



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

**VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT KOVACIC
COMMISSIONER JOHNS**

s.156 - 4 yearly review of modern awards

**Four yearly review of modern awards
(AM2015/6)
Educational Services Awards**

Melbourne

10.11 AM, FRIDAY, 21 OCTOBER 2016

Continued from 20/10/2016

PN8301

VICE PRESIDENT CATANZARITI: Thank you. As we've shifted pace again, we'll just note the appearances again for the record for today. Ms Gale, Mr McAlpine.

PN8302

MR PILL: Mr Pill appearing on behalf of Group of Eight Universities.

PN8303

MS PUGSLEY: Ms Pugsley, appearing on behalf of the Australian Higher Education Industrial Association.

PN8304

VICE PRESIDENT CATANZARITI: All right. Let's go.

PN8305

MS GALE: Good morning, your Honour. The NTEU calls Dr Caron Dann.

PN8306

THE ASSOCIATE: Could you please state your full name and address for the record?

PN8307

MS DANN: Yes. Caron Elizabeth Dann of (address supplied).

<CARON ELIZABETH DANN, AFFIRMED [10.13 AM]

EXAMINATION-IN-CHIEF BY MS GALE [10.14 AM]

PN8308

MS GALE: Thank you, Dr Dann. Could you state the name and address again for the record, please?---Yes, Caron Elizabeth Dann (address supplied).

PN8309

Have you prepared two witness statements for these proceedings?---Yes.

PN8310

Do you have copies of those with you?---I do.

PN8311

Have you read them recently?---Yes.

PN8312

Can I take you first to the first witness statement, which is the one dated 10 March. I understand you wish to make a correction to paragraph 6, in the last line of paragraph 6 where it says - - -?---Yes, it should say, "I believe it's Dawn from Level A", in the last line there.

*** CARON ELIZABETH DANN

XN MS GALE

PN8313

So "Dawn from Level A" of the academic classification structure. With that correction, do you say that this is a true and correct statement?---Yes.

PN8314

And you adopt it as your evidence in these proceedings?---Sorry, can you - - -

PN8315

Do you adopt that statement as part of your evidence in these proceedings?---Yes.

PN8316

I take you now to - I'm sorry, can I tender that.

PN8317

VICE PRESIDENT CATANZARITI: NTEU AO.

EXHIBIT #AO WITNESS STATEMENT OF CARON DANN DATED 10/03/16

PN8318

MS GALE: I take you now to your supplementary witness statement of 11 July?---Yes.

PN8319

And I understand there are two corrections you wish to make to that statement, the first at paragraph 4, in the second last line, where it says, "Assignments: when compiling". It should say "and" when compiling?---"And", yes.

PN8320

So the word "and" should be inserted before the word "when" in the second last line of the first page. Then if I can take you to paragraph 9 in the second line?---Yes. "Mr Picouveau's understanding."

PN8321

That second sentence should read, "Mr Picouveau's understanding of how contracts"?---Yes.

PN8322

With those changes do you say this is a true and correct statement?---Yes.

PN8323

And you adopt it as your evidence in these proceedings?---Yes.

EXHIBIT #AP SUPPLEMENTARY WITNESS STATEMENT OF CARON DANN DATED 11 JULY

*** CARON ELIZABETH DANN

XN MS GALE

PN8324

MS GALE: Dr Dann, can I just ask you to explain, as your witness statements go up to first semester this year, what your casual academic duties at Monash

University have been in second semester of this year?---Yes, actually it's the last day today of second semester. Just before I start, I'd just like to excuse myself. I have a bad cold, so Mr Commissioner and your Honours I might cough or sneeze. All right, so in the semester 2 this year I've been employed primarily as a coordinator in the Master of Media Studies program, at the School of Media, Film, and Journalism. I coordinate a unit, a core unit. I have 84 students. I do have another lecturer who does three of the lectures, and that week's tutorials, but I do the rest of it and I coordinate and do everything else. I've actually taught on that unit for about five years. It's run twice a year.

PN8325

That has been as a casual employee?---Yes. Yes, all the time I've done that has been a casual.

PN8326

Thank you, no further questions.

PN8327

VICE PRESIDENT CATANZARITI: Thank you.

CROSS-EXAMINATION BY MR PILL

[10.17 AM]

PN8328

MR PILL: Dr Dann, I'm representing, amongst others, Monash University in these proceedings. I just need to ask you a few questions about your evidence. Prior to becoming an employee at Monash University you were a journalist?---Yes.

PN8329

How long were you a journalist for?---I started in 1979. So I had a few years out in that time, but shall we say about 30 - almost 30 years. Definitely 25 years of that time.

PN8330

I think your evidence is that you live and breathe media?---Yes.

PN8331

You're a lifetime passionate follower of journalism and media?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8332

In your work as a journalist, I appreciate you've covered a 30 year period, who were you employed by?---So I started in New Zealand, so small town newspapers in New Zealand. Then Auckland Star in Auckland. Sunday Star came across here. So predominantly I've been an entertainment reporter. I worked for TV Week for quite a long time. I worked for Woman's Day, as a Melbourne editor. While I was doing my PhD actually. And I worked for the Herald Sun. So mostly tabloid type. I have done the so called quality journalism, but I haven't worked in that field nearly as much as the tabloid style journalism. Did you undertake any freelance work?---Yes.

PN8333

When you were a journalist you kept up to date, obviously, with the media and what was going on?---Yes. Sorry, I should have mentioned that I also worked in Thailand, in Bangkok for a magazine there. I did keep up, but it's very different to academia. Because I was working for tabloid publications, I would, for example, need to know what Paris Hilton was doing, or, you know, this sort of thing. That still comes in a little bit at university, but it's a whole different field, and you are actually expected to know very much more about the quality journalism, long format journalism, and international journalism.

PN8334

Yes. You accept that when you're engaged, for example, to do freelance work, you were engaged because of your experience, your knowledge, and that you have the capability to do the particular freelance task that you're being engaged to do?---Yes.

PN8335

By its nature, you accept that media and journalism in particular is highly topical and changeable?---Can you explain a little bit more what you mean by that?

PN8336

That inherent in media, that it is time critical, it's constantly changing. We have daily news. In comparison - to take an extreme comparison with ancient Egyptian history, that's largely set in stone, no pun intended?---Yes. There would be new - and there would also be new research coming up all the time on journalism, and new critiques, and that sort of thing. But journalism itself, you know, there's different news every day. Is that what you're meaning?

PN8337

Perhaps I'll put it this way, you accept that in terms of the academic disciplines you're effectively at the high watermark of an area that is constantly changing and needing to be constantly reviewed?---Yes.

PN8338

Now, you hold a role with Monash University, but you also hold a separate appointment with another entity, which is Monash College Proprietary Limited?---Yes.

PN8339

Now, that's a separate entity, you're aware of that?---Mm.

PN8340

And you have a separate engagement, a separate letter of appointment?---Completely. Yes, yes, separate EBA, separate everything.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8341

You give evidence at paragraph 4 of your first statement that, "This statement focuses on my work as a casual academic at Monash University, as Monash

College staff are not covered by the Higher Education Academic Staff Award 2010"?---Yes.

PN8342

Are you aware that these proceedings are a review of, amongst others, that award that you've mentioned there?---Yes.

PN8343

You would also be aware that your terms and conditions at Monash University are not actually regulated by that award as we sit here, they're regulated by the relevant enterprise agreement. Are you aware of that?---Yes.

PN8344

I think you've mentioned that at Monash College that's also the case, that they're regulated by separate enterprise agreement?---Yes.

PN8345

In your statement you raise a number of matters about access to resources, about IT, about issues concerning whether your pay is adequate for the work that you do?---Yes.

PN8346

And about implementation or administration of that pay. I'd like to provide to you a copy of the enterprise agreement. It's attachment to AP1 to Mr Picouleau's statement. I'm not sure if the members of the bench have our bound, spiral bound
- - -

PN8347

VICE PRESIDENT CATANZARITI: I didn't bring that folder in myself this morning. I'm familiar (indistinct).

