



**RESPONSE TO FINANCE AND ADMINISTRATION COMMITTEE'S  
REPORT NO. 38 – STATE PENALTIES ENFORCEMENT AMENDMENT BILL 2017**

**Recommendation 1**

*The committee recommends that the State Penalties Enforcement Amendment Bill 2017 be passed.*

The Government supports this recommendation.

**Recommendation 2**

*The committee recommends that in proposed new section 32H, clause 24 be amended to include a 'catch all' provision for eligibility for the work and development orders.*

The Government supports the intent of this recommendation. Government is committed to ensuring that people experiencing genuine hardship have access to work and development orders. The bill provides six eligibility categories for work and development orders, the scope of which will be prescribed by regulation or detailed in comprehensive guidelines provided under proposed new section 150B(2A), clause 78. The guidelines will define the eligibility criteria for each category and include examples of what the criteria may include.

The guidelines will be developed in consultation with key stakeholders to ensure that all circumstances are taken into account, including exceptional situations. This consultation will occur through a reference group comprised of key non-government service providers, advocacy groups and government agencies. This will ensure that the scheme is sufficiently inclusive to accommodate the broad spectrum of hardship circumstances.

It is anticipated that the eligibility criteria in the guidelines for each of the categories will be comprehensive. For example, it is proposed that the eligibility criteria for the category of financial hardship will include people who:

- receive prescribed Centrelink benefits or Department of Veterans Affairs benefits;
- do not receive government benefits but whose household income is below specified thresholds; or
- do not receive government benefits and are not in a low income household, but the sponsoring organisation considers that they are in financial hardship.

This will ensure that a person experiencing genuine financial hardship for any reason is eligible for a work and development order. This would include, for example, an individual recently released from custody who is not yet in receipt of Centrelink benefits, or an individual with a gambling addiction.

On this basis, the Government considers that it is not necessary to amend the Bill to include a catch-all provision for eligibility for the work and development orders in section 32H.