

# Attorney-General's Work and Development Permit Guidelines

2023 edition

Department of Justice and Community Safety



Justice  
and Community  
Safety





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## 1. Introduction

### 1.1 Work and development permit scheme

The work and development permit (WDP) scheme enables an eligible person to expiate an infringement offence by undertaking approved activities and treatment instead of paying the infringement penalty.

The WDP scheme is administered by the Director, Fines Victoria (the Director).

An accredited agency or an accredited health practitioner (collectively referred to as sponsors) must apply for a WDP on behalf of an eligible person and supervise the person's participation in treatment and/or activities under the WDP.

The person's participation in activities and treatment converts to a monetary value, in line with defined work-off rates, which reduces the person's fine debt. While a person is undertaking a WDP, enforcement activity on the fines included in the WDP is suspended.

### 1.2 WDP objectives

The key objectives of the WDP scheme are to:

- support an eligible person to engage with services that help address the conditions or circumstances that makes them eligible for the scheme, and that may have led to their offending
- reduce the stress associated with fine debt by suspending enforcement activity for fines that are subject to a WDP
- provide a non-financial option for an eligible person to deal with their fine debt.

### 1.3 Purpose of these guidelines

The purpose of the guidelines is to assist the Director in administering the WDP scheme, to streamline guidance materials for sponsors and eligible persons, to simplify content, and to publish more practical how-to information.

More detail on administration of the scheme, including practical how-to guides for sponsors on topics such as assessing a person's eligibility and applying for a WDP, is available on the Department of Justice and Community Safety website at [justice.vic.gov.au/wdp](https://justice.vic.gov.au/wdp)

## 2. People eligible for a WDP

Under the *Fines Reform Act 2014* (the Act), a WDP application can only be approved if the application is for an eligible person.

An eligible person is a person served with an infringement notice and who:

- has a mental or intellectual disability, disorder, or illness
- has an addiction to drugs, alcohol, or volatile substances
- is experiencing homelessness
- is experiencing acute financial hardship, or
- is the victim of family violence.



## 2.1 Mental disability, disorder, or illness

A mental disability, disorder, or disease or illness means a diagnosed medical condition that is characterised by a significant disturbance of thought, mood, perception, or memory. This may include:

- a total or partial loss of a person's mental functions
- a disorder, disease or illness that affects a person's thought processes, perception of reality, emotions or judgment, or that results in disturbed behaviour.

Examples of a mental illness include, but are not limited to Alzheimer's disease, bipolar disorder, dementia, depression and anxiety, psychosis, schizophrenia and severe mood disorders.

## 2.2 Intellectual disability, disorder, or illness

An intellectual disability, disorder or disease means a disorder or impairment that results in a person learning differently to a person without the disorder or impairment. This includes:

- the coexistence of significant sub-average general intellectual functioning and significant deficits in adaptive behaviour, which manifested before the age of 18 years
- cognitive impairment, including a neurological condition or acquired brain injury, or a combination of both, which:
  - is, or is likely to be, permanent, and
  - causes a substantially reduced capacity in at least one of the areas of self-care, self-management, or mobility, and
  - requires significant ongoing or long-term episodic support, and
  - is not related to ageing.

Examples of cognitive or intellectual disability include, but are not limited to, Parkinson's disease, stroke, Huntington's disease and an acquired brain injury.

## 2.3 Addiction to drugs, alcohol or volatile substances

A person is considered to have a serious addiction to drugs, alcohol or volatile substances if that person has a maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring any time in the same 12-month period:

- tolerance, as defined by either of the following:
  - a need for markedly increased amounts of the substance to achieve intoxication or the desired effect, or
  - markedly diminished effect with continued use of the same amount of the substance.
- withdrawal, as manifested by either of the following:
  - the characteristic withdrawal syndrome for the substance, or
  - the same (or closely related) substance is taken to relieve or avoid withdrawal symptoms
- the substance is often taken in larger amounts or over a longer period than intended
- there is a persistent desire or unsuccessful efforts to cut down or control substance use
- a great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects.



- important social, occupational, or recreational activities are given up or reduced because of substance use
- the substance use is continued despite knowledge of having a persistent physical or psychological problem that is likely to have been caused or exacerbated by the substance (for example, current cocaine use despite recognition of cocaine-induced depression or continued drinking despite recognition that an ulcer was made worse by alcohol consumption).

#### **Volatile substance – definition:**

Volatile substances include plastic solvents, adhesive cement, cleaning agents, glue, dope, nail polish remover, lighter fluid and gasoline. They also include any other volatile product derived from petroleum, paint thinner, lacquer thinner, aerosol propellant, or anaesthetic gas and any other substance declared prescribed as volatile under the *Drugs, Poisons and Controlled Substances Act 1981*.

