

Early Childhood Educators Act, 2007

S.O. 2007, CHAPTER 7 Schedule 8

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PART I

INTERPRETATION

Definitions

1. (1) In this Act,

“by-laws” means the by-laws made under this Act; (“règlements administratifs”)

“child” means a person under the age of 18 years; (“enfant”)

“College” means the College of Early Childhood Educators established under section 6; (“Ordre”)

“complaint resolution process” means a process that includes mediation, conciliation, negotiation, or any other means of facilitating the resolution of issues in dispute; (“processus de règlement des plaintes”)

“Council” means the Council of the College established in accordance with section 8; (“conseil”)

“Minister” means the Minister of Education or any other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“professional misconduct” means,

- (a) sexual abuse of a child,
- (b) sexual misconduct,
- (c) engaging in prohibited acts involving child pornography,
- (d) conduct that contravenes this Act, the regulations or the by-laws,
- (e) conduct that contravenes an order of the Discipline Committee, the Complaints Committee, the Council or the Registrar, or
- (f) any other act or conduct prescribed by the regulations; (“faute professionnelle”)

“prohibited act involving child pornography” means any act prohibited under section 163.1 of the *Criminal Code* (Canada); (“acte interdit impliquant de la pornographie juvénile”)

“regulations” means the regulations made under this Act. (“règlements”)

“sexual abuse” of a child by a member means,

- (a) sexual intercourse or other forms of physical sexual relations between the member and the child,
- (b) touching, of a sexual nature, of the child by the member, or
- (c) behaviour or remarks of a sexual nature by the member towards the child; (“mauvais traitements d’ordre sexuel”)

“sexual misconduct” means inappropriate behaviour or remarks of a sexual nature by the member that is not sexual abuse of a child, where,

- (a) one or more children are exposed to the behaviour or remarks, or the member knows or ought to know that one or more children are likely to be exposed to the behaviour or remarks, and
- (b) a reasonable person would expect the behaviour or remarks to have the effect of,
 - (i) causing distress to a child exposed to the behaviour or remarks,
 - (ii) being detrimental to the physical or mental well-being of a child, or
 - (iii) creating a negative environment for a child exposed to the behaviour or remarks. (“inconduite sexuelle”) 2007, c. 7, Sched. 8, s. 1; 2014, c. 11, Sched. 3, ss. 1 (1, 2).

Same, electronic means

(2) For greater certainty, for the purposes of the definitions of “sexual abuse” and “sexual misconduct” in subsection (1), behaviour, remarks and conduct include acts or remarks that are done or made by electronic means. 2014, c. 11, Sched. 3, s. 1 (3).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 1 (1-3) - 31/08/2015

Practice of early childhood education

2. The practice of early childhood education is the planning and delivery of inclusive play-based learning and care programs for children in order to promote the well-being and holistic development of children, and includes,

- (a) the delivery of programs to children 12 years or younger;
- (b) the assessment of the programs and of the progress of children in the programs;
- (c) communication with the parents or persons with legal custody of the children in the programs in order to improve the development of the children; and
- (d) such other services or activities as may be prescribed by the regulations. 2007, c. 7, Sched. 8, s. 2; 2014, c. 11, Sched. 3, s. 2.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 2 - 31/08/2015

PART II PROHIBITIONS

Practice

3. (1) No person shall engage in the practice of early childhood education or hold himself or herself out as able to do so unless the person holds a certificate of registration issued under this Act. 2007, c. 7, Sched. 8, s. 3 (1).

Application

(2) Subsection (1) does not apply to any of the following persons:

1. A person employed as a teacher or teaching assistant in an institution that is a school as defined in subsection 1 (1) of the *Education Act*.
- 1.1 A person who, under the authority of a letter of permission, is appointed by a board as defined in subsection 1 (1) of the *Education Act* to a position designated by the board as requiring an early childhood educator.
2. A person who is employed in a child care centre or by a home child care agency, a person who provides home child care or in-home services or any other person prescribed for the purpose under the *Child Care and Early Years Act, 2014* if, pursuant to that Act and the regulations made under it, the person is not required to,
 - i. hold a certificate of registration, or
 - ii. satisfy the requirements for qualifying for a certificate prescribed by the regulations made under this Act.
3. A person who, pursuant to subsection 6 (3) or (4) of the *Child Care and Early Years Act, 2014*, is not required to hold a licence to operate a child care centre, and who provides child care in the circumstances described in paragraph 2 or 3 of subsection 6 (3) of that Act, or, if relevant, in subsection 6 (4) of that Act.
- 4.-6. REPEALED: 2014, c. 11, Sched. 3, s. 3 (5).
7. Any other person or class of persons prescribed by a regulation made under subsection 45 (1). 2007, c. 7, Sched. 8, s. 3 (2); 2010, c. 10, s. 29; 2014, c. 11, Sched. 3, ss. 3 (1, 5).

Same

(3) The exemption provided under subsection (2) does not apply to a person who has satisfied the educational and training requirements prescribed by the regulations for qualifying for a certificate. 2014, c. 11, Sched. 3, s. 3 (6).

Definitions

(4) In this subsection, “child care centre”, “home child care agency” and “home child care” have the same meaning as in the *Child Care and Early Years Act, 2014*. 2014, c. 11, Sched. 3, s. 3 (10).

Section Amendments with date in force (d/m/y)

2010, c. 10, s. 29 - 3/06/2010; CTS 20 SE 10 - 2

2014, c. 11, Sched. 3, s. 3 (1-10) - 31/08/2015

Use of title

4. No person except a member of the College shall use the English title “early childhood educator” or “registered early childhood educator” or the French title “éducatrice de la petite enfance”, “éducateur de la petite enfance”, “éducatrice de la petite enfance inscrite” or “éducateur de la petite enfance inscrit” or an abbreviation of any of those titles to describe themselves or their profession. 2007, c. 7, Sched. 8, s. 4.

Holding out as early childhood educator

5. No person except a member of the College shall represent or hold out expressly or by implication that he or she is a member of the College. 2007, c. 7, Sched. 8, s. 5.

PART III COLLEGE

College established

6. (1) A college is established under the name College of Early Childhood Educators in English and Ordre des éducatrices et des éducateurs de la petite enfance in French. 2007, c. 7, Sched. 8, s. 6 (1).

Body corporate

(2) The College is a body corporate without share capital and with all the powers of a natural person. 2007, c. 7, Sched. 8, s. 6 (2).

Non-application of certain Acts

(3) The *Corporations Act* and the *Corporations Information Act* do not apply to the College. 2007, c. 7, Sched. 8, s. 6 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by striking out “The *Corporations Act*” at the beginning and substituting “The *Not-for-Profit Corporations Act, 2010*”. See: 2010, c. 15, ss. 221, 249.

Section Amendments with date in force (d/m/y)

2010, c. 15, s. 221 - not in force

Duty and objects

Duty to protect public interest

7. (1) In carrying out its objects, the College's primary duty is to serve and protect the public interest. 2007, c. 7, Sched. 8, s. 7 (1).

Objects

(2) The College has the following objects:

1. To regulate the practice of early childhood education and to govern its members.
2. To develop, establish and maintain qualifications for membership in the College.
3. To accredit programs in early childhood education offered by post-secondary educational institutions and other bodies.
- 3.1 To provide for the ongoing education of members of the College and to accredit ongoing education programs.
4. To issue certificates of registration to members of the College and to renew, amend, suspend, cancel, revoke and reinstate those certificates.
5. To establish an appeal mechanism for registration decisions.
6. To establish and enforce professional standards and ethical standards that are applicable to members of the College and that demonstrate a respect for diversity and a sensitivity to the multicultural character of the Province.
7. To receive and investigate complaints against members of the College and to deal with issues of discipline, professional misconduct, incompetency and incapacity.
8. To promote high standards and quality assurance with respect to early childhood educators and to communicate with the public on behalf of the members.
9. To perform the additional functions prescribed by a regulation made under subsection 45 (1). 2007, c. 7, Sched. 8, s. 7 (2); 2014, c. 11, Sched. 3, s. 4.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 4 - 31/08/2015

Council: Registrar's role; remuneration

Council

8. (1) The College shall have a Council that shall be its governing body and board of directors and that shall manage and administer its affairs. 2007, c. 7, Sched. 8, s. 8 (1).

Composition of Council

- (2) The Council shall be composed of,
- (a) 14 early childhood educators who are members of the College and who are elected by the members of the College in accordance with the by-laws to represent such geographic areas of the Province as may be determined by regulation;
 - (b) 10 persons who are not members of the College and who are appointed by the Lieutenant Governor in Council to represent such sectors of Ontario society as may be prescribed by a regulation made under subsection 45 (1). 2007, c. 7, Sched. 8, s. 8 (2).

Role of Registrar

(3) The Registrar shall serve as secretary to the Council and has all the rights of participation at meetings of the Council that a Council member has, other than the right to vote. 2007, c. 7, Sched. 8, s. 8 (3).

Expenses and remuneration

(4) The Minister shall pay to Council members appointed by the Lieutenant Governor in Council the expenses and remuneration determined by the Lieutenant Governor in Council. 2007, c. 7, Sched. 8, s. 8 (4).

Term of office

9. (1) The term of office of a Council member shall not exceed three years. 2007, c. 7, Sched. 8, s. 9 (1).

Multiple terms

(2) A person may be a Council member for more than one term but no person may be a Council member for more than 10 consecutive years. 2007, c. 7, Sched. 8, s. 9 (2).

Qualifications to vote

10. (1) Subject to the by-laws, every member of the College who is in good standing is entitled to vote at an election of members of the Council. 2007, c. 7, Sched. 8, s. 10 (1).

Member in good standing

- (2) A member of the College is in good standing for the purposes of this section if,
- (a) the member is not in default of payment of a membership fee prescribed by the by-laws; and
 - (b) the member's certificate of registration is not suspended. 2007, c. 7, Sched. 8, s. 10 (2).

Quorum

11. Thirteen members of Council constitute a quorum. 2007, c. 7, Sched. 8, s. 11.

Vacancies in Council

12. If one or more vacancies occur in the membership of the Council, the members remaining on the Council constitute the Council so long as their number is not fewer than the quorum established by section 11. 2007, c. 7, Sched. 8, s. 12.

Meetings open to public

13. (1) Subject to subsections (2) and (3), the meetings of the Council shall be open to the public and reasonable notice shall be given to the members of the College and to the public. 2007, c. 7, Sched. 8, s. 13 (1).

Exceptions

- (2) The Council may exclude the public, including members of the College, from a meeting or any part of a meeting if it is satisfied that,
- (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that the meetings be open to the public;
 - (b) a person involved in a civil or criminal proceeding may be prejudiced;
 - (c) the safety of a person may be jeopardized;
 - (d) personnel matters or property transactions will be discussed; or
 - (e) litigation affecting the College will be discussed or instructions will be given to or opinions received from solicitors for the College. 2007, c. 7, Sched. 8, s. 13 (2).

Same

(3) The Council may also exclude the public, including members of the College, from a meeting or any part of a meeting in which it will deliberate whether to exclude the public from a meeting or part of a meeting. 2007, c. 7, Sched. 8, s. 13 (3).

Employees and officers

14. (1) The Council may employ the persons it considers advisable and shall have the officers provided for by the by-laws. 2007, c. 7, Sched. 8, s. 14 (1).

Registrar appointed

(2) The Council shall appoint one of its employees as the Registrar. 2007, c. 7, Sched. 8, s. 14 (2).

Deputy registrars

(3) The Council may appoint one or more deputy registrars who shall have the powers of the Registrar as set out in the by-laws. 2007, c. 7, Sched. 8, s. 14 (3).

Chief executive officer

(4) The Registrar shall be the chief executive officer of the College. 2007, c. 7, Sched. 8, s. 14 (4).

Annual report

15. (1) The Council shall report annually to the Minister on the activities and financial affairs of the College. 2007, c. 7, Sched. 8, s. 15 (1).

Same

(2) The report shall include audited financial statements. 2007, c. 7, Sched. 8, s. 15 (2).

Minister's powers and duties

16. (1) The Minister may,
- (a) review the activities of the Council and require the Council to provide reports and information;

- (b) require the Council to do anything that the Minister believes is necessary or advisable to carry out the objects of the College;
- (c) require the Council to make, amend or revoke a regulation under section 43. 2007, c. 7, Sched. 8, s. 16 (1).

Council to comply

(2) If the Minister requires the Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report to the Minister respecting the compliance. 2007, c. 7, Sched. 8, s. 16 (2).

Regulations

(3) If the Minister requires the Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within 60 days, the Lieutenant Governor in Council may, by regulation, make, amend or revoke the regulation. 2007, c. 7, Sched. 8, s. 16 (3).

Annual meeting of members

17. The College shall hold an annual meeting of the members of the College not more than 15 months after the holding of the last preceding annual meeting of members. 2007, c. 7, Sched. 8, s. 17.

Membership in College

18. (1) Every person who holds a certificate of registration is a member of the College, subject to any term, condition or limitation to which the certificate is subject. 2007, c. 7, Sched. 8, s. 18 (1).

Suspended members

(1.1) Despite subsection (1), a person whose certificate of registration is suspended is not a member of the College during the period of suspension. 2014, c. 11, Sched. 3, s. 5 (1).

Resignation of membership

(2) A member of the College may resign his or her membership by filing a resignation in writing with the Registrar and when the member does so, the certificate of registration is cancelled upon the acceptance of the resignation by the Registrar. 2007, c. 7, Sched. 8, s. 18 (2); 2014, c. 11, Sched. 3, s. 5 (2).

Continuing jurisdiction: revocation, suspension, cancellation

(3) A person whose certificate of registration expires or is revoked, suspended or cancelled continues to be subject to the jurisdiction of the College for professional misconduct, incompetence or incapacity referable to any time during which the person held a certificate of registration under this Act or during which the person's certificate was suspended. 2016, c. 24, Sched. 1, s. 1.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 5 (1-3) - 31/08/2015

2016, c. 24, Sched. 1, s. 1 - 05/12/2016

Committees of Council

19. (1) The Council shall establish the following committees:

1. Executive Committee.
2. Registration Appeals Committee.
3. Complaints Committee.
4. Discipline Committee.
5. Fitness to Practise Committee. 2007, c. 7, Sched. 8, s. 19 (1).

