

Work and Development Permit Sponsor Handbook

Fines Victoria

Contents

PART 1: OVERVIEW	5
1 Purpose of document	6
2 Background and context	6
2.1 Victoria’s infringement system	6
2.2 The infringement lifecycle	7
2.3 Work and Development Permits	8
2.4 Other options for dealing with an infringement	8
3 Definitions.....	10
PART 2: SPONSOR ACCREDITATION	12
4 The role and responsibilities of a sponsor	13
5 Who can be a sponsor?	13
6 Requirements when applying for accreditation.....	14
6.1 Accreditation requirements for an organisation	14
6.1.1 Common requirements for all organisations applying for accreditation	14
6.1.2 Additional requirements for particular types of organisation	15
7 Applying for accreditation	16
8 Conditions of accreditation	16
8.1 Maintaining your accreditation	16
8.2 Annual accreditation review	17
9 Surrender, cancellation or varying accreditation	17
9.1 Surrender of accreditation by a sponsor.....	17
9.2 Cancellation of accreditation by the Director, Fines Victoria	17
9.3 Varying accreditation	17
10 Third party activity providers	18
10.1 Nominating a third party activity provider	18
11 Conflict of interest	19
12 Allegations of misconduct	19
PART 3: APPLYING FOR AND MANAGING A WDP	20
13 People who are eligible for a WDP	21
13.1 Mental disability, disorder or illness	21
13.2 Intellectual disability, disorder or illness	22
13.3 Addiction to drugs, alcohol or a volatile substance.....	22
13.4 Homelessness	23
13.5 Acute financial hardship.....	24
13.5.1 Receipt of a social security payment	24
13.5.2 Low income test.....	25

13.5.3	Extenuating circumstances	25
13.6	Victim of family violence	25
13.6.1	Family Violence Scheme	26
14	Fines that can and cannot be included in a WDP	26
14.2	The effect of including a fine on a WDP	27
14.3	High levels of fine debt	27
15	Activities that a person can undertake as part of a WDP	27
15.2	Unpaid work	28
15.3	Courses	28
15.4	Treatment given by an accredited health practitioner	28
15.5	Counselling	29
15.5.1	Drug and alcohol counselling	29
15.5.2	Financial counselling	29
15.5.3	Other counselling	29
15.6	Mentoring programs	29
16	Before applying for a WDP	30
16.1	Establishing your client's eligibility	30
16.2	Considering your client's suitability for a WDP	30
16.3	Considering the suitability and availability of activities	31
17	Applying for a WDP	31
17.1	Application process	31
17.2	Outcome of a WDP application	32
18	Work-off rates	32
19	Recording activities undertaken by your client	32
19.1	Case studies: activity recording	34
20	How a WDP can end	35
20.1	Work-off all the fines that are subject to the WDP	35
20.2	WDP reaches its end date	35
20.3	Cancellation of a WDP	35
20.3.1	A sponsor or client chooses to cancel a WDP	35
20.3.2	The Director, Fines Victoria cancels a WDP	35
20.3.3	Power of the Secretary to waive a fine in limited circumstances	36
21	Varying a WDP	36
21.1	Adding a fine to a WDP	36
21.2	Removing a fine from a WDP	37
21.3	Selecting and changing the end date of a WDP	37
21.4	Changing the supervisor of a WDP	37
21.4.1	Changing supervisor for a sponsor that is an organisation	38
21.4.2	Changing supervisor for a sponsor that is a health practitioner	38
21.5	Changing the activities associated with a WDP	38
22	Suspending a WDP	38
22.1	A sponsor applies to suspend a WDP	38
22.2	The Director, Fines Victoria chooses to suspend a WDP	39

PART 4: RECORD MANAGEMENT AND MONITORING	40
23 Record keeping requirements	41
24 Monitoring.....	41
Appendix 1 Information statement and consent form	43
Appendix 2 Further information	45

PART 1: OVERVIEW

1 Purpose of document

The purpose of the Sponsor Handbook is to provide guidance to sponsors who are part of the Work and Development Permit (WDP) scheme to understand their role and responsibilities under the scheme.

2 Background and context

The **Fines Reform Act 2014** (Fines Reform Act) establishes a new fines recovery model for the collection and enforcement of fines in Victoria.

The fines recovery model established by the Fines Reform Act includes measures to assist vulnerable and disadvantaged members of the community who may require additional options to deal with their fine debt. One of these measures is the WDP scheme, which allows eligible people to reduce their fine debt by participating in activities and treatment, under the supervision of a sponsor.

Sponsors have a very important role in the WDP scheme. A sponsor is an organisation or a health practitioner accredited by the Director, Fines Victoria to support the WDP scheme. A sponsor is responsible for applying for and managing a WDP on behalf of an eligible person (referred to as the sponsor's *client*). A sponsor is responsible for providing information to the Director, Fines Victoria and for meeting other requirements to help ensure the integrity and efficiency of the WDP scheme.

This **Sponsor Handbook** provides information on the way in which the WDP scheme operates and explains your role and responsibilities as a WDP sponsor. As a sponsor, it is important that you understand and comply with the requirements in the Sponsor Handbook.

Other important sources of information relating to the WDP scheme are the:

- **Fines Reform Act**, which establishes the legislative framework for the WDP scheme
- **WDP Guidelines**, are made by the Attorney-General and which include information, including requirements for sponsor accreditation, the eligibility requirements for a person to participate in the scheme, activities that a person can undertake as part of the scheme, and the work-off rates for these activities.

As a sponsor, it is also important that you understand and comply with requirements in the Fines Reform Act and the WDP Guidelines.

If you need more information about anything included in the Sponsor Handbook, or about the WDP scheme, contact the WDP Team on **1300 323 483** or **wdp@justice.vic.gov.au**.

2.1 Victoria's infringement system

Victoria's infringement system plays an important role in our community. It provides a way for a person who has committed low level offending to deal with the matter by paying an administrative penalty, without the need for a court hearing or a finding of guilt.

It is best for the community when all people are operating within the regulations and rules, and it is important that a proportionate punishment is available for those who do not comply. For many Victorians, infringement fines are the only contact that they will have with the criminal justice system. Infringement penalties allow for an efficient and relatively low-cost response to often high-volume, regular offending.

The infringement system promotes public safety and order by holding people accountable for behaviour that impacts on, or endangers, other community members, without resorting to potentially costly and time consuming court proceedings.

The **Infringements Act 2006** (Infringements Act) establishes a process for enforcement agencies to issue and enforce infringement notices. Infringement offences are prescribed in more than 60 statutes and are administered by a wide variety of enforcement agencies, including state and local government agencies, such as local councils, universities and hospitals.

Enforcement agencies issue infringement notices, sometimes called 'on the spot fines', for a range of offences including parking, traffic and public transport offences. Fixed penalties apply to offences to provide a person issued with an infringement notice the option of paying the fixed penalty, rather than having the matter determined in court. The value of a penalty unit is fixed by the Treasurer and usually increases on 1 July each year, in line with the Consumer Price Index.

The **Fines Reform Act** establishes a framework for dealing with unpaid fines. The Fines Reform Act establishes the position of the **Director, Fines Victoria**. The Director has an important role in Victoria's infringements system, and is responsible for the collection and enforcement of infringement fines that are registered with the Director by enforcement agencies. The Director, Fines Victoria is also responsible for administering the WDP scheme. The Director is supported by an administrative body called **Fines Victoria**, which is part of the **Department of Justice and Regulation**.

The **Sheriff of Victoria** also has an important role in the infringements system. The Sheriff is an officer of the Supreme Court of Victoria who is responsible for executing enforcement warrants.

The infringements system provides a simple and efficient means of dealing with matters involving lower-level offending and penalties, and that don't necessarily need to be determined in court.

Key features of Victoria's infringements system include:

- a common process for enforcement agencies to issue and enforce infringement notices
- the option for a person to elect to have an infringeable offence heard and determined in court¹
- the right for a person to have an infringement notice reviewed by the agency that issued the notice if the person think that there was a mistake of law or identity, or where special or exceptional circumstances may apply, or if the person was unaware of the infringement notice²
- recognition that people with special circumstances should not be dealt with through an automated enforcement process
- the option for a person who is experiencing financial hardship to apply for a payment plan or a payment arrangement
- strong enforcement measures against people who refuse to pay their fines.

If an infringement notice is paid, the payment expiates the offence. No further proceedings can be taken against the person in respect of the offence to which the infringement notice relates, and no conviction is recorded against the person. Payment of an infringement is not an admission of guilt.

2.2 The infringement lifecycle

Infringement notice

An **infringement notice** (or 'fine') is a form of punishment for breaking a law. An infringement notice is issued by an enforcement agency. An enforcement agency can issue an infringement notice to a person in several ways. For example, an infringement notice may be handed to a person (an 'on the spot' fine), attached to a vehicle windscreen or sent in the mail. If a person pays the fine or takes other action by the due date on an infringement notice, the infringement will not escalate to the next stage in the infringements process.

Penalty reminder notice

If a person does not pay or take other action to deal with the matter by the due date on the infringement notice, the enforcement agency will issue a **penalty reminder notice**. A penalty reminder notice requires that the person pay or take other action within 14 days. A penalty reminder notice carries a fee in addition to the fine.

Enforcement order notice

If a person who has received a penalty reminder notice does not pay or take other action by the due date on the penalty reminder notice, the enforcement agency may register the matter with the Director, Fines Victoria. The Director, Fines Victoria will issue a **notice of final demand**. If the person does not pay or take action within 21 days, the Director, Fines Victoria can use administrative sanctions to

¹ This option is not available for infringement offences under:

- Sections 89A to 89D of the *Road Safety Act 1986*
- Sections 215C of the *Transport Act 1983*
- Sections 61A and 61B of the *Marine Act 1988*

² This option is not available for the offences listed at footnote 1

encourage the person to pay, or to collect payment. The notice of final demand carries costs in addition to the fine.

