

# Instruction Sheet

## ***WHEN to complete the questionnaire:***

- When a supplier is being engaged to provide personal services to the University and the supplier requests to be paid by submitting an invoice.
- Before services are provided by a supplier.
- When the services ARE NOT being delivered to the TAFE Division of the University as part of the State Government TAFE delivery contract.
- When the services ARE NOT ALREADY COVERED by a contract reviewed or issued by the University's Legal Office.
- When the supplier HAS NEVER COMPLETED a questionnaire previously and is being assessed for the first time or the supplier last completed a questionnaire more than four (4) calendar years ago.
- Some examples of services which will require assessment are:
  - developing curriculum and teaching material;
  - writing course guides and outlines;
  - examination writing, supervision and review;
  - exam and thesis marking and assessment;
  - academic research, academic research data collection, data compilation, data review and analysis, notes and dictation transcription, proof reading
  - course note, lesson or tutorial preparation;
  - teaching, training, lecturing and tutorial delivery
  - student professional and/or clinical placement;
  - Recognition of Prior Learning (RPL) assessment;
  - course, seminar and workshop facilitation and management;
  - providing an artistic, sporting or entertainment experience

## ***HOW to complete the questionnaire:***

- Commence filling in the questionnaire at Question 1 by filling in the name of the business and the business' Australian Business Number (ABN) at Question 2, then move to Question 3 and circle either Yes or No to the question;
- For all questions, either move to the next question or follow any instructions contained at the answer you select at the current question;
- Do not miss answering any questions unless the instructions contained in the questionnaire at the answers you select instruct you to do so.
- **Complete and sign the declaration** at the end of the Questionnaire.

## ***IMPORTANT:***

Note: Payments will not be made to suppliers where a valid FedUni contractor purchase order number has not been **issued by Finance** or an employee number allocated by Human Resources.

Finance will not process contracts for suppliers where the supplier:

- Is an employee, or deemed employee
- Has not signed a contractor's fixed rate agreement
- Has not answered the questions on this questionnaire
- Has signed a contract issued by the FedUni Legal Office


Where it is determined that a person is an employee rather than a contractor, payments for services provided will be processed by Human Resources and the person will be treated as an employee of the University.

Where the services are provided to the University any contracts, questionnaires, employment details should be forwarded to either Finance or Human Resources for processing. This should be done before payment is approved.

The provision of inaccurate or misleading information on this questionnaire could place both the University cost centre and budget portfolio holders at risk by either not complying with the law or having to resolve a claim for damages at some future point in time.

These answers will also assist in determining whether the University has a payroll tax or Workcover liability in relation to this specific contract.