PN8348

MR PILL: What I provided to you, Dr Dann, is a bound version of a document that's otherwise before the Commission. I just wanted to take you to a couple of provisions in it. Can I ask that you turn to page 13, and in particular clauses 16.12 to 16.18?---Yes. Okay. Do you want me to read those?

PN8349

If you can read them, but I intend to step you through a couple of them, and given the bench doesn't have it before them I will definitely do that. You'll see at 16.13 that, "The University will provide teaching associate staff" - now, that's another name, isn't it, for work that describes your engagement?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8350

"With the facilities and resources appropriate to enable the fulfilment of their duties." You'll see at 16.14 that there's a requirement to provide appropriate access to professional development opportunities, other than those staff employed on a casual rate basis. You'll see that 16.5, "The University will provide library cards, out of hours access, email accounts, network and intranet access, and

inclusion in the University's telephone book and web directory on an equivalent basis as for other academic staff"?---Mm.

PN8351

"Teaching staff will be eligible to apply for internally advertised university positions, on an equivalent basis as for other academic staff. Teaching associate staff will be eligible to apply for internal funding opportunities, including grants and professional development funds, on an equivalent basis as for other academic staff." And there's a provision providing for a half day of induction for new teaching associate staff. Do you accept, having briefly looked at those, and having regard to the matters in your statement, do you accept that the majority of the matters that you raise really go to issues about the implementation of these provisions, and whether they're adequately being implemented in your particular case?---Yes, to some of them. Not to all of them.

PN8352

When you say to some of them, there are some of the subparagraphs that don't meet that description?---Yes, that don't concern me.

PN8353

But in terms of the ones that do concern you - - -?---Yes.

PN8354

- - - they effectively describe or are relevant to the matters that you've raised in your witness statement?---Yes.

PN8355

Now, you've had a number of different engagements at the University. Your initial engagement was actually not as a casual staff member, it was on a non-casual basis for a fixed term?---Yes, it was a one year contract. Or actually it turned out - they call it one year, but it turned out to be about nine or 10 months.

PN8356

Yes, so 4 February 2008 to 31 December 2008?---Right.

PN8357

Does that ring any bells?---Yes.

PN8358

You have had a number of sessional or casual appointments?---Yes.

PN8359

But you've also had a number of appointments as a level B non-casual lecturer?---Yes.

PN8360

And you've also had appointment to a non-academic staff position on one occasion?---Yes, which is research work.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8361

You were supporting some research work, or undertaking some - - -?---Yes. Basically academic work, the same sort of work, but it's just a different way of paying someone.

PN8362

Are you aware of other staff in your school who have been engaged on a basis that includes academic employment and non-academic employment, in the same way that we've just gone through your circumstances?---Yes, I think so.

PN8363

You think so, or you know for certain?---I can't give you any exact examples, but it's not unusual. As I understand it, it's a lesser pay than, say, the other - normally when we do other work that's not in the agreed - not specified, not a lecture, or a tutorial, or that sort of thing, it's called other required work, and this is paid at a certain rate. As I understand it - this was some years ago - as I understand it, that work was paid at the non-academic rate on that category, because it was a lower rate of pay.

PN8364

You were employed as a what we call a HEW 6 at the time, do you recall that?---No.

PN8365

As in you don't recall it, or you say you weren't a HEW 6?---No, I was, but I don't recall the level because it was years ago.

PN8366

Okay. You're aware that as a general staff member you were entitled to overtime?---Yes, this was for a very short time over summer one year.

PN8367

I put it to you, Dr Dann, it's actually highly unusual for academic staff to have non-academic appointments at Monash University. Do you accept that?---Okay.

PN8368

As I read your statement, you have undertaken unit coordination?---Yes. And I'm looking at paragraph 3 of your first statement. You coordinate two units in the Masters of Communication program. Now, unit coordination is generally undertaken by non-sessional staff. Do you agree with that?---Well, in my case I coordinated a lot of subjects during the time that I've been a sessional. I can't really speak for other people. I - so for me, no, it's not unusual at all.

PN8369

No, indeed, and your evidence is that you have undertaken unit coordination on a number of occasions?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8370

Can I put to you that, with the exception of one other person who did it for one subject in the first semester, there is no other sessional or casual in either of the

schools that you refer to, the School of Media, Film, and Journalism or the School of Linguistics, Languages, Culture and Literature, who undertakes unit coordination. It's done by teaching and research academic staff, continuing staff?---Right.

PN8371

You're not aware of whether that's the case or not?---At undergraduate level I think mostly coordinators are continuing staff members, but, again, I've coordinated at undergraduate level. So if you have the figures - no, I'm not aware of that. I mean I can obviously see around me that there is people that I know who are coordinating and who are on the staff, but I don't know everybody who's on all the units.

PN8372

No. By on staff you mean that they're continuing staff?---They're continuing, yes. Sorry, I should have said that.

PN8373

And in your particular case, for two of those units, is this case, that - and I've got the references, I don't have the titles to hand, but I'm sure you're familiar with them - AP9894 and AP95397?---Yes.

PN8374

That your teaching coordination and subjects were effectively a teaching buy out of subjects that would otherwise be taken by Associate Professor Mark - - -?---Gibson.

PN8375

Gibson. Thank you?---Yes.

PN8376

And Tony Moore, who obtained ARC grants, and essentially used some of those funds to enable you to be employed to undertake the activities. Are you aware of that?---Yes. That's my understanding for at least part of the coordination. We don't actually discuss that. It might come up in conversation, but it's not really considered my business to know where the money comes from, you know. Just they engaged me and I agreed to do it. So I don't actually - but that's - my understanding is that there is some grant money. But we get paid in the same way no matter what. So it doesn't actually really concern me.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8377

No, I understand that. It really just goes to the atypical nature of a sessional undertaking, as much work, and as much unit coordination as you do according to your evidence. Do you accept that - I withdraw that. Now, when you do unit coordination, you receive separate payment for that, over and above what you are paid for delivery of the lectures and the tutorials?---Yes, generally but not always two hours a week. I have at the moment 84 Master's students and I receive two hours pay for coordinating and two hours pay for consultation per week. The

consultation is over 12 weeks. The coordinator's pay is over 15. So one week before and two weeks after, and not including the semester break.

PN8378

So somewhere around 55 to 60 hours across the semester?---Yes.

PN8379

Now, you give evidence about your engagement in activities, and that the work that you do commonly exceeds the remuneration, or the assumptions in the calculation of the rate of pay for a lecture or for a tutorial?---Sorry, it currently - sorry, I missed a word there.

PN8380

I'll withdraw the question. I'll ask it slightly differently?---Thank you.

PN8381

In each of those engagements, as a sessional staff member, you were offered appointment on a sessional basis?---Yes.

PN8382

And you were provided with a letter of offer, or an instrument of appointment, that clearly set that out?---No.

PN8383

You say you weren't provided with an instrument of appointment appointing you as a sessional staff member?---No, I was, but it's very non-specific. So what happens is HR used to send us everything set down with hours and so on. Now what we receive is commonly the first appointment that we have. So that might be marking five essays for someone when they're aware, or doing one lecture. It will say that. And you agree to that. But it also, of course, has a clause then that hours can be adjusted to anything agreeable. So it commonly now - it's variable. I have to say, it's variable. Sometimes it sets out actual units that you will be teaching. Sometimes it doesn't. Sometimes it sets out some hours. But to compensate for that, I think - I believe, it's just hearsay, but I believe that it's because HR is actually inundated and can't do what they used to do. But, I mean, that may or may not be true. But what they do instead is they send us a schedule. So when I say "they", the finance manager who was mentioned in here, Jodie. And that will set down our exact hours. But this always received some time after the appointment. In some cases as late as week nine. So it's not something that you can agree or disagree to, because you're already doing the teaching. So I do actually talk about this somewhere in the statement.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8384

Perhaps I'll come back to it. Do you accept that, looking at - I'm looking at your letter of appointment for February 2015, it appoints you to undertake tutoring, and it gives the subject, 2054/2056 marking, 2059, and other academic duties, with full subject coordination duties for units - and then it lists of your three units. So

you'd accept that that's typical of the appointment that you received? I can provide you with a copy, if it assists you?---I don't know, because I often thought, no, this doesn't actually say everything, and that's why they started to send out the schedules, because people were saying, well, I don't know what hours I'm working, I don't know what I'm allowed to claim, I don't know - you know. But if you've got it there, that's it.