Enforcement warrant

If a person who has received a notice of final demand does not pay or take action by the due date on the notice, the Director, Fines Victoria can apply to the Magistrates' Court to issue an **enforcement warrant** against the person. An enforcement warrant allows a **sheriff's officer** to take certain actions. For example, a warrant might direct a sheriff's officer to seize and sell a person's property so that a fine can be paid using the money generated by the sale. An enforcement warrant carries costs in addition to the fine.

Seven day notice

If a person does not pay or take action by the due date on the enforcement warrant, a sheriff's officer or a police officer may issue a **seven day notice**, advising that the person has seven days to take action to finalise the warrant. The seven day notice specifies what action the person must take to finalise the warrant and the consequences if the person fails to do so.

2.3 Work and Development Permits

The WDP scheme provides vulnerable and disadvantaged people with a non-financial option to address their fine debt. A WDP can help a person to take responsibility for, and deal with, their infringement fine debt in a practical and holistic way.

A WDP allows an eligible person to undertake activities and treatment, under the supervision of a sponsor. A sponsor is an organisation or a health practitioner accredited by the Director, Fines Victoria. A person's participation in activities and treatment converts to a monetary value, by reference to work-off rates, which reduces the person's fine debt. In this way, a WDP allows a person to reduce their fine debt by participating in activities and treatment, rather than by making payment.

A person's participation in a WDP is voluntary. A person undertaking a WDP has committed to participating in, and complying with the requirements of, the scheme. A person undertaking a WDP can choose to cancel the WDP at any time, and instead deal with the outstanding amount in another way, for example, by making a payment or entering into a payment arrangement.

The WDP scheme seeks to:

- help people to address and take responsibility for their fine debt in a planned and holistic way
- support people to engage with services that may help to address the underlying causes of disadvantage
- reduce the stress associated with infringement debt, by suspending enforcement activity for fines that are subject to a WDP
- provide sponsors with an additional tool to assist their clients.

While a person is undertaking a WDP, enforcement activity is suspended in relation to the person's fines that are subject to the WDP.

WDP is distinct from other schemes, such as a Community Corrections Order, which is ordered by a court; a Community Work Permit, which carries a penalty for non-compliance; or involuntary mental health treatment under the *Mental Health Act 2014*, which is involuntary.

Only a sponsor may apply for a WDP on behalf of an eligible person (the sponsor's *client*). The role of the sponsor is to supervise and support their client while they are undertaking a WDP. A sponsor will assist their client to plan the activities and treatment that the client will undertake. The sponsor will monitor and record their client's participation in activities and treatment. The sponsor will also manage their client's WDP, making changes and liaising with the WDP Operations Team when necessary.

A WDP is one of a number of options available to a person to deal with fine debt. A person should consider which option might be the most appropriate for their particular circumstances. If a person needs assistance in considering their options, the person should seek advice. A list of organisations that provide assistance to people with infringements is at **Appendix 2**.

2.4 Other options for dealing with an infringement

A WDP is one option available to deal with an infringement. There is a range of other options available, and a person should consider which option is the most appropriate, depending on the person's particular circumstances.

For example, when determining the best approach to deal with an infringement, a person should consider whether they:

- have capacity to pay the infringement, either up front or by instalments (for example, using Centrepay)
- would prefer to have the matter determined by a magistrate in court
- have grounds on which to seek a review (for example, an internal review by an enforcement agency, or enforcement review by the Director, Fines Victoria)
- are eligible to apply to have a fine withdrawn under the Family Violence Scheme.

Some of the options available to deal with an infringement are summarised below. More information on these options is available at: www.fines.vic.gov.au

If a person is unsure of the best option to deal with the person's fines, the person should seek assistance or legal advice. A list of organisations that can provide assistance to people with infringements is at **Appendix 2**.

Payment

A person can pay an infringement at any stage. An infringement notice outlines the ways in which a person can pay the infringement. A person may be able to pay online, by post, in person, or over the phone.

Payment plan

A person may be able to apply to an enforcement agency for a payment plan. A payment plan is an agreement with an enforcement agency that gives the person extra time to pay a fine, or that allows the person to pay the fine by instalments

Payment arrangement

A person may be able to apply to the Director, Fines Victoria for a payment arrangement. A payment arrangement gives a person more time to pay or allows the person to pay by instalments. A person can apply to consolidate multiple fines into a single payment arrangement, including fines at different stages of the infringement lifecycle, fines issued by different enforcement agencies, and court fines.

If a person has a fine that is at infringement stage (that is, a fine that is still being managed by an enforcement agency), a person can ask the enforcement agency to refer the fine to the Director, Fines Victoria to include in a payment arrangement.

Internal review

A person may be able to apply to an enforcement agency to review its decision to serve an infringement notice if the person believes that:

- the decision was contrary to law or involved a mistake of identity
- special circumstances³ apply
- exceptional circumstances apply
- the person was unaware that the notice was served.

A person cannot apply for internal review for drink or drug driving, or excessive speed offences.

Enforcement review

A person may be able to apply to the Director, Fines Victoria to review the decision to enforce an infringement if the person believes that:

- the decision was contrary to law or involved a mistake of identity
- special circumstances⁴ apply
- exceptional circumstances apply
- the person was unaware that the notice was served.

A person cannot apply for enforcement review for drink or drug driving, or excessive speed offences.

³ *Special circumstances* for the purpose of internal review are defined at section 3 of the *Infringements Act*.

⁴ *Special circumstances* for the purpose of enforcement review are defined at section 3 of the *Infringements Act*.

Nominate the driver who committed the offence (for a motor vehicle offence)

If a person has been issued an infringement for a motor vehicle offence, but was not driving the vehicle at the time of the offence, the person can nominate the person who was the driver. The fine will then be withdrawn and issued to the person responsible. It is important to nominate the driver responsible before the due date on the fine to avoid additional fees and escalation of the matter.

If a person is experiencing family violence and has concerns about nominating a driver who is a perpetrator of family violence, the person may be able to access the Family Violence Scheme to have the fines withdrawn. For more information, contact the Family Violence Scheme unit on 1300 019 983.

Elect to go to court

If a person does not want an offence dealt with as an infringement penalty, the person may elect to have a matter referred to the Magistrates' Court (or the Children's Court if the person is under 18 years of age) to be determined at a formal hearing. A person can only elect to have a matter referred to court before the matter is registered with the Director, Fines Victoria.

3 Definitions

Term	Definition
Accredited agency	An accredited agency is an organisation that has been accredited by the Director, Fines Victoria to participate in the WDP scheme as a sponsor.
Accredited health practitioner	An accredited health practitioner is a health practitioner (medical practitioner, nurse or psychologist) who has been accredited by the Director, Fines Victoria to participate in the WDP scheme as a sponsor.
Attorney-General	The Attorney-General is the Minister responsible for the Infringements Act and the Fines Reform Act, and for general oversight of the infringements system.
Client	Your client is an eligible person on whose behalf you apply for a WDP, or who is undertaking a WDP under your supervision
Court fine	A court fine is a fine imposed by a court.
Department of Justice and Regulation	The Department of Justice and Regulation supports the Attorney-General and the government in the administration of the Infringements Act, the Fines Reform Act and the infringements system.
Director, Fines Victoria	The Director, Fines Victoria is a statutory position, established by the Fines Reform Act. The Director, Fines Victoria has a broad range of powers and responsibilities relating to the collection and enforcement of infringement fines and court fines. The Director, Fines Victoria administers and oversees the WDP scheme. The Director, Fines Victoria is supported by Fines Victoria.
Eligible person	An eligible person is a person who is eligible for a WDP. <i>Eligible person</i> is defined at section 3 of the Fines Reform Act to mean a person: <ol style="list-style-type: none"> (a) served with an infringement notice; and (b) who— <ol style="list-style-type: none"> (i) has a mental or intellectual disability, disorder or illness; or (ii) has an addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the <i>Drugs, Poisons and Controlled Substances Act 1981</i>; or (iii) is experiencing homelessness in accordance with the prescribed criteria (if any); or (iv) is experiencing acute financial hardship; or (v) is the victim of family violence within the meaning of section 5 of the <i>Family Violence Protection Act 2008</i>.

Term	Definition
Enforcement review	A person can apply to the Director, Fines Victoria to conduct an enforcement review of the decision to enforce a fine. An enforcement review is only available on certain grounds.
Family Violence Scheme	The Family Violence Scheme assists victim survivors of family violence who have been issued fines. More information is available at 13.6.1
Fines Reform Act 2014	The Fines Reform Act provides consistent and efficient processes for the collection and enforcement of court and infringement fines, including sanctions and payment options. The Fines Reform Act provides for the role of the Director, Fines Victoria. The Fines Reform Act is supported by the Fines Reform Regulations 2017.
Fines Victoria	Fines Victoria is an administrative body that supports the Director, Fines Victoria. Fines Victoria provides a single point of contact for people to deal with their fines. The WDP Team is part of Fines Victoria.
Infringements Act 2006	The Infringements Act provides the framework for issuing, serving and enforcing infringement notices in Victoria. The Infringements Act is supported by the Infringements Regulations 2016.
Infringement fine	An infringement fine is a fine issued by an enforcement agency.
Internal review	A person can apply to an enforcement agency to conduct an internal review of the decision to issue a fine. An internal review is only available on certain grounds.
Payment arrangement	A payment arrangement is an arrangement with the Director, Fines Victoria that allows a person more time to pay a fine, or to pay by instalments
Payment plan	A payment plan is an agreement with an enforcement agency that allows a person more time to pay a fine, or to pay by instalments
Sheriff of Victoria	The Sheriff of Victoria is an officer of the Supreme Court of Victoria who is responsible for enforcing infringement warrants.
Sheriff's officer	A sheriff's officer is an officer of the Supreme Court of Victoria who has been directed by the Sheriff of Victoria to enforce warrants. Sheriff's officers carry out functions, including serving notices and seizing property.
Sponsor	A sponsor is an organisation or a health practitioner accredited by the Director, Fines Victoria to participate in the WDP scheme. A sponsor can apply for a WDP on behalf of an eligible person and must supervise a person on a WDP. The legislation refers to a sponsor as an accredited agency or an accredited health practitioner.
Third-party activity provider	A third-party activity provider is a third party nominated by a sponsor to provide activities to a person undertaking a WDP under the supervision of that sponsor. More information on third party activity providers, including the process for nominating a third party, is at 10.
WDP guidelines	The guidelines made by the Attorney-General that provide certain information about the WDP scheme, including information on accreditation, eligibility and work-off rates. A copy of the WDP guidelines is available at www.fines.vic.gov.au/wdp
Work-off rate	A work-off rate is the rate at which participation in certain activities and treatment will satisfy a person's infringement debt. Work-off rates are set by the Attorney-General in the WDP guidelines. More information on work-off rates is at 18.

