



Mr [REDACTED]
Person with management and control
AUSTRALIAN CARE AND EDUCATIONAL SERVICES PTY LTD
[REDACTED]
[REDACTED]

Email: [REDACTED]

Dear Mr [REDACTED]

Show Cause Notice – Proposed Cancellation of service approval

1. The ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, approved an application for voluntary suspension for Kiddie Cove family day care SE-40010550 on 24th May 2019.
2. Consistent with Section 78 of the *National Law*, I am considering cancelling of the service approval on the following grounds.
 - i. A condition of the service approval has not been complied with as per section 77 (d) of the *National Law*.
 - ii. A service approval is granted subject to a condition that the service must commence ongoing operation of the service within 6 months after the approval is granted unless the Regulatory Authority agrees to an extension of time, as per section 51 of the *National Law*.
 - iii. The ACT Regulatory Authority reasonably believes that the approved provider Australian Care and Educational Services Pty Ltd has not, within 6 months after being granted a service approval, commenced ongoing operation of the service Kiddie Cove Family Day Care SE- 40010550, consistent with Section 70 of the *National Law*.
3. Electronic links to the *Education and Care Services National Law 2010*¹ (the *Law*) and the *Education and Care Services National Regulations* (the *Regulations*) are provided for your convenience at the end of this notice.

Grounds for issuing Show Cause for Cancellation of service approval

4. The approved provider (the provider), AUSTRALIAN CARE AND EDUCATIONAL SERVICES PTY LTD PR-40008733, was issued a service approval for kiddie cove family day care SE-40010550 (the service) on 17 November 2017. Attachment A
5. An application from the provider to voluntarily suspend the service approval for kiddie cove family day care was received by the Regulatory Authority on 21st May 2019. The Regulatory

¹ Adopted in the ACT by the *Education and Care Services National Law (ACT) Act 2011*.

Authority approved the voluntary suspension on 24th May 2019, and a letter was sent to the provider notifying them of the outcome. Attachment B.

6. Section 85 of *the Law* states that a voluntary suspension cannot exceed 12 months. The provider failed to notify the Regulatory Authority of the intention to resume operation of the service under service approval SE-40010550 or of the intention to surrender the service approval by the end of the 12 months of voluntary suspension.
7. An email was sent by the Regulatory Authority to the provider on 3rd March 2021 requesting the provider to inform the Regulatory Authority of its intention to either resume operation of the service or surrender the service approval. No response was received.
8. A second email was sent by the Regulatory Authority to the provider on 15th March 2021 requesting the provider to inform the Regulatory Authority of its intention to either resume operation of the service or surrender the service approval. No response was received.
9. A phone call to the provider was made by the Regulatory Authority on 29th March 2021 explaining that two emails were sent to the provider about the expired voluntary suspension and that a response was required regarding the service approval. The provider was asked to either resume operation or surrender the service approval. A response was due on 2nd April 2021, but no response has been received by the Regulatory Authority.
10. The provider did not ensure that operation of the service resumed after a voluntary suspension of maximum 12 months. It is a condition of the service approval that the service is operating if there is no suspension in place.

Section 77– Grounds for cancellation of service approval

A Regulatory Authority may cancel a service approval if-

- (a) The Regulatory Authority reasonably believes that the continued operation of the education and care service would constitute an unacceptable risk to the safety, health or wellbeing of any child or class of children being educated and cared for by the education and care service; or
- (b) The service has been suspended under section 72 or 73 and the reason for the suspension has not been rectified at or before the end of the period of suspension; or
- (c) The service approval was obtained improperly; or
- (d) A condition of the service approval has not been complied with.

Right of response

11. You have a right to respond to the facts set out in this notice. You may, within 30 days of receiving this letter, make a written submission for the Authority's consideration in deciding if the cancellation of the service approval for kiddie cove family day care SE-40010550 should be processed.
12. If no response is received within the 30 days, the Regulatory Authority will cancel the service approval for Kiddie Cove family day care.

13. At Attachment C to this Notice is a '4 Step Guide to Responding to a Show Cause Notice' to assist in the development of your submission. Please direct your written submission via email to Assistant Director Audit and Risk Management, Delphine Coutin, at delphine.coutin@act.gov.au or by post to:

Ms Delphine Coutin – Assistant Director
Children's Education and Care Assurance
GPO Box 158
CANBERRA ACT 2601

Caution

14. Please also be aware that it is an offence under section 295 of the *Law* to provide the Authority with false or misleading information or documents.
15. The *Law* applies to you as a provider and any service you operate. The *Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*
<http://www.legislation.act.gov.au/a/2011-42/default.asp>.
16. The *Law* and *Regulations* can be viewed at: <http://www.acecqa.gov.au/national-law>, and
<http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
17. Should you have any questions about this Notice please contact Delphine Coutin on (02) 6207 1114 or email: delphine.coutin@act.gov.au

Yours Sincerely



Delphine Coutin
Assistant Director Audit and Risk Management
Children's Education and Care Assurance
Education and Care Regulation and Support
ACT Education Directorate

3rd May 2021