## **2.4 Homelessness**

A person is experiencing homelessness if the person:

- is living in crisis accommodation
- is living in transitional accommodation
- is living in any other accommodation provided under the Supported Accommodation Assistance Program, or
- has inadequate access to safe and secure housing because the only housing to which the person has access to:
  - damages, or is likely to damage, the person's health
  - threatens the person's safety
  - marginalises the person through failing to provide access to:
    - (i) adequate personal amenities
    - (ii) the economic and social supports that a home normally affords
  - places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.

Examples of circumstances in which a person may be considered homeless include where a person is:

- without conventional accommodation, for example, sleeping in parks or in the street, squatting, living in a car or an improvised dwelling
- moving from one form of temporary accommodation to another, for example, refuges, emergency hostel accommodation or temporary space in the homes of family and friends
- living in temporary accommodation due to family violence, unsafe living conditions or has an inability to afford other housing
- living in a caravan park due to the person's inability to access other accommodation
- living in a boarding house on a medium to long-term basis.

## **2.5 Acute financial hardship**

A person is experiencing acute financial hardship if the person:

- is in receipt of a social security payment, or



- satisfies the low-income test, or
- has extenuating circumstances.

### **Receipt of a social security payment**

A person is experiencing acute financial hardship if the person receives jobseeker payment, youth allowance, parenting payment, disability support pension, carer payment, age pension or a Department of Veterans' Affairs (DVA) payment.

### **Low income test**

A person who is not receiving a payment listed above is considered to be experiencing acute financial hardship if the person satisfies the low income test. To satisfy the low income test, a person must have a gross income below the weekly income limit that allows a person to qualify for an Australian Government Low Income Health Care Card.

See the Services Australia website at [servicesaustralia.gov.au](https://servicesaustralia.gov.au) for the current income limit.

### **Extenuating circumstances**

If a person does not receive a social security payment or satisfy the low income test but is experiencing acute financial hardship due to other extenuating circumstances, a sponsor may apply for a WDP on the basis of those extenuating circumstances.

## **2.6 Victim survivor of family violence**

A victim survivor of family violence is an eligible person.

Family violence means:

- behaviour by a person towards a family member of that person if that behaviour:
  - is physically or sexually abusive
  - is emotionally or psychologically abusive
  - is economically abusive
  - is threatening
  - is coercive
  - in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person
- behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.

Family violence includes, but is not limited to:

- assaulting or causing personal injury to a family member or threatening to do so
- sexually assaulting a family member or engaging in another form of sexually coercive behaviour or threatening to engage in such behaviour
- intentionally damaging a family member's property, or threatening to do so
- unlawfully depriving a family member of the family member's liberty, or threatening to do so
- causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the family member to whom the behaviour is directed so as to control, dominate or coerce the family member
- coercing a family member to relinquish control over assets and income.



### 3. WDP activities and work-off rates

An eligible person may undertake one or more of the following to satisfy their fine debt under a WDP:

- unpaid work
- courses, including educational, vocational or life skills courses
- treatment by a health practitioner
- counselling
- mentoring programs (for eligible persons under the age of 25 years).

Each activity has a corresponding work-off rate, which means the rate at which a person's participation in the activity will satisfy, or partly satisfy an infringement penalty and any prescribed fees.

The work off rates for each activity are detailed below and at [Appendix 1](#).

#### 3.1 Non exhaustive examples of the types of activities

##### 3.1.1 Unpaid work

Unpaid work might include, but is not limited to cooking, property maintenance, park maintenance, sorting or recycling goods, removing weeds or rubbish, building outdoor facilities, removing graffiti, planting trees, painting, paving, building community gardens, cleaning, animal or wildlife shelter activities, retail work, office administration and warehouse duties.

A person must have passed a Working with Children Check to participate in unpaid work that may involve contact with children. For example, a person must have passed a Working with Children Check to undertake property maintenance on school grounds.

Unpaid work is subject to a work-off rate of **0.3 penalty units per hour** of activity.

##### 3.1.2 Courses

Suitable courses that a person can undertake under a WDP include educational, vocational or life skills courses.

**Educational courses** include courses undertaken at university, TAFE or other educational institutions.

**Vocational courses** encompass a wide range of courses that are designed to assist people to enter or participate in the workforce. They include courses undertaken at TAFE and university. They also include courses undertaken in community or private colleges and activities undertaken with a job service provider.

**Life skills courses** foster the personal, social, and practical skills that help people to function in society on an independent basis. They include courses that focus on practical skills, such as cooking and driving, and courses that focus on psycho-social skills, such as problem-solving, anger management, conflict resolution and parenting.