PART 2: SPONSOR ACCREDITATION

4 The role and responsibilities of a sponsor

A sponsor is an organisation or a health practitioner that supports a person to undertake a WDP. When an organisation is accredited, it becomes an *accredited agency*. When a health practitioner is accredited, the person becomes an *accredited health practitioner*.

As a sponsor, you may apply for a WDP on behalf of an eligible person (your client), with that person's consent.

If your application for a WDP is approved, your client will be issued a WDP and can undertake activities in accordance with the WDP under your supervision.

As a sponsor, you are responsible for:

- assessing your client's eligibility for a WDP
- considering your client's suitability for a WDP
- applying for a WDP on behalf of your client
- supervising and supporting your client while they undertake a WDP
- monitoring and regularly recording your client's participation in WDP activities
- ensuring that any third-party to whom you refer your client to undertake activities meets the requirements of the scheme
- complying with record-keeping requirements
- providing information to the Director, Fines Victoria upon request
- ensuring that you continue to meet the requirements of accreditation (for example, that you maintain appropriate insurance and have trained, qualified and experienced staff)
- advising the Director, Fines Victoria of any change in circumstances that might affect your capacity to participate in the scheme.

Before you can participate in the scheme as a sponsor, you must be **accredited**. Accreditation is the process by which the Director, Fines Victoria approves an organisation or a health practitioner to participate in the WDP scheme.

To become accredited to participate in the WDP scheme, you will need to provide information about you or your organisation and confirm that you or your organisation meet certain requirements.

If you apply for accreditation, the Director, Fines Victoria will assess your application to consider whether you have provided all the necessary information and whether you meet the necessary requirements.

5 Who can be a sponsor?

A sponsor can be an organisation or a health practitioner.

An **organisation** that may apply for accreditation includes a:

- non-profit organisation
- government agency and statutory body
- general practice⁵
- for-profit organisation (in limited circumstances).

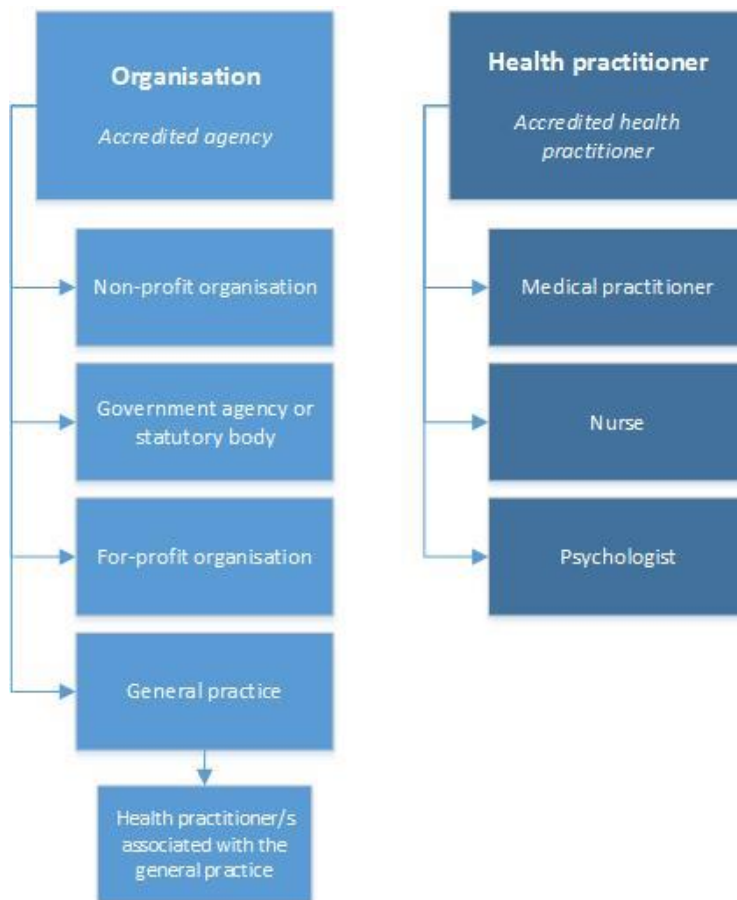
A **health practitioner** who may apply for accreditation includes a:

- medical practitioner
- nurse
- psychologist.

⁵ For the purposes of the WDP scheme, a general practice is a general practice that is accredited against the Royal Australian College of General Practitioner (RACGP) Standards

Interstate organisations may apply to be accredited to participate in the WDP scheme. To seek accreditation, interstate organisations must meet the same criteria as organisations based within Victoria.

Diagram 1: Sponsor types



6 Requirements when applying for accreditation

To be accredited, you must apply to the Director, Fines Victoria.

Before applying to become accredited, you should contact the WDP Team to ensure that you have all the information that you require and that you understand the requirements of the scheme.

As part of the application for accreditation, you will need to provide certain information. The information that you need to provide will depend on the nature of your organisation, or if you are a health practitioner. This section outlines the requirements when applying for accreditation.

6.1 Accreditation requirements for an organisation

6.1.1 Common requirements for all organisations applying for accreditation

To apply for accreditation, all organisations must provide:

- details of the client groups with which the organisation works (for example, people experiencing homelessness, people with a drug or alcohol addiction, young people)
- details of the types of activities the organisation proposes to provide under the scheme (for example, unpaid work, courses, counselling, mentoring)
- confirmation that the organisation has staff who are trained, qualified or experienced to provide the types of activities that the organisation proposes to provide
- the name and contact details of the organisation's key contact person for the WDP scheme
- the organisation's ABN

- evidence of insurance cover (for example, a certificate of currency for public liability insurance or professional indemnity insurance)
- confirmation that the organisation has a complaints procedure
- evidence that any person who will be responsible for supervising an eligible person who is under 18 years of age has passed and has a current Working with Children Check.

6.1.2 Additional requirements for particular types of organisation

In addition to the common requirements for all organisations, outlined above, there are additional requirements for certain types of organisations applying for accreditation.

Non-profit organisation

In addition to the requirements set out at 6.1.1, a **non-profit organisation** applying for accreditation must demonstrate a capacity to work with government to deliver services and to comply with the terms of contract service agreements. Evidence to demonstrate this might include, for example, details of a recent contract service agreement with government, evidence of compliance with that agreement, evidence of renewal of a funding agreement or evidence of audit outcomes.

For-profit organisation

In addition to the requirements set out at 6.1.1, a **for-profit organisation** applying for accreditation must provide:

- evidence of the organisation's objectives, governance and funding, and demonstrate how the objectives are consistent with those of the WDP scheme
- details of any past contract service agreements with government and, if available, evidence of compliance with those agreements (for example, evidence of renewal of a funding agreement or audit outcomes).

General practice

In addition to the requirements set out at 6.1.1, a **general practice** applying for accreditation must provide:

- evidence of its accreditation against the Royal Australian College of General Practitioner Standards
- the name and registration number of any health practitioner (medical practitioner, psychologist or nurse) who will be providing treatment under the scheme
- details of any outstanding complaints or notifications against any of its health practitioners who will be providing treatment under the scheme.

When a general practice is accredited as an accredited agency, any health practitioner listed as part of the application will also be considered for accreditation as an accredited health practitioner. This means that, when a general practice is accredited, it may have one or more accredited health practitioners associated with its accreditation. A general practice may find this useful because it will allow the general practice to offer the activity type, *treatment provided by a health practitioner*, to its WDP clients, if it chooses to do so. It may also be useful because it allows a general practice to seek accreditation for one or more of its health practitioners as part of a single application (without each health practitioner having to apply for accreditation individually).

Accreditation requirements for a health practitioner

Certain types of health practitioners may be accredited under the WDP scheme. A health practitioner who is eligible to be accredited includes a:

- **medical practitioner** registered under the Health Practitioner Regulation National Law to practice in the medical profession (other than as a student)
- **psychologist** registered under the Health Practitioner Regulation National Law to practice in the psychology profession (other than as a student)
- **nurse** registered under the Health Practitioner Regulation National Law to practice in the nursing and midwifery profession (other than as a midwife or as a student).

A health practitioner applying for accreditation must provide:

- the health practitioner's name and registration number

- evidence of the health practitioner's current professional indemnity insurance
- details of any outstanding complaints or notifications against the health practitioner
- confirmation that the health practitioner has a complaints procedure in place for eligible persons.

If a health practitioner seeks to be accredited as part of a general practice that is already accredited as an accredited agency, the application must also provide details of the general practice, including its name and address.

7 Applying for accreditation

To apply for accreditation as a WDP sponsor:

- in the first instance, you should contact the WDP Team to discuss your interest in the scheme and to ensure that you have all the information you need to understand the scheme and the responsibilities of a sponsor. To contact the WDP Team, call **1300 323 483**, or email wdp@justice.vic.gov.au
- once you have been in contact with the WDP Team, you will be able to apply online to become accredited. You will need to provide certain information as part of the application process, including, for example, information about the services you provide, your insurance cover and staff training.
- you will be advised of the outcome of your application. The WDP Team will contact you if more information is required to support your application.
- If your application is approved, you will receive further information, including login details for the WDP system. You can then access the WDP system to apply for, and manage, WDPs on behalf of eligible persons.

8 Conditions of accreditation

As a sponsor, there are certain conditions that apply to your accreditation, including that you:

- continue to meet the accreditation requirements
- report monthly on the participation of your WDP clients
- participate in an annual accreditation review
- only provide activities under the scheme that you are accredited to provide
- only refer a person to a third-party activity provider if you have nominated that provider as part of your accreditation.

