

Considering becoming a WDP sponsor?

Here is an overview of the WDP Scheme from the sponsor's perspective and is not intended to replace WDP reading material.

Contacting a Community Legal Centre first

Before you and your client choose to engage in a WDP, your client should contact a local Community Legal Centre or financial counsellor so that your client can be advised on all their infringement options.

1. What is a WDP?

Work and Development Permit (WDPs) allow people who are experiencing special circumstances to 'work off' their fine debt instead of paying money out of their pocket.

Health practitioners and organisations can become accredited sponsors and provide activities for their clients to clear their debt. This is part of an initiative provided by the Department of Justice and Community Safety.

Characteristics of a WDP

- *Fines are worked off from oldest to newest.* Although a client cannot choose which fines to work off first, they can strategically select and de-select which fines they want on their WDP. This provides clients with infringement options to place fines on other arrangements or schemes.
- *Available during Infringement Stage, Enforcement Stage and up until expiry of '7 day notice' (served by Sheriff).*
- *Some fines are ineligible.* Fines issued by a court or in the name of a company and fines that have passed the 7 day notice period issued after 31 December 2017 (served by the Sheriff) are ineligible for inclusion on a WDP.
- *Participating in a WDP is not an admission of guilt.* Rather a client submits that, because of their particular circumstances, they are unable to pay their fine. However, the client may still lose their demerit points and/or their drivers licence (if applicable).

2. Sponsor's responsibilities

In order for a client to successfully complete a WDP, a provider must undertake certain responsibilities which include –

- A. Applying to become an accredited sponsor;
- B. Determining the client's eligibility for a WDP;
- C. Helping the client plan their activity/activities;
- D. Applying for a WDP on behalf of the client; and
- E. Monthly reporting of the client's participation in the WDP activity.

A. Sponsor accreditation

An organisation or health practitioner can apply to become a WDP accredited sponsor through WDP portal at <https://wdp.vic.gov.au/login>.

An organisation includes –

- Government agency;
- Not-for-profit organisation;
- General practice; or
- For-profit organisation (limited circumstances).

A health practitioner includes –

- Doctor;
- Nurse; or
- Psychologist.

NOTE:

An interstate organisation can also fall under one of these categories.

The application process is relatively straightforward for health practitioners. Briefly, the following information must be provided –

- Australian Health Practitioner Regulation Agency (AHPRA) number; and
- Confirmation of a complaints procedure.

The process varies depending on the type of organisation applying for accreditation. Briefly, the following information must be provided –

- Details of client group with which the organisation works;
- Activities that will be provided;
- Confirmation that staff are appropriately trained and qualified;
- Australian Business Number (ABN);
- Evidence of insurance cover (certificate of currency);
- Confirmation that the organisation has a complaints procedure; and
- Evidence that any person responsible for supervising client under the age of 18 has passed a Working with Children Check (if applicable).

NOTE:

This step only has to be done once!

B. Client eligibility

A person is eligible to apply for a WDP if they are *currently* –

- Receiving a Centrelink benefit;
- Eligible to receive an Australian Government Low Income Health Care Card;
- Experiencing acute financial hardship due to other extenuating circumstances;
- Homeless or living in temporary accommodation;
- Experiencing family violence;

- Affected by a mental disability, disorder or illness;
- Affected by an intellectual disability, disorder or illness; or
- Are affected by an addiction to drugs, alcohol or volatile substances (gambling is also now included).

As a sponsor, you determine whether a client is eligible for a WDP and must keep records on your file.

TIP:

Examples of supporting evidence of your client's eligibility can include – your regular client intake process, a letter from the client's health practitioner, financial counsellor or caseworker or proof that the client is on a partial/full disability pension describing their disability.

C. Planning activities and activity work-off rates

If the client is eligible for a WDP, the sponsor will submit an application to the Fines Victoria WDP Team (WDP Team) for assessment and approval.

Once your client's WDP has been assessed and approved, your client may undertake activities to reduce the client's fine debt throughout the month.

An 'activity' is a program that has a clearly defined beginning and end date, which has been designed by the sponsor.

EXAMPLE:

A sex worker could not visit their GP every month to get an STD check and have these visits count towards their WDP as this is an ongoing activity with no clearly defined beginning and end.

However, a client could visit a psychologist as part of their mental health care plan as it is a program with a clear beginning and end date.

Activity is planned by the sponsor and the client

Together, the sponsor and the client plan the activity/activities that will be performed by the client as part of their WDP.

EXAMPLES:

An activity could be, a mental health care plan provided by a psychologist, a volunteering program provided by a not-for-profit, a treatment program provided by a hospital or a course provided by a TAFE. See pages 26 – 28 of the WDP Sponsor Handbook for further information.

