University of Southern Queensland

USQ Contractor Questionnaire

Part B and Instructions

Version 2.1
Dec 2011

Part B – To be completed by the relevant USQ Manager responsible for the proposed contract or engagement of the Professional Service Provider ***(Please refer to the Professional Services Policy)***.

Legal Name of Contractor / Professional Service Provider:……..

1.	Has a ***business case*** been prepared by the Faculty or Department requesting this engagement?	Yes	No
2.	Has the above-named Contractor been requested to complete a *USQ Contractor Questionnaire*?	Yes	No
3.	Is the work performed a ***Principal Activity*** or ***Present Function*** of the University? (***Principal Activities*** include lecturing, tutoring, writing course modules, research, testing & development and other classes of activities normally performed by the staff of the University; while ***Present Functions*** include human resources, marketing, finance, ICT support & maintenance etc).	Yes	No
4.	Is the Contractor, or its management, an employee (either past or present) of the University?	Yes	No
5.	Does the University have the ultimate authority to direct and control the manner in which the Contractor/Professional Service Provider performs the required tasks?	Yes	No
6.	Will the Contractor/Professional Service Provider be free to set their own hours of work?	Yes	No
7.	Does the Contractor/Professional Service Provider have the right to delegate work (with or without USQ approval) to other persons or Contractors, or outsource the professional service to other external professional service providers?	Yes	No
8.	Will the Contractor/Professional Service Provider be integrated into the business of the University and work as part of a team with other University employees?	Yes	No
9.	Is the University responsible for the standard of work performed by the Contractor /Professional Service Provider and for any possible losses due to sub-standard work?	Yes	No
10.	Does the University, Faculty or Department have employees who already do the work that the Contractor/Professional Service Provider is being engaged to do?	Yes	No

11.

- I confirm that I have read the Professional Services Policy and the Professional Services Flowchart and understand the implications (such as, additional taxes and risk) of engaging a Professional Service Provider;
- I confirm that the above-named Contractor/Professional Service Provider has been requested to complete and return the ***USQ Contractor Questionnaire***;
- I confirm that the above information which I have provided concerning the proposed engagement of this particular Contractor/Professional Service Provider is true and correct to the best of my knowledge;
- I acknowledge that it is my responsibility to ensure that all questions on the ***USQ Contractor Questionnaire*** are fully completed by the Contractor/Professional Service Provider and undertake to submit both the completed Part A and Part B sections of this form to USQ Legal Office for an assessment of their status;
- I acknowledge that if the USQ Legal Office's assessment is that this Professional Service Provider should only be engaged as a Deemed Employee then the HR Client Services Team will be contacted for an appropriate employment contract (with normal employment on-costs to be attracted);
- I acknowledge that if USQ Legal Office's assessment is that this Professional Service Provider may be engaged as an Independent Contractor, the entity may still be caught by the states' payroll tax rules and I acknowledge and accept that my Faculty/Department may incur the superannuation guarantee (9%), payroll tax (4.75% in Qld) and workers' compensation premium on the payment of this contract;
- **I confirm that I am authorised to incur these costs, as well as negotiate with and manage this Professional Service Provider on behalf of the Faculty or Department named below.**

Signature:……..…….. Date:…….. Phone:….……..

Print Name:…….. Faculty/Department:……...

Privacy Statement

USQ is collecting personal information on this form for the University purpose of providing tertiary education, related ancillary services and associated functions. This includes enabling USQ to correctly self-assess and comply with payroll tax, superannuation, workers compensation and other legislation including: Payroll Tax Act 1971 (Qld); Superannuation Guarantee (Administration) Act 1992 (Cwlth); Fringe Benefits Tax Assessment Act 1986 (Cwlth); Income Tax Assessment Act 1997 (Cwlth); Workers' Compensation and Rehabilitation Act 2003 (Qld). USQ may be required to provide some or all of this information to the Office of State Revenue, the Australian Taxation Office, your superannuation provider, and the relevant workers' compensation authority. Your personal information will not be disclosed to any other third party without your consent unless required or authorised to do so by law as per Information Privacy Act 2009 (Qld).

