

THE EARLY CHILDHOOD CARE AND EDUCATION AUTHORITY BILL
(No. XXIX of 2007)

Explanatory Memorandum

The main object of this Bill is to provide for the establishment of the Early Childhood Care and Education Authority and to have a more efficient regulatory framework in relation to early childhood care and education.

2. The Bill repeals and replaces the Pre-School Trust Fund Act.

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*Minister of Education & Human
Resources*

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ARRANGEMENT OF CLAUSES

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A BILL

To provide for the establishment and management of the Early Childhood Care and Education Authority

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Early Childhood Care and Education Authority Act 2007.

2. Interpretation

In this Act –

“Authority” means the Early Childhood Care and Education Authority established under section 3;

“Board” means the Board of the Authority referred to in section 6;

“Chairperson” means the Chairperson of the Board appointed under section 6;

“Convention on the Rights of the Child” means the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989;

“Director” means the Director of the Authority appointed under section 9;

“early childhood care and education” means education, health, care and other services that are aimed at the development and protection of the young child;

“educational institution” means an institution in the Republic of Mauritius engaged in activities relating to early childhood care and education;

“educator” means a person who is engaged in delivering early childhood care and education in an educational institution;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“Ministry” means the Ministry responsible for the subject of education;

“networking” means developing inter-ministerial collaboration for the development of integrated services and partnerships in the field of early childhood care and education with non-governmental organisations, international institutions and the private sector;

“pre-school” means an educational institution or a unit within the premises of a primary school in the Republic of Mauritius, engaged in activities relating to early childhood care and education;

“qualified” means possessing such qualifications, and having followed such training, as may be approved by the Authority;

“registered” means registered with the Authority;

“young child” means a child between the ages of 3 and 8.

3. Establishment of Authority

(1) There is established for the purposes of this Act the Early Childhood Care and Education Authority.

(2) The Authority shall be a body corporate.

4. Objects of Authority

The objects of the Authority shall be –

- (a) to harmonise and promote integrated early childhood care and education policies, strategies and programmes in line with recommendations of international and national institutions;
- (b) to ensure that all programmes and policies for the education, care and development of the young child in the Republic of Mauritius are in conformity with the Convention on the Rights of the Child;
- (c) to help ensure a smooth transition of the young child from pre-school to lower primary school.

5. Functions and powers of Authority

(1) The Authority shall –

- (a) advise relevant Ministries on the formulation of policy relating to early childhood care and education;

- (b) implement policies of Government with regard to early childhood care and education in the Republic of Mauritius;
- (c) implement projects, programmes and activities on early childhood care and education initiated by the Ministry in collaboration with line Ministries, non-governmental organisations or local and international agencies;
- (d) build partnerships at local, regional and international levels for the development of policies and programmes aiming at the social, emotional, cognitive, moral and spiritual development of the young child as well as for the promotion and development of education services;
- (e) set norms and standards for play equipment, play materials, play space, furniture, books and children's literature used by educational institutions;
- (f) carry out the registration and supervision of educational institutions, their managers, educators and other staff engaged in early childhood care and education;
- (g) advise on the development of training programmes on early childhood care and education for educators and other staff in educational institutions;
- (h) administer payment of any form of grants to registered educational institutions and manage grants in collaboration with the relevant Ministries;
- (i) take such action as may be appropriate, in collaboration with relevant line Ministries and authorities, to prevent any form of violence, including sexual abuse, negligent treatment, maltreatment or exploitation, on young children.

(2) The Authority shall have such powers as are necessary to enable it to effectively attain its objects and discharge its functions and may, in particular, raise funds and secure financial and other support for its activities.