Undertaking a course is subject to a work-off rate of **0.3 penalty units per hour** of activity.

##### 3.1.3 Treatment by a health practitioner

A health practitioner means a nurse, a psychologist, or a medical practitioner.





Treatment given by a health practitioner may include pharmacology and face-to-face sessions with a health practitioner.

Treatment must be undertaken in accordance with a health practitioner's treatment plan.

Treatment by a health practitioner is subject to a work-off rate of **6.6 penalty units per month**. Treatment can only be counted once in a calendar month irrespective of the number of treatment plans a person may have.

### **Drug and alcohol treatment**

Drug or alcohol treatment aims to assist people to overcome dependencies on alcohol or other drugs. Drug or alcohol treatment involves services delivered by specialist workers and may include, but is not limited to:

- assessment
- residential and non-residential withdrawal
- day rehabilitation and residential rehabilitation
- peer support
- engagement in case management services
- behavioural, group or family drug and alcohol therapy
- engagement in online and phone support
- pharmacotherapy; and
- engagement in health and mental health services.

If drug and alcohol treatment is supervised by a health practitioner, it will fall under the category of treatment by a health practitioner and attract the work-off rate for that activity.

### **3.1.4 Counselling**

Counselling helps people to address various personal, emotional, or psychological challenges in their lives.

The work-off rate for counselling depends on the type of professional delivering the counselling.

#### **Counselling by a social worker or an occupational therapist in accordance with a mental health treatment plan**

Social workers and occupational therapists are recognised mental health practitioners and can provide Medicare-recognised counselling under a mental health treatment plan, the same as mental health treatment plans delivered by psychologists and medical practitioners such as general practitioners and psychiatrists.

A mental health treatment plan delivered by a social worker or an occupational therapist is subject to a work-off rate of **6.6 penalty units per month** irrespective of the number of treatment plans a person may have.

#### **Financial counselling**

Financial counsellors provide information, support, and advocacy to assist people in financial difficulty. Financial counsellors are based in community agencies and government agencies and provide a free, independent, and confidential service.



Financial counselling may involve undertaking financial analyses, generation of options and advice about debt issues, supporting a client in negotiation with creditors or advocating on a client's behalf.

Undertaking financial counselling is subject to a work-off rate of **0.3 penalty units per hour** of activity.

### Other counselling

Other forms of counselling may be directed at improving a client's mental health or resolving emotional or behavioural issues. This may include:

- family counselling, when a family undertakes counselling to improve communication and relationships, solve a problem or adjust to a new situation
- group counselling, such as family violence group sessions.

Undertaking other counselling (not delivered by a psychologist, medical practitioner, a social worker or an occupational therapist) is subject to a work-off rate of **0.3 penalty units per hour** of activity.

### 3.1.5 Mentoring programs

A person who is under 25 years of age may participate in a mentoring program (as a mentee).

Mentoring describes programs that aim to build the skills or wellbeing of a young person through the input and assistance of another person who has more skills, experience, and knowledge.

Programs may focus on the goals of people who are:

- disengaged or at risk of disengaging from the education system
- seeking to make the transition from school to work or further education
- involved in or seeking to transition from the justice system
- socially isolated
- young parents
- seeking to connect or reconnect with cultural identity
- wanting to further their sporting or athletic potential
- seeking to increase their career options.

Undertaking a mentoring program is subject to a work-off rate of **0.3 penalty units per hour** of activity.

## 4. Applying for a WDP

Sponsors can choose whether to apply for and supervise a person's WDP. As the case requires, sponsors may prioritise some people over others or decide not to offer a WDP at all.

Sponsors may consider a range of factors when deciding whether to offer a WDP to a person. For example:

- the impact on the person if they do not participate in a WDP at that time
- the availability of staff to deliver the activity or provide the treatment
- the capacity to take on new clients



- the sponsor's internal policies and procedures for delivering services to people and their selection criteria
- the client's capacity to participate in the activity or treatment
- other options the sponsor considers may be more suitable or appropriate for the person to deal with their fines, such as:
  - payment arrangements (such as payment by instalment or after an extension of time)
  - nominating the responsible driver if the person received a camera-detected fine and they were not driving the vehicle at that time
  - requesting a court hearing if the person disputes the fine and has not yet received a notice of final demand from Fines Victoria
  - requesting a review (for example, an internal review by an enforcement agency, or enforcement review by the Director, Fines Victoria)
  - applying to have a fine withdrawn under the Family Violence Scheme (if certain criteria are met)
  - referring the client to a Community Legal Centre, Victoria Legal Aid and/or a financial counsellor
- anything else the sponsor considers appropriate.

