USQ AUSTRALIA

Professional Services Flowchart

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To assist in the determination of how to process Professional Services engagements.
Professional Services includes professional skills and advice and reports, personal efforts and skills, and work that is substantially for labour.

Professional Services may be provided by contractors, consultants, service providers, trainers, researchers, facilitators, supervisors, advisors, piecemeal workers, lecturers, course note writers, grant submission writers, keynote speakers, honorarium recipients, artists, performers, entertainers, musicians, professional experience or mentor service providers, transcribers, interpreters, mailout folders and packers, Open Day and Orientation Day performers, student workers etc - irrespective of whether an ABN is held or not.

Procurement & Purchasing Policy applies in all cases in the selection of the Professional Services Provider.
Work must not commence until correct processes are completed.

(i) Do the Professional Services include the SUPPLY OF GOODS &/OR EQUIPMENT?

Includes "supply and install" arrangements (e.g. office furniture); installation and commissioning and training on purchase of software; software licence agreements; design and print arrangements etc.

YES → Procurement process with possible written contract via Legal Office. Purchase Order required to be raised in PeopleSoft to enable payment, or USQ purchasing card (with authorisation as appropriate) subject to the applicable threshold. USQ Contractor Questionnaire is not required.

NO ↓

(ii) Do the Professional Services include the HIRE /LEASE OF EQUIPMENT /PROPERTY?

Includes delivery of the hired equipment; setup or assembly (e.g. marquee hire); the provision of a licenced operator with the equipment hire e.g. crane driver's services plus the crane etc.

Excludes the hire/lease of real property e.g. land and buildings.

YES → Procurement process with possible written contract via Legal Office. Purchase Order required to be raised in PeopleSoft to enable payment, or USQ purchasing card (with authorisation as appropriate) subject to the applicable threshold. USQ Contractor Questionnaire is not required.

NO ↓

(iii) Do the Professional Services require the use of a VEHICLE where the contractor MUST of necessity provide their own vehicle?

Includes couriers/transport operators whose services are ancillary to the conveyance of goods;

Includes furniture removal operators who supply their own removalist truck and equipment;

Includes waste removal services where the vehicle is required to transport waste off campus;

Includes pest control operator where the vehicle is required to transport both the chemicals and other specialist equipment, or mobile mechanic who must carry a substantial quantity of tools.

YES → Procurement process with possible written contract via Legal Office. Purchase Order required to be raised in PeopleSoft to enable payment, or USQ purchasing card (with authorisation as appropriate) subject to the applicable threshold. USQ Contractor Questionnaire is not required.

NO ↓

(iv) Do the Professional Services include CONSTRUCTION PROCESSES?

Includes major construction (eg new buildings, extensions and fitouts); minor modifications, refurbishments and repairs (eg electrician installing new power points).

Includes architects, engineers, refrigeration mechanics, interior designers etc all who provide **documentation as tangible input** to the construction process

Excludes architectural and engineering consultants and advisors etc who do not provide tangible documentation as input to the construction process (eg engineer who gives professional advice via a report on the implications of a crack in a concrete foundation).

Excludes professionals who operate as individuals or sole traders and who do not hold an Australian Taxation Office's "Personal Services Business Determination" (PSBD).

YES → Procurement process with possible written contract via Legal Office. Purchase Order required to be raised in PeopleSoft to enable payment, or USQ purchasing card (with authorisation as appropriate) subject to the applicable threshold. USQ Contractor Questionnaire is not required.

The following Professional Service categories are predominantly for the labour or the personal or professional skills of the specified personnel, however ***the identity*** of the Professional Services Provider (and therefore their business structure) will not be known until the end of the procurement process.

NO ↓

(v) Is the Professional Service comprised predominantly "for labour", and is it provided by an INDIVIDUAL or SOLE TRADER, and the individual/sole trader does NOT hold a Personal Services Business Determination (PSBD) from the ATO?

- "for labour" means for the personal efforts or skills of the individual, and includes professional skills &/or advice.

- "PSBD" for individuals are issued by the Australian Taxation Office (ITAA 1997 section 87-60)

- employment contracts are subject to PAYG withholding, super guarantee, payroll tax, workers compensation etc

YES → **Casual Employment Contract required via HR Pay Office. NO USQ Contractor Questionnaire or Purchase Order is required.**

NO ↓

(vi) Is the Professional Service comprised predominantly "for labour", and provided by a **COMPANY, PARTNERSHIP, TRUST, OTHER INCORPORATED ENTITY, or** provided by an **INDIVIDUAL who holds a Personal Services Business Determination?**

Excludes the larger organisations who already employ five or more staff on their payroll as these organisations are already obliged to withhold PAYG from wages, provide superannuation guarantee benefits, provide insurance cover including workers' compensation insurance for staff, and are already liable to payroll tax on wages and other benefits (subject to thresholds).

YES → **USQ Contractor Questionnaire** must be completed by both the contractor and USQ Project Officer before submitting to **Legal Office** for the preparation of a written contract. Purchase Order must be raised in P'Soft.

NO ↓

(vii) Is the Professional Service compromised predominantly "for labour", and provided by a **LARGE ORGANISATION who already employs five or more staff?**

*Some of the "**badges of business**" of large established organisations would include:-*

- *official business premises or offices that are open for public access*
- *paid advertisements via radio, TV, yellow pages, billboards, magazines, internet etc*
- *employment of five or more staff at any one time*
- *professionally designed web page which advertises their services, their contact details, all alternative office locations, information about key personnel, and even customer testimonials.*

Includes other universities, TAFEs, primary and secondary schools, public and private hospitals, government departments, governmental organisations, large professional accounting firms and legal practices, employment agencies (who pay the specified personnel directly), performers' agencies (who pay the artists directly), multinational corporations etc.

YES → Procurement Process with possible written contract via Legal Office. Purchase Order must be raised in PeopleSoft to enable payment. USQ Contractor Questionnaire is not required.

NO ↓

(viii) Is the Professional Service being provided not already covered by one of the previous classifications or categories?

All "other" professional service providers will be required to complete the **USQ Contractor Questionnaire** which should be submitted to the University Lawyer for assessment and advice (in consultation with the Taxation & Insurance Accountant).

YES → **USQ Contractor Questionnaire** must be completed by both contractor and USQ Project Officer to enable specific advice on the appropriate treatment - may be HR contract or Purchase Order.