PN8385

Despite the question of hours, you accept that on each occasion that you've been appointed as a sessional you've been given a written instrument of appointment, or a written letter?---Yes.

PN8386

And you're aware that you're being offered employment as a sessional?---Yes, absolutely, yes.

PN8387

And you're aware that you're being offered employment to undertake - whether it be tutoring, or lecturing, in a particular set of units or activities?---Mm.

PN8388

And you've accepted the employment on that basis?---Yes.

PN8389

VICE PRESIDENT CATANZARITI: It might be useful to actually tender that document, Mr Pill.

PN8390

MR PILL: Bear with me, Vice President. Now, Dr Dann, I've just handed you a copy of a letter which is dated 23 February 2015, addressed to you?---Mm.

PN8391

And if you turn the page there's a statement about terms of engagement?---Yes.

PN8392

You'll see at point 4 of the table appointment details, a brief description of duties?---Yes.

PN8393

And there's the paragraph that I read about the tutoring, marking, other academic activity, and full subject coordination duties?---Mm.

PN8394

And at point 8 it identifies the nature of the appointment. Sorry, point 8 of the appointment details table?---Right, yes, yes. I think I'm meaning that we don't know our actual hours, we don't - - -

PN8395

I understand that?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8396

I understand that. You'll see if you turn over the page that at point 2 there's an estimated number of hours per week?---Mm.

PN8397

And that's referred to in the table?---Mm.

PN8398

And there's an availability period that's also reflected in the table, but consistent with it being casual employment the hours and the duties may change. They are matters that are discussed between, generally, the relevant head of school, or the unit coordinator and the casual academic staff member. Is that the case?---Yes, but we don't know our actual hours until we're sent that schedule, and they could differ, because - and I'm sorry, I've forgotten her surname, Jodie, who is the manager, say our finance manager, seems to be in charge of that area. Even the head of our section, Associate Professor Mark Gibson, doesn't always know what the hours are. Particularly those extra hours. Obviously the teaching hours are set, but the extra hours, like consultation time, sometimes depend on the size of the class, but sometimes they depend on trying to cut back on hours. So - - -

PN8399

And in terms of how you actually end up being paid, you fill in an electronic timesheet?---Yes, that's right.

PN8400

And the electronic timesheet is effectively approved?---Yes.

PN8401

And it identifies, or you fill in, whether the time was doing a lecture - - -?---Yes.

PN8402

- - - a tutorial - - -?---Yes.

PN8403

- - - or other required academic activity?---Yes.

PN8404

And based on that, you're then paid the relevant rate in the University's payroll?---Yes. And we often have to guess at the start of the semester. I usually go with - if I've done the unit before - with what I got paid last time for it. But that can sometimes differ. So this semester we did receive the schedules shortly after the start of the semester, which was much better than the previous semester, but it was still, you know, after the start, so there's no room, really, to negotiate payments or anything.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8405

Yes. When you say you guess, when you fill in your time sheet you're filling it in retrospectively?---Yes, it's usually about a week behind. So, yes, so next time I start the unit, the Master's unit that I teach, or units, I would fill in, as I said

before, two hours consultation, and two hours for unit coordinator, assuming it would be the same as the previous semester. It doesn't always work out that way, but, yes, that's the way it seems to work.

PN8406

Now, in - - -

PN8407

VICE PRESIDENT CATANZARITI: Exhibit 14.

EXHIBIT #14 LETTER FROM MONASH UNIVERSITY TO CARON DANN DATED 23/02/15

PN8408

MR PILL: Thank you. Sorry, Vice President. In terms of claiming pay for activities, if you take on additional load, for example to do a review, you can make a claim, whether it's under the other required activity, or you might indeed be given a separate offer of a casual appointment, sessional appointment, to do that review?---What is a - what's a review, sorry?

PN8409

I'm just using that as an example. Given that you've asked the question, perhaps I'll give you another document?---Yes.

PN8410

I might have used the wrong term. I've got a document here dated 30 March 2015, which appointed you to undertake marking of the briefing paper and research essay assessment components for Print Cultures?---Yes, that's marking.

PN8411

So where you took on this additional duty you were offered an additional piece of paper with additional payments?---Piece of paper? No, no.

PN8412

I'll provide it to you. Just one moment?---No, that never happens. It just appears on your timesheet as a category. So they don't actually - after the initial letter you don't ever get another one now. That may have happened in the past, it certainly doesn't happen in 2016.

PN8413

I'll hand you the document that I've got here?---Thank you. Yes, this - - -

*** CARON ELIZABETH DANN

XXN MR PILL

PN8414

So the previous document I gave you, Dr Dann, was from February 2015 and covered, essentially, the remainder of 2015. It overlaps with this document, which we've then offered, which was to undertake this additional duty of undertaking marking of the briefing paper and research essay assessment

components for Print cultures?---Okay, this is nearly two years ago, or a year and a half ago. I know that generally what happens now, and this year, is that it just appears on your timesheet. You don't get - certainly don't get these letters in the mail.

PN8415

Okay. So you'd like to perhaps qualify or correct your previous response? When you said this never happens?---It never happens now.

PN8416

All right. Can I ask that this document be marked?

PN8417

VICE PRESIDENT CATANZARITI: Exhibit 15.

EXHIBIT #15 LETTER FROM MONASH UNIVERSITY TO CARON DANN DATED 30/03/16

PN8418

MR PILL: Now, in terms of what happens now, where there is an additional task or activity you can seek approval for that, and receive payment for it, based upon - I think what you've said is it goes on your relevant timesheet. Is that correct?---If it's something - like some teaching, like marking is teaching as well, marking, lectures, tutorials, that sort of thing. There is a meeting allowance that covers some meetings.

PN8419

Now, Dr Dann, your sessional duties or your casual duties have included a spectrum of activities. There's lecturing, repeat lectures?---Yes.

PN8420

Tutorials?---Yes.

PN8421

Repeat tutorials. The unit coordination work that you've done, the student consultation that you've undertaken. In each of those cases you submit your relevant timesheet, and you receive payment for it. The payment is determined by the enterprise agreement. Do you accept all of that?---The rate of pay?

PN8422

Yes?---Yes.

PN8423

In addition, you've undertaken the role of chief examiner?---Yes.

PN8424

That's also separately remunerated?---No.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8425

Is there a difference between chief examiner and unit coordination?---Yes.

PN8426

So when you were chief examiner you receive additional pay?---No. To my knowledge I have never received any pay for being chief examiner. I must say, going back to what you said before, it is extremely unusual for a sessional to be chief examiner, and I haven't been chief examiner for some time now. I think that's because there was a realisation that this wasn't a normal thing. But when I was a chief examiner, I can't recall the last time I was, it may have been as long ago as 2014, I just - sorry, I can't recall. But, no, definitely. I had questioned it, but there was no pay for being chief examiner.

PN8427

Paragraph 9 of your second statement, you reference at there for example, "No extra payments are made for student consultation unless it is a situation in which the chief examiner, or other authority, requests the coordinator be present at the meeting for an at risk student." You maintain that - - -?---Sorry, what page is this on?

PN8428

It's on page 3 of your second statement?---Yes.

PN8429

Your belief, when you were chief examiner, is that you didn't receive any additional payments irrespective of the activities that you undertook, specifically as chief examiner?---Yes.

PN8430

Now, were you chief examiner in a subject in which you were the unit coordinator?---Yes.

PN8431

And in respect of which you'd received that unit coordination pay and allowance?---Yes.

PN8432

Now, you've given evidence this morning that one of the subjects that you're teaching to, you've taught for five years?---Yes.

