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**Sent:** Tuesday, 12 July 2016 3:18 PM  
**To:** AMOD  
**Cc:** Susan Kenna; Linda Gale; Ken McAlpine  
**Subject:** RE: NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230)

Good afternoon

We have picked up some formatting errors and clarify that the submissions also go, in part, to AM2014/224. Please find attached updated NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230).

Cheers,

*Renee Veal*



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**From:** Renee Veal  
**Sent:** Tuesday, 12 July 2016 12:09 PM  
**To:** 'amod@fwc.gov.au'  
**Cc:** Susan Kenna; Linda Gale; Ken McAlpine  
**Subject:** RE: NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230)

Good afternoon

Please find attached updated NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230) with removed Educational Services (Schools) General Staff Award 2010 [MA000076] from front page.

Cheers,

*Renee Veal*



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**From:** Renee Veal

**Sent:** Monday, 11 July 2016 4:59 PM

**To:** 'amod@fwc.gov.au'

**Cc:** 'Catherine Pugsley'; 'Pill, Stuart'; 'Anthony Odgers'; 'kate.pennicott@minterellison.com'; 'Nick Ruskin ([nick.ruskin@klgates.com](mailto:nick.ruskin@klgates.com))'; 'Mark Perica'; 'David Colley'; 'Joel Butler'; 'Nicole den Elzen'; Susan Kenna; Linda Gale; Ken McAlpine

**Subject:** NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230)

Dear all

Please find **attached** NTEU's Submission in Response to Reply (AM2014/229 and AM2014/230).

Cheers,

***Renee Veal***

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**IN THE FAIR WORK COMMISSION**

**Fair Work Act 2009**

**s.156 - Four Yearly Review of Modern Awards**

**AM 2014/229 & AM 2014/230**

**HIGHER EDUCATION INDUSTRY ACADEMIC STAFF AWARD 2010**

**(MA000006)**

**HIGHER EDUCATION INDUSTRY GENERAL STAFF AWARD 2010**

**(MA000007)**

**EDUCATIONAL SERVICES (POST-SECONDARY EDUCATION)**

**AWARD 2010 (MA000075)**

**Submissions of the National Tertiary Education Industry Union (“NTEU”)**

**11 July 2016**

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## Introduction

1. These submissions are made on behalf of the NTEU. These Submissions are made in response to those made by the AHEIA (6 June 2016) and the “Group of Eight” universities (6 June 2016) and the witness statements lodged with those submissions or around the same time. In relation to Part D, they are also made in response to the submissions made on behalf of Australian Business Industrial (ABI) and the NSW Business Chamber Ltd (NSWBC) on 29 June 2016.
2. The submissions of the NTEU in relation to award coverage of research institutes, made in response to those of the Australian Association of Medical Research Institutes (AAMRI) and the Association of Professional Engineers Scientists and Managers Australia (APESMA are in another document separately lodged.
3. Attached to these submissions are supplementary witness statements from:
  - Ken McAlpine
  - Dr John Kenny
  - Professor Phil Andrews
  - Clark Holloway
  - Dr Caron Dann
4. NTEU also relies upon its earlier [NTEU’s Submission in Reply](#) to the employers regarding Excess Leave Entitlements. This common issue matter has been remitted to the Full Bench hearing the Education Awards matters.
5. The GO8 have attacked the NTEU for providing “voluminous materials”. The NTEU rejects these attacks. Higher education and research institutions (universities) are a \$30 billion industry, and there is much data and research produced about issues in the industry. What the NTEU has attempted to do is to place before the Commission such factual material as it considers may be relevant to the case, including clear and non-tendentious summaries of the state of existing research and knowledge about this industry, and references to those materials. NTEU has not been selective about these materials, except as regards relevance and

currency. This means the parties, or indeed the Commission, can refer to these where this is considered necessary or appropriate.

6. The employer parties have relied little on any data or research in presenting their case, despite being in a vastly superior position to provide data and information relevant to the matters in dispute.

**Preliminary Comments about what conclusions can be drawn relevant to these proceedings from the content of enterprise agreements.**

7. In relation to a number of the NTEU's claims (and indeed some of the employer claims) the employers have sought to place considerable reliance upon the terms of enterprise agreements, including how the claims being pursued in these proceedings are different from the terms of enterprise agreements, or different from the claims made in pursuit of those agreements.
8. In large part those submissions are misplaced.
9. The fact that a provision appears in an agreement does not in itself mean that either of the parties thinks it is a fair or appropriate provision, certainly not in higher education.
10. Moreover, it is to be expected that enterprise-level bargaining will lead to results which diverge considerably from national industry-level awards. This is alleged by the supporters of enterprise bargaining to be the whole point of such bargaining.
11. One hopes, for example, the claims pursued by a party in bargaining are shaped in part by that party's estimation of what the other parties are likely to accept as well as the historically contingent priorities of staff, managers and other actors.
12. More fundamentally, the award system is meant to be a safety net of conditions. Another way of looking at this in relation to conditions of employment generally is to ask the question "*If an employee were getting the award wage and not a dollar more, what conditions, in relation to hours of work, overtime, penalty rates, rostering, etc., should the employee be entitled to?*" The answer to this question is obviously different, for example, in agreement negotiations proceeding on the basis that salaries will be 25% higher than the award, or that employees

will all get 7 weeks annual leave or (conversely) that the agreement fixes normal working hours at 44 hours per week.