Similarly, sponsors can supervise a person until they work off all their fines or just some. People with large fine debt can still benefit from the WDP scheme as the scheme:

- can support them to engage with therapeutic activities and treatment
- allows them to reduce their fine debt so it is more manageable
- suspend enforcement activity for the duration of the WDP.

Sponsors can visit [fines.vic.gov.au](https://fines.vic.gov.au) for more information about a person's options to deal with fines and legal and financial supports.

#### 4.1 Fines that can be included in a WDP

A fine can be included in a WDP if it is an outstanding infringement fine.

#### 4.2 Fines that cannot be included in a WDP

If a fine goes unpaid, it may progress through the fines lifecycle, with escalating consequences.

A fine cannot be included in a WDP if:

- it is a fine imposed by a court
- the person has applied to nominate another person for the fine (for a driver-related offence)
- the fine has been paid in full
- the fine is subject to a payment plan or arrangement
- the fine is subject to a pending application for internal review or enforcement review
- the fine has been registered with the Children's Court for enforcement



- the Director has applied certain administrative sanctions for non-payment of the fine (by making an attachment of earnings direction or an attachment of debts direction or where a land charge has been recorded on the person's land).

In addition, a fine cannot be included in a WDP if the fine has progressed to an enforcement warrant and:

- a sheriff's officer has given the person a seven day notice to take action and the seven day notice period has expired or the person has waived it
- a vehicle seizure and sale notice has been issued after a sheriff's officer has wheel clamped and detained the person's vehicle
- a sheriff's officer has arrested the person in relation to the fines.

### 4.3 WDP application requirements

An application for a proposed WDP must include:

- contact information
  - the name, address and contact details of the eligible person
  - the name, address and contact details of the sponsor
  - for an accredited agency, the name and contact details of the person who will be responsible for supervising the eligible person on behalf of the organisation
- details about the WDP
  - the grounds for requesting the WDP, including how the person meets the eligible person criteria
  - details of each infringement offence to which the WDP will relate
  - the WDP activities proposed to be undertaken
  - a proposed time for the completion of the WDP activities
- the consent of the eligible person in the form provided in [Appendix 2](#)

### 4.4 Effect of including a fine in a WDP

When applying for a WDP, the eligible person is not denying liability for the offence. Rather, they are working off the fine in a non-financial way.

If the WDP application includes a fine for a vehicle-related offence that attracts demerit points, the demerit points will be applied against the person.

When an application for a WDP is made, any enforcement action in relation to the fines included in the application is suspended until the application is determined.

If the WDP application is approved, enforcement activity remains suspended on the fines until the WDP is completed or cancelled.

If the application is not approved, enforcement activity will resume.

## 5. Varying, suspending, or cancelling a WDP

The Director has the discretion to vary (including by suspension) or cancel a WDP on the Director's own motion or at the request of the WDP participant or their authorised representative or sponsor.



## 5.1 Variation and suspension

A person's WDP may be varied by:

- adding a fine (with the person's consent), for example, if the person incurs or becomes aware of a new fine
- removing a fine (with the person's consent), for example, if the person wants to deal with that fine in another way (see [fines.vic.gov.au](https://www.fines.vic.gov.au) for options)
- changing the end date, for example, to extend the duration of the WDP if the person has more fines to work-off, or to shorten it if the sponsor is no longer available to support the person
- changing the activities, for example, to add or remove an activity
- changing the supervisor.

The Director may also vary a WDP by suspending it for a specified period if the person who is subject to the WDP is ill or other exceptional circumstances exist.

A person subject to a WDP or a sponsor may apply to suspend a WDP however, the Director may ask the relevant person to provide evidence to explain why the suspension is necessary. For example, if a sponsor is applying to suspend a WDP because the person is ill, the Director might request evidence, such as a medical certificate.

## 5.2 Cancellation

The sponsor or the person subject to the WDP can choose to cancel a WDP at any time, for example:

- if the person no longer wants to participate in the WDP
- if the sponsor is no longer able to supervise the person's WDP.

The Director can also cancel a WDP if they consider that it is appropriate to do so. For example, the Director might cancel a WDP if:

- the person is not complying with the requirements of the WDP (for example, if the person stops participating in activities)
- the sponsor is unable to demonstrate that the person is eligible for a WDP
- the Director considers that the person is not participating in the scheme in good faith, and that it is necessary to cancel the WDP to protect the integrity of the scheme (for example, if the person continues to incur fines and appears to be using the WDP to avoid liability).

## 6. Power of the Director to waive a fine in limited circumstances

In limited circumstances, the Director may waive payment of any outstanding amount owed by an eligible person who is or has been subject to a WDP.

When determining the appropriateness of waiving any or all of the outstanding amount, the Director will consider:

- whether collection of the outstanding amount is no longer feasible, and
- the extent that the eligible person has complied with a WDP.

