSE 16 Where there is a change of management of the premises of the childcare services, the licensee shall intimate the Agency within thirty days from the date of change.	Insertion of Subsection (1) <i>(1) A license issued under this Act is not transferable</i> Insertion of Subsection (2) (2) Where there is a change of management of the premises of the childcare services, the licensee shall notify the Agency within thirty days from the date of change.
CLAUSE 17	Unaltered
CLAUSE 18	Unaltered
CLAUSE 19	Unaltered
CLAUSE 20 Subsection (1) Where the name of caregiver or sponsor is removed from the Register under section 19 (c), the Agency shall, in writing, require him to surrender his licence.	Where the name of the caregiver or sponsor is removed from the Register under section 19 (c), the Agency shall, in writing, require <i>the caregiver or sponsor</i> to surrender the <i>caregiver's or sponsor's</i> licence immediately .

<p>Subsection (2)</p> <p>Where the Agency suspends a licence under section 19 (b) or removes the name of the caregiver or sponsor from the Register under section 19 (c), the caregiver or sponsor shall immediately notify the parent or guardian of the child.</p>	<p>Where the Agency suspends a licence under section 19 (b) or removes the name of the caregiver or sponsor from the Register under section 19 (c), the caregiver or sponsor shall immediately notify the parent or guardian of the child <i>and any person who fails to comply with this subsection commits an offence.</i></p>
<p>CLAUSE 21</p>	<p>Unaltered</p>
<p>CLAUSE 22</p>	<p>Unaltered</p>
<p>CLAUSE 23</p>	<p>Unaltered</p>
<p>CLAUSE 24</p>	<p>Unaltered</p>
<p>CLAUSE 25</p>	<p>Deleted</p>
<p>CLAUSE 26</p> <p>Subsection (1), Paragraph (a)</p> <p>Paragraph (b)</p> <p>to make use of the services and facilities available to the child as appears to the organization reasonable.</p>	<p>Renumbered as Clause 25</p> <p>Unaltered</p> <p>to make use of the services and facilities <i>provided for</i> the child.</p>
<p>Subsection (2), Paragraph (a)</p> <p>Paragraph (b)</p> <p>parent or guardian;</p> <p>Paragraphs (c) and (d)</p>	<p>Unaltered</p> <p><i>the</i> parent or guardian</p> <p>Unaltered</p>

<p>Subsection (3)</p>	<p>Unaltered</p>
<p>CLAUSE 27</p> <p>Subsection (1) Paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>Paragraph (d)</p> <p>Subsection (2)</p> <p>Paragraph (a), Subparagraphs (i) to (iii)</p> <p>Paragraph (b)</p> <p>Subsection (3)</p> <p>Subsection (4), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>Require a person to furnish such records of a kind required to be kept by <i>or</i> under this Act in whatever form they are held, or <i>allow him</i> to inspect such records, <i>as he may</i> at any time direct.</p> <p>Subsection (5)</p> <p>(5) An authorised person exercising any power under this section may require any person to facilitate him at any reasonable time and shall have access to any computer, any associated apparatus or material, book or other record which is or has been in use in connection with any information required by the authorised person.</p>	<p>Renumbered as Clause 26</p> <p>Unaltered</p> <p>Deleted</p> <p>Renumbered as paragraph (c) and unaltered.</p> <p>Unaltered</p> <p>Insertion of a new subparagraph (iv) <i>a foster parent; and</i></p> <p>Unaltered</p> <p>Unaltered</p> <p>Unaltered</p> <p>Require <i>the voluntary organisation</i> to furnish such records of a kind required to be kept by <i>the voluntary organisation</i> under this Act in whatever form they are held, or <i>permit the authorised person</i> to inspect such records at any time.</p> <p>5) An authorised person exercising any power under this section may require any person to facilitate <i>the authorised person</i> at any reasonable time and shall have access to any computer, any associated apparatus or material, book or other record which is or has been in use in connection with any information required by the authorised person.</p>

<p>CLAUSE 28</p> <p>A caregiver or a sponsor who fails to comply with any requirement under section 7 is liable on summary conviction to <i>have his licence revoked.</i></p>	<p>Renumbered as Clause 27</p> <p>A caregiver or a sponsor who fails to comply with any requirement under section 7 <i>commits an offence</i> is liable on summary conviction to <i>a fine of fifty thousand dollars and also to revocation of the caregiver's or sponsor's licence.</i></p>
<p>CLAUSE 29</p> <p>Any person who prevents or intentionally obstructs an authorised person referred to in section 14 or in section 27 (4) from discharging his duties commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.</p>	<p>Renumbered as Clause 28</p> <p>Any person who prevents or intentionally obstructs an authorised person referred to in section 14 or in section 26 (4) from discharging <i>the</i> duties of <i>the authorized person</i> commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.</p>
<p>CLAUSE 30</p>	<p>Renumbered as Clause 29 and unaltered</p>
<p>CLAUSE 31</p> <p>Where a person fails to comply with any condition or contravenes of any of the provisions of Part V for which no penalty is prescribed, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars for the first offence and, in the case of every continuing offence of failure or contravention, to an additional fine of ten thousand dollars on every occasion.</p>	<p>Renumbered as Clause 30</p> <p><i>Any person who</i> fails to comply with any <i>requirement</i> or contravenes any of the provisions of Part V for which no penalty is prescribed, commits an offence and is liable on summary conviction to a fine of <i>fifty</i> thousanddollars for the first offence and, in the case of every continuing offence of failure or contravention, to an additional fine of five thousand dollars <i>for everyday the offence continues.</i></p>
<p>CLAUSE 32</p> <p>Where a person fails to comply with any requirement or contravenes of any of the provisions of this Act for which no penalty is prescribed, commits an offence and is liable on</p>	<p>Renumbered as Clause 31</p> <p><i>Any person who</i> fails to comply with any requirement or contravenes of any of the provisions of this Act for which no penalty is prescribed, commits an offence and is liable</p>

<p>summary conviction to a fine of one hundred thousand dollars for the first offence and, in the case of every continuing offence of failure or contravention, to an additional fine of ten thousand dollars on every occasion.</p>	<p>on summary conviction to a fine of one hundred thousand dollars for the first offence and, <i>to the said fine and imprisonment for three months for the second or subsequent offence and, in the case of every continuing offence of failure or contravention, to an additional fine of ten thousand dollars for everyday the offence continues.</i></p>
<p>CLAUSE 33</p> <p>Prosecution under this Act shall be initiated and conducted in a court of summary jurisdiction by a person authorised by the Agency.</p>	<p>Renumbered as Clause 32</p> <p>Prosecutions under this Act shall be initiated and conducted in a court of summary jurisdiction by the Agency.</p>
<p>Clause 34</p> <p>Subsection (1), Paragraph (a)</p> <p>Paragraphs (b) to (i)</p> <p>Paragraph (j)</p> <p>the disqualification of persons.</p> <p>Subsection (2)</p>	<p>Renumbered as Clause 32</p> <p>Deleted</p> <p>Renumbered as subparagraphs (a) to (h)</p> <p>Insertion of a new subparagraph</p> <p><i>(i) time within which a caregiver or sponsor shall comply with any requirement under this Act; or</i></p> <p>the disqualification of persons <i>who fail to comply with the requirements under this Act.</i></p> <p>Unaltered</p>

APPENDIX III

GUYANA

BILL No. 31 of 2009

CHILDCARE AND DEVELOPMENT SERVICES BILL 2009

ARRANGEMENT OF SECTIONS

Section

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BILL

Intituled

AN ACT to regulate childcare services and to provide for parameters for the granting of licences for childcare and development services and connected matters.

A. D. 2009.

Enacted by the Parliament of Guyana: -

PART I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the Childcare and Development Services Act 2009.
- (2) This Act shall come into operation on such date as the Minister may by order appoint.

Interpretation.

Act No. 2 of 2009.

2. (1) In this Act, unless the context otherwise requires –
 - (a) “Agency” means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act 2009;
 - (b) “childcare service” means a pre-school care or a service providing care, developmental and educational assistance including early stimulation, such as, play group, home care, day care or night care services or a combination of both or a safe home, to one or more children under twelve years by a caregiver or sponsor, in the absence of any parent or guardian -
 - (i) for a fee or reward; or
 - (ii) if any parent or guardian uses the services or residential care facility provided by any sponsor, that service or facility. ;
 - (c) “licence” means a childcare service licence issued annually by the Agency to a caregiver or sponsor for a childcare service.
 - (d) “development” means the systematic physical and mental progress expected of a child for its age and abilities in keeping with norms and practices;
 - (e) “guardian”, in relation to a child, means the legal guardian or the person who has the custody or control of the child but does not include a caregiver or sponsor;
 - (f) “home care service” means a childcare service that is provided in the home of a caregiver or sponsor or in any other childcare facility during the day or night time;
 - (g) “Minister” means the Minister responsible for the welfare of children and social security;
 - (h) “night care service” means a childcare service that is provided at night in the absence of any

parent or guardian in the home of the sponsor or caregiver or in a childcare facility or residential care facility for a fee or reward;

(i) “Register” means the register of caregivers or sponsors maintained and updated by the Agency under section 6;

(j) “relative” in relation to a child means a parent, grandparent, brother, sister, uncle, aunt or cousin of the full blood or half-blood, or by marriage including a *de facto* marriage, or by adoption;

(k) “residential care facility”, in relation to a child means a home providing care and accommodation for a child which is carried on by a voluntary organisation but does not include-

(a) a nursing home, mental nursing home or residential care home;

(b) a school; or

(c) a hospital.