6. The Board

(1) The Authority shall be managed and administered by a Board which shall consist of –

- (a) a Chairperson, to be appointed by the Minister;

- (b) the supervising officer of the Ministry;
- (c) a representative of the Ministry responsible for the subject of education;
- (d) a representative of the Ministry responsible for the subject of child development;
- (e) a representative of the Ministry responsible for the subject of finance;
- (f) a representative of the Ministry responsible for the subject of health;
- (g) a representative of the Ministry responsible for the subject of social security;
- (h) 2 representatives of parents' organisations, or non-governmental organisations involved in promoting overall services for the young child, to be appointed by the Minister;
- (i) one representative of managers of private registered educational institutions, to be appointed by the Minister;
- (j) one person with experience in the field of early childhood care and education, to be appointed by the Minister;
- (k) the Director.

(2) (a) The Board may co-opt such persons as it considers necessary to assist in its deliberations.

(b) A co-opted member shall not have the right to vote.

(3) Every member of the Board, other than an *ex officio* member, shall hold office for a period of 2 years and shall be eligible for re-appointment.

(4) Every member of the Board shall be paid such fees or allowances as the Minister may determine.

7. Meetings of Board

(1) The Board shall meet at least once a month at such place and time as the Chairperson may determine.

(2) Seven members of the Board shall constitute a quorum.

(3) Subject to subsections (1) and (2), the Board shall regulate its meetings in such manner as it thinks fit.

8. Committees

(1) (a) The Board may appoint such committees as may be necessary to assist it in the performance of its duties, including a Pedagogical Committee, a Human Resources Committee and a Finance Committee.

(b) Committees appointed under paragraph (a) may constitute subcommittees to look into matters of a technical nature.

(2) The Pedagogical Committee shall make recommendations to the Board on the approaches to be adopted to fulfil the cognitive development of the child and shall consist of –

- (a) the Director, as Chairperson;
- (b) a representative of the Ministry responsible for the subject of education;
- (c) a representative of the Ministry responsible for the subject of child development;
- (d) 2 other persons having experience in the field of early childhood care and development, to be appointed by the Minister.

(3) The Human Resources Committee shall make recommendations to the Board for the appointment, dismissal, and application of the general conditions of service, of employees, other than the Director and shall consist of –

- (a) the supervising officer of the Ministry or his representative, as Chairperson;
- (b) a representative of the Ministry responsible for the subject of child development;
- (c) a representative of the Ministry responsible for the subject of social security;
- (d) the Director;
- (e) a representative of a non-governmental organisation involved in promoting overall services for the young child, to be appointed by the Minister.

(4) The Finance Committee shall make recommendations to the Board on matters pertaining to procurement and such other matters relating to planning and finance as may be requested by the Board and shall consist of –

- (a) a representative of the Ministry responsible for the subject of education, as Chairperson;
- (b) a representative of the Ministry responsible for the subject of social security;
- (c) a representative of the Ministry responsible for the subject of finance;
- (d) the Director;
- (e) a representative of a non-governmental organisation, to be appointed by the Minister; and
- (f) the Head of Finance, who shall be the Secretary.

(5) The Board may, with the approval of the Minister, make such rules as it thinks fit to regulate the meetings and proceedings of the Committees and subcommittees appointed under this section.

9. Director

(1) There shall be a Director of the Authority who shall –

- (a) be the chief executive officer of the Authority;
- (b) possess appropriate qualifications, and have experience, in early childhood care and education; and
- (c) be appointed by the Minister.

(2) The Director shall be responsible to the Board for the attainment of the corporate objectives of the Authority and for the control and management of the day-to-day business of the Board.

10. Appointment of employees

(1) The Board may, with the approval of the Minister, appoint on such terms and conditions and at such remuneration in line with prescribed salary scales in force as it may determine, such employees as it considers necessary for the proper discharge of its functions under this Act.

(2) Every employee appointed under section (1) shall be under the administrative control of the Director.

11. Powers of inspection

Without prejudice to section 28 of the Education Act, the Director, or any employee of the Authority authorised by him, may, with or without notice, visit and inspect any educational institution to ascertain whether it is being run in compliance with this Act and regulations made under this Act.

12. Powers of Minister

(1) The Minister may give such directions of a general character, not inconsistent with this Act, as he considers necessary in the public interest and the Authority shall comply with those directions.