13. The further an agreement diverges from the award safety net, the less relevance will the terms of the agreement have to what terms should apply in a “fair and relevant minimum safety net of terms and conditions”.
14. Last but not least, a party by definition cannot bargain for a change in the safety net, and what is being sought here is a fair and appropriate change *in the safety net*. This could be pursued quite properly, even in circumstances where the party does not intend subsequently to translate the same terms into enterprise agreements.
15. Nevertheless, the Commission can draw the limited conclusion that where a provision can be found in one or more enterprise agreements, claims that such terms are impossible to administer should be treated with scepticism at least.

**Part A: [AM2014/229, Item 14, Academic hours of work clause]**

16. NTEU relies upon its earlier submissions and evidence.
17. Much of the evidence and submissions lodged on behalf of the AHEIA and the Group of Eight universities about the Union’s claim is misconceived or disingenuous. Some of the witness evidence borders on alarmist, and much of it is opinion evidence, mere unsubstantiated conclusions or is in the nature of submissions.
18. To the extent that witnesses make assertions about what the union’s proposed clause means, the NTEU does not propose to respond with further evidence, as this is properly a matter for submissions. However, a few general points need to be re-stated:
  - There is manifestly no requirement under the proposed Clause 22 for anyone to record their hours of work, unless an employer decided to run its business, or part of its business in that way. Employers could do this now, and don’t.

- There is manifestly no requirement under the proposed Clause 22 for any estimate to be made of how many hours an individual academic will take to perform any allocated task or meet any performance requirement.
- The Clause refers to “required work”. The form, substance and mode of transmission or expression of the requirements of the employer, and indeed whether there even are any such requirements, are entirely matters for the employer.
- There is manifestly no limit on the number of hours or amount of work which an employee can perform under the proposed terms of the Clause 22.

19. It is clear that the employer witnesses do not understand key elements of the Union’s claim as listed above, and the opinions they express and conclusions they draw are undermined by these misunderstandings. They are attacking a proposal which is not before the Commission. To some extent this also applies to the employer submissions.

20. At paragraph 46 of the AHEIA submissions it is claimed that it would be “extraordinarily difficult” to distinguish between work done to meet performance expectations, and other work performed. Universities already do this when they establish detailed performance expectations for staff, as the evidence demonstrates.

21. At paragraph 54 of the AHEIA submissions it is said that the other Awards applicable to Teachers do not have overtime provisions. The *Educational Services (Teachers) Award 2010* does importantly generally limit attendance to 205 days, an important practical limit on total working time which is equivalent to a 13% salary loading (when applied to annual salary divided by days worked). The *Educational Services (Post-Secondary Education) Award 2010* at sub-clause 21.2 sets out clearly a means of determining hours of work for academic teachers in a more direct and prescriptive way than does the Academic Award, allows hours of work to be annualised, and the Award does provide for overtime for teachers (other than academic teachers) whose working hours are not annualised, at sub-clause 24.4.

22. Paragraph 55 of the AHEIA submissions refers to Section 62 of the *Fair Work Act* (reasonable hours), and this Section clearly applies to academic employees. However, as the

employers and their witnesses assert, such employees are never required or directed to work any number of hours as such. Moreover, the employers say it is “impossible” or at least very difficult to estimate how many hours it will or should take an academic to perform their allocated work (other than teaching). To the extent this is true, it would render Section 62 largely irrelevant or at least unenforceable by an academic. This should lead the Commission to see the form of regulation proposed by the NTEU as even more imperative.

23. NTEU agrees that most employees see certain flexibilities around attendance times and location of work as an attraction of academic employment. However, this flexibility is both limited in practice, and very much a two-way street, with employees required to be very flexible about working very large numbers of hours in some weeks around employer-created deadlines, such as marking. The employer is the primary beneficiary of employee flexibility. Therefore, and in any case, “flexibility” is strictly speaking irrelevant to the claim, which is about the total work requirements imposed on academic employees. At paragraph 70 of the AHEIA submissions it is claimed that the claim for overtime lacks probitive evidence or argument. If there is to be a limit on working time under an award, it can operate in one of two ways. The award could simply impose a cap and make any requirement for performance of work in excess of that cap a breach by the employer. In the NTEU’s opinion, this may not be consistent with the modern award objective, at least in this industry, as being too inflexible. The alternative approach is to provide additional payment for additional work requirements, up to a more flexible and higher ceiling of hours imposed by considerations of what is reasonable. The absence of either one or other of these approaches means that all other entitlements in the Award, including salaries, are measured against an uncertain and unlimited quantum of working time. Therefore, a regime of additional payments is the only way that the award can logically operate in the absence of a rigid cap on hours worked. If it is established that regulation is required, the rate and regime proposed by the NTEU is designed to be very moderate as compared to other awards’ overtime provisions, as was fully explained in the NTEU’s earlier submissions. The fundamental element of “significant change” which the NTEU is seeking is to remove the existing arrangements where academic staff have no

effective safety net because of the absence of working hours' regulation. There are cogent arguments for that, which have been presented.