Instructions - Policy, Procedure & Definitions

1. The ***USQ Contractor Questionnaire*** is designed to be completed prior to any contract being requested, prior to any purchase order being raised, and prior to the commencement of any work. **All items or questions must be answered in full.** Part A must be completed and signed by the Contractor Organisation who is providing the professional services. Part B must be completed and signed by the relevant Manager who has responsibility for both the staffing and physical resources of the University.
2. The ***Professional Services Policy*** is published in the *USQ Policy Library*. The ***Policy*** has been developed to address both the University's legal obligations as well as the potential risk exposure when engaging a Professional Services Provider (including contractors, consultants etc). The ***Policy*** requires that the completed ***USQ Contractor Questionnaire*** must be submitted to USQ Legal Office for assessment in order to determine the classification status of the Professional Service Provider/Contractor.
3. The ***Professional Services Flowchart*** is an integral part of the ***Professional Services Policy*** and is designed to guide the user quickly through categories where the professional services are not wholly or principally for labour and where there is no requirement for the ***USQ Contractor Questionnaire*** to be completed. The remaining categories will assist in determining whether the Professional Service Provider should be engaged on a casual/fixed term employment contract, engaged via the procurement process (with a possible written Legal Office contract), or alternatively will be required to complete the ***USQ Contractor Questionnaire*** in order to ascertain the correct treatment of the engagement. When the nature of the engagement is not clear, consultation will take place with the University Lawyer and the Taxation & Insurance Accountant. This classification of the Professional Services Provider as either an ***Independent Contractor*** (who is paid through the accounts payable system) or as ***Deemed Employee*** (who is paid through the automated HR Pay Office system) is determined by the legislative requirements under which the University is bound.
    a. The ***Professional Services Flowchart*** has identified categories (i), (ii), (iii) and (iv) as professional services which include supplies as described. No ***USQ Contractor Questionnaire*** is required and the process moves directly to the procurement phase. Please see ***Professional Services Policy*** for full details.
    b. The ***Professional Services Flowchart*** has identified category (v) as a professional service that is predominantly for labour and provided by an individual or sole trader who does not hold a PSBD. No ***USQ Contractor Questionnaire*** is required and the process moves directly to the HR Client Services Team for advice on the appropriate employment contract. Please see ***Professional Services Policy*** for full details.
    c. The ***Professional Services Flowchart*** has identified category (vi) as a professional service that is predominantly for labour but which is provided by an entity such as a company, partnership, trust, other incorporated entity or an individual with a PSBD. This category is for entities with fewer than five staff. The ***USQ Contractor Questionnaire*** must be fully completed and sent to Legal Office where a written contract will be prepared. Please see ***Professional Services Policy*** for full details.
    d. The ***Professional Services Flowchart*** has identified category (vii) as a professional service that is predominantly for labour but which is provided by a large entity or organisation which employs five or more staff. No ***USQ Contractor Questionnaire*** is required and the procurement process continues. Please see ***Professional Services Policy*** for full details.
    e. The ***Professional Services Flowchart*** has identified category (viii) as a professional service that is not already covered in the preceding seven categories. If after applying the other categories there is no suitable match, then a **USQ Contractor Questionnaire** must be completed and sent to Legal Office to enable a determination on the nature of the engagement and the classification of the ***Professional Services Provider*** to be made. Please see ***Professional Services Policy*** for full details.
4. The questions in ***Part A*** and ***Part B*** of the ***USQ Contractor Questionnaire*** are designed to assist the University to identify all professional service providers whose labour component may be subject to payroll tax, superannuation guarantee, workers' compensation insurance premiums etc and to ensure that all reporting and payment requirements under the legislation are complied with in a professional and timely manner.
5. USQ Legal Office will be assisted by the Taxation & Insurance Accountant in the classification process of the Professional Service Providers.