8.1 Maintaining your accreditation

As a sponsor, you must continue to meet the accreditation requirements to maintain your accreditation. The Director, Fines Victoria can ask you to demonstrate that you meet the accreditation requirements.

For example, while accredited, a sponsor must:

- maintain appropriate insurance cover (for example, public liability insurance or professional indemnity insurance)
- continue to have appropriately trained, qualified or experienced staff
- keep records relating to the sponsor's accreditation and WDP clients (for more information, refer to Part 4: Record management and monitoring)
- maintain health practitioner registration (if the sponsor is a health practitioner)
- maintain accreditation against the RACGP Standards (if the sponsor is a general practice)

As a sponsor, you must not, under any circumstances, provide an activity under the scheme for which you do not have the appropriate insurance, trained, qualified or experienced staff or appropriate qualification or registration.

The Director, Fines Victoria has broad legislative monitoring powers to ensure that a sponsor continues to meet the requirements of accreditation and of the scheme more broadly. More information on the Director, Fines Victoria's monitoring function is at 24.

If there is a change in your circumstances that affects your ability to participate in the scheme, you must notify the Director, Fines Victoria as soon as practicable.

If you are an accredited health practitioner, you must advise the Director, Fines Victoria of any conditions, undertakings, reprimands, notifications or complaints against you since your accreditation. You may be required to demonstrate that these will not affect your suitability to be accredited or your ability to support a WDP.

8.2 Annual accreditation review

As a sponsor, you must participate in an annual review of your accreditation. As part of this process, you will be asked to:

- review details relating to your accreditation and confirm that this information is up to date, or provide updated information if necessary, including:
 - your contact details
 - the activities that you are accredited to provide to WDP clients
 - any health practitioners who provide treatment to WDP clients
 - any third-parties to which you refer WDP clients
- provide evidence of your insurance (for example, a certificate of currency for public liability insurance or professional indemnity insurance).

The WDP Operations Team will contact you when it is time to undertake your annual accreditation review and will notify you of the time frame in which you must complete the review.

If you fail to undertake the annual accreditation review within the required time frame, the Director, Fines Victoria may suspend your accreditation until you complete the review, or may cancel your accreditation.

9 Surrender, cancellation or varying accreditation

9.1 Surrender of accreditation by a sponsor

You may surrender your accreditation at any time by written notice to the Director, Fines Victoria. If you surrender your accreditation, you will no longer be able to participate in the WDP scheme.

The Director, Fines Victoria will advise any people who you were supervising that you have surrendered your accreditation.

If you want to surrender your accreditation, contact the WDP Team.

9.2 Cancellation of accreditation by the Director, Fines Victoria

The Director, Fines Victoria has a broad legislative power to cancel your accreditation if you fail to comply with the requirements of the scheme.⁶

For example, the Director, Fines Victoria might cancel your accreditation if you fail to comply with:

- record-keeping requirements
- a request to provide information
- the WDP guidelines
- any conditions of accreditation
- any requirements under the Infringements Act or the Fines Reform Act.

If the Director, Fines Victoria proposes to cancel your accreditation, the Director will advise you of the reasons for this proposal and you will have an opportunity to respond.

9.3 Varying accreditation

You can apply to vary certain conditions of your accreditation, including to add or remove:

⁶ Section 10K, Fines Reform Act
TRIM ID: CD/17/179715*

- an activity that you are accredited to provide
- a health practitioner who is associated with your accreditation (if you are a general practice)
- a third-party activity provider that is associated with your accreditation (for information on third-party activity providers, refer to 10).

If you want to apply to vary a condition of your accreditation, contact the WDP Operations Team.

If you apply to remove an activity, health practitioner or third party activity provider associated with your accreditation, you should consider whether this will affect any WDPs that you are currently supervising. For example, if you apply to remove an activity from your accreditation, you should consider whether you are providing that activity to a person under an active WDP, and if so, you should consider whether the person will be able to continue the WDP by undertaking another type of activity.

The Director, Fines Victoria can also choose to vary your accreditation if the Director considers that it is necessary to do so. For example, if you are unable to demonstrate that you have staff who are properly trained or qualified to provide a particular type of activity associated with your accreditation, the Director, Fines Victoria might remove that activity from your accreditation.

10 Third party activity providers

As a sponsor, while maintaining responsibility for supervising your client, you may refer your client to a third-party to undertake activities as part of the WDP. This may allow your client to undertake, for example, a broader range or a combination of activities as part of a WDP.

If you choose to refer your client to a third-party provider to undertake an activity as part of a WDP, you are responsible for ensuring that the third-party is suitable to provide the activity. For example, you will be responsible for ensuring that the third-party has appropriately qualified, trained or experienced staff and has appropriate insurance cover for the activity that it will be providing to your client.

If you choose to refer your client to a third-party activity provider, you will be responsible for monitoring and recording the activities that your client undertakes with that third-party. Information on activity recording is at 18.

10.1 Nominating a third party activity provider

If you want to be able to refer a client to a third-party activity provider to undertake activities as part of a WDP, you must nominate that third-party activity provider as part of your accreditation.

You can nominate a third-party activity provider when you apply for accreditation or you can nominate at a later time by varying your accreditation.

To nominate a third-party activity provider, you must provide certain information about the third-party and confirm that you are satisfied that the third-party meets certain requirements.

To nominate a third-party provider, you must provide:

- the name of the third-party
- the types of activities that the third party will provide under the scheme.

When nominating a third-party provider, you must confirm that:

- you are satisfied that the third-party:
 - has an ABN (if the third-party is an organisation)
 - is registered with AHPRA (if the third-party is a health practitioner)
 - is accredited against the RACGP Standards (if the third-party is a general practice)
 - has staff who are appropriately trained, qualified or experienced to provide the nominated activities
 - has appropriate insurance cover
 - has a complaints procedure
- that a working with children check has been passed by any person responsible for providing activities to an eligible person under the age of 18 years
- if requested by the Director, Fines Victoria, you can provide:
 - evidence demonstrating that a third-party meets these criteria, or

- the contact details of a person who is a representative of the third-party who can provide this evidence

As part of your annual accreditation review, you will be required to review the list of nominated third-party providers associated with your accreditation and confirm that the list is current or provide updated information. More information on the annual accreditation review is at 8.2.

You can apply to vary your accreditation to remove a third-party activity provider from your accreditation at any time. More information on applying to vary your accreditation is at 9.3.

11 Conflict of interest

A conflict of interest will arise if there is a conflict between your interests and your responsibilities under the scheme. A conflict of interest may be actual, perceived or potential.

You must advise the Director, Fines Victoria of any circumstance that may give rise to an actual, perceived or potential conflict of interest. If the Director considers that the circumstance constitutes a conflict, the Director may ask you how you proposes to manage the conflict. A WDP may proceed if the Director is satisfied that a conflict can be appropriately managed.

As a sponsor, you 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).

12 Allegations of misconduct

The Director, Fines Victoria will investigate allegations of misconduct and may take any steps that the Director considers appropriate, including suspension or cancellation of accreditation or referral to the police if there is a suggestion of illegal activity.

PART 3: APPLYING FOR AND MANAGING A WDP

13 People who are eligible for a WDP

A person is eligible for a WDP if the person:

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

To apply for a WDP on behalf of your client, you must be satisfied that that your client falls within one of these eligibility categories.⁷ You must obtain evidence demonstrating that your client is eligible under one of these categories. You do not need to provide this evidence to the WDP Team when you apply for a WDP, however, you must retain this evidence on record and be able to provide it if the Director, Fines Victoria asks you to do so. Information on record-keeping requirements is at 23.

This section provides more information about each of the eligibility categories and examples of some of the ways in which you can establish your client's eligibility under each category. As a sponsor, it is your responsibility to ensure that your client is eligible.

13.1 Mental disability, disorder or illness

Eligibility

Mental disability, disorder or illness means a diagnosed medical condition that is characterised by a disturbance of thought, mood, perception or memory.⁸ This may include:

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

Examples include, but are not limited to:

- alzheimer's disease
- bipolar disorder
- dementia
- depression and anxiety
- psychosis
- schizophrenia
- severe mood disorder.

Establishing eligibility

If your client is claiming eligibility for a WDP based on a mental disability, disorder or illness, evidence might include a letter or other documentation from:

- the person's treating doctor, psychiatrist, registered psychologist or mental health nurse
- a government agency or non-government organisation with professionals who are qualified to make mental health assessments

⁷ To be eligible for a WDP, a person need only fall within one of the eligibility categories. Unlike establishing special circumstances for the purpose of internal review or enforcement review, under the WDP scheme, it is not a requirement that the person's circumstances resulted in the person being unable to understand that their conduct constituted an offence, or being unable to control the conduct that constituted the offence.

⁸ In accordance with section 4 of the *Mental Health Act 2014* and the definition of *disability* in the *Disability Discrimination Act 1992 (Cth)*

- Centrelink, if the person is in receipt of a disability pension.

The supporting documentation should be no older than **12 months** from the date of the WDP application and should confirm that the person has a mental disability, disorder or illness.

13.2 Intellectual disability, disorder or illness

Eligibility

Intellectual disability, disorder or illness means a disorder or malfunction that results in a person learning differently to a person without the disorder or malfunction.⁹ This includes:

- the coexistence of significant sub-average general intellectual functioning and significant deficits in adaptive behaviour, which became manifest before the age of 18 years, or
- 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.

Examples of cognitive or intellectual disability include, but are not limited to:

- motor neurone disease
- Parkinson's disease
- stroke
- Huntington's disease
- acquired brain injury.

Establishing eligibility

If your client is claiming eligibility based on intellectual disability, disorder or illness, evidence might include:

- if the person is in receipt of a full or partial disability pension, a Job Capacity Assessment or other report from Centrelink describing the person's disability or impairment
- a letter or other documentation, describing the person's disability or impairment, from:
 - the person's general practitioner
 - the person's school teacher or principal, or an officer in the Department of Education and Training
 - a government agency or non-government organisation with experience working with people with intellectual disabilities or cognitive impairments
- a declaration of eligibility for intellectual disability services from the Department of Health and Human Services.

