

Explanation of Terms referred to in the SDRO/Attorney General's WDO Guidelines

Q.26 What constitutes "proof of identity"?

(Re: Guideline 7.1) [Especially when a child cannot easily obtain a birth certificate and doesn't have a driving licence].

- A. Any document from a reputable source that has two identifiers on it (name and birth date). This could be:
- A letter from the school on school letterhead.
 - A statutory declaration from a health care professional.
 - A letter/statutory declaration from a supporting organisation on their letterhead.
 - A Centrelink concession card.

Q.27 What constitutes "value" of WDO activities? (Re: Guideline 8)

- A. Not money value. This refers to why the applicant wants to do a specific activity under the WDO, e.g. drug and alcohol counselling is of "value" due to the applicant having a problem with substance abuse.

Q.28 What are the "appropriate" reporting forms? (Re: Guideline 11.2)

- A. All the appropriate forms are now on the SDRO website, follow the WDO link to find them.

Supervision

Q.29 What if a person on a WDO doesn't turn up?

- A. All absences must be reported to the SDRO. If the supporting organisation thinks the absences are reasonable, this will be taken into account. It will depend on the length of time a person is absent and the reasons for the absence and is decided on a case-by-case basis.

Q.30 Can an organisation supervise a number of people as a group on WDOs?

- A. An organisation can supervise a group but each person must have a separate WDO application approved with the SDRO. Everyone can do the same activity and the organisation will supervise each person as a group but each person has their own separate WDO agreement.

Q.31 Are there any limits per service to how many people they can supervise on WDOs at any one time or over time?

- A. It is assessed on a case-by-case basis and if the organisation is large enough and able to handle many, they can make their case to the SDRO.

Q.32 Can lawyers be part of a WDO program?

- A. Appointments with lawyers can be included in an individual's program, but a lawyer cannot be a supervisor/supporter of a WDO on their own.

Training Organisations

Q.33 What is a training organisation?

- A. Any organisation can potentially be a training organisation for a WDO. To check if an organisation qualifies, contact the SDRO and indicate the nature of the training course and the qualifications of the instructors. The SDRO will decide if the organisation qualifies.

Liability/Insurance

Q.34 What is the situation regarding legal liability (insurance) for the organisation or health care professional supervising those on WDOs?

- A. The insurance for those on WDOs is to be covered by the organisation or the health care professional supervising the WDO.

RTA/Licence Restrictions?

Q.35 Will having a WDO affect licence or RTA restrictions?

- A. Licence or RTA restrictions will be lifted or not applied during the time of the WDO.

To Contact the SDRO about a WDO:

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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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Young People and Fines Work and Development Orders

Frequently Asked Questions



Work and Development Orders (WDOs)

Q.1 What is a work and development order?

- A. A WDO is a new way to work off fines debt for people who meet certain criteria. A WDO is not the same as a Community Service Order (CSO). The work that can be undertaken under a WDO includes:
- Voluntary work for an approved charity or organisation.
 - Enrolment with a training organisation in an educational, vocational or life skills program approved by the SDRO.
 - Medical or mental health treatment according to a health practitioner's plan.
 - Counselling programs such as:
 - drug and alcohol
 - financial
 - A mentoring program (only if you are under 25).
 - Case management (if you have a disability)

A WDO can include a number of these activities together. The organisation or health care professional overseeing the WDO has to report monthly on the progress of the person on the WDO. For reporting details see WDO Guidelines on the SDRO website.

Q.2 Can activities already required under a court order (such as CSO hours or mental health treatment) be included in a WDO?

- A. No, not at this stage, but efforts are underway to try to get this changed.

Eligibility for WDOs

Q.3 Who is eligible for a WDO?

- A. To be eligible for a WDO a person must be:
- Homeless, or
 - Suffering from a mental illness, intellectual disability or cognitive impairment, or
 - Experiencing acute economic hardship.
 - and having trouble paying your fines because of this.

For definitions of these see WDO Guidelines on the SDRO website.

Both children and adults can apply for a WDO.



About WDOs

Q.4 What fines can be included in a WDO?

- A. On the spot fines (for example penalty notices such as speeding or travelling on the train without a valid ticket) and fines ordered by a court.

Q.5 When can an application for a WDO be made?

- A. In order to get a WDO the fine must be at the enforcement stage, i.e. with the SDRO. If the fine is a court issued fine then application may be made to have the fine fast tracked to the enforcement stage to be eligible for a WDO. To fast track court fines, separate applications must be made to each court that issued the fine.

Q.6 How will the debt be reduced?