(l) “sponsor”, in relation to a child care service, includes the owner of the service and, in relation to a proposed childcare service, includes the person who proposes to own the service and may be an agency including a Company, corporation, an agency established under a business name, provided that where a sponsor is a company, the company secretary shall be liable to comply with any conditions as a sponsor under this act.

(m) “voluntary organisation” means a non profit non-governmental organisation that offers accommodation and other childcare services;

(2) Words and expressions not defined in this Act but defined in the Childcare and Protection Agency Act 2009 and the Protection of Children Act 2009 shall have the respective meanings assigned to them in those Acts.

No. 2 of 2009.
No. 17 of 2009.

Power of Minister to specify childcare services.

3. The Minister may specify from time to time the nature and extent of childcare services that may be performed by a caregiver, sponsor, residential care facility or a voluntary organisation.

PART II

CAREGIVING

Caregiver.

4. (1) For the purposes of this Act, a person is regarded as a caregiver if that person offers childcare services-

(a) to one or more children under the age of twelve, for a fee or reward; and

(b) for a period, or the total of the periods, exceeding two hours during a day or a night.

(2) The following persons shall not be regarded as a caregiver, if the person-

- (a) is the parent or guardian of a child;
- (b) has parental responsibility for the child;
- (c) has *de facto* custody of the child;
- (d) is employed as a babysitter of the child when looking after that child wholly or mainly in the home of the employer; or
- (e) is employed as a babysitter by two or more different employers while looking after any child wholly or mainly in the home of one of more of the employers.

(3) For the purposes of this Act, a person is regarded as a babysitter in respect of a child if the person is employed to look after the child by-

- (a) a parent or guardian of the child; or
- (b) a person who is not a parent or guardian but who has parental responsibility for the child; or
- (c) a person who has *de facto* custody of the child; or
- (c) a person who is a relative and who has assumed the responsibility of the care of the child due to any reason as may be sufficient in the opinion of the Agency to regard that person as babysitter.

— Registration as
— caregiver or
sponsor.

5. (1) Subject to the provisions of this Act, any person, who satisfies the Agency that the person is able to read, write, speak and understand the English language and is of sound mental and physical health, may apply to the Agency for registration as a caregiver or sponsor in the prescribed form and on payment of prescribed fees.

(2) If the Agency is of opinion that an applicant fulfills the requirements specified by it under this Act, it may register the applicant as caregiver or sponsor, as the case may be, and issue the caregiver or sponsor a licence, in the form as the Agency may determine, on an annual basis and impose on the caregiver or sponsor any requirement under this Act.

(3) A person shall apply for separate licence in respect of each premise.

(4) The Agency shall notify the applicant of the decision regarding registration as a caregiver or sponsor within thirty days from the date of receipt of the application after all the requirements imposed by it under this Act have been met.

(5) Notwithstanding anything contained in this Act, the Agency may provisionally register a person as caregiver or sponsor and issue a provisional licence for a period not exceeding three months pending final registration and issuance of the licence.

Register of caregivers or sponsors.

6. (1) The Agency shall maintain and update a Register containing the names and details of caregivers or sponsors registered under this Act.

(2) The Register shall be open for inspection by members of the public at all reasonable times in electronic format or otherwise as determined by the Agency.

Requirements for registration and licence.

7. (1) While registering a person as caregiver or sponsor and issuing a licence, the Agency shall impose such reasonable requirements on the licensee, as it considers appropriate.

(2) In imposing requirements under subsection (1), the Agency shall-

(a) specify the maximum number of children, or the maximum number of children within a specified age group, the person may provide childcare service as caregiver or sponsor;

(b) require the person to secure the premises on which the childcare service is provided and ensure that the equipment used in those premises are adequately maintained and kept clean, safe and child friendly;

(c) require the person to comply with any written law governing specifications for buildings and premises;

(d) require the person to keep a record of the name, address, age, sex, immunisation record, medical history and the date of admission to the home care service or night care service or residential care facility of-

(i) every child so provided childcare services on the premises;

(ii) every other person who assists the person in providing childcare services to the child; and

(iii) every other person living, or likely at any time to be living, at those premises;

(e) require the person to keep a record of any emergency number of parents and guardians.

(f) require the person to notify the Agency in writing from time to time of any change in the facilities or persons mentioned in paragraph (d) (ii) and (iii).

(g) require the person to obtain information from the parents or guardians on immunisation records of the children.

- (h) require any person referred to in paragraph (d) (ii) to have a valid food handlers certificate under any written law;
- (i) require the person to maintain an environment where the welfare of the child is protected and promoted.

(3) The Agency may vary any requirement under this section or exempt any person from complying with any requirement, or, impose any additional requirement, if it considers necessary, taking into account the welfare of the children who are likely to be provided childcare services or the nature of the premises.

(4) In determining the maximum number of children to be specified under section (2) (a), the Agency shall take into account the number of other children who may at any time be on any premises on which the person concerned provides or is likely to provide childcare services, and the size of the building for which the person is to be registered as a caregiver or sponsor.

(5) The Minister may issue directions to the Agency as to any special requirement, which shall be imposed by it under this section if the Minister considers it necessary in the best interest of any child or children.

(6) When a person is registered as caregiver or sponsor in respect of different premises, the caregiver or sponsor shall comply with the requirements under this section in respect of each of the premises.

Cancellation, etc. of
licence.

8. (1) The Agency may, on a request made by a licensed caregiver or sponsor, after giving prior notice to the parent or guardian, if the Agency is satisfied, cancel the licence in respect of the premises, subject to any requirement as it may deem fit.

(2) The Agency may, issue a new licence in the name of another person in respect of the same premises subject to the provisions of this Act.

(3) The Agency may direct the caregiver or sponsor to continue to provide childcare services in the premises until such period as may be directed by the Agency or until the transfer of the licence is completed.

(4) The Agency may require the licensed caregiver, sponsor or the new applicant to comply with any additional requirement for a new licence as it may deem fit.

(5) Where it appears to the Agency that a licensed caregiver or sponsor has contravened any requirement under this Act or that where circumstances exist which render it necessary for the Agency to take immediate action in the best interest of any child or in the public interest, it may suspend the licence for a specified period or cancel the licence:

Provided that the caregiver or sponsor may be afforded an opportunity of being heard before suspending or cancelling the licence.

(6) Where the Agency cancels or suspends the licence under this section, it may direct the caregiver or sponsor to notify immediately the parent or guardian to whom childcare services are provided by the caregiver or sponsor.

(7) Where the Agency issues a new licence in the name of another person under subsection (2), it shall be the duty of the new caregiver or sponsor to immediately notify the parent or guardian who is provided childcare services of the new caregiver or sponsor of the change of name of the licensee.

Disqualifications.

9. A person shall not be registered as caregiver or sponsor if that person-

- (a) is, or at any time has been, unsound mind or is so declared by a competent court;
- (b) is, or has been, convicted of an offence, which in the opinion of the Agency, involves moral turpitude;
- (c) is, or at any time has been, adjudicated as an insolvent.

Training.

10. The Agency may require a caregiver or sponsor to display certification of other evidence of having received any training in early childhood care and development as determined by the Agency to be satisfactory at any time before or after issue of a licence.

Exemption.

11. Sections 5 and 7 shall not apply to any childcare service provided by any hospital.

No licence under certain circumstances. No. 17 of 2009.

12. (1) The Agency shall not register an applicant as a caregiver or sponsor if it is satisfied that the person is not suitable or is on the list kept under section 53 of the Protection of Children Act 2009 for the time being or who has committed any offence under this Act or any written law.

PART III

CHILDCARE AND DEVELOPMENT SERVICES

Duty to protect children from hazards.

13. Every caregiver or sponsor shall ensure that all reasonable care is taken at all times by the caregiver or sponsor-

- (a) to protect every child from being exposed to any kind of hazards, whether mental or physical in the premises;
- (b) to protect every child in the premises under active and proper adult supervision;
- (c) to keep the buildings and grounds and all equipment and furnishings used for childcare services well maintained, secure, clean and hygienic conditions.

Power of Agency to inspect.