If the person got the fine before or during the WDP, a sponsor can apply to the Director for the person's outstanding fine to be waived while the person is still on the WDP or has finished it.



Fines incurred after the WDP has finished cannot be included in the waiver.

## 7. WDP sponsor accreditation

### 7.1 Role of a sponsor

A sponsor is an organisation or a health practitioner that supervises and supports a person to undertake a WDP.

The functions of a sponsor are to:

- assess a person's eligibility for a WDP and retain supporting documents
- apply for a WDP on behalf of the eligible person, with their consent
- provide or supervise WDP activities or treatment the eligible person undertakes
- keep records and report on the eligible person's participation in WDP activities or treatment.

Before you can operate as a sponsor, you must be accredited by the Director as an **accredited health practitioner** or an **accredited agency**.

The application requirements for both categories of accreditation are set out below. [Appendix 3](#) also summarises these requirements.

### 7.2 Accredited health practitioners

A qualified health practitioner may apply to the Director to become an **accredited health practitioner** for the purposes of the WDP scheme.

A health practitioner means a medical practitioner, psychologist, or nurse registered under the Health Practitioner Regulation National Law to practise in their profession.

An application to become an accredited health practitioner must include:

- the health practitioner's name and Australian Health Practitioner Regulation Agency (AHPRA) registration number
- details of any outstanding complaints or notifications against them
- confirmation that the health practitioner will be providing the kind of treatment likely to be given to an eligible person. This generally means treatment that helps address the conditions or circumstances that makes the person eligible for the WDP scheme.

Note that a general practice may apply for accreditation as an accredited agency (in accordance with the requirements set out below). The application must provide the above details for each health practitioner providing treatment under the WDP scheme at that general practice.

### 7.3 Accredited agencies

An organisation that meets the criteria specified below may apply to the Director to become an **accredited agency** for the purposes of the WDP scheme.

The organisation may be not-for-profit, for profit, a government agency, an individual service provider (such as a counsellor), or an interstate organisation.

#### 7.3.1 Accreditation criteria for organisations

An organisation may apply to become an accredited agency if it meets the following criteria:



- Capacity – the organisation has the financial and organisational capacity to carry out the functions of a sponsor as set out in these guidelines and the supporting material issued by the Director
- Staff – the organisation has staff who are trained, qualified, or experienced to work with eligible persons or to provide the WDP activities that the organisation proposes to provide
- Working with Children Check – any person supervising an eligible person under 18 years of age must have a valid Working with Children Check
- Insurance – the organisation has current public liability and other appropriate insurance covering proposed WDP activities (such as professional indemnity insurance)
- Complaints – the organisation has a complaints procedure
- Australian Business Number (ABN) – the organisation has an ABN.

### 7.3.2 Application requirements for organisations

An application to become an accredited agency must include certain information and show that the organisation meets the accreditation criteria for organisations in [7.3.1](#).

Some of the information and documentary requirements are common to all types of organisations, and some depend on the type of organisation, as specified below.

#### Common application requirements for all organisations

All applications to become an accredited agency must include information on the organisation's:

- typical client groups (for example, people experiencing homelessness, people with a drug or alcohol addiction, young people)
- types of activities proposed to be provided under the WDP scheme (for example, unpaid work, courses, counselling, mentoring, supervision, and referral of clients to other service providers for undertaking WDP activities)
- contact person for the WDP scheme (name and contact details)
- ABN.

#### Additional requirements – organisations delivering a government contract or accredited under a recognised quality and compliance framework

To demonstrate compliance with the accreditation criteria, an organisation applying to become an accredited agency must provide:

- evidence of a current or recent contract service agreement with government, or
- evidence of current accreditation under a recognised quality and compliance framework, for example:
  - Human Services Standards (Victorian Department of Families, Fairness and Housing)
  - National Standards for Mental Health Services (Department of Health and Aged Care)
  - National Safety and Quality Health Services standards (Australian Commission on Safety and Quality in Health Care)
  - National Disability Insurance Scheme (NDIS) Practice Standards (NDIS Commission)
  - National Standards for Disability Services (Department of Social Services)
  - Quality Improvement Council Health and Community Services Standards (Quality Innovation Performance Limited).





### Additional requirements – other organisations

An organisation that cannot provide the above evidence of a government contract or accreditation, must show compliance with the accreditation criteria by:

- providing a copy of its certificate of currency of public liability and other relevant insurance such as professional indemnity insurance, and
- providing documents that show the organisation meets the objectives and capacity criteria set out in section [7.3.1](#). This could include the organisation's:
  - most recent annual report
  - key policies and procedures documents
  - current registration:
    - as an incorporated association with Consumer Affairs Victoria
    - with Australian Charities and Not-for-profits Commission (ACNC)
    - with Australian Securities & Investments Commission (ASIC) registration
    - with the regulatory body of its field, such as Tertiary Education Quality and Standards Agency (TEQSA) or Australian Skills Quality Authority (ASQA).