Same

- (2) In appointing persons to the committees mentioned in subsection (1), the Council shall ensure that,
 - (a) each committee has at least one member who is an elected member of the Council referred to in clause 8 (2) (a);
 - (b) at least one-third of the members of each committee are appointed members of the Council referred to in clause 8 (2) (b);
 - (c) no person who is a member of the Complaints Committee is also a member of the Discipline Committee or the Fitness to Practise Committee; and
 - (d) the appointments are made in accordance with the by-laws. 2007, c. 7, Sched. 8, s. 19 (2).

Chair

(3) The Council shall appoint one of the members of each committee referred to in subsection (1) as the Chair of that committee. 2007, c. 7, Sched. 8, s. 19 (3).

Panels

(4) The Chair of a committee mentioned in paragraph 2, 3, 4 or 5 of subsection (1) may appoint panels in accordance with subsection (5) and authorize them to exercise the committee's powers and perform its duties. 2016, c. 24, Sched. 1, s. 2.

Same

(5) Each panel appointed under subsection (4) shall be composed in accordance with the following rules:

1. The panel shall be composed of at least three persons.
2. A majority of the persons on the panel must be members of the committee.
3. The panel must include at least one member of the committee who was elected to the Council under clause 8 (2) (a) and at least one member of the committee who was appointed to the Council under clause 8 (2) (b).
4. A member of the panel who is not a member of the committee must be on a roster of eligible panellists for the committee established under subsection (5.1). 2016, c. 24, Sched. 1, s. 2.

Roster of eligible panellists

(5.1) The Council may establish a roster of eligible panellists for a committee mentioned in paragraph 2, 3, 4, or 5 of subsection (1), consisting of such persons as the Council considers qualified to serve as members of a panel of the committee. 2016, c. 24, Sched. 1, s. 2.

Same

(5.2) The Lieutenant Governor in Council may appoint such persons to a roster of panellists under subsection (5.1) as he or she considers appropriate. 2016, c. 24, Sched. 1, s. 2.

Same, requirements and restrictions

(5.3) The inclusion of any person on a roster for a committee is subject to any requirements and restrictions that may be prescribed by the regulations or by-laws. 2016, c. 24, Sched. 1, s. 2.

Not member of committee

(5.4) A person included on a roster for a committee is not a member of the committee by reason of his or her inclusion on the roster or his or her service on a panel of the committee. 2016, c. 24, Sched. 1, s. 2.

Decision of panel

(6) A decision of a panel appointed under subsection (4) shall be deemed to be the decision of the committee whose Chair appointed the panel. 2016, c. 24, Sched. 1, s. 2.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 6 - 31/08/2015

2016, c. 24, Sched. 1, s. 2 - 05/12/2016

Other committees

20. The Council may establish other committees that the Council from time to time considers necessary. 2007, c. 7, Sched. 8, s. 20.

Vacancies in committees

21. If one or more vacancies occur in the membership of a committee of the Council, the members remaining on the committee constitute the committee so long as their number is not fewer than the quorum established in the by-laws. 2007, c. 7, Sched. 8, s. 21.

Member ceasing to be on committee during hearing

22. If, after a committee commences a hearing into a matter, a member of the committee ceases to be a member of the committee, the member shall be deemed, for the purposes of dealing with that matter, to remain a member of the committee until the final disposition of the matter. 2007, c. 7, Sched. 8, s. 22.

Incapacity of member during hearing

23. If, after a committee commences a hearing into a matter, a member of the committee becomes incapacitated, the remaining members of the committee may continue to hear the matter and to render a decision with respect to the matter. 2007, c. 7, Sched. 8, s. 23.

Delegation of Council's powers

24. The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than the power to make, amend or revoke a regulation or by-law. 2007, c. 7, Sched. 8, s. 24.

PART IV REGISTRATION

Issuing or refusing to issue certificate of registration

Approval of application for registration

25. (1) The Registrar shall issue a certificate of registration to an applicant if the applicant,
- (a) applies for it in accordance with the regulations and the by-laws;
 - (b) meets the registration requirements prescribed by regulation; and
 - (c) pays the fees required under the by-laws. 2007, c. 7, Sched. 8, s. 25 (1).

Grounds for refusal

- (2) The Registrar may refuse to issue a certificate of registration if the Registrar has reasonable grounds to believe that,
- (a) the past conduct or actions of the applicant afford grounds for belief that the applicant will not perform his or her duties as an early childhood educator, in accordance with the law, including but not limited to this Act, the regulations and the by-laws; or
 - (b) the applicant does not fulfil the requirements under this Act for the issuance of the certificate. 2007, c. 7, Sched. 8, s. 25 (2).

Same

(3) Except as otherwise directed under this Act, the Registrar shall refuse to issue a certificate of registration to an applicant who previously held such a certificate of registration that was revoked as a result of a decision of the Discipline Committee or the Fitness to Practise Committee and that was not reinstated under section 36 or 37. 2007, c. 7, Sched. 8, s. 25 (3).

Terms, etc., on consent

(4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed, and the applicant consents to the imposition, the Registrar may do so. 2016, c. 24, Sched. 1, s. 3.

Same

(5) Limitations that may be imposed on consent under subsection (4) include the fixing of a period of not longer than one year during which the applicant may not apply under section 28.1. 2016, c. 24, Sched. 1, s. 3.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 7 - 31/08/2015

2016, c. 24, Sched. 1, s. 3 - 05/12/2016

Disclosure of application file

26. (1) The Registrar shall give an applicant for a certificate of registration, at the applicant's request, a copy of each document the College has that is relevant to the application. 2007, c. 7, Sched. 8, s. 26 (1).

Exception

(2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person. 2007, c. 7, Sched. 8, s. 26 (2).

Notice of proposal to refuse to issue, etc.

27. (1) If the Registrar proposes to do one of the following, the Registrar shall first serve notice of the proposal, with written reasons for it, on the applicant:

1. Refuse to issue a certificate of registration.
2. Impose terms, conditions or limitations to which the applicant has not consented on a certificate of registration to be issued.
3. REPEALED: 2016, c. 24, Sched. 1, s. 4 (1).

2007, c. 7, Sched. 8, s. 27 (1); 2014, c. 11, Sched. 3, s. 8; 2016, c. 24, Sched. 1, s. 4 (1).

Exception

(2) Subsection (1) does not apply if the Registrar refuses to issue a certificate under subsection 25 (3). 2007, c. 7, Sched. 8, s. 27 (2).

Contents of notice

(3) A notice under subsection (1) shall state that the applicant may request a review by the Registration Appeals Committee in accordance with subsection (4). 2007, c. 7, Sched. 8, s. 27 (3).

Request for review

(4) The request for review shall be in writing and shall be served on the Registrar within 60 days after the notice under subsection (1) is served on the applicant. 2007, c. 7, Sched. 8, s. 27 (4).

Submissions

(5) The request for review may be accompanied by written submissions. 2007, c. 7, Sched. 8, s. 27 (5).

Power of Registrar if no request

(6) If an applicant does not request a review in accordance with subsection (4), the Registrar shall carry out the proposal stated in the notice under subsection (1). 2007, c. 7, Sched. 8, s. 27 (6).

Same

(7) Where the Registrar imposes terms, conditions or limitations on the applicant's certificate of registration under subsection (6), the Registrar may fix a period of not longer than one year during which the applicant may not apply under section 28.1. 2016, c. 24, Sched. 1, s. 4 (2).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 8 - 31/08/2015

2016, c. 24, Sched. 1, s. 4 (1, 2) - 05/12/2016.

Duties of Registration Appeals Committee

28. (1) If an applicant requests a review in accordance with subsection 27 (4), the Registration Appeals Committee shall conduct the review. 2007, c. 7, Sched. 8, s. 28 (1).

Exception

(2) Despite subsection (1), the Committee shall refuse to conduct a review if, in its opinion, the request for review is frivolous, vexatious or an abuse of process. 2007, c. 7, Sched. 8, s. 28 (2).

Extension of time for requesting review

(3) The Committee may extend the time for requesting a review under subsection 27 (4) if it is satisfied that there are apparent grounds for granting relief on the review and that there are reasonable grounds for applying for the extension. 2007, c. 7, Sched. 8, s. 28 (3).

Examination of documents, submissions

(4) Subject to subsection (5), the Committee shall ensure that the person requesting the review is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the review. 2007, c. 7, Sched. 8, s. 28 (4).

Exception

(5) The Committee may refuse to give a person an opportunity to examine a document if doing so may, in the Committee's opinion, jeopardize the safety of any person. 2007, c. 7, Sched. 8, s. 28 (5).

No hearing

(6) Except as provided by section 27 and this section, the Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this part. 2007, c. 7, Sched. 8, s. 28 (6).

Order

(7) After considering the request for review, the submissions and any document that the Committee considers relevant, the Committee may make an order doing one or more of the following:

1. Directing the Registrar to issue the certificate of registration.
2. Directing the Registrar to issue the certificate of registration and to make it subject to specified terms, conditions or limitations.
3. Directing the Registrar to vary or remove specified terms, conditions or limitations in the Registrar's proposal.

4. Directing the Registrar to refuse to issue a certificate of registration. 2007, c. 7, Sched. 8, s. 28 (7); 2014, c. 11, Sched. 3, s. 9.

Same

(7.1) Where the Registration Appeals Committee makes an order under paragraph 2 or 3 of subsection (7), the Committee may fix a period of not longer than one year during which the person who requested the review may not apply under section 28.1. 2016, c. 24, Sched. 1, s. 5.

Service of decision on parties

(8) The Committee shall give its decision under this section in writing to the Registrar, with reasons, within 60 days after considering the request for review and shall serve the person who requested the review with a copy. 2007, c. 7, Sched. 8, s. 28 (8).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 9 - 31/08/2015

2016, c. 24, Sched. 1, s. 5 - 05/12/2016

Variation of registration conditions

28.1 (1) A member may apply to the Registration Appeals Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration by the Registrar or the Registration Appeals Committee. 2016, c. 24, Sched. 1, s. 6.

Same

- (2) The application must be,
 - (a) made in writing; and
 - (b) accompanied by the fee prescribed for the purpose by the by-laws. 2016, c. 24, Sched. 1, s. 6.

Limitations

- (3) The right to apply under subsection (1) is subject to,
 - (a) any limitation imposed by the Registrar or the Registration Appeals Committee under section 25, 27 or 28; and
 - (b) any limitation imposed under subsection (8) in the disposition of a previous application under this section. 2016, c. 24, Sched. 1, s. 6.

Submissions

- (4) The application may be accompanied by written submissions. 2016, c. 24, Sched. 1, s. 6.

Examination of documents, submissions

(5) The Registration Appeals Committee shall ensure that the applicant is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the application. 2016, c. 24, Sched. 1, s. 6.

No hearing

(6) Except as provided by this section, the Registration Appeals Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 2016, c. 24, Sched. 1, s. 6.

Orders

(7) After considering the application, the submissions and any document that the Committee considers relevant, the Registration Appeals Committee may make an order doing one or more of the following:

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to impose specified terms, conditions or limitations on the certificate of registration. 2016, c. 24, Sched. 1, s. 6.

Limitations on application

(8) The Registration Appeals Committee, in disposing of an application under this section, may fix a period of not longer than six months during which the applicant may not apply under subsection (1). 2016, c. 24, Sched. 1, s. 6.

Order to return fee

(9) The Registration Appeals Committee may order that the fee paid under subsection (2) be returned to the applicant where, in the opinion of the Committee, to do so would be appropriate in all the circumstances. 2016, c. 24, Sched. 1, s. 6.

Service of decision on applicant

(10) The Registration Appeals Committee shall give its decision under this section in writing, with reasons, and shall serve the applicant with a copy. 2016, c. 24, Sched. 1, s. 6.

Section Amendments with date in force (d/m/y)

2016, c. 24, Sched. 1, s. 6 - 05/12/2016

Register

29. (1) The Registrar shall maintain a register. 2007, c. 7, Sched. 8, s. 29 (1).

Contents

- (2) The register shall contain,
- (a) each member's name and, where applicable, the class of certificate of registration that the member holds and any additional qualifications indicated on the member's certificate or any certificates of additional qualifications that the member holds;
 - (b) the terms, conditions and limitations imposed on each certificate of registration, including terms, conditions and limitations resulting from a written undertaking or other agreement between the College and the member;
 - (b.1) any restrictions imposed on a member's eligibility to practise by an order of a court or other lawful authority, including the name and location of the court or authority and the date the order was made;
 - (b.2) a notation of every matter that has been referred to the Discipline Committee under section 31, 32 or 36;
 - (b.3) for every hearing of the Discipline Committee, a notice of hearing and a notice of the day and time of the hearing, together with a link to the notices as published on the College's website;
 - (b.4) if a resolution adopted by the Complaints Committee under section 31.1 provides for a notation to be included in the register, a notation of the resolution, and, if the resolution provides for the resolution, a summary of the resolution or a part of the resolution to be published on the College's website, a link to that publication;
 - (b.5) a notation of every decision of the Discipline Committee following a proceeding, together with a link to the decision as published on the College's website;
 - (b.6) a notation of every resolution adopted by the Discipline Committee under section 33.1, together with a link to the resolution as published on the College's website;
 - (c) a notation of every revocation, cancellation and suspension of a member's certificate of registration;
 - (d) information that a committee required by subsection 19 (1) or established under section 20 directs shall be included;
 - (d.1) subject to the regulations, information respecting any current or previous criminal proceedings involving a member that are relevant to his or her membership, including any undertakings of the member in relation to the proceeding; and
 - (e) any other information that the by-laws prescribe as information to be kept in the register. 2007, c. 7, Sched. 8, s. 29 (2); 2014, c. 11, Sched. 3, ss. 10 (1-4); 2016, c. 24, Sched. 1, s. 7 (1, 2).

Personal information

(2.1) A committee referred to in clause (2) (d) shall not direct, and a by-law referred to in clause (2) (e) shall not prescribe, that more personal information, within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* and section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*, or more personal health information, is to be included or kept in the register than is necessary to serve and protect the public interest. 2016, c. 24, Sched. 1, s. 7 (3).

Personal health information

(2.1.1) The Registrar shall not include in the register, disclose to an individual or publish on the College's website or in any other publication more personal health information about a member than is necessary to serve and protect the public interest. 2016, c. 24, Sched. 1, s. 7 (3).

Same

(2.1.2) In subsections (2.1) and (2.1.1),

“personal health information” means information that identifies an individual and that is referred to in clauses (a) through (g) of the definition of “personal health information” in subsection 4 (1) of the *Personal Health Information Protection Act*, 2004. 2016, c. 24, Sched. 1, s. 7 (3).