14. (1) The Agency may, on its own motion or on a complaint, authorise any of its officers or employees to carry out any inspection at any reasonable time in the premises where childcare, homecare or night care service is provided for the purpose of ascertaining compliance of the provisions of this Act.

(2) An authorised person referred to in subsection (1) shall have all powers to enter the premises, to inspect any book, register, record, computer, electronic device or equipment or any r

material that is used for any childcare services or any other place or area that the authorised person considers appropriate for inspection relating to the childcare service.

Discipline
of children.

15. Notwithstanding anything contained in any written law, a caregiver or sponsor shall ensure that no child being cared for by the caregiver or sponsor or any person authorised or employed by them is subjected to-

- (a) any form of corporal punishment;
- (b) any abuse of any nature whatsoever.

Change of
management.

16. (1) A license issued under this Act is not transferable.

(2) Where there is a change of management of the premises of the childcare services, the licensee shall notify the Agency within thirty days from the date of change.

Licence to
be displayed.

17. A licensee at all times shall display a copy of the licence conspicuously at a place where childcare service is provided.

PART IV

DISCIPLINARY PROCEEDINGS BY AGENCY

Disciplinary
proceedings by
Agency.

18. Notwithstanding anything contained in this Act, where the Agency is satisfied that a caregiver or sponsor who -

- (a) is convicted of an offence outside Guyana which if committed in Guyana would be punishable on indictment;
- (b) is convicted of an offence referred to in paragraph (a) in Guyana;
- (c) is guilty of misconduct or malpractice in Guyana or in any other country,

the Agency may initiate disciplinary proceedings against the caregiver or sponsor upon a complaint or on its own motion.

Penalty by
Agency.

19. In any proceedings under section 18, if the Agency is satisfied that a caregiver or sponsor is guilty of misconduct or malpractice and it is expedient and in the interests of any child to take appropriate action, it may-

- (a) censure the caregiver or sponsor;
- (b) suspend the caregiver's or sponsor's licence for a specified period;
- (c) remove the caregiver's or sponsor's name from the Register and cancel the licence,

in addition to any fine that may be imposed on him by the Agency:

Provided that the caregiver or sponsor shall be afforded an opportunity to be heard before any action is taken against him.

Surrender of licence.

20. (1) Where the name of caregiver or sponsor is removed from the Register under section 19 (c), the Agency shall, in writing, require the caregiver or sponsor to surrender the caregiver's or sponsor's licence immediately.

(2) Where the Agency suspends a licence under section 19 (b) or removes the name of the caregiver or sponsor from the Register under section 19 (c), the caregiver or sponsor shall immediately notify the parent or guardian of the child and any person who fails to comply with this subsection commits an offence.

Restoration of name in the Register.

21. (1) A caregiver or sponsor whose name has been removed from the Register under section 19 (c) may apply for restoration of the name of the caregiver or sponsor in the Register any time from the date of removal and the Agency may consider an application of the caregiver or sponsor afresh under the provisions of this Act.

(2) Notwithstanding subsection (1), the Agency may, at any time on its own motion for reasons to be recorded in writing, restore the name of the caregiver or sponsor to the Register.

Appeal.

22. Any caregiver dissatisfied with any order or decision of the Agency may appeal to the Minister within thirty days from the date of receipt of the order or decision.

Power of Minister to suspend decision of Agency.

23. The Minister may, direct that the impugned order or decision of the Agency be suspended pending final decision on an appeal under section 22.

PART V

RESIDENTIAL CARE FACILITY BY A VOLUNTARY ORGANISATION

Registration as a voluntary organisation.

24. (1) On and from the date as may be appointed by the Minister, every voluntary organisation providing childcare shall be registered with the Agency in the manner as may be prescribed by the Minister and subject to such conditions as the Agency may determine. ✓ —

(2) The Agency shall not charge any fee for registration under subsection (1).

(3) The Agency shall maintain and update a register of voluntary organisations including in electronic format.

(4) The Agency may, after giving the voluntary organisation an opportunity of being heard, cancel the registration of the organisation and remove its name from the register of voluntary organisations, if it is satisfied that the organisation has violated any of the conditions of registration. —

Duties of
Voluntary
Organisation.

25. (1) Where a child is accommodated by a voluntary organisation, it shall be the duty of the organisation-

- (a) to safeguard and promote the welfare of the child; and
- (b) to make use of the services and facilities provided for the child.

(2) Before making any decision with respect to any child, the organisation shall, so far as it is reasonably practicable, ascertain and give due consideration to the wishes and feelings of-

- (a) the child;
- (b) the parent or guardian;
- (c) any person who is not a parent or guardian but who has parental responsibility of the child; and
- (d) any other person whose wishes and feelings the organisation considers to be relevant,

regarding the matter to be decided.

(3) In making any such decision, the organisation shall give due consideration having regard to the age, understanding, wishes and feelings of the child.

Powers of
Agency with
 Respect to
 Voluntary
organisations.

26. (1) The Agency shall be empowered to-

- (a) ensure that a voluntary organisation providing accommodation for a child is satisfactorily safeguarding and promoting the welfare of the child;
- (b) arrange for children who are accommodated by or on behalf of voluntary organisations to be visited, from time to time, in the interests of their welfare;
- (c) make timely interventions in cases where the actions or conduct of a person, where that person has authority, care or custody of a child have resulted in, or are likely to give rise to, any harm or injury to the child.

(2) Where the Agency is not satisfied that the welfare of a child who is accommodated by a voluntary organisation is being satisfactorily safeguarded or promoted, it shall-

(a) unless it considers that it would not be in the best interests of the child, take such steps as are reasonably practicable to ensure that the protection, care and accommodation of the child is undertaken by-

- (i) a parent or guardian;

- (ii) a person who is not a parent or guardian but who has parental responsibility for the child;
- (iii) a relative; or
- (iv) a foster parent; and

(b) consider the extent to which the Agency should exercise any of its functions with respect to the child.

(3) Where the Agency is satisfied, it may order that any child be transferred to another home or premises or residential care facility.

(4) A person authorised by the Agency may-

- (a) enter, at any reasonable time, and inspect any premises in which any child is accommodated by a voluntary organisation ;
- (b) visit and physically check any premises to ensure the welfare of any child;
- (c) require the voluntary organisation to furnish such records of a kind required to be kept by the voluntary organisation under this Act in whatever form they are held, or permit the authorised person to inspect such records, at any time.

(5) An authorised person exercising any power under this section may require any person to facilitate the authorised person at any reasonable time and shall have access to any computer, any associated apparatus or material, book or other record which is or has been in use in connection with any information required by the authorised person.

PART VI

PENALTY

Penalty for not complying with requirement under section 7.

27. A caregiver or a sponsor who fails to comply with any requirement under section 7 commits an offence is liable on summary conviction to a fine of fifty thousand dollars and also to revocation of the caregiver's or sponsor's licence.

Punishment for preventing authorised person.

28. Any person who prevents or intentionally obstructs an authorised person referred to in section 14 or in section 26 (4) from discharging the duties of the authorised person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Penalty for employing Disqualified persons. penalty for failure comply with provisions under Part V.	29. Whoever employs a person who is disqualified under this Act in relation to a childcare service commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.
General penalty.	30. Any person who fails to comply with any condition or contravenes any of the provisions of Part V for which no penalty is prescribed, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars for the first offence and, in the case of every continuing offence of failure or contravention, to an additional fine of five thousand dollars for everyday the offence continues.
'Prosecution.	31. Any person who fails to comply with any requirement or contravenes of any of the provisions of this Act for which no penalty is prescribed, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars for the first offence and, in the case of every continuing offence of failure or contravention, to an additional fine of ten thousand dollars for everyday the offence continues.
Power to make regulations.	<p>32. Prosecution under this Act shall be initiated and conducted in a court of summary jurisdiction the Agency.</p> <p>33. (1) The Minister may, on the advice of the Agency, make regulations for giving effect to and for carrying out the provisions of this Act, and without prejudice to the generality of the foregoing, the regulations may, with respect to childcare facilities or residential care facilities, provide for-</p> <ul style="list-style-type: none"> (a) the conduct and management; (b) the methods of securing the welfare of the children; (c) the standards to which the premises used for childcare are to conform; (d) the requirements of accommodation, staff and equipment to be provided and to the arrangements to be made for protecting the health of children; (e) the control and discipline of children; (f) the furnishing to the Agency of information as to the facilities provided for the parents or guardians, persons who are not parents or guardians but who have parental responsibility for them and other persons connected with such children, to visit and communicate with the children; (g) the limit on the number of children who may be accommodated; (h) the keeping of records and giving of notices with respect to children; (i) time within which a caregiver or sponsor shall comply with any requirement under this Act; or (j) the disqualification of persons who fail to comply with the requirements under this Act.
	<p>(2) The regulations may provide that a person who contravenes or fails to comply with any regulation without reasonable excuse commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.</p>

EXPLANATORY MEMORANDUM

This Bill seeks to provide for regulating childcare services in the country and for granting licences for childcare and development services.

