

# PAID OUTSIDE WORK PROCEDURE

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## 1 PURPOSE

- 1.1 This procedure provides a framework to enable CQUniversity employees to interact with the community, their professional disciplines and other approved entities via the undertaking of approved paid outside work.

## 2 SCOPE

- 2.1 This procedure applies to all employees within CQUniversity.

## 3 PROCEDURE

- 3.1 The University recognises that it is appropriate, and often beneficial to the University and the employee, for CQUniversity employees to undertake a limited amount of paid outside work in circumstances where the resulting contact between the employee and organisations or individuals can improve the quality of the employee's University work and can establish or continue good relations between the University and the community. For example, employees may have specific abilities or talents which are not otherwise available to the community. Through consulting, or other services, they may be able to provide such skills to the community and, in so doing, assist the University to make a positive contribution to its mission of community service.
- 3.2 It is also recognised that in professional disciplines, employees may need to be involved in professional practice or similar activity to maintain professional registration and/or professional profile.
- 3.3 In circumstances outlined above, the University may approve an employee to undertake limited additional paid work. Since the primary obligations of employees who receive a full-time salary are to the University, any approved outside work must not interfere with the efficient discharge of the employee's University responsibilities.

- 3.4 This procedure does not restrict casual, sessional or part-time employees from undertaking part-time employment with another organisation as long as the intent of this procedure is followed.

### **Normal activities**

- 3.5 The following activities are considered part of the normal activities of a University employee. These activities do not require approval and are not regulated by this document:

- the writing of books, articles, scripts and similar items
- occasional outside lectures, talks, demonstrations
- refereeing of articles in learned journals
- external examining of theses, etc.
- occasional radio, television and stage performances and kindred activities (note: interactions between employees and the media should occur in accordance with the [Media Relations Procedure](#))
- holding office in professional bodies, sporting clubs or charitable organisations, and
- voluntary service for government committees or statutory bodies or paid service (via honoraria) for such bodies not involving a block release from normal duties.

### **Outside work requiring approval**

- 3.6 The following proposed work will require University approval:

- no financial impact (to the University):
  - consultancies where the employee acts totally independently of the University and does not claim any affiliation with the University
  - paid work for a unit of the University which is different from the employees' home business area, for example, teaching for another faculty
  - professional counselling or professional practice
  - acting as a Director, Secretary, Public Officer or Executive Officer of a private or public company as a result of their position within the University, whether or not the employee will be paid for performing that role
  - part-time teaching for another organisation
  - service for government committees or statutory bodies involving a release from normal duties
  - owning and/or operating a business
  - all other paid professional activity not covered above.

The above examples do not result in a financial exchange between the University and an external party.

- resulting in financial impact:
  - consultancies where the employee performs the consultancy, as agent for the University and the University is the contracting party, or
- where a foreign entity is involved in the payment or direction of work to be undertaken (regardless of whether the work will have a financial impact on the University or not).

### **Time commitment**

- 3.7 The University's operational requirements are its primary concern before approving paid outside work. Therefore, before any application for paid outside work can be approved, the applicant must be able to show that there will be no impact upon the operations of the University, or that their supervisor can arrange suitable back fill. The time commitment of an individual employee's paid outside work should be negotiated within the operational requirements of the University.

## Application for paid outside work

- 3.8 Employees will need to complete either the [Paid Outside Work Form](#) when undertaking paid work outside of the University, or the [Paid Outside Work Form for Performance of Casual Academic Work \(by F/T or P/T Professional and Academic Staff\)](#) when undertaking casual academic duties for the University. The appropriate form will require approval (as per sections 3.9 – 3.14) prior to commencing paid outside work duties.

## Approval

- 3.9 Any paid outside work must have prior approval by the following:

Employee	Approval By
Employee	Supervisor and Head of Business Area
Head of Business Area	<a href="#">Senior Executive</a>
Chief Operating Officer or Vice-President	Vice-Chancellor and President
Vice-Chancellor and President	Council

- 3.10 Consultancies resulting in financial impact or where a foreign entity is involved must be approved by the relevant Senior Executive. Employees seeking such approval will submit their request in writing to the relevant person.
- 3.11 The decision maker will advise the applicant in writing of their approval for paid outside work, outlining the extent of the approval.
- 3.12 An employee who wishes to engage in approved paid outside work must enter into a signed agreement with the University declaring acceptance of the principles and requirements set down for such work. This agreement will be maintained on the employee's personnel file within the People and Culture Directorate.
- 3.13 Approval for paid outside work will be conditional upon the following conditions being met:
- the work should always be of a character likely to enhance the status of the individual concerned and of the University community
  - the work will be conducted in such a way that University work responsibilities and performance always remain paramount. An employee should be readily available to other employees and students, in accordance with the relevant policy documents and guidelines of the department
  - the work will not be of a character or be done under conditions which would jeopardise the University employees' independent status
  - work should not be sought by any form of public announcement or advertisement which links the individual with the University
  - in a professional field, an employee must charge at least the customary fees generally accepted in that profession for the type of work and must not engage in unfair competition with other practitioners
  - proposals for the continuation of paid outside work will be considered annually after an assessment of the employee's performance of their University duties in that year
  - the work should not limit the capacity of the employee to safely carry out their University work related activities
  - where private practice is required by and regulated by a professional association, the University will trust that body to adequately monitor the employee's performance. Where the relevant professional body does not actively regulate professional practice, then the University reserves the right to scrutinise carefully each proposal for professional practice on a case by case basis
  - the employee should obtain full professional indemnity insurance (commensurate to the complexity and/or value of the paid outside work), external party liability insurance (where relevant) and any other appropriate insurance