24. The Group-of-Eight universities (GO8) submissions at paragraph 41 and 42 attempt to make much of the fact that the NTEU has modified its claim. In part, this is due to taking note of the objections made by the employers in earlier discussions. Since October 2015, by far the most significant changes made have been to narrow the claim to make it even easier for the employers to comply with. In the end, these are not proceedings between parties, but an assessment by the Commission of what is necessary to meet the modern award objective. NTEU has nevertheless sought to deal with any and all reasoned objections which have been raised to its proposals, rather than make an "ambit claim".
25. The GO8 submissions at paragraphs 43 (a) and 55 refer to the requirements of Section 147. NTEU now concedes that the existing provision meets those requirements, but manifestly it does not provide any enforceable rights to employees.
26. The GO8 submissions at paragraph 43 (b) are not correct or selective and misleading. NTEU cites the following examples of why this is the case:

All Levels of employees under the Professional Employees Award 2010 are entitled to additional remuneration for hours in excess of 38. In most circumstances this will be at 150% or 200% of the hourly rate (or the equivalent of this in other forms of compensation). This cover engineers, scientists, and many managerial employees.

In respect of the Medical Practitioners Award 2010, GO8 refer to "senior doctors". Senior doctors are defined in Clause 3 of that Award as meaning "*Specialist, Senior Specialist, Principal Specialist, Senior Principal Specialist, Deputy Director of Medical Services or Director of Medical Services*". These classifications correspond in Award salary terms, to Level D (Associate Professor) and Level E (Professor) under the Academic Award – about one quarter of non-casual academic employees. The GO8 submissions are technically correct when they say that overtime as such is not paid. However, even at this senior level, the Award provides as follows: First, there is an entitlement at this level to 12 rostered days off each year Clause20.1), in addition to an entitlement to a 5 day week or 10 day fortnight. Second,

all senior doctors are entitled to a 10% salary loading, because (not *if*) they are required to remain on duty to attend to patient needs. (In Clause 24.2). Moreover, for those doctors not classified as senior doctors, in classifications which are the equivalent of academic Levels A-C, overtime is payable on a basis far more generous than anything proposed by the NTEU in these proceedings.

27. The GO8 submissions at paragraph 63 repeat the manifestly wrong contention that academics would be limited in the number of hours they could spend on research under the NTEU's proposed clause. That they persist with this contention shows that it is more likely than not that the conclusions and opinions expressed by their witnesses (at least those who are not industrial relations practitioners) are built on a false premise, even where this is not stated.
28. At paragraphs 66 to 75, the GO8 submissions make the point that much academic work is autonomous and self-directed. It is very important that the Commission properly understands the *extent* to which this is true, and the *sense* in which this is true. In brief summary, the following are true in the great majority of cases:
  - a) To the extent that employees are engaged in teaching classes (lectures, tutorials, etc.) academics are required to teach such classes, and may be assigned to teach in subjects where they do not control the content or format of what is taught, especially where the academic is not the subject or course co-ordinator for that subject. Nevertheless, most academics will control the content of most of what they teach. However, this autonomy in relation to content has always been constrained by the requirements of professional bodies and course accreditation requirements, and more generally in the past two decades, course and unit content and format has been more closely directed by management through curriculum frameworks, rules about assessment (method and amount), requirements to deliver on-line, and often to tailor course content to increase student satisfaction scores. In many cases, academic staff will have substantial input into decisions about which units they will teach. However, whether a unit is to be taught, and who will teach it, is ultimately a decision for the management. Before such decisions are made there is usually some collegial discussion. However significant changes are

sometimes made by senior management about what is to be taught (subjects and whole courses) with no or perfunctory discussions. These points are not here made by way of complaint. They are merely made to explain the limits on teaching autonomy.

- b) In relation to teaching, there is for most non-casual academics a practice of consulting them about the size of their teaching allocation, which is usually measured in teaching contact hours (or some variant thereof) or by reference to student load numbers, which takes account of the additional work involved in larger classes. However, in law and practice, and subject to the terms of the relevant enterprise agreements and policies made (sometimes pursuant to the terms of the enterprise agreement) the size of the teaching allocation is ultimately a question for the management. Few academics with teaching responsibilities have the autonomy to decide the size of their teaching load.
- c) Academics exercise some autonomy within the constraints described above, about how much time they will spend in teaching-related duties. While this obviously does not apply to the delivery of a lecture or tutorial (which have a fixed time), it does apply to other duties, such as preparation or reviewing of lecture and subject content, to some extent assessment, and the general scholarship required to ensure that the teaching content and materials are up-to-date. However, all these duties are required and a certain amount of time must necessarily be spent on these.
- d) Many academics are engaged in thesis supervision or assessment. For most academics, whether they do this work is a matter about which they will be consulted. However, for senior academics with PhDs it will generally be seen as a responsibility or requirement of their job. Such academics cannot generally “choose” not to do this work and the number of thesis supervisions will often form part of a work allocation given to an employee. Nevertheless, it would be very unlikely that an academic would be directed to supervise a particular research-degree thesis such as a PhD or Masters-by-research: academics retain considerable autonomy about which students’ thesis topics they wish to supervise.
- e) Academics spend a significant amount of time on “administration”. What this term refers to varies from university to university. Leaving aside that part which might otherwise be

described as “university service” (e.g. serving on committees and the like), the form and content of most or much of this work is entirely or largely prescribed by management direction, and academics (other than academic managers) exercise little or no autonomy in relation to administration. It is rare that academics can choose not to do this work, and it takes a considerable amount of academic time. Most academics (other than academic managers) will spend as little time on administrative procedures as they can, consistent with the requirements of their employer.

