

Whether contracting a heritage advisory service from the WALGA preferred supplier panel or making your own arrangements with a consultant, there are a number of things that should be made clear during contract negotiations. The following guidelines suggest some of the issues that you might want to consider.

Form of contract

Any ongoing arrangement with a consultant should ideally be supported by a legal contract that states the duties and responsibilities of each party. Most local governments will have their preferred arrangements and proper advice should be sought in creating a suitable document.

Role of the heritage advisor

Typical duties of the advisor are described in the document 'Providing a Heritage Advisory Service'. Where the consultant is contracted under the WALGA preferred supplier arrangement, the function of the heritage advisory service and the role of the heritage advisor are each documented within the panel brief. If a consultant is appointed independently of the WALGA panel, these duties should form part of the contract.

Producing a yearly report is a valuable mechanism for maintaining visibility of the service, and is a necessary part of the subsidy agreement if costs are supported by the Heritage Council. The contract should therefore clarify the advisor's responsibilities in supporting the production of the annual report and specify any deadline that must be met.

Terms of engagement

Advisors on the WALGA panel will agree hourly rates as part of the quotation process. Both parties should understand where costs will be incurred and at what rate, and what will be considered to be valid expenses. Generally, agreed expenses should be reimbursed at cost, although you may wish to specify limits or conditions (e.g. economy class flights, mileage rates for fuel).

The most important part of the agreement is the number of hours that are requested and the number of times each month / quarter that the Advisor is expected to come to the region. The contract should state the maximum number of hours that are contracted, the preferred distribution of hours and the responsibility for managing consultant time under the contract. It is usual to include all hours (i.e. work and travel hours) in the maximum allocation.

Given that the demands for the Service may vary throughout the year, it is recommended that the contract provides options for increasing and decreasing the maximum hours and states the process and conditions for making such changes.

The contract should also clarify how the Advisor should invoice for their work, and what supporting information is required for expense claims. In some cases, local governments may prefer to book flights, cars or accommodation for the Advisor and should clarify such requirements.

It is reasonable to expect the Heritage Advisor to develop their professional knowledge and remain aware of current trends and changes in legislation or policy that may impact on heritage places or practices. While some local governments may wish to support the professional development and training of the Advisor, the contract should state whether, and to what extent, these activities may be claimed as working hours or expenses.

The duration of the contract should be made clear, along with options to extend and termination clauses. Generally, it is suggested that Heritage Advisory Service contracts include a notification period of one month for termination.

Group arrangements

Where a heritage advisor is appointed to service a group of local governments, the contract must clarify how time will be divided between each local government, how reporting and supervision will be managed and whether hours are allocated specifically to each party. It is the responsibility of the local government managing the contract to agree how funds will be recovered from other parties.

Supervision

Local governments should nominate an officer of an appropriate level to act as coordinator of the heritage advisory service. The nominated officer will be responsible for allocating tasks and enquiries to the advisor and will usually act as the public contact for enquiries and requests. It is recommended that members of the public are encouraged to contact the local government, rather than the heritage advisor.

Providing support and advice to owners, community members and other agencies is an important part of a heritage advisory service. However, you should make clear to the advisor any constraints around such activities, such as the process for booking consultations and prioritising work.

Your local government should respect the independence and experience of the heritage advisor and you may find that the advisor challenges or queries a Council policy or proposal. The contract should not restrict the right of the advisor to express a professional opinion, but may put in place a process for ensuring that such debates remain confidential until such time as they enter public domain through a Council agenda, decision or public paper.

Facilities

Where the Advisor is expected to make regular or periodic visits, you should determine what facilities will be made available for the duration of the visit. These may include such items as:

- telephone
- internet-connected computer
- meeting room
- vehicle
- overnight accommodation
- camera

Reporting requirements

The advisor should keep a record of activity performed under the contract, to the extent required to inform future activities. Some information is required for the yearly report, so it is worth ensuring that this is tracked throughout the year so that it can be readily assembled for the report.

It is recommended that heritage advisory service records are submitted to the local government at the end of the contract period, unless you have requested them before this. You should determine the status of such records under your record keeping policy.

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