Removal of specified information

(2.2) The Registrar shall remove from the register, in a timely manner,

- (a) any terms, conditions or limitations imposed on a certificate of registration, as referred to in clause (2) (b), that are no longer applicable;
- (b) any restrictions imposed on a member's eligibility to practise, as referred to in clause (2) (b.1), that are no longer applicable; and
- (c) information respecting current or previous criminal proceedings referred to in clause (2) (d.1) that are no longer applicable or relevant to the member's membership, as provided by the regulations. 2016, c. 24, Sched. 1, s. 7 (3).

Day and time of hearing

(2.3) The Registrar shall post the notices and links referred to in clause (2) (b.3) on the register and on the College's website promptly after the notices are served upon the parties to the hearing, and may remove the information from the register after the proceeding has concluded. 2016, c. 24, Sched. 1, s. 7 (4).

Same, by-laws

(2.4) Subject to subsection (2.5), the Council may not make by-laws authorizing the removal of any information set out in subsection (2) from the register. 2014, c. 11, Sched. 3, s. 10 (5).

Same

(2.5) The Council may make by-laws authorizing the removal of information described in clauses (2) (b.2), (b.3), (b.4), (b.5) and (b.6), but only in accordance with the following:

1. Any notation of a decision or resolution that required a reprimand, admonishment, counselling or a fine, and the link to the decision or resolution, may not be removed until three years after the day the committee decided the matter, or after more time if ordered by the Discipline Committee or prescribed by the by-laws.
2. The information must not relate to a matter that resulted in an order to revoke or suspend a certificate. 2014, c. 11, Sched. 3, s. 10 (5); 2016, c. 24, Sched. 1, s. 7 (5, 6).

No publication of specified information

(2.6) Despite anything in this section, the register shall not contain any information that violates an order made under section 35.1 respecting the publication of information. 2014, c. 11, Sched. 3, s. 10 (5).

Posting and public inspection of register

(3) The Registrar shall post the register on the College's website and shall ensure it is available for public inspection during normal business hours at the offices of the College. 2014, c. 11, Sched. 3, s. 10 (6).

Copies

(4) The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any part of the register. 2007, c. 7, Sched. 8, s. 29 (4).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 10 (1-6) - 31/08/2015

2016, c. 24, Sched. 1, s. 7 (1-6) - 05/12/2016

Suspension: failure to pay fees, provide information

30. (1) The Registrar may suspend the certificate of registration of a member of the College for,

- (a) failure to pay a fee or penalty prescribed by the by-laws; or
- (b) failure to provide information required by the by-laws. 2007, c. 7, Sched. 8, s. 30 (1).

Same

(2) The Registrar shall not suspend a member's certificate of registration without first giving the member two months notice of the default and intention to suspend. 2007, c. 7, Sched. 8, s. 30 (2).

Reinstatement

(3) Subject to subsection (4), a person whose certificate of registration was suspended under subsection (1) is entitled to have the suspension removed on payment of the fees and penalties prescribed by the by-laws or on provision of the information required by the by-laws, as the case may be. 2014, c. 11, Sched. 3, s. 11.

Revocation

(4) If a certificate of registration is suspended under subsection (1) and the suspension is not removed for the period of time prescribed by the regulations, the Registrar may revoke the certificate of registration. 2014, c. 11, Sched. 3, s. 11.

Section Amendments with date in force (d/m/y)

2010, c. 10, s. 30 - 3/06/2010

2014, c. 11, Sched. 3, s. 11 - 31/08/2015

PART V

COMPLAINTS COMMITTEE, DISCIPLINE COMMITTEE AND FITNESS TO PRACTISE COMMITTEE

Duties of Complaints Committee

31. (1) The Complaints Committee shall consider and investigate complaints regarding the conduct or actions of a member of the College, including complaints made by,

- (a) a member of the public;
- (b) a member of the College;
- (c) the Registrar; or
- (d) the Minister. 2014, c. 11, Sched. 3, s. 12 (1).

Same

(1.1) As soon as reasonably possible after receiving a complaint, the Registrar shall,

- (a) provide the complainant with confirmation that the complaint was received; and
- (b) notify the member that a complaint regarding his or her actions was made and provide the member with a copy of the complaint or, if the Registrar considers it appropriate in the circumstances, a summary of the complaint. 2014, c. 11, Sched. 3, s. 12 (1).

Same

(1.2) In providing notice of a complaint under clause (1.1) (b), the identity of the individual who made the complaint shall not be disclosed if the Registrar believes, on reasonable and probable grounds, that doing so would expose or be likely to expose the complainant or another person to harm or injury. 2014, c. 11, Sched. 3, s. 12 (1).

Same

(1.3) Despite subsection (1), if the Registrar refers a complaint to a complaint resolution process under section 31.1, the Complaints Committee shall cease its consideration and investigation of the complaint and this section ceases to apply, unless and until the complaint is referred back to the Committee in accordance with that section. 2014, c. 11, Sched. 3, s. 12 (1).

Same

(2) Despite subsection (1), the Complaints Committee shall refuse to consider and investigate a complaint if, in its opinion,

- (a) the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member of the College;
- (b) the complaint is frivolous, vexatious, an abuse of process, manifestly without substance or made for an improper purpose; or
- (c) the complaint does not warrant further investigation or it is not in the public interest to investigate the complaint further, and that determination was made in accordance with the regulations. 2007, c. 7, Sched. 8, s. 31 (2); 2014, c. 11, Sched. 3, ss. 12 (2, 3).

Same

(3) No action shall be taken by the Complaints Committee under subsection (5) unless,

- (a) a complaint in writing or in another form that is capable of being reproduced, such as a disc or tape, has been filed with the Registrar;
- (b) the member whose conduct or actions are being investigated has been given 60 days, or a different time period if specified under subsection (4), in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and
- (c) the Committee has examined or has made every reasonable effort to examine all the information and documents that the College has that are relevant to the complaint, including,
 - (i) any prior decisions of a committee established under this Act that relate to the member,

- (ii) any information about or obtained in concurrent proceedings before a committee established under this Act that relates to the member,
- (iii) any resolutions adopted by a committee established under this Act that were reached through a complaint resolution process and relate to the member. 2007, c. 7, Sched. 8, s. 31 (3); 2014, c. 11, Sched. 3, s. 12 (4).

Same

(4) The Complaints Committee may specify a different time period for the purposes of clause (3) (b) in accordance with the following:

1. The Committee may specify a period of time of less than 60 days if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member exposes or is likely to expose one or more children to harm or injury.
2. The Committee may specify a period of time that is more than 60 days in accordance with the regulations. 2014, c. 11, Sched. 3, s. 12 (5).

Same

(4.1) A copy of any explanations or representations submitted by the member under clause (3) (b) shall be provided as soon as reasonably possible to the complainant or, if the Registrar considers it appropriate in the circumstances, a summary of the explanations or representations. 2014, c. 11, Sched. 3, s. 12 (5).

Same

(4.2) In considering prior decisions in accordance with subclause (3) (c) (i), the Complaints Committee shall not consider any decision made by the Complaints Committee to refuse to consider and investigate a complaint under subsection (2). 2014, c. 11, Sched. 3, s. 12 (5).

Same

(4.3) If the Complaints Committee considers any information described in subclause (3) (c) (i), (ii) or (iii), the Committee shall notify the member as soon as reasonably possible and shall provide the member with a copy of that information or, if the Committee considers it appropriate in the circumstances, a summary of that information. 2014, c. 11, Sched. 3, s. 12 (5).

Same

(4.4) If the Complaints Committee receives additional information from any person relating to the complaint, the Committee shall notify the member as soon as reasonably possible and shall provide the member with a description of the additional information. 2014, c. 11, Sched. 3, s. 12 (5).

Same

- (5) The Complaints Committee, in accordance with the information it receives, shall,
- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee;
 - (b) direct that the matter not be referred under clause (a);
 - (c) require the person complained against to appear before the Complaints Committee to be cautioned or admonished; or
 - (d) REPEALED: 2014, c. 11, Sched. 3, s. 12 (6).
 - (e) take any action it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws, including issuing a caution, reminder, advice or admonishment. 2007, c. 7, Sched. 8, s. 31 (5); 2014, c. 11, Sched. 3, s. 12 (6); 2016, c. 24, Sched. 1, s. 8.

Decision and reasons

(6) The Complaints Committee shall give its decision in writing to the Registrar and, except in the case of a decision made under clause (5) (a), its reasons for the decision. 2007, c. 7, Sched. 8, s. 31 (6).

Notice

(7) The Registrar shall provide the complainant and the person complained against with a copy of the written decision made by the Complaints Committee and its reasons for the decision, if any. 2007, c. 7, Sched. 8, s. 31 (7).

No hearing

(8) Except as provided by this section, the Complaints Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section or under section 31.1. 2007, c. 7, Sched. 8, s. 31 (8); 2014, c. 11, Sched. 3, s. 12 (7).

Application of section, related criminal conviction

(9) If a member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject matter of a complaint, the member and the Complaints Committee may agree in writing that the

matter be referred, in whole or in part, to the Discipline Committee and, in that case, subsections (1) to (8) cease to apply and the Registrar shall notify the complainant of the agreement. 2014, c. 11, Sched. 3, s. 12 (8).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 12 (1-8) - 31/08/2015

2016, c. 24, Sched. 1, s. 8 (1, 2) - 05/12/2016

Complaint resolution process

31.1 (1) The Registrar may refer the College and the member who is the subject of a complaint to a complaint resolution process to which the College and the member have consented,

- (a) if the Registrar determines, on reasonable and probable grounds and in accordance with any regulations, that the complaint, if proven, would likely result in the member receiving a caution, a reminder, advice or admonishment from the Complaints Committee under clause 31 (5) (c) or (e);
- (b) if the Complaints Committee has not yet taken action under subsection 31 (5); and
- (c) if the matter does not involve an allegation of sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography. 2014, c. 11, Sched. 3, s. 13; 2016, c. 24, Sched. 1, s. 9 (1).

Same

(2) The Registrar shall notify the complainant as soon as reasonably possible after referring a complaint to the complaint resolution process under subsection (1). 2014, c. 11, Sched. 3, s. 13.

Same

- (3) Before a resolution that will be proposed to the Complaints Committee under subsection (4) is reached,
 - (a) the Registrar shall consult, or make reasonable efforts to consult, with the complainant; and
 - (b) if the complainant is not the member's employer and the Registrar considers it appropriate in the circumstances, the Registrar may request that the employer provide the Registrar with information that relates to the complaint. 2014, c. 11, Sched. 3, s. 13.

Same

(4) If the College and the member reach a resolution of a matter that has been referred to the complaint resolution process under subsection (1), they shall propose it to the Complaints Committee and the Committee may,

- (a) adopt the proposed resolution;
- (b) modify the proposed resolution; or
- (c) reject the proposed resolution. 2014, c. 11, Sched. 3, s. 13.

Same

- (5) Before taking action under subsection (4), the Complaints Committee shall consider,
 - (a) any prior decisions of a committee established under this Act that relate to the member;
 - (b) any information about or obtained in concurrent proceedings before a committee established under this Act that relates to the member; and
 - (c) any resolutions adopted by a committee established under this Act that were reached through a complaint resolution process and relate to the member. 2014, c. 11, Sched. 3, s. 13; 2016, c. 24, Sched. 1, s. 9 (2).

Same

(5.1) In considering prior decisions in accordance with clause (5) (a), the Complaints Committee shall not consider any decision made by the Complaints Committee to refuse to consider and investigate a complaint under subsection 31 (2). 2016, c. 24, Sched. 1, s. 9 (3).

Same

(6) If the Complaints Committee modifies the proposed resolution, the Committee shall notify the College and the member of the modifications and,

- (a) if both the College and the member agree to the modifications, the proposed resolution shall be considered adopted, as modified, by the Committee; or
- (b) if either the College or the member does not agree to the modifications, the proposed resolution shall be considered rejected by the Committee. 2014, c. 11, Sched. 3, s. 13.

Same

(7) If the Complaints Committee rejects a proposed resolution, the matter shall be referred back to the Committee and section 31 shall continue to apply. 2014, c. 11, Sched. 3, s. 13.

Same

(8) If there is a failure to resolve a matter that has been referred to the complaint resolution process under subsection (1), it shall be referred back to the Complaints Committee and section 31 shall continue to apply. 2014, c. 11, Sched. 3, s. 13.

Notice, Registrar

(9) The Complaints Committee shall notify the Registrar of its decision made under subsection (4). 2014, c. 11, Sched. 3, s. 13.

Same, complainant

(10) The Registrar shall notify the complainant of the outcome of the complaint resolution process under subsection (1). 2014, c. 11, Sched. 3, s. 13.

Single member may act on Committee's behalf

(11) A single member of the Complaints Committee may act on the Committee's behalf for the purposes of subsection (4) and, in that case, references to the Complaints Committee in subsections (5), (6), (7) and (9) shall be references to the member acting on the Committee's behalf. 2014, c. 11, Sched. 3, s. 13.

Matters referred back to the Complaints Committee

(12) If the Complaints Committee rejects a proposed resolution and the matter is referred back to the Committee, no person who made a decision for the purposes of subsection (4) shall make a decision in respect of the matter under section 31, except in accordance with any regulations. 2014, c. 11, Sched. 3, s. 13.

Complainant not a party

(13) For greater certainty, the complainant is not a party to a complaint resolution process under subsection (1). 2014, c. 11, Sched. 3, s. 13.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 13 - 31/08/2015

2016, c. 24, Sched. 1, s. 9 (1-3) - 05/12/2016

Timely disposal

31.2 (1) Subject to subsection (2), the Complaints Committee shall use its best efforts to dispose of a complaint within 120 days after the complaint is filed as described in clause 31 (3) (a). 2014, c. 11, Sched. 3, s. 13.

Complaint resolution process

- (2) If the Registrar refers a matter to a complaint resolution process under subsection 31.1 (1),
- (a) that process must be carried out in accordance with any timelines prescribed by the regulations; and
 - (b) for the purposes of subsection (1), the time period beginning on the day the referral is made and ending on the day the matter is referred back to the Committee under subsection 31.1 (7) or (8) shall not be counted. 2014, c. 11, Sched. 3, s. 13.