As an intellectual disability, disorder or illness is likely to be permanent, there is no requirement regarding the age of supporting documentation for establishing eligibility under this ground.

13.3 Addiction to drugs, alcohol or a volatile substance

Eligibility

A person is considered to have an addiction to drugs, alcohol or a volatile substance if the 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:
 - a need for markedly increased amounts of the substance to achieve intoxication or the desired effect

⁹ In accordance with the definitions of *disability* and *intellectual disability* in section 3 of the *Disability Act 2006* and the *Disability Discrimination Act 1992 (Cth)*

- markedly diminished effect with continued use of the same amount of the substance
- withdrawal, as manifested by:
 - the characteristic withdrawal syndrome for the substance
 - 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; or
- 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).¹⁰

A volatile substance includes plastic solvent, adhesive cement, cleaning agent, glue, nail polish remover, lighter fluid, gasoline, any other volatile product derived from petroleum, paint thinner, lacquer thinner, aerosol propellant, or anaesthetic gas; or any substance declared volatile by the Governor in Council from time to time in relation to drugs, alcohol or volatile substances.¹¹

Establishing eligibility

If your client is claiming eligibility on the basis of addiction to drugs, alcohol or a volatile substance, evidence might include a letter or other documentation from one of the following:

- the person's treating doctor, psychiatrist, registered psychologist, nurse working in the field of drug and alcohol addiction, or social worker
- drug and alcohol case worker or counsellor
- youth service case worker or counsellor
- residential rehabilitation service provider
- a government agency or non-government organisation with experience working with people with serious addiction to drugs, alcohol or volatile substances.

The supporting documentation should be no older than **12 months** from the date of the WDP application and should confirm that the person has an addiction to drugs, alcohol or a volatile substance.

13.4 Homelessness

Eligibility

A person is considered to be 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 Act 1994 (Cth)*
- has inadequate access to safe and secure housing.

A person is taken to have inadequate access to safe and secure housing if the only housing to which the person has access:

- damages, or is likely to damage, the person's health

¹⁰ Based on the definition of substance dependence in American Psychiatric Association, the *Diagnostic and Statistical Manual of Mental Disorders: DSM-IV*, 4th edition, Washington D.C. (2000)

¹¹ Section 57 of the *Drugs, Poisons and Controlled Substances Act 1981*

- threatens the person's safety
- marginalises the person through failing to provide access to:
 - adequate personal amenities; or
 - the economic and social supports that a home normally affords; or
- places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.¹²

Examples where a person may be considered homeless are where a person is:

- without conventional accommodation, for instance, sleeping in parks or on the street, squatting, living in cars or in improvised dwellings
- 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 domestic violence, unsafe living conditions or inability to afford other housing
- living in a caravan park due to their inability to access other accommodation
- living in boarding houses on a medium to long-term basis.

Establishing eligibility

Where your client is claiming eligibility on the grounds of homelessness, evidence might include a letter or other documentation from:

- the person's lawyer, specialist service provider or case worker
- a government agency or non-government organisation with experience working with people experiencing homelessness.

The supporting documentation should be no older than **12 months** from the date of the WDP application and should confirm that the person is experiencing homelessness.

13.5 Acute financial hardship

A person is considered to be experiencing acute financial hardship if the person:

- is in receipt of a **social security payment** listed below; or
- satisfies the **low income test**, outlined below.¹³

13.5.1 Receipt of a social security payment

Eligibility

A person is considered to be experiencing acute financial hardship if the person is a recipient of:

- Newstart allowance
- Youth allowance
- Parenting payment
- Disability pension
- Carer's payment
- Sickness allowance
- Age pension
- Department of Veterans Affairs benefits.

¹² Section 4 of the *Supported Accommodation Assistance Act 1994 (Cth)*

¹³ The definition of *acute financial hardship* in the WDP scheme applies only in the context of this scheme. It is not intended to apply to, or affect definitions in, any other scheme.

13.5.2 Low income test

Eligibility

A person who is not in receipt of 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.¹⁴

The current income limit for a Low Income Health Care Card is located at: www.humanservices.gov.au

Establishing eligibility

If your client is claiming eligibility on the grounds of acute financial hardship on the basis of the low income test, you must be able to provide documentary evidence dated within **three months** from the date of the application that the person satisfies the low income test. This might include, for example, payslips and bank statements.

13.5.3 Extenuating circumstances

Eligibility

If a person is neither in receipt of a social security payment nor satisfies the low income test, but you consider that the person is experiencing acute financial hardship due to other extenuating circumstances, you may apply for a WDP on the basis of these extenuating circumstances.

Establishing eligibility

If your client is claiming eligibility on the grounds of acute financial hardship on the basis of extenuating circumstances, you must be able to provide documentary evidence, dated within three months of the date of the application, of the extenuating circumstances experienced by your client. This evidence should demonstrate or confirm that your client is experiencing acute financial hardship on the basis of extenuating circumstances. This might include, for example, a letter or other documentation from a case worker or financial counsellor.

13.6 Victim of family violence

Eligibility

A person who is the victim of family violence within the meaning of section 5 of the *Family Violence Protection Act 2008* is an eligible person. Section 5 of the Family Violence Protection Act defines *family violence* as:

- 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; or
 - 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; or
- 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

¹⁴ For clarity, to satisfy the low income test, a person does not need to hold a Low Income Health Care Card, but need only have a gross income below the weekly income limit that allows a person to qualify for that card.

- 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, and
- coercing a family member to relinquish control over assets and income.

Establishing eligibility

If your client is claiming eligibility on the grounds of family violence, you must be able to provide evidence, dated within **12 months** of the date of the application, demonstrating that your client is a victim of family violence. This might include, for example, a letter, report, medical report, statement, court order (for example, a Family Violence Intervention Order) from:

- a health practitioner (including a general practitioner, psychologist, psychiatrist or registered occupational therapist)
- a financial counsellor
- a case worker or social worker (such as a specialist family violence case worker)
- a school principal or school welfare coordinator
- another appropriately qualified person.

13.6.1 Family Violence Scheme

A new family violence scheme commenced on 31 December 2017 and is available to assist victim survivors of family violence who have been issued fines. The scheme is available to victim survivors who unfairly incur fines as the result of a perpetrator using their vehicle. It is also available to victim survivors who incur fines as a result of their own offending that was substantially contributed to by their experience of family violence – such as fleeing unsafe circumstances.

The family violence scheme allows eligible applicants to have the relevant fines withdrawn without naming the perpetrator, ensuring the debts do not contribute to the cycle of violence.

The scheme is administered by specialist trained staff within Fines Victoria.

More information is available from the Family Violence Scheme unit, on 1300 019 983.

14 Fines that can and cannot be included in a WDP

Only certain types of fines can be included in a WDP.

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

Fines that cannot be included in a WDP

A fine **cannot** be included in a WDP if:

- the fine has been paid
- a seven day notice has been served in relation to the fine and the seven day notice period has expired or been waived
- a sheriff's officer has seized property under a vehicle seizure and sale notice
- the Director, Fines Victoria has made an attachment of earnings direction or an attachment of debts direction
- a land charge has been recorded
- the fine is a court fine
- the fine is subject to a payment plan or payment arrangement
- the fine is subject to a pending application for internal review or enforcement review
- the fine is subject to a nomination process (for a driver-related offence)

It may be possible to include a fine in a WDP if the fine ceases to be subject to one of these processes. For example, it may be possible to include a fine in a WDP if:

- it is removed from a payment plan or payment arrangement
- an application for internal review or enforcement review is withdrawn, or if the application is determined and the fine remains outstanding.

14.2 The effect of including a fine on a WDP

When you apply for a WDP, any enforcement action in relation to your client's fines that form part of the application will be suspended until the application is determined.¹⁵

If the application is approved, enforcement activity will remain suspended on the fines that are subject to the WDP until the WDP is completed or cancelled.¹⁶

If the application is not approved, enforcement activity may resume in relation to your client's fines.

When applying for a WDP, a person is not denying liability for the offence. Rather, the person is submitting that, because of their circumstances, the person is unable to pay their infringement fines.

If your client has a fine for a vehicle-related offence that attracts demerit points, demerit points will be applied against your client when you apply to include that fine in a WDP, if the demerit points have not already been applied.

14.3 High levels of fine debt

As a sponsor, it is your decision whether to apply for a WDP on behalf of your client, taking into account your client's circumstances, including your client's level of fine debt.

Your client does not need to work-off all of the fines that are subject to a WDP. While some people undertaking a WDP will work-off all of the fines that are subject to a WDP, other people will only work-off some of the fines that are subject to a WDP. A WDP may still provide benefits to people who only work off some of the fines that are subject to a WDP, as a WDP will:

- allow the person to reduce the person's outstanding fine debt
- support the person to engage with activities and treatment
- suspend enforcement activity for the fines that are subject to the WDP, for the duration of the WDP.

If your client has a high level of fine debt, your client might benefit from undertaking a WDP to work-off some of their fines and then be in a better position to deal with the outstanding amount when the WDP ends. Alternatively, if your client has a high level of fine debt, your client might consider that another option is more appropriate. For example, a person with a high level of fine debt might consider whether to:

- apply for a payment arrangement or Centrepay arrangement in conjunction with, or instead of, a WDP
- apply for internal review or enforcement review
- elect to have a matter determined by a Magistrate.

If your client has a high level of fine debt, you should also consider your capacity to supervise and provide activities to the person for the duration of the WDP.

15 Activities that a person can undertake as part of a WDP

The activities that a person can undertake as part of a WDP are:

- unpaid work
- courses, including educational, vocational and life skills courses
- treatment provided by an accredited health practitioner

¹⁵ Section 10B(5), Fines Reform Act

¹⁶ Section 10D(1), Fines Reform Act

- counselling, including financial counselling and drug and alcohol counselling
- participating in a mentoring program, for a person under the age of 25 years.¹⁷

More information about these activity types is set out below.

