



Department of **Energy, Mines,
Industry Regulation and Safety**



Agency Commissioning Plan

– Community Services





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Section 1: Strategic plan for commissioning community services

Background

In August 2022, the WA Government released the State Commissioning Strategy for Community Services (Strategy) with the purpose of ensuring greater cohesion between Government, service providers, peak bodies, and consumer advocates. The aim is to ensure community services are grounded by the following principles:

- A community and person-centered approach focused on outcomes.
- A sustainable system.
- Inclusive services - focus on Aboriginal outcomes and partnerships.
- Well-led, supported and transparent system.

The Department of Finance (DoF), as the lead agency responsible for the development and implementation of the Strategy, requested Agency Commissioning Plans from all agencies that are responsible for contracting community services under the Delivering Community Services in Partnership Policy (DCSPP), and community services delivered by, or on behalf of WA Government agencies.

Agency Commissioning Plans (ACPs) identify the agency's proposed commissioning intentions over the next five years, and these will evolve in response to community need and government priorities.

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) commissioning approach builds on the good guidance of the DCSPP and includes stages of work associated with identifying need, communicating intention and service design for delivering local place-based services.

DEMIRS Community Service Agreements

DEMIRS currently funds a Tenancy Advice and Education Services (TAES) program under the DCSPP.

The TAES program provides funding for 16 community legal centres (CLCs) to assist tenants in resolving disputes. These services include telephone legal advice and assistance; in-person legal advice; representation of clients in conciliations and at the Magistrates Court; and provision of publications and resources such as client self-help tools and information guides.

Historically TAES has been funded from interest earnings on an agency special purpose account, the Rental Accommodation Account (RAA), which holds all private residential tenancy bonds.

The current TAES contract was originally established following a Preferred Service Provider Request for Tender. Since 2019, there have been a series of beyond term extensions. The current contract has been extended until June 2025, which will provide for sufficient time to review, plan, and proceed with a procurement process for a new five-year contract in compliance with the DCSPP.

DEMIRS currently has no plans to introduce any additional DCSP programs or funding agreements.

Alignment with Government and DEMIRS priorities

The TAES program supports vulnerable members of the Western Australian community. The program provides opportunities for individuals to seek legal assistance in situations where there may be an imbalance of power or knowledge.

The TAES providers became a major point of support following the end of the moratorium on rent increases and evictions implemented during the COVID-19 emergency period.

More than one-in-four individuals seeking support from TAES providers identifies as having family and domestic violence issues in their tenancy. Almost one-in-five identifies as being at risk of homelessness if their issue is not resolved.

Stability of housing has been shown to provide benefits in health, education, and law enforcement outcomes at a significant multiplier to the investment made.

The TAES program aligns with DEMIRS strategic intent in supporting a safe, fair and responsible future for the Western Australian community, industry and resources sector. As a best practice regulator, DEMIRS aims to have targeted regulatory strategies that provide specific interventions to address identified risks to consumers and businesses. The provision of the TAES program is one of these specific interventions.

The program is a component in the following approaches to achieving that strategic intent. As a regulator:

- maintain regulation that is clear, relevant, and enforced;
- create relationships that encourage compliance; and
- foster public trust and confidence.

As a policy maker:

- manage our policy environment to drive behaviours that are in the public interest;
- predict then address emerging policy challenges;
- gather the latest intelligence on the operating environment; and
- explore new approaches to achieving regulatory intent.

Opportunities for reform or opportunities to review for alternate delivery methods

The *Residential Tenancies Act 1987* (RTA) restricts the funding to not-for-profit organisations that are approved by the Minister and currently those organisations are all CLCs.

The RTA does not restrict how many organisations can be funded for the delivery of these services and so it is possible that they can be delivered by a wider range of providers. This would potentially enable a significantly increased geographic footprint in face-to-face service provision, and encourage service delivery of relevant advice and representation that is targeted to vulnerable tenant groups within the community e.g. culturally and linguistically diverse tenants, Aboriginal tenants etc.

However, any expansion to the number of service providers carries significant risks. Foremost among them is the dilution of already limited levels of funding, to a point where no individual service provider is financially viable.

The recognition of this program as core services of government, albeit provided by third-party providers, and the provision of consistent, long term and increased funding is the most needed reform.

Opportunities for coordination

TAES is currently delivered by the community legal sector and, many of these service providers also receive funding under the National Legal Assistance Partnership (NLAP) that is administered by the Department of Justice (DoJ).