If complaint not disposed of

(3) If the Committee has not disposed of a complaint within 120 days after the complaint was filed, the Registrar shall provide the complainant and the member who is the subject of the complaint with written notice of that fact and an expected date of disposition which shall be no more than 90 days from the date of the written notice. 2014, c. 11, Sched. 3, s. 13.

If further delay

(4) If the Committee has not disposed of the complaint by the expected date of disposition described in subsection (3), the Registrar shall provide the member and complainant with written notice and reasons for the delay and the new expected date of disposition which shall be no more than 30 days from the date of the revised notice or from the expected date of disposition described in subsection (3), whichever is sooner. 2014, c. 11, Sched. 3, s. 13.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 13 - 31/08/2015

Reference to certain committees; interim suspensions

Reference by Council or Executive Committee

32. (1) The Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the College. 2007, c. 7, Sched. 8, s. 32 (1).

Same

(2) The Council or the Executive Committee may direct the Fitness to Practise Committee to hold a hearing and determine any allegation of incapacity on the part of a member of the College. 2007, c. 7, Sched. 8, s. 32 (2).

Interim suspension

(3) The Council or the Executive Committee may make an interim order directing the Registrar to suspend the certificate of registration of a member of the College or impose terms, conditions or limitations on a member's certificate of registration if,

- (a) an allegation respecting the member has been referred to the Discipline Committee or to the Fitness to Practise Committee; and
- (b) the Council or the Executive Committee believes that the actions or conduct of the member directly or indirectly exposes or is likely to expose a child to harm or injury. 2007, c. 7, Sched. 8, s. 32 (3).

Restriction

(4) No order shall be made under subsection (3) unless the member has been given,

- (a) notice of the Council's or the Executive Committee's intention to make the order; and
- (b) at least 14 days to make written submissions to the Council or the Executive Committee. 2007, c. 7, Sched. 8, s. 32 (4).

Same

(5) Clause (4) (b) does not apply if the Council or the Executive Committee believes that the delay would be inappropriate in view of the risk of harm or injury to any child. 2007, c. 7, Sched. 8, s. 32 (5).

No hearing

(6) Except as provided by this section, the Council or the Executive Committee need not hold a hearing or afford any person an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 2007, c. 7, Sched. 8, s. 32 (6).

Procedure following order

(7) If an order is made under subsection (3) in relation to a matter referred to the Discipline Committee or to the Fitness to Practise Committee,

- (a) the Council or the Executive Committee shall ensure that the committee proceed with the matter expeditiously; and
- (b) the committee shall give precedence to the matter. 2007, c. 7, Sched. 8, s. 32 (7).

Duration of order

(8) An order under subsection (3) continues in force until the matter is disposed of by the Discipline Committee or the Fitness to Practise Committee. 2007, c. 7, Sched. 8, s. 32 (8).

Complaint, report of child in need of protection, etc.

32.1 (1) This section applies with respect to a complaint if the Registrar believes, on reasonable grounds, that the complainant or any other person was likely required to make a report under section 72 of the *Child and Family Services Act* in relation to the conduct or actions of the member that are the subject of the complaint. 2014, c. 11, Sched. 3, s. 14.

(2) REPEALED: 2016, c. 24, Sched. 1, s. 10.

Referral to Executive Committee

(3) The Registrar shall promptly refer a complaint described in subsection (1) to the Executive Committee. 2014, c. 11, Sched. 3, s. 14.

Consideration by Executive Committee

(4) If a complaint is referred to the Executive Committee under subsection (3), the Executive Committee shall consider whether or not to make a direction under subsection 32 (1) and, if it makes such a direction, shall also consider whether or not to make an interim order under subsection 32 (3). 2014, c. 11, Sched. 3, s. 14.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 14 - 31/08/2015

2016, c. 24, Sched. 1, s. 10 - 05/12/2016

Discipline Committee

33. (1) The Discipline Committee shall,

- (a) hear and determine matters directed or referred to it under section 31, 32 or 36; and
- (b) perform any other duties assigned to it by the Council. 2007, c. 7, Sched. 8, s. 33 (1).

Same, complaint resolution process

(1.1) Despite clause (1) (a), if a matter is referred to a complaint resolution process under section 33.1, the Discipline Committee shall cease to hear the matter and this section ceases to apply, unless and until the matter is referred back to the Committee in accordance with that section. 2014, c. 11, Sched. 3, s. 15 (1).

Professional misconduct

(2) A member may be found guilty of professional misconduct by the Discipline Committee after a hearing if the member has been guilty, in the opinion of the Committee, of professional misconduct. 2014, c. 11, Sched. 3, s. 15 (2).

Incompetence

(3) The Discipline Committee may, after a hearing, find a member of the College to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a child of a nature or extent that demonstrates that,

- (a) the member is unfit to continue to carry out his or her professional responsibilities; or
- (b) the member's certificate of registration should be made subject to terms, conditions or limitations. 2007, c. 7, Sched. 8, s. 33 (3).

Powers of Discipline Committee

(4) If the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it shall make an order doing one or more of the following:

- 1. Directing the Registrar to revoke the member's certificate of registration.
- 2. Directing the Registrar to suspend the member's certificate of registration for a specified period, not exceeding 24 months.
- 3. Directing the Registrar to impose specified terms, conditions or limitations on the member's certificate of registration.
- 4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period. 2007, c. 7, Sched. 8, s. 33 (4).

Same

(5) If the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising its powers under subsection (4), make an order doing one or more of the following:

- 1. Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified period of more than three years.
- 2. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$2,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
- 3. REPEALED: 2014, c. 11, Sched. 3, s. 15 (4).
- 4. Fixing costs to be paid by the member. 2007, c. 7, Sched. 8, s. 33 (5); 2014, c. 11, Sched. 3, ss. 15 (3, 4); 2016, c. 24, Sched. 1, s. 11.

Same

(6) In making an order under paragraph 4 of subsection (4), the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. 2007, c. 7, Sched. 8, s. 33 (6).

Same

(7) In making an order revoking or suspending a certificate of registration or imposing terms, conditions or limitations on a certificate of registration, the Committee may fix a period during which the member may not apply under section 36. 2007, c. 7, Sched. 8, s. 33 (7).

- (8) REPEALED: 2014, c. 11, Sched. 3, s. 15 (5).

Costs

(9) If the Discipline Committee believes that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member of the College for his or her costs or the portion of them fixed by the Discipline Committee. 2007, c. 7, Sched. 8, s. 33 (9).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 15 (1-5) - 31/08/2015

2016, c. 24, Sched. 1, s. 11 - 05/12/2016

Complaint resolution process

33.1 (1) The Discipline Committee may refer the College and the member who is the subject of a matter to a complaint resolution process to which the College and the member have consented,

- (a) if the Committee considers it appropriate to do so;
- (b) if the matter has not yet been determined by the Discipline Committee under section 33; and
- (c) if the matter does not involve an allegation of sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography. 2014, c. 11, Sched. 3, s. 16.

Same

(2) If the College and the member reach a resolution of a matter that has been referred to the complaint resolution process under subsection (1), they shall propose it to the Discipline Committee and the Committee may,

- (a) adopt the proposed resolution;
- (b) modify the proposed resolution; or
- (c) reject the proposed resolution. 2014, c. 11, Sched. 3, s. 16.

Same

(3) If the Discipline Committee modifies the proposed resolution, the Committee shall notify the College and the member of the modifications and,

- (a) if both the College and the member agree to the modifications, the proposed resolution shall be considered adopted, as modified, by the Committee; or
- (b) if either the College or the member does not agree to the modifications, the proposed resolution shall be considered rejected by the Committee. 2014, c. 11, Sched. 3, s. 16.

Same

(4) If the Discipline Committee rejects a proposed resolution, the Committee shall hear and determine the matter in accordance with section 33. 2014, c. 11, Sched. 3, s. 16.

Same

(5) If there is a failure to resolve a matter that has been referred to the complaint resolution process under subsection (1), it shall be referred back to the Discipline Committee and the Committee shall hear and determine the matter in accordance with section 33. 2014, c. 11, Sched. 3, s. 16.

Meetings of Discipline Committee to be public

(6) A meeting of the Discipline Committee to consider the action it will take under subsection (2) shall, subject to subsection (7), be open to the public. 2014, c. 11, Sched. 3, s. 16.

Exclusion of public

(7) The Discipline Committee may make an order that the public, including members of the College, be excluded from the meeting or any part of the meeting if, in the Committee's opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2014, c. 11, Sched. 3, s. 16; 2016, c. 24, Sched. 1, s. 12.

Application of s. 35 (4) and (5)

(8) Subsections 35 (4) and (5) apply with necessary modifications to meetings of the Discipline Committee to consider actions that it will take under subsection (2). 2014, c. 11, Sched. 3, s. 16.

No right to a hearing

(9) Nothing in this section shall be construed to require the Discipline Committee to hold a hearing within the meaning of the *Statutory Powers Procedure Act* before making a decision under subsection (2) and, for greater certainty, there is no right to appeal that decision. 2014, c. 11, Sched. 3, s. 16.

Members disqualified from panel that hears matter

(10) The following persons may not participate in a panel of the Discipline Committee that hears and determines a matter in accordance with section 33:

1. The members of the panel of the Discipline Committee that referred the matter under subsection (1) or considered making such a referral.
2. The members of the panel of the Discipline Committee that rejected any proposed resolution. 2014, c. 11, Sched. 3, s. 16.

No application to reinstatement and variation procedures

(11) For greater certainty, an application made under subsection 36 (1) or (2) may not be referred to a complaint resolution process under subsection (1). 2014, c. 11, Sched. 3, s. 16.

Complainant not a party

(12) For greater certainty, the complainant is not a party to a complaint resolution process under subsection (1). 2014, c. 11, Sched. 3, s. 16.

Authorization for Registrar to make referrals

(13) The Discipline Committee may authorize the Registrar to make referrals under subsection (1) on behalf of the Discipline Committee and the following apply when the Registrar acts in accordance with such an authorization:

1. The reference to the Committee in clause (1) (a) is deemed to be a reference to the Registrar.
2. The Registrar is subject to,
 - i. the limitations the Discipline Committee is subject to under this section,
 - ii. any limitations in the authorization, and
 - iii. any limitations prescribed by the regulations.
3. The Registrar shall not refer a matter under subsection (1) if the Registrar had referred the matter to a complaint resolution process under subsection 31.1 (1). 2014, c. 11, Sched. 3, s. 16.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 16 - 31/08/2015

2016, c. 24, Sched. 1, s. 12 - 05/12/2016

Orders relating to sexual abuse and child pornography

33.2 (1) Where under section 33 the Discipline Committee finds a member guilty of committing an act of professional misconduct that is listed in subsection (2), the Committee shall, in addition to anything else the Committee may do under subsection 33 (5), make an order,

- (a) requiring that the member be reprimanded by the Committee; and
- (b) directing the Registrar to revoke any certificate held by the member under this Act. 2014, c. 11, Sched. 3, s. 16.

Same

(2) The acts of professional misconduct referred to in subsection (1) are the following:

1. Sexual abuse of a child, if the sexual abuse consisted of, or included, any of the following:
 - i. Sexual intercourse.
 - ii. Genital to genital, genital to anal, oral to genital, or oral to anal contact.
 - iii. Masturbation of the member by, or in the presence of, the child.
 - iv. Masturbation of the child by the member.
 - v. Encouragement of the child by the member to masturbate in the presence of the member.
2. A prohibited act involving child pornography. 2014, c. 11, Sched. 3, s. 16.

Interpretation

(3) For greater certainty, nothing in subsections (1) and (2) affects the power of the Discipline Committee to reprimand a member or revoke a member's certificate under section 33 for committing any other act of professional misconduct. 2014, c. 11, Sched. 3, s. 16.

Statement re impact of sexual abuse

(4) Before making an order under subsection (1) in relation to a finding of sexual abuse, the Discipline Committee shall consider any written statement that has been filed, and any oral statement that has been made to the Committee, describing the impact of the sexual abuse on the child. 2014, c. 11, Sched. 3, s. 16.

Same

(5) The statement may be made by the child or by his or her representative. 2014, c. 11, Sched. 3, s. 16.

Same

(6) The Discipline Committee shall not consider the statement unless a finding of an act of professional misconduct that is listed in subsection (2) has been made. 2014, c. 11, Sched. 3, s. 16.

Notice to member

(7) When a written statement is filed, the Discipline Committee shall, as soon as possible, have copies of it provided to the member, to his or her counsel and to the College. 2014, c. 11, Sched. 3, s. 16.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 16 - 31/08/2015

Fitness to Practise Committee

34. (1) The Fitness to Practise Committee shall,

- (a) hear and determine matters directed or referred to it under section 31, 32 or 36; and
- (b) perform any other duties assigned to it by the Council. 2007, c. 7, Sched. 8, s. 34 (1).

Incapacity

(2) The Fitness to Practise Committee may, after a hearing, find a member of the College to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder such that,

- (a) the member is unfit to continue to carry out his or her professional responsibilities; or
- (b) the member's certificate of registration should be made subject to terms, conditions or limitations. 2007, c. 7, Sched. 8, s. 34 (2).

Powers of Fitness to Practise Committee

(3) If the Fitness to Practise Committee finds a member to be incapacitated, it shall make an order doing one or more of the following:

- 1. Directing the Registrar to revoke the member's certificate of registration.
- 2. Directing the Registrar to suspend the member's certificate of registration for a specified period, not exceeding 24 months.
- 3. Directing the Registrar to impose specified terms, conditions or limitations on the member's certificate of registration.
- 4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period. 2007, c. 7, Sched. 8, s. 34 (3).

Same

(4) In making an order under paragraph 4 of subsection (3), the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the production to the Committee of evidence satisfactory to it that any physical or mental condition or disorder in respect of which a direction was issued has been resolved. 2007, c. 7, Sched. 8, s. 34 (4).

Same

(5) In making an order revoking or suspending a certificate of registration or imposing terms, conditions or limitations on a certificate of registration, the Committee may fix a period during which the member may not apply under section 36. 2007, c. 7, Sched. 8, s. 34 (5).

(6) REPEALED: 2014, c. 11, Sched. 3, s. 17.

Costs

(7) If the Fitness to Practise Committee believes that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or the portion of them fixed by the Committee. 2007, c. 7, Sched. 8, s. 34 (7).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 17 - 31/08/2015

Procedure on hearings

35. (1) This section applies to hearings of the Discipline Committee under section 33 and to hearings of the Fitness to Practise Committee under section 34. 2007, c. 7, Sched. 8, s. 35 (1).

