

Outside Work, Private Consultancies and Directorships Policy

Section 1 - Purpose

(1) Through the application of this Policy, the University seeks to strike a balance between:

- a. supporting staff engaging in experiences that promote career development, entrepreneurship and innovation and recognising the mutual benefit that may be gained when a staff member’s professional experience and qualifications are made available to the broader community; and
- b. acknowledging that a staff member’s involvement in outside work, including but not limited to entrepreneurial and business activities, private consultancy and directorships of external entities, may carry significant legal obligations and/or give rise to a conflict of interest in relation to the staff member’s duties as an employee and be relevant in workload allocation considerations.

(2) This Policy sets out the circumstances whereby staff are required to notify and obtain approval from the University before undertaking any outside work.

Section 2 - Application

(3) The Policy applies to all QUT staff, excluding sessional academic staff and casual professional staff.

(4) While sessional academic staff and casual professional staff are not required to disclose or seek approval for conducting work with an external entity, sessional and casual staff must comply with the QUT [Code of Conduct - Staff](#) and other policies including the [Conflict of Interest Policy](#).

(5) This Policy does not apply:

- a. where a staff member’s participation in the provision of consulting and research services to external entities is undertaken as a part of that staff member’s work for the University. In this circumstance, the [External Research Funding Policy](#) applies.
- b. where staff are nominated or invited by the University to hold office in a QUT-related or other entity.

Section 3 - Roles and Responsibilities

Position	Responsibility
Senior Deputy Vice-Chancellor and Vice-President (Research)	<p>Approves procedures and guidelines for the management of outside work to the extent that the procedures relate to outside work for academic staff in consultation with the Vice-President (People) and Chief People Officer.</p> <p>Approves procedures and guidelines for the management of outside work related to External Research Funding in consultation with the Vice-President (People) and Chief People Officer.</p> <p>Determines disputes arising from a decision made under this Policy.</p>

Position	Responsibility
Vice-President (Administration) and University Registrar	Approves procedures and guidelines for the management of outside work to the extent that the procedures relate to outside work for Senior and professional staff in consultation with the Vice-President (People) and Chief People Officer. Determines disputes arising from a decision made under this Policy.
Vice-President (People) and Chief People Officer	Provides advice on procedures and guidelines for the management of outside work in consultation with the Senior Deputy Vice-Chancellor and Vice-President (Research) and Vice-President (Administration) and University Registrar.
Authorising officer (Details in Section 5 of this Policy and the Register of Authorities and Delegations)	Determines the final outcome of an application to engage in outside work.
Staff member	Provides clear and accurate information relating to the activity. Provides as much notice as possible of the proposed outside employment. Informs their supervisor/manager of the proposed outside employment. Obtains approval as may be required prior to engaging in outside work. Discloses perceived or real conflicts of interest.
Supervisor	Provides recommendation to the authorising officer regarding a staff member's application to engage in outside work.

Section 4 - Principles

(6) Outside work must be undertaken in a manner consistent with the [Code of Conduct – Staff](#) and:

- a. must not interfere with the performance of the staff member's QUT duties;
- b. must not involve the use of QUT resources (except where explicitly approved or otherwise permitted by QUT policy (for example, when information and communications technology (ICT) resources are used in accordance with the policy ([Acceptable use of information and communications technology resources](#));
- c. the work does not involve a conflict between the staff member's personal interest and the interests of QUT, which is not capable of being managed in accordance with the [Conflict of Interest Policy](#);
- d. the work must not involve a misuse of a staff member's position at the University as outlined in QUT's [Code of Conduct – Staff](#).
- e. the work does not compete with services provided by the University;
- f. a staff member who may be appointed as an officer of that entity, under Section 8 of this Policy, must advise the entity in writing prior to any formal engagement confirming that they are acting in a personal capacity and not as an employee or representative of QUT;
- g. the staff member has demonstrated that appropriate risk management practices are in place for the type of work (such as insurance, registration or licensing requirements);
- h. the staff member is responsible for all their own financial arrangements, including the requirement to comply with any tax obligations;
- i. there is no use of QUT intellectual property, or arrangements are in place consistent with the [Intellectual Property Policy](#);
- j. the Attorney-General's Department must be notified under the Foreign Influence Transparency Scheme, where it falls within the scope of this scheme;
- k. must be assessed for foreign interference risks and, where such risks are identified, must be endorsed by the Deputy Vice-Chancellor and Vice-President (International and External Relations);
- l. any foreign affiliation arising in connection with approved outside work must be registered and approved through existing Disclosure of Interest channels; and
- m. any risk to the University or its reputation arising from the outside work has been identified and managed to the

satisfaction of the University.