- avoidance of any implications that an employee is performing work on behalf of the University by ensuring that they do not use the University name, brand, address, stationery, email, telephone or premises for meetings when seeking to attract, or when performing private paid outside work, and
- comply with their obligations under Australian taxation law including any obligation to register for and pay Good and Services Tax (GST) and/or Pay As You Go (PAYG) tax
- the work should not be in breach of the [Australia's Foreign n Relations \(State and Territory Arrangements\) Act 2020](#) (Cwlth) and the [Foreign Influence Transparency Scheme Act 2018](#) (Cwlth), and
- additional conditions as outlined in sections 3.16 – 3.26.

3.14 A copy of the approval will be attached to the request and filed on the employee's personnel file within the People and Culture Directorate.

## Non-approval

3.15 In a situation where approval is not provided, written notification must be given to the employee outlining the reasons for the decision. A copy of such correspondence will be attached to the request and filed on the employee's personnel file within the People and Culture Directorate. Reasons for non-approval may include, but not be limited to:

- the paid outside work might reasonably be expected to impede the reasonable operations of the University or the discharge of the employee's work, as recorded in the employee's performance plan
- the paid outside work might reasonably be expected to impede the general operations of the business area, for example by disrupting teaching or research programs or unreasonably restricting access by students to the employee
- an unacceptable actual, perceived or potential conflict of interest or conflict of commitment arises
- an unacceptable risk is posed to the University, or
- the employee proposes to use University resources and an appropriate agreement about the use, and reimbursement to the University, for those resources cannot reasonably be reached.