Parties

(2) The College and the member of the College whose conduct or actions are being investigated are parties to the hearing. 2007, c. 7, Sched. 8, s. 35 (2).

Examination of documentary evidence

(3) A party to the hearing shall be given an opportunity to examine before the hearing any documents that will be given in evidence at the hearing. 2007, c. 7, Sched. 8, s. 35 (3).

Members holding hearing not to have taken part in investigation

(4) Members of the Discipline Committee or Fitness to Practise Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing, other than as a member of the Council or Executive Committee considering the referral of the matter to the Discipline Committee or Fitness to Practise Committee, and shall not communicate directly or indirectly about the subject-matter of the hearing with any person or with any party or representative of a party except on notice to all parties. 2007, c. 7, Sched. 8, s. 35 (4).

Same

(5) The Discipline Committee or Fitness to Practise Committee may seek independent legal advice from a lawyer other than a lawyer who is acting as legal counsel to one of the parties in the matter before the Committee and, in that case, the Committee shall communicate the nature of the advice to the parties despite subsection (4) so that they may make submissions as to the law. 2007, c. 7, Sched. 8, s. 35 (5).

Discipline Committee hearings to be public

(6) A hearing of the Discipline Committee shall, subject to subsections (7) and (8), be open to the public. 2007, c. 7, Sched. 8, s. 35 (6).

Exclusion of public

(7) The Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing or any part of a hearing if, in the Committee's opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2014, c. 11, Sched. 3, s. 18; 2016, c. 24, Sched. 1, s. 13 (1).

Same

(8) The Discipline Committee may also make an order that the public, including members of the College, be excluded from any part of a hearing in which it will deliberate whether to exclude them from a hearing or a part of a hearing. 2007, c. 7, Sched. 8, s. 35 (8).

Fitness to Practise Committee hearings to be closed

(9) A hearing of the Fitness to Practise Committee shall, subject to subsection (10), be closed to the public, including members of the College. 2007, c. 7, Sched. 8, s. 35 (9).

Open on request of member in some cases

(10) A hearing of the Fitness to Practise Committee shall be open to the public, including members of the College, if the person who is alleged to be incapacitated requests it in a written notice received by the Registrar before the day the hearing commences, unless the Fitness to Practise Committee is satisfied that,

- (a) matters involving public security may be disclosed;
- (b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of acceding to the request of the person who is alleged to be incapacitated;
- (c) a person involved in a civil or criminal proceeding may be prejudiced; or
- (d) the safety of a person may be jeopardized. 2007, c. 7, Sched. 8, s. 35 (10).

Same

(11) The Fitness to Practise Committee may make an order that the public, including members of the College, be excluded from any part of a hearing in which it will deliberate whether to open the hearing or a part of the hearing to the public under subsection (10). 2007, c. 7, Sched. 8, s. 35 (11).

Recording of evidence

(12) The oral evidence taken before the Discipline Committee or Fitness to Practise Committee shall be recorded and, if requested by a party, copies of a transcript shall be provided to the party at the party's expense. 2007, c. 7, Sched. 8, s. 35 (12).

Only members at hearing to participate in decision

(13) No member of the Discipline Committee or Fitness to Practise Committee shall participate in a decision of the committee following a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. 2007, c. 7, Sched. 8, s. 35 (13).

Release of documentary evidence

(14) Documents and things put in evidence at a hearing shall, on the request of the party who produced them, be returned by the Discipline Committee or Fitness to Practise Committee within a reasonable time after the matter in issue has been finally determined. 2007, c. 7, Sched. 8, s. 35 (14).

Service of decision, reasons

(15) Subject to subsection (16), the Discipline Committee or Fitness to Practise Committee shall serve its decision, with reasons,

- (a) on the parties; and
- (b) on the complainant, where,
 - (i) the matter was referred to the Discipline Committee or Fitness to Practise Committee as a result of a complaint under subsection 31 (1), or
 - (ii) the Council or Executive Committee directed the Discipline Committee or Fitness to Practise Committee to hold a hearing into the matter under subsection 32 (1) or (2). 2016, c. 24, Sched. 1, s. 13 (2).

Same

(16) If the hearing was closed, the Discipline Committee or Fitness to Practise Committee may, in its discretion, withhold reasons when it serves its decision on the complainant. 2007, c. 7, Sched. 8, s. 35 (16).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 18 - 31/08/2015

2016, c. 24, Sched. 1, s. 13 (1, 2) - 05/12/2016

Orders preventing public disclosure

35.1 (1) In situations under section 35 or 36 in which the Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing, the Committee may make orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters. 2014, c. 11, Sched. 3, s. 19; 2016, c. 24, Sched. 1, s. 14 (1).

Same, complaint resolution process

(2) In situations under section 33.1 in which the Discipline Committee may make an order that the public, including members of the College, be excluded from a meeting, the Committee may make orders it considers necessary to prevent the public disclosure of matters disclosed during the complaint resolution process under subsection 33.1 (1), including orders banning the publication or broadcasting of those matters. 2014, c. 11, Sched. 3, s. 19; 2016, c. 24, Sched. 1, s. 14 (2).

Witnesses, under 18 years

(3) The Discipline Committee shall make an order that no person shall publish the identity of, or any information that could disclose the identity of, any person who is under 18 years old and,

- (a) is a witness in a hearing;
- (b) is the subject of evidence in a hearing; or
- (c) is the subject of, or otherwise involved in, a matter referred to a complaint resolution process under subsection 33.1 (1). 2014, c. 11, Sched. 3, s. 19.

Same, sexual abuse, sexual misconduct or child pornography

(4) If a matter disclosed at a hearing involves an allegation of sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography, the Discipline Committee shall make an order that no person shall publish the identity of, or any information that could disclose the identity of, the person who was allegedly sexually abused or the subject of the misconduct or prohibited act, on the request of that person. 2014, c. 11, Sched. 3, s. 19.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 19 - 31/08/2015

2016, c. 24, Sched. 1, s. 14 (1, 2) - 05/12/2016

PART VI REINSTATEMENT AND VARIATION

Reinstatement or variation

Application for reinstatement

36. (1) A person who has had a certificate of registration revoked or suspended as a result of a proceeding before the Discipline Committee or as a result of a resolution adopted by the Committee under section 33.1 may apply in writing to the Registrar to have a new certificate issued or the suspension removed. 2007, c. 7, Sched. 8, s. 36 (1); 2014, c. 11, Sched. 3, s. 20 (1).

Application for variation

(2) A person who has a certificate of registration that is subject to terms, conditions or limitations as a result of a proceeding before the Discipline Committee or as a result of a resolution adopted by the Committee under section 33.1 may apply in writing to the Registrar for the removal or modification of the terms, conditions or limitations. 2007, c. 7, Sched. 8, s. 36 (2); 2014, c. 11, Sched. 3, s. 20 (2).

Time of application

(3) An application under subsection (1) or (2) shall not be made before the expiry of the period fixed for the purpose by the Discipline Committee under subsection 33 (7) or under paragraph 6 of subsection (6), as the case may be. 2007, c. 7, Sched. 8, s. 36 (3).

Same

(4) If the Discipline Committee did not fix a period under subsection 33 (7) or under paragraph 6 of subsection (6), an application under subsection (1) or (2) shall not be made earlier than one year from the date of the order under section 33 or the date of the last order made under this section, as the case may be. 2007, c. 7, Sched. 8, s. 36 (4).

Same, sexual abuse, etc.

(4.1) Despite subsections (3) and (4), if a person has had a certificate revoked for committing an act of professional misconduct that involved sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography, an application under subsection (1) to have a new certificate issued shall not be made earlier than five years from the date of the order under section 33 that revoked the certificate. 2014, c. 11, Sched. 3, s. 20 (3).

Referral to Discipline Committee

(5) The Registrar shall refer an application under subsection (1) or (2) to the Discipline Committee. 2007, c. 7, Sched. 8, s. 36 (5).

Order

(6) The Discipline Committee may, after a hearing, make an order doing one or more of the following:

1. Refusing the application.
2. Directing the Registrar to issue a certificate of registration to the applicant.
3. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
4. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration.
5. Directing the Registrar to remove any term, condition or limitation on the applicant's certificate of registration.
6. Fixing a period during which the applicant may not apply under this section. 2007, c. 7, Sched. 8, s. 36 (6).

Parties

(7) The College and the applicant are parties to the hearing under this section. 2007, c. 7, Sched. 8, s. 36 (7).

Examination of documentary evidence

(8) A party to the hearing shall be given an opportunity to examine before the hearing any documents that will be given in evidence at the hearing. 2007, c. 7, Sched. 8, s. 36 (8).

Open or closed hearings

(9) A hearing of the Discipline Committee under this section shall be open to the public unless,

- (a) the proceeding referred to in subsection (1) or (2) that resulted in the person's certificate being revoked, suspended or subject to terms, conditions or limitations was closed to the public; or

(b) the Committee makes an order under subsection (9.1). 2014, c. 11, Sched. 3, s. 20 (4).

Exclusion of public

(9.1) The Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing or any part of a hearing if, in the Committee's opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2014, c. 11, Sched. 3, s. 20 (4); 2016, c. 24, Sched. 1, s. 15 (1).

Orders preventing public disclosure

(9.2) For greater certainty, the Discipline Committee may make an order described in section 35.1 in relation to a hearing under this Part. 2014, c. 11, Sched. 3, s. 20 (4).

Recording of evidence

(10) If requested by a party, the oral evidence taken before the Discipline Committee under this section shall be recorded and, if requested by a party, copies of a transcript shall be provided to the party at the party's expense. 2007, c. 7, Sched. 8, s. 36 (10).

Only members at hearing to participate in decision

(11) No member of the Discipline Committee shall participate in a decision of the Committee under this section unless he or she was present throughout the hearing and heard the evidence and the argument of the parties. 2007, c. 7, Sched. 8, s. 36 (11).

Release of documentary evidence

(12) Documents and things put in evidence at a hearing under this section shall, on the request of the party who produced them, be returned by the Discipline Committee within a reasonable time after the matter in issue has been finally determined. 2007, c. 7, Sched. 8, s. 36 (12).

Service of decision on parties

(13) The Discipline Committee shall give its decision under this section in writing, with reasons, and shall serve each party with a copy of the decision. 2007, c. 7, Sched. 8, s. 36 (13).

Fitness to Practise Committee

(14) Subsections (1) to (8) and (10) to (13) apply with necessary modifications to the Fitness to Practise Committee and, for the purpose,

- (a) a reference to the Discipline Committee shall be deemed to be a reference to the Fitness to Practise Committee;
- (b) a reference to subsection 33 (7) shall be deemed to be a reference to subsection 34 (5); and
- (c) a reference to section 33 shall be deemed to be a reference to section 34. 2007, c. 7, Sched. 8, s. 36 (14); 2014, c. 11, Sched. 3, s. 20 (5); 2016, c. 24, Sched. 1, s. 15 (2).

Same, closed hearings

(15) A hearing of the Fitness to Practise Committee under this section shall be closed to the public unless the applicant requests otherwise, in which case the hearing shall be open to the public and subsection (9.1) applies with necessary modifications. 2014, c. 11, Sched. 3, s. 20 (6).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 20 (1-6) - 31/08/2015

2016, c. 24, Sched. 1, s. 15 (1, 2) - 05/12/2016

Reinstatement: no hearing

37. (1) The Council or Executive Committee may, without a hearing, with respect to a person who has had a certificate suspended or revoked for any reason under this Act, make an order doing one or more of the following:

1. Directing the Registrar to issue a certificate of registration to the person.
2. Directing the Registrar to remove the suspension of the person's certificate of registration. 2007, c. 7, Sched. 8, s. 37.

Same, sexual abuse, etc.

(2) If a person has had a certificate revoked for committing an act of professional misconduct that involved sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography, an order under paragraph 1 of subsection (1) shall not be made earlier than five years from the date of the order under section 33 that revoked the certificate. 2014, c. 11, Sched. 3, s. 21.

Same

(3) Despite subsection (2), if a revocation mentioned in that subsection occurred as the result of a complaint made under subsection 31 (1) on or after the day section 16 of Schedule 1 to the *Protecting Students Act, 2016* comes into force, an order under subsection (1) shall not be made if the member or former member's certificate was suspended or revoked for committing an act of professional misconduct that involved sexual abuse of a child, sexual misconduct or a prohibited act involving child pornography. 2016, c. 24, Sched. 1, s. 16.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 21 - 31/08/2015

2016, c. 24, Sched. 1, s. 16 - 05/12/2016

**PART VII
APPEALS TO COURT**

Appeal to court

38. (1) A party to a proceeding before the Registration Appeals Committee, the Discipline Committee or the Fitness to Practise Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee. 2007, c. 7, Sched. 8, s. 38 (1).

Same

(2) For purposes of this section,

- (a) a person who requests a review under section 27 is a party to the review under section 27 by the Registration Appeals Committee; and
- (b) a person who applies for an order under section 28.1 is a party to the proceeding under section 28.1 by the Registration Appeals Committee. 2016, c. 24, Sched. 1, s. 17.

Certified copy of record

(3) On the request of a party desiring to appeal to the Divisional Court and on payment of the fee prescribed by the by-laws for the purpose, the Registrar shall give the party a certified copy of the record of the proceeding, including any documents received in evidence and the decision or order appealed from. 2007, c. 7, Sched. 8, s. 38 (3).

Powers of court on appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and that the court considers appropriate and, for the purpose, the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with any directions the court considers appropriate. 2007, c. 7, Sched. 8, s. 38 (4).

Effect of appeal

(5) An appeal from a decision or order of a committee mentioned in subsection (1) does not operate as a stay of that decision or order. 2007, c. 7, Sched. 8, s. 38 (5).

Section Amendments with date in force (d/m/y)

2016, c. 24, Sched. 1, s. 17 - 05/12/2016

**PART VIII
REGISTRAR'S POWERS OF INVESTIGATION**

Registrar's investigation

39. (1) If the Registrar believes on reasonable and probable grounds,

- (a) that a member of the College has committed an act of professional misconduct or is incompetent or incapacitated;
- (b) that there is cause to refuse to issue a certificate applied for under this Act;
- (c) that there is cause to suspend or revoke a certificate issued under this Act; or
- (d) that there is cause to impose terms, conditions or limitations on a certificate applied for or issued under this Act,

the Registrar may appoint one or more investigators to investigate whether such act has occurred, such incompetence or incapacity exists or there is such cause. 2007, c. 7, Sched. 8, s. 39 (1).