Clause 1 sets out the short title and the date of commencement of the Act.

Clause 2 explains the words and expressions used in the Bill.

Clause 3 provides for the power of Minister responsible for welfare of children and social security to specify childcare services from time to time.

Clause 4 clarifies as to the person who is regarded as a caregiver under the Bill.

Clause 5 provides for registration as caregiver or sponsor.

Clause 6 provides for maintenance of the register of caregivers or sponsors.

Clause 7 explains the requirements for registration and licence as a caregiver or sponsor.

Clause 8 deals with the circumstances under which a licence may be cancelled or suspended.

Clause 9 provides for disqualifications for a person not to be registered as a caregiver or sponsor.

Clause 10 makes provision for requirement of training of caregiver or sponsor by the Agency.

Clause 11 states that registration and any requirement for the same are not necessary in the case of childcare services provided by certain agencies.

Clause 12 clarifies that only a suitable individual will be qualified to be registered as a caregiver or sponsor.

Clause 13 stipulates that a caregiver or a sponsor has a duty to protect children from hazards.

Clause 14 provides for powers to the Agency to inspect the premises, etc., where any child care service is being provided.

Clause 15 requires that a caregiver or sponsor shall ensure that a child is not subjected to corporal punishment or any kind of abuse.

Clause 16 provides that a licensee shall intimate the Agency within thirty days of any change in management of any premises where childcare service is offered.

Clause 17 mandates that a licensee shall display a copy of licence at the place where childcare service is provided.

Clause 18 gives power to the Agency to initiate disciplinary proceedings against a caregiver or sponsor in certain circumstances.

Clause 19 provides for penalty on a caregiver or sponsor by the Agency if it is satisfied that in any proceedings under section 18, it is expedient and in the interests of any child to take action against him.

Clause 20 gives power to the Agency to require a caregiver or sponsor to surrender his licence in the event of his name being removed from the Register.

Clause 21 provides for restoration of licence of a caregiver or sponsor subject to the other provisions of the Bill.

Clause 22 makes provision for appeal to the Minister by a caregiver or sponsor if he is aggrieved by any order or decision by the agency.

Clause 23 gives power to the Minister to direct that an impugned order or decision of the Agency be suspended pending final decision on the appeal.

Clause 24 provides that every voluntary organisation shall be registered with the Agency under the provisions of the Bill.

Clause 25 provides for duties of a voluntary organisation.

Clause 26 lists out the powers of the Agency with respect to a voluntary organisation.

Clause 27 provides for penalty for not complying with the requirement of licence.

Clause 28 provides for punishment for preventing authorised persons from discharging their duties under the Bill.

Clause 29 provides for penalty for employing disqualified persons.

Clause 30 provides for penalty for failure to comply with provisions under Part VI of the Bill.

Clause 31 makes provision for general penalty to against a person who fails to comply with any requirement or contravenes any provision of the Bill.

Clause 32 provides that a prosecution under the Bill shall be conducted by a person authorised by the Agency in a court of summary jurisdiction.

Clause 33 provides the Minister to make regulations for giving effect to and carrying out the provisions of the Bill.

Clause 18 gives power to the Agency to initiate disciplinary proceedings against a caregiver or sponsor in certain circumstances.

Clause 19 provides for penalty on a caregiver or sponsor by the Agency if it is satisfied that in any proceedings under section 18, it is expedient and in the interests of any child to take action against him.

Clause 20 gives power to the Agency to require a caregiver or sponsor to surrender his licence in the event of his name being removed from the Register.

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Clause 31 makes provision for general penalty to against a person who fails to comply with any requirement or contravenes any provision of the Bill.

Clause 32 provides that a prosecution under the Bill shall be conducted by a person authorised by the Agency in a court of summary jurisdiction.

Clause 33 provides the Minister to make regulations for giving effect to and carrying out the provisions of the Bill.

Ms. Priya Manickchand, MP
Hon. Minister of Human Services and Social Security

APPENDIX IV

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)

MINUTES OF THE
1ST MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
(1) THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL No 29 of 2009.
(2) THE CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 BILL No 31 OF 2009 HELD ON
TUESDAY 4TH AUGUST, 2009 IN THE SPEAKER'S CHAMBERS,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker
(As Presiding Officer for the election of the Chairman)

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P.,
Minister of Culture, Youth and Sport

The Hon. Priya D. Manickchand, M.P. (Absent)
Minister of Human Services and Social Security

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P. (Absent)

Mr. Norman Whittaker, M.P. (Absent)

Rev. Kwame Gilbert, M.P. (Absent)

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Riehl, M.P. (Absent)
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P. (Absent)

Officers

Ms. Debra H. Cadogan
Mr. Nickalai Pryce

- Head of Committees Division (Ag)
- Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

- 1.1 The Speaker as Presiding Officer for the election of a Chairman for the Committee called the meeting to order at 4.05 p.m.

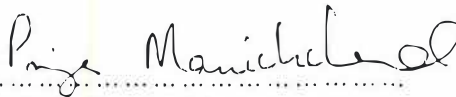
ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEES ON THE CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL – BILL No. 29 OF 2009 AND THE CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – BILL No. 31 OF 2009.

- 2.1 The Speaker called for nominations of a Chairman for the Committee.
- 2.1.1 Mrs. Indranie Chandarpal, M.P. proposed and the Hon. Frank C.S. Anthony, M.P seconded the nomination of the Hon. Priya Manickchand, M.P.
- 2.1.2 There being no other nomination, the Speaker declared the Hon. Priya Manickchand, M.P as Chairman of the Committee.

ADJOURNMENT

At 4.06 p.m. the meeting was adjourned *sine die*.

Confirmed this 20th day of October, 2009



.....
The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)**

**MINUTES OF THE
2ND MEETING OF THE SPECIAL SELECT COMMITTEE ON
CHILDCARE AND DEVELOPMENT SERVICES BILL**

- BILL NO. 31 OF 2009.

**HELD AT 3:25 P. M. ON TUESDAY, 10TH OCTOBER, 2009, IN COMMITTEE
ROOM NO. 1, COMMITTEES DIVISION, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P.,
Minister of Culture, Youth and Sport (Excused)

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Riehl, M.P.
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

Officers

Ms. Debra H.Cadogan - Head of Committees Division (Ag)
Ms. Darlene Marshall - Assistant Clerk of Committees

In Attendance

Mr. K.R. Saji Kumar, ILS - Legal Expert
Ms. Gem Sanford – Johnson - G.A.W.L Representative
Ms. Sandra Kurtizions - G.A.W.L Representative

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 3.25 p.m.

ITEM 2: ANNOUNCEMENT

2.1 EXCUSES

2.1.1 The Chairperson informed Members that the following persons had asked to be excused from the meeting:

- (i) The Hon. Dr. Frank C.S. Anthony, M.P.
- (ii) Mr. Mervyn Williams

ITEM 3: CIRCULATION OF DOCUMENTS

3:1 The following document was circulated prior to the meeting:

- Notice of the 2nd Meeting dated 5th November, 2009.

ITEM 4: CONSIDERATION OF CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – BILL NO. 31 OF 2009

4:1 The Committee commenced consideration of the Bill Clause by Clause.

PART I PRELIMINARY

4.2 Clause 1 was *accepted as presented*.

4.3 Clause 2

4.3.1 Subsection (1)

4.3.1.1 **Paragraph (a)** was amended as follows:

- Insertion of “*Act No. 2 of 2009*” as the marginal notes.

4.3.1.2 **Paragraph (b)** :

- The Attorney General’s Chamber was requested to review this paragraph with the aim of redrafting to include “**safe home**”

4.3.1.3 **Paragraphs (c) to (f)** were **accepted as presented**.

4.3.1.4 **Paragraph (g)** was amended as follows:

- Insertion of a semi-colon after the word “children” in line 1 and deletion of the words thereafter.

4.3.1.5 **Paragraph (h)** was amended as follows:

- Substitution of the word “*at*” for the words “*for the*” in line 2.

4.3.1.6 **Paragraphs (i) and (j)** were **accepted as presented**.

4.3.1.7 **Paragraph (l)** was deferred based on the suggestion of the deletion of the words “*or a non-governmental organization*” after word “*name*” in line 5.

4.3.1.8 **Paragraph (m)** was *accepted as presented*.

4.3.2 Subsection (2) was *accepted as presented*.

4.3.3 Clause 3 was *accepted as presented*.

PART II – CAREGIVING

4.5 Clause 4

4.5.1 Subsection (1)

4.5.1.1 The Committee decided to defer consideration of paragraph (a) because it felt that an older age than “*eight*” should be used.

4.5.1.2 The subsection was then **deferred**.

4.4.2 Subsection (2)

4.3.2.1 **Paragraph (a)** was amended as follows:

- Insertion of the words “*of the child*” after the word “*guardian*”

4.3.2.2 **Paragraph (b)** was amended as follows:

- Substitution of the word “*for*” for the word “*of*” in paragraph (b).

