



Fair
Trading

Tenants' Advice and Advocacy Program

PROGRAM and APPLICATION GUIDELINES

2023 - 2028

Community Grants
NSW Fair Trading
NSW Department of Customer Service

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1. INTRODUCTION

This document provides information on the requirements for applying to provide services under the Tenants Advice and Advocacy Program (TAAP). TAAP direct services provide tenancy advice and advocacy services to tenants throughout NSW.

TAAP is administered by NSW Fair Trading and is funded by the Rental Bond Interest Account. Funding of the program assists NSW Fair Trading in meeting the objectives of promoting fairness in the marketplace and ensuring consumer protection.

TAAP funds incorporated not-for-profit organisations to provide direct services in accordance with the TAAP Program Guidelines. Direct services operate in defined regions covering specific Local Government Areas and/or Statistical Divisions. Appendix 1 lists the geographic coverage of each direct service.

The TAAP Program Guidelines provide detailed descriptions of the operation of the program, performance standards, funding and budgetary processes and reporting requirements.

1.1 Eligibility Criteria

To be eligible to apply for TAAP funding to operate a service an organisation must:

- be based in NSW and be prepared to operate the service within the regional boundaries stipulated for the relevant service;
- be an incorporated community based, not - for - profit organisation; and
- not be a landlord organisation (such as an aboriginal land council or housing provider)

Note: Auspice Bodies for Aboriginal Services

While all non-landlord community focused organisations are welcome to submit an application for an Aboriginal direct TAAP service, Fair Trading strongly encourages applications from Aboriginal service providers in order to facilitate access for Aboriginal tenants. An Aboriginal service provider is one which provides services exclusively or primarily to Aboriginal people.

2. The Program

NSW Fair Trading is responsible for the administration of residential tenancy legislation and the Program assists the Government to achieve its consumer protection and social justice policy objectives through the 'direct service' provision of information, dispute resolution services and advocacy on behalf of tenants. In addition, the Program provides a range of specialist 'resource' services and community engagement activities. The services provided by TAAP provide a particular focus for vulnerable and/or social housing tenants.

Services funded under the Program offer a high standard of service delivery by appropriately trained professional staff, who are supported, resourceful and accountable.

2.1 Target Groups

Services are targeted to tenants including:

- public housing tenants;
- Aboriginal Housing Office tenants;
- community housing tenants;
- Aboriginal community housing tenants;
- private tenants;
- residents of residential land lease communities; and
- boarding house residents.

In these Guidelines, the term 'tenant' includes all of the above-listed groups. In delivering services, there is a focus on the most vulnerable in the community on the basis of financial and social disadvantage.

2.2 Objectives of the Program

- To assist tenants, understand their rights and responsibilities under relevant legislation, primarily the Residential Tenancies Act 2010, Residential (Land Lease) Communities Regulation 2015, the Civil and Administrative Tribunal Act 2013, Boarding Houses Act 2012 and associated Regulations (referred to collectively in these Guidelines as ‘the legislation’) and any subsequent amendments or legislation that replaces these Acts;
- to assist tenants to achieve satisfactory resolution of tenancy problems and disputes with a focus on achieving resolution through negotiation;
- to assist tenants in the preparation of cases for NSW Civil and Administrative Tribunal (the Tribunal) hearings;
- to provide advocacy on behalf of tenants at the Tribunal with a focus on assisting tenants in conciliation between parties;
- to provide advocacy at Tribunal hearings when conciliation between parties has not succeeded including the provision of duty advocacy, where appropriate; and
- to provide appropriate referrals to other service providers.

3. Services

3.1 Direct Services

Direct Services are funded to assist tenants within defined regions in New South Wales.

A table setting out the regional boundaries is included at **Appendix 1**.

Role of Direct Services

The primary role of Direct Services is to provide:

- information and advice to tenants on their rights and responsibilities under the legislation and options available for the resolution of disputes;
- assist tenants in the resolution of disputes with a focus on achieving negotiated and/or conciliated outcomes, where appropriate;
- assistance, representation and advocacy for tenants in relation to Tribunal claims;
 - referrals to tenants as appropriate to other services with a view to providing a holistic approach, particularly when dealing with vulnerable tenants; and
 - community engagement to assist in promoting improved outcomes for tenants.

3.2 Location of Direct Services

Direct services generally operate through a primary administrative⁴ centre from which services are delivered throughout each region. In general, the majority of staff are based at this centre. Staff may also be based in outreach in one or more suburbs or towns in each region.

It is a condition of funding that the primary administrative centre for direct services be located within the boundaries of the region that the direct services covers.

3.3 Duty Advocacy at the NSW Civil and Administrative Tribunal

Direct Services are encouraged to provide duty advocacy services at key Tribunal venues in their region. A duty advocate role involves Direct Services staff attending Tribunal sittings to offer assistance to tenants who are attending a hearing. This assistance may take the form of helping tenants understand documents, providing advice on rights and available options, assisting the tenant to negotiate with the other party/ies, distributing information materials and, in some cases, representing tenants at the hearing. The duty advocate may also take referrals from the Tribunal on the day of the hearing.