Approval of Executive Committee

(2) The Registrar shall not make an appointment under subsection (1) without the approval of the Executive Committee. 2007, c. 7, Sched. 8, s. 39 (2).

Emergencies

(2.1) The Registrar may appoint an investigator if,

- (a) the Registrar believes on reasonable and probable grounds that the conduct of the member exposes or is likely to expose one or more children to harm or injury, and that the investigator should be appointed immediately; and
- (b) there is not time to seek approval from the Executive Committee. 2014, c. 11, Sched. 3, s. 22.

Report

(2.2) Where an investigator has been appointed under subsection (2.1), the Registrar shall report the appointment of the investigator to the Executive Committee within five days. 2014, c. 11, Sched. 3, s. 22.

Powers of investigator

(3) The investigator may inquire into and examine the conduct or actions of the member to be investigated as the conduct or actions relate to the matter the Registrar sought to be investigated in appointing the investigator. 2007, c. 7, Sched. 8, s. 39 (3).

Application of *Public Inquiries Act, 2009*

(4) Section 33 of the *Public Inquiries Act, 2009* applies to the investigation. 2009, c. 33, Sched. 6, s. 52.

Entry on work premises

(5) The investigator may, on production of his or her appointment, enter at any reasonable time the place of work of the member or the premises of the member's employer and may examine any document, record or thing found there that is relevant to the investigation. 2007, c. 7, Sched. 8, s. 39 (5).

Obstruction of investigator

(6) No person shall obstruct an investigator in the course of his or her duties or withhold or conceal from him or her or destroy anything that is relevant to the investigation. 2007, c. 7, Sched. 8, s. 39 (6).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 6, s. 52 - 1/06/2011

2014, c. 11, Sched. 3, s. 22 - 31/08/2015

Entries and searches

40. (1) A justice of the peace may, on the application of an investigator, issue a warrant authorizing the investigator to enter and search a place and examine anything that is relevant to the investigation if the justice of the peace is satisfied that the investigator has been properly appointed and that there are reasonable and probable grounds for believing that,

- (a) the member being investigated has committed an act of professional misconduct or is incompetent or incapacitated; and
- (b) there is something relevant to the investigation at the place. 2007, c. 7, Sched. 8, s. 40 (1).

Searches by day unless stated

(2) A warrant issued under subsection (1) does not authorize an entry or search after sunset or before sunrise unless it is expressly stated in the warrant. 2007, c. 7, Sched. 8, s. 40 (2).

Assistance and entry by force

(3) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by a peace officer and may enter a place by force. 2007, c. 7, Sched. 8, s. 40 (3).

Investigator to show identification

(4) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) shall produce his or her identification, on request, to any person at the place. 2007, c. 7, Sched. 8, s. 40 (4).

Documents and objects

Copying of documents and objects

41. (1) An investigator may copy, at the College's expense, a document, record or thing that an investigator may examine under section 39 or under the authority of a warrant issued under section 40. 2007, c. 7, Sched. 8, s. 41 (1).

Removal of documents and objects

- (2) An investigator may remove a document, record or thing described in subsection (1) if,
 - (a) it is not practicable to copy it in the place where it is examined; or

(b) a copy of it is not sufficient for the purposes of the investigation. 2007, c. 7, Sched. 8, s. 41 (2).

Use of devices

(3) In order to examine or produce a document or record in readable form, an investigator may use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place in which he or she is conducting the investigation. 2007, c. 7, Sched. 8, s. 41 (3).

Return of documents and objects or copies

(4) If it is practicable to copy a document, record or thing removed under subsection (2), the investigator shall,

(a) if it was removed under clause (2) (a), return the document, record or thing within a reasonable time; or

(b) if it was removed under clause (2) (b), provide the person who was in possession of the document, record or thing with a copy of it within a reasonable time. 2007, c. 7, Sched. 8, s. 41 (4).

Copy as evidence

(5) A copy of a document, record or thing certified by an investigator to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document, record or thing itself. 2007, c. 7, Sched. 8, s. 41 (5).

Report of investigation

42. The Registrar shall report the results of an investigation to one or more of the Executive Committee, the Registration Appeals Committee, the Complaints Committee, the Discipline Committee or the Fitness to Practise Committee, as the Registrar considers appropriate. 2007, c. 7, Sched. 8, s. 42.

**PART IX
REGULATIONS AND BY-LAWS**

Regulations of College, subject to approval

43. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

0.1 prescribing acts and conduct for the purposes of the definition of “professional misconduct” in section 1;

1. respecting the scope of practice of early childhood education and prescribing services and activities that are part of the practice of early childhood education for the purposes of clause 2 (d);

1.1 governing the accreditation of programs in early childhood education offered by post-secondary educational institutions and other bodies;

2. designating geographic areas for the purposes of clause 8 (2) (a) and prescribing the number of representatives for each geographic area;

2.1 respecting the qualification of Council members who are elected;

2.2 prescribing conditions disqualifying elected members of the Council from sitting on the Council and governing the removal of disqualified Council members;

2.3 governing conflict of interest with respect to members of the Council and for members of committees and persons included on rosters for committees, including, but not limited to, prescribing conflict of interest rules or guidelines and setting out procedures for the purposes of determining whether the rules or guidelines have been broken;

2.4 respecting the membership and practices and procedures of the committees required by subsection 19 (1), including,

i. the number of members to be appointed to each committee,

ii. the terms of office of those members,

iii. the conditions disqualifying members of the College from sitting on those committees,

iv. the removal of disqualified committee members, and

v. the quorum of those committees;

2.5 respecting the membership, powers, duties and practices and procedures of committees other than those required by subsection 19 (1), including,

i. the number of members to be appointed to each committee,

ii. the terms of office of those members,

iii. the conditions disqualifying members of the College from sitting on those committees,

- iv. the removal of disqualified committee members, and
 - v. the quorum for those committees;
- 2.6 respecting the establishment of a roster under subsection 19 (5.1), including regulations prescribing requirements and restrictions that apply for the purpose of including persons on the roster, including,
 - i. prescribing qualifications of eligible panellists, and
 - ii. requiring persons on a roster to take an oath and prescribing the form of the oath, the manner in which it shall be made and the time period within which it shall be made;
 - 2.7 governing, for the purposes of clauses 29 (2) (d.1) and 29 (2.2) (c), whether information respecting current or previous criminal proceedings involving a member should be included on the register or removed from the register;
 3. prescribing classes of certificates of registration and imposing terms, conditions and limitations on the certificates of registration as a class;
 4. respecting applications for certificates of registration or classes of them and the issuing, suspension, revocation, expiration and reinstatement of the certificates or classes of them;
 5. prescribing standards, qualifications and other requirements for the issue of certificates of registration, including, without limiting the generality of the foregoing, prescribing the academic qualifications and practical experience that are required for membership and providing for exemptions from the standards, qualifications and requirements;
 6. providing that the College or a committee of the College may determine whether certain academic qualifications and practical experiences are equivalent to the prescribed academic qualifications and practical experiences for the purposes of issuing certificates of registration;
 7. defining specialties in the profession, providing for certificates relating to those specialties and the qualifications for and suspension and revocation of those certificates and governing the use of prescribed terms, titles or designations by members of the College indicating a specialization in the profession;
 8. governing the accreditation of ongoing education programs, governing requirements relating to members' learning plans, ongoing education and continuous professional learning, and providing for the establishment by the College of requirements respecting continuous professional learning;
 - 8.1 governing the process by which members' compliance with requirements referred to in paragraph 8 is determined, including requiring members to provide information and documents to the Registrar for the purpose;
 - 8.2 prescribing circumstances in which a member is exempt from continuous professional learning requirements;
 - 8.3 respecting the dissemination of information respecting requirements relating to members' learning plans, ongoing education and continuous professional learning;
 - 8.4 respecting the development, provision and accreditation of educational programs leading to qualifications of members additional to those required for a certificate of registration, and providing for those additional qualifications to be indicated on a certificate of registration or for certificates to be issued for such additional qualifications;
 - 8.5 governing requirements relating to members' professional learning about their reporting duties under the *Child and Family Services Act* and governing how members' compliance with such requirements is determined;
 9. establishing processes and criteria for suspending or revoking certificates of members who fail to meet ongoing education requirements;
 10. prescribing what constitutes a conflict of interest in the practice of early childhood education and regulating or prohibiting the practice of early childhood education in cases where there is a conflict of interest;
 11. governing a determination made by the Complaints Committee under clause 31 (2) (c) that a complaint does not warrant further investigation or it is not in the public interest to investigate a complaint further, including prescribing circumstances or conditions in which such a determination may be made;
 - 11.1 governing the circumstances in which the Complaints Committee may extend the time period for a member, and prescribing the maximum number of days by which that time period may be extended, for the purposes of subsection 31 (4);
 - 11.2 setting out requirements respecting the complaint resolution process under subsection 31.1 (1) or 33.1 (1) and otherwise governing the processes, including,
 - i. governing a determination made by the Registrar under clause 31.1 (1) (a) or under an authorization under subsection 33.1 (13), including prescribing factors that the Registrar shall consider and factors that the Registrar shall not consider in making the determination,
 - ii. prescribing timelines for the complaint resolution processes,

- iii. prescribing circumstances in which the resolution of a matter that has been referred to a complaint resolution process shall be considered to have failed for the purposes of subsections 31.1 (8) and 33.1 (5),
 - iv. governing the circumstances in which a person who made or participated in a decision or referral for the purposes of subsection 31.1 (4) or 33.1 (1) or (2) may be a member of a panel that makes a decision in respect of the matter under section 31 or subsection 33.1 (2), or hears and determines the matter under section 33, as the case may be,
 - v. prescribing limitations for the purposes of subparagraph 2 iii of subsection 33.1 (13);
- 11.3 requiring that a panel of a committee established to hear or review a matter relating to a member of the College who is employed as a supervisor must include a member who is employed as a supervisor;
 - 11.4 prescribing restrictions on a member's duties for the purposes of clause 49.1 (8) (c);
 - 11.5 governing the removal of decisions and resolutions that the College has published on a website under subsection 49 (4), for the purposes of clause 49 (7) (b);
 - 11.6 prescribing employers for the purposes of subsection 49.4 (2);
 - 11.7 designating persons or bodies for the purposes of subsection 51.1 (3);
 - 12. respecting the promotion or advertising of the practice of the profession;
 - 13. respecting the reporting and publication of decisions of committees;
 - 14. regulating or prohibiting the use of terms, titles and designations by members of the College;
 - 15. respecting the giving of notice of meetings and hearings that are to be open to the public;
 - 16. providing for the exemption of any member or class of members of the College from any of the regulations made under this section;
 - 17. REPEALED: 2014, c. 11, Sched. 3, s. 23 (5).
 - 18. prescribing anything that is referred to in this Act as being prescribed by the regulations. 2007, c. 7, Sched. 8, s. 43 (1); 2010, c. 10, s. 31; 2014, c. 11, Sched. 3, s. 23; 2016, c. 24, Sched. 1, s. 18.

Examinations permitted

(2) A regulation made under paragraph 5 of subsection (1) may authorize the Registrar to assess the qualifications or competency of potential members by examinations or other means. 2007, c. 7, Sched. 8, s. 43 (2).

Section Amendments with date in force (d/m/y)

2010, c. 10, s. 31 - 3/06/2010

2014, c. 11, Sched. 3, s. 23 (1-5) - 31/08/2015

2016, c. 24, Sched. 1, s. 18 (1, 2) - 05/12/2016

By-laws

44. (1) The Council may make by-laws relating to the administrative and domestic affairs of the College, including, but not limited to, by-laws,

- 1. adopting a seal for the College;
- 2. providing for the execution of documents by the College;
- 3. respecting banking and finance;
- 4. fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- 5. respecting the election of Council members, including the requirements for members of the College to be able to vote, electoral districts and election recounts;
- 6. respecting the qualification of Council members who are elected;
- 7. prescribing conditions disqualifying elected members of the Council from sitting on the Council and governing the removal of disqualified Council members;
- 8. prescribing positions of officers of the College, providing for the election or appointment of officers and prescribing the duties of officers;
- 9. respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;
- 10. respecting the calling, holding and conducting of meetings of the members of the College;
- 11. authorizing voting by the members on any of the business of the College and prescribing procedures for such voting;

12. respecting conflict of interest rules for officers and employees of the College;
13. providing for the remuneration of members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and for the payment of the expenses of the Council and committees in the conduct of their business;
14. respecting the filling of vacancies on the Council or on committees;
15. respecting the membership and practices and procedures of the committees required by subsection 19 (1), including,
 - i. the number of members to be appointed to each committee,
 - ii. the terms of office of those members,
 - iii. the conditions disqualifying members of the College from sitting on those committees,
 - iv. the removal of disqualified committee members, and
 - v. the quorum of those committees;
16. respecting the membership, powers, duties and practices and procedures of committees other than those required by subsection 19 (1), including,
 - i. the number of members to be appointed to each committee,
 - ii. the terms of office of those members,
 - iii. the conditions disqualifying members of the College from sitting on those committees,
 - iv. the removal of disqualified committee members, and
 - v. the quorum for those committees;
17. respecting the composition, practices and procedures of and quorum for panels of committees;
- 17.1 respecting the establishment of a roster of eligible panellists for a committee established under this Act, and the selection, qualifications and training of eligible panellists;
18. delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations or by-laws;
19. prescribing a code of ethics and standards of practice for members or classes of members of the College;
20. providing for the appointment of investigators;
21. respecting the keeping of a register of members of the College, including, but not limited to, prescribing the information that must be kept in the register;
- 21.1 subject to subsection 29 (2.5), authorizing the removal from the register of information described in clauses 29 (2) (b.2), (b.3), (b.4), (b.5) and (b.6) and of information regarding the removal of a suspension of a certificate of registration under subsection 30 (3);
22. requiring members of the College to provide the College with information necessary for establishing and maintaining the register and for establishing and maintaining records necessary for the proper functioning of the College;
23. respecting the duties and office of the Registrar and the powers and duties of deputy registrars;
24. prescribing procedures for making, amending and revoking by-laws;
25. prescribing forms and providing for their use;
26. respecting the management of property of the College;
27. respecting membership of the College in an organization or body with similar functions, the payment of annual assessments and representation at meetings;
28. authorizing the making of grants to advance knowledge or the education of persons wishing to practise early childhood education, to maintain or improve the standards of practice of early childhood education or to provide public information about, and encourage interest in, the past and present role of early childhood educators in society;
29. requiring members of the College to pay annual fees, fees upon registration, fees for election recounts and continuing education programs and fees for anything the Registrar or a committee of the College is required or authorized to do with respect to members, requiring members to pay penalties for the late payment of any fee and specifying the amount of any such fee or penalty;
30. requiring persons to pay fees, set by the Registrar or by by-law, for applying for a certificate and anything the Registrar is required or authorized to do with respect to persons who are not members;

31. respecting the designation of life or honorary members of the College and prescribing their rights and privileges;
32. exempting any member or class of members of the College from a by-law made under this section;
33. respecting indemnification by the College of members of the Council, of members of committees and of officers and employees of the College;
34. respecting service of documents and giving of documents. 2007, c. 7, Sched. 8, s. 44 (1); 2014, c. 11, Sched. 3, s. 24 (1, 2); 2016, c. 24, Sched. 1, s. 19 (1-3).

