



**ACT**  
Government  
Education

Ms [REDACTED]  
Person with management or control  
AUSTRALIAN CARE AND EDUCATIONAL SERVICES PTY LTD

Email: [REDACTED]

Dear Mr [REDACTED]

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

1. I am satisfied that, AUSTRALIAN CARE AND EDUCATIONAL SERVICES PTY LTD, PR-40008733 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 7 October 2016 you were granted provider approval by the ACT Regulatory Authority (the Authority) for AUSTRALIAN CARE AND EDUCATIONAL SERVICES PTY LTD, PR-40008733.
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 3 May 2021 you were sent a show cause for cancellation of kiddie cove family day care, SE-40010550. The Authority did not receive a response, therefore on 11 June 2021 you were sent a service cancellation notice.
6. An application from the provider to voluntarily suspend the service approval for kiddie cove family day care was received by the Authority on 21st May 2019. The Regulatory Authority approved the voluntary suspension on 24th May 2019, and a letter was sent to the provider notifying them of the outcome.

7. Section 85 of the Law states that a voluntary suspension cannot exceed 12 months. The provider failed to notify the 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.
8. 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.
9. The Authority has had no correspondence from you since this time, in relation to your status as an approved provider or your intentions to apply to for a service approval to operate an education and care service.

#### **Law**

10. It is a condition of the provider approval that you must comply with the provisions of the *National Law* and *National Regulations*.
11. The full text of the *National Law* can be found at:  
<http://www.legislation.act.gov.au/a/2011-42/default.asp>
12. 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 –

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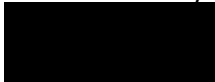
- (f) the approved provider has not operated any education and care service for a period of more than 12 months (including any period of suspension).

#### **Reasons**

13. 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*.
14. On 21 September 2021 you were sent a show cause for cancellation of provider approval.
15. Since this time, the Authority has had no correspondence from you regarding the application of service approval or your status as an approved provider.
16. Section 31 of the *National Law* identifies that the 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 7 October 2016 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.

17. Consequently, I have determined that it is appropriate to cancel the provider approval.
18. Based on the evidence before me, I am satisfied that you were aware of your obligations as an approved 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.
19. As stated, your approval will be cancelled 14 days from the date this notice is issued.
20. If you have any questions about this notice, please contact me at [jo.williams@act.gov.au](mailto:jo.williams@act.gov.au) or on 6207 1289

Yours sincerely



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

28 October 2021