4. Resource Services

Resource Services are funded to provide expert, specialist support in key areas and co-ordination and training support to assist the delivery of high quality service provision by Direct Services.

4.1 Role of Resource Services

Resource Services provide the following support to all direct services, including general and Aboriginal services:

- legal and specialist support;
- training;
- policy development;
- resource materials and information technology; and
- co-ordination/secretariat support.

Resource Services are required to provide equitable access to direct services throughout NSW and are funded under the Program for the following roles:

4.1.1 Legal Support

Resource Services are required to provide legal advice and casework support to direct services on the range of legislation affecting tenants, including:

- Aboriginal rental housing;
- residential land lease communities;
- boarding houses; and
- protected tenancies

In addition, resource services are responsible for the development of policy and procedures to assist service delivery and represent services in relevant forums.

4.1.2 Training and Co-ordination

Resource Services are responsible for the training and ongoing knowledge development of Direct Services to enable consistent and accurate information and advice as well as dispute and advocacy services. In addition, the Resource Service provides co-ordination and administrative support for the network of Direct Services.

4.1.3 Administrative, Policy and Technical Support

Resource Services are responsible for providing a technical platform for service delivery and reporting, together with the provision of network support which may include web and social media, maintaining an active network across Direct Services and representation of the network of service providers in policy development.

4.2 Aboriginal Resource Services

Aboriginal Resource Services provides specialist support which recognises the differing needs of Aboriginal Direct Service staff, their client group and auspice bodies. Specifically:

- training;
- policy development;
- resource materials and information technology; and
- co-ordination/secretariat support.

All funded services may utilise the Aboriginal Resource Services.

4.3 Sub-contracting

If any services are proposed to be sub-contracted, the organisation must supply as an attachment, details of the:

- activities and value of the work to be sub-contracted; and
- name, address, qualifications and experience of the proposed sub-contractor(s).

If the application is successful, Fair Trading will enter into a Funding Agreement with the applicant organisation who remains responsible for:

- properly accounting for funds allocated to sub-contractors; and
- ensuring that all legal liabilities, including liabilities to clients and staff are met through sub-contracting arrangements

4.4 Consortiums

Applications may be submitted by consortiums which might include, for example, community legal centres or Aboriginal services.

If the application is submitted on behalf of a Consortium an attachment must be provided with the Application Form which sets out:

1. the name, experience and role of all Consortium members;
2. how the Consortium will be set up including the nature of the legal relationship between the parties; and
3. how the Lead Agency (if applicable) will co-ordinate service delivery by Consortium members.

The application must also include as attachments “Letter(s) of Intent” or a “Memorandum of Understanding” showing the signed agreement of the proposed members to enter into a Consortium arrangement

5 Delivering Services

In the delivery of services, it is expected that all providers will:

- provide accurate and timely information and advice in accordance with the relevant legislation and the objectives of the Guidelines;
- assist tenants to achieve the resolution of disputes through negotiation and conciliation wherever possible;
- work collaboratively with other funded services, the NSW Government and referral organisations;
- provide culturally appropriate and accessible services;
- prioritise service demands to ensure that vulnerable tenants are given priority;
- provide a holistic approach, particularly in dealing with vulnerable tenants, providing referrals to other support and assistance services as appropriate; and
- maintain and report accurate data in relation to services delivered.

In addition, Aboriginal Tenants Advice and Advocacy Services will:

- deliver services in a culturally appropriate manner including increased face-to-face contact with clients;
- establish collaborative links with other Aboriginal service providers; and
- promote the availability of the service in their respective communities.

In addition, Aboriginal Resource Services will:

- deliver services in a culturally appropriate manner including increased face-to-face contact with clients;
- establish collaborative links with other Aboriginal service providers; and
- promote the availability of the service in their respective communities.

In addition, Resources Services will:

- provide high quality, relevant and effective legal support to Direct Services in relation to relevant tenancy legislation;
- provide balanced, factual and collaborative representations in the area of policy development to government agencies and other relevant forums on behalf of Direct Services;

- identify and deliver high quality training programs for direct services on;
- relevant tenancy legislation;
- operations of the Tribunal and presentation of cases;
- advice, mediation and advocacy skills;
- legal research skills; and
- accountability and performance requirements under the Program.
- provide support and training for Direct Services the use of the centralised case management/reporting system
- provide support in service planning, reporting, and benchmarking including the collection and distribution of best practice materials and strategies on service delivery practice and service management;
- support of identified internet-based projects; and
- provide secretariat support for meetings of all services per year (three per annum).

6 Administration

6.1 Budgets

A maximum amount of funding is available for Direct Services in each region and for each resource service as outlined in Appendix 1. Agreed budgets will form part of the Funding Agreement.

The budget should make sufficient provision for on-costs and organisational management costs should be commensurate with the scale of service delivery.

