

# Work and Development Permit Guidelines

Infringement Management and Enforcement Services

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# 1 Introduction

The *Infringements Act 2006* (Infringements Act), in Part 2 - Division 3A, establishes a Work and Development Permit (**WDP**) scheme to enable an eligible person to expiate an infringement offence by undertaking approved activities instead of paying the infringement penalty.

An accredited agency or an accredited health practitioner is responsible for making an application for a WDP on behalf of an eligible person, and for supervising the participation of an eligible person in activities under a WDP.

From 1 July 2017 to 30 December 2017, the WDP scheme will be administered by the Secretary, Department of Justice and Regulation (**Secretary**) or the Secretary's agent. The functions of the Secretary include approving an application for a WDP, managing the process for accreditation of agencies and health practitioners and general oversight of the WDP scheme.

Upon commencement of Part 2A of the *Fines Reform Act 2014* on 31 December 2017, the majority of the functions of the Secretary will transfer to the Director, Fines Victoria. From 31 December 2017, a reference to the Secretary in these guidelines is taken to be a reference to the Director, Fines Victoria.

## 2 Document purpose

This document sets out the WDP guidelines made by the Attorney-General pursuant to section 27L of the Infringements Act. The guidelines take effect from 1 July 2017.

The guidelines cover:

- the personal circumstances that must be established to satisfy the Secretary that a person is an eligible person;
- the details to be included in any proposed WDP to be approved by the Secretary;
- the criteria that make an organisation an appropriate organisation for accreditation for the purposes of supervising and supporting eligible persons;
- the information and documents required for applications to become an accredited agency or accredited health practitioner;
- the work-off rate for satisfaction or part satisfaction of an infringement penalty; and
- information handling, consent and record management requirements.

The terms used in these guidelines, unless otherwise stated, have the same meanings as they have in the Infringements Act.

## 3 Eligible person

The Secretary has the discretion to approve a WDP application if satisfied that the application is in respect of an eligible person. Section 3 of the Infringements Act defines the term *eligible person* to mean a person served with an infringement notice<sup>1</sup> and who:

- has a mental or intellectual disability, disorder or illness;
- has an addiction to drugs, alcohol or volatile substances;<sup>2</sup>
- is experiencing homelessness;
- is experiencing acute financial hardship; or
- is the victim of family violence.<sup>3</sup>

<sup>1</sup> Court fines are not eligible for a WDP

<sup>2</sup> Within the meaning of s 57 of the *Drugs, Poisons and Controlled Substances Act 1981*.

<sup>3</sup> Within the meaning of s 5 of the *Family Violence Protection Act 2008*.

**Appendix 1** sets out the circumstances that must be established to satisfy the Secretary that a person is an eligible person.

## 4 Content of a proposed WDP

A proposed WDP must include:

- the name, address and contact details of the eligible person;
- the name, address and contact details of the accredited agency or accredited health practitioner;
- for an accredited agency, the name and contact details of the person who will be responsible for supervising the eligible person on behalf of the organisation;
- details of each infringement offence to which the WDP will relate, including the total outstanding amount of the unpaid infringement penalties (including prescribed costs and fees);
- the nature of the WDP activities proposed to be undertaken consistent with section 27A of the Infringements Act;
- a proposed time for the completion of the WDP activities; and
- the consent of the eligible person in the form provided in Appendix 4.

Further details of the types of activities that are WDP activities are set out in **Appendix 2**.

## 5 Accreditation

The two categories of accreditation under the WDP scheme are **accredited agency** and **accredited health practitioner**. The application requirements for each category of accreditation are set out below. **Appendix 3** summarises these requirements.

### 5.1 Appropriate organisation criteria

An organisation seeking to be accredited as an accredited agency must first meet the *appropriate organisation* criteria.<sup>4</sup>

The *appropriate organisation* criteria is that the organisation must be one of the following organisations:

- a non-profit organisation;
- a government agency or statutory body;
- a general practice;<sup>5</sup>
- a for-profit organisation whose objectives are consistent with the objectives of the WDP scheme; or
- an interstate organisation that falls under one of the above categories.

### 5.2 Application requirements

#### 5.2.1 General application requirements for organisations

An organisation applying for **agency accreditation** must provide the following information and/or documents:

- details of the client groups with which the organisation works (for example, people experiencing homelessness, people with a drug or alcohol addiction, young people);

<sup>4</sup> Consistent with the requirement at s 27L(1)(c) of the *Infringements Act 2006*.