- f) In relation to research, there are important respects in which academics retain considerable autonomy. Academics whose research work involves making findings, conclusions and publications enjoy very high levels of autonomy over this area of their work. Within resource constraints, such researchers retain a high level of autonomy over research methodology. Moreover, it would be almost unheard of for an academic to be directed to research a specific question or to apply for a research grant about that question. To this extent, there is no doubt that academics are in these matters highly skilled autonomous professionals. To the extent that there is constraint in these matters, (except in relation to research misconduct) it is more likely to be imposed by their own colleagues working as part of a research team, or the academic discipline of peers nationally or internationally, rather than the management of their own institution.
- g) Despite the autonomy described in f), there are important respects in which the autonomy of much of the research work of academics is very limited. These limitations vary within and between institutions, but include:
- Requirements that research bring in research income. Performance standards require that research “outputs” include the gaining of grants or other research income, as a question separate from the academic merit of research undertaken;
  - Requirements that academics apply for a certain number of research grants. Applying for such research grants takes up a considerable amount of time – in many cases well in excess of 100 hours per year.

- Requirements that an employee’s academic research comply with the strategic direction of the university or academic management unit.
- Requirements that research outputs (usually publications) comply with certain metrics, such as where they are published, or what “impact” they have.

These restrictions and requirements can have at least two consequences. Firstly, they direct the employee into research areas that may not correspond with what the employee considers to be the most academically important research pursuits. Secondly, they can lead to research undertaken which does not comply with these requirements not “counting” in workload models.

About 28% of all non-casual academic staff (14,736) are employed in research-only functions. A majority of these are employed at Level A (5,416) or Level B (4,726). [For these figures, see the Commonwealth Higher Education Statistics “U Cube” at <http://highereducationstatistics.education.gov.au/> ] Nearly all of these are employed fixed term, working on research projects of limited duration. While they are applying high level skills, at Level A at least (most commonly titled research assistant) they generally have little or no role in determining what is being researched, and exercise only limited autonomy over research methodology. Most or all of their work is directed by a research supervisor who will determine the amount and nature of the work to be done.

29. Within the framework described above, most employees have work allocated by their supervisor, and/or have performance or output requirements or expectations set by their employers, in relation to one or more of teaching, research, scholarship, administration, service, or engagement (however called) activities. These allocations and requirements require the performance of work by the employee, over which the employee has varying levels of autonomy, but it necessarily follows that the performance of that work (autonomous or otherwise) requires an amount of time (working hours).
30. At paragraphs 76 to 82, the GO8 claim that the clause is unworkable. NTEU rejects this. It is true that some sections of the clause could be removed, but generally speaking this would make the clause less flexible for employers and employees. The employers in this industry are

all multi-million-dollar (or billion dollar) businesses, with about 40 employers employing an average of more than 4000 employees. These are not employers with limited English or no industrial-relations function. All or nearly all of these employers have in-house counsel, large human resources divisions, and a range of experts in reading awards and agreements. There is nothing about the clause which is beyond the comprehension of a qualified person, and certainly not a person with some knowledge of the industry of academic staff. Paragraph 76 of the GO8 submissions, it is claimed that that the proposed clause 22 fails the requirements of Section 138 (2) (g) (sic) because it does not *constitute a simple easy to understand provision*. The actual sub-section of the Act – Section 134 (2) (g) - requires that it is the *system* of modern awards which must meet this requirement, not each provision in each Award.

31. At paragraph 83, and in some employer witness statements, the GO8 expresses the opinion that the proposed clause 22 will be *divisive and undermine the relationships of trust within universities*. While acknowledging the difficulty of responding to this in an industry which has almost wall-to-wall enterprise agreements, NTEU contends that the opposite is the case. In the absence of the (admittedly inadequate) provisions of the enterprise agreements regulating workload, if the existing Award were to apply, employees would have no way of being assured their work allocation or performance requirements were being set according to any fair, objective and transparent standard. The employers' argument here seems to be that trust is best assured by employees having no rights.
32. Similarly, employer witnesses and submissions suggest that the proposed Clause 22 might lead to more industrial disputation. The employer's position makes the common mistake of lawyers when they venture into industrial relations – to confuse the absence of litigated disputes with the absence of disputation. It is undoubtedly true that employees who have no rights cannot litigate, as compared to employees who have some rights. There is no ambiguity in the complete absence of rights, such as is found in the current Award.
33. At paragraphs 84 to 88, GO8 attacks the defences to prosecution in proposed sub clause 22.6 and 22.8. There is nothing remarkable or unusual about these types of defences. Much is

made by the employers about the distinction referred to in proposed sub-clause 22.8, between *required work* and *productive self-directed work which is not required work within the meaning of this clause*. The legal meaning is entirely clear. In any case, the first sentence of 22.8 is merely a recital which the NTEU is happy to have omitted.

