

# How to Get a Work and Development Order (WDO)

Useful tips for workers assisting  
their clients to get a WDO



## 1. What Is a Work And Development Order?

A Work and Development Order (WDO) is an order that allows eligible people (children and adults) to reduce or eliminate their fine debt by undertaking certain activities such as unpaid voluntary work or certain courses or treatment plans.

A WDO is not a Community Service Order (CSO).

## 2. What Is A WDO activity?

Under a WDO a client can undertake:

- unpaid work for an 'approved' organisation
- educational, vocational or life skills courses
- financial or other counselling
- medical or mental health treatment
- drug or alcohol treatment
- mentoring program (available only if under 25 years of age)

## 3. Who is eligible for a WDO?

People having trouble paying their fines because they are:

- homeless, or
- suffer from a mental illness, intellectual disability or cognitive impairment, or
- experiencing acute economic hardship.

## 4. How does our client prove they are homeless?

Proof of homelessness only requires a letter from your client's specialist service provider, caseworker or lawyer explaining the details of their current living arrangements and how that homelessness contributes to their inability to pay the fines, or is a more appropriate option than paying the fines.

## 5. How does our client prove acute economic hardship?

In the case of proving acute economic hardship, your client should complete the 'Statement of Financial Circumstances' in the WDO Application form and provide:

- client's last three payslips
- current Centrelink statements
- bank statements
- proof of any other income for your client and their partner

If your client does not have rent receipts, payslips or bank statements then it is sufficient for the worker who will supervise the WDO to write a letter in support of the applicant that outlines their financial circumstances.

## 6. Can court fines be added to your client's WDO debt?

If your client has fines payable to a court, they can request that these fines are transferred to the State Debt Recovery Office (SDRO) when they submit their WDO application.

Please note that Question 8 on the WDO application form from the SDRO website allows you to include Court Fine (and other) reference numbers.

## 7. Are there guidelines that explain all the different ways someone needs to prove their reasons for seeking a WDO?

The WDO Guidelines detail what is required. For example, if you seek a WDO on the grounds of mental illness on behalf of your client, a letter from the treating doctor, psychiatrist or registered psychologist is required

explaining why the mental illness contributes to your client's inability to pay their fines or why they believe it would be more appropriate for a WDO to be undertaken.

A letter from a youth service, a mental health caseworker (or other social worker) will also be sufficient to prove that your client is suffering from a mental illness or intellectual disability.

All the information you need to apply for a WDO can be found in The Work and Development Order Guidelines, available at <http://www.sdronsw.gov.au/publications.html#wdo>

## 8. Can my client find out how much debt they have?

You can find out what outstanding fines your client has by ringing the State Debt Recovery Office (SDRO) hotline on 1300 655 805. If your organisation is registered with the SDRO, then you can call the SDRO Advocacy Hotline on 1300 135627 and automatically access any information and files with the SDRO relating to any of your client's outstanding fines. The SDRO can fax details to you straight away or post the relevant files within a few working days.

## 9. Does my client's fine need to relate to being homeless, having a mental illness or having acute financial hardship?

**No**, it is not necessary to show that a client's disability, impairment, illness, homelessness or financial hardship contributed to the person incurring a fine.

What is necessary is to show that the client's disability, impairment, illness, homelessness or financial hardship contributes to a person's inability to pay the fine or given the person's condition, it is more appropriate for them to undertake a WDO activity to satisfy their fines.

## 10. If the court places someone on a community treatment order can they do this as part of their WDO?

**Yes.**

## 11. If the magistrate in the Children's Court Order directs a young person to 'take part in drug and alcohol counselling' or some other general activity, does that count for a WDO?

**Yes.** However, if the Court Order is more specific, such as 'Participate in drug and alcohol counselling at Ted Noffs Foundation', then this activity will not count towards a WDO. However, the client can still apply for alternative activities on a WDO, for example, voluntary work.

## 12. If a young person with fines is in custody on remand (and has not been found guilty or pleaded guilty to an offence), and they do school, counselling or mentoring, can that count for a WDO?