<sup>5</sup> A general practice is a general practice accredited against the Royal Australian College of General Practitioner Standards.

- 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;
- details of the organisation's ABN;
- evidence of insurance cover (certificate of currency);
- confirmation that the organisation has a complaints procedure; and
- evidence that any person who will be responsible for supervising an eligible person who is under 18 years of age has passed a Working with Children Check.

## 5.2.2 Additional application requirements for particular organisations

### Non-profit organisations

In addition to the requirements set out at 5.2.1, a non-profit organisation applying to become an accredited agency must also 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 organisations

In addition to the requirements set out at 5.2.1, a for-profit organisation applying to become an accredited agency must also provide:

- evidence of the organisation's objectives, governance and funding, and demonstrate how the objectives are consistent with those of the WDP scheme; and
- 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 practices

In addition to the requirements set out at 5.2.1, a general practice applying to become an accredited agency must also provide:

- evidence of its accreditation against the Royal Australian College of General Practitioner Standards;
- the name(s) and registration number(s) of its health practitioners (medical practitioners, psychologists or nurses) who will be providing treatment under the scheme; and
- 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, the individual health practitioners listed on the application will also be considered for accreditation as accredited health practitioners.

### 5.2.3 Health practitioners

Section 3 of the Infringements Act defines *health practitioner* to mean a *registered medical practitioner*<sup>6</sup>, *registered psychologist* or *nurse*.<sup>7</sup>

A health practitioner applying individually for accreditation as a health practitioner must provide the following additional information and/or documents:

- 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; and
- confirmation that the health practitioner has a complaints procedure in place for eligible persons.

Where 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 address of the general practice.

## 6 Work-off rates

The work-off rates are the rates at which a person's participation in particular WDP activities will satisfy or part satisfy an infringement penalty and any prescribed costs or prescribed warrant fees.

Table 1: Work-off rates

Activity	Work-off rate
Unpaid work	
Courses, including educational, vocational or life skills courses	
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	6.6 penalty units per month
Drug and alcohol counselling	

## 7 Information handling and consent

### 7.1 Collection, use and disclosure of information relating to an eligible person

The Secretary may collect, use and disclose information or sensitive information<sup>8</sup> relating to an eligible person that is reasonably necessary to exercise the Secretary's functions in relation to a WDP.

The following individuals and organisations may collect, use and disclose information about an eligible person in the course of undertaking functions in relation to a WDP:

- the Department of Justice and Regulation;
- an accredited agency or an 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<sup>9</sup>.

<sup>6</sup> The term *registered medical practitioner* is defined in s 38EA of the *Interpretation of Legislation Act 1984*.

<sup>7</sup> The terms *registered psychologist* and *nurse* are defined in s 3 of the Infringements Act.

<sup>8</sup> As defined in Schedule 1 of the *Privacy and Data Protection Act 2014*.

## 7.2 Storage of information relating to an eligible person

An accredited agency or accredited health practitioner must store information relating to an eligible person for at least five years.

## 7.3 Consent

An accredited agency or accredited health practitioner must obtain the consent of an eligible person in the prescribed form at Appendix 4. An accredited agency or accredited health practitioner must include that consent as part of an application for a WDP.

# 8 Record management requirements

An accredited agency or an accredited health practitioner must keep a record of information relating to its involvement in the WDP scheme, including records:

- demonstrating that the accredited agency or accredited health practitioner meets, and continues to meet, the requirements of accreditation;
- establishing the eligibility of a person on whose behalf the accredited agency or accredited health practitioner has submitted an application for a WDP;
- evidencing the participation by an eligible person in WDP activities;
- demonstrating that a person who is responsible for supervising an eligible person who is under 18 years of age has passed a Working with Children Check
- demonstrating that an eligible person who is undertaking activities that may involve contact with persons under 18 years of age has passed a Working with Children Check

An accredited agency or an accredited health practitioner must:

- retain WDP records for at least five years;
- comply with these record management requirements, even if the accreditation of the accredited agency or accredited health practitioner is surrendered or 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; and
- upon request, and with reasonable notice, provide access to WDP documents to:
  - the Secretary (or the Secretary's agent); and
  - an eligible person who is, or has been subject to a WDP under the supervision of that accredited agency or accredited health practitioner (for documents relating to that eligible person).