A person can undertake one or more of these activities as part of a WDP.

As a sponsor, it is your responsibility to determine which activities are appropriate for your client. When deciding this, you should consider your client's circumstances, capabilities and commitment to undertaking an activity. You are responsible for arranging for your client to undertake an activity.

You may provide an activity yourself, or you may choose to refer your client to a third-party activity provider to undertake an activity. If you would like to refer your client to a third-party activity provider, you must nominate that third-party as part of your WDP accreditation. More information on referring a person to a third-party is available at 10.

Activities that a person cannot undertake as part of a WDP

Certain activities cannot be undertaken as part of a WDP, including:

- activities that are ordered by a court
- mutual obligation activities required for the purposes of Centrelink benefits
- attendance at school during normal school hours for children of compulsory school age.

15.2 Unpaid work

Examples of unpaid work include, but are 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 and you must be able to demonstrate this, if requested. For example, a person must have passed a Working with Children Check to undertake property maintenance on school grounds.

15.3 Courses

Courses that a person can undertake as part of a WDP include educational, vocational and 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.

A course that can be categorised as more than one type of course is regarded as a single course for the purpose of the WDP scheme. For example, a course that is both educational and vocational is regarded as one course.

15.4 Treatment given by an accredited health practitioner

This activity type includes treatment that is given by a health practitioner who is accredited under the WDP scheme. It may include pharmacology and face-to-face sessions with the health practitioner. Treatment must be undertaken in accordance with the health practitioner's treatment plan. Drug and alcohol treatment that is supervised by a health practitioner who is accredited under the WDP scheme falls under this activity category.

¹⁷ Section 27A, *Infringements Act*
TRIM ID: CD/17/179715*

Drug and alcohol treatment or services that are provided by a person who is not a health practitioner accredited under the WDP scheme falls under the activity type *drug and alcohol counselling*. More information on drug and alcohol counselling is included below.

15.5 Counselling

Counselling is a professional activity that utilises an interpersonal relationship to enable people to develop self-understanding and to make changes in their lives. Counselling enables individuals to obtain assistance in exploring and resolving issues of an interpersonal, intrapsychic, or personal nature and may involve intervening with current problems, immediate crises, or long-term difficulties. A client's attendance at case management meetings with a social worker or other case worker can be counted as counselling for the purposes of a WDP.

15.5.1 Drug and alcohol counselling

Drug and alcohol counselling aims to assist people overcome dependencies on, or misuse of, alcohol or other drugs. Drug or alcohol counselling 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
- engagement in health and mental health services.

15.5.2 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, and advocating on a client's behalf.

15.5.3 Other counselling

Other forms of counselling may be directed at improving a client's mental health or resolving emotional or behavioural issues. Counselling might take the form of family counselling, when a family undertakes counselling to improve communication and relationships, solve a problem or adjust to a new situation. Counselling may also include group counselling, such as family violence group sessions.

15.6 Mentoring programs

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

Mentoring aims to provide a structured and trusting relationship in which young people can receive guidance, support and encouragement. 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.

Mentoring programs can be designed to take into account the interests, needs and aspirations of participants. For example, 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.

16 Before applying for a WDP

There are certain things that you should take into account when considering whether to apply for a WDP, including:

- establishing your client's eligibility
- considering your client's suitability for a WDP and whether it is the most appropriate option
- considering the suitability and availability of activities.

16.1 Establishing your client's eligibility

As a sponsor, it is your responsibility to establish the eligibility of your client before applying for a WDP.

A person is eligible to apply for a WDP if the person:

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

Further information regarding ways to establish eligibility is at: 13. It is important that you obtain evidence establishing your client's eligibility before you apply for a WDP. You must keep this evidence on record. The Director, Fines Victoria can ask you to provide this evidence. You must not apply for a WDP unless you are satisfied and can demonstrate that your client is eligible.

To be eligible for a WDP, a person must meet one of the eligibility criteria above. Unlike eligibility for some other options within the infringements system (for example, internal review or enforcement review on the grounds of special circumstances), to be eligible for a WDP, a person does not need to demonstrate that their circumstances resulted in them being unable to understand that their conduct constituted an offence, or resulted in them being unable to control the conduct that constituted the offence.

This is because, if you apply for a WDP on behalf of you client, your client is not denying liability for the person's offending conduct. Rather, your client is submitting that, because of their circumstances, your client is unable to pay their infringement fines.

16.2 Considering your client's suitability for a WDP

If your client is eligible for a WDP, you and your client should also consider your client's suitability for a WDP – that is, you should consider whether a WDP is the right option for your client, with regard to your client's circumstances.

There is a range of options available to a person to deal with fines, and a WDP is only one of these. A summary of some of the options for dealing with an infringement is at 2.4. When considering the best option to deal with your client's infringements, you and your client should consider:

- your client's capacity to pay the infringement fine, either upfront or by instalments
- your client's commitment to undertake and comply with a WDP
- your client's capacity to participate in WDP activities, with regard to your client's needs, family obligations and overall personal situation
- whether you client has grounds to seek an internal review or enforcement review
- whether your client is disputing liability for the infringement and would like the matter decided by a magistrate

- whether your client should nominate another person if your client has incurred fines for vehicle-related offences, but your client was not the driver at the time of the offence
- whether your client is eligible to apply under the Family Violence Scheme to have fines withdrawn.

If your client is unsure of the best option, your client may wish to seek legal advice, or advice from an organisation that provides support for people with infringements. Appendix 2 provides the details of some of these organisations.

16.3 Considering the suitability and availability of activities

In considering whether to apply for a WDP, you should consider the suitability and availability of activities that your client may undertake as part of a WDP. The types of activities that a person can undertake as part of a WDP are listed at: 15

As a sponsor, it is your responsibility to ensure that the activities that your client commits to undertake are suitable and appropriate for your client, with reference to your client's circumstances, needs and capabilities.

You can provide activities directly to your client. You are also able to refer your client to a third-party to undertake activities, if you have nominated that third-party as part of your accreditation. Information on third-party activity providers is at: 10

17 Applying for a WDP

As a sponsor, you are responsible for applying for a WDP on behalf of your client. You should only apply for a WDP if you have established that your client is eligible for a WDP, you believe that your client is suitable for a WDP and there are suitable activities available for your client to undertake.

17.1 Application process

You can apply for a WDP using the WDP system.

The WDP application process is undertaken in two stages.

First stage of the application process

In the first stage of the application process, you will be asked to provide:

- your client's name and contact details
- the name of the person who will supervise your client's WDP
- an infringement number or obligation number for at least one of your client's fines (you don't need to provide the details of all of your client's fines)
- any other information that you think may help to identify your client's fines.

Once you have submitted this information, the WDP Team will seek to identify all of your client's fines. This will include searching for your client's fines on the Fines Victoria system. The WDP Team may also make contact with enforcement agencies if you have indicated that your client may have fines with those particular agencies.

The WDP Team will suspend enforcement activity in relation to your client's fines.

Second stage of the application process

In the second stage of the application process, you will be able to use the WDP system to see details of all of your client's fines that the WDP Team has been able to identify. The WDP system will indicate which of those fines can and cannot be included in a WDP, and the reasons why any fine cannot be included. More information on fines that can and cannot be included in a WDP is at 14.

Using the WDP system, you can then:

- select the fines that your client would like to include in the WDP application
- nominate the activities that your client proposes to undertake as part of the WDP
- nominate an end date for the WDP
- confirm that you have your client's consent to proceed with the application
- submit the application.

17.2 Outcome of a WDP application

The Director, Fines Victoria (or the Director's delegate) will then assess the WDP application and advise you of the outcome.

When assessing a WDP application, the Director, Fines Victoria will consider whether the application contains all of the required information, and whether you believe that your client is eligible for a WDP.

The Director, Fines Victoria may also consider other factors, including, but not limited to:

- the outstanding amount of your client's fines to which the application relates
- the proposed end date of the WDP
- whether your client has previously had a WDP, and if so, your client's compliance with the previous WDP.

18 Work-off rates

Work-off rates are the rates at which a person's participation in activities will reduce a person's infringement debt. The work-off rates are listed at **Table 1** below.

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 www.dtf.vic.gov.au.

From 1 July 2017 to 30 June 2018, the value of a penalty unit is \$158.57.

Table 1: Work-off rates

Activity	Work-off rate
Unpaid work	
Courses, including educational, vocational or life skills courses	Hourly rate
Financial or other types of counselling (excluding drug and alcohol counselling)	0.3 penalty units per hour
Participation in a mentoring program (for an eligible person under the age of 25 years)	
Treatment given by an accredited health practitioner	Monthly rate
Drug and alcohol counselling	6.6 penalty units per month

19 Recording activities undertaken by your client

You need to keep track of your client's participation in WDP activities, including activities that you provide to your client and any activities provided by a third party, if you have referred your client to a third party activity provider.

You must record your client's participation on a monthly basis using the WDP system. When you record your client's participation, your client's outstanding fine balance will be reduced to reflect the activities that your client has undertaken during the month.

From the beginning of each calendar month, you will be able to use the WDP system to record your client's participation in activities for the previous month.

For example:

From date	Use the WDP system to
1 February	record activities undertaken in January
1 March	record activities undertaken in February
1 April	record activities undertaken in March

To record your client's participation in activities, the WDP system will prompt you to record:

- the number of **hours** in the monthly reporting period that a person has participated in activities with an **hourly work-off rate**
- the number of **days** over the monthly reporting period that a person has participated in activities with a **monthly work-off rate**

When recording your client's participation, there are certain types of activities that you can record and other types of activities that you cannot record.

Activities that you **can record** include activities that:

- have been approved as part of your accreditation and your client's WDP
- your client has undertaken during the reporting period
- your client has undertaken 'face-to-face' with you or an activity provider
- that you have asked your client to undertake in their own time (i.e. not 'face-to-face' with you) and that you are satisfied that your client has undertaken (for example, activities that you asked your client to complete between sessions with you).