Section 5 - Approval for Outside Work

- (7) Except where the activity is considered exempt outside work (Section 6 below), all staff must declare any pre-existing or proposed outside work and obtain approval before undertaking the outside work.
- (8) The relevant authorising officer is prescribed in [Register of Authorities and Delegations](#) (QUT staff access only).
- (9) Staff must obtain approval from the authorising officer prior to undertaking the outside work.
- (10) Approval must only be granted by the authorising officer where the authorising officer is satisfied that the principles of this Policy have been satisfied.
- (11) Additionally, where the outside work results from appointment as a Director, Secretary, Public or Executive Officer of external entities, then staff must complete the QUT Company Officer Approval Form, available on the [Consultancy - Outside work, private consultancies and directorships](#) page in the Digital Workplace, and obtain approval from the authorising officer prior to undertaking the outside work.

Section 6 - Exempt Outside Work

- (12) There are two types of outside work exempt from this Policy.

Unrelated Exempt Outside Work

- (13) Staff may undertake outside work where that work is not related to their duties or area of expertise, without the need to seek prior approval, provided that the work does not result in a breach by the staff member of any of their obligations under the principles of this Policy and provided that undertaking the work does not present a risk to the health and safety of the staff member or others.
- (14) Where outside work may result in a breach of the principles of this Policy, or where it creates a risk to the health and safety of the staff member or others, the staff member must notify the authorising officer as soon as they become aware of these matters and take appropriate steps to remedy the situation in conjunction with the authorising officer.
- (15) Appropriate steps may include:
- a. management of a conflict of interest situation in accordance with the [QUT Code of Conduct - Staff](#) and the University's Disclosure of interest procedures (QUT staff access only) subject to the agreement of the relevant Head of School/Department, alteration of working arrangements (e.g. reduced hours of work, period of leave) to ensure that work performance for the University is not adversely affected by the outside employment commitments; or
 - b. discontinuing the outside work.

Related Exempt Outside Work

- (16) Related exempt outside work is work which is consistent with the staff member's duties at QUT, including (but not limited to): journal editorship, editorial work, external examining and examination of theses, occasional lectures and public appearances (including unpaid broadcasts and performances), occasional publications (such as newspaper articles), writing and publishing books, mentoring roles, service on committees of learned societies and academies, and membership of grant review committees and similar duties for granting bodies.

(17) Although staff may undertake related exempt outside work without the need to seek approval, the pursuit of this work must be considered in performance planning and might be considered in the context of workload allocation where the staff member's authorising officer has determined that this would be appropriate.

Section 7 - Private Consultancy

(18) Private consultancy work is work that is related or similar to the staff member's work, duties or responsibilities at the University, but where QUT is not a party to the contract under which the work is carried out.

(19) Approval must be obtained from the authorising officer prior to the staff member engaging in any private consultancy.

(20) When considering a staff member's request to undertake private consultancy in addition to the Policy Principles the following values will apply:

- a. the work is in addition to the staff member's agreed workload allocation for outside work and will not interfere with carrying out agreed University work commitments;
- b. appropriate arrangements are in place to ensure that the client is aware that the staff member acts in a private capacity and not as an employee or representative of the University;
- c. the work is not in competition with services otherwise provided by the University;
- d. the nature of the work and how it was obtained by the staff member, including any prior arrangements for similar work do not give rise to a conflict of interest; and
- e. whether the work will enhance the skills or knowledge of the employee to the benefit of the University.

(21) Leave without pay or a part-time appointment may be agreed. If a staff member seeks to undertake a private consultancy during a period of long service or recreation leave, the authorising officer should also consider whether there are any work health, safety and environment concerns.

Section 8 - Director, Secretary, Public or Executive Officer (paid or unpaid) of External Entities

(22) Appointment as a Director, secretary, public or executive officer of any entity gives rise to legal obligations and can require a significant investment of time.

(23) The requirements set out under this section do not apply to appointments in entities where the sole purpose is to act as a trustee for a family trust or self-managed superannuation fund.

(24) Staff are reminded that should they take on leadership roles in other entities (e.g. as directors or officers), they need to manage any real or perceived conflicts of interest. It is the staff member's responsibility to notify the University of any potential conflicts.

