

Consultancy Procedures

1. LEGISLATION/ENTERPRISE AGREEMENT/POLICY SUPPORTED

[Best Practice Financial Management Policy](#)
[Competition and Consumer Act 2010 \(Cth\)](#)

2. IMPLEMENTATION PRINCIPLES

- 2.1. Research and teaching are the highest priority activities for academic staff.
- 2.2. Staff participation in consultancies (whether University or private) that progress the strategic goals of the University is encouraged. Consultancies are encouraged where the activity promotes the research, teaching, engagement and impact of the University including:
 - (a) generation of income for the University;
 - (b) opportunities for partnerships in research and teaching;
 - (c) utilisation of capacity;
 - (d) enhancement of the University's reputation;
 - (e) retention of high quality staff; and
 - (f) opportunities for staff to maintain professional skills.

3. PROCEDURAL DETAILS

3.1. Planning for University Consultancy

- 3.1.1. Staff may undertake University consultancies only after receiving written approval (refer section 3.2).
- 3.1.2. Staff will assemble evidence of the intended client's corporate behaviour, and financial and organisational health so that a determination of suitability for University Consultancy can be made as part of the approval process.
- 3.1.3. Before approval and conduct of a University Consultancy, staff will ensure that client expectations can be satisfied in terms of scope, deliverables, expertise, resources, timescales, risk management and quality control.
- 3.1.4. A contract for University Consultancy will not constrain the University in pursuing its functions or unduly restrict the University's freedom to operate.
- 3.1.5. Staff have a responsibility to uphold the reputation of the University and will comply with the [Brand Communications Policy](#) in undertaking University consultancies.
- 3.1.6. The Office of Research and Development will develop and maintain a consultancy costing model to determine the full cost of consultancy to the University and to provide a standard for the comparative evaluation of commercial opportunities. The [Consultancy Costing Tool](#) will be used for all University consultancies.
- 3.1.7. The pricing of University consultancies will be conducted in accordance with the [Generating and Receiving Income Policy](#) including the requirements for competitive neutrality and avoidance of anti-competitive practices. University Consultancy pricing will be based on the following principles:
 - (a) At minimum, pricing of a consultancy is at full cost recovery including:
 - (i) Direct costs, including salary and salary on-costs, materials and services consumed, and travel; and
 - (ii) Indirect costs, including capital costs of laboratories, offices and other spaces; staff entitlements (annual/personal leave, proportionate severance offset); equipment charge-out; service and maintenance; Cost Recovery Factor; and
 - (b) Wherever possible, the pricing should return a surplus to the University.
- 3.1.8. Where the consultancy is being conducted as a community service and the community service benefits have been quantified and recorded, then the

consultancy may be priced below the full cost. Community service consultancy activities include:

- (a) workshops/seminars for not-for-profit community organisations;
- (b) strategic planning or design of surveys for not-for-profit community organisations;
- (c) performances or presentations that attract honorariums; and
- (d) serving on the board of a not-for-profit organisation.

3.1.9. A risk assessment will be completed in accordance with the [Risk Management Procedures](#) and relevant risk treatments included in the proposed consultancy.

3.2. Approval of University Consultancy

3.2.1. The line Executive Manager is the approval authority for University consultancies when:

- (a) [Standard Quotation Terms and Conditions](#) have been adopted;
- (b) costs are fully recovered in the contract price; and
- (c) the contract price is less than \$50,000 exclusive of all taxes.

3.2.2. The Deputy Vice-Chancellor, Research is the approval authority for all University Consultancy that does not meet the criteria in 3.2.1.

3.3. Contracts for University Consultancy

3.3.1. Each University Consultancy requires a contract to be developed and registered in the [SCRIPT Database](#).

3.3.2. Contracts for University Consultancy are undertaken in accordance with the [Delegations Register](#).

3.4. Conduct of University Consultancy

3.4.1. The approved consultancy will be managed by the staff member identified in the approval documentation including:

- (a) financial management of the consultancy; and
- (b) facilitating internal and external audit processes.

3.4.2. The Head of School/Area or line Executive Manager will provide guidance to staff on the conduct of the consultancy to ensure it aligns with the strategic directions of the University.

3.4.3. The use of sub-contractors to deliver consultancy obligations will be in accordance with the [Purchasing and Payment Policy](#) and will give due consideration to the contract under which the consultancy activity is being undertaken and any risks introduced by the sub-contractor.

3.4.4. Records created, received or maintained as part of a University Consultancy are owned by the University and will be managed in accordance with the [Information Management Policy](#) unless varied by contractual arrangements.

3.5. Quality control of University Consultancy

University Consultancy will be managed in accordance with the [Quality Management Procedures](#).

3.6. Financial management of University Consultancy

3.6.1. The generation and receipt of income in relation to University Consultancy will be conducted in accordance with the [Generating and Receiving Income Policy](#). University income is public monies and will be treated in accordance with the [Best Practice Financial Management Policy](#).

