



Landcare Notes

Employing contractors and consultants

Landcare groups may need to use contractors and consultants to provide specialist services and skills that are not available within the group.

This Landcare Note will give you some guidance for the times when you need to use these specialists.

What is involved in employing contractors and consultants

While members of your group have many skills, outside specialist help can provide expertise and equipment, save time and reduce the work load of the volunteers.

Contractors and consultants are specialists you hire for specific and definable jobs that you need done. Usually a contractor is employed to do practical, technical or on-ground work that may require specific licenses and equipment, but is a one-off task.

Bulldozer work, building soil conservation structures, fencing, weed spraying, seed collection and even routine administrative services would be examples of this type of work.

A consultant is usually employed because they have professional expertise in a specialised area that no-one in the group can offer.

Those consultants should have the protection of their own professional indemnity insurance policy because their job is to research, evaluate, recommend and advise on the basis of their area of expertise.

Their recommendations may have a longer-term and more strategic impact such as writing an action plan for the restoration of a waterway over a 10-year period.

Other consultant services could include providing coordinator/facilitator services for your group, giving advice on land management methods, preparing a project plan and

providing project management for a funded major project.

How to do it

If you're going to hire someone to do a job for you, there are several steps you need to consider. They are:

- Defining the job
- Ensuring there is adequate funding for the work
- Finding the right contractor/consultant for the job, with the correct certifications and insurances (where relevant)
- Making sure there is a group member to be the main contact for your contractor/consultant
- Drawing up a proper 'contract' agreement and work schedule
- Having the payment ready on completion as agreed.

The contract

The contract, or agreement, sets out the terms of the agreement between you and the company or individual you are employing.

The agreement is an exchange of promises ("something for something") between two or more parties and generally has three parts:

- The agreement (arising from an offer and subsequent acceptance)
- Consideration (the exchange of benefits)
- Intention to enter into a legal relationship

Although a verbal agreement may be enough, written contracts provide a record of what has been agreed too, and ensures that you and your 'employee' is aware of what they are obliged to do.

Because a contract is, in effect, a promise, and because it is a legal commitment, it is important that the details on the contract suit the needs and skills of all parties involved.



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A good contract should provide everyone with an equal measure of protection if something goes wrong, and should be clear and unambiguous in its terms.

Tips for developing a contract

When you are putting together a contract, be willing to negotiate on the contract where appropriate and make sure your requirements are clear.

You will need to check the appropriate licences and experience of the contractor or consultant you're hiring and be confident that they can do what you are expecting. Ask for references from previous clients if you have any doubts.

You need to be comfortable that the contract terms are reasonable and the company you're using can meet industry standards and you should get legal advice before anything is signed, if you have any doubts.

It also makes sense to keep a copy and read it from time to time as the work is progressing, to make sure everything is going according to the contract.

The right contract for the right circumstance

As a guide, the best way to decide how much detail is appropriate is to work out how complex the task is and the amount of money involved, and from there, the responsibility of your group. More detail is needed in the contract if the job to be done is technically complex, where the contractor/consultant is being hired for a reasonably lengthy amount of time and where both parties need clarity on what each one requires.

Selecting the contractor or consultant

Once you've defined the specific task that needs doing, and the budget has been set aside, your next step is to find a company to do the work.

When it comes to making the choice, you need to consider each company's experience and

evidence of skills and those they have a good track record (done well, on time and on budget).

You also need to have confidence in that company, a good competitive quote from them and, perhaps most of all, a commitment that they will be available when you need them.

Often there could be more than one company interested in doing the job for you and there is no clear-cut way to decide who should get the contract.

You may need to meet to discuss and debate the options and you may find that you need to compromise over issues such as quality of the job compared with the price quoted. If you do have any questions, contact the company during the decision-making process, rather than once the contract is signed.

Examples of contracts

Sample contracts can be found through a variety of sources, including the company you are planning to hire or you could check with the Landcare coordinator in your region about what other Landcare groups have used. State and local government agencies usually have a range of contract pro-formas for their operations and are also a good source of advice.

Further references

Victorian Landcare gateway:

www.landcarevic.or.au.au

Statewide Landcare Coordination Team 2009 – *Employment Guidelines and Toolkit*:

www.landcarevic.or.au.au

Arts Law Centre of Australia (2007) – *Contracts: An Introduction*:

<http://www.artslaw.com.au/legal-topics/archive/cat/contract/>

Landcare Coordinator in your region – contact your CMA office.



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Related Landcare Notes

This Landcare Note is one of a series. These notes provide an excellent guide for the ongoing operation of your group.

Landcare Note 2.3: Action Planning

Landcare Note 10.1: Employing Staff

Acknowledgements

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