Purpose

• To foster staff participation in consultancies that bring opportunities and benefits to the University, its staff, students, community and clients;
• To facilitate the negotiation of, and entering into, consultancy contracts of benefit to the University and its staff, while ensuring full cost recovery to ensure compliance with the Trade Practices Act and the National Competition Policy;
• To provide a flexible management framework to cover the range of consultancies whilst using the University’s name, services, space, facilities, equipment or paid work time, including consultancies directed toward charitable purposes and community service;
• To define the University’s management and quality control expectations for consultancy contracts involving or implicating the University, including those relating to risk management and accountability;
• To provide guidance to persons within and external to the University as to when and how consultancies may be undertaken using the university's name, services, space, facilities, equipment or paid work time.

Scope

This policy covers four distinct types of consultancy:

• General Consultancy
• University Consultancy
• Community Service Consultancy
• Private Consultancy

This policy applies to full-time and part-time staff of the University or where other arrangements are made for staff specifically employed in a consulting role.

While academic staff usually undertake consultancy activity, TAFE teachers and general staff may also undertake consultancy activity. However TAFE teachers are required to perform any task within the range of professional duties for a minimum of 38 hours per week. For general staff consultancy work may be specified in their employment contract and standard weekly work responsibilities.
### Definitions

<table>
<thead>
<tr>
<th>Consultancy:</th>
<th>The provision of professional services to an external party for a fee or other consideration. Consultancy is generally based on the application of an existing body of knowledge. Within this definition consultancy does not include:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Matters relating to publicly-available University courses;</td>
</tr>
<tr>
<td></td>
<td>- Work predominantly relating to Research and Development;</td>
</tr>
<tr>
<td></td>
<td>- Professional services provided for a fee or consideration by one employee or part of the University to another part of the University (an ‘Internal Consultancy’);</td>
</tr>
<tr>
<td></td>
<td>- Writing any book, chapter of a book, journal or other publication where the subject matter is within the staff member’s academic discipline and attribution of the author’s affiliation with the University is set out with the publication;</td>
</tr>
<tr>
<td></td>
<td>- Moderation activities conducted for “Third Party Providers”. Such responsibilities and work will be regarded as part of the required duties of academic and teaching staff with such responsibilities being part of the allocated work load;</td>
</tr>
<tr>
<td></td>
<td>- Examining a thesis for an award of a University or setting and marking examinations for another institution;</td>
</tr>
<tr>
<td></td>
<td>- Occasional broadcasts, lectures and/or appearances (but excluding a contracted series of such lectures, appearances, etc).</td>
</tr>
</tbody>
</table>

| General Consultancy: | The provision of a professional service requiring the use of the University’s name, services, space, facilities, equipment and paid work-time, or other resources. A staff member, with the approval of the University, initiates the consultancy, takes the role as a Principal Consultant and provides professional services, through the University, to an external party for a fee or other consideration. |

| University Consultancy: | Includes provision of all professional services requiring the use of the University’s name, services, space, facilities, equipment and paid work time, or other resources. It involves the provision of professional services and products to external parties for remuneration or other consideration. In a University Consultancy, the University adopts the role of Principal Consultant through the appointment of a Project Leader. Staff members involved in this type of consultancy will not normally receive a proportion of this profit, as they will undertake this activity as part of their normal duties. Examples include, but are not limited to, laboratory testing, data analysis, surveys, and field trials. |

| Community Service Consultancy: | Refers to a Consultancy that is undertaken for charity, community or public purpose, or as corporate citizenship by staff members in their capacity as University employees or using University resources where such activities involve low risk of litigation. Examples: strategic planning for community groups; design of a community attitudes survey for, example, a local Rotary Club, commissioned creative work or performances rendered to a community group or agency. Activities such as staff members serving on the Board of a Government Agency, professional body etc are also considered as Community Service Consultancy. |
**Policy Statement**

This policy is to explain and regulate the University Consultancy activities.

**Responsibility**

Heads of School/Directors are responsible for ensuring staff comply with this policy and for ensuring appropriate approval, financial, record keeping and legal procedures are in place where relevant.

**Legislative Context**

- [Competition Code Compliance Manual](#) - the University is required to ensure that all of its commercial activities are costed in a manner that ensures that the University does not gain an unfair competitive benefit for the use of the infrastructure which is provided by through its Commonwealth funding.
- [Trade Practices Act 1974](#).
- [University Statute 8.2 Intellectual Property](#).
- [University Regulation 8.2 Intellectual Property](#).

**Associated Documents**

- [Staff Consultancy Procedure](#).
- [Costing Proforma for Consultancies and Contract Research over $5000 to be completed within the Current Year](#).
- [Budget Proforma for Research and Consultancies Extending over Two Calendar Years (over $5000)](#).
- [Costing and Distribution of Earned Income (Higher Education) Policy](#).
- [Conflict of Interest Policy](#).

**Implementation**

The [Staff Consultancy Policy](#) is to be implemented throughout the University community. This implementation will be via an Announcement Notice under 'FedNews' on the 'FedNews' website and on the 'UB Policy – Recently Approved Documents' website to alert the University-wide community of the approved Policy. The [Staff Consultancy Policy](#) applies from the date of Council approval (24/3/09) as stated in 'FedNews'.

---

**Private Consultancy:**
Consultancy undertaken for remuneration or other consideration by a staff member in his or her personal capacity as an individual or through a partnership, private company, trust, or any similar entity, as opposed to in his or her capacity as an employee of the University. Directorships and Partnerships are included in this category.

**Principal Consultant:**
The staff member acting as the initiator of the consultancy or, where more than one staff member is involved, the staff member designated as the principal or consultant undertaking the major part of the work involved. The Principal Consultant has the overall responsibility for the performance of the consultancy including financial management and reporting requirements.