

La Trobe Consulting Policy

Section 1 - Background and Purpose

- (1) To provide a framework for La Trobe staff undertaking consulting services through La Trobe where net revenue is to be transferred to a researcher's outside earnings accounts or to be paid into salary.
- (2) Consulting is work performed by a staff member for an external organisation or individual on behalf of the University on a fee-for-service basis for an agreed cost, administered by the University Research Office, and is over and above the staff member's workload allocation and/or University duties unless the permission of the Dean is provided.
- (3) The procedures are to assist:
- staff members: in planning consulting proposals, costing, pricing and seeking approvals;
 - approvers: in ensuring that necessary resources are available to perform the work and costs have been fully identified.

Section 2 - Scope

- (4) Applies to:
- Consulting services that do not involve Research and where net revenue is to be transferred to outside earnings Accounts or paid into salary, if approved (less standard government taxes and SGC superannuation).
 - all La Trobe University campuses and external research locations;
 - all La Trobe University staff members.
- (5) This policy does not include:
- consulting activity that is part of a staff member's substantive role;
 - consulting activities that involve conducting Research, such as Research services commissioned by a client;
 - Research (covered under the [Research Contracts and Grants Policy](#)), Outside Work (covered under [Outside Work Policy](#)) or other work performed by the staff member as part of the staff member's workload allocation and/or University duties.

Section 3 - Policy Statement

- (6) La Trobe University:
- considers it desirable that the specialised experience and skills of staff members should be available to external organisations;
 - encourages staff members to maintain and improve their expertise by consulting to external organisations;
 - recognises the benefits for the University, the staff member, and external organisations through the delivery of

consulting services;

- d. consulting delivered through the University by a staff member must be approved by an authorised delegate and should be negotiated and approved in accordance with University policies and procedures.

(7) Consulting delivered through the University by a staff member must be approved by an authorised delegate and should be negotiated and approved in accordance with University policies and procedures.

(8) Consulting work must:

- a. be limited to the Paid External Work Cap;
- b. fall within the expertise and capabilities of the staff member proposing to undertake it;
- c. be appropriate to a University and unlikely to infringe the general freedom of enquiry of the University;
- d. not place the interests of the staff member above that of the University;
- e. include management of any potential conflicts of interest;
- f. consider potential reputational risk and risk of foreign influence or interference;
- g. identify financial contributions and the use of University space and facilities;
- h. use competitive neutrality principles;
- i. not be aimed at or likely to result in harm to the life or wellbeing of any person;
- j. not involve students, except in fulfilment of an approved course requirement or otherwise only with voluntary consent and for fair payment and not compromising their studies and subject to appropriate documentation and agreement.

(9) It is at the discretion of the Senior Deputy Vice-Chancellor (Research and Industry Engagement) to veto any agreements that are primarily funded by individuals or organisations involved in inappropriate activities; for example, individuals or organisations involved in the tobacco industry.

Section 4 - Procedures

(10) Staff members undertaking consulting through La Trobe benefit by:

- a. coverage under the University's professional indemnity and public liability insurance; the staff member will be covered by the University in the event of a claim against the staff member undertaking a consultancy, provided that the claim is not as a result of fraudulent, dishonest, criminal, wilful or malicious acts by the staff member and provided that the staff member has acted in accordance with University policies and procedures;
- b. access to the University's finance system to invoice the external organisation for funding, expend project costs and distribute any surplus;
- c. access to University resources, such as technical staff, equipment, administration, PRIME and other telecommunications, if approved by the delegate;
- d. entitlement to use the University's name, providing it is not brought into disrepute;
- e. entitlement to make reference to their University position and title in connection with the work;
- f. entitlement to share in the surplus of their consultancy in accordance with Part D of the Procedures.

Part A - Consultancy Submission, Costing and Pricing

(11) Consulting proposals should be submitted by staff members for approval via PRIME prior to submission to a prospective client.

(12) All resources required to undertake the proposed project should be identified in the proposal and costed using the

budget tool in PRIME.

(13) All consulting projects must be costed using the PRIME budget tool. This will ensure budgets include all relevant costs including overheads and a profit margin.

(14) The PRIME budget tool will suggest a range for consulting charge-out rates, which can be adjusted to suit the nature of the work and relevant market rates. These rates ensure compliance with competitive neutrality requirements.

(15) Any potential conflicts of interest must be disclosed and appropriately managed according to the [Conflict of Interest Policy](#).

(16) The PRIME budget tool will suggest a range for consulting charge-out rates, which can be adjusted to suit the nature of the work and relevant market rates. These rates ensure compliance and competitive neutrality requirements.

