

Road Transport (Approval of Community Work or Social Development Program) Guidelines 2013 (No 1)

Notifiable Instrument NI 2013—232

made under the

Road Transport (General) Act 1999, section 31C (5) (Approved community work or social development program—responsible director-general’s agreement)

1 Name of instrument

This instrument is the *Road Transport (Approval of Community Work or Social Development Program) Guidelines 2013 (No 1)*.

2 Commencement

This instrument commences on the commencement of the *Road Transport (General) (Infringement Notices) Amendment Act 2012*, section 3.

3 Information or evidence required to support an application to participate in an approved community work or social development program

(1) Where the responsible director-general is asked, pursuant to section 31C (1) of the Act, if the director-general agrees to an applicant for an infringement notice management plan participating in an approved community work or social development program, where the ground relied upon for the application is a ground listed in Column A of the table in Schedule 1, and the application based on that ground is supported by the provision to the responsible director-general of the information or documentation mentioned in Column B of the table, the responsible director-general may be satisfied that agreement to the applicant’s participation in an approved community work or social development plan is justified.

(2) Where the responsible director-general is satisfied on reasonable grounds that, notwithstanding the absence of the supporting documentation in Column B, the financial or relevant circumstances of an applicant justify agreement to the applicant participating in an approved community work or social development program, the director-general may agree to that participation.

Note: the terms *approved community work or social development program*, *infringement notice management plan* and *responsible director-general* are all defined in the *Road Transport (General) Act 1999*. Section 148 of the *Legislation Act 2001* provides that terms used in a statutory instrument have the same meanings as they have in the Act under which the instrument was made.

4 Information or evidence required that applicant is suitable to participate in an approved community work or social development program, where the applicant has a medical condition or illness

Where the responsible director-general is asked, pursuant to section 31C (1) of the Act, if the director-general agrees to an applicant for an infringement notice management plan participating in an approved community work or social development program, the director-general may, in order to determine his or her agreement, require written evidence from a registered medical practitioner or other registered health professional to the effect that the applicant is fit to participate in the program.

Kathy Leigh
Director-General
Justice and Community Safety Directorate
20 May 2013

Information or evidence required to support an application to participate in an approved community work or social development program

Ground of application	Information or documentation required
Financial circumstances	<p>(1) Evidence that the applicant is the holder of a card prescribed for section 31A(4)(b) of the <i>Road Transport (General) Act 1999</i>: or</p> <p>(2) A statement supporting the applicant’s application provided or endorsed by one of the following:</p> <ul style="list-style-type: none"> • a financial counselling service; • an accountant; or • an organisation which routinely provides support to people in financial hardship. <p>The letter or other documentation must be no older than 3 months from the date of the application.</p>
Mental or intellectual disability or mental disorder	<p>A letter or other documentation, describing the applicant’s disability, illness or condition, from one of the following:</p> <ul style="list-style-type: none"> • the applicant’s general practitioner, treating doctor, psychiatrist, registered psychologist, or mental health nurse; • Centrelink, if the applicant is in receipt of a full or partial disability pension (e.g. a Job Capacity Assessment or other report which describes the applicant’s disability or impairment); • Disability ACT, if the applicant has been declared eligible for the receipt of services; • the applicant’s school teacher or Principal, or an employee in the Directorate of Education and Training; • a government agency or non-government organisation with experience working with people with intellectual disability or cognitive impairments; <p>or</p> <ul style="list-style-type: none"> • a government agency or non-government organisation with professionals qualified to make mental health assessments. <p>The letter or other documentation must be no older than 6 months from the date of the application, and must explain:</p> <ul style="list-style-type: none"> • the diagnosis, including the nature, severity and effects of the disability, illness or condition, • how long the applicant has had the disability, illness or condition;

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	<ul style="list-style-type: none"> • how the applicant’s illness, dysfunction, disorder, disability or condition has contributed or is contributing to the inability to pay the infringement penalties owed; and • why it is more appropriate for the applicant to undertake the proposed work or activities rather than pay the infringement penalties owed.
Physical disability, disease or illness	<p>(1) If the applicant is in receipt of a full or partial disability pension, a Job Capacity Assessment or other report from Centrelink describing the applicant’s disability or impairment; or</p> <p>(2) If the applicant has been declared eligible for the services of Disability ACT, evidence of this declaration; or</p> <p>(3) A letter or other documentation from any of the following clearly describing the person’s disability or impairment:</p> <ul style="list-style-type: none"> • the applicant’s general practitioner or other registered medical practitioner, • a government agency or non-government organisation with experience working with people with physical disabilities. <p>The letter or other documentation must be no older than 6 months from the date of the application, and must explain:</p> <ul style="list-style-type: none"> • how the applicant’s physical disability, disease or illness has contributed, or is contributing to, the person’s inability to pay the outstanding amount; and • why it is more appropriate for the applicant to undertake the program proposed rather than pay the outstanding amount.

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<p>Addiction to drugs, alcohol or another substance</p>	<p>A letter or other documentation from one of the following:</p> <ul style="list-style-type: none"> • the applicant’s treating doctor, psychiatrist, registered psychologist, nurse working in the field of drug and alcohol addiction, or social worker; • the applicant’s drug and alcohol case worker or counsellor; • the applicant’s youth service case worker or counsellor; • the applicant’s Residential rehabilitation service provider; or • a government agency or non-government organisation with expertise in working with people with serious addictions to alcohol or other drugs or substances. <p>The letter or other documentation must be no older than 6 months from the date of the application, and must explain:</p> <ul style="list-style-type: none"> • the nature, severity and effects of the addiction; • how long the applicant has had the addiction; • how the applicant’s addiction has contributed, or is contributing to, the inability to pay the outstanding amount; and • why it is more appropriate for the applicant to undertake the proposed program rather than pay the outstanding amount.
<p>Domestic violence</p>	<p>Documentation that can be used to identify the applicant as having been subjected to domestic violence, includes one or more of the following documents:</p> <ul style="list-style-type: none"> • Emergency Protection Order; • Domestic Violence Order; • Personal Protection Order; • transcript of hearing or orders made after a hearing; • record of court proceeding; • police report; • letter from the Legal Aid Office (ACT) Domestic Violence and Protection Order Unit; • letter from a counsellor; • letter or record of sessions from Victims Services; • letter or record of session from Domestic Violence Crisis Service; • letter from a lawyer who has been consulted regarding safe exit strategy; or

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	<ul style="list-style-type: none"> • letter from a women’s refuge. <p>The documentation provided must:</p> <ul style="list-style-type: none"> • demonstrate that the domestic violence remains a relevant factor to support the application; • explain how the applicant’s being affected by domestic violence has contributed, or is contributing, to the inability to pay the infringement penalties owed; and • explain why it is more appropriate for the applicant to undertake the proposed work or activities rather than pay the infringement penalties owed.
<p>Homelessness or living in crisis or transitional or supported accommodation</p>	<p>A letter or other documentation from:</p> <ul style="list-style-type: none"> • the applicant’s lawyer, specialist service provider or case worker, or • a government agency or non-government organisation with experience working with people experiencing homelessness. <p>The letter or other documentation must be no older than 3 months from the date of the application, and must explain:</p> <ul style="list-style-type: none"> • how long the applicant has been homeless; • the type of homelessness the applicant is experiencing; • the applicant’s current living arrangements (where possible); • how the applicant’s being affected by homelessness has contributed, or is contributing, to the inability to pay the infringement penalties owed; and • why it is more appropriate for the applicant to undertake the proposed work or activities rather than pay the infringement penalties owed.