

WDP SPONSOR PROCESS ROADMAP

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

Your client should contact a local Community Legal Centre or financial counsellor so that they can be advised on all their infringement options before a WDP is chosen.

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 so that the time that a client spends engaged with the provider's service(s) they can clear their debt.

This is part of an initiative provided by the Victorian Department of Justice and Community Safety.

What is fines debt?

Fines debt is money owed through incurring infringements such as public transport, toll, council, police and traffic fines.

Characteristics of a WDP

- *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.
- *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).*
- *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).
- *There is no cap on the infringement amount for a client to be eligible for a WDP.*

SPONSOR'S RESPONSIBILITIES

In order for a client to successfully complete a WDP a provider must undertake the following responsibilities:

A. Apply to become an accredited sponsor

An organisation or health practitioner can apply to become a WDP accredited sponsor through the WDP portal at <https://wdp.vic.gov.au/login>. Your application will either be accepted or refused by the Fines Victoria WDP Team (WDP Team). This step only needs to be done once!

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SPONSOR'S RESPONSIBILITIES

Contact details

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The following providers can apply to become accredited sponsors:

Organisations

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

Health practitioners

Doctor;
Nurse; or
Psychologist.

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

To become accredited, providers must provide certain information:

Health practitioner	<ol style="list-style-type: none">1. Australian Health Practitioner Regulation Agency (AHPRA) number; and2. Confirmation of a complaints procedure.
Organisation	<ol style="list-style-type: none">1. Details of client group with which the organisation works with and activities that will be provided;2. Confirmation that staff are appropriately trained and qualified;3. 'Key person' contact details and Australian Business Number (ABN);4. Evidence of insurance cover (certificate of currency);5. Confirmation that the organisation has a complaints procedure; and6. Evidence of a Working with Children Check (if applicable).

Certain types of organisations have to provide additional information:

General practice	<ol style="list-style-type: none">1. Evidence of accreditation against the Royal Aust College of General Practice Standards2. Contact details & AHPRA number of health practitioner providing treatment under a WDP3. Details of any outstanding complains/notification against any health practitioners providing treatment under a WDP
Non-profit organisation	<ol style="list-style-type: none">1. Evidence of capacity to work with government to deliver services and comply with contract service agreements
For-profit organisation	<ol style="list-style-type: none">1. Evidence of objective, governance and funding and how they are consistent with WDP objectives2. Evidence of any past service agreements with government & evidence of compliance

NOTE:

There is no publically available list of sponsors. However, once you become accredited and spoken to the Fines Victoria WDP Team, you can decide whether you would like to accept client referrals from third parties.

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B. Determine the client's eligibility for a WDP

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. Clients only need to meet one and a record must be kept on your file.

EXAMPLES:

Examples of supporting evidence proving your client is eligibility for a WDP – 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. Help the client plan their activity/activities

If the client is eligible for a WDP, the sponsor (not the client) will submit an application to the WDP Team for assessment and approval.

Once your client's WDP has been approved, your client may undertake activities to reduce his/her fines debt throughout the month.

What is an activity?

An 'activity' is a service provided by an accredited sponsor that has a clearly defined beginning and end date, which has been designed by the sponsor. An activity can be a treatment program given by a health practitioner, drug and alcohol counselling, unpaid work, courses (educational, vocational or life skills), counselling (including financial) and/or a mentor program (clients 25 years or younger).

EXAMPLE:

An eligible activity could be a 10 month mental health care plan as it is a service provided and designed by a psychologist with a clear beginning and end date.

An activity can include the time your client spends engaged with your service or other services, but does not include the time you spend engaged with other services on behalf of your client.

EXAMPLE:

You are a financial counsellor and an accredited WDP sponsor. An activity could be the time your client spends engaged with you during a phone or at face-to-face appointment. An activity could also include the time your client spends collecting supporting documentation with Centrelink.

However an activity does not include the time you spend collecting supporting documentation from Centrelink on behalf of your client.

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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.

NOTE:

The activity provided does not need to be directly connected to the client's eligibility for their WDP.

For example, a client could be eligible for a WDP because they are receiving a Centrelink benefit and can participate in a volunteering program (which is not directly related to their financial hardship) 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.

NOTE:

This work off rate is per month, rather than per hour. Therefore, the amount of times a client attends in the month does not affect the per month work off rate.

For example, a client could attend a drug and alcohol counselling session *once* in the month and work off \$1063.85 of their fines debt. A client could also see their drug and alcohol counsellor multiple times in the month and will 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).

NOTE:

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

Also, because the scheme is voluntary, a client can apply and reapply for a WDP as they choose (provided the fine(s) have not passed the 7 day notice period, served by the Sheriff).

NOTE:

A client cannot count the time spent in prison towards working off their WDP, however they can count the time spent in remand.

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Activity design

A WDP activity can include just one activity or it can include multiple activities. This is up to the discretion of the sponsor.

EXAMPLE:

A sponsor that is a drug and alcohol agency could provide financial counselling and psychological counselling as part of the **one WDP activity** for their client. This would attract a work off rate of \$1063.85 a month off their fines debt as part of a drug and alcohol treatment program.

By contrast, a sponsor that is a drug and alcohol agency could include financial counselling and psychological counselling as part of **two separate WDP activities** for their client. This would attract a work off rate of \$1063.85 a month off their fines debt as part of a drug and alcohol treatment program **and** a work off rate of \$48.36 per hour off their fines debt as part of a counselling program provided by a financial counsellor.

The work off rate is determined by the sponsor's staff member that *designs* the WDP activity.

EXAMPLE:

A sponsor that is a youth mentoring agency could provide a treatment program that has been designed by a nurse within the agency. Because the program has been designed by a health practitioner it attracts a work off rate of \$1063.85 a month.

Third party providers

A client can engage with more than one provider that is 'linked' to their current sponsor, this provider is known as a third party provider.

The sponsor will be responsible for reporting the client's participation in activities as well as other third party provider(s).

NOTE:

A third party provider can later assume the responsibilities of the supervising sponsor and subsequently become the client's sponsor.

EXAMPLE:

A client could see a psychologist from organisation A as their sponsor and a drug and alcohol counsellor from organisation B as their third party provider.

D. Applying for a WDP on behalf of the client; and

A sponsor must apply for a WDP on behalf of the client through the WDP portal at <https://wdp.vic.gov.au/login>.

To apply for a WDP, 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 WDP activity provided by the sponsor;
- The estimated time of completing the WDP; and
- The client's consent regarding which fines they would like on the WDP.

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NOTE:

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

NOTE:

You can discuss whether other fines arrangements will continue or not while your client has an active WDP. Also, you can discuss whether fines issued in the future will be included.

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

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

E. Monthly report of client's participation in the WDP activity.

An accredited sponsor must –

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

A sponsor must report the hours/days the client spends engaged in the activity through the WDP portal at <https://wdp.vic.gov.au/login>.

A record of participation must be kept on file.

Activity reporting is submitted from the first day of the following month and **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 an active WDP cannot be counted as time worked off towards their current WDP.

NOTE:

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

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: Laura Sanderson is a Project Worker at Peninsula Community Legal Centre. The project, funded by the Legal Services Board, aims to integrate the WDP scheme. If you are interested in becoming a sponsor please contact Laura on lsanderson@pclc.org.au or (03) 9784 4225. Alternatively, contact the Fines Victoria WDP Team on 1300 323 483 or WDP@justice.vic.gov.au.