

FINES AMENDMENT (WORK AND DEVELOPMENT ORDERS) BILL 2011

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Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.39 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Fines Amendment (Work and Development Orders) Bill 2011. Fine debt is a significant problem for vulnerable people in our community. The Work and Development Orders program, or WDO program, helps to address this problem. It gives people who are very poor, homeless, mentally ill or intellectually disabled the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities. The scheme operates in partnership with a range of organisations and health practitioners, including Mission Australia, Youth off the Streets, and the Schizophrenia Fellowship, as well as doctors and nurses in our community. These partners support and supervise people who are carrying out work and development orders.

The Work and Development Order scheme was initially established as a two-year pilot. The evaluation of the pilot was very positive. The evaluation found that the Work and Development Order scheme helps to reduce reoffending. Over 80 per cent of people who were given a work and development order had not had another fine or penalty notice enforced against them. The evaluation also found that the scheme provides a strong incentive for fine recipients to engage in activities such as vocational courses and mental health, drug and alcohol treatment. The mental health of many Work and Development Order participants improved. Furthermore, through participating in the scheme, many participants developed new skills, and increased their employment opportunities. In response to this evaluation, the Government has made the Work and Development Order scheme permanent.

With this bill, the Government is also proposing to amend the Fines Act to implement two of the other recommendations made in the evaluation report. Firstly, the bill opens the scheme up to people who have serious addictions to drugs, alcohol or volatile substances. Secondly, the bill streamlines the Work and Development Order application process, so as to cut red tape and reduce processing times. I will first address the amendments that introduce additional eligibility criteria for the scheme. Currently, the Work and Development Order scheme is open to people who are in acute economic hardship; people who are homeless; people who have an intellectual disability or cognitive impairment; and people who have a mental illness. A person can undertake drug and alcohol treatment as part of their Work and Development Order. However, having an addiction to drugs or alcohol does not, in itself, make a person eligible for the scheme.

To implement a recommendation made in the evaluation report, the bill introduces serious addiction to drugs, alcohol or volatile substances as a new ground of eligibility for the Work

and Development Order scheme. The term volatile substances is intended to refer to substances like glue, paint and aerosols. If a serious addiction to drugs, alcohol or volatile substances is a person's only ground of eligibility for the scheme—for instance, they do not also have a mental illness—the person must undertake either drug and alcohol treatment or counselling as their Work and Development Order activity. This will ensure that the person starts to address their addiction through the Work and Development Order.

The Government believes that considerable benefits will flow from these amendments. Drug and alcohol abuse comes at a significant cost to the community, and also has a strong association with crime. During the pilot phase of the Work and Development Order scheme, over 250 fine defaulters undertook drug and alcohol treatment. By making serious drug and alcohol addiction a specific ground of eligibility, other fine defaulters with drug and alcohol issues will also be encouraged to undertake treatment. This has the potential to reduce reoffending and bring about rehabilitation at an early point of contact with the criminal justice system.

The bill also makes amendments to streamline the Work and Development Order application process. Currently, an organisation or health practitioner who is supporting a person to apply for a Work and Development Order must compile the documentation to prove their client is eligible, set out the activities that the client will undertake, and send the application in to the State Debt Recovery Office. The State Debt Recovery Office must then review all the documentation provided, and ultimately make the Work and Development Order if appropriate.

The bill changes this application process to enable approved organisations and health practitioners to determine whether or not their client is eligible for the scheme. The approved organisation or health practitioner will still have to collect documentation to prove their client's eligibility, and keep that documentation on file, but the documentation will not have to be reviewed by the State Debt Recovery Office as well. The State Debt Recovery Office can rely on the judgement of approved organisations and health practitioners. The State Debt Recovery Office will remain responsible for ensuring that the proposed Work and Development Order activities come within the scope of the scheme; verifying that the supporting organisation or health practitioner has approval to supervise those activities; and ultimately making the Work and Development Order.

This change will significantly reduce application processing times, which were a concern in the evaluation. This change also makes sense, as it leaves decisions about eligibility to those with the most expertise in this area—organisations and health practitioners who work with vulnerable people. Most approved organisations and health practitioners already have thorough intake and assessment procedures, which cover the same or very similar issues that determine eligibility for the Work and Development Order scheme. Safeguards will be put in place to ensure that this change is workable and that the Work and Development Order scheme retains its integrity. Firstly, the Work and Development Order guidelines will set out a clear and specific list of documentation that the supporting organisation or health

practitioner will have to keep on file to establish eligibility.

Secondly, there will be independent audits of approved organisations and health practitioners, to ensure that they are complying with the eligibility and record-keeping requirements of the scheme. Thirdly, the bill gives the State Debt Recovery Office the power to revoke a Work and Development Order in certain circumstances. The State Debt Recovery Office will have the power to revoke a Work and Development Order if it is of the opinion that an application for a Work and Development Order, or a report on a Work and Development Order, has contained false or misleading information. The State Debt Recovery Office will also have the power to revoke a Work and Development Order if it is of the view that a person does not meet, or no longer meets, the eligibility criteria for the scheme.

This bill makes amendments to expand and improve the Work and Development Order scheme, so as to build on its success. It has come about through cooperation between various groups, including those I have mentioned and other non-government organisations, the Department of Finance and Services and the Minister and my department. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.