

CONSULTANCY SERVICES AGREEMENT

Guidelines for Use



When to use the Consultancy Services Agreement

- ✓ To engage a consultant to provide services to the University
- ✓ Bona fide independent contractor relationship, not employment (refer <https://www.adelaide.edu.au/hr/contractor-management>)
- ✓ Straightforward and low-risk services (e.g. undertake a review; website development; event management)
- ✓ Total value of contract less than \$50,000
Note: if value is more than \$20,000, an eTendering procurement process is required under the University's Purchasing Procedures <https://www.adelaide.edu.au/policies/3823>

When NOT to use the Consultancy Services Agreement

- ✗ The Consultant should be classified as an employee (see below, Contractor v Employee)
- ✗ The Consultant does not have an ABN
- ✗ The Consultant is currently employed by the University
- ✗ The Consultant has been employed by the University within the past three months doing similar work
- ✗ The Consultant is a retired staff member holding an honorary title, and is supporting the delivery of University courses
- ✗ The services are required to satisfy the University's obligations under a head contract
- ✗ Services are complex or high-risk (e.g. large IT project; project involves multiple components)
- ✗ Services will involve creation of valuable intellectual property
- ✗ Services involve maintenance or physical works to University property

Consult Legal Services Branch if your arrangement falls under any of these categories, as a different agreement template will be required.

MANDATORY: Contractor vs Employee assessment

Before using the Consultancy Services Agreement you **MUST** complete the **Contractor Assessment Form** at <https://www.adelaide.edu.au/hr/contractor-management>.

If the Contractor Assessment Form indicates that the Consultant is an employee, do not use the Consultancy Services Agreement. Consult Legal Services branch, as a different agreement template will be required.

How to complete this document

Only the Schedule at the front of the Consultancy Services Agreement needs to be filled in.

Read through the terms and conditions to ensure they suit your needs. If variations are required they may be included as Special Conditions (see below). Please consult the Legal Services Branch if you require any variations or other Special Conditions.

Item Heading	Notes
Consultant	Full name of the Consultant. If it is a company, ensure you include "Pty Ltd" or "Ltd" as appropriate. Registered address (if company) or residential address (if individual) Conduct an ABN search at www.abr.business.gov.au to confirm the ABN If the Consultant does not have an ABN they may not be appointed
University's Contract Manager	Contact details for person responsible for administering this contract for the University
Consultant's Contract Manager	Contact details for person responsible for administering this contract for the Consultant
Services	Description of the services required, including any specific activities and/or deliverables required
Commencement Date	Contract commencement date
Completion Date	Date by which you require the services to be completed
Milestones	List any interim milestones to be met by the Consultant
Fee	GST-exclusive amount Fee can be specified as a total fee, or time & materials basis. If using time & materials basis, consider capping the amount, e.g. <i>"\$100 per hour, for up to 100 hours. Additional hours must not be incurred without prior approval of the University's Administrative Manager"</i>
Payment Terms	When will the fee be payable, e.g. Upon completion; Instalments; Monthly invoice with details of the hours/days worked
Consultant's Insurances	The correct level of insurance depends on the risk profile and potential loss that could arise from the consultant's acts or omissions. If you believe different levels of insurance are required, please contact Legal Services Branch.
Special Conditions	Any variations/additions to the standard terms and conditions, e.g. <ul style="list-style-type: none"> - Consultant to provide specific personnel - Different IP ownership / use Note: Please consult the Legal Services Branch if you require Special Conditions.
Other Contract Documents	Any other documents that will form part of the contract (e.g. Brief, Proposal)

Signing and Record Keeping

Please refer to the University's Delegations for details of who may approve and sign the Consultancy Services Agreement. <https://www.adelaide.edu.au/governance/delegations/>

The University staff member who prepared the Consultancy Services Agreement must also sign the Consultancy Services Agreement to confirm that they have complied with these Guidelines.

When the Consultancy Services Agreement has been signed, it must be lodged as a 'Legal Document' with the Records Services Branch of the University.

<https://www.adelaide.edu.au/library/library-services/records-services/forms-templates#lodge-a-legal-document>

The details Consultancy Services Agreement must be entered on the Contract Register of the relevant local area.