- A. This will depend on the type of activity undertaken and can vary case-by-case.
- Voluntary work will reduce the fine debt by \$30 per hour worked.
 - Maximum number of hours that can be worked as a volunteer under a WDO is 35 per month.
 - Minimum number of hours that can be worked as a volunteer under a WDO is 10 per month.
 - This will reduce the fine debt by a maximum of \$1050 per month or a minimum of \$300 per month.
 - Agreed treatment programs can amount to \$1000 per month and these will be worked out on a case-by-case basis.
 - Educational or vocational skills courses equate to \$50 per hour or \$350 per full day with a maximum of 3 full days (\$1000 of fine debt) per month.
 - Mentoring programs for people under 25 may equal \$1000 of fine debt per month.

Q.7 Is there any limit on the number of hours for activities included in a WDO?

- A. Yes.
- The maximum number of hours for voluntary work under a WDO is:

- 300 hours for an adult.
- 100 hours for a child (under 18).

The number of hours for courses/counselling/case management will be worked out with the SDRO on a case-by-case basis.

Q.8 Is there a maximum number of hours for course/counselling/case management?

- A. There is no minimum or maximum hours for participation in medical or mental health treatment, drug or alcohol treatment, case management or counselling but participation may reduce the debt by around \$50 per hour to a maximum of \$1000 per month.

Q.9 Can you get more than one WDO?

- A. At present this is unclear. It is unlikely. The SDRO is not looking to set up multiple WDOs for one person during the initial test period of two years.

Q.10 What if the debt is greater than can be worked off in a single WDO?

- A. You would need to contact the SDRO to make an arrangement regarding the remainder of the debt.

Q.11 How do you start the process of getting a WDO?

- A. The individual with the fine/s debt must:
- i. Approach an organisation or health care professional to “support” the WDO.
 - ii. The individual and the organisation or health care professional must develop a plan together.
 - iii. The plan must be submitted to the SDRO with the application for a WDO.
 - iv. The organisation or the health care professional must also apply for approval to the SDRO, if not previously approved for this role.

Guidelines, application forms for WDOs and application forms to become approved organisations or health care professionals are on the SDRO website.

Q.12 How do you find out which organisations are “approved”?

- A. There is no official way to find out which organisations are approved but local youth and other community networks are informing community members if they have been approved. Contact key local youth services.

Q.13 How long does it take to process an application to become an “approved” organisation or a health care professional?

- A. Approximately 2 weeks.

Q.14 How do you apply for a WDO?

- A. The plan must be submitted to the SDRO together with an application form for the WDO and a list of the relevant fines. All application forms are on the SDRO website. Follow the work and development order links.

Q.15 What must a WDO application include?

- A. The content of a WDO must be agreed upon by the applicant, the SDRO, and the approved organisation or health care professional.
- It must set out:
- i. The value (importance) of the activities to be undertaken.
 - ii. What the planned activities are, and
 - iii. Information on the fines in question, e.g. when, where, how much?

If the applicant doesn't know how many fines they have they can contact the SDRO with their name and date of birth to find out.

Q.16 How long is a WDO?

- A. This will depend on what sort of plan has been arranged and how much fine debt is to be worked off.

Q.17 How long does it take to process an application for a WDO?

- A. Approximately 6 weeks. If an application is not successful, the SDRO will negotiate with the applicant to try to arrange an acceptable program.

Changing or Revocation of WDOs

Q.18 Can a WDO be varied or revoked?

- A. Yes.
- The SDRO can change an order if requested to by, or on behalf of, the person with the order.
 - If a person subject to an order fails to comply with the WDO without reasonable excuse, the SDRO can revoke the WDO. However, this happens only after the SDRO has taken reasonable steps to consult with the person and the responsible organisation or health care professional.

Q.19 If a WDO is revoked (cancelled) and a person wants to contest this how do they do this?

- A. By applying to the Hardship Review Board. All actions on the fines and the WDO are suspended while the appeal happens.

Q.20 If a WDO is revoked what happens about the work completed before it was revoked?

- A. The amount of work completed before the WDO is revoked is credited to the person and the appropriate amount is taken off the fine debt.

Q.21 Will a person be sent to jail if they have their WDO revoked?

- A. No

About Approved Organisations and Health Care Professionals

Q.22 What are approved organisations or health care professionals?

- A. Organisations and health care professionals that have applied to the SDRO, that meet the SDRO criteria and been accepted as approved by the SDRO. The criteria that organisations must meet are set out in the WDO Guidelines on the SDRO website.

Q.23 How does an organisation or health care professional apply for approval?

- A. On the SDRO website there are application forms for organisations or health care professionals to complete and submit.

Q.24 Which organisations are approved?

- A. There is no official list available from the SDRO at this time. If an organisation wants to be approved it must download an “Application for Approval” form from the SDRO website, complete it and submit it.

Q.25 Is there a difference between being “approved”, “supporting” and “supervising” organisations or health care professionals?

- A. These are different terms for the same groups or individuals. The terms refer to different aspects of the process of being involved with a WDO. An organisation or health care professional “supports” an individual to apply for a WDO, the same organisation or health care professional then applies for “approval” to the SDRO and if approved proceeds to “supervise” the individual on the WDO.