4.3.2.3 **Paragraphs (c) and (d)** were **accepted as presented**.

4.3.2.4 **Paragraph (e)** was amended to read as follows:

“is employed as a babysitter by two or more employers while looking after any child wholly or mainly in the home of one or more of the employers.”

4.3.2.5 Thereafter; **Subsection (2)** was *accepted as amended*.

4.3.3 Subsection (3)

4.3.3.1 **Paragraph (a)** was amended as follows:

- Insertion of the words “*of the child*” after the word “*guardian*” in line 1.

4.3.3.2 **Paragraph (b)** was amended as follows:

- Substitution of the word “*for*” for the word “*of*” after the word “*responsibility*” in line 2.

4.3.3.3 **Paragraph (c)** was amended as follows:

- Insertion of the words “*a person who*” before the word “*has*” in line 1.

4.3.3.4 **Paragraph (d)** was **accepted as presented**.

4.3.3.5 Thereafter, **Subsection (3)** was *accepted as amended*.

4.4 Clause 5

4.4.1 **Subsections (1) to (3)** were *accepted as presented*.

4.4.2 **Subsection (4)** was amended as follows:

- Insertion of the word “*to*” after the word “*intimate*” in line 1.
- 4.4.2.1 Thereafter, **Subsection (4)** was *accepted as amended*.
- 4.4.3 **Subsection (5)** was *accepted as presented*.
- 4.5 **Clause 6** was *accepted as presented*.
- 4.6 **Clause 7**
- 4.6.1 **Subsection (1)** was *accepted as presented*.
- 4.6.2 **Subsection (2)** was amended as follows:
 - Insertion of the following as the new **paragraph (i)** “*require the person to maintain an environment where the welfare of the child is protected and promoted.*”
- 4.6.2.1 Thereafter; **Subsection (2)** was *accepted as amended*.
- 4.6.3 **Subsection (3)** was *accepted as presented*.
- 4.6.4 **Subsection (4)** was amended as follows:
 - Insertion of the word “*is*” after the word “*or*” in line 3.
- 4.6.4.1 Thereafter, **Subsection (4)** was *accepted as amended*.
- 4.6.5 **Subsections (5) and (6)** were *accepted as presented*.
- 4.7 **Clause 8**
- 4.7.1 **Subsection (1)** was amended as follows:
 - 4.7.1.1 Substitution of words “*the licensed caregiver or sponsor*” for the word “*him*” after the words “*guardian by*” in line 2.
- 4.7.2 **Subsections (2) to (4)** were *accepted as presented*.
- 4.7.3 **Subsection (5)** was amended as follows:
 - Deletion of the word “*where*” after the word “*that*” in line 2.
 - Substitution of the words “*the Agency*” for the word “*it*” in line 3.

- Insertion of the words “*the*” before the word “*public*” in line 4.

4.7.3.1 Thereafter; **Subsection (5)** was *accepted as amended*.

4.7.4 Subsection (6) was amended as follows:

- Substitution of the words “*to whom childcare services are provided by the caregiver or sponsor.*” for the words “*who is provided childcare services by him*” in lines 2 and 3.

4.7.4.1 Thereafter, **Subsection (6)** was *accepted as amended*.

4.7.5 Subsection (7) was amended as follows:

- “*Where the Agency issues a new license in the name of another person under subsection (2), it shall be the duty of the new caregiver or sponsor to immediately notify the parent or guardian who is providing childcare services by the new caregiver or sponsor by the change of name of licensee.*”

4.7.5.1 Thereafter; **Subsection (7)** was *accepted as amended*.

4.8 Clause 9 was *accepted in principle*.

4.9 Clause 10 was amended as follows:

- Insertion of the words “*certification or other*” before the word “*evidence*” in line 1.
- Substitution of the words “*the agency to be satisfactory*” for the word “*it*” in line 3.

4.9.1 Thereafter; **Clause 10** was *accepted as amended*.

4.10 Clauses 11 and 12 were *accepted as presented*.

PART III – CHILDCARE AND DEVELOPMENT SERVICES

4.11 CLAUSE 13

4.11.1 **Paragraphs (a) and (b)** were *accepted as presented*.

4.11.2 **Paragraph (c)** was amended as follows:

- Substitution of the word “*equipment*” for “*equipments*” after the word “*all*” in line 1.

4.12 **Clause 14** was *accepted as presented*.

4.13 **Clause 15** was amended as follows:

- Insertion of the words “*by the caregiver or sponsor or any person authorized or employed by them*” after the word “*for*” in line 2.

4.13.1 Thereafter, **Clause 15** was *accepted as amended*.

4.15 **Clause 16** was amended as follows:

- Substitution of the word “*notify*” for the word “*intimate*” in line 2.

4.15.1 Thereafter; **Clause 16** was *accepted as amended*.

4.16 **Clause 17** was *accepted as presented*.

PART IV – DISCIPLINARY PROCEEDINGS

4.17 **Clauses 18 and 19** were accepted as presented.

4.18 **Clause 20** was amended as follows:

4.18.1 **Subsection 1**

- Substitution of the words “*the caregiver or sponsor*” for the word “*him*” after the word “*require*” in line 2;
- Substitution of “*him/her*” for “*him*” in line 2;
- Insertion of the word “*immediately*” after the word “*license*” in line 2.

4.18.1.1 Thereafter, **subsection (1)** was *accepted as amended*

4.18.2 **Subsection (2)** was amended as follows:

- Insertion of the words “*and any person who fails to comply with this subsection commits an offence*” after the word “*child.*” in line 3.

4.18.2.1 Thereafter, **subsection (2)** was *accepted as amended*.

4.19 Clauses 21 to 23 were *accepted as presented*.

PART V- RESIDENTIAL CARE FACILITY BY A VOLUNTARY ORGANIZATION

4.20 Clause 24 was *accepted as presented*.

4.21 Clause 25 was *deleted*.

4.22 Clause 26 was *renumbered “25” and all other Clauses accordingly*.

4.23 The new **Clause 25** was amended as follows:

4.23.1 Subsection 1

4.23.1.1 **Paragraph (a)** was *accepted as presented*.

4.24 Paragraph (b) was amended as follows:

- “*to make use of the services and facilities provided for the child.*”

4.24.1 Thereafter, **Subsection (1)** was *accepted as amended*.

4.24.2 Subsection (2)

4.24.2.1 **Paragraph (a)** was *accepted as presented*.

4.24.2.2 **Paragraph (b)** was amended as follows:

- Insertion of the word “*the*” before the word “*parent*”.

4.24.2.3 **Paragraphs (c) and (d)** were *accepted as presented*.

4.24.3 Subsection (3) was amended as follows:

- Deletion of the words “*having regard*” after the word “*consideration*” in line 2.

4.25 The new **Clause 26**

4.25.1 Subsection (1)

4.25.1.1 **Paragraph (a) and (b) were accepted as presented.**

4.25.1.2 **Paragraph (c) was deleted.**

4.25.1.3 **Paragraph (d) was renumbered as the new paragraph (c).**

4.25.2 Subsection (2)

4.25.2.1 **Paragraph (a) was amended as follows:**

- Insertion of the following as a new sub-paragraph
“(iv) a foster parent”

4.25.2.2 Thereafter, **paragraph (a) was accepted as amended.**

4.25.2.3 **Paragraph (b) was accepted as presented.**

4.25.3 Subsection (3) was accepted as presented.

4.25.4 Subsection (4)

4.25.4.1 **Paragraphs (a) and (b) were accepted as presented.**

4.25.4.2 **Paragraph (c) was amended as follows:**

- *“require the voluntary organisation to furnish such records of a kind required to be kept by the voluntary organisation under this Act in whatever form they are held, or permit the authorised person to inspect such records at any time.”*

4.25.4.3 Thereafter, **Subsection (4) was accepted as amended.**

4.25.5 Subsection (5) was accepted as presented.

4.26 The new **Clause 27** was amended as follows:

- Insertion of the word *“commits an offence”* after the words *“section 7”* in line 2.

- Substitution of the words “*a fine of fifty thousand dollars and also to revocation of licence*” for the words “*have his licence revoked*” in line 2.

4.26.1 Thereafter, the **Clause** was *accepted* as *amended*.

4.27. The new **Clause 28** was amended as follows:

- Substitution of the word “*one*” for the word “*person*” after the word “*Any*” in line 1.
- Substitution of the words “*26(4)*” for the word “*27 (4)*” after the word “*section*” in line 2.