PN8433

And you teach it twice a year?---Media Theories and Practices. It's a core unit in the Master's program.

PN8434

You'd accept, I'm sure, that in terms of the preparation for a lecture, in that circumstance, where you're now delivering it, it would take you much less time than if you were developing a new lecture?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8435

Or, if I go back five years, when you first developed that lecture five years ago?---It is my recollection that I was paid more in the first year to write those lectures. But because it's a media subject, of course it needs considerable work each year, and I do actually change things considerably, we've had some quite big changes over the last year, to meet student requirements, in response to student feedback, and modernising the unit. But generally, of course, you know, the bones of what I would want to say are there, and it wouldn't be as much as - when you first take a unit, you know, you can spend two weeks writing one lecture, you know, to get it right. Whereas, you know, definitely further down the track adjusting doesn't take that long.

PN8436

Yes. That would be true, also, of tutorials, and certainly perhaps even more true of a repeat tutorial?---You mean going from semester to semester?

PN8437

The amount of work that's required to prepare for the particular tutorial would be less if you'd previously delivered the same tutorial?---It depends on whether the readings are different. Through example, last year I updated a lot of the readings on my Master's unit. The readings take quite a while to prepare for. Also the mode that you offer it. So between last year and this year we've changed the mode of this core unit. It used to be a two hour seminar. It is now - because of student numbers rising so much, it is now a one hour lecture, and then followed by a number of separate tutorials. So that requires you to rethink, you know, the way that you have been teaching, obviously.

PN8438

So, Dr Dann, just unpacking that a little bit, what you've described about changing the readings, and so forth, that's something you've done in your capacity as the unit coordinator?---Yes.

PN8439

Setting the curriculum and the reading guide for the lectures and the tutorials?---And always in consultation with our section head, Mark Gibson. I always speak to him about it, because he engineered the unit before me.

PN8440

As distinct from some of the other sessional staff that you engage, or are engaged to, just tutor in to that subject, you aren't the coordinator?---I don't have any sessional staff in - - -

PN8441

You don't have any?--- - - - Monash University. Actually, no, not in 5894 Theories and Practices, but in 5397 Media Technologies and Social Change we did have a tutor the last time it was run, which is semester 1. But I didn't engage that person. That was Tony Moore, who's the program director. So as a sessional I wouldn't generally be - I would be asked for my opinion, but I wouldn't be generally doing any hiring.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8442

But where you, for example, where you are engaged sessionally to undertake some tutes - - -?---Yes.

PN8443

- - - and you may not do as much of that as you're used to, but you're not the unit coordinator, and someone else has developed the curriculum and the reading guides?---Yes. Yes.

PN8444

You yourself aren't then developing the curriculum and the reading guides yourself?---No, but you have to do your lesson plan. It's pretty open - at Monash University, pretty open as to what you do in a tutorial. There are very many ways of teaching. It depends on class size. It also, might I add, depends on the room you have, the type of room, for the type of - you know, and that's different every time. So while you're not setting the readings, the readings may have changed. So, again, it's at the - I won't say when, but it's, you know, if the coordinator changes things then you have to change with it. So you actually don't really know until you begin.

PN8445

Now, before I leave this issue, can I take you to your second statement, which we've touched on already. And I'll take you to paragraph 9, where you give evidence about the schedule?---Sorry, I'm just trying to find it.

PN8446

It's your second statement, I'm sorry, Dr Dann?---Yes. Did you say - - -

PN8447

Paragraph 9?---Paragraph 9, right, okay. Sorry.

PN8448

Now, you give evidence about a schedule, and I think you've attached one?---Yes.

PN8449

Are you aware that that schedule that you refer to has only been used since semester 2 2014, that schedule approach?---Yes.

PN8450

And it's actually the case that it's only used in MFJ?---No, I'm not aware of that.

PN8451

Okay. On my instructions it was put in place to assist with some of the sorts of issues that you've mentioned?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8452

To assist sessional staff to understand the hours, to claim against the correct pay rate?---Yes.

PN8453

And to identify the number of hours that are expected by the University in relation to those matters?---Yes.

PN8454

The information for the schedule is developed in consultation with members of the academic staff?---Yes.

PN8455

And you're aware that if work's completed outside of the schedule then staff can discuss that with the relevant head of school, and seek additional payment. Are you aware of that?---It depends what the work is. So if you, say, have a student at risk, or a student who has plagiarized, you can ask to set up a meeting with that student, and that the meeting be paid. Generally that is agreed to, but it depends on the sort of work you're meaning. So can - - -

PN8456

I might take you to a different topic, and back to your first statement?---Yes.

PN8457

It's to do with resources and IT?---Yes.

PN8458

I'll take you to paragraph 12 onwards, initially?---Yes.

PN8459

Now, I took you earlier to the enterprise agreement, and in particular clause 16 and parts of that clause, and consistent with that clause, is it the case that you do have access to computer facilities at the university?---There is a bank of computers in a sessional room.

PN8460

Yes. There's also computers available in the various libraries, for example?---Yes. I have a tablet computer. It wouldn't be efficient to be doing that. Especially at Caulfield, with all the work going on at the moment, and you can hardly get a seat.

PN8461

Nevertheless there is access both at Caulfield and Clayton campus where you work?---Access to a computer, yes.

PN8462

To computers?---Yes.

PN8463

And to the extent that you need to save or transfer material, that's readily achievable these days with a USB or a hard drive?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8464

You are provided with a dedicated Monash email address?---Yes.

PN8465

You're on the staff directory?---Yes.

PN8466

You're provided with out of hours access and use of IT systems and software?---Yes, I presume so.

PN8467

To the extent that you needed any particular software, you're able to seek that through a process at Monash University?---Mm.
But it's the case, isn't it, that your particular - correct me if I'm wrong, but your particular discipline, there's no particular software that's required over and above the sorts of software that appear on a computer?---No, that's right. I don't teach practical video making, or something like that, of that nature, at Monash University. So the systems that are there are fine.

PN8468

All right. Increasingly, the resources that are required of academic staff are moving to the online environment. Do you accept that?---As a media teacher, I agree with you to a certain extent. But another part, you know, I have a very large library of books, for example, that I need to consult, and I never know which books I will need. It depends on - sometimes students ask me for various sources for essays, that sort of thing. If I'm writing a lecture I need to consult the texts. They're not all online. Actually, even - you would think they would be, but they're not, and the library itself doesn't have them all online. It's not efficient, it wouldn't be efficient, to just use the library. The book might not be there. You can't carry ten books around campus with you. So I do have to maintain a home library. I also have to work a lot on the weekend, or nights, or whatever, as most academics do. They work, you know, different hours. So it wouldn't be appropriate to go in to Monash University at nine o'clock at night, for example. And much more efficient for my way of working to provide the correct materials to use my library, which was handpicked and built up over a number of years. Also, very importantly, on my home computer are all my files. So I understand that these files will eventually be on the cloud. They're not at the moment. The files are in my computer, backed up of course, so a computer at a university allows me to answer emails if I don't need my library. Just, you know, perfunctory type of emails of, you know, when is this essay due, or something like that, but it doesn't allow me to access all of my files.

PN8469

Dr Dann, you'd appreciate, even the troglodyte that I am, I've got an external drive. I can put my whole computer on my external drive and it constantly backs up?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8470

It's a case of simply unplugging it and plugging it in to a different computer and I have access to the same files. Do you accept that?---Yes, I have an external drive, but I just don't find that an efficient sort of thing to do. How long would it take to, you know - some of the computers are rather old, and, you know. There isn't actually - I don't have access to a hot desk situation, either. They're just computers at Monash University. So you can't get - you can't leave your files on there and then come back to them later. So you'd have to be continually plugging in, plugging out. People are coming and going in the room. You know, it's not a private room, so you wouldn't like to leave any of your equipment there.

PN8471

I'd like to hand you another document. It's an attachment again to Mr Picouleau's statement, it's AP5, but I do have a spare copy available?---Thank you.

PN8472

Now, Monash University - the document that I've handed you, it's got conduct and compliance with procedure, provision of university IT equipment and communication facilities to staff. Are you aware that this policy or procedure exists?---No.