Activities that you **cannot record** include activities that:

- only you (but not your client) have undertaken (for example, work that you have undertaken on your client's behalf)
- your client was scheduled to, but did not, undertake
- your client is required to undertake for another scheme (for example, activities ordered by a court or required by Centrelink)
- were undertaken before a WDP application was approved.

It is important that you record your client's participation in accordance with these rules. The Director, Fines Victoria can ask you to provide evidence demonstrating the activities that you record. If you are unsure about whether you can record a particular type of activity, contact the WDP Team for guidance.

19.1 Case studies: activity recording

Case study 1

A client is undertaking **courses** and **mentoring** as part of a WDP. In the monthly reporting period, the client undertakes **10 hours** of courses and **four hours** of mentoring.

At the end of the monthly reporting period, the sponsor should record:

- courses: 10 hours
- mentoring: 4 hours

The following month, the client undertakes **12 hours** of courses, but does not undertake any mentoring. At the end of that monthly reporting period, the sponsor should record:

- courses: 12 hours
- mentoring: 0 hours

Case study 2

A client is undertaking **financial counselling** as part of a WDP. In the monthly reporting period, the client undertakes **six hours** of face-to-face sessions with their sponsor. The client has also undertaken **two hours** of activities that the sponsor asked the client to complete in their own time, between sessions. The sponsor is satisfied that the client has undertaken these activities as requested.

At the end of the monthly reporting period, the sponsor should record:

- counselling: eight hours (comprising the face-to-face sessions and activities undertaken in the client's own time)

Case study 3

A client is undertaking **drug and alcohol counselling** as part of a WDP. During the monthly reporting period, the client participates in a drug and alcohol counselling program that runs for **20 days**.

At the end of the monthly reporting period, the sponsor should record:

- drug and alcohol counselling: 20 days

Case study 4

A client is undertaking drug and alcohol counselling, financial counselling and mentoring as part of a WDP. During the monthly reporting period, the client participates in a drug and alcohol counselling program that runs for the entire month (30 days), and also undertakes four hours of financial counselling and three hours of mentoring.

At the end of the monthly reporting period, the sponsor should record:

- drug and alcohol counselling: 30 days
- counselling: 4 hours
- mentoring: 3 hours

Case study 5

A client is undertaking **treatment given by an accredited health practitioner** as part of a WDP. In the monthly reporting period, the client does not undertake any activity.

At the end of the monthly reporting period, the sponsor should record:

- treatment given by an accredited health practitioner : 0 days

20 How a WDP can end

A WDP can end if:

- a person works-off all of the fines that are subject to the WDP
- the WDP reaches its end date
- the WDP is cancelled.

This section provides more information on each of these scenarios.

This section also considers the power of the Secretary to waive a fine in limited circumstances.

20.1 Work-off all the fines that are subject to the WDP

As a person participates in WDP activities, the person's fine debt will be worked-off. If the person has multiple fines subject to the WDP, the fines will be worked-off one at a time, from the oldest fine to the most recent.

The WDP is completed if a person works-off all the fines that are subject to the WDP. If the WDP is completed, the person is no longer subject to the WDP and you will no longer be that person's sponsor for the purpose of that WDP.

A WDP will also be completed if a person removes a fine from a WDP and there are no fines remaining on the WDP. Information on removing a fine from a WDP is at 21.2.

20.2 WDP reaches its end date

When you apply for a WDP on behalf of a client, you must specify an end date for the WDP. The WDP will be completed upon that end date, even if the person has not worked-off all the fines that are subject to the WDP by that date.

If the WDP is completed because it has reached its end date and there are still fines outstanding, enforcement activity may resume in relation to those remaining fines 28 days after the end of the WDP. Your client should consider how to deal with those outstanding fines. For example, your client may wish to pay or enter into a payment arrangement for the outstanding amount.

You can apply to change the end date of a WDP, either to extend or shorten the end date. To change the end date of the WDP, you must apply to vary the WDP. Information on this process is at 21.

20.3 Cancellation of a WDP

20.3.1 A sponsor or client chooses to cancel a WDP

You or your client can choose to cancel a WDP at any time. You might decide to cancel a WDP, for example:

- if your client no longer wants to participate in the WDP
- if you are no longer able to supervise your client's WDP.

If you or your client choose to cancel a WDP, enforcement activity may resume in relation to any outstanding fines 28 days after the date of the cancellation. Your client should consider how to deal with those outstanding fines. For example, your client may wish to pay or enter into a payment arrangement for the outstanding amount.

20.3.2 The Director, Fines Victoria cancels a WDP

The Director, Fines Victoria can cancel a WDP if the Director considers that it is appropriate to do so. For example, the Director might cancel a WDP if:

- your client is not complying with the requirements of the WDP (for example, if your client stops participating in activities)
- you are unable to demonstrate that your client is eligible for a WDP
- the Director considers that your client 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 your

client continues to incur tolling fines and it appears that your client is using the WDP to avoid liability for tolling requirements).

If the Director, Fines Victoria chooses to cancel a WDP, enforcement activity may resume on any outstanding fines 28 days from the date of cancellation. Your client should consider how to deal with those outstanding fines. For example, your client may wish to pay or enter into a payment arrangement for the outstanding amount.

20.3.3 Power of the Secretary to waive a fine in limited circumstances

The Director, Fines Victoria can recommend that the Secretary, Department of Justice and Regulation waive the payment of a fine that is, or was, subject to a WDP in limited circumstances. The Director can only recommend that the Secretary waive a fine if:

- collection of the outstanding amount is no longer feasible; and
- the person has complied with, or attempted to comply with, the WDP.

The Director may recommend that the Secretary waive a fine in limited circumstances to ensure that a person is not disadvantaged if that person, for unforeseen reasons beyond that person's control, is not able to complete the person's WDP as planned.

For example, the Director may recommend that the Secretary waive the payment of a fine if:

- a sponsor is unable to continue supervising a WDP as planned (for example, because a sponsor ceases operation), and there is no suitable alternative sponsor available
- if the activity that the person was undertaking ceases to be available (for example, because a service provider ceases operation or is no longer able to provide that activity as planned) and there is no suitable alternate activity available.

21 Varying a WDP

As a sponsor, you can apply to vary a WDP. You may want to vary a WDP to:

- add or remove a fine from the WDP
- change the end date of the WDP
- change the supervisor who is supervising the WDP
- change the activities associated with the WDP.

21.1 Adding a fine to a WDP

Your client may want to add a fine to a WDP if:

- your client becomes aware of a new fine
- your client incurs a new fine
- a fine that was ineligible for inclusion in a WDP at the time of application becomes eligible (for example, if a fine was subject to a pending application for internal review or enforcement review, and that application was unsuccessful).

The WDP system will notify you if the WDP Team identifies a new fine incurred by your client. You will then have the option to use the WDP system to apply to add that fine to your client's WDP.

If you become aware of a new fine incurred by your client before the WDP Team is aware of it (for example, if your client has recently received an on-the-spot fine), you can contact the WDP Team to have the fine added to your client's WDP.

It is important that you obtain your client's consent to add each new fine to a WDP. There may be instances in which your client would prefer not to add a new fine to a WDP, for example, if:

- your client has grounds to apply for internal review or enforcement review to have the fine withdrawn
- the fine is for a vehicle-related offence and your client was not the driver at the time of the offence (in this instance, your client should nominate the driver)
- your client would prefer to have the matter determined in court
- your client is eligible to make an application under the Family Violence Scheme.

Some vehicle-related offences attract demerit points. If your client has received a fine for an offence that attracts demerit points, demerit points will be applied to your client's driver licence when you apply to add the fine to the WDP, if the demerit points have not already been applied.

If your client continues to reoffend and to incur fines, the Director, Fines Victoria may consider whether it is appropriate for the WDP to continue. If the Director considers that your client's reoffending is sustained and risks the integrity of the WDP scheme, the Director may consider cancelling the WDP. Information on cancellation of a WDP is at 20.3.

21.2 Removing a fine from a WDP

Your client may want to remove a fine from a WDP, for example, if your client:

- wants to deal with the fine as part of a payment arrangement
- has grounds to apply for internal review or enforcement review
- wants to nominate the driver, for a vehicle-related offence for which your client was not the driver at the time of the offence
- wants to elect to have a matter determined in court
- is eligible to make an application under the Family Violence Scheme.

You may apply to remove a fine from a WDP, with the consent of your client.

When a fine is removed from a WDP, enforcement activity may resume in relation to that fine 28 days after it is removed from the WDP, so it is important that your client takes steps to deal with the outstanding amount.

When a fine is removed from a WDP, the remaining value of the WDP will be reduced accordingly.

If the fine that is being removed from the WDP has been partially worked off (i.e. if the outstanding value of the fine has already been reduced by your client's participation in the WDP), the fine will be restored to its original value when it is removed from the WDP and the worked off amount will be allocated to the next fine on the WDP.

You cannot apply to remove a fine from a WDP if that fine has already been fully worked off (i.e. if the outstanding value of that fine has been reduced to zero). When a fine is fully worked off, the matter to which that fine relates is finalised.

If a fine is removed from a WDP and there are no other fines remaining on the WDP, the WDP will be completed.

21.3 Selecting and changing the end date of a WDP

When you apply for a WDP, you must specify an end date for the WDP. The end date indicates the time frame in which you think your client will complete the WDP, or the time frame for which you are able to supervise your client's WDP.

When selecting an end date, it may be preferable to provide for slightly more time that you think you will require. This will give you some flexibility, for example, in the instance that your client incurs an additional fine or takes longer than planned to complete activities.

You can apply to amend the end date of a WDP, for example:

- to extend the length of the WDP, if your client has more fines to work off and you are able to continue supervising the WDP beyond the original end date
- to shorten the length of the WDP, if you are unable to support your client's WDP to the original end date.

To change the end date of a WDP please refer to the WDP System Sponsor Guide "Variations" section.

21.4 Changing the supervisor of a WDP

When you apply for a WDP, you must nominate the supervisor for that WDP.