4.27.1 Thereafter, the **Clause** was *accepted* as *amended*.

4.28 The new **Clause 29** was *accepted* as *presented*.

4.29 The new **Clause 30** was amended as follows:

- Substitution of the word “*Anyone who*” for the words “*Where a person*” before the word “*fails*” in line 1,
- Deletion of the word “*of*” after the word “*contravenes*” in line 1,
- Substitution of the word “*fifty*” for the word “*twenty*” before the word “*thousand*” in line 3,
- Substitution of the word “*five*” for the word “*ten*” before the word “*thousand*” in line 5,
- Substitution of the words “*for each continuing day*” for the words “*on every occasion*” after the word “*dollars*” in line 5.

4.29.1 The Committee requested that the G.A.W.L representatives and the Attorney General’s Chamber to review the suggested amendments to this subsection.

4.30 The new **Clause 31** was amended as follows:

- Substitution of the words “*Anyone who*” for the words “*where a person*” before the word “*fails*” in line 1.
- Substitution of the words “*for each continuing*” for the words “*on every occasion*” after the word “*dollars*” in line 5.

4.31.1 The Committee requested that the G.A.W.L representatives and the Attorney General's Chamber should review the suggested amendments to this subsection.

4.32 The new **Clause 32** was amended as follows:

- Deletion of the words "*by a person authorised*" after the word "*jurisdiction*" in line 2.

4.32.1 The new **Clause 32** was then *accepted as amended*.

4.33 The new **Clause 33**

4.33.1. Subsection 1

4.33.1.1 **Paragraph (a)** was *deleted*.

4.33.1.2 **Paragraph (b)** was renumbered "**Paragraph (a)** and all other paragraphs, accordingly.

4.33.1.3 **Paragraph (j)** was amended as follows:

- Insertion of the words "*who fail to comply with the requirements under this act*" after the word "*persons*" in line 1.

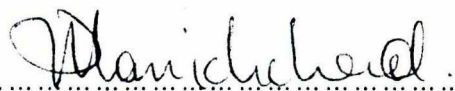
4.33.1.4 Thereafter, **subsection (1)** was *accepted as amended*.

4.33.2 **Subsection (2)** was *accepted as presented*.

ADJOURNMENT

At 3.45 p.m. the meeting was adjourned to 3.00 p.m on Tuesday 27th, October 2009.

Confirmed this day of November, 2009



*The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson*

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)**

**MINUTES OF THE
3RD MEETING OF THE SPECIAL SELECT COMMITTEE ON
CHILDCARE AND DEVELOPMENT SERVICES BILL
- BILL NO. 31 OF 2009.**

**HELD AT 3:25 P. M. ON TUESDAY, 10TH OCTOBER, 2009, IN COMMITTEE
ROOM NO. 1, COMMITTEES DIVISION, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P.,
Minister of Culture, Youth and Sport (Excused)

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Riehl, M.P.
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Excused)

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

Officers

Ms. Debra H.Cadogan - Head of Committees Division (Ag)
Ms. Darlene Marshall - Assistant Clerk of Committees

In Attendance

Mr. K.R. Saji Kumar, ILS - Legal Expert
Ms. Gem Sanford – Johnson - G.A.W.L Representative
Ms. Sandra Kurtizions - G.A.W.L Representative

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 3.25 p.m.

ITEM 2: ANNOUNCEMENT

2.1 EXCUSES

2.1.1 The Chairperson informed Members that the following persons had asked to be excused from the meeting:

- (i) The Hon. Dr. Frank C.S. Anthony, M.P.
- (ii) Mr. Mervyn Williams

ITEM 3: CIRCULATION OF DOCUMENTS

3:1 The following document was circulated prior to the meeting:

- Notice of the 2nd Meeting dated 5th November, 2009.

ITEM 4: CONSIDERATION OF CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – BILL NO. 31 OF 2009

4:1 The Committee commenced consideration of the Bill Clause by Clause.

PART I PRELIMINARY

4.2 Clause 1 was *accepted as presented*.

4.3 Clause 2

4.3.1 Subsection (1)

4.3.1.1 **Paragraph (a)** was amended as follows:

- Insertion of “*Act No. 2 of 2009*” as the marginal notes.

4.3.1.2 **Paragraph (b)** :

- The Attorney General’s Chamber was requested to review this paragraph with the aim of redrafting to include “**safe home**”

4.3.1.3 **Paragraphs (c) to (f)** were **accepted as presented**.

4.3.1.4 **Paragraph (g)** was amended as follows:

- Insertion of a semi-colon after the word “children” in line 1 and deletion of the words thereafter.

4.3.1.5 **Paragraph (h)** was amended as follows:

- Substitution of the word “*at*” for the words “*for the*” in line 2.

4.3.1.6 **Paragraphs (i) and (j)** were **accepted as presented**.

4.3.1.7 **Paragraph (l)** was deferred based on the suggestion of the deletion of the words “*or a non-governmental organization*” after word “*name*” in line 5.

4.3.1.8 **Paragraph (m)** was *accepted as presented*.

4.3.2 Subsection (2) was *accepted as presented*.

4.3.3 Clause 3 was *accepted as presented*.

PART II – CAREGIVING

4.5 Clause 4

4.5.1 Subsection (1)

4.5.1.1 The Committee decided to defer consideration of paragraph (a) because it felt that an older age than “*eight*” should be used.

4.5.1.2 The subsection was then **deferred**.

4.4.2 Subsection (2)

4.3.2.1 **Paragraph (a)** was amended as follows:

- Insertion of the words "*of the child*" after the word "*guardian*"

4.3.2.2 **Paragraph (b)** was amended as follows:

- Substitution of the word "*for*" for the word "*of*" in paragraph (b).

4.3.2.3 **Paragraphs (c) and (d)** were **accepted as presented**.

4.3.2.4 **Paragraph (e)** was amended to read as follows:

- "*is employed as a babysitter by two or more employers while looking after any child wholly or mainly in the home of one or more of the employers.*"

4.3.2.5 Thereafter; **Subsection (2)** was *accepted as amended*.

4.3.3 Subsection (3)

4.3.3.1 **Paragraph (a)** was amended as follows:

- Insertion of the words "*of the child*" after the word "*guardian*" in line 1.

4.3.3.2 **Paragraph (b)** was amended as follows:

- Substitution of the word "*for*" for the word "*of*" after the word "*responsibility*" in line 2.

4.3.3.3 **Paragraph (c)** was amended as follows:

- Insertion of the words "*a person who*" before the word "*has*" in line 1.

4.3.3.4 **Paragraph (d)** was **accepted as presented**.

4.3.3.5 Thereafter, **Subsection (3)** was *accepted as amended*.

4.4 Clause 5

4.4.1 Subsections (1) to (3) were *accepted as presented*.

4.4.2 Subsection (4) was amended as follows:

- Insertion of the word “*to*” after the word “*intimate*” in line 1.

4.4.2.1 Thereafter, **Subsection (4)** was *accepted as amended*.

4.4.3 Subsection (5) was *accepted as presented*.

4.5 Clause 6 was *accepted as presented*.

4.6 Clause 7

4.6.1 Subsection (1) was *accepted as presented*.

4.6.2 Subsection (2) was amended as follows:

- Insertion of the following as the new **paragraph (i)**
“*require the person to maintain an environment where the welfare of the child is protected and promoted.*”

4.6.2.1 Thereafter; **Subsection (2)** was *accepted as amended*.

4.6.3 Subsection (3) was *accepted as presented*.

4.6.4 Subsection (4) was amended as follows:

- Insertion of the word “*is*” after the word “*or*” in line 3.

4.6.4.1 Thereafter, **Subsection (4)** was *accepted as amended*.

4.6.5 Subsections (5) and (6) were *accepted as presented*.

4.7 Clause 8

4.7.1 Subsection (1) was amended as follows:

4.7.1.1 Substitution of words “*the licensed caregiver or sponsor*” for the word “*him*” after the words “*guardian by*” in line 2.

4.7.2 Subsections (2) to (4) were *accepted as presented*.

4.7.3 Subsection (5) was amended as follows:

- Deletion of the word “*where*” after the word “*that*” in line 2.
- Substitution of the words “*the Agency*” for the word “*it*” in line 3.

- Insertion of the words “*the*” before the word “*public*” in line 4.
- 4.7.3.1 Thereafter; **Subsection (5)** was *accepted as amended*.
- 4.7.4 Subsection (6)** was amended as follows:
- Substitution of the words “*to whom childcare services are provided by the caregiver or sponsor.*” for the words “*who is provided childcare services by him*” in lines 2 and 3.
- 4.7.4.1 Thereafter, **Subsection (6)** was *accepted as amended*.
- 4.7.5 Subsection (7)** was amended as follows:
- “*Where the Agency issues a new license in the name of another person under subsection (2), it shall be the duty of the new caregiver or sponsor to immediately notify the parent or guardian who is providing childcare services by the new caregiver or sponsor by the change of name of licensee.*”
- 4.7.5.1 Thereafter; **Subsection (7)** was *accepted as amended*.
- 4.8 Clause 9** was *accepted in principle*.
- 4.9 Clause 10** was amended as follows:
- Insertion of the words “*certification or other*” before the word “*evidence*” in line 1.
 - Substitution of the words “*the agency to be satisfactory*” for the word “*it*” in line 3.
- 4.9.1 Thereafter; **Clause 10** was *accepted as amended*.
- 4.10 Clauses 11 and 12** were *accepted as presented*.
- PART III – CHILDCARE AND DEVELOPMENT SERVICES**
- 4.11 CLAUSE 13**
- 4.11.1 **Paragraphs (a) and (b)** were *accepted as presented*.