All right. Are you aware that there's capacity for staff to seek provision of IT facilities and equipment?---No.

PN8473

Laptops and the like. You're not aware of that?---But when they refer to staff, do they mean sessional staff?

PN8474

Well, the document speaks for itself. It doesn't exclude sessional staff. But you're not familiar with the policy?---No.

PN8475

You mentioned before that your home library is critical to you, when you're preparing lectures, or answering student queries. Can I ask you to estimate over your period of employment with Monash University, in preparing your lectures, and in undertaking assessments, can you estimate how many textbooks you've accessed?---My accountant would have them all written down. Can I tell you in terms of the space they take? Would that be useful?

PN8476

You can answer the question as you like. My question is for you to estimate how many textbooks you've referred to?---I have about five bookshelves, in a big book case. So if there are 25 books in a shelf, that might be 125 books.

PN8477

My question is the texts that you've referred to in preparing lectures and undertaking the specific duties as a sessional lecturer?---Which ones I use?

*** CARON ELIZABETH DANN

XXN MR PILL

PN8478

An estimate of the quantum?---For each unit or for all the units.

PN8479

Across all of your units for that period of time?---Probably all of them from time to time, or else I get rid of them.

PN8480

Same question in relation to journals?---Yes.

PN8481

How many journals have you accessed over the period of your sessional casual employment for the purposes of preparing the lectures and undertaking the assessments?---Do you mean for media studies?

PN8482

Across the subjects that you've taught in to?---Since 2008?

PN8483

Yes?---You want me to estimate the number of journals I've looked at, or the number of titles, or - - -

PN8484

The number of journals. I'm happy for you to do it as an estimate on an annual basis?---Can I take a moment to think about that?

PN8485

Yes?---Do you mean through all sources? So online library and my own journals.

PN8486

Yes?---Per annum, or over the whole time?

PN8487

Per annum, if that's easier?---Sorry, I'll just take another moment to think. I'm not sure how to answer that. Can I say - can I say I can't answer it. I don't know. I have no idea, because I never count them. I mean weekly I would consult journals, a number of journals. Can I think about it in a smaller way? So during semester, every week I would consult perhaps - if I were teaching one unit, maybe four or five journal articles, and if more units up to 10 or 20. Some weeks it could be one or two. Some weeks it could be 10.

PN8488

So can you estimate an annual figure for me?---I really can't. I don't know. I would be making it up.

PN8489

VICE PRESIDENT CATANZARITI: That's fine, we don't need you to guess

PN8490

MR PILL: Can I take you to paragraph 28 of your first statement?---Yes, there it is.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8491

Well, there it is not, Dr Dann. What you give evidence there, is you estimate some numbers that are in addition to those that you read in the course of preparation work?---Mm.

PN8492

So you're able to estimate for the purposes of your statement all of the documents that you have looked at outside of preparation, but you've been unable to estimate those that you looked at for the course preparation?---Yes.

PN8493

But you've accepted, I think, at least in relation to the books, that you've accessed all of your textbooks in the course of actually preparing for the lectures?---Yes.

PN8494

So when we talk about being discipline current, or maintaining discipline currency, you're reading all of the textbooks, you're looking at the journal articles, for the purpose of preparing the lectures in any event. There's no additional activity that's specifically done that you're not already doing for the purposes of preparing the lectures. Do you accept that?---Sorry, can you explain that?

PN8495

I'm trying to understand your evidence, Dr Dann. You've given an estimate that you've read - this is per annum, 1200 media reports, at least four academic books, 20 further single chapters, and approximately 50 journal articles in your field, in addition to those that you've read in the course of preparation work?---Right.

PN8496

Your evidence previously about - to the extent that you were able to give evidence about what you accessed for the preparation work, was that you essentially covered your library in relation to the text books. You've read innumerable journal articles for preparation?---Mm.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8497

So you'd accept that the preparatory work that you do for the lectures is a substantial step towards maintaining discipline currency?---Well, it's very specific as to the points you want to make. That's fine for a lecture, yes, but I always also have tutorials. So tutorials you don't know what's going to come up. As a media teacher you have to be much wider than your lecture. In fact, I find lecturing easier than giving tutorials for that reason. You know what you're going to be talking about. The questions, if they come from students, are generally about what you presented in that lecture. But tutorials can go any number of ways, particularly as we have student presentations, and I don't know what the presentation will be beforehand. They're often something topical. We have a lot of international students, so they will often present something about, say, the umbrella movement in Hong Kong, and reportage after that time, at the time that it happened, say. I would have to be on top of things apart from the lecture. So the lecture I find is actually a smaller part of the entirety of preparing for teaching,

so that you look like you're really up to date. And, as I say, tutorial questions can come out of left field. Particularly from Master's students. A lot of the Master's students are actually working as professionals in the media field already. So they're not young, green, students who don't know anything about the working world. So I have to - they are challenging, and I have to be - if I don't know something I will tell them I don't know, but I will find out for you. And there again is another area where I will go and find out and get back to them.

PN8498

VICE PRESIDENT CATANZARITI: Dr Dann, you can't actually prepare for the left-field question, can you?---True.

PN8499

MR PILL: Dr Dann, if I look at - - -?---But you can try.

PN8500

If I look at what you've done this year, is this fair to say, that there's 194 hours of lecturing, there's 28 hours of tutorials, around about the same of a repeat tutorial. So the vast majority of the work that you've done as a sessional is in the lecturing space and in the unit coordination space. Do you accept that?---Yes, they are the hours. But it's not dependent on the number of hours. In fact, even if you only had one tutorial a week you still have to prepare for it. You know what I mean? So there's a lot of preparation for just one.

PN8501

Yes, within the framework of the curriculum, where there's a course plan, where there's allocated readings that you have to read, both as a student and the tutor, for the purposes of undertaking the tute?---And particularly beyond those, though. Particularly at Master's level we ask our students to think of the readings set for that week as the - like the starting point. They then have to continue from that, and they are expected to.

PN8502

Yes, I won't declare my student experience. Now, I asked you earlier about your passion for journalism, and your lifelong interest in the media. You'd accept that irrespective of your sessional teaching work at Monash, you would be proactively following the media and developments in journalism?---As much as I - I do what I have to do for my work. I have to say I have less interest in the sort of journalism I used to do, these days, because I'm not working in that field, and what is required of my job is, as I explained at the start, largely a different sort of area to what I was used to working in. So I find I don't have time, really, to catch up with all of the things I used to in the sort of celebrity news field, and that sort of thing. Any spare time I do have has to be really useful time spent watching programs that might help me be informed for my students, for example. So, you know, Four Corners, and that type of program.

PN8503

Part of the reason you're doing it is to develop your knowledge generally?---No. Not too much. There must be some part, some small part. I've spent so long - - -

*** CARON ELIZABETH DANN

XXN MR PILL

PN8504

Would you be watching Four Corners if you were not a sessional lecturer?---No, I would not be. No, I would be watching something a bit more trivial, probably.

PN8505

You accept that the work that you're doing in terms of reading and maintaining up to date, does that assist you with your work at Monash College, as opposed to at the University?---Yes. But I have first year students at Monash College, so there is not that breadth of knowledge required, and topicality requires, as there is, say, at Master's level. It's a different type of knowledge.

PN8506

Paragraph 25 of your first statement, you refer to international conferences. You say you've attended several national and international conferences?---Yes.

PN8507

Maintained membership of several professional associations, including the Journalism Education and Research Association of Australia, at my own expense?---Yes.

PN8508

You'd accept that, firstly, attendance at those international conferences, or the membership of the association that you refer to, that's not directed or required by Monash University?---No, of course not.

PN8509

I put it to you that your attendance at the industry conferences, nationally and internationally, is partly because you've made judgments about how to develop your career and your knowledge and your networks?---Yes, that would be fair to say. I think my point was that academics who are continuing staff, and contract staff, also make those decisions, but then would be able to apply for funding.

