



Terms and Conditions

WA Government Community Housing Prequalification Scheme

Definitions

Agency includes WA Government departments, statutory authorities, statutory corporations and government business enterprises.

Applicant means a CHO or CHP that has submitted an Application for admission to be admitted as a member in the Scheme.

Application(s) means an application or applications for admission to be admitted as a member in the Scheme.

Assessment Team means the team appointed by Communities to evaluate and determine the eligibility of CHOs and CHPs to be admitted as a member in the Scheme.

Authorised Officer means the person nominated by a party in its Dispute Notice in Item 18 for resolution of the dispute and the person who is responsible for meeting and negotiating to resolve the dispute with the other party/ies in accordance with the procedure in Item 18.

CHO means a Community Housing Organisation.

CHP means a Community House Provider.

Communities means the WA Department of Communities.

Dispute Notice means the written notice in Item 18 that describes the nature of the dispute between the party/ies and nominates the disputing party's Authorised Officer for resolution of the dispute in accordance with the procedure in Item 18.

Member CHO means a Community Housing Organisation that has been granted prequalification by its admission as a member in the Scheme by Communities.

Member CHP means a Community Housing Provider that has been granted prequalification by its admission as a member in the Scheme by Communities.

Scheme means the Community Housing Prequalification Scheme administered by Communities.



Item		Details
1	Background	Communities is seeking to establish a Community Housing Prequalification Scheme for use by an Agency wanting to engage a CHO or CHP for the provision of community housing services.
2	Expiry Date	These Terms and Conditions will expire on 30 September 2027, unless otherwise notified of an extension by Communities. After this date, the Scheme will be fully refreshed by Communities so that Member CHO and Member CHPs will need to re-apply for membership in the Scheme.
3	Role of Communities	<p>Communities has absolute discretion to:</p> <ol style="list-style-type: none">1. Develop and manage the requirements for the Scheme;2. Accept an Application with or without limitations and/or conditions including in relation to the community housing category/ies the Application relates to;3. Decline an Application with or without limitations and/or conditions, including the ability of the Applicant to re-apply for admission as a member of the Scheme and in relation to the community housing category/ies the Application relates to;4. Via its Assessment Team to assess Applications;5. Via its Assessment Team review Member CHOs and Member CHPs to ensure ongoing compliance with the Scheme requirements;6. Be responsible for ongoing management of the Scheme, including any ongoing performance review activities of Member CHOs and Member CHPs;7. Undertake the yearly review of the Scheme in each 12 months of the initial term; and8. Terminate or suspend non-complying Member CHOs and Member CHPs from the Scheme if required. <p>Communities, including its Assessment Team either collectively or personally by its members, will not be liable for any costs or damages incurred by an Applicant, a Member CHO or Member CHP in the exercise of any discretion or action in relation to any Application.</p>
4	Role of an Agency	The role of an Agency is to participate in performance management activities undertaken by Communities as required.

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5	Role of Member CHOs and Member CHPs	<p>The role of Member CHOs and Member CHPs is to:</p> <ol style="list-style-type: none"> 1. Immediately and from time-to-time inform Communities of any significant changes in their financial capacity, capability, ownership and/or corporate status, contact details or address in writing by providing full details to: CHOpqual@communities.wa.gov.au; and 2. Always maintain compliance with the requirements of the Scheme.
6	Role of the Assessment Team	<p>The role of the Assessment Team is to:</p> <ol style="list-style-type: none"> 1. Assess Applications; 2. Review Member CHOs and Member CHPs to ensure ongoing compliance with the Scheme requirements; and 3. Seek further information from an Applicant in the relation to its Application. <p>The Assessment Team either collectively or personally by its members will not be liable for any costs or damages incurred by an Applicant, a Member CHO or Member CHP in the exercise of any discretion or action in relation to any Application.</p>
7	Eligibility Requirements	<p>Applicants must:</p> <ol style="list-style-type: none"> 1. Be registered as a CHO or CHP with the WA Government's Community Housing Registrar; or 2. Be currently applying for registration as a CHO or CHP with the WA Government's Community Housing Registrar; or 3. Intending to undertake the process to be registered as a CHO or CHP with the WA Government's Community Housing Registrar in the next 12 months; or 4. Be registered as a CHO or CHP in a jurisdiction outside of Western Australia and intend on applying in the next 12 months to be registered as a CHO or CHP with the WA Government's Community Housing Registrar or be currently applying for registration as a CHO or CHP with the WA Government's Community Housing Registrar; or 5. Be registered as an Aboriginal Community Housing Organisation (ACHO) on the Aboriginal Business Directory Western Australia; or 6. Be registered as an Australian Disability Enterprise in the National Disability Service register; or 7. If applying as part of a Special Purpose Vehicle (SPV), the SPV must be registered or intending to