Meetings by telecommunications, etc.

(2) A by-law made under paragraph 9 or 10 of subsection (1) may provide for the meetings to be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously. 2007, c. 7, Sched. 8, s. 44 (2).

Conflict

(2.1) For greater certainty, in the event of a conflict between a by-law made under paragraph 17.1 of subsection (1) and a regulation made under paragraph 2.6 of subsection 43 (1), the regulation prevails. 2016, c. 24, Sched. 1, s. 19 (4).

Unanimous by-laws

(3) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 2007, c. 7, Sched. 8, s. 44 (3).

Copies of by-laws

(4) The Council shall ensure that a copy of each by-law is given to the Minister. 2007, c. 7, Sched. 8, s. 44 (4).

Conflict

(5) In the event of conflict between a by-law made under subsection (1) and a regulation made under subsection 43 (1), the regulation prevails to the extent of the conflict. 2014, c. 11, Sched. 3, s. 24 (3).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 24 (1-3) - 31/08/2015

2016, c. 24, Sched. 1, s. 19 (1-4) - 05/12/2016

Regulations by L.G. in C.

45. (1) The Lieutenant Governor in Council may make regulations,
 - (a) prescribing persons or classes of persons for the purposes of paragraph 7 of subsection 3 (2);
 - (b) prescribing additional functions of the College for the purposes of paragraph 9 of subsection 7 (2);
 - (c) respecting the appointment of persons to the Council under clause 8 (2) (b) and prescribing the sectors of Ontario society for the purposes of that clause;
- (c.1) respecting the appointment of persons to a roster of eligible panellists under subsection 19 (5.2), including but not limited to regulations prescribing requirements and restrictions that apply for that purpose, including,
 - (i) prescribing qualifications of eligible panellists, and
 - (ii) requiring persons on a roster to take an oath and prescribing the form of the oath, the manner in which it shall be made and the time period within which it shall be made;
- (d) designating persons or bodies for the purposes of section 50.1;
- (d.1) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Act made by the *Child Care Modernization Act, 2014*;
- (e) providing for any other matters the Lieutenant Governor in Council considers necessary or advisable in connection with the College. 2007, c. 7, Sched. 8, s. 45 (1); 2014, c. 11, Sched. 3, s. 25 (1); 2016, c. 24, Sched. 1, s. 20.

Conflict

(2) In the event of a conflict between a regulation made under clause (1) (d) and this Act, the regulation prevails. 2007, c. 7, Sched. 8, s. 45 (2).

Regulations - transition

(3) A regulation made under clause (1) (d.1) may provide that it applies despite this Act. 2014, c. 11, Sched. 3, s. 25 (2).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 25 (1, 2) - 31/08/2015

2016, c. 24, Sched. 1, s. 20 - 05/12/2016

Regulations and by-laws: general or specific

46. (1) A regulation or by-law made under this Act may be general or specific. 2007, c. 7, Sched. 8, s. 46 (1).

Same

(2) Without limiting the generality of subsection (1), a regulation or by-law may be limited in its application to any class of members of the College, certificates or qualifications. 2007, c. 7, Sched. 8, s. 46 (2).

Copies of regulations, by-laws

47. (1) The Council shall ensure that a copy of each regulation and by-law made under this Act is available for public inspection in the office of the College. 2007, c. 7, Sched. 8, s. 47 (1).

Same

(2) The Registrar shall provide to any person on payment of a reasonable charge, a copy of any regulation or by-law made under this Act. 2007, c. 7, Sched. 8, s. 47 (2).

**PART X
MISCELLANEOUS**

Right to use French

48. (1) A person has the right to use French in all dealings with the College. 2007, c. 7, Sched. 8, s. 48 (1).

Definition

(2) In this section,

“dealings” means any practice or procedure available to the public or to members of the College and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews. 2007, c. 7, Sched. 8, s. 48 (2).

Official publication

48.1 The College shall establish and maintain an official publication of the College. 2014, c. 11, Sched. 3, s. 26.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 26 - 31/08/2015

Publication requirements

Publication on website

49. (1) The College shall publish the following on its website:

1. Every decision of the Discipline Committee and its reasons.
2. Every resolution adopted by the Discipline Committee under section 33.1.
3. If a resolution adopted by the Complaints Committee under section 31.1 provides for publication of the resolution, a summary of the resolution, or a part of the resolution on the College’s website, the resolution, summary or part. 2014, c. 11, Sched. 3, s. 27.

Publication in official publication of the College

(2) The College shall publish the following in the official publication of the College:

1. A summary of every decision of the Discipline Committee and a summary of its reasons.
2. A summary of every resolution adopted by the Discipline Committee under section 33.1.
3. If a resolution adopted by the Complaints Committee under section 31.1 provides for publication of the resolution, a summary of the resolution, or a part of the resolution in the official publication of the College, the resolution, summary or part.
4. A determination by the Fitness to Practise Committee that an allegation of incapacity was unfounded, on the request of the member against whom the allegation was made. 2014, c. 11, Sched. 3, s. 27.

Exception, unfounded allegations

(3) Despite paragraphs 1 and 2 of subsection (2), if the Discipline Committee determines, or adopts a resolution that provides, that an allegation of professional misconduct or incompetence was unfounded, the College shall only publish the summary described in paragraph 1 or 2 of subsection (2) in its official publication on the request of the member against whom the allegation was made. 2014, c. 11, Sched. 3, s. 27.

Other publications

(4) The College may publish anything set out in subsection (1), in detail or in summary, in any manner or medium that the College considers appropriate, other than in its official publication. 2014, c. 11, Sched. 3, s. 27.

Publication of member's name

(5) For greater certainty, for the purposes of paragraphs 1 and 2 of subsection (1) and paragraphs 1 and 2 of subsection (2), the College shall publish the name of the member who is the subject of the matter. 2014, c. 11, Sched. 3, s. 27.

No publication of specified information

(6) Despite anything in this section, the College shall not publish any information that violates an order made under section 35.1 respecting the publication of information. 2014, c. 11, Sched. 3, s. 27.

Removal of information

(7) If a notation of a decision or resolution is removed from the register, or other specified information is removed from the register under subsection 29 (2.2), the College shall remove the decision, resolution or other specified information,

(a) from its website; and

(b) from any other website on which it has published the information under subsection (4), if required by and in accordance with the regulations. 2014, c. 11, Sched. 3, s. 27; 2016, c. 24, Sched. 1, s. 21.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 27 - 31/08/2015

2016, c. 24, Sched. 1, s. 21 - 05/12/2016

Employer reports re termination, etc.

49.1 (1) An employer of a member of the College who terminates the member's employment, suspends the member or imposes restrictions on the member's duties for reasons of professional misconduct shall file with the Registrar within 30 days after the termination, suspension or restriction a written report setting out the reasons. 2014, c. 11, Sched. 3, s. 27.

Same

(2) If an employer of a member intended to terminate the member's employment, to suspend the member or to impose restrictions on the member's duties for reasons of professional misconduct but the employer did not do so because the member resigned, the employer shall file with the Registrar within 30 days after the resignation a written report setting out the reasons on which the employer had intended to act. 2014, c. 11, Sched. 3, s. 27.

Same

(3) If a member resigns while his or her employer is engaged in an investigation into allegations of an act or omission by the member that would, if proven, have caused the employer to terminate the member's employment, to suspend the member or to impose restrictions on the member's duties for reasons of professional misconduct, the employer shall file with the Registrar within 30 days after the resignation a written report stating the nature of the allegations being investigated. 2014, c. 11, Sched. 3, s. 27.

Same

(4) Where an employer files a report with the Registrar under subsection (1), (2) or (3), the employer shall,

(a) at the same time, provide the member with a copy of the report; and

(b) within 30 days of filing the report, provide the Registrar with any additional information that the employer has that relates to the member's professional misconduct. 2014, c. 11, Sched. 3, s. 27.

Same

(5) If, after receiving the information under clause (4) (b), the Registrar requests that the employer provide the Registrar with more information that relates to the member's professional misconduct, the employer shall do so within 15 days of receiving the request. 2014, c. 11, Sched. 3, s. 27.

Same

(5.1) Within 30 days of providing additional information to the Registrar under clause (4) (b) or subsection (5), the employer shall provide a copy of such information to the member. 2016, c. 24, Sched. 1, s. 22.

Registrar to report back

(6) Where an employer makes a report to the Registrar under subsection (1), (2) or (3), the Registrar shall, as soon as is reasonably possible, provide the employer with a written report respecting the action, if any, taken by the Registrar in response to the employer's report. 2014, c. 11, Sched. 3, s. 27.

Same

(7) The following are the employers who shall receive the report referred to in subsection (6):

1. An employer who employs the member at the time the report referred to in subsection (6) is made.
2. The employer who made the report respecting the member under subsection (1), (2) or (3). 2014, c. 11, Sched. 3, s. 27.

Restrictions

(8) For the purposes of this section, restrictions on a member's duties include,

- (a) restrictions on a member's eligibility to practise without supervision;
- (b) restrictions on the services or activities described in section 2 that the member may engage in; or
- (c) any other restriction prescribed by the regulations. 2014, c. 11, Sched. 3, s. 27.

Interpretation

(9) The requirement to report under subsections (1), (2) and (3) applies to all terminations, suspensions and restrictions imposed in the circumstances described in those subsections, regardless of the length or severity of the penalty. 2014, c. 11, Sched. 3, s. 27.

Same

(10) For greater certainty, this section does not apply in the case of suspensions or restrictions imposed on a member's duties for reasons other than professional misconduct. 2014, c. 11, Sched. 3, s. 27.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 27 - 31/08/2015

2016, c. 24, Sched. 1, s. 22 - 05/12/2016

Employer reports re certain offences, conduct

49.2 (1) An employer shall report to the Registrar in writing when the employer becomes aware that a member of the College who is or has been employed by the employer as an early childhood educator,

- (a) has been charged with or convicted of an offence under the *Criminal Code* (Canada) involving sexual conduct and minors;
- (b) has been charged with or convicted of an offence under the *Criminal Code* (Canada) that, in the opinion of the employer, indicates that a child may be at risk of harm or injury; or
- (c) has engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College. 2014, c. 11, Sched. 3, s. 27.

Timing of report

(2) The employer shall report to the Registrar within 30 days after becoming aware of the charge, conviction, conduct or action unless the employer has reasonable grounds to believe that the member will continue to sexually abuse a child, or that the misconduct, incompetence or incapacity of the member is likely to expose a child to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith. 2014, c. 11, Sched. 3, s. 27.

Same

(3) Where an employer reports to the Registrar under subsection (1), the employer shall,

- (a) at the same time, provide the member with a copy of the report; and
- (b) within 30 days of making the report, provide the Registrar with any additional information that the employer has that relates to the charge, conviction, conduct or action. 2014, c. 11, Sched. 3, s. 27.

Same

(4) If, after receiving the information under subsection (3), the Registrar requests that the employer provide the Registrar with more information that relates to the charge, conviction, conduct or action, the employer shall do so within 15 days of receiving the request. 2014, c. 11, Sched. 3, s. 27.

Same

(4.1) Within 30 days of providing additional information to the Registrar under clause (3) (b) or subsection (4), the employer shall provide a copy of such information to the member. 2016, c. 24, Sched. 1, s. 23 (1).

Further reports

(5) An employer who makes a report under subsection (1) respecting a charge or conviction shall promptly report to the Registrar in writing if the employer becomes aware that the charge was withdrawn, the member was discharged following a preliminary inquiry, the charge was stayed, or the member was acquitted. 2014, c. 11, Sched. 3, s. 27.

Referral to committee

(6) If the Registrar receives a report from an employer under clause (1) (a) or (b), the Registrar shall immediately refer the matter to the appropriate committee. 2016, c. 24, Sched. 1, s. 23 (2).

Same

(6.1) If the Registrar receives a report from an employer under clause (1) (c), the Registrar may refer the matter to the appropriate committee. 2016, c. 24, Sched. 1, s. 23 (2).

Registrar to report back

(7) Where an employer makes a report to the Registrar under subsection (1), the Registrar shall, as soon as is reasonably possible, provide the employer with a written report respecting the action taken by the Registrar in response to the employer's report. 2014, c. 11, Sched. 3, s. 27.

Same

(8) The following are the employers who shall receive the report referred to in subsection (7):

1. An employer who employs the member at the time the report referred to in subsection (7) is made.
2. The employer who made the report respecting the member under subsection (1). 2014, c. 11, Sched. 3, s. 27.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 27 - 31/08/2015

2016, c. 24, Sched. 1, s. 23 (1, 2) - 05/12/2016

Employer report deemed to be complaint

49.2.1 Where the Registrar refers an employer's report filed under section 49.1 or 49.2 to the Council or a committee of Council established under section 19, then for the purposes of Part V,

- (a) the report is deemed to be a complaint that was filed on the day the Registrar referred the report; and
- (b) the employer is deemed to be a complainant. 2016, c. 24, Sched. 1, s. 24.

