



Mr [REDACTED] and Ms [REDACTED]
Proprietors for [REDACTED]
[REDACTED]
[REDACTED]

DECISION NOTICE TO CANCEL PROVIDER APPROVAL: PR-40002225
Section 33, *Education and Care Services National Law (ACT) Act 2011 (National Law)*

Dear Mr [REDACTED] and Ms [REDACTED],

1. I am satisfied that, [REDACTED] and [REDACTED] As Trustees for the [REDACTED], PR-40002225. is not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011 (the National Law)* and the *Education and Care Services National Regulations (the National Regulations)*.
2. I have decided to cancel the provider approval under section 31 of the National Law which will take effect 14 days from the date of this notice.

Facts

3. On 4 July 2014 you were granted provider approval by the ACT Regulatory Authority for [REDACTED] and [REDACTED] As Trustees for the [REDACTED] PR-40002225.
4. It is a condition of this approval that the approved provider must comply with the provisions of the *Education and Care Services National Law (ACT) Act 2011* and the *Education and Care Services National Regulations 2011*.
5. On 11 June 2019 you were sent a show cause for cancellation of Service Approval for Fun Fit Sports, SE-40002447. The Authority did not receive a response, therefore on 6 January 2020 you were sent a service cancellation notice.
6. Since 6 January 2020 you have not operated any education and care service, providing grounds for cancellation of provider approval.

Law

7. It is a condition of the provider approval that you must comply with the provisions of the *National Law* and *National Regulations*.
8. The full text of the *National Law* can be found at:
<http://www.legislation.act.gov.au/a/2011-42/default.asp>
9. The following provisions of the *National Law* and *National Regulations* were engaged:

Section 31 of the *National Law*

Grounds for cancellation of provider approval

A Regulatory Authority may cancel a provider approval if –

...

(f) the approved provider has not operated any education and care service for a period of more than 12 months (including any person of suspension).

Reasons

10. It is a condition of this approval that the approved provider must comply with the provisions of the *Education and Care Services National Law (ACT) Act 2011* and the *Education and Care Services National Regulations 2011*.
11. On 3 June 2021 you were sent a show cause for cancellation of provider approval.
12. Since this time, Children's Education and Care Assurance has had no correspondence from you regarding the application of service approval or your status as an approved provider.
13. Section 31 of the *National Law* identifies that the Regulatory Authority has grounds to cancel a provider approval if the provider has not operated any education and care service for a period of more than 12 months (including any period of suspension). As your provider approval was granted on 25 November 2015 and the approved provider has not commenced operation of the service nor informed the Regulatory Authority on any intention to operate an education and care service since this time, the Regulatory Authority has grounds to cancel the approved provider.
14. Consequently, I have determined that it is appropriate to cancel the provider approval.
15. Based on the evidence before me, I am satisfied that you were aware of your obligations as a provider and that you have not taken the required steps to meet these obligations. I am satisfied that the evidence warrants me to issue this cancellation of provider approval.
16. As stated in the accompanying *Notice of Cancellation of Provider Approval*, your approval will be cancelled from the 23 July 2021.
17. If you have any questions about this notice please contact me at jo.williams@act.gov.au or on 6207 1289

Yours sincerely



Jo Williams
Director
Children's Education and Care Assurance
ACT Education Directorate

8 July 2021