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		<p>be registered with the WA Government's Community Housing Registrar; and</p> <ol style="list-style-type: none"> 8. Demonstrate its capability and capacity to provide services in the Community Housing categories for which it has applied; 9. Have provided a response to all of the requirements of the Scheme in the Application form; and 10. Agree to the Terms and Conditions of the Scheme.
8	Becoming a Member CHO or Member CHP	<p>An Applicant becomes prequalified by being admitted as a member in the Scheme on the date when the Applicant receives written notification from Communities of acceptance of its application.</p>
9	Policies	<p>Member CHOs and Member CHPs must comply with the following WA Government legislation and policies:</p> <ol style="list-style-type: none"> 1. Aboriginal Procurement Policy – Strategies regarding approach to procure from Aboriginal Businesses and employ Aboriginal People; 2. Western Australian Industry Participation Strategy – provide local businesses with full, fair and reasonable opportunity to access; 3. Work Health and Safety legislation; 4. Western Australian Buy Local Policy 2020; 5. Western Australian Climate Policy; 6. Australian Disability Enterprises; 7. Stronger Together: WA's Plan for Gender Equality; 8. Premiers Circular – Reducing the use of Disposable Plastic; and 9. The Waste Avoidance and Resource Recovery Strategy 2030.
10	Review	<p>Each 12 months of the initial term, Communities, via its Assessment Team, will review each Member CHO and Member CHP, including partnerships and SPVs, to assess its status against the requirements of the Scheme and any performance reporting in relation to each Member CHO and Member CHP.</p>
11	Suspension	<p>Communities may suspend a Member CHO or Member CHP from membership in the Scheme if it considers that the Member CHO or Member CHP has not complied with the requirements of the Scheme as outlined in the CHO and CHP Overview Document and Application form.</p> <ol style="list-style-type: none"> 1. Before a Member CHO or Member CHP is suspended from membership in the Scheme, Communities will advise the Member CHO or Member CHP in writing of the reasons for the proposed suspension of its membership in the

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		<p>Scheme and will give the Member CHO or Member CHP an opportunity to respond;</p> <ol style="list-style-type: none"> 2. Communities will advise the Member CHO or Member CHP of the suspension decision and of any actions required by the Member CHO or Member CHP to lift the suspension (Suspension Notice); 3. Member CHOs or Member CHPs that have been suspended from membership in the Scheme must inform Communities if and when the actions required to lift the suspension of membership in the Scheme set out in the Suspension Notice have been undertaken; 4. Communities will regularly review the status of Member CHOs and Member CHPs that have been suspended from membership in the Scheme. If the action taken by the Member CHO or Member CHP is considered by Communities to be insufficient or the actions taken by the Member CHO or Member CHP have not been undertaken within the time specified by Communities in the Suspension Notice, the suspension period of the Member CHO or Member CHP from its membership in the Scheme may be extended, or concluded. If the suspension period of the Member CHO or Member CHP is concluded Communities may terminate the Member CHOs or Member CHP's membership in the Scheme in accordance with Item 12 below and the Member CHO or Member CHP will be notified accordingly; and 5. Communities may remove the suspension of the Member CHOs or Member CHP's membership in the Scheme if it is satisfied that the Member CHO or Member CHP has taken appropriate action to address the reasons for its suspension.
12	Termination	<p>Communities may terminate a Member CHOs or Member CHPs membership in the Scheme if Communities considers that a Member CHO or Member CHP has done any of the following:</p> <ol style="list-style-type: none"> 1. Breached the Scheme requirements; 2. Failed to meet applicable financial requirements; 3. Been the subject of substantiated reports of unsatisfactory performance for other WA Government agencies; 4. Following consultation with Agencies, if a Member CHP or Member CHO has been determined by Communities as no longer meeting the requirements of the Scheme; 5. Failed to promptly and adequately address the reasons for a suspension from the Scheme; or