Part B - Approval of Consulting Proposals

(17) Reviews and approvals by relevant delegate/s will be facilitated through PRIME after submission to the Research Office.

(18) By approving the Consulting proposal in PRIME, the delegate is confirming that the proposed work:

- a. will be conducted in accordance with La Trobe University's statutes, regulations and procedures;
- b. will be conducted by available and appropriately knowledgeable, skilled and experienced staff members;
- c. is costed in accordance with the PRIME Budget Tool;
- d. any possible conflict of interest will be managed in accordance with the [Conflict of Interest Policy](#); and
- e. Intellectual Property rights (if any) are managed in accordance with the [Intellectual Property Policy](#).

(19) The School/Division will be responsible for any over-expenditure.

(20) If the delegate has agreed that the consulting work is in accordance with this Policy and does not negatively impact the staff member's substantive position, staff members may engage in consulting projects up to the Paid External Work Cap or be approved by the Dean for days exceeding the cap;

Part C - University Consultancy Agreements

(21) Consulting Agreements must abide by the [Competition and Consumer Law Compliance Policy](#).

(22) Any legal conditions must either accord with a University's standard form Consulting Agreement or be reviewed and approved by the Research Office and/or Legal Services.

(23) Consulting Agreements may only be signed by an authorised delegate in accordance with the University's Contract Signing Delegations.

Part D - Consulting Revenue Proceeds

(24) Revenue for consulting work must be paid into the University's bank account and managed in accordance with the University's business procedures.

(25) University Overheads are calculated in the PRIME budget tool. Overheads will be distributed to the Senior Deputy Vice-Chancellor (Research and Industry Engagement) and to the staff member's School/Division by policy.

(26) Subsequent to recovery of University Overheads and project expenses, the balance of consulting revenue will be transferred to staff members' nominated outside earnings accounts or paid through payroll (less standard government taxes and SGC superannuation).

(27) The distribution of surpluses from consulting projects is as agreed to by the University, noting that balances of any surplus will remain with the University upon termination or departure from the University by the staff member.

Section 5 - Definitions

(28) For the purpose of this Policy:

- a. Consulting: fee-for-service work performed by a staff member through La Trobe where net revenue is to be transferred to outside earnings account, or paid into salary. Consulting is over and above a staff member's workload allocation and/or University duties unless otherwise agreed, and does not include Research.
- b. Foreign influence: Activities carried out by or on behalf of a foreign actor conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate.
- c. Foreign interference: Activities carried out by, or on behalf of, a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.
- d. Outside Work: is work performed by a staff member in their personal capacity outside their contract of employment with the University.
- e. Paid External Work Cap: entailing in aggregate a maximum time commitment of five (5) working days in any month or 48 working days in any calendar year.
- f. PRIME: the University's platform to manage the development, approvals and management of Research Grants, Collaborations and Consulting proposals and projects including non-research consulting and ethics processes. You can access PRIME here: <https://prime.latrobe.edu.au/portal/s/>
- g. Research: defined in the Commonwealth's Higher Education Research Data Collection (HERDC) specifications as amended from time to time (<https://www.education.gov.au/higher-education-research-data-collection>).
- h. Salary Costs: a staff member's base salary as set out in the [Collective Agreement](#), plus any salary on-costs, which include employer superannuation contributions, payroll tax, workers' compensation insurance, leave and leave loading (see 'Salary Service Rates' at <https://intranet.latrobe.edu.au/tasks-and-processes/finance/budget> for a detailed breakdown).
- i. Staff Member: any employee of the University.
- j. University Service: University Service forms part of a staff member's workload allocation and position description. It therefore may be managed at the School or Department level and may include the following activities or types of activities:
 - i. committee participation;
 - ii. organising and/or attending meetings, forums, seminars etc;
 - iii. consulting;
 - iv. community service;
 - v. industry liaison and grant funding applications;
 - vi. leadership;
 - vii. management and administration;
 - viii. internal and external professional work;
 - ix. occasional lectures for other institutions (but not courses of lectures);
 - x. examining higher degree theses;
 - xi. reviewing papers or books;

- xii. editorial work for an academic journal;
- xiii. participating in or organising academic conferences;
- xiv. assessing grant applications;
- xv. service of up to the equivalent of ten days per year on boards or committees (other than boards or committees of companies);
- xvi. occasional newspaper articles or other media contributions;
- xvii. writing scholarly works, whether commissioned or non-commissioned.

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