34. In its submissions, the NTEU prepared a set of tables showing the effective hourly award rate for academic staff working the various numbers of hours per week which surveys indicate are common among academic staff. The GO8 submissions refer to these at paragraphs 106-109. It is noted that none of the employer evidence or submissions disputes the methodology of the calculations.
35. The European Union Directive on working hours is referred to at paragraph 109 of the GO8 submissions and by GO8 witness Dawn Freshwater (at para 17 of her Statement). The Directive can be found at

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0088&from=EN>

but the most relevant provision is at Article 6:

***Article 6 - Maximum weekly working time***

*Member States shall take the measures necessary to ensure that, in keeping with the need to protect the safety and health of workers:*

*(a) the period of weekly working time is limited by means of laws, regulations or administrative provisions or by collective agreements or agreements between the two sides of industry;*

*(b) the average working time for each seven-day period, including overtime, does not exceed 48 hours.*

36. The Directive does not apply to certain classes of employees, including academics. It is more akin to Section 62 of the Act than what is being sought by the NTEU in these proceedings. Unlike the EU Directive, NTEU seeks no cap on how many hours an employee can be directed to work, nor how much work they can be directed to do, nor any limit on how many hours academics are permitted to or genuinely choose to work, nor any requirement that the employer ensure that an academic is not working any number of hours, so the approach taken

by the NTEU is entirely consistent with the exemption of academic work from the EU Directive.

37. At paragraph 89 the GO8 claim that the NTEU's proposal would damage Australia's international competitiveness. Although this opinion is echoed by several witnesses, no real evidence or argument is presented for this proposition. This contention seems to be largely based on the proposition that the proposed clause would require employers to prevent Australian academic staff from pursuing their research passions, or from working long hours when they choose to. This is a demonstrably insupportable conclusion, as nothing in the proposed clause imposes either of those practices on employers. On the contrary, if the amount of required work imposed on Australian academics is reduced to that which can reasonably be completed in an average 38 hour week, then employment in an Australian university will become more attractive, since academics will be seen to have more time available to pursue *productive, self-directed work which is not required work*.

38. At paragraphs 90 – 93, the GO8 submit that the NTEU's proposal would result in a significant cost and regulatory burden. In an industry which is, on average, paying academic staff at least 30% above the Award rates, it is hard to see exactly how the NTEU proposal, if enacted, would impose additional costs, unless the employers agreed to this. The NTEU has asserted that there are some employees (by no means the majority) in respect of which the existing agreements may fail the BOOT test. The employers are in a better position to know, but have provided no analysis. How this problem would be solved would be up to the parties in bargaining, but it would seem improbable in the extreme (and would indicate widespread extreme overwork) if any necessary changes to enterprise agreements could not be accommodated within the buffer which exists between the award rates and those prevailing in agreements. There are two elements of "cost" involved for employers in giving effect to the claim. The first does arise from the BOOT test, which, as described above, should be minimal. The second is concerned with the administrative cost of determining *ordinary hours workload* for an employee. The workload models operated by some existing universities already require similar estimations to be made, and there is nothing in any of the employer

evidence or submissions to suggest that the resources involved would be significantly higher than administering the current arrangements, or any more than a miniscule proportion of operating costs.

39. NTEU is approaching these proceedings in the spirit of dialogue and problem solving. With that in mind, we acknowledge that the criticism made by the GO8 of one detail of the NTEU claim may have some merit. The proposed clause requires that estimates be made for certain purposes of how long “*employees at the relevant academic level and discipline*” could be expected to take to perform the required work of an employee. The employers allege that a requirement being expressed by reference, in effect, to each separate *discipline* (History, Economic History, Sociology, Anthropology etc.) is too onerous, and would require an estimate to be made of each of very many disciplines within a university. In practice, in most universities, workload allocation models group together large clusters of disciplines on the basis of their academic similarity or on the basis of whether, for example, laboratory classes or student artistic performance is required or not. This is sensible, and the NTEU accepts that the reference to *discipline* in the proposed Clause 22.2 and 22.5(a) could be altered such that the employer could, for the purpose of making the relevant estimates, choose to group disciplines or organisational units on the basis of academic similarity or the type of work undertaken. In line with existing practices in allocating workload at universities, NTEU would be surprised if it were really necessary for this purpose to divide the academic workforce into more than ten “discipline-groups” at any university, and the number could be somewhat fewer at many universities.

40. Perhaps the most important point made by the GO8 is in paragraph 105 of its submissions:

*The various hypotheticals in the NTEU submissions (eg. a university could include in an EBA a Clause that says an employee must work 50 hours a week for salary one percent higher than the award salary and pass the BOOT ) has no basis in actual practice or reality. Such hypotheticals are not reflective of the enterprise agreements in the sector. As identified by the NTEU the enterprise bargaining agreements provide significantly higher salaries and do not and could not contain provisions limiting section 62 of the*

*NES. Any future enterprise agreement also has to be approved by a valid majority of employees.*

41. This submission is the most important because it encapsulates the basic error about what a safety net is for. In determining what a fair and relevant safety net is (about hours) the Commission must assume for the purpose of the exercise, that the employee is getting only the minimum award wage. To assume when considering the safety net for hours that all employees are getting 30% above the award rate would not be setting a safety net at all. Moreover, the employers' evidence and submissions at no point challenges that employees are working long hours in order to get their jobs done. In this context, for at least some of the employees, the absence of a safety net is highly relevant. Notwithstanding that an employee may be receiving (say) 25% more than the Award rate, for that employee, working (say) 35% more than a standard working week as a result of their employer's requirements, what the safety net of minimum conditions says about hours could hardly be more relevant. While no existing enterprise agreements explicitly say that all employees must work 50 hours a week, employees can be quite legally required to work 50 hours per week and have no redress.