For a sponsor that is an organisation, the supervisor is the person within the organisation who is responsible for that WDP.

For a sponsor who is a health practitioner, that health practitioner is the supervisor.

21.4.1 Changing supervisor for a sponsor that is an organisation

If you are a sponsor that is an organisation, you can use the WDP system to nominate multiple people within your organisation to be WDP supervisors. Each WDP must have one supervisor. You can apply to change the supervisor of a WDP.

To change the supervisor of a WDP please contact the WDP team.

21.4.2 Changing supervisor for a sponsor that is a health practitioner

If you are a sponsor that is a health practitioner (rather than an organisation), you are the supervisor of a WDP for the duration of the WDP. If you are no longer able to supervise a WDP, or if your client wants to change to a new supervisor, you will need to cancel the existing WDP and your client will need to apply for a new WDP with another sponsor.

21.5 Changing the activities associated with a WDP

When you apply for a WDP, you must nominate the activities that your client will undertake as part of the WDP. You can nominate:

- activities that you or your organisation will provide to your client
- activities that a third-party will provide to your client, if you choose to refer your client to a third party (more information on third-party providers is at 10)
- a combination of these.

You can apply to change the activities associated with a WDP:

- to add a new activity to a WDP, for example, if your client is able to start a new activity provided by you or a third-party that you have nominated as part of your accreditation
- to remove an activity from a WDP, for example, if you, or a third-party, are no longer able to provide a particular activity to your client

To apply to change the activities associated with a WDP please refer to the WDP System Sponsor Guide "Variations" section.

You can only apply to add a new activity to a WDP if you are accredited to provide that type of activity, or if you are accredited to refer clients to a third-party that provides that type of activity. Information on changing the activities that you are accredited to provide and the third-parties to which you are accredited to refer your clients is at 9.3.

22 Suspending a WDP

A WDP can be suspended for a specified period of time. You can apply to suspend your client's WDP and the Director, Fines Victoria can also choose to suspend a WDP.

If your client's WDP is suspended, your client doesn't need to participate in activities and won't work-off any fine debt under the WDP. While a WDP is suspended, you don't need to record your client's participation in activities.

If a WDP is suspended, your client might choose to continue to undertake activities (for example, if your client was enrolled in a course or complying with a treatment plan), however, you will not be able to record that participation and it will not count towards the person's WDP while the WDP is suspended.

If the suspension is lifted, the WDP will resume. Your client will need to resume participating in WDP activities and you will need to resume reporting your client's participation.

22.1 A sponsor applies to suspend a WDP

You can apply to suspend a WDP if:

- your client is ill and is unable to participate in WDP activities
- there are other exceptional circumstances.

To apply to suspend a WDP please contact the WDP Operations team:

If you apply to suspend a WDP, the Director, Fines Victoria may ask you to provide evidence to explain why the suspension is necessary. For example, if you are applying to suspend a WDP because your client is ill, the Director might ask you to provide evidence, such as a medical certificate.

The suspension of the WDP will be lifted and the WDP will resume:

- on the date that the suspension is scheduled to end
- on an earlier date, if you apply to lift the suspension before the date on which the suspension is scheduled to end.

To apply to lift the suspension of a WDP, please contact the WDP Operations team:

22.2 The Director, Fines Victoria chooses to suspend a WDP

The Director, Fines Victoria can choose to suspend a WDP if the Director considers that it is necessary to do so.

The Director might suspend a WDP if, for example:

- the Director has questions about a WDP and has asked you to provide information so that the Director can decide how to proceed
- you have indicated that you are unable to continue to supervise your client's WDP, and the Director has decided to suspend the WDP while exploring whether a different sponsor is able to assist your client.

PART 4: RECORD MANAGEMENT AND MONITORING

23 Record keeping requirements

As a sponsor, you must meet certain record-management requirements.

You must keep a record of information relating to your involvement in the WDP scheme, including records:

- demonstrating that you meet, and continue to meet, the requirements of accreditation (for example, evidence that you have appropriate insurance and that your staff are appropriately trained, qualified and experienced)
- establishing the eligibility of a person on whose behalf you have submitted an application for a WDP
- evidencing your client's participation in WDP activities, including:
 - the number of hours that your client has spent undertaking activities
 - your client's compliance with a treatment plan
 - your client's participation in activities with a third-party activity provider, if you have referred your client to a third-party
- demonstrating that a person who is responsible for supervising a client who is under 18 years of age has passed a Working with Children Check
- demonstrating that a client who is undertaking activities that may involve contact with people under 18 years of age has passed a Working with Children Check.

You must:

- retain WDP records for at least **five years** from the end of the WDP
- comply with these record management requirements, even if you cease to be a sponsor (for example, if you surrender your accreditation or your accreditation is cancelled)
- maintain WDP records securely (for example, as a hardcopy in a lockable cabinet or as electronic copies on a password protected computer)
- treat WDP records as confidential
- upon request, and with reasonable notice, provide access to WDP documents to:
 - the Director, Fines Victoria, or a person acting on behalf of the Director; and
 - a person who is, or has been subject to a WDP under your supervision (for documents relating to that person's WDP).

24 Monitoring

The Director, Fines Victoria has broad legislative monitoring powers to ensure that a sponsor complies with:

- record keeping requirements
- accreditation requirements
- the requirements of the Fines Reform Act and the Infringements Act
- the WDP guidelines.

The Director has the power to ask you to provide information relating to your participation in the WDP scheme.¹⁸ A sponsor must comply with a request for information.¹⁹

For example, the Director can ask you to provide information to demonstrate that:

- you are keeping WDP records in accordance with requirements (information on record management requirements are at 23)

¹⁸ Section 27J(2), *Infringements Act 2006*

¹⁹

- your client is eligible for a WDP
- your client is participating in activities
- you are accurately recording your client's participation in activities
- you continue to have appropriate insurance
- you continue to have staff that are trained, qualified or experienced to provide activities
- you continue to be accredited against the RACGP Standards (if you are a general practice)
- you continue to be appropriately accredited (if you are a medical practitioner, nurse or psychologist).

If you do not provide the information requested by the Director by the specified date, the Director may suspend or cancel your accreditation.

If you fail to comply with the requirements of the scheme, the Director may:

- require you to take action so that you comply with the requirements of the scheme
- suspend your accreditation until the issue is resolved
- cancel your accreditation
- take other action that the Director considers appropriate.

Appendix 1 Information statement and 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, 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 Regulation (DJR) is the government department that is responsible for managing Victoria's infringement and enforcement systems. Fines Victoria is an administrative body within DJR.

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*.

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 DJR Information and Privacy Unit, or
- under the *Freedom of Information Act 1982*, where necessary.

Further information

The DJR Information Privacy Policy is available at: 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

* 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

I consent to be subject to a 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 I provide in relation to a WDP that is issued to me, or relevant information about me that is held by an enforcement agency, 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.

Title Date of birth

Family Name (Surname)

Given Name(s)

Street Address (include house, unit or apartment number)

Street/Town/City

State Postcode Country (if not Australia)

Email Preferred contact number

Your signature Date

COM20.0.03 | v2.0 | 01.18

[SUBMIT](#) [PRINT](#) [RESET](#)

Appendix 2 Further information

WDP Operations Team

The WDP Team is your primary point of contact for information about the WDP scheme.

WDP Operations Team	
Phone	1300 323 483
Email	wdp@justice.vic.gov.au
Online	www.fines.vic.gov.au/wdp

Other contacts

The organisations listed below may be able to provide you or your clients with information about options for managing fines and may be able to help a person decide the best option in your clients' circumstances.

Your client may also wish to seek legal advice to help decide how best to deal with fines.

Organisation	Details
Fines Victoria	The Fines Victoria website provides information on dealing with fines, options that may be available to a person and phone numbers for different types of enquiries. Visit the Fines Victoria website: www.fines.vic.gov.au
Federation of Community Legal Centres	The Federation of Community Legal Centres is the peak body for more than 50 Victorian community legal centres (CLCs). CLCs are independent community organisations that provide free legal services to the public. For more information, visit the Federation of Community Legal Centres website: www.communitylaw.org.au
Justice Connect	Justice Connect is an independent, not-for-profit organisation that is committed to improving access to justice and protecting human rights. Justice Connect provides pro bono legal services to Victorian and NSW individuals and organisations in need as well as facilitating law and policy reforms. For more information, visit the Justice Connect website: www.justiceconnect.org.au
Local Councils Listing	This is a link within the Victoria Online website that provides a listing of all councils within Victoria. You can then follow the link to that particular council homepage. For more information, visit the Council Listings website: http://www.vic.gov.au/government-economy/local-councils.html
Victorian Aboriginal Legal Service	The Victorian Aboriginal Legal Service (VALS) was established as a community owned and controlled co-operative society in 1973. VALS plays an important role in providing legal aid and assistance to Aboriginal and Torres Strait Islander people, and maintains a strong client service focus. For more information, visit the VALS website: www.vals.org.au
Victoria Legal Aid	Victoria Legal Aid (VLA) helps people with their legal problems. VLA focuses on helping and protecting the rights of socially and economically disadvantaged Victorians. VLA can help in areas of criminal law, family law and some civil law matters. For more information, visit the VLA website: www.legalaid.vic.gov.au
YouthLaw	YouthLaw provides free legal advice, information and casework to young people up to the age of 25 years. For more information, visit the YouthLaw website: www.youthlaw.asn.au

Document details

Criteria	Details
TRIM ID:	CD/17/179715*
Document title:	Work and Development Permit Sponsor Handbook
Document owner:	Patricia Roake, Manager, WDP

Version control

Version	Date	Description	Author
V0.1	05 04 17	Draft	Garry Ferris
V1.0	05 05 17	First public version	Dale Baldock
V1.1	28 06 17	Minor editing updates	Lisa Farrell
V2.0	12 01 18	Updated to reflect commencement of Fines Reform and other developments	Dale Baldock

Document approval

This document requires the following approval:

Name	Title	Organisation
Patricia Roake	Manager, WDP	IMES