4.11.2 **Paragraph (c)** was amended as follows:

- Substitution of the word “*equipment*” for “*equipments*” after the word “*all*” in line 1.

4.12 **Clause 14** was *accepted as presented*.

4.13 **Clause 15** was amended as follows:

- Insertion of the words “*by the caregiver or sponsor or any person authorized or employed by them*” after the word “*for*” in line 2.

4.13.1 Thereafter, **Clause 15** was *accepted as amended*.

4.15 **Clause 16** was amended as follows:

- Substitution of the word “*notify*” for the word “*intimate*” in line 2.

4.15.1 Thereafter; **Clause 16** was *accepted as amended*.

4.16 **Clause 17** was *accepted as presented*.

PART IV – DISCIPLINARY PROCEEDINGS

4.17 **Clauses 18 and 19** were *accepted as presented*.

4.18 **Clause 20** was amended as follows:

4.18.1 **Subsection 1**

- Substitution of the words “*the caregiver or sponsor*” for the word “*him*” after the word “*require*” in line 2;
- Substitution of “*him/her*” for “*him*” in line 2;
- Insertion of the word “*immediately*” after the word “*license*” in line 2.

4.18.1.1 Thereafter, **subsection (1)** was *accepted as amended*

4.18.2 **Subsection (2)** was amended as follows:

- Insertion of the words “*and any person who fails to comply with this subsection commits an offence*” after the word “*child.*” in line 3.

4.18.2.1 Thereafter, **subsection (2)** was *accepted as amended*.

4.19 **Clauses 21 to 23** were *accepted as presented*.

PART V- RESIDENTIAL CARE FACILITY BY A VOLUNTARY ORGANIZATION

4.20 **Clause 24** was **accepted as presented**.

4.21 **Clause 25** was **deleted**.

4.22 **Clause 26** was **renumbered “25” and all other Clauses accordingly**.

4.23 The new **Clause 25** was amended as follows:

4.23.1 **Subsection 1**

4.23.1.1 **Paragraph (a)** was *accepted as presented*.

4.24 **Paragraph (b)** was amended as follows:

- “*to make use of the services and facilities provided for the child.*”

4.24.1 Thereafter, **Subsection (1)** was *accepted as amended*.

4.24.2 **Subsection (2)**

4.24.2.1 **Paragraph (a)** was accepted as presented.

4.24.2.2 **Paragraph (b)** was amended as follows:

- Insertion of the word “*the*” before the word “*parent*”.

4.24.2.3 **Paragraphs (c) and (d)** were **accepted as presented**.

4.24.3 **Subsection (3)** was amended as follows:

- Deletion of the words “*having regard*” after the word “*consideration*” in line 2.

4.25 The new **Clause 26**

4.25.1 Subsection (1)

4.25.1.1 **Paragraph (a) and (b) were accepted as presented.**

4.25.1.2 **Paragraph (c) was deleted.**

4.25.1.3 **Paragraph (d) was renumbered as the new paragraph (c).**

4.25.2 Subsection (2)

4.25.2.1 **Paragraph (a) was amended as follows:**

- Insertion of the following as a new sub-paragraph
“(iv) a foster parent”

4.25.2.2 Thereafter, **paragraph (a) was accepted as amended.**

4.25.2.3 **Paragraph (b) was accepted as presented.**

4.25.3 Subsection (3) was accepted as presented.

4.25.4 Subsection (4)

4.25.4.1 **Paragraphs (a) and (b) were accepted as presented.**

4.25.4.2 **Paragraph (c) was amended as follows:**

- *“require the voluntary organisation to furnish such records of a kind required to be kept by the voluntary organisation under this Act in whatever form they are held, or permit the authorised person to inspect such records at any time.”*

4.25.4.3 Thereafter, **Subsection (4) was accepted as amended.**

4.25.5 **Subsection (5) was accepted as presented.**

4.26 The new **Clause 27** was amended as follows:

- Insertion of the word *“commits an offence”* after the words *“section 7”* in line 2.

- Substitution of the words “*a fine of fifty thousand dollars and also to revocation of licence*” for the words “*have his licence revoked*” in line 2.

4.26.1 Thereafter, the **Clause** was *accepted* as *amended*.

4.27. The new **Clause 28** was amended as follows:

- Substitution of the word “*one*” for the word “*person*” after the word “*Any*” in line 1.
- Substitution of the words “*26(4)*” for the word “*27 (4)*” after the word “*section*” in line 2.

4.27.1 Thereafter, the **Clause** was *accepted* as *amended*.

4.28 The new **Clause 29** was *accepted* as *presented*.

4.29 The new **Clause 30** was amended as follows:

- Substitution of the word “*Anyone who*” for the words “*Where a person*” before the word “*fails*” in line 1,
- Deletion of the word “*of*” after the word “*contravenes*” in line 1,
- Substitution of the word “*fifty*” for the word “*twenty*” before the word “*thousand*” in line 3,
- Substitution of the word “*five*” for the word “*ten*” before the word “*thousand*” in line 5,
- Substitution of the words “*for each continuing day*” for the words “*on every occasion*” after the word “*dollars*” in line 5.

4.29.1 The Committee requested that the G.A.W.L representatives and the Attorney General’s Chamber to review the suggested amendments to this subsection.

4.30 The new **Clause 31** was amended as follows:

- Substitution of the words “*Anyone who*” for the words “*where a person*” before the word “*fails*” in line 1.
- Substitution of the words “*for each continuing*” for the words “*on every occasion*” after the word “*dollars*” in line 5.

4.31.1 The Committee requested that the G.A.W.L representatives and the Attorney General's Chamber should review the suggested amendments to this subsection.

4.32 The new **Clause 32** was amended as follows:

- Deletion of the words "*by a person authorised*" after the word "*jurisdiction*" in line 2.

4.32.1 The new **Clause 32** was then *accepted as amended*.

4.33 The new **Clause 33**

4.33.1. Subsection 1

4.33.1.1 **Paragraph (a)** was deleted.

4.33.1.2 **Paragraph (b)** was renumbered "**Paragraph (a)**" and all other paragraphs, accordingly.

4.33.1.3 **Paragraph (j)** was amended as follows:

- Insertion of the words "*who fail to comply with the requirements under this act*" after the word "*persons*" in line 1.

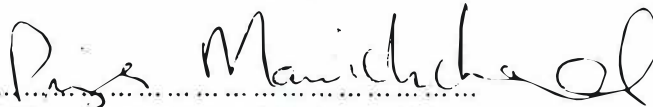
4.33.1.4 Thereafter, **subsection (1)** was *accepted as amended*.

4.33.2 **Subsection (2)** was *accepted as presented*.

ADJOURNMENT

At 3.45 p.m. the meeting was adjourned to 3.00 p.m on Tuesday 27th, October 2009.

Confirmed this day of November, 2009



The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2009)**

**MINUTES OF THE
4TH MEETING OF THE SPECIAL SELECT COMMITTEE ON
CHILDCARE AND DEVELOPMENT SERVICES BILL**

- BILL NO. 31 OF 2009.

**HELD AT 3.10 P. M. ON TUESDAY, 24TH NOVEMBER, 2009, IN COMMITTEE
ROOM NO. 1, COMMITTEES DIVISION, PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (10)

CHAIRPERSON (1)

Nominated by the Committee of Selection on 9th July, 2009

(Elected by the Committee on 4th July, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)

(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P.,
Minister of Culture, Youth and Sport

Mrs. Indranie Chandarpal, M.P. Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Excused)

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Riehl, M.P.
Deputy Speaker of the National Assembly (Excused)

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

Officers

Ms. Sonia Maxwell - Clerk of Committees
Ms. Darlene Marshall - Assistant Clerk of Committees

In Attendance

Mr. K.R. Saji Kumar, ILS - Legal Expert
Ms. Gem Sanford – Johnson - G.A.W.L Representative
Ms. Sandra Kurtizions - G.A.W.L Representative
Mr. Scott Doucet - Consultant

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 3.10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Issues for Consideration

2.1.1 The Chairperson informed Members that Mr. Scott Doucet, a Consultant from Canada was in the process of drafting regulations for the previous legislation which dealt with the welfare of children along with the Child Care and Development Services and the Custody, Contact and Maintenance Bills.

2.1.2 She further stated that the Consultant had highlighted some issues in the Child Care and Development Services and the Custody, Contact and Maintenance Bills which needed to be addressed and had provided proposals as to the way forward.