Current Staff

(25) A staff member must obtain prior written approval by completing a [Company Officer Approval Form](#) before accepting any position as a director, secretary, public or Executive Officer of any company (paid or unpaid) or entering into any partnership. With relation to existing arrangements that predate this Policy and remain active, a staff member must disclose the details of the position to the authorising officer for consideration and endorsement. In certain cases, a [Conflict of Interest Management Plan](#) (QUT staff access only) may need to be established.

New Staff

(26) Prior to commencing employment with QUT, new staff must declare any pre-existing appointment as a Partner, Director, Secretary, Public or Executive Officer by completing a [Company Officer Approval Form](#) (QUT staff access only) and submitting the completed form to their supervisor, providing enough detail to allow the supervisor and the authorising officer to assess any conflicts of interest in accordance with the considerations below.

Approval Considerations

(27) A staff member may not be appointed as a Director, Secretary, Public or Executive Officer of an external entity (other than family trusts or self-managed superannuation funds) or enter into partnerships, except with the express written approval of the authorising officer.

(28) The authorising officer's approval must be sought before the external entity formally appoints the staff member to the position of Director, Secretary, Public or Executive Officer role by completing a Company Officer Approval Form and submitting the completed form to their supervisor.

(29) When considering a staff member's request to accept an appointment as a Director, Secretary, Public or Executive Officer of an external entity, in addition to the principles of this Policy, the authorising officer will take into account:

- a. any possibility that the appointment could negatively impact on the University's activities or damage the University's reputation;
- b. any conflict of interest or potential conflict of interest between the staff member's fiduciary obligations to the entity and their duties to the University;
- c. whether the activities or products of the company are based in any way on intellectual property owned by the University or in which the University has an interest;
- d. the good standing of the company or business activity and its principals, including evidence of insurance policies relating to the company's activities and the performance of the role of director; and
- e. any other information deemed relevant for the purpose of making a decision.

(30) The supervisor will either:

- a. endorse the declaration and forward it to the authorising officer for consideration and approval (any such approval may be subject to the implementation of a formal conflict of interest management plan); or
- b. advise the new staff member that the appointment which has been declared creates a conflict of interest that cannot be effectively managed and as such the staff member will be required to resign from that position.

Changes in Circumstances

(31) Staff members are required to advise their supervisor and/or authorising officer if there is any change in the circumstances related to the entity or their appointment, and are required to continue to declare their interest on each occasion where there are dealings by the University with that entity or any related part of the entity in accordance with the [Conflict of Interest Policy](#).

(32) Even where the appointment has been approved by the University, the University will not be liable for any matters arising out of the relationship between the staff member and the external entity and the staff member accepts responsibility for maintaining an appropriate level of business indemnity insurance and /or ensuring they are provided with an appropriate level of directors' and officers' insurance.

Section 9 - Dispute Resolution

(33) Disputes arising from a decision made under this Policy will be determined by the by the relevant role with reference to B/7.9.3. For disputes in relation to intellectual property the matter will be resolved in accordance with the [Intellectual Property Policy](#).

Section 10 - Exceptions to Policy

(34) The Vice-President (People) and Chief People Officer is authorised to approve variations to this Policy in exceptional circumstances. Any such variation will be recorded by the Human Resources.

Section 11 - Definitions

Term	Definition
Exempt	Means staff may undertake outside work without the need to seek approval.
External Entity	Means a business, company, partnership, statutory authority or third party which is independent of QUT or in which QUT has no ownership or interest.
Outside Work	Means any activity, whether paid or unpaid, undertaken by a staff member for an entity other than QUT. Such activities include but are not limited to: 1. private consultancy; 2. directorships; 3. participating in the day-to-day operations of a commercial enterprise resulting from a staff member's business work, qualification, shareholding, proprietary or other personal interest; and 4. other positions of influence with a business or company including acting as an advisor for that business or company. Staff undertaking such outside work are representing themselves and no agreement has been entered into between QUT and an external entity. Outside work may be 'related outside work' or 'unrelated outside work'.
Related Outside Work	Means any activity that is in the area of expertise for which the staff member is employed by QUT.
Unrelated Outside Work	Means any activity that is neither related nor similar to the staff member's work, duties or responsibilities (as determined by QUT) and where QUT is not a party to the contract.

Section 12 - Delegations

(35) Refer to [Register of Authorities and Delegations](#) (C090, VC225, VC226, VC227, VC228, VC229, VC236) (QUT staff access only)

Status and Details

Status	Current
Effective Date	13th October 2022
Review Date	1st October 2025
Approval Authority	QUT Council
Approval Date	13th October 2022
Expiry Date	Not Applicable
Policy Owner	Gillian Bromley Vice-President (People) and Chief People Officer
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