3.6.2. The Deputy Vice-Chancellor, Research will recover the full cost of provision of support for consultancy activities through a Cost Recovery Factor on consultancy income. Any variation to this practice will require the submission of comprehensive justification (in relation to 3.1.8) to the Deputy Vice-Chancellor, Research, who may approve the variation.

3.6.3. Expenditure of income from consultancy will satisfy the requirements of the [Purchasing and Payment Policy](#).

- 3.6.4. The approving authority may consider additional payments to staff in relation to the consultancy activity where the activity has been over and above workload allocation. Any payments will be made in accordance with the [Remuneration and Benefits Policy](#) and the [Additional Remuneration Procedures](#).

3.7. Private Consultancy

- 3.7.1. A staff member may undertake Private Consultancy only in their own time and using their own resources.
- 3.7.2. Staff will not provide Private Consultancy to the University without the approval of their Executive Manager.
- 3.7.3. The undertaking of a Private Consultancy is conditional on:
- (a) Private Consultancy has the potential for real or perceived conflict of interest therefore all Private Consultancy must be disclosed as an interest as required by the [Conflict of Interest Procedures](#).
 - (b) Staff engaged in Private Consultancy will not represent themselves as University employees.
 - (c) Private Consultancy will not conflict with the interests of the University and will at all times be aligned with Curtin's Values.
 - (d) Private Consultancy will not occupy or interfere with a staff member's University time and duties.
 - (e) University resources, including equipment and facilities, intellectual property, University name and/or brand, letterhead, stationery, postal address, phone number, fax number, email address, web address, or any other information or resource that might associate the University with the Private Consultancy, will not be used for Private Consultancy.
 - (f) The University financial system will not be used for invoicing or receiving funds arising from Private Consultancy.
- 3.7.4. The procedural requirements for University Consultancy do not apply to Private Consultancy.

3.8. Other activities

Staff members have private, recreational and other professional interests which are unpaid and unrelated to the University, and which do not otherwise occupy or interfere with the staff member's University time and duties. This policy does not relate to these activities. Where there is potential for the activity to cause a real or perceived conflict of interest with the staff member's duties to the University the employee will disclose the interest as required by the [Conflict of Interest Procedures](#).

4. RESPONSIBILITIES

Responsibilities are as set out in section 3.

5. SCOPE OF PROCEDURES

These procedures apply to University staff.

6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Consultancy

The provision of services to an external party for a consideration, excluding research, award course teaching, and services that support campus life. Consultancy can be either a University Consultancy or Private Consultancy.

Cost Recovery Factor

An amount allocated to each University Consultancy to recover the full cost of provision of support for consultancy.

Private Consultancy

A consultancy that is conducted and contracted by a staff member in a personal capacity. Private Consultancy includes paid employment with an organisation other than Curtin University.

University Consultancy

The range of services that may be provided by the University to commercial, government or other clients in the broader community, including:

- fee for service activities, contract consulting and contract teaching;
- membership of government or related committees, or judicial or administrative bodies, for which a fee is paid;
- conduct of events, exhibitions and conferences;
- provision of professional expertise on an occasional basis that may attract a fee or honorarium including:
 - contributions to the press;
 - radio or television broadcasting; or
 - expert witness; and
- community service consultancy.

The following are not included within the definition of University Consultancy:

- (a) activities relating to award courses; and
- (b) research and development.

7. SCHEDULES

Nil

8. RELATED DOCUMENTS/LINKS/FORMS

External:

[Competition and Consumer Act 2010](#)

Internal – policies and procedures:

[Additional Remuneration Procedures](#)

[Brand Communications Policy](#)

[Conflict of Interest Procedures](#)

[Contracts and Agreements Registration Procedures](#)

[Information Management Policy](#)

[Information Security Classification Policy and Procedures](#)

[Intellectual Property - Ownership and Commercialisation Policy and Procedures](#)

[Media Procedures](#)

[Purchasing and Payment Policy](#)

[Remuneration and Benefits Policy](#)

[Risk Management Procedures](#)

Internal – other:

[Consultancy Costing Tool](#)

[Consultancy – Frequently Asked Questions \(forthcoming\)](#)

[Delegations Register](#)

[SCRIPT Database](#)

[Work Planning and Performance Review](#)

[Standard Quotation Terms and Conditions](#)

Policy Compliance Officer	<u>Catherine Gangell</u> , Director, Research and Development
Policy Manager	Chief Financial Officer
Approval Authority	Chief Financial Officer
Review Date	1 st April 2018

REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
	Approved	25/11/2014	Chief Financial Officer	EM1412	Unconditional
	Amended	02/12/2014	Chief Financial Officer	EM1413	Unconditional
	Administratively Updated	27/05/2015	Director, Legal and Compliance Services		Links Updated
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Administratively Updated	05/07/2017	Director, Legal and Compliance Services		Policy Compliance Officer Updated