PN8510

Yes. You accept that the majority of the continuing teaching and research academic staff also have as part of their role that dedicated research activity?---Yes.

PN8511

Now - - -?---But it - - -

PN8512

Over the page at paragraph 27, you give evidence about policy familiarisation. Do you accept that in addition to the documents that are on the University system, there's a range of resources available to you, should you be confronted with an issue or a problem?---Yes.

PN8513

Such as a student being in distress?---Yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8514

Or a safety issue?---I've looked at them a lot, yes.

PN8515

Or an IT issue?---Yes. I don't know about IT.

PN8516

My question to you, Dr Dann, is there are things beyond the policies that are available to you. There are supports available to you?---Mm.

PN8517

They include relevant members of the faculty. You'd agree with that?---Sorry, they include?

PN8518

Relevant members of the faculty you can ask about - - -?---Yes.

PN8519

As well as formal support mechanisms?---Yes.

PN8520

There's Health and Wellbeing Centre, I might have the terminology wrong, at Monash University. There's dedicated HR hotlines?---Yes.

PN8521

And so there's various things that are available to you, which you're much more likely to access than to spend time reading through policies on the intranet. You accept that?---Yes.

PN8522

Now, is it the case that you sit down each year for a whole day and read the policies?---You mean a day at a time?

PN8523

A day. You've given evidence that you spend eight hours a year - - -?---Yes.

PN8524

- - - refreshing your knowledge of employer policies and procedures?---Yes, I do check them when I'm writing unit guides particularly, because they have links in them for students. So they need to be checked, and it needs to be - I need to make sure that what I'm saying in the unit guide is compliant with the policy, because they change. You know, sometimes they let you know that they've changed and sometimes they don't. So, yes, that would be a fair indication. I'd probably spend more time, but that's a, you know, a minimal estimate of the time I would spend. Because, say every time a student is in distress, or, you know, needs special consideration, I always consult the policy to make sure that I've got it right.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8525

Those activities that you've described, writing the curriculum, dealing with student consultation issues, or dealing with student examination issues, they're

part of the duties for which you received remuneration as part of the pay structure?---What was your first one?

PN8526

Your unit coordination?---Unit coordination, yes.

PN8527

I think I actually said development of the curriculum is part of your unit coordination?---Development of curriculum is something separate.

PN8528

I might have miscalled your evidence?---No.

PN8529

I had thought that you gave evidence that you consulted the relevant policy when you're setting - you might have said the reading guide. I don't know if that's different to the curriculum?---The unit guide.

PN8530

The unit guide?---So the unit guide, the parts of the unit guide which tell students what to do if, you know, they want to submit late, or they - it's procedural sort of stuff for them. What to do if they are having a problem with learning, or where to find, you know, library resources. So I always check. Then, you know, policies are also linked in the unit guides.

PN8531

To be fair to you, Dr Dann, my question was therefore, that activity that you've just described is part of the unit coordination activity for which you are paid?---Well, this is debatable. Because the unit guide itself has to be put together before I'm actually on the pay roll in most circumstances. So most of the time I'm actually putting this together without being paid, not really agreeing to that. I have been paid on one occasion, which was earlier this year, because I asked to be paid. I've also written quite a long treatise about it to our section head, which he will - says he will take, you know, up with whoever he needs to take it up with, about the unpaid work of writing unit guides. No, this is generally - as I say, apart from one occasion this year, when I've been a sessional generally it has to be done before you start getting paid, you know, before o-week, obviously.

PN8532

If I've understood your evidence correctly, the unit coordinator for each unit receives approximately two hours a week across a 15 week - - ?---Starting in o-week, yes.

*** CARON ELIZABETH DANN

XXN MR PILL

PN8533

Starting in o-week. So there's essentially an assumption - and there's 30 hours that's averaged across the 15 weeks. Irrespective of whether in some weeks you might be undertaking no unit coordination activities. Is that the case?---There are no weeks that you don't undertake unit coordination, particularly with 84 students. But the fact is the unit guide needs to be ready before o-week, so it's not actually an activity that has been very often paid for.

PN8534

I've no further questions.

PN8535

VICE PRESIDENT CATANZARITI: Ms Gale, any re-examination?

RE-EXAMINATION BY MS GALE

[11.16 AM]

PN8536

MS GALE: Yes, your Honour. Dr Dann, you were asked a lot of questions about unit coordination?---Yes.

CARON ELIZABETH DANN

RXN MS GALE

PN8537

Without perhaps giving us a treatise, as you did to your supervisor, but could you briefly explain actually what is involved, what we're talking about when we talk about unit coordination? What is that work?---Yes. So you have a chat to the head of section. You're offered unit coordination. You then undertake to provide the materials on Moodle. So you also have to run a website. This you have to get ready before the semester starts. This involves doing the unit guide. This might be a lot of work or a little work. It's always some work, because you need to update dates and so on. You are not generally to be changing the unit a great deal as a sessional, unless you negotiate for a separate amount of pay for that, but there are times when it has needed to be upgraded. You definitely spend about - even on a simple unit guide, four to eight hours. So you then upload that to Moodle. Often there's quite a lot of other incidental activities to be done to make the Moodle site ready to go for students. So then from week 1 it involves obviously lecturing, usually tutoring, there may be a tutor as well. You will be overseeing the unit. So students who have a problem in any way would be emailing you. There is a huge number of emails. Most young people today - actually quite a few will come for a consultation, but with 84 students, and only two hours a week for consultation, it's lucky that most students now do prefer to consult by email, unless it's a personal matter. So you have to field a huge number of emails at all times. You have to oversee the assessments in the unit. If the assessments, say, are turning out to look a bit strange - there's something called a bell curve. We don't have to stick to it, but one of the duties is to have a look and make sure, you know - and analyse what's happening. If you have a lot of students who are at risk, you then need to refer them to the program director. So there's a lot of that what you would call pastoral care. A lot of our students being international, problems of mental illness, home sickness, that sort of thing. And, while, you know, you don't take the place of any sort of professional, you have to know what might be a trigger. You have to also recognise someone who needs help, refer them to the correct professionals. So I take that really seriously, and it's very important to get to know your students, therefore. So I often will, you know, make an extra effort to talk to students, to ask a student to come in for a meeting, for a chat. You are responsible ultimately, even though there is a chief examiner, you are responsible to make sure all the marks of all the students are on the official paperwork. Paperwork, it's online. And to make sure these are correct. Again, with 84 students this is quite an undertaking. If there are tutors, to make sure that the tutors have carried out all the duties that they are supposed to carry

out. Ultimately the buck stops with the coordinator. So you are like the manager of the unit. You have to make sure that all the results are in on time. Then you report to the chief examiner. You're also asked, after your pay period ends, your pay usually ends on week 14, but that's when my final essays are due in. So the marking's fine, we get paid for that separately, but that actual final tallying of all the results for 84 students, and filling out a report for the chief examiner, is done without any remuneration whatsoever.

PN8538

In your employment with Monash University, have you ever been specifically paid to familiarise yourself with the University's policies?---No. Unless you call, say, induction - induction where we have a meeting, you know, a couple of hours. I did one of those once and I'm sure that they did go over some policies. But apart from that, that was a one off, and they do change every semester. But, no, I haven't.

PN8539

Have any of your supervisors ever suggested to you that the University could provide you with IT equipment?---No.

PN8540

You were asked a number of questions about - - -

PN8541

DEPUTY PRESIDENT KOVACIC: Can I just ask a question? Have you ever asked?---Yes.

PN8542

Do you want to tell me a little bit more about what you asked?---From time to time, maybe quite a few years ago, I've asked, you know, could the University - would the University provide an updated computer, or something of that nature. But that's sort of laughable. This was in an informal talk with a section head. You know, you often ask certain advice. They didn't seem to know anything about it. So I didn't ask after that, because I thought I don't know anyone who's had any equipment provided. I know a lot of sessionals, I don't know anyone who has ever had any equipment provided.

PN8543

Thank you.

