



Sector Conversation Series



Topic: DCJ Contract Variations

25th July 12pm-1:30pm



Keeping our Sector informed



Acknowledgement of Country

Sector Check in



Right now, how comfortable do you feel about having Amendment clause in your contract?

Communities and Justice

Updated TEI Contract Amendment Clause

Anthony Shannon, Director, Early Intervention
Volunteering, Youth & Carers

25 July 2023



- The intent described by DCJ is not reflected in the wording of the clause
- The clause does not explicitly say that negotiation is required before DCJ sends a notification
- Dispute resolution seems to be the only avenue if the provider doesn't agree with the changes
- 30 days to implement changes is not always going to be long enough

What we heard
from you about
the clause





How DCJ has actioned your feedback



- DCJ has negotiated further changes to the wording of the clause to reflect feedback from the sector
- The clause has an additional section that states that changes must be mutually agreed by both parties
- The clause states that the notice provided by DCJ must reflect what was mutually agreed by both parties
- The clause includes an option for a provider to accept or reject proposed changes
- The clause includes a section clarifying that parties can negotiate more than 30 days to implement agreed changes

When the 'amendment clause' can be applied



	Contract Amendments	Contract Variations
Conditions	Change to: <ul style="list-style-type: none">✓ Service type✓ Client numbers (quantity)✓ Geographic location✓ Outcomes✓ Target group	Change to: <ul style="list-style-type: none">✓ Funding✓ Program Activities✓ Milestones
Negotiation required	✓ Yes	✓ Yes
DCJ approval process	District approval	District and Program Area approval
Template	Exercise an option template	Contract variation
Sign off	DCJ only	DCJ and service provider

Implementation steps



Feedback:
8 Aug 2023

Finalise
final
wording of
Clause:
Mid August

Send Letter
of Variation
to TEI
providers:
End Aug

Redraft

19.1 Amendment to Service Delivery

- a) The Parties agree to meet regularly to review the delivery of Services and to consider whether any amendment to the delivery of Services is required.
- b) Contract amendments can be initiated by either party to the contract and must be mutually agreed by both parties to the contract, this includes the start date for the amendments to take effect.
- c) An amendment in the delivery of Services includes changes to:
- i. the Service Types, the description of Services and/or the outcomes of the Services;
 - ii. the target group;
 - iii. the location or locations at which the Services are being provided;
 - iv. the quantity of clients.
- d) The Department must provide a minimum of thirty (30) Business days written notice to the Provider, of any proposed amendment to Service delivery, in accordance with (a) and (b).
- ~~e) The Provider may request an amendment to Service delivery for the Department's consideration. The Department may accept or reject this proposal at its sole discretion.~~ The Provider may within ten (10) Business days of the date of the Department's notice, accept or reject in writing, the proposed amendments to Service delivery as follows:
- i. If the Provider accepts the proposed amendments to Service Delivery, or if the Department does not receive a response from the Provider within ten (10) Business days, the amendments to Service delivery will take effect as per the start date in the Department's notice.
 - ii. If the Provider rejects the proposed amendments to Service delivery as set out in the Department's notice, the amendments to Service delivery will not proceed, in which case further negotiations may occur between parties outside this clause of the contract.
 - ~~iii. The Department must provide a minimum of thirty (30) Business days' written notice to the Provider, of any amendment to Service delivery.~~ The start date of the amendment to service delivery may be negotiated between the parties to be longer than thirty (30) days.
- f) The Provider must not undertake an amendment to Service delivery, without the prior written consent of the Department.

19.2 Funding for amendment to Service delivery

The Provider acknowledges that an amendment to Service delivery under this clause will not result in an increase or decrease in cost to the Provider and that the Funding will not be varied.

Questions



Keeping informed

TEI/DEX Support Sessions

One on one, group, team or interagency. Complete our TEI Support Session registration so we can assess your needs and work to support your service agency

Sector Conversations & Forums

Fortnightly Get your DEX in a row drop-in online conversation series. Hear latest info on decoding DEX. Forums on topics to inform and access the sectors knowledge and expertise.

Weekly Wrap

To stay in the loop of the sector and all the activities Fams is involved in delivering