

SPER Work and Development Orders: What do Caseworkers need to know?

Queensland Parliament has passed new laws to change the way the State Penalties Enforcement Registry (**SPER**) collects debts.

The *State Penalties Enforcement Amendment Act 2017* will introduce a new Work and Development Order (**WDO**) scheme, which will provide a broader range of non-monetary options for people experiencing hardship to address their SPER debts.

The exact date that this scheme will be implemented is uncertain but SPER seem to be suggesting mid 2018.

What is a Work and Development Order?

Under the new scheme, if your client has a SPER debt and meets the eligibility criteria, a WDO will allow them to undertake any of the following to satisfy their SPER debt:

- **unpaid work** for, or on behalf of, an approved sponsor;
- **medical or mental health treatment** under an approved sponsor's treatment plan provided by a health practitioner;
- an **educational, vocational or life skills course** as decided by an approved sponsor;
- **financial or other counselling** as decided by an approved sponsor;
- **drug or alcohol treatment** as decided by an approved sponsor;
- if the person is under 25 years of age—a **mentoring program** as decided by an approved sponsor;
- if the person is an Aborigine or a Torres Strait Islander and lives in a remote area—a **culturally appropriate program** as decided by an approved sponsor.

Some types of debts, including debts related to restitution or compensation, cannot be addressed through a WDO.

Once a WDO is in place, SPER won't take enforcement action against your client for any debt that is covered by the WDO. However, SPER will be able to take enforcement action in relation to SPER debts which are not subject to the order, for example new SPER debts incurred after the WDO was approved.

When will WDOs be available?

Although the *State Penalties Enforcement Amendment Act 2017* has been passed into law, most of the amendments that create the WDO scheme will only commence on a date to be proclaimed. This means that the scheme will not start until a date set by the Government.

Until the WDO scheme begins, your clients may still be able to resolve their SPER debts through payment plans, Fine Options Orders and Good Behaviour Orders.

SPER has indicated that it hopes to have the full WDO scheme operational by mid 2018. In the meantime, SPER is engaging with key stakeholders about implementation of the scheme.

Who is eligible for a WDO?

Your client will be eligible to apply for a WDO if they are unable to pay their SPER debt because they are:

- experiencing financial hardship;
- have a mental illness
- have a cognitive or intellectual disability;
- are homeless; or
- have a substance use disorder; or
- are experiencing domestic and family violence.

These terms will be defined in future regulations that will be produced by the Queensland Government.

Once your client is on a WDO, SPER will be able to revoke it if they do not comply with the order, or they no longer meet the eligibility criteria.

Who is an approved sponsor?

To be an approved sponsor for a WDO, you will need to be a person or entity approved by the SPER Registrar for that type of WDO.

SPER is currently undertaking extensive engagement with the community sector and key stakeholders about the implementation of the WDO scheme. SPER is also in the process of developing WDO guidelines.

If you would like to discuss whether you or your organisation can be an approved sponsor, you should contact SPER at SPERengagement@treasury.qld.gov.au.

How do I apply for a WDO?

An approved sponsor, with the agreement of the individual, will be able to apply on the individual's behalf for a WDO.

Before making an application, an approved sponsor will be obliged to assess the applicant's eligibility to engage in a WDO. The application form will need to state the grounds on which the individual is eligible, the activities that are proposed to be carried out under the WDO, and the timeframe of the activities. The SPER Registrar may require evidence to support the eligibility assessment.

If the application is refused, SPER will need to give reasons. If you or the person you are assisting is unhappy with the decision, you can have the decision reviewed by QCAT.

More Questions?

If you have more questions about the new WDO scheme or how to become an approved sponsor, you can contact at SPER at SPERengagement@treasury.qld.gov.au.

If you have a client with a SPER debt, they can seek assistance from one of LawRight's Homeless Persons' Legal Clinics. Further details about clinic times and locations are available on LawRight's [website](#).