<sup>9</sup> An enforcement agency is defined in section 3 of the *Infringements Act 2006*.

## Appendix 1: Eligible person categories

### Mental disability, disorder or illness

In accordance with section 4 of the *Mental Health Act 2014* and the definition of 'disability' contained in the *Disability Discrimination Act 1992 (Cth)* a mental disability, disorder, or disease or illness means a diagnosed medical condition that is characterised by a disturbance of thought, mood, perception or memory. This may include:

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

Examples of a mental illness include, but are not limited to:<sup>10</sup>

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

### Intellectual disability, disorder or illness

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)*, an intellectual disability, disorder or disease means a disorder or malfunction that results in a person learning differently to a person without the disorder or malfunction. 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;
- 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.<sup>11</sup>

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

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

<sup>10</sup> Guide to Specialist Courts and Court Support Services, Magistrates' Court of Victoria, June 2014, p 25.

<sup>11</sup> This guidance is taken from the definitions of 'disability' and 'intellectual disability' s3 of the *Disability Act 2006*, and the *Disability Discrimination Act 1992 (Cth)*.



## Addiction to drugs, alcohol or volatile substances

A person is considered to have an addiction to drugs, alcohol or volatile substances 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;
  - 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).<sup>12</sup>

### ***Volatile substance – definition:***

Section 57 of the *Drugs, Poisons and Controlled Substances Act 1981* defines volatile substances as:

- 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.

<sup>12</sup> Based on the definition of substance dependence in American Psychiatric Association, the Diagnostic and Statistical Manual of Mental Disorders: DSM-IV. 4 edition, Washington D.C: American Psychiatric Association (2000).

## Homelessness

Regulation 7 of the Infringements Regulations 2016 prescribe the criteria for determining if a person is homeless for the purposes of definition of *special circumstances*. For the purposes of these guidelines, the criteria in Regulation 7 will be adopted to define when a person is considered to be experiencing homelessness.

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); or
- has inadequate access to safe and secure housing as defined in section 4(2) of the *Supported Accommodation Assistance Act 1994* (Cth).

Section 4(2) of the *Supported Accommodation Assistance Act 1994* (Cth) provides that 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;
- 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.

Examples of circumstances in which a person may be considered homeless include where a person is:

- without conventional accommodation, for example, sleeping in parks or in the street, squatting, living in a car or an improvised dwelling;
- 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 family violence, unsafe living conditions or inability to afford other housing;
- living in a caravan park due to the person's inability to access other accommodation; or
- living in a boarding house on a medium to long-term basis.

## Acute financial hardship

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

- is in receipt of a social security payment; or
- satisfies the low income test.

## Receipt of a social security payment

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; or
- Department of Veterans Affairs benefits.

## Low income test

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<sup>13</sup>.

The current income limit is located at: [www.humanservices.gov.au](http://www.humanservices.gov.au).

## Extenuating circumstances

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

## Victim of family violence

A 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 2008* 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.<sup>14</sup>

Family violence includes, but is not limited to:

- assaulting or causing personal injury to a family member or threatening to do so;
- 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;

<sup>13</sup> 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.

<sup>14</sup> Section 5, *Family Violence Protection Act 2008*

- 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,<sup>15</sup> and
- coercing a family member to relinquish control over assets and income.<sup>16</sup>

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<sup>15</sup> Section 5, *Family Violence Protection Act 2008*

<sup>16</sup> Section 6, *Family Violence Protection Act 2008*

## Appendix 2: WDP activities

This Appendix is a non-exhaustive list of examples of the types of activities that an eligible person may undertake under the categories in section 27A of the Infringements Act.

### Unpaid work

Unpaid work might include, but is 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. For example, a person must have passed a Working with Children Check to undertake property maintenance on school grounds.

### Courses

Suitable courses that a person can undertake under a WDP include educational, vocational or 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 considered both educational and vocational is regarded as one course.

### Treatment given by a health practitioner

Treatment given by a health practitioner may include pharmacology and face-to-face sessions with a health practitioner. Treatment must be undertaken in accordance with a health practitioner's treatment plan. Health practitioner supervised drug and alcohol treatment falls under this activity category.<sup>17</sup>

### 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.<sup>18</sup>

#### Drug and alcohol counselling

Drug or 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:

<sup>17</sup> Drug and alcohol services that are provided by a person who is not an accredited health practitioner may be classified as 'Drug and alcohol counselling'.