**Part B: [AM2014/229, Item 13, Payment for casual academics]**

42. The assertions by **Ms Thomas** that "the University casual academic induction provides a comprehensive overview of the University's policies and procedures relevant to their role in less than 2 hours" and that "the University pays for up to 5 hours induction which is more than sufficient time for casual academic staff to achieve a suitable level of knowledge and familiarisation with the university policies of relevance to them" (at para 19 of her statement) cannot possibly be correct. They are not consistent with:

- the University of Wollongong's stated requirements of casual academic staff to "remain informed about, act within the spirit of, and comply with the University's policies and directions, as well as any regulatory requirements of their discipline or profession, and

relevant legislation” (University Code of Conduct, 3.3 <http://www.uow.edu.au/about/policy/UOW058667.html>);

- the University of Wollongong’s extensive policies relevant to the work of casual academic staff, including relating to:
  - Staff: <http://www.uow.edu.au/about/policy/staff/index.html>
  - Workplace Health and Safety: <http://www.uow.edu.au/about/policy/whs/index.html>
  - Learning and Teaching: <http://www.uow.edu.au/about/policy/learning/index.html>
  - Information Technology: <http://www.uow.edu.au/about/policy/it/index.html>; and
  - Anti-bullying, Equity and Diversity: <http://www.uow.edu.au/about/policy/diversity/index.html>

Each of these pages provides links in turn to between 5 and 57 individual policies, many of which are relevant to the work of casual academic staff. Some of those policies themselves are made up of a large number of individual rules and procedures documents. For example, the link under “Learning and Teaching” to “Student Conduct Rules and Procedures”, which deals with, inter alia, the procedures for managing alleged academic misconduct or general misconduct by a student, itself provides 19 links to further policy and procedure documents.

43. As the majority of these policies are public documents and are readily accessible from the links provided above, the NTEU has not reproduced them in full here. However it is apparent that the volume of University of Wollongong policies, guidelines, rules and procedures relevant to the work of casual academic staff, together with the relevant legislation those staff are also required to remain informed about and comply with, runs to many hundreds and probably thousands of pages of text. A two to five hour induction program, even if it focussed exclusively on such information, could not do more than point staff to the existence of such documents. It could not provide them with sufficient time to explore, read and absorb all the relevant detail embodied in the policy and related documents such staff are required to comply with.

44. The evidence of **Professor Biggs** in relation to the University of Queensland is that “Other than the policies and procedures that are specifically drawn to the attention of casual academic staff and which they are required to familiarise themselves with, casual academic staff are not otherwise required to read and understand all other University policies and procedures” (at paragraph 44).
45. The University of Queensland has a Code of Conduct which applies to all staff, including casual academics, and staff members are expressly directed by the University to comply with the Code of Conduct (<https://ppl.app.uq.edu.au/content/1.50.01-code-conduct>). The Code of Conduct includes the statement (at 6.2) that “Staff are required to comply with the University’s policies and procedures.” In addition to this general instruction, the Code of Conduct refers to and provides direct links to the following specific University policies:
- Conflict of Interest <https://ppl.app.uq.edu.au/content/1.50.11-conflict-interest>
  - Privacy Management <http://ppl.app.uq.edu.au/content/1.60.02-privacy-management>
  - Intellectual Freedom, Academic Freedom <http://ppl.app.uq.edu.au/content/1.50.03-intellectual-freedom-academic-freedom>
  - Communications and Public Comment using The University of Queensland’s Name <http://ppl.app.uq.edu.au/content/1.50.06-communications-and-public-comment-using-university-queensland%E2%80%99s-name>
  - Responsible Conduct of Research <https://ppl.app.uq.edu.au/content/4.20.02-responsible-conduct-research>
  - Research Misconduct <https://ppl.app.uq.edu.au/content/4.20.05-research-misconduct>
  - Prevention of Discrimination and Harassment <http://ppl.app.uq.edu.au/content/1.70.06-discrimination-and-harassment>
  - Prevention of Sexual Harassment <http://ppl.app.uq.edu.au/content/1.70.02-prevention-sexual-harassment>
  - Assessment <http://ppl.app.uq.edu.au/content/3.10.02-assessment>

- Intellectual Property <http://ppl.app.uq.edu.au/content/4.10.13-intellectual-property-staff-students-and-visitors>

46. The Code of Conduct also requires (at 7.2(a)) that staff comply with the University's ICT policies, and links to a page which itself links through several pages to a large number of specific ICT policies. In addition, several of the policies listed above themselves invoke further policies, procedures and guidelines.

47. The University of Queensland also provides a web-based resource for casual academic staff involved in tutoring work, called UQ Tutors (<http://www.uq.edu.au/tutors/content/front-page>). This site provides a number of resources for tutoring staff, including pointing to the following policies and guidelines as of relevance to their work:

- Student Charters <http://www.uq.edu.au/myadvisor/the-student-charters>
- Student Rights and Responsibilities <http://www.uq.edu.au/myadvisor/index.html?page=2895>
- IT policies <http://ppl.app.uq.edu.au/content/6.-information-and-communication-technology>
- Assessment policies <http://ppl.app.uq.edu.au/content/3.10.02-assessment>
- Staff Grievance Resolution Policy <https://ppl.app.uq.edu.au/content/5.70.08-staff-grievance-resolution>
- Casual Academic Staff Policy <https://ppl.app.uq.edu.au/content/5.41.10-casual-academic-staff>
- Academic Integrity and Plagiarism Policy <http://ppl.app.uq.edu.au/content/3.60.04-student-integrity-and-misconduct>

48. Again, several of these links in turn lead to further lists of links to policies and related documents.

49. Thus, even without considering policies relating to workplace health and safety or to a specific work location (such as a laboratory or a field trip), there are extensive contractual

requirements for UQ casual academic staff to understand and comply with voluminous policies. As the majority of these policies are public documents and are readily accessible from the links provided above, the NTEU has not reproduced them in full here.