PN8544

MS GALE: You were asked a number of questions about what happens if after your first contract, and understanding of that hours, what happens if you are asked to, or agree to, take on additional duties. The example was given of some extra marking in a different subject?---Mm.

*** CARON ELIZABETH DANN

RXN MS GALE

PN8545

I think you said that perhaps in the past that was dealt with with an extra written contract, but your experience at the moment is that simply the additional hours get added to your - - -?---Schedule.

PN8546

- - - online schedule?---Yes.

PN8547

I would like to ask you about something related to that, which is where it's not a separate package of duties, but I want to ask you what happens if, within the package of duties in your contract, you need to work extra hours?---Do you mean you need to work extra hours for - - -

PN8548

If I could take you to your second witness statement, and at the back of that you've attached those claimable hours schedules?---Yes.

PN8549

So that's on page 89.

PN8550

VICE PRESIDENT CATANZARITI: Ms Gale, in the sense of timing, how long do you think you're going to be in this re-examination?

PN8551

MS GALE: Possibly another two minutes, your Honour.

PN8552

VICE PRESIDENT CATANZARITI: Mr Pill, how long is your further cross-examination going to be of Dr Kirkman?

PN8553

MS PUGSLEY: I would be examining Dr Kirkman, I would say, for 20 minutes.

PN8554

VICE PRESIDENT CATANZARITI: All right, well, we won't be dealing with Ms Chegwiddden today.

PN8555

MS PUGSLEY: Thank you, your Honour. May I let her know that so that she can depart.

PN8556

VICE PRESIDENT CATANZARITI: Yes, because the Bench made it clear that we'll not be going past midday today.

PN8557

MS PUGSLEY: Thank you.

PN8558

MS GALE: Dr Dann, the pages I'm referring to are the claimable hours schedules examples that you've attached to your second witness statement?---Yes.

*** CARON ELIZABETH DANN

RXN MS GALE

PN8559

There's a row there, "Other required academic activity"?---Yes.

PN8560

And "Consultation Hours and Coordination". Is the coordination where your unit coordination duties would appear?---Yes, so that's basically an admin payment for work you do during - you know, during those weeks.

PN8561

Yes. Then the vertical columns, the middle column there is maximum hours claimable?---Yes.

PN8562

So in each case it refers to a maximum hours claimable for coordination - - - ?---Yes.

PN8563

- - - is 30?---Yes. You would not be able to claim any more hours.

PN8564

So if the coordination work ended up being more than 30 hours - - -?---It always ends up being more than 30 hours, but you are not allowed to claim any more than 30 hours. You know, it seems to be the same rate whether you have 50 students or 84.

PN8565

Thank you. No further questions.

PN8566

VICE PRESIDENT CATANZARITI: Thank you, you're excused?---Thank you.

<THE WITNESS WITHDREW

[11.25 AM]

PN8567

MS GALE: The next witness is Dr Linda Kirkman.

PN8568

THE ASSOCIATE: Could you please state your full name and address for the record.

PN8569

MS KIRKMAN: Linda Jane Kirkman (address supplied).

<LINDA JANE KIRKMAN, AFFIRMED

[11.26 AM]

EXAMINATION-IN-CHIEF BY MS GALE

[11.26 AM]

*** LINDA JANE KIRKMAN

XN MS GALE

PN8570

MS GALE: Thank you, Dr Kirkman. Could you state your name and address again for the record, please?---Linda Jane Kirkman (address supplied).

PN8571

Thank you. Did you prepare a statement?---I did.

PN8572

And do you have a copy with you?---I do.

PN8573

And you have read it recently?---Yes, several times.

PN8574

I understand that there is a correction you wish to make to that statement at paragraph 51. In the last line of that paragraph the word "house" should read "hours"?---Correct.

PN8575

So it reads, "I did this after hours". Thank you?---And while I was re-reading I found in paragraph 1 a correction I'd like to make, which states that I work - it was true when I wrote this, I worked in both colleges of (indistinct), but where I'm working at the moment is near the college, which is highly confusing. It's in the learning area, the learning focus area. So my current work is in the learning focus area, at Latrobe still.

PN8576

Perhaps we could deal with that by changing the word "work" to "worked" in the first sentence?---Sure.

PN8577

And then I'll ask you a question about your current employment. So with those two changes to paragraph 1 and paragraph 51, do you adopt this as your evidence in these proceedings?---Yes.

PN8578

And you say that it is true and correct?---This evidence is true and correct.

PN8579

VICE PRESIDENT CATANZARITI: NTEU AQ.

EXHIBIT #AQ STATEMENT OF LINDA JANE KIRKMAN

PN8580

MS GALE: I'm sorry, was it AQ?

PN8581

VICE PRESIDENT CATANZARITI: AQ.

*** LINDA JANE KIRKMAN

XN MS GALE

PN8582

MS GALE: Dr Kirkman, you stated at the time you wrote this statement that your PhD was expected to be conferred in April 2016. I understand it has been?---Yes.

PN8583

Congratulations?---Thank you.

PN8584

Could you briefly explain what your current employment status is at Latrobe University?---In first semester I was working as a casual, and what is in my statement was my lived experience. Since June I have had a contract, a short term contract at Latrobe, full time as a level A lecturer working in the Hallmark Program, and that contract finishes at the end of December.

PN8585

Thank you. No further questions.

PN8586

VICE PRESIDENT CATANZARITI: Thank you. Ms Pugsley.

CROSS-EXAMINATION BY MS PUGSLEY

[11.30 AM]

PN8587

MS PUGSLEY: Good morning, Dr Kirkman. My name is Cathy Pugsley from the Australian Higher Education Industrial Association, and I have a few questions for you arising out of your witness statement. So you've clarified that at the time of writing you say you hadn't been offered any sessional work at Latrobe for 2016, but since then you say that since June you've been employed on a full time level A fixed term contract?---And I did have sessional work in the first semester, but it's often quite last minute. So I had sessional work in the first semester.

PN8588

You spend about a decade as a sessional employee at Latrobe?---13 years. I think this is my 14th year teaching at Latrobe.

PN8589

For how long of that time were you either a Master's student or a PhD student?---I need to double check the details that are in here. Most of that time. So the first - I think I was first employed in 2003, and I started my Master's in about 2005, I think. Which took two years. And I started my PhD at the end of 2009, and that took five years.

PN8590

Did you receive any scholarship income while you were a student?---Alas, no.

PN8591

In paragraph 3 of your statement, you refer to a number of core interdisciplinary first year subjects that you taught in the College of Science, Technology, and Engineering. Those core subjects, they're delivered across multiple campuses at Latrobe, that's correct?---Correct.

*** LINDA JANE KIRKMAN

XXN MS PUGSLEY

PN8592

So they're not just at Bendigo. Would you agree that at the Bendigo campus alone there would be hundreds of students who would undertake those subjects?---Yes. I know there are 2000 approximately overall, and quite a few, yes, at Latrobe.

PN8593

There would be quite a large number of staff who would teach the core subjects?---I think there may be about seven or eight.

PN8594

They're developed by a relevant course coordinator?---Yes.

PN8595

The relevant course coordinator, are they a fixed term or continuing staff member?---The course coordinators for the interdisciplinary core subjects are usually ongoing staff members, based in Bundoora.

PN8596

In paragraph 25 of your statement, you make a reference to time allocation for marking. Just to be clear, that's a separate payment from your payment for teaching?---Yes.

PN8597

At paragraph 30 of your statement, you reference pastoral care, and you refer to a mature aged student who had particular difficulties. Do you know whether your colleagues put him in touch with any support services that the University might offer?---Yes, he was made available of what services were available, and it was up to him to choose to use them or not. I don't know what his use of those services were. But certainly there was a culture of ensuring students knew about support services.

PN8598

In paragraph 31 of your statement you mention "how to" sessions that you've conducted. You say that there are sessions available in orientation week, and also information on the student section of the University internet. I'm going to hand you a document from the internet. So is this material something that you've seen before?---It's - yes. I'm familiar with the resources on the Achieve At Uni and in the library website, for students, on academic writing.

