GOVERNMENT AMENDMENT

AMENDMENTS TO BILL 35

Amendment A3 agreed to November 24, 2026

EDUCATION AND CHILDCARE (SECURING PARENTAL INVOLVEMENT) STATUTES AMENDMENT ACT, 2026

The Bill is amended as follows:

A Section 1 is amended

(a) in subsection (2)

(i) by striking out clause (b)(i);

(ii) in clause (c)

(A) by adding the following before the proposed section 1(2):

(1.1) For the purposes of this Act, "critical incident" includes

(a) the death of a child while attending a child care program,

(b) a child going missing while attending a child care program,

(c) the physical, sexual or emotional abuse or neglect of a child while attending a child care program, or an allegation of such abuse or neglect,

(d) an injury to a child while attending a child care program that results in the child receiving emergency medical attention or being admitted to a hospital or medical clinic,

(e) police involvement that relates to

(i) a child while attending a child care program, or

(ii) the operation of the child care program,

and

(f) an unplanned disruption of the normal operations of a child care program that poses a risk to the health, safety or well-being of children attending the child care program.

(B) in the proposed section 1(2) by striking out "meets the definitions of both critical incident and incident" **and substituting** "may be both an incident and a critical incident";

(b) in subsection (4) by striking out the proposed section 5(1)(b)(i.2);

(c) in subsection (7) in the proposed section 9.1 by adding the following after subsection (2):

(3) If a critical incident of a type referred to in section 1(1.1)(a), (c) or (e) occurs in a facility-based program and the statutory director has required the holder of the facility-based licence to develop a safety plan or other measure under section 8.1 in respect of that critical incident, the licence holder must inform parents or guardians of all children in the facility-based program as soon as reasonably possible of the occurrence of the type of critical incident.

(4) If a holder of a facility-based licence has reasonable grounds to believe that a critical incident may involve the commission of a criminal offence, the licence holder must immediately report the critical incident to a police officer.

(5) If a holder of a facility-based licence is a corporation, the licence holder must designate an individual within the corporation to be responsible for complying with subsection (4).

(d) in subsection (10)

(i) by renumbering the proposed section 18.01 as section 18.01(1);

(ii) by adding the following after the proposed section 18.01(1):

(2) The statutory director must report a critical incident to a police officer if

(a) the statutory director has reasonable grounds to believe that the critical incident may involve the commission of a criminal offence, and

(b) the holder of the facility-based licence has failed, refused or is unable to make the report under section 9.1(4).

(e) in subsection (12) by striking out the proposed section 18.3(1)(b)(i.2);

(f) in subsection (17)

(i) in the proposed section 18.9221 by adding the following after subsection (2):

(3) If a critical incident of a type referred to in section 1(1.1)(a), (c) or (e) occurs in a family day home program that a licensed family day home agency oversees and the statutory director has required the licensed family day home agency to develop a safety plan or other measure under section 18.71 in respect of that critical incident, the licensed family day home agency must inform the parents or guardians of each child receiving child care in that family day home program as soon as reasonably possible of the occurrence of the type of critical incident.

(4) If a licensed family day home agency has reasonable grounds to believe that a critical incident may involve the commission of a criminal offence, the licensed family day home agency must immediately report the critical incident to a police officer.

(5) If a licensed family day home agency is a corporation, the licensed family day home agency must designate an individual within the corporation to be responsible for complying with subsection (4).

(ii) by adding the following after the proposed section 18.9223(2):

(3) The statutory director must report a critical incident to a police officer if

(a) the statutory director has reasonable grounds to believe that the critical incident may involve the commission of a criminal offence, and

(b) the licensed family day home agency has failed, refused or is unable to make the report under section 18.9221(4).