(2) The Authority shall provide to the Minister such relevant information with respect to its activities as the Minister may require, including such return as the Minister may require.

13. Execution of documents

(1) Subject to section (2), all documents shall be deemed to be executed by or on behalf of the Authority if signed by the Chairperson or the Director.

(2) Every cheque of the Authority shall be signed by any 2 of the following persons –

- (a) the Chairperson;
- (b) the Director;
- (c) such other person as may be appointed for that purpose by the Board.

14. Legal proceedings

Service of process by or on the Authority shall be sufficient if made by, on behalf of or on the Director.

15. Donations

Article 910 of the *Code Civil Mauricien* shall not apply to the Authority.

16. Exemptions

Notwithstanding any other enactment –

- (a) the Authority shall be exempt from the payment of any duty, rate, charge, fee, tax or licence fee, in line with legislation in force;
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Authority is the sole beneficiary;
- (c) the Authority shall benefit from tax relief and other facilities in relation to importation of play materials and equipment, and vehicles.

17. Annual report

(1) The Authority shall, not later than 30 September in every year, cause to be published a report in relation to its functions, activities, affairs and financial position in respect of the 12 months ending on 30 June of the same year.

(2) The Authority shall forward a copy of the report referred to in subsection (1) to the Minister who shall lay it on the table of the National Assembly.

18. Audit

The Authority shall be subject to yearly audit by the Director of Audit.

19. Offences

(1) No educational institution shall operate without being registered with the Authority.

(2) No person shall deliver early childhood care and education in an educational institution unless he is an educator registered with the Authority.

(3) Any person who contravenes subsection (1) or (2) or any regulations made under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and imprisonment for a term not exceeding 6 months.

20. Regulations

(1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

(2) Notwithstanding the generality of the power referred to in subsection (1), regulations made under subsection (1) may provide for the registration and cancellation of registration of educational institutions, their managers, educators and other staff engaged in early childhood care and education under this Act, and for the procedure relating thereto.

21. Repeal

The Pre-school Trust Fund Act is repealed.

22. Consequential amendments

(1) The Central Tender Board Act is amended in Part III of the First Schedule by inserting in the appropriate alphabetical order, the following item -
Early Childhood Care and Education Authority

(2) The Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule, by inserting in the appropriate alphabetical order, the following item –

Early Childhood Care and Education Authority

23. Savings and transitional provisions

(1) Every person who, at the commencement of this Act, is an employee of, or works under a contract of employment for, the Pre-school Trust Fund shall be deemed to have been transferred to, or to have entered into a contract of employment with, the Authority on the same terms and conditions.

(2) Every person referred to in subsection (1) shall continue to enjoy the benefit of any entitlement which has accrued to him in respect of his service at the Pre-school Trust Fund before his transfer.

(3) Notwithstanding subsection (1), the Board may, if deemed appropriate in the interest of the Authority, decide to terminate the services of an employee, or the contract of a person, referred to in subsection (1) on grounds that the said employee or person is either incompetent to fulfil the objectives of the Authority or is not sufficiently qualified.

(4) All the assets, records, rights and liabilities of the Pre-school Trust Fund shall, at the commencement of this Act, vest in the Authority.

(5) All proceedings, judicial or otherwise, started by or against the Pre-school Trust Fund shall, at the commencement of this Act, be deemed to have been started by or against the Authority.

(6) A person who immediately before the coming into operation of this Act was operating an educational institution, or was engaged in delivering early childhood care and education in an educational institution, may continue to do so without being registered under this Act –

- (a) (i) in the case of a person operating an educational institution, for a period of one year from the coming into operation of this Act;
- (ii) in the case of a person engaged in delivering early childhood care and education in an educational institution, for a period of 2 years from the coming into operation of this Act;
- (b) if within the period specified in paragraph (a), he applies for registration, until the application is disposed of or withdrawn.

(7) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Authority.

(8) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Authority.

(9) In this section –

“Pre-school Trust Fund” means the Pre-school Trust Fund established under the Pre-school Trust Fund Act.

24. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