The organisation must also confirm that it:

- has staff who are trained, qualified, or experienced to provide the types of activities that the organisation proposes to provide, or to supervise activities provided by a third party
- has on record the Working with Children Checks for any person supervising an eligible person under 18 years of age
- has a complaints procedure for clients.

## 7.4 Conditions of accreditation

Accreditation is subject to the conditions that the:

- sponsor continues to meet the relevant accreditation requirements as set out in these guidelines
- sponsor assesses the eligibility of persons before applying for a WDP on their behalf
- sponsor only provides activities or treatment included in their accreditation
- sponsor adheres to the record management requirements as specified in section [7.4.1](#) of these guidelines
- sponsor reports on the participation of their WDP clients as specified by the Director (for example, monthly)
- sponsor reviews and updates their accreditation details as required by the Director (for example, annually)
- sponsor notifies the Director as soon as practicable if there is a change in circumstances that affects their ability to participate in the WDP scheme
- sponsor manages any conflicts of interest in line with section [7.4.2](#) of these guidelines
- sponsor's details are published publicly unless the sponsor obtains an exemption from the Director.

The Director may also specify additional conditions of accreditation for particular agencies or health practitioners.





### 7.4.1 Record management requirements

A sponsor must keep a record of information relating to its involvement in the WDP scheme, including records:

- demonstrating that the sponsor meets their accreditation requirements and conditions
- establishing the eligibility of each person on whose behalf they applied for a WDP
- evidencing the eligible person's participation in WDP activities or treatment, including activities or treatment completed with a third party.

A sponsor must:

- retain the above records for at least five years
- comply with these record management requirements, even if their accreditation is surrendered or cancelled
- maintain the records securely (for example, as a hardcopy in a lockable cabinet or as electronic copies on a password protected computer)
- treat the records as confidential
- upon request, and with reasonable notice, provide access to the records to:
  - the Director (or the Director's delegate)
  - an eligible person who is, or was, subject to a WDP under the supervision of that sponsor (for documents relating to that eligible person).

### 7.4.2 Conflict of interest

A conflict of interest will arise if there is a conflict between the interest of a sponsor and their responsibilities under the WDP scheme.

A sponsor must advise the Director of any circumstance that may give rise to an actual, perceived, or potential conflict of interest, and how they propose to manage the conflict.

A sponsor must not receive any payment, gift, or personal benefit from a person applying for, or subject to a WDP, except for a payment that is normally associated with the provision of a service or activity (for example, course fees or consultation fees).

The accredited agency, health practitioner, or any third party provider must not charge additional or higher fees for activities or treatment provided to a person solely because they are on a WDP.

## 7.5 Referral to other service providers

A sponsor may refer an eligible person to a third party provider to undertake some or all of their WDP activities or treatment. The sponsor must continue to supervise the WDP, report on and keep records of the person's participation in activities or treatment.

The referring sponsor must be satisfied that the third party provider is suitable, including that they:

- have current public liability and other appropriate insurance covering its activities (if not a health practitioner)
- hold current registration with AHPRA (for health practitioners) or the Australian Association of Social Workers (for social workers), if relevant
- have appropriately trained, experienced or accredited staff for providing the treatment or activities



- have Working with Children Checks for any person treating or providing activities if the eligible person is under 18 years of age.

## 7.6 Surrender, vary, or cancel accreditation

A sponsor may **surrender** their accreditation at any time by written notice to the Director.

Accreditation may be varied on application by the sponsor or by the Director, for example to add or remove an activity type or treatment provided under WDPs.

The Director may **cancel** accreditation of a sponsor if they fail to comply with:

- their accreditation requirements or conditions
- a request for information or records by the Director
- any requirements under the *Infringements Act 2006*, the Act, other relevant legislation, or these guidelines.

## 8. Monitoring by the Director

The Director may monitor a sponsor to ensure they comply with:

- accreditation requirements
- record keeping requirements
- the requirements under the Act and these guidelines.

The Director can ask a sponsor to provide information on their participation in the WDP scheme, for example, records showing:

- that the person meets the WDP eligibility criteria
- the person's participation in the approved WDP activities or treatment, including activities or treatment completed with a third party
- that the sponsor meets their accreditation requirements and conditions.