NOTE:

The activity provided does not need to be connected to the client's eligibility for their WDP. This means that, for example, a client could be eligible for a WDP because they are experiencing a mental illness and can participate in a volunteering program (which is unrelated to their mental illness) as part of their WDP activity.

Work-off rates

Different activities attract different work off rates.

A client who engages in the following activities can currently work off **\$1,063.85** (6.6 penalty units until 30 June 2019) per month per activity –

- Treatment given by a health practitioners (doctor, psychologist or nurse); and
- Drug and alcohol counselling.

There are no constraints on how long or frequently an activity must be to claim the full amount.

EXAMPLE:

A client could attend a drug and alcohol counselling session *once* in the month and work off \$1063.85 of their fine debt. A client could also see their drug and alcohol counsellor multiple times in the month and still work off \$1063.85.

A client who engages in the following activities can currently work off **\$48.36** (0.3 penalty units until 30 June 2019) per hour per activity –

- Unpaid work;
- Courses (educational, vocational or life skills);
- Counselling, including financial counselling (excluding drug and alcohol counselling); and
- Mentor program (clients under age of 25 years).

TIP:

Alcoholics Anonymous and Narcotics Anonymous ordinarily do not qualify as an eligible WDP activity. This is because the program is anonymous. However, if the sponsor can verify attendance, this will be sufficient to qualify as an eligible WDP activity.

NOTE:

It is a voluntary scheme. Therefore, the client's participation must also be voluntary. Clients with mandated orders may not have activities that are subject to those orders included on their WDP.

Third party providers

A client can participate in a combination of activities. Other service providers can be 'linked' with the client's current sponsor and become accredited third party providers.

EXAMPLE:

A client could see a psychologist as their sponsor, a drug and alcohol counsellor as their third party provider and a financial counsellor as another third party provider. The sponsor would be responsible for reporting all of the client's completed activities.

The sponsor must ensure that the third party providers are suitable to provide the activities requested in their accreditation. They must also monitor and record the activities of the WDP client provided by the third party provider.

TIP:

A third party provider can become a supervising sponsor and therefore can take on the responsibilities of the sponsor.

No double-dipping

Third party providers allow a client to participate in a variety of activities. However, a client cannot separately claim the hours/days worked off provided by multiple third party providers for the *one* program.

EXAMPLE:

A client who has a program provided by a treatment clinic that involves the client seeing a social worker, financial counsellor and psychologist, cannot claim the time worked off as three separate activities. This is because these activities are all part of the one program.

However, a client could see a psychologist, a drug and alcohol counsellor and a financial counsellor if they were separate programs developed individually by each provider. It may be possible that this client can therefore work off well over \$2,000 of their fine debt per month.

D. Applying for a WDP

Once a provider has received notice of their WDP sponsor accreditation and has developed an activity for the client to work off their fine debt, they can apply for a WDP on behalf of the client through WDP portal at <https://wdp.vic.gov.au/login>.

Briefly, a sponsor must provide the following information –

- Details about the client and the sponsor;
- As much detail as possible about the client's outstanding fine(s);
- Nature of the activity provided by the sponsor;
- The estimated time of completing the WDP; and
- The client's consent regards which fines they would like on the WDP.

TIP:

The estimated end date is relatively flexible. The WDP Team may contact the sponsor if they believe that the end date is unduly excessive and a variation can be submitted to amend the end date.

NOTE:

Once the WDP has been applied for the eligible fines are put on hold.

TIP:

If client is already on a payment plan or other arrangement/scheme, you can discuss with the client whether this continues or not.

TIP:

If your client is issued fines in the future, you can discuss with the client whether to include these in their WDP or not.

The WDP Team oversees the client's fine management. They –

- Provide a total indebtedness with Fines Vic;
- Identify fines with Fines Vic and other external agencies (eg local councils and Public Transport fines); and
- Identify new fines while client is participating in their WDP.

E. Reporting a WDP

An accredited sponsor must manage their client's WDP in the following ways –

- Ensuring that the client has participated in their activity;
- Reporting once a month to the WDP Team the number of hours/days for each activity participated in; and
- Maintaining accreditation.

Activity reporting is submitted from the first day of the following month.

IMPORTANT NOTE:

The client's WDP will be cancelled 28 days after the sponsor stops reporting.

NOTE:

No backdating. The time a client spends in an activity *prior* to having a WDP applied for cannot be counted as time worked off towards their current WDP.

Finalisation of a WDP

Once either all the fines have been worked off or the end-date has been reached, the WDP can be finalised.

Author: My name is Laura and I am a Project Worker at the Peninsula Community Legal Centre. My project, which is funded by the Legal Services Board, is to integrate the WDP into the Southern Victorian region. If you are interested in becoming a sponsor please contact me via email on lsanderson@pclc.org.au or phone on (03) 9784 4225.

Alternatively, contact the Fines Victoria WDP Team on 1300 323 483.