Section Amendments with date in force (d/m/y)

2016, c. 24, Sched. 1, s. 24 - 05/12/2016

College reports to employers

49.3 (1) The College shall provide the employers listed in subsection (2) with information respecting certain decisions and orders under this Act in accordance with the following rules:

1. If a decision respecting a member of the College is made under subsection 31 (5), the Registrar shall provide the documents referred to in subsection 31 (7) to the employer.
 - 1.1 If an agreement respecting a member is made under subsection 31 (9), the Registrar shall notify the employer of the agreement.
 - 1.2 If a direction respecting a member is made under subsection 32 (1), the Registrar shall notify the employer of the direction.
2. If an order respecting a member is made under subsection 32 (3), the Registrar shall provide a copy of the order to the employer.
3. If an order respecting a member is made under section 33 or 34, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the employer with the same material as is served on the parties under subsection 35 (15).
4. If a decision respecting a member is made under section 36, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the employer with the same material as is served on the parties under subsection 36 (13) or (14).
5. If an order respecting a member is made under section 37, the Registrar shall provide a copy of the order to the member's employer.
6. If a court order respecting a member is made under section 38, the Registrar shall provide a copy of the order, with reasons, if any, to the member's employer. 2014, c. 11, Sched. 3, s. 27; 2016, c. 24, Sched. 1, s. 25 (1).

Employers

- (2) The following are the employers who shall receive the information referred to in subsection (1):
1. An employer who employs the member at the time the relevant decision or order referred to in subsection (1) was made, if the College has knowledge of that employment.
 2. The employer who made a report respecting the member under section 49.1 or 49.2, if the subject of the report is related to the decision or order referred to in subsection (1). 2014, c. 11, Sched. 3, s. 27.

If complaint is refused

(3) For greater certainty, the requirement to provide documents described in paragraph 1 of subsection (1) does not apply if the Complaints Committee refused to consider and investigate the complaint under subsection 31 (2). 2016, c. 24, Sched. 1, s. 25 (2).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 27 - 31/08/2015

2016, c. 24, Sched. 1, s. 25 (1, 2) - 05/12/2016

Application of s. 49.1, 49.2 and 49.3

49.4 (1) Sections 49.1, 49.2 and 49.3 apply to a home child care agency that arranges for the provision of home child care or in-home services and the person who provides the care or services, except that a reference to an employer in those sections shall be read as a reference to the home child care agency. 2014, c. 11, Sched. 3, s. 28 (4).

Parents as employers

- (2) Sections 49.1, 49.2 and 49.3 do not apply to,
- (a) an employer in respect of a member who provides temporary care for or supervision of a child, if the employer is the child's parent; or
 - (b) a prescribed employer. 2014, c. 11, Sched. 3, s. 28 (4).

Definitions

(3) In this section, "home child care", "home child care agency", "in-home services", "parent" and "temporary care for or supervision of a child" have the same meaning as in the *Child Care and Early Years Act, 2014*. 2014, c. 11, Sched. 3, s. 28 (4).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 28 (1-4) - 31/08/2015

Immunity of College

50. No proceeding for damages shall be instituted against the College, the Council, a committee of the College, a member of the Council or of a committee of the College, or an officer, employee, agent or appointee of the College for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of the duty or power. 2007, c. 7, Sched. 8, s. 50.

Duty to report person at risk

50.1 (1) If a person or body designated by the regulations suspects, on reasonable grounds, that there is a risk that a person is likely to suffer physical or emotional harm inflicted by a member of the College and believes, on reasonable grounds, that urgent disclosure is needed, the person or body shall immediately report the suspicion and the information on which it is based to the Registrar. 2014, c. 11, Sched. 3, s. 29.

Disclosure of personal information

(2) A person or body may disclose such personal information, within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* and section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*, as is reasonably necessary for the purpose of complying with subsection (1). 2014, c. 11, Sched. 3, s. 29.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 29 - 31/08/2015

Confidentiality

51. (1) Every person employed, retained or appointed for the purposes of the administration of this Act and every member of a Council or committee of the College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

- (a) in connection with the administration of this Act, the *Education Act* or the *Child Care and Early Years Act, 2014*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
 - (b) to his or her counsel;
 - (c) with the consent of the person to whom the information relates;
 - (d) to the extent that the information is available to the public under this Act;
 - (e) to a peace officer or a law enforcement agency, in order to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - (f) to a body that governs a profession inside or outside of Ontario; or
 - (g) as otherwise required by law. 2014, c. 11, Sched. 3, s. 30 (4).
- (2) REPEALED: 2014, c. 11, Sched. 3, s. 30 (5).

Limitation

(3) No person described in subsection (1) shall disclose, under clause (1) (e), any information with respect to a person other than a member. 2007, c. 7, Sched. 8, s. 51 (3); 2014, c. 11, Sched. 3, s. 30 (6).

No requirement

(4) Nothing in clause (1) (e) shall require a person described in subsection (1) to disclose information to a peace officer or a law enforcement agency, unless the information is required to be produced under a warrant. 2014, c. 11, Sched. 3, s. 30 (7).

Persons not compellable

(5) No person to whom subsection (1) applies shall be compelled to give testimony in any civil proceeding, other than a proceeding under this Act or an appeal or a judicial review relating to a proceeding under this Act, with regard to information obtained in the course of his or her duties. 2007, c. 7, Sched. 8, s. 51 (5).

Documents not admissible

(6) No record of a proceeding under this Act and no document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in any civil proceeding, other than a proceeding under this Act or an appeal or judicial review relating to a proceeding under this Act. 2007, c. 7, Sched. 8, s. 51 (6).

Definition

(7) In this section,

“law enforcement” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*. 2014, c. 11, Sched. 3, s. 30 (8).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 30 (1-8) - 31/08/2015

Information and disclosure

Disclosure by Minister

51.1 (1) The Minister may provide to the College information, including personal information, in respect of its members, former members and applicants for membership if, in the Minister's opinion, the information is necessary for the College to carry out its duty and objects. 2014, c. 11, Sched. 3, s. 31 (4).

Disclosure to Minister

(2) The Minister may require the College to provide to him or her such information, including personal information, in respect of its members, former members and applicants for membership, as is necessary in the Minister's opinion for the purposes related to his or her powers and duties under this Act, the *Education Act* or the *Child Care and Early Years Act, 2014*. 2014, c. 11, Sched. 3, s. 31 (4).

Disclosure to College

(3) For the purpose of carrying out its objects, the College may require the employer or any other person or body designated by the regulations to provide the College with information, including personal information, in respect of members of the College, and the employer, person or body shall provide such information. 2014, c. 11, Sched. 3, s. 31 (4).

Limits on collection and use

(4) The College shall not collect or use more personal information under subsection (3) than is reasonably necessary to meet the purpose of the collection or use. 2014, c. 11, Sched. 3, s. 31 (4).

Definition

(5) In this section,

“personal information” has the same meaning as in section 38 of the *Freedom of Information and Protection of Privacy Act* and section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*. 2014, c. 11, Sched. 3, s. 31 (4).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 31 (1-4) - 31/08/2015

Guarantee of loans

52. (1) The Lieutenant Governor in Council may, by order, authorize the Minister of Finance, on behalf of Ontario, to agree to guarantee the repayment of loans made to the College, including interest. 2007, c. 7, Sched. 8, s. 52 (1).

Same

(2) A guarantee given under subsection (1) is subject to any conditions that the Minister of Finance imposes. 2007, c. 7, Sched. 8, s. 52 (2).

Service of notice or document

53. (1) A notice or document to be given or served under this Act is sufficiently given or served if it is,

(a) delivered personally;

(b) sent by mail; or

(c) given or served in accordance with by-laws respecting service. 2007, c. 7, Sched. 8, s. 53 (1).

Same

(2) If a notice or document is sent by mail addressed to a person at the last address of the person in the records of the College, there is a rebuttable presumption that the notice or document is delivered to the person on the fifth day after the day of mailing. 2007, c. 7, Sched. 8, s. 53 (2).

Registrar's certificate as evidence

54. A statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the College, is admissible in evidence in a court of law as proof, in the absence of evidence to the contrary, of the facts stated in it, without proof of the appointment or signature of the Registrar and without proof of the seal. 2007, c. 7, Sched. 8, s. 54.

Statutory Powers Procedure Act

55. If there is a conflict between this Act, the regulations or the by-laws and the *Statutory Powers Procedure Act*, the provisions of this Act, the regulations and the by-laws prevail. 2007, c. 7, Sched. 8, s. 55.

Compliance order

56. If it appears to the College that a person does not comply with this Act or the regulations or the by-laws, despite the imposition of a penalty in respect of that non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and the judge may make the order or any other order the judge thinks fit. 2007, c. 7, Sched. 8, s. 56.

Offences

Offence, engaging in practice, use of title, etc.

57. (1) Every person who contravenes subsection 3 (1) or section 4 or 5 is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence. 2007, c. 7, Sched. 8, s. 57 (1); 2014, c. 11, Sched. 3, s. 32 (1).

Offence, obstruct investigator

(2) Every person who contravenes subsection 39 (6) (obstruction of investigator) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2007, c. 7, Sched. 8, s. 57 (2); 2014, c. 11, Sched. 3, s. 32 (2).

Offence, false representation

(3) Every person who makes a representation, knowing it to be false, for the purpose of having a certificate issued under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2007, c. 7, Sched. 8, s. 57 (3); 2014, c. 11, Sched. 3, s. 32 (3).

Offence, assist in false representation

(4) Every person who knowingly assists a person in committing an offence under subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2007, c. 7, Sched. 8, s. 57 (4); 2014, c. 11, Sched. 3, s. 32 (4).

Offence re preserving secrecy

(5) A person who contravenes subsection 51 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000. 2007, c. 7, Sched. 8, s. 57 (5); 2014, c. 11, Sched. 3, s. 32 (5).

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 32 (1-5) - 31/08/2015

Transition: *Child Care Modernization Act, 2014*

Definition

58. (1) In this section,

“commencement date” means the day section 33 of Schedule 3 to the *Child Care Modernization Act, 2014* comes into force. 2014, c. 11, Sched. 3, s. 33.

Exemption from requirement to hold certificate of registration

(2) If, on the commencement date, a person described in subsection 3 (3) is engaged in activities that are part of the practice of early childhood education, the person continues to be exempt under subsection 3 (2) from the requirement to hold a certificate of registration until the day before the first anniversary of the commencement date. 2014, c. 11, Sched. 3, s. 33.

Suspensions

(3) The entitlement under subsection 30 (3) to have a suspension removed from a certificate of registration does not apply in respect of suspensions that occurred before the commencement date, and the Registrar may not revoke a suspended certificate of registration under subsection 30 (4) if the suspension occurred before that day. 2014, c. 11, Sched. 3, s. 33.

Matters begun before commencement date

(4) If, before the commencement date, a complaint was made under subsection 31 (1) or an application was made under subsection 36 (1) or (2), the following rules apply:

1. The complaint shall not be refused for being manifestly without substance or made for an improper purpose or for a reason set out in clause 31 (2) (c).
2. The amendments made by Schedule 3 to the *Child Care Modernization Act, 2014* to subsections 29 (2) and (2.5) of this Act, apply to the matter, unless before the commencement date an order has been made in respect of the matter under subsection 33 (4), 34 (3) or 36 (6).
3. Unless before the commencement date an order has been made in respect of the matter under subsection 33 (4), 34 (3) or 36 (6), in dealing with the matter, the Registrar or a committee, as the case may be, shall apply the amendments made by Schedule 3 to the *Child Care Modernization Act, 2014* to Parts IV, V and VI of this Act to the extent possible, but are not required to,
 - i. return to an earlier stage or repeat earlier steps in dealing with the matter, or
 - ii. change any determination or decision that was made before the commencement date.
4. Paragraph 3 does not apply for the purposes of section 33.2 and subsections 36 (4.1) and 37 (2).
5. Despite paragraph 3, subsection 31 (4.1) does not apply in the case of explanations or representations that were submitted under clause 31 (3) (b) before the commencement date.
6. Despite paragraph 3, section 31.2 does not apply to the matter.
7. Section 49 applies to the matter, unless before the commencement date an order has been made in respect of the matter under subsection 33 (4), 34 (3) or 36 (6). 2014, c. 11, Sched. 3, s. 33.

Register

(5) For the purposes of clauses 29 (2) (b), (b.1) and (d.1), the register is not required to contain the following information, other than such information that the register was required to contain before the commencement date:

1. Terms, conditions or limitations imposed on a certificate before the commencement date.
2. Restrictions imposed on a member’s eligibility to practise before the commencement date.
3. Information about criminal proceedings that was provided to the Registrar before the commencement date. 2014, c. 11, Sched. 3, s. 33.

Same

(6) Clause 29 (2.2) (a) applies for the purposes of any terms, conditions or limitations imposed on a certificate that the register contained on the commencement date. 2014, c. 11, Sched. 3, s. 33.

S. 33.2 re sexual abuse

(7) Section 33.2 does not apply to an act of professional misconduct that involved sexual abuse of a child, as described in paragraph 1 of subsection 33.2 (2), that occurred before the commencement date. 2014, c. 11, Sched. 3, s. 33.

S. 36 (4.1) and 37 (2) re application for reinstatement and sexual abuse

(8) Subsections 36 (4.1) and 37 (2) do not apply to an act of professional misconduct that involved sexual abuse of a child that occurred before the commencement date. 2014, c. 11, Sched. 3, s. 33.

S. 49.1, 49.2 and 49.3 re employer reports

(9) Sections 49.1, 49.2 and 49.3 do not apply to a report made under the predecessors to those sections before the commencement date. 2014, c. 11, Sched. 3, s. 33.

Offences

(10) The amendments made by Schedule 3 to the *Child Care Modernization Act, 2014* to section 57 of this Act do not apply to contraventions that occurred before the commencement date. 2014, c. 11, Sched. 3, s. 33.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 33 - 31/08/2015

Transition: *Protecting Students Act, 2016*

59. If terms, conditions or limitations were placed on a certificate of registration by the Registrar or the Registration Appeals Committee before the day section 26 of Schedule 1 to the *Protecting Students Act, 2016* comes into force, subsections 25 (4) and (5), 27 (7) and 28 (7.1) do not apply in respect of that certificate of registration. 2016, c. 24, Sched. 1, s. 26.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 34 - 31/08/2015

2016, c. 24, Sched. 1, s. 26 - 05/12/2016

PART XI (ss. 60-68) REPEALED: 2014, c. 11, Sched. 3, s. 34.

60.-68.

Section Amendments with date in force (d/m/y)

2014, c. 11, Sched. 3, s. 34 - 31/08/2015

69. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2007, c. 7, Sched. 8, s. 69.

70. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2007, c. 7, Sched. 8, s. 70.

71. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2007, c. 7, Sched. 8, s. 71.

Français

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