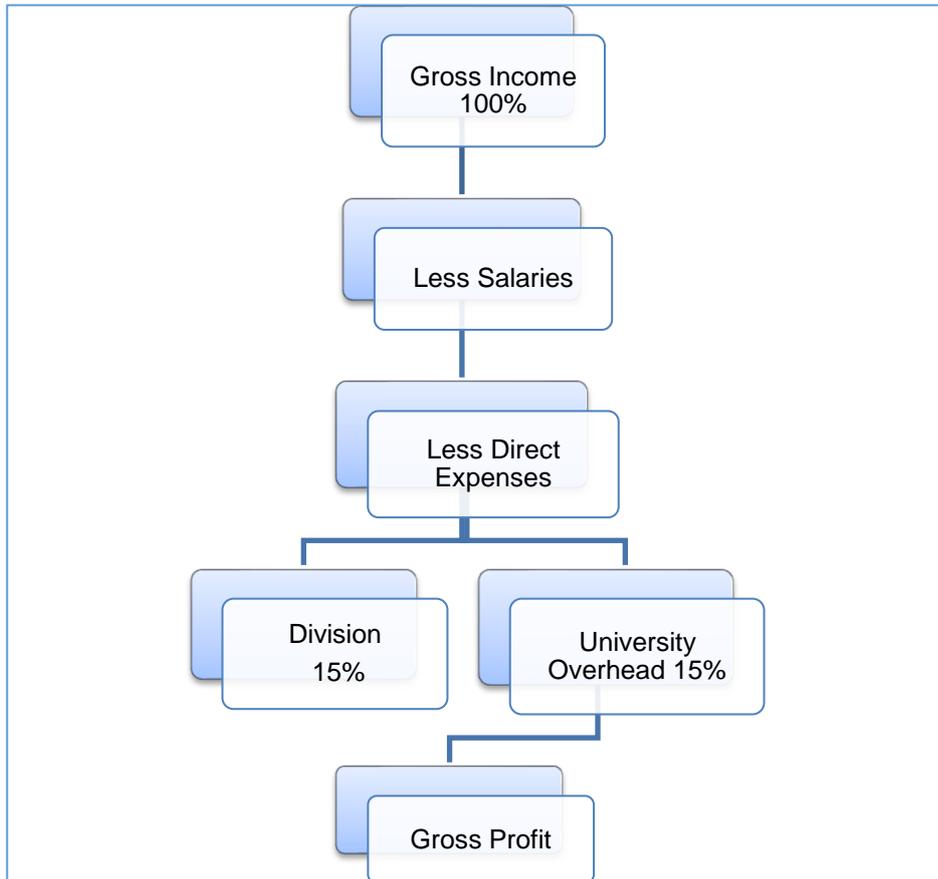
## Additional conditions

### Consultancies where the university is the contracted party (section 3.6 dot point 2.1)

- 3.16 A situation where the University is the contracted party does not strictly constitute paid outside work as the individual is still paid by the University as an employee. However, approval under this procedure is required because there may be a significant workload involved in undertaking such a consultancy and in most cases the employee will initiate the consultancy through their industry/community contacts. Where the University is the contracting party, the employee is fully covered by the University's insurances. Any consultancy arrangements should be factored into the employee's workload allocation in discussion with their supervisor.
- 3.17 Where the employee's supervisor agrees to allow a consultancy to proceed, for the purposes of costing, the funds earned through the consultancy will be used to pay the salary of the employee concerned.
- 3.18 Undertaking a consultancy of this kind will mean that University resources will be used in the delivery of the outcomes and therefore the compulsory charges need to be included into the overall cost of the consultancy.
- 3.19 Where the University is the contracting party, all revenue is earned by the University and therefore cannot be distributed to the employee as salary and wages unless a separate agreement is entered into between the University and the employee performing the consultancy. In the absence of such an agreement the University could make additional funds available to the employee through a Consultancy Benefit Account which can provide additional funds for the employee to attend conferences or undertake additional professional development. These funds at all times are the University's funds and cannot be taken as salary when the employee leaves the employ of the University.

### Separate agreements (refers to section 3.19)

3.20 Where the employee enters into a separate agreement, the following financial allocation will apply.



3.21 Where the employee enters into an agreement with the University that gross profits arising from the consultancy (after meeting costs of salary and compulsory charges) are to be shared with the employee, the funds can be dealt with as follows:

- they can be paid out to the employee as salary with relevant taxation and superannuation implications, or
- utilised to fund unbudgeted work related expenses such as conference fees and travel expenses. Funds should be spent, where possible, in one calendar year. Any carry forward balances must be approved and maintained at the lesser of 10 per cent of gross income or \$10,000. Funds carried forward must be factored into subsequent year budgets.

3.22 Note: Should Fringe Benefits Tax (FBT) be incurred as a result of any spend down of funds, the FBT liability will be taken from the fund balance.

3.23 Assets that are bought as a result of the consultancy agreement and through either a benefit account or salary sacrifice, remain the property of the University at all times. Should assets transfer to the employee, a Property Fringe Benefit liability will arise.

**Consultancies where the individual is the contracted party (no financial impact)**

3.24 Where an employee wishes to undertake a consultancy in their own name as an individual, they must seek permission from the University to do so as the University has an obligation to ensure that undertaking additional work of this nature will not create workload problems for the employee and that if release from regular duties is sought, that proper backfill is available for the employee's position.

3.25 Where the employee contracts in their own name as an individual to undertake a consultancy they will not be covered by the University's insurances and therefore, should seek appropriate advice and coverage.

## Use of university resources

- 3.26 An employee who wishes to use University resources and/or personnel in connection with outside work must obtain the prior approval, in writing, from the head of the business area or other University officer responsible for those resources, and an arrangement made for the reimbursement to the University to cover the cost of the use of such resources. The use of facilities for outside work must not take priority over the University's academic requirements.

## Leave

- 3.27 Annual leave and long service leave are intended for rest, recuperation and rejuvenation and are not intended to provide time for alternative employment.

## Disputes

- 3.28 Disputes which cannot be resolved by the head of the business area or the relevant Senior Executive, will be dealt with under the Grievance Resolution Procedures in the [CQUniversity Enterprise Agreement 2017](#).

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.1 The Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this procedure.
- 4.2 Any provisions regarding funding and costing arrangements will be administered and monitored by the Finance Directorate.

### Reporting

- 4.3 No additional reporting is required.

### Records management

- 4.4 All correspondence, either verbal or written, must be recorded and maintained on the employee's personnel file.
- 4.5 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.6 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

**Conflict of commitment:** when an employee interest, which may or may not be a private or non-University interest, may harm or interfere with the productivity or involvement of that employee in aspects of University responsibilities. It may concern the employee's distribution of efforts between employment obligations to the University and to outside activities. Conflicts of commitment can occur in research where the employee's non-University activities harm or interferes with the staff member's research obligations.

**Individual:** an employee undertaking approved consultancy work. Individuals are not covered by the University's insurance policies and the legal entity for contractual purposes is the individual. The financial transactions relating to such work must not be conducted through the University (as the contract is not in the University's name) and any taxation liability accrues to the individual.

## 6 RELATED LEGISLATION AND DOCUMENTS

[Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#) (Cwlth)

[Code of Conduct](#)

[Conflict of Interest Policy and Procedure](#)

[CQUniversity Enterprise Agreement 2017](#)

[Foreign Influence Transparency Scheme Act 2018](#) (Cwlth)

[Media Relations Procedure](#)

[Paid Outside Work Form](#) (for work external to the University)

[Paid Outside Work Form for Performance of Casual Academic Work \(by F/T or P/T Professional and Academic Staff\)](#) (for casual academic work)

## 7 FEEDBACK

7.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	N/A
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Administrator	Director People and Culture
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