## 9. Appendix 1: Work off rates

Activity	Work-off rate
Treatment by health practitioner*	6.6 penalty units per month
Drug and alcohol treatment by health practitioner*	
Counselling by social worker or occupational therapist under a mental health plan*	
Unpaid work	0.3 penalty units per hour
Courses, including educational, vocational or life skills courses	
Financial or other types of counselling	
Participation in a mentoring program (for an eligible person under the age of 25 years)	

NOTE: The work-off rates are expressed by reference to penalty units. The value of a penalty unit is set by the Department of Treasury and Finance and is updated on 1 July each year. The value of a penalty unit is listed at [dtf.vic.gov.au](http://dtf.vic.gov.au).

\*The monthly work off rate can only be recorded once in a calendar month irrespective of the number of treatment plans the person may have.



## 10. Appendix 2: Consent form



### INFORMATION STATEMENT/CONSENT FORM WORK AND DEVELOPMENT PERMIT

This consent form must be completed by an accredited agency or accredited health practitioner and the eligible person when applying for a Work and Development Permit (WDP). The accredited agency or accredited health practitioner must retain the completed consent form on record. The accredited agency or accredited health practitioner must be able to provide a copy of the completed form, if requested to do so by the Director, Fines Victoria.

#### What is this form?

This form provides consent for an eligible person to be subject to a WDP and to provide certain information.

#### Why is this form required?

The consent of an eligible person is required by law for an accredited agency or accredited health practitioner to apply for a WDP on the eligible person's behalf.

An eligible person must complete this form in order to be subject to a WDP.

An accredited agency or accredited health practitioner must obtain the completed and signed consent form when applying for a WDP on behalf of an eligible person and must retain it on record.

The Director, Fines Victoria may request a copy of the signed consent form.

#### Why is information being collected?

An accredited agency or accredited health practitioner and the Director, Fines Victoria need information about an eligible person to process an application for a WDP.

The *Fines Reform Act 2014* establishes WDPs. The Director, Fines Victoria is authorised to collect and share an eligible person's information (including health and sensitive information), pursuant to the *Fines Reform Act 2014* and the WDP guidelines made by the Attorney-General.

#### Who is the Director, Fines Victoria?

The Director, Fines Victoria is responsible for administering WDPs. The Director, Fines Victoria or the Director's delegate may carry out functions relating to a WDP.

The Department of Justice and Community Safety (DJCS) is the government department that is responsible for managing Victoria's infringement and enforcement systems. Fines Victoria is an administrative body within DJCS.

#### What does an accredited agency or accredited health practitioner do?

An accredited agency or accredited health practitioner is an organisation or health practitioner accredited by the Director, Fines Victoria. An accredited agency or accredited health practitioner may apply for a WDP on behalf of an eligible person and must supervise an eligible person undertaking a WDP.

#### With whom may relevant information be shared?

Relevant information about an eligible person may be collected and shared by:

- the Director, Fines Victoria
- an accredited agency or accredited health practitioner
- an organisation or individual to which an accredited agency or accredited health practitioner has referred an eligible person to undertake WDP activities, and
- an enforcement agency<sup>1</sup>.

#### How will information be used?

Relevant information will only be collected and shared where it is necessary to process an application for a WDP or to administer a WDP.

#### What are the rights of an eligible person?

An eligible person may request access to information that the Director, Fines Victoria has collected about the eligible person. An eligible person may access this information:

- by contacting the Director, Fines Victoria
- by contacting the DJCS Information and Privacy Unit, or
- under the *Freedom of Information Act 1982*, where necessary.

#### Further information

The DJCS Information Privacy Policy is available at: [justice.vic.gov.au](http://justice.vic.gov.au)

For further information regarding this consent, contact the WDP Operations Team at 1300 323 483 or [wdp@justice.vic.gov.au](mailto:wdp@justice.vic.gov.au)

<sup>1</sup> An enforcement agency is an organisation that is empowered to deal with offending by issuing infringement notices. An enforcement agency may be, for example, a government agency, local council, educational body, health organisation or industry regulator.



# CONSENT TO BE SUBJECT TO A WORK AND DEVELOPMENT PERMIT

## Part A: Accredited agency or accredited health practitioner obtaining consent

Name of accredited agency or accredited health practitioner

Name of person completing this form on behalf of an accredited agency or an accredited health practitioner

Position

Email  Preferred contact number

Your signature  Date

## Part B: Person subject to a Work and Development Permit

Title  Date of birth

Family name

Given name(s)

**Current residential address**

Street address (include house, unit or apartment number)

Suburb/Town/City

State  Postcode  Country (if not Australia)

**Previous residential address (optional)**

Street address (include house, unit or apartment number)

Suburb/Town/City

State  Postcode  Country (if not Australia)

Email  Preferred contact number



**Part C: Payment arrangements**

Do you have a payment arrangement with Fines Victoria for any of the fines in this application? Yes  No

If yes, please note that if you pay your fines in full, they will no longer be eligible for the scheme. Would you like us to remove the relevant fines from your payment arrangement while we consider your application? Yes  No

If your application is not successful, would you like us to propose a new payment arrangement to include these fines again? Yes  No

**Please note:** If any of your fines are on a payment plan with an enforcement agency, you should contact them directly to cancel the plan. If you pay the fine in full, we cannot consider it in your application.