There exists an opportunity to explore the coordination of DEMIRS funding agreements with the funding agreements between CLCs and the DoJ or at the very least as a first step, coordinate reporting and administration which will provide benefits to both the service providers and the relevant state parties.

Priority should be given to developing consistent reporting formats and working towards a 'report once' approach with data to be used across line agencies.

Co-design and consultation

DEMIRS undertakes both formal and informal consultation with key stakeholders.

A formal co-design process for the TAES program will be undertaken during the planning phase for the new agreement and will include an Outcomes Measurement Framework (OMF) to support evidence-based decision making and report on progress in achieving the outcomes.

Service sustainability

Service providers have previously indicated that current funding levels are insufficient to meet service demand and a lack of certainty around long-term funding creates difficulty in attracting and retaining the required talent to deliver effective services.

Funding is from interest earned on the RAA. A continuing low interest rate environment has resulted in DEMIRS being unable to increase funding for the program or provide for longer term agreements.

As the RAA is unable to completely fund the TAES program, additional recurrent appropriation been approved by the Expenditure Review Committee to allow the continuation of the TAES program to 2025.

Section 2: Commissioning enablers

Policy barriers

There are currently no identified barriers or gaps in the DSCP policy and practice framework that would impact intended approaches or timeframes.

Agency capacity and resourcing

DEMIRS is currently sufficiently resourced to manage funding agreements, with significant reliance on key individuals.

Sector capacity

The community legal sector has shown a capacity to deliver the contracted services and a capability to provide continuity of service despite a lack of clarity around long-term funding.

Support required

DEMIRS identifies the need for DoF support in commissioning the new service agreement, in particular with co-design. DoF's Commissioning Services team will be engaged to support its commissioning activities.

Impacts on timeframes

Budget approvals are the key impact on intended timeframes. If DEMIRS is able to secure sufficient support for alternative funding mechanisms for the TAES programs, then timelines will be more easily met.

Consultation requirements

Proposed amendments to funding programs will require significant consultation with the Community Legal sector, relevant Ministers and DoF.

A detailed consultation plan will be developed following finalisation of the intended approach to the future of both agreements.

Section 3: Prioritising Aboriginal people and Aboriginal Community Controlled Organisations (ACCOs)

More than one-in-six individuals seeking assistance from TAES providers identified as Aboriginal. On an individual provider basis, this ranged from five per cent to 78 per cent, with the greater percentages being in the Kimberley, Pilbara, Wheatbelt and Mid West/Gascoyne regions.

As part of the design stage for the new contract, a priority will be to enhance engagement with ACCOs in the consultation process. Key government policies such as Closing the Gap National Agreement 2020, Aboriginal Empowerment Strategy and ACCO Strategy are to be considered.

Section 4: Budget considerations

Budget impacts of proposed changes

DEMIRS is in the process of identifying suitable reforms. Budget impacts will be dependent on the significance of the changes made.

Sustainability of funding

DEMIRS is committed to maintaining the TAES program and is investigating options to provide long-term sustainable funding for TAES providers from the 2025–26 financial year. This includes:

- analysis of whether current interest rate increases will provide sufficient interest revenue for the RAA to provide the required level of funding for the next five-year TAES contract;
- determining the viability of combining five real estate related special purpose accounts administered by DEMIRS, some containing a large surplus of funds, the interest on which might then be used to fund the next five-year TAES contract; and
- continuing discussions with the Department of Treasury to replace all funding requirements relating to the TAES program with government appropriations.

Section 5: Additional considerations or concerns

Discussions on integration of contracts

Discussions for the reporting and administration arrangements of the TAES agreement with the agreements between CLCs and the DoJ are ongoing.

Outcomes and key performance indicators

Outcomes and key performance indicators will be defined and refined during the co design and prior to commencing the procurement process.

Review of the *Residential Tenancies Act 1987 (WA)*

The department is currently undertaking a review of the *Residential Tenancies Act 1987 (WA)*. The review is addressing a board range of issues impacting tenant and landlords. This will likely impact the TAES program by creating a need to educate tenants and the broader community on any changes to tenancy law.



Strategic timeline

	2023–24				2024–25				2025–26				2026–27				2027–28			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
Tenancy advice and education services																				
Current agreement expires 30/6/25																				
Data collection, identify needs and plan																				
Engage and co-design with stakeholders including Aboriginal representation																				
Funding agreed for new agreement																				
Procurement process for new agreement																				
Manage and monitor																				
Continuous evaluation and review																				

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**Department of Energy, Mines, Industry
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