PN8599

If I take you to - one, two, three, four, five, about 10 pages in, there is a specific section on writing for health sciences subjects?---I haven't found the page you're talking about, but I know there are specific resources for health sciences, yes.

PN8600

If you need a couple of seconds to find where - - -?---Do you want me to find the specific page?

*** LINDA JANE KIRKMAN

XXN MS PUGSLEY

PN8601

It's about 10 pages in?---Page 10 is not useful. Writing in the science, technology, engineering. Writing in education. The students - just while I'm kind of trying to find the page you're referring to, may I add some information?

PN8602

VICE PRESIDENT CATANZARITI: Can I ask you, rather than answer a question, you can't do a few things at once, can you just find the page first, please, and then answer the question?---Writing for health sciences subjects. Essays.

PN8603

MS PUGSLEY: So you've now got that in front of you?---Yes.

PN8604

And there is a page after the page headed Essays there is a page which has got a sample introduction, sample body paragraph, and sample conclusions?---Yes.

PN8605

I think you mentioned just before that there is also similar for science and engineering?---In this document, yes.

PN8606

That's within that document as well, but health sciences is your area. So what you were providing to students in your "how to" sessions was above and beyond that?---It could be seen as duplication. However, the students who came to my early morning essay classes were students who found accessing the online stuff difficult. They wanted face to face instruction. They were seeking personal responses to the actual question on the essay they had to write, that was due the next week. And as the academic support services have been withdrawn from Latrobe, the expectation that students will use the online sources - not all students find these online sources helpful, so I was providing face to face instruction and support that they were unable to get elsewhere.

PN8607

And you weren't directed by the University to do that?---I was not.

PN8608

VICE PRESIDENT CATANZARITI: Are you tendering this document?

PN8609

MS PUGSLEY: I think, yes, your Honour.

PN8610

VICE PRESIDENT CATANZARITI: AHEIA2.

EXHIBIT #AHEIA12 WRITING - LIBGUIDES AT LA TROBE UNIVERSITY

*** LINDA JANE KIRKMAN

XXN MS PUGSLEY

PN8611

MS PUGSLEY: At paragraphs 34 and 35 of your statement you refer to the in depth reading that you do, which I estimate comes out to about two to three

hundred hours each
year?---That's probably a conservative estimate, but yes.

PN8612

So that includes times when you're not working, times when you're on leave, if it's that many hours per year?---Yes. Well, most - as a casual lecturer only 24 weeks is paid time. So the rest of the year, yes, I do it out of maintaining professional currency, because if I tried to do it only in those 24 weeks it would be an impossible task and I'd miss things.

PN8613

Aren't there times of the year when you give yourself a holiday?---I did say it's not seven days a week. But, yes - and that was averaged out. So there would be some days where I might spend three hours. Other days where I may not attend to it. But most days there would be at least an hour of keeping current, following up on emails of things like the - an email from the journals that I subscribe to that give me the table of contents, and if they're relevant then I'll follow through and look at the articles. If I don't read the whole article, it might just be the abstract, and then there's the time saving it in to my endnote library and tagging it with keywords so that I can access it when needed. So it's an involved process.

PN8614

You say that's every week of the year?---Yes. I am a bit of a nerd.

PN8615

In paragraph 54 you refer to the work that you do in advocacy and awareness raising and media appearances. Have you been shown the NTEU's claims in these proceedings?---No. Should I have been?

PN8616

I'll ask you another question. Are you aware that payment for media appearances for sessional staff is not covered by the NTEU claim in these proceedings?---I wasn't aware, but I also wasn't claiming for it either. I see that as donation of - well, because I - working on a casual basis, that advocacy work and awareness raising, it's been time I've considered as donated time. I hadn't assumed that I would be paid to do it as a casual, in the same way that ongoing staff are expected to do that kind of community contribution as part of their University work.

PN8617

But, again, you're not directed to do that?---I'm not directed to do that, no.

PN8618

At paragraph 47 you refer to the fact that you're not required to be on campus unless you're teaching. So it's more practical to work at home. But as a sessional you weren't prevented from coming in to the University on a day when you weren't scheduled to work?---Most of the time, no. Never prevented. I have on occasion had comments from, "Why are you here?" because I was there to use the facilities.

*** LINDA JANE KIRKMAN

XXN MS PUGSLEY

PN8619

What facilities were you using at that time?---That would be the University internet, and computers, and printing facilities.

PN8620

Sessional staff at Latrobe have access to a University user name and to Wi-Fi, that's correct?---Correct.

PN8621

There is a library at the Bendigo campus?---Yes.

PN8622

Unlike the building that you referred to where you sat outside with your Wi-Fi, the library at the Bendigo campus is open well beyond 5 pm, isn't it?---Longer in term time than outside of term time, but yes. As a sessional staff member I did have afterhours access to the building, so if I were to travel to the main Bendigo campus then I could be there 24/7 if I chose.

PN8623

Thank you, no further questions.

PN8624

VICE PRESIDENT CATANZARITI: Any re-examination, Ms Gale?

RE-EXAMINATION BY MS GALE

[11.41 AM]

PN8625

MS GALE: Only one question. Dr Kirkman, at the beginning of the cross-examination you were asked a question about the course coordinators for those subjects that you refer to in paragraph 3 of your statement. Just in terms of terminology, are you talking about the people who coordinate those units, or the course that those units sit within?---I was referring to the subject coordinators.

PN8626

Thank you. No further questions.

PN8627

VICE PRESIDENT CATANZARITI: Thank you, you're excused?---Thank you.

<THE WITNESS WITHDREW

[11.42 AM]

PN8628

Are there any housekeeping matters to deal with, before we adjourn?

PN8629

MS PUGSLEY: Your Honour, I've had the opportunity to talk to Ms Chegwiddden about her availability for the other dates, given that she wasn't called today. I can confer with my colleagues about an appropriate alternative time for her.

*** LINDA JANE KIRKMAN

RXN MS GALE

PN8630

MR PILL: Perhaps the only other thing I'd mention, so the Commission is aware of it, your Honours and Commissioner will recall that the NTEU filed an additional statement from an expert, Associate Professor Hepworth, with an embedded statement from Mr Evans of the NTEU. My clients, together with the AHEIA, intend to call some rebuttal expert witness. My friend and I have discussed the potential to try and have them back to back, as has been mentioned previously. Their respective overseas travel does not permit that at the moment. So I just wanted to flag that to the Commission, that at the moment we will have Associate Professor Hepworth in the next two day block, which is the week after next, and our expert witness would give evidence in the December hearings. So I just wanted to flag that unless - and give the Bench the opportunity, if you had a particular objection to that then we would need to look to other dates and other solutions.

PN8631

VICE PRESIDENT CATANZARITI: No, that's fine, Mr Pill.

PN8632

MR PILL: Thank you, your Honour.

PN8633

MS GALE: Your Honour, the only housekeeping issue we would raise I think is to express the hope that there might be some indication sooner rather than later about possible timelines for closing submissions, for the entirely selfish reason that we're hoping to book some overseas travel.

PN8634

VICE PRESIDENT CATANZARITI: That's a matter for the parties. As I indicated, I think, on one occasion, there won't be a decision this year. It's a question, then, of the parties trying to agree to a timetable and then we'll work around that. I'm assuming we're still hoping that the case will be - in terms of evidence will be finished this year. Assuming that happens, then you can program amongst yourselves, within reason, a timetable for written submissions and then we'll have an oral, perhaps, close up after that, if that's what work. I'll leave the parties to have some discussions amongst yourselves.

PN8635

MS GALE: Thank you.

PN8636

MR PILL: As your Honour pleases.

PN8637

DEPUTY PRESIDENT KOVACIC: It might be useful if those discussions could occur, and then perhaps when we're sat again early in November there might be some indication as to - or hopefully even some sort of suggested program, so that it all can be locked in, so to speak.

PN8638

VICE PRESIDENT CATANZARITI: Yes. The Commission is adjourned.

ADJOURNED TO A DATE TO BE FIXED

[11.45 AM]

LIST OF WITNESSES, EXHIBITS AND MFIs

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