**Yes for juveniles only at this stage.** This situation is currently being reviewed for adults.

## 13. Are there activities that are not eligible for WDO activities?

**Yes.** The following activities are not eligible for a WDO:

- When the court orders a specific activity or place for treatment, e.g. attend a Ted Noffs program or attend Rosemount Youth and Family Services day program;
- Court Referral of Eligible Defendants Into Treatment (CREDIT);

- Community Service Orders or
- Centrelink Mutual Obligation activities

#### 14. What is the role of Approved Organisation / Health Practitioners?

A WDO can only be made if the person's application is supported by an 'approved' organisation, or in the case of mental health or medical treatment, an 'approved' health practitioner qualified to provide that treatment.

Becoming an approved organisation is easy and the responsibilities are not onerous. To apply to become a WDO supervising organisation, go to: <http://www.sdرو.nsw.gov.au/publications.html#wdo>.

#### 15. Responsibilities of Approved Organisation's and Health Practitioners

These include:

- determining whether the person appears eligible for a WDO
- determining the most beneficial treatment or activities for the client to undertake
- assisting the client to complete the WDO application
- providing or supervising treatment or activities approved under the WDO
- keeping track of the person's participation and/or attendance in their WDO activities
- submitting simple monthly and completion reports using a SDRO template
- providing feedback to the SDRO and the Attorney General's Department (AGD) on the WDO scheme, at the end of the two year trial.

#### 16. Can the Approved Organisation do their paperwork online?

**Yes.** The SDRO WDO online service allows approved organisations or enrolled health practitioners to do their administrative tasks through the use of secure personal logins. Apply to the SDRO to create your user details so you can use the online service.

#### 17. Is there a list of 'approved' organisations available that can assist us in making referrals for our clients?

**Yes,** but this is not a comprehensive list therefore you may need to contact key organisations to investigate other options for both young people and adults.

A list of Approved Work and Development Order organisations can be found at the SDRO website at: [http://www.sdرو.nsw.gov.au/publications/approved\\_wdo.html](http://www.sdرو.nsw.gov.au/publications/approved_wdo.html)

#### 18. What if the activities aren't being directly supervised by me/our organisation?

If your organisation refers your client to another service/organisation while you are supervising them, you do not need to get the other organisation to be an 'approved organisation' in order to include that activity.

For example, if your client under your supervision is also participating in a Links to Learning program or Aerosol Art program with another (unapproved) service, you can still use these activities in the WDO application as you are the primary organisation.

When the supervising organisation that is 'approved' refers their client to a 'non-approved' organisation to take on WDO activity the two organisations collaborate to complete the necessary paperwork.

In summary, the approved organisation submitting the monthly report must be approved for the activity that has been 'out-sourced'.

#### 19. My organisation is 'approved' with the SDRO and my client is doing activities with another organisation for their WDO. Whose insurance covers the WDO?

- Organisations supervising a client's WDO must have the appropriate insurance. When you collaborate with another organisation it is your insurance as the 'approved' organisation that covers your client's activities. Check with your insurance provider to confirm your coverage.
- Where your client is in contact with, or under the supervision of the Department of Juvenile Justice (DJJ), then the DJJ officer can apply for a WDO for the young person.

#### 20. If my client is referred to an 'approved' organisation that does community activities with young people (under 18) do they need to conduct a Working With Children Check (WWCC) or a police check?

**Yes,** section 5 of the WDO client application requires the approved organisation to conduct a Working with Children check.

Police Checks will depend on the supervising organisation's requirements.

You will need to check with the approved organisation about their requirements for official police checks or WWCC.

#### 21. What are our obligations as a supervising organisation?

Organisations are required to report back to the SDRO every month about the progress of the applicant. This form is very easy to fill in and need not be an onerous process.

Please refer to the SDRO information sheets: "Guide to completing the WDO Report" and the "WDO Report form" which are all available on the SDRO website: <http://www.sdرو.nsw.gov.au>.

#### 22. My client has submitted his WDO with my assistance but we have not heard back from the SDRO to confirm if it is 'approved'. Can we backdate the hours we have been doing if it is approved?