50. In relation to the assertion by **Professor Garton** that “staff are not required to sit down and read every policy and procedure”, he does not give any evidence as to the actual volume of policies and procedures that sessional academic staff are required to be familiar with and to comply with. In fact, the University of Sydney has a Code of Conduct (<http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/65&RendNum=0>) which applies to all staff including casual academics. That Code states, at 4, that “All staff and affiliates must ... comply with all applicable legislation, industrial instruments, professional codes of conduct or practice and University policies, including in relation to:

- the conduct of research;
- confidentiality and privacy of information;
- equal opportunity;
- health and safety policies and practices;
- efficient and effective use of University resources including information communication and technology resources; and
- protection of the University’s interests in intellectual property arising from its teaching and research.”

51. The University of Sydney Code of Conduct then provides twelve links to specific policies and procedures (or policy subject areas) with which staff are required to comply, many of which themselves link to further documents and policies. The NTEU has not reproduced them here, but they are public documents which can be accessed from the Code of Conduct at <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/65&RendNum=0>

52. The University of Sydney Code of Conduct also stipulates, at 4, that “All staff and affiliates must ... maintain and develop knowledge and understanding of their area of expertise or

professional field.” This is a binding contractual direction. It is undoubtedly a lawful and reasonable command. The failure to comply would be misconduct.

53. In relation to the assertion by **Professor Hughes-Warrington** (at paragraph 64(a)) that “whilst it is the case that the University has available to sessional academic staff policies and procedures that can impact upon their employment, ... the vast majority of these policies and procedures do not require staff to have read all such policies and procedures, the ANU has a Code of Conduct ([https://policies.anu.edu.au/pp1/document/ANUP\\_000388](https://policies.anu.edu.au/pp1/document/ANUP_000388)) that applies to all staff including casuals, and which stipulates, at 14, that all staff are “required to act in accordance with University goals, policies and procedures ...”. It goes on at 17 to say “In meeting this obligation, staff should be aware of:

- the University’s goals, policies and procedures;
- laws such as the Privacy Act, Freedom of Information Act, Work Health and Safety Act, Equal Opportunity legislation, Child Protection legislation, Industrial Awards and Agreements relevant to University employment;
- administrative and legal measures that are designed to enhance the accountability of the University and its staff; and
- conditions of access to the University's communication facilities, including email (see [Acceptable Use of Information Infrastructure policy](#)).

54. The Code links to the following “Related Content”:

<b>Policy</b>	<a href="#">Performance and development – Academic and Professional staff</a>
	<a href="#">Child protection</a>
	<a href="#">Unsatisfactory performance and misconduct</a>
	<a href="#">Public interest disclosure</a>
	<a href="#">Responsible conduct of research</a>
	<a href="#">Code of research conduct</a>
	<a href="#">Smoke-free</a>

- Procedures** [Student complaint resolution](#)
- [Alcohol and other drugs in the workplace](#)
- [Prevention of discrimination, harassment and bullying](#)
- [Research misconduct and serious research misconduct](#)
- [Performance and development - Professional staff](#)
- [Performance and development - Academic staff](#)
- [Public interest disclosure](#)
- Guidelines** [Code of Practice for teaching and learning](#)
- [Gender inclusive language](#)
- Forms** [Performance and development review - Academic staff](#)
- [Performance and development review – Professional staff](#)
- [Conduct disclosure](#)
- [Gift Declaration and Registration](#)

As the majority of these policies are public documents and are readily accessible from the links provided above, the NTEU has not reproduced them in full here.

55. **Professor Vann** (at paragraph 8 of his statement), and by implication **Professor Garton** (at paragraph 65(d) of his statement) and **Professor Hughes –Warrington** (at paragraph 63(c) of her statement), argue that maintenance of discipline currency is included in the “associated working time” provided for within the casual academic rates framework. This argument fails to acknowledge the origins of the “associated working time” provision as expressed in the predecessor awards, reflecting what the rate was intended to encompass when it was struck by the Full Bench in [P0289](#), which was, for each teaching contact hour: “directly associated non-contact duties in the nature of preparation, reasonably contemporaneous marking and student consultation”. It manifestly does not and never has contemplated additional work done in general maintenance of discipline currency.

56. The Go8 submission (at paragraph 130) that the “other required academic activity” rate of pay (payable in addition to the “all-up” rate for lectures and tutorials) already provides for the payment of work performed in the maintenance of professional or discipline currency is disingenuous, even if it may have some technical merit. The employers have not pointed to a single instance in which such a payment has been made in the history of Australian higher education, nor are such payments contemplated in the many examples of casual academic contracts which the NTEU has provided in evidence. Again, the history of the relevant award provision is instructive. In predecessor Awards, the rate was elaborated as follows: **A.2.7.2** For the purposes of A.2.7.1 **other required academic activity** will include work that a person, acting as or on behalf of the university requires the casual academic to perform and that is performed in accordance with any such requirement, being work of the following nature:

- the conduct of practical classes, demonstrations, workshops, student field excursions;
- the conduct of clinical sessions other than clinical nurse education;
- the conduct of performance and visual art studio sessions;
- musical coaching, repititeurship and musical accompanying other than with special educational service;
- development of teaching and subject materials such as preparation of subject guides and reading lists and basic activities associated with subject coordination;
- consultation with students;
- supervision;
- attendance at departmental and/or faculty meetings as required; and
- attendance at any of the activities set out in A2.2 to A2.5 as directed.