On average, over a twelve month period, salaries and on costs should constitute a minimum of 70% of budget expenditure.

The budget categories described at Appendix 2 should be used in the preparation of a budget. Applicants should submit a budget which matches available funds for the relevant service.

6.2 Full-Time Equivalent Positions

Each service will be funded based on an agreed number of full time equivalent (FTE) positions. The number of FTE's can be negotiated between the successful organisation and Fair Trading, however the minimum of 70% budget expenditure on salaries will apply. Services will be expected to direct as much of the available budget to front line service provision as possible.

The agreed number of FTE positions for individual services will be set out in the Funding Agreement.

6.3 Funding Agreements

Funding under the Program is subject to the legally binding Funding Agreement entered into between service providers and the Commissioner for Fair Trading and the Rental Bond Board.

The Funding Agreement sets out the mutual obligations of the parties. Failure to meet the provisions of the Funding Agreement may lead to withdrawal of funding in accordance with the relevant clauses of the agreement.

6.4 Workplan

Applicants must submit a draft workplan and timetable covering the first year of the funding period which describes the development and implementation of proposed service delivery and organisational management strategies.

Applicants should detail the strategies they intend implementing to achieve their workplan goals. Applicants should frame their workplans on the basis of the required ratio for each role set out in section 2 – e.g., the Primary Role is to occupy around 75% of a service's time. A template for the workplan is attached to this document as Appendix 3 and is to be used by all organisations submitting an EOI. If an organisation's EOI is successful, the workplan /timetable will become a schedule to their funding agreement.

6.5 Additional documents

Applicants should supply copies of:

- their last two audited financial statements
- their last annual report or other recent documentation describing the structure, operations and achievements of the organisation
- examples of relevant service management policies particularly access and equity, complaints management and casework practices/protocols
- examples of existing or proposed job descriptions for direct service staff

7 How to Apply

Please email Community Grants at: grants@customerservice.nsw.gov.au to receive an application package. Please indicate whether applying for a Direct Service and ATSI Direct Service, the “Resource Service” or “ATSI Resource Service”.

8 Assessment Process

Applications will be assessed and ranked on the basis of them meeting the Eligibility Criteria, their fulfilment of the requirements of this document and compliance with the ranked Selection Criteria.

Applications will be assessed against the eligibility criteria which outline the minimum requirements an applicant must meet to be eligible for funding. Applicants who meet the eligibility criteria will then be assessed against the assessment criteria and comparatively against other applicants considering the consistency of the proposal with program objectives and the capability, experience, and skills of the applicants.

The process for the receipt and assessment of grant applications can be summarised as follows:

- **Eligibility Cull** - Grant applications will be assessed against the eligibility criteria. Ineligible applications will not proceed in the assessment process.
- **Assessment against assessment criteria** - An Application Assessment Team will assess the applications against the assessment criteria, and document their decisions, including reasons for decisions.
- **Recommendation** - The Application Assessment Team will make recommendations to the Grants Assessment Committee. The Committee will review, and where appropriate, ratify the recommendations of the Application Assessment Team.

- **Decision-making** - The Grants Assessment Committee will submit its recommendations for the consideration and approval of the Minister. If approved, successful applicants will be informed in writing and the decisions published on NSW Fair Trading's website and NSW Government Grants and Fund Finder via <https://www.nsw.gov.au/grants-and-funding>.

APPENDIX 1 – TAAP Service Area Regions

APPENDIX 2 – BUDGET CATEGORIES

The following provides examples of items which may be included under budget categories for direct services, where relevant:

- Salaries & Wages: permanent, casual and locum salaries, annual leave and leave loading
- On-costs – superannuation, workers compensation, long service leave, parental leave, redundancy provision
- Rent – On-going rental costs for premises
- Utilities and outgoings: utilities, repairs and maintenance, cleaning, waste removal, security
- Staff-related expenses: training, professional development, conferences, recruitment costs
- Office overheads: professional indemnity insurance, public liability insurance, building & contents insurance, courier, postage, software, equipment leasing/repairs and maintenance, computer support, staff/client/visitor amenities, subscriptions, library and resource materials, annual report preparation
- Communication expenses: telephone, internet, mobile phones, voice mail.

Appendix 3 - TAAP Budget Template

ANNUAL BUDGET For the period 1 July 202 – 30 June 202

TAAP Service:

		Annual Budget
		\$
1.	Income	
	TAAP	
	TOTAL Income	
2.	Salary Related Expenses	
	Salaries & wages	
	On-costs	
	TOTAL Salary Related Expenses	
3.	Operating Expenses	
	Rent	
	Utilities and outgoings	
	Staff related expenses	
	Office overheads	
	Communication expenses	
	Printing and Stationery	
	Financial accountability	
	Office equipment	
	Travel	
	Motor vehicle	
	Fuel	
	Program management	
	Depreciation of assets	
	Sundry *	
	TOTAL Operating Expenses	
	TOTAL All Expenses (2 & 3)	

* (1) Sundry-If the total exceeds \$1000, details must be provided



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