<sup>18</sup> [www.pacfa.org.au/practitioner-resources/counselling-psychotherapy-definitions/](http://www.pacfa.org.au/practitioner-resources/counselling-psychotherapy-definitions/)

- 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; and
- engagement in health and mental health services.

### 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.<sup>19</sup>

Financial counselling may involve undertaking financial analyses, generation of options and advice about debt issues, supporting a client in negotiation with creditors or advocating on a client's behalf.

### 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.

## 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.<sup>20</sup> 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; or
- seeking to increase their career options.<sup>21</sup>

<sup>19</sup> [www.financialcounsellingaustralia.org.au/Corporate/Financial-Counselling](http://www.financialcounsellingaustralia.org.au/Corporate/Financial-Counselling)

<sup>20</sup> [www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/young-people/mentoring](http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/young-people/mentoring)

<sup>21</sup> A Guide to Effective Practice for Mentoring Young People, [www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/youth-mentoring-guides](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/youth-mentoring-guides)

## Appendix 3: Accreditation requirements

Accreditation type	Organisation type	Specific requirements	General requirements
<b>Organisation</b> <i>(Accredited agency)</i>	Non-profit	<ul style="list-style-type: none"> <li>evidence of capacity to work with government to deliver services and comply with terms of contract service agreements</li> </ul>	<ul style="list-style-type: none"> <li>details of client group with which the organisation works</li> <li>details of the types of activities the organisation proposes to provide under the scheme</li> <li>confirmation that the organisation has staff who are appropriately trained, qualified or experienced to provide the types of activities that the organisation proposes to provide</li> <li>name and contact details of key contact person for the scheme</li> <li>details of the organisation's ABN</li> <li>evidence of insurance cover (certificate of currency)</li> <li>confirmation that the organisation has a complaints procedure</li> <li>evidence that any person responsible for supervising an eligible person under the age of 18 years has passed a Working with Children Check</li> </ul>
	Government	-----	
	General practice	<ul style="list-style-type: none"> <li>evidence of accreditation against the Royal Australian College of General Practitioners Standards</li> <li>the name/s and registration number/s of health practitioners who will be providing treatment under the scheme</li> <li>details of any outstanding complaints or notifications against any health practitioners who will be providing treatment under the scheme</li> </ul>	
	For-profit	<ul style="list-style-type: none"> <li>evidence of the organisation's objectives, governance and funding, and demonstrate how the objectives are consistent with those of the WDP scheme</li> <li>details of any past contract service agreements with government and, if available, evidence of compliance with those agreements</li> </ul>	
<b>Health practitioner</b> <i>(Accredited health practitioner)</i>		<ul style="list-style-type: none"> <li>name and registration number</li> <li>evidence of professional indemnity insurance</li> <li>details of any outstanding complaints or notifications</li> <li>confirmation that the health practitioner has a complaints procedure for eligible persons</li> <li>the address of the health practitioner's general practice (if seeking accreditation as part of a general practice that is already accredited as an accredited agency under the scheme)</li> </ul>	

## Appendix 4: Consent form

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# 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 Secretary, Department of Justice and Regulation.

### 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 Secretary, Department of Justice and Regulation (DJR) may request a copy of the signed consent form.

### Why is information being collected?

An accredited agency or accredited health practitioner and DJR need information about an eligible person to process an application for a WDP.

The *Infringements Act 2006* establishes WDPs. The Secretary, DJR is authorised to collect and share an eligible person's information, pursuant to the *Infringements Act 2006* and the WDP guidelines made by the Attorney-General.

### Who is the Secretary, DJR?

The Secretary, DJR is responsible for administering WDPs. The Secretary or the Secretary's agent may carry out functions relating to WDP.

DJR is the government department that is responsible for managing Victoria's infringement and enforcement systems.

### 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 Secretary, DJR. 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 Secretary, DJR
- 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\*.

\* 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.

### 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 Secretary, DJR has collected about the eligible person. An eligible person may access this information:

- by contacting DJR, Infringement Management and Enforcement Services
- 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](http://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](mailto:wdp@justice.vic.gov.au)

We acknowledge the traditional custodians of the land and pay respect to their Elders past and present



# 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 Secretary, DJR
- 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