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		<p>6. Been convicted of any breach of its obligations under work health and safety legislation, and any other policy or legislation or any of its officers have been found to be in breach of any of its obligations under work health and safety legislation, and any other policy or legislation.</p> <p>Communities will advise the Member CHO or Member CHP of the termination decision (Termination Notice).</p> <p>If a Member CHP or Member CHO is terminated from membership in the Scheme, the CHP or CHO may reapply for the Scheme when the Scheme is updated each year (which will be each 12 months of the initial 3 year term of the Scheme).</p>
13	Amendments to the Scheme	<p>The Scheme will be monitored by Communities to assess whether the objectives and intent of the Scheme are being met. Amendments may be made at any time to the Scheme at Communities' sole discretion. There is no maximum limit to the number of Member CHOs or Member CHPs in the Scheme.</p> <p>The Scheme will expire after an initial term of three (3) years. After that initial term, all Member CHOs and Member CHPs in the Scheme will have to reapply for membership in the Scheme.</p>
14	No Guarantee of Work	<p>Being a Member CHO or Member CHP does not guarantee:</p> <ol style="list-style-type: none"> 1. Continuity of membership for the duration of the Scheme; 2. Receipt by the Member CHO or Member CHP of any opportunities to tender; or 3. That an Agency will enter into contracts with the Member CHO or Member CHP or that work of any kind or quantity will be offered to a Member CHO or Member CHP.
15	Applicant Information, Agency Information, Member CHO Information and Member CHP Information	<p>Information submitted to Communities by an Agency, an Applicant, A Member CHO or a Member CHP, whether as part of an application or not, during the initial term of the Scheme:</p> <ol style="list-style-type: none"> 1. Will only be used by Communities and the Assessment Team for the purposes of the Scheme, including the assessment of Applications by the Assessment Team and the ongoing administration and management of the Scheme. This includes sharing details of the prequalification status of a Member CHO or Member CHP with other Agencies accessing the Scheme and using previously submitted information to pre-populate forms and/or correspondence for future use in the ongoing management of the Scheme. 2. Will be treated as confidential by Communities, the Assessment Team and Agencies unless it is required to be disclosed: <ol style="list-style-type: none"> (a) under the <i>Freedom of Information Act 1992</i> (WA),

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		<ul style="list-style-type: none"> (b) under a court order; (c) upon request by Parliament or any committee of Parliament; or (d) otherwise required by law; <p>3. May be subject to investigation, reference checking, searches, enquiries, and confirmation. Agencies, Applicants and Member CHOs and Member CHPs authorise any such action.</p> <p>The powers and responsibilities of the Auditor-General for the State under the <i>Financial Management Act 2006 (WA)</i> and <i>Auditor General's Act 2006 (WA)</i> are not affected by the Application or the Scheme.</p>
16	Media Protocol and Confidentiality	An Agency, an Applicant, a Member CHO or a Member CHP must not disclose or discuss any aspect of the Scheme with the media without prior written consent from Communities.
17	No Assignment	A Member CHO or Member CHP must not to assign its membership in the Scheme to any other person or entity.
18	Disputes	<p>Agencies, Applicants, Member CHOs and Member CHPs agree that:</p> <ol style="list-style-type: none"> 1. If at any time a dispute exists between any of them and Communities and/or the Assessment Team, any party may refer the dispute to their duly nominated representatives for resolution and all parties will be able to provide submissions for consideration in relation to the dispute. 2. If the dispute remains unresolved after 10 days after the referral to the nominated representatives, any party may give a written notice to each other party to the dispute which describes the nature of the dispute and nominated the party's authorised officer for resolution of the dispute (Authorised Officer). 3. After 2 days after receipt of Dispute Notice, the recipient party or parties must give written notice to the other party/ies nominating its Authorised Officer. 4. The parties must ensure that their Authorised Officers meet and negotiate with a view to resolving the dispute within 7 days after receipt of the Dispute Notice. 5. If the parties' Authorised Officers fail to resolve the dispute within 10 days after receipt of the Dispute Notice, the parties' Authorised Officers may agree a dispute resolution process for the resolution of the dispute in which case the dispute will be resolved in accordance with such process. 6. Any party may commence litigation if the parties fail to resolve the dispute in accordance with

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		<p>paragraph 4 and fail to agree a dispute resolution process in accordance with paragraph 5 within 10 days after receipt of the Dispute Notice.</p> <p>7. The parties must continue to perform their obligations in relation the Scheme despite the existence of any dispute between the parties.</p>
19	Governing Law	The Scheme is governed by the laws of Western Australia and each party submits to the exclusive jurisdiction of the courts of that jurisdiction.