



## LICENSING OF MOBILE CHILDREN'S SERVICES

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### Introduction

This paper is about the factors that Community Services will take into account in deciding whether a children's service should be licensed as a mobile service. It is designed to support the mobile services model while:

- Retaining the integrity of the model and the regulatory framework
- Ensuring that the model is adopted because it is an appropriate means of providing appropriate services to children in their communities, and
- Ensuring that a mobile service model is not proposed in order to evade regulatory obligations that would apply to a centre based service.

Community Services supports the mobile children's service model where it is the most appropriate one in the circumstances and/or the only one that may be available to a particular community.

In practice, mobile children's services are typically characterized by a number of the following features:

- the people who deliver the service travel to pre-arranged venues from a base from which the service is administered
- the service is delivered at each venue for a particular period, ranging from as little as a few hours to a day or two at a time
- the service returns to that venue periodically (for example, fortnightly or monthly)
- the venue is not built specifically for the provision of a children's service and might be used for other purposes when the service is not being provided there
- the communities in which the services are delivered are geographically or socioeconomically isolated.

### Legal definition of mobile children's service

Section 199 of the *Children and Young Persons (Care and Protection) Act 1998* defines 'mobile children's service' as 'a children's service that visits specific premises, areas or places at specific times for the purpose of providing the care'. The key feature from that definition is the *mobility* of a service, which entails the service going to a venue and then leaving it. It is this mobility which distinguishes these services from other types of children's services.

It is important to remember that to be a 'mobile service' a service must first fall within the definition of a 'children's service' in section 200 (1) of the Act and must not be excluded from that definition by section 200 (2).

Relevant parts of sections 199 and 200 are set out in the Annexure.

### When will a service be licensed as a mobile service?

The determination of whether it is appropriate for a proposed children's service to be licensed as a mobile service is assessed on a case by case basis.

In making the determination Community Services will take into account whether, when in operation, the service will demonstrate a number of the following indicators, or potential indicators, of mobility:

1. the service is delivered at a venue, leaves that venue and moves on to another where it is delivered and possibly on to other venues after that;
2. the service is delivered at a venue as an extension or outreach of another children's service;
3. the venue or venues at which the service is delivered are not used exclusively or predominantly for the provision of the service;
4. the service's facilities and equipment are moved into the venue as the service comes and out of venue when it goes *or* are kept at the venue and brought out when the service comes and packed away when it goes.

In deciding whether to license a service as a mobile service Community Services will also take into account why the mobile service model is proposed. In doing so it will have regard to such things as the extent to which the service would meet the requirements for a centre-based service and whether there are indications that the mobile model is being proposed to avoid requirements that apply to a centre based service model.

The fact that a service was licensed as a mobile service initially does not mean that it will continue to be appropriate for the service to be licensed as a mobile service. Changed circumstances may mean that the mobile service model is no longer applicable to the service.

If so, Community Services will review the licensing of the service. However, the mobile categorization of a service will not be changed without the licensee being given notice that a change is being considered and an opportunity to comment on the proposed new categorization.

**DEFINITION OF 'MOBILE CHILDREN'S SERVICE' IN  
CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998  
Relevant Provisions**

**199 Definitions**

(1) In this Chapter:

...

**centre based children's service** means a children's service that is provided at a fixed premises (other than the home of the licensee of the service).

**children's service** has the meaning given it by section 200.

...

**mobile children's service** means a children's service that visits specific premises, areas or places at specific times for the purpose of providing the care.

**200 Meaning of "children's service"**

(1) For the purposes of this Act, a **children's service** is a service that provides education or care (other than residential care), or both education and care, whether directly or indirectly, for one or more children under the age of 6 years and who do not ordinarily attend school (disregarding any children who are related to the person providing the care).

(2) However, a **children's service** does not include any of the following:

(a) a service provided by a designated agency,

(b) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned,

(c) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised,

(d) a service involving medical or clinical care provided by a hospital,

(d1) a regular child-minding service:

(i) that is provided in connection with a hospital, health service or a recreational or commercial facility, and

(ii) that is provided by or on behalf of the person conducting the hospital, health service or recreational or commercial facility, and

(iii) that is provided to care for children only:

(A) while a sibling of the child being cared for is being treated at the hospital or health service, or

(B) while the children's parents or authorised carers are visiting or being treated at the hospital or health service or are using the recreational or commercial facility,

(e) a service that is concerned primarily with the provision of:

(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or

(ii) private tutoring,

(f) a service under which formal education in accordance with the school curriculum set out in Part 3 of the *Education Act 1990* is provided by a government school or a registered non-government school within the meaning of that Act,

(g) a service provided at exempt premises, but only if the service is established, registered or licensed as part of the institution operating on those premises.

