



Policy: Paid outside work – the 52 day rule

Purpose

To establish the framework for ANU staff undertaking consultancies and professional activities as paid outside work.

Overview

One way the University encourages its staff to develop and maintain professional standing in the community is through undertaking a limited amount of consultancy work or professional practice. This policy also enables staff to disseminate and apply research and expertise beyond academia.

University Consultancies that use University resources and all Research Projects are managed under the Costing and Pricing of Externally Funded Research Projects, University Consultancies and Commercial Services Policy.

Scope

This policy applies to all ANU academic staff, except sessional staff and casual staff.

Definitions

Consultancy is undertaken to apply the existing stock of knowledge and known methods of analysis to problems specified by third parties. This includes providing expert advice, specialist knowledge or object review within a particular field. The activity is not intended to generate peer reviewed publications or new patentable inventions. The primary direct cost in a consultancy is staff time. Consultancy includes University Consultancy, Personal Consultancy, Professional Practice, Company Directorships, Secretaryships or Partnerships.

Paid outside work refers to consultancies including Personal Consultancy, Professional Practice, Company Directorships, Secretary roles or Partnerships that do not use University resources.

University Consultancy is a contract or agreements between the University (or its subsidiaries) and a third party undertaken to apply the existing stock of knowledge and known methods of analysis to problems specified by third parties.

This includes providing expert advice, specialist knowledge or object review within a particular field. The activity is not intended to generate peer reviewed publications or new patentable inventions. The primary direct cost in a consultancy is staff time.

University Resources includes (but is not limited to):

- University Intellectual Property – including that developed by the member of staff, but excluding know-how;
- Professional staff time;
- Research assistant staff time;
- Libraries, Laboratories and other Facilities; or
- ANU Email accounts, phone numbers
- Computers, servers, telephones and printers;
- Office space;

Personal Consultancy is an activity, including Professional Practice, permitted under this Policy that only uses the individual's own time. Personal Consultancy includes time undertaken through a Company owned by or involving the member of staff.

Research Project is a project to undertake creative work on a systematic basis in order to increase the stock of knowledge in new and creative ways so as to generate new concepts, methodologies and understandings across science, culture and society. The use of this stock of knowledge could include synthesis and analysis of previous research to the extent that it leads to new and creative outcomes and advances.

Professional Practice such as occurs in medicine, law, commerce, music, visual and performing arts are included in the definition of Personal Consultancy to enable academic staff members to maintain their professional skills in areas directly related to their University employment.

Company Directorships, Secretaryships and Partnerships, other than ex-officio Directorships, included in the definition of Consultancy.

Policy statement

52 day rule

1. Full-time members of academic staff may engage in up to fifty-two (52) days of Paid outside work activity per calendar year. The period for staff members holding fractional appointments is calculated on a pro-rata basis.

2. The 52 day rule does not apply to the following activities. These activities are outside the scope of the policy and staff do not need to obtain permission when engaging in them, unless in situations where clarification is required:
 - a. ex-officio Company Directorships;
 - b. remunerated activities connected to academia, such as peer review, service on boards or media interviews, to the extent that these do not conflict with the performance of staff duties (refer conflict section below);
 - c. paid work undertaken with no connection to the staff member's employment or professional skills used in relation to the staff member's employment (e.g. part-time fitness instructor) – provided the additional paid work undertaken does not damage the reputation of the University, and does not represent a conflict of interest, commitment or priority (refer conflict section below) and which is undertaken outside of the normal hours of work or agreed by relevant Supervisor;
 - d. activities relating to an approved Outside Studies Program – see Outside Studies Program (OSP) procedure section 23;
 - e. Other Activities as defined in this policy.
3. All Paid outside work must be approved by the authorised Delegate following the procedure set out in Paid outside work – the 52 day rule Procedure. Undertaking or agreeing to undertake work without first obtaining approval may result in disciplinary action under the University's Enterprise Agreement.
4. In approving Paid outside work for externally-funded staff (such as Fellows and fixed-term project staff, Delegates must ensure that the proposed work is consistent with any contractual obligations the University may have with the funding agency, and pay particular attention to real or perceived conflicts of interest and commitment.
5. Approvals for Personal Consultancies other than Professional Practice must be renewed every twelve (12) months. Approvals for Professional Practice are only required every three years or where there is a significant change to the pattern of work.
6. Any Paid outside work including a Research Project component must be undertaken as a University Consultancy or Research Project.

Conflict of interest and priority

7. Members of staff undertaking Paid outside work must ensure that:
 - Priority is given to University duties and responsibilities;

- Conflicts or perceived conflicts of interest between Paid outside work and University responsibilities are managed according to the University policy and procedure on Conflict of Interest and Commitment, and clause 23 of the Enterprise Agreement 2013–2016. Conflicts of Interest in academia and industry are common, and include (but are not limited to);
- Close personal relationships (relatives, other financial dependent persons, a de facto partner, or any person with whom there is currently or has been an intimate relationship)
- Financial conflicts of interest, e.g. staff involvement or holdings in external companies
- Reputational conflicts between external work and the staff member's University position
- Time conflicts between expectations of the staff member's University position and the external work (e.g. for externally-funded staff)

Private nature of paid outside work

8. Each member of staff is personally responsible and wholly liable for all expenses, insurances, taxation, reports and contractual obligations arising from Paid outside work.

9. Paid outside work is not a University business or activity. Except in limited Professional Practice situations set out in clause 10, each member of staff must ensure that they do not represent themselves as acting as an employee of the University through use of the name of the University or any academic organization unit or other area; or use of ABN or insignia – including the use of University logo, business cards, email accounts, phone numbers or letterhead.

10. For staff expected to undertake Professional Practice in order to maintain accreditation, members are able to use their University affiliation and email where there is an institutional-level agreement between the ANU and the organisation contracting the staff member, or where the individual's employment with the University requires such service. The staff member should ensure it remains clear that the Professional Practice work is not performed as University business. Where an institutional-level agreement exists, the requirement in clause 11 that services are carried out in a personal capacity may not be relevant, depending on the conditions of employment.

11. Each member of staff must ensure that any agreement or contract for the staff member to perform Paid outside work is in their personal name and does not refer to the University either as a party, or in any other way. If required, the

Supervisor of a staff member seeking to engage in Paid outside work may require the staff member to provide written confirmation from the third party that they understand that the services being provided by the staff member under that contract with the third-party are carried out in a personal capacity completely separate to their University duties.

12. University Resources are not to be used by members of staff undertaking Paid outside work. Staff members using University Resources, including incidentally, indemnify ANU against any costs or claims arising from such use. Activities that plan to use University Resources must be treated as University Consultancies.

13. Non-compliance with this policy may be considered a breach of the ANU [Code of Conduct](#).

Insurance and other expenses

14. Insurances held by the University do not cover staff members engaged in Paid outside work. Staff members are liable for their activities in relation to any Paid outside work and should take advice as to what insurances they should take out for any potential liability they may incur through the performance of the relevant contract.

15. Staff members should ensure that they have relevant sickness or injury insurances as required prior to undertaking Paid outside work, as these activities are outside the coverage of the University's insurance schemes including workers' compensation.

Review of Decision

16. Under the current Enterprise Agreement 2013–2016, a staff member may seek a review of a decision taken in relation to approval or otherwise for Paid outside work in accordance with clause 23 (outside work) –and the Review of Decision provision clause 78.

Document information

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