**Part D: Enforcement reviews**

Have you applied for an enforcement review for any of the fines you would like included in a Work and Development Permit? Yes  No

Would you like to remove the fines from the enforcement review application? Yes  No

**Please note:** Fines that are included in an enforcement review application cannot be included in a Work and Development Permit.

**Part E: Fines work orders and mutual obligation activities**

Are you undertaking unpaid work as part of a fines work order (for example, a community work permit, community based order, fine default unpaid community work order)? Yes  No

Are you obligated by another scheme to undertake an activity (for example, Centrelink has directed you to complete a specific activity)? Yes  No

**Please note:** Unpaid work you complete in a fines work order or activities you are obligated to complete through another scheme cannot be used to reduce the fines that are included in your work and development permit

**Part F: Consent of a person subject to a Work and Development Permit**

I consent to be subject to a Work and Development Permit.

I consent to include all my current and new eligible fines to my Work and Development Permit. Yes  No

If you select no, you will need to provide your consent again to include any new fines in your Work and Development Permit.

I authorise and consent to the information I provide in my application for a Work and Development Permit, and any other information (including health and sensitive information) I provide in relation to a WDP that is issued to me, or relevant information about me that is held by an enforcement agency or third party activity provider, to be collected and shared by:

- the Director, Fines Victoria
- an accredited agency or accredited health practitioner
- an organisation or individual to which an accredited agency or accredited health practitioner has referred me to undertake WDP activities, and
- an enforcement agency.

Your signature

Date



## 11. Appendix 3: Sponsor accreditation requirements

Accreditation type	Accreditation criteria	Required documents	Required information
<b>Health practitioner</b> (Accredited health practitioner)	Current registration with the Australian Health Practitioner Regulation Agency (AHPRA) as: <ul style="list-style-type: none"> <li>a medical practitioner</li> <li>a psychologist</li> <li>a nurse</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Name</li> <li>AHPRA registration number</li> <li>details of any outstanding complaints or notifications</li> <li>the address of the health practitioner's general practice (if seeking accreditation as part of a general practice)</li> </ul>
<b>Organisation</b> (Accredited agency)	<ul style="list-style-type: none"> <li>Capacity – the organisation has the financial and organisational capacity to carry out the functions of a sponsor as set out in these guidelines and supporting material issued by the Director, Fines Victoria</li> <li>Staff – the organisation has staff who are trained, qualified, or experienced to work with eligible persons or to provide the WDP activities that the organisation proposes to provide</li> <li>Working with Children Check – any person supervising an eligible person under 18 years of age must have valid Working with Children Check</li> <li>Insurance – the organisation has current public liability and other appropriate insurance covering proposed WDP activities (such as professional indemnity insurance)</li> <li>Complaints – the organisation has a complaints procedure</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of a current or recent contract service agreement with government</li> </ul> OR <ul style="list-style-type: none"> <li>Evidence of current accreditation under a recognised quality and compliance framework</li> </ul> OR <ul style="list-style-type: none"> <li>Certificate of currency of public liability and other relevant insurance such as professional indemnity insurance, and</li> <li>Most recent annual report, policies and procedures documents, or other documents that show that the organisation meets the objectives and capacity criteria, and</li> <li>Current registration:               <ul style="list-style-type: none"> <li>as an incorporated association with Consumer Affairs Victoria,</li> <li>with Australian Charities and Not-for-profits Commission (ACNC),</li> <li>with Australian Securities &amp; Investments Commission (ASIC) registration, or</li> <li>with the regulatory body of its field, such as TEQSA or ASQA.</li> </ul> </li> </ul>	<b>Information required from all organisations:</b> <ul style="list-style-type: none"> <li>typical client groups</li> <li>types of activities proposed to be provided under the WDP scheme</li> <li>contact person for the WDP scheme</li> <li>ABN.</li> </ul> <b>Information required only if not providing evidence of a contract service agreement with government or accreditation under a recognised quality and compliance framework:</b> Confirmation that the organisation has: <ul style="list-style-type: none"> <li>staff who are trained, qualified, or experienced to provide the types of activities that the organisation proposes to provide, or to supervise activities provided by a third party, and</li> <li>on record the Working with Children Checks for any person supervising an eligible person under 18 years of age, and</li> <li>a complaints procedure for clients.</li> </ul>