2.1.3 At this point, she invited the Consultant to the meeting and he tendered the document for consideration by the Committee.

2.2 Excuses

2.1.1 The Chairperson informed Members that Mr. Norman Whittaker, M.P. had asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3:1 The following documents were circulated prior to the meeting:

- (i) Notice of the 4th Meeting dated 19th November, 2009; and
- (ii) Minutes of the 3rd Meeting held on the 17th November, 2009.

Discussion on the Issues relating to the Child Care and Development Services and the Custody, Contact and Maintenance Bills.

3.2 Child Care and Development Services Bill:

3.2.1 At the invitation of the Chairperson, Mr. Doucet provided the Committee with a synopsis of the document prepared on the Child Care and Development Service.

3.2.2 Mr. Doucet outlined the following as areas to be addressed in the above Bill:

- Definitions;
- Child Care and Development Services Board;
- Foster Placement;
- Dual Licensing; and
- Miscellaneous.

3.2.4 Following discussions, the Committee agreed to consider the document prepared by Mr. Doucet, with a view of addressing those issues that were highlighted.

3.2.5 The Chairperson urged Members to peruse the document in conjunction with the Bill and come prepared for discussion at the next meeting.

ITEM 4: CORRECTIONS AND CONFIRMATION OF MINUTES OF THE 3RD MEETING HELD ON 17TH NOVEMBER, 2009

4.1 The confirmation of Minutes was deferred to the next meeting of the Committee.

ITEM 5: CONSIDERATION OF THE DRAFT REPORT

5.1 The Committee agreed to defer consideration of the Draft Report in light of the issues raised by the Consultant.

5.1.4 The Committee agreed that the Attorney General's Chamber and the G.A.W.L representatives, collectively would consider the submission provided by Mr. Doucet along with the Bill with the aim of proposing amendments to the relevant Clauses.

5.2 Schedule of Business

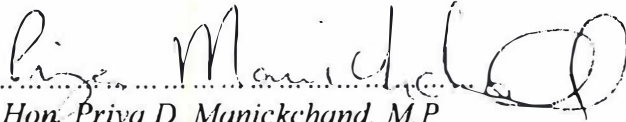
5.2.1 The Committee agreed to following business as scheduled:

- (i) Consideration and discussion of the document prepared by Mr. Doucet in conjunction with the Childcare and Development Services Bill on 1st December, 2009; and
- (ii) Consideration of the draft report of the Committee on 8th December, 2009.

ADJOURNMENT

At 4.10 p.m. the meeting was adjourned to 3.00 p.m on Tuesday, 1st December, 2009.

Confirmed this day of February, 2011



*The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security
Chairperson*

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**MINUTES OF THE
5TH MEETING OF THE SPECIAL SELECT COMMITTEE ON
THE CHILDCARE AND DEVELOPMENT SERVICES BILL
– BILL NO. 31 OF 2009.
HELD AT 3.40 P.M. ON TUESDAY, 1ST MARCH, 2011,
IN COMMITTEE ROOM NO. 2, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

(Nominated by the Committee of Selection on 9th July, 2009)

(Elected by the Committee on 4th August, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)

(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P., (Absent)
Minister of Culture, Youth and Sport

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P. (Absent)

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Riehl, M.P., (Excused)
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

From the Alliance For Change (AFC) (I)

(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

Officers

Ms. Jocette Bacchus - Clerk of Committees
Ms. Tracy Armstrong - Assistant Clerk of Committees

In Attendance

Mr. Paul Fung-A-Fat - Deputy Chief Parliamentary Counsel

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 3:40 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses

2.1.1 The Chairperson informed the Committee that Mrs. Clarissa Riehl, M.P., had asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following document was circulated prior to the Meeting:

- (i) Notice of the 5th Meeting dated 25th February, 2011; and
- (ii) Minutes of 4th Meeting held on 24th November, 2009.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3RD AND 4TH MEETINGS HELD ON THE 10TH OCTOBER AND 24TH NOVEMBER, 2010, RESPECTIVELY

4.1 The above-mentioned Minutes were confirmed, without corrections, on a motion moved and seconded by Rev. Dr. Kwame Gilbert, M.P., and Mrs. Shirley Edwards, M.P., respectively.

ITEM 5: MATTERS ARISING

5.1 There were no matters arising from the Minutes.

ITEM 6: CONSIDERATION OF THE DOCUMENT TITLED CHILDCARE AND DEVELOPMENT SERVICES BILL (CCDCS) PREPARED BY MR. SCOTT DOUCET IN CONJUNCTION WITH THE BILL

6.1 The Committee agreed to send a copy of the Bill, the document containing the amendments suggested by Mr. Doucet and the document titled "Amendments Recommended by the Committee" to the Deputy Chief Parliamentary Counsel for his consideration.

6.2 The Bill should then be resubmitted to the Committee for further consideration.

ADJOURNMENT

At 3.50 p.m. the meeting was adjourned *sine die*.

Confirmed this^{9th}..... day of June, 2011



.....
The Hon. Priya D. Manickchand, M.P.,
Minister of Human Services and Social Security,
Chairperson

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**MINUTES OF THE
6TH MEETING OF THE SPECIAL SELECT COMMITTEE ON
THE CHILDCARE AND DEVELOPMENT SERVICES BILL
– BILL NO. 31 OF 2009.**

**HELD AT 3.10 P.M. ON TUESDAY, 7TH JUNE, 2011,
IN COMMITTEE ROOM NO.2, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

MEMBERS OF THE COMMITTEE (10)

CHAIRMAN (1)

(Nominated by the Committee of Selection on 9th July, 2009)

(Elected by the Committee on 4th August, 2009)

The Hon. Priya D. Manickchand, M.P.
Minister of Human Services and Social Security

From the People's Progressive Party/ Civic (PPP/C) (6)

(Nominated by the Committee of Selection on 9th July, 2009)

The Hon. Dr. Frank C.S. Anthony, M.P., (Excused)
Minister of Culture, Youth and Sport

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mrs. Shirley V. Edwards, M.P.

Mr. Norman Whittaker, M.P.

Rev. Kwame Gilbert, M.P.

From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)

(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Clarissa S. Richl, M.P., (Excused)
Deputy Speaker of the National Assembly

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Mervyn Williams, M.P. (Absent)

From the Alliance For Change (AFC) (1)
(Nominated by the Committee of Selection on 9th July, 2009)

Mrs. Latchmin Budhan- Punalall, M.P.

Officers

Ms. Jocette Bacchus - Clerk of Committees
Ms. Darlene Marshall - Assistant Clerk of Committees

In Attendance

Mr. Charles J. Fung-A-Fat - Deputy Chief Parliamentary Counsel

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 3:10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Preliminary Remarks

2.1.1 The Chairperson informed Members that a meeting was not summoned earlier since the Attorney General's Chambers were considering the proposals by Mr. Scott Doucet who had highlighted some problems with the drafting of the Bill.

2.2 Excuses

2.2.1 The Chairperson informed the Committee that the following Members had asked to be excused from the meeting:

- The Hon. Dr. Frank C.S. Anthony, M.P.; and
- Mrs. Clarissa Riehl, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of the 6th Meeting dated 3rd June, 2011; and
- (ii) Minutes of 5th Meeting held on 1st March, 2011.

ITEM 4: CONFIRMATION OF MINUTES OF THE 5TH MEETING HELD ON THE 1ST MARCH, 2010.

- 4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mrs. Latchmin Budhan-Punalall, M.P., and Mrs. Shirley Edwards, M.P., respectively.

ITEM 5: MATTERS ARISING

- 5.1 There were no matters arising from the Minutes.

ITEM 6: CONSIDERATION OF THE PROPOSED AMENDMENTS BY THE DEPUTY CHIEF PARLIAMENTARY COUNSEL

- 6.1 At the invitation of the Chairperson, the Parliamentary Counsel informed the Committee of the proposed changes. The changes are reflected in the **Appendix III** of the Committee's Report.

ITEM 7: CONSIDERATION OF THE DRAFT REPORT

- 7.1 The Committee then considered the Draft Report paragraph by paragraph.
- 7.2 The Committee instructed the Clerk of the Committee to collaborate with the Deputy Chief Parliamentary Counsel to ensure that all the approved amendments were included in the Matrix and the Bill.
- 7.3 Thereafter, the Committee agreed that the Report should be presented to the National Assembly at the next sitting.

ITEMS 8: ANY OTHER BUSINESS

8.1 Attendance Record

- 8.1.1 The Committee requested the staff of the Committees Division to append a copy of the Attendance Record to the Report.

8.2 Expression of Thanks

- 8.2.1 The Chairperson expressed sincere thanks to Members of the Committee and Staff for their support and hard work during the tenure of her Chairmanship.

CONCLUSION

At 4:30 p.m. the meeting concluded.

(Unconfirmed)