# Employee Independent Contractor Determination Questionnaire

1.	Business name of service supplier: _____ <small>Enter the business name of the supplier</small>		
2.	Australian Business Number (ABN) of the supplier: <b>If the supplier does not have an ABN <u>DO NOT</u> engage the supplier as a Contractor, seek advice from Human Resources about a sessional employment contract.</b>	_____ <small>Enter ABN and go to next question</small>	
3.	Is a single specific individual to be engaged to perform the work?	Yes <small>Go to next question</small>	No - go to Question 6 <b>Do not answer Questions 4 &amp; 5</b>
4.	Is the individual subject to a re-engagement exclusion due to a recent employment termination from Federation University Australia or any agency, institution, department or part of the State of Victoria?	No <small>Go to next question</small>	Yes <b>DO NOT engage the supplier. Find an alternate supplier. Answer no further questions.</b>
5.	Does the person have an existing current employment contract with Federation University Australia?	No <small>Go to next question</small>	Yes <b>The person is an Employee. DO NOT engage the person as a Contractor. Seek advice from Human Resources about a sessional contract, an overtime claim or workload re-balancing. Answer no further questions.</b>
6.	Is the business entity of the supplier which is to do the work and is to be paid, part of the Australian Government, a State/Territory Government or a Local Government?	No <small>Go to next question</small>	Yes <b>The supplier is accepted as a Contractor, no proof of insurances is required. Answer no further questions. Sign and date questionnaire, arrange a fixed rate contract for the services.</b>
7.	Is the business entity of the supplier who is to do the work and is to be paid, a company, a trust, a partnership or an incorporated body?	Yes <small>Go to next question</small>	No <b>Go to Question 12</b>
8.	Does the entity hold current Public Liability insurance with coverage up to \$10million for any one incident?	Yes <small>Go to next question</small>	No <b>DO NOT engage the supplier. Find an alternate supplier. DO NOT answer any further questions.</b>
9.	Does the entity hold current Professional Indemnity insurance which covers the service being delivered to the University with coverage up to \$5m for any one incident?	Yes <small>Go to next question</small>	No <b>DO NOT engage the supplier. Find an alternate supplier. DO NOT answer any further questions.</b>
10.	Does the entity hold current Workers Compensation insurance (Workcover) for the State in which the service is being delivered?	No <small>Go to next question</small>	Yes <b>Supplier is accepted as a bona fide Contractor. Supplier must provide copies of</b> - Public Liability Insurance - Professional Indemnity insurance - Workers compensation insurance <b>Answer no further questions. Sign and date questionnaire, arrange a fixed rate contract for the services.</b>
11.	Does the entity not have Workers Compensation insurance because: - the entity is a Partnership where the partners do the work and have no other employees; or - the entity is a Company with no employees and the Company makes payments to Directors only in their capacity as shareholders in the form of dividends; or - the entity is a Trust with no employees and distributions made by the Trust to beneficiaries ARE NOT payment for work performed or payments in lieu of wages.	No <b>Do not engage the supplier. Do not answer any further questions. Find and alternate supplier.</b>	Yes <b>Workers Compensation Insurance IS NOT required by the supplier. Supplier is accepted as a Contractor. Answer no further questions. Sign and date questionnaire. Arrange a fixed rate contract for the services.</b>
 <b>Only CONTINUE answering further questions if you answered NO at question 7.</b> (This means your business entity is a Sole Trader or an Unincorporated body)			

# Employee Independent Contractor Determination Questionnaire

12.	Is the person being engaged to provide, present or participate in a performance of music, play, dance, entertainment or sport? Includes persons engaged to perform or participate in promotional activities for an audience, film or voice recording or to perform as a singer, as a dancer, as an actor, as an extra, as a model, as a musician, as a comedian, as a past player or sportsperson due to their sporting reputation or any person engaged to use their intellectual, artistic, musical, physical or other personal skills.	No Go to next question	Yes Do not engage the person as a Contractor. Answer no further questions. Arrange a sessional contract with Human Resources for the individual person.
13.	Is the person being engaged to provide goods? Yes, if over half the dollar value of the contract is for goods or product. Yes, if the person is an artist or sculptor selling a 'work of art'. Yes, if the person manufactures an item which the University purchases.	No Go to next question	Yes Supplier is not a Contractor. Sign and date questionnaire. Raise a purchase order or contract as needed.
14.	Is the person being engaged to achieve a result? A person is engaged to achieve a result if: they provide a fixed price quote for the work to be done their payment is dependent on the satisfactory delivery of the result they provide their own tools, equipment and vehicles to undertake the work the nature of the arrangement and engagement is not similar to an employee	Yes Go to next question	No Supplier is not a Contractor. Sign and date questionnaire. Raise a purchase order or contract as needed.
15.	Does the person have to perform the work personally? The person does not have to perform the work personally if they have an unlimited right to delegate the work to others. The person has to perform the work personally if they are engaged solely for their personal skills, knowledge and abilities.	No <b>The person is a contractor</b> Arrange a fixed price contract.	Yes Do not engage the person as a Contractor. Answer no further questions. Arrange a sessional contract with Human Resources for the individual person.

Signed for and on behalf of supplier

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date

Address: \_\_\_\_\_

eM. \_\_\_\_\_

Ph. \_\_\_\_\_

Fx. \_\_\_\_\_

Mb. \_\_\_\_\_