**Yes.**

Backdating of activities can only be dated from when a completed WDO application is received. If you would like completed activities backdated for your client, the approved organisation should indicate this on their initial application. The SDRO will provide a form that can be completed and returned, indicating backdated dates and hours. The approved backdated hours will then be deducted.

You will need to have kept the appropriate records outlining the work or counselling sessions or other relevant proof of the WDO activities. Sometimes the SDRO does not keep track of the activities that were completed between the date when the application was made and until it was approved. It is a good idea to check that the SDRO have properly backdated any activities your client has completed.

## 23. How much of the fines debt can my client work off?

Your client can apply to have all of their fines that have been issued to the SDRO for enforcement included in a WDO.

Fines already with the SDRO will be included in a WDO application. For fines payable to a court, the person must request in their WDO application that these fines are transferred to the State Debt Recovery Office (SDRO).

## 24. What happens if my client still has more fines debt after doing their WDO?

If your client's total fine debt is not paid off by a single WDO, they must advise the SDRO in the WDO Application form as to how they propose to deal with any remaining amounts.

This could include paying off the remainder of the debt. Centrepay is now available to pay off fines debt by instalments through the SDRO. Eligible clients could also apply for a 'write-off' of their remaining debt. Check the SDRO website for further information on 'writing-off' fines debt.

## 25. Is there any cap on the number of hours that can be worked under a WDO?

**Yes.** The maximum number of hours of activities or work for a WDO is set at:

- i) 300 hours for an adult
- ii) 100 hours for a child or young person (under 18 years of age)

## 26. How will the debt be reduced?

This will be determined by the activity specified in the WDO Application, but the general rules are found in Part 6 of the 'WDO Guidelines' at pg 9-10.

Generally, the following rates apply:

- For unpaid work: \$30 per hour with a maximum of 100 hours worked for a young person, 300 hours for an adult
- For medical/mental health treatment/A&D and other counselling: \$1000 per month
- For education/vocation or life skills course participation: \$50 per hour or \$1000 per month or \$350 per full day (with a maximum of 3 full days)
- For mentoring programs (if your client is under 25 years of age): \$1000 per month

## 27. What happens if my client doesn't complete the WDO?

If your client doesn't complete their WDO (either through dropping out of a program, not wanting to do this anymore), then they will be able to have their total fines amount reduced by the activities that they have already fulfilled.

The remaining amount will then revert to becoming a debt that the young person must pay back.

## 28. Lifting of enforcement action

As clients need to enter into a 'time to pay arrangement' to get RTA sanctions lifted, this may not be appropriate for all clients while their WDO Application is being assessed, especially where they are applying under 'economic hardship' grounds.

Once an application for a WDO is approved, then all enforcement action is lifted. This includes:

- Lifting of RTA licence restrictions
- Lifting of RTA motor vehicle registration sanctions
- Cancellation of garnishee orders
- Cancellation of property seizure order.

The SDRO reports that most applications are assessed in 2-3 weeks, depending on volumes.

Your organisation needs to apply to the SDRO to apply to have access to the SDRO's Advocacy Hotline.

## 29. More Information About WDO

For more information about WDOs including:

- how to make a WDO application
- getting an application form
- finding a list of suitable supervising organisations, or
- applying to become an approved WDO supervising organisation

Contact the State Debt Recovery Office (SDRO):  
[www.sdro.nsw.gov.au/publications.html#wdo](http://www.sdro.nsw.gov.au/publications.html#wdo)

### Work and Development Order enquiries 1300 478 879

(Monday to Friday between 9am to 5pm)  
or email [wdosdro@osr.nsw.gov.au](mailto:wdosdro@osr.nsw.gov.au).

Fax: (02) 6354 7302

TTY (02) 6354 7255 (Hearing and speech impaired)

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## Disclaimer

These Questions and Answers are intended to be used as a guide to the law only and should not be used as legal advice.

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This Q & A guide was developed by the Illawarra Legal Centre and the Youth Justice Coalition as part of ongoing work to assist young people with fines debt.



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