The above list is not intended to be exhaustive, but is provided by way of examples and guidance.

57. None of the things on the list approaches the character of policy familiarisation or maintenance of professional and discipline currency. Nevertheless, as the evidence shows, the maintenance of discipline currency is “other required academic activity”, either because it is inherent in the nature of the work, or in some cases the employee has been explicitly instructed to do work to maintain discipline currency by university policy. So it may be that employers have been in breach of Awards and Agreements for many years for not paying for this “other required academic activity”. NTEU makes no assertion one way or the other. However, paying for this work on an open ended basis, where an employee might say it took them 150 hours to maintain their discipline currency, is a wholly unsatisfactory regime. The advantage of what the NTEU proposes is that it is an all-up rate, like that payable for teaching, where it is impossible to tell, in advance how long the work will take.
58. **Professor Vann**’s remarks in relation to the tax deductibility of self-education expenses and to the introduction of a small number of (non-casual) Early Career Fellowships are entirely irrelevant to the NTEU claim. The allowance sought goes to the time spent by casual academics in maintaining their discipline currency, and not to either the expenses incurred, or the time spent on the same activities by non-casual staff.
59. **Professor Biggs** asserts (at paragraphs 48 – 49 of his statement) that sessional academic staff will be “up-to-date and relevant in their discipline area” on initial engagement and that the only discipline-related work expected of them thereafter is preparation for particular tutorials or lectures, which, he points out, is already paid for.
60. These conclusions, which are asserted without any evidentiary basis, do not address the need for academic staff to remain generally abreast of developments in their discipline which occur after the commencement of their contracts, even if those developments had not been contemplated in the design of specific lectures and tutorials for which they have been engaged to teach.
61. Generally, the employer witnesses support the proposition, as put by **Professor Hughes-Warrington** at paragraph 63(b), that “I do not believe that the [University] would appoint an academic staff member who could not demonstrate appropriate and current knowledge and

skills.” Given this, and noting two facts which the employer submissions and evidence conveniently elide:

- (a) that a single casual engagement is typically for a course of lectures and/or tutorials running over an entire semester; and
- (b) the high number of casual academic staff who are employed for consecutive teaching periods over a period of several years (who could be called “career casuals”);

62. it is an inescapable conclusion that casual academic staff would not be engaged if they were not willing to maintain “appropriate and current knowledge and skills” throughout the duration of the engagement, and would not be re-engaged for further semesters if they did not in fact do so.

63. The statements of the employer witnesses nevertheless indicate why casual academic staff cannot currently access payment for the work involved in maintaining their professional and discipline currency. Rather than acknowledging that such work is done, we see a cascading series of alternate arguments, some of which are inconsistent with each other, as follows:

- they come job-ready afresh, each semester, and do no further discipline or professional currency activities during their engagement;
- they do undertake such activities, but in the course of some other part of their life – as students or in a concurrent professional job;
- they do undertake such activities in the course of their university casual employment, but we choose to count it as encompassed within the time paid for preparation for lectures or tutorials;
- although we select casuals for their discipline currency, and expect them to present to students as well-rounded academics, we will only acknowledge their knowledge of the narrow slice of curriculum being presented in the particular series of classes.
- if they did such work, they could always ask to be paid for it at the “other academic duties” rate.

- The onus is not on us to ensure that work performed is paid for, but on our most vulnerable employees to demand payment for work we largely deny is happening.
64. In the face of this persistent denial of responsibility, apparently common to many university senior managers, it would be an insurmountable obstacle for any casual academic to pursue a claim for a payment not expressly contemplated by the rates of pay. The employers have not pointed to a single instance of such a payment being claimed or made.
65. NTEU notes that the employers have made no submission to the effect:
- that non-casual academic staff are not required to maintain their current knowledge of and comply with University policies and to maintain their professional and discipline currency, and that they get paid for this work; or
  - that if an award payment with respect to either policy familiarisation or maintenance of professional and discipline currency is merited on the evidence, the quantum proposed by the NTEU is not appropriate; or
  - that if an award payment with respect to either policy familiarisation or maintenance of professional and discipline currency is merited on the evidence, an allowance in the form proposed by the NTEU is not the most appropriate form for such a payment to take;

**Part C – [AM2014/229 Item 11, Academic Salaries, Promotion and the MSALs]**

66. The NTEU relies upon its earlier submissions.
67. In opposing this claim, the employers rely upon the Decision of the former Commission in relation to the current terms of the Minimum Standards for Academic Levels. ( GO8 submissions 6/6/16, paras 148-149; AHEIA submissions 6/6/16, paras 98-102 ). That decision was made under the *Workplace Relations Act 1996*, under which the Commission retained the capacity to resolve an industrial dispute about classification of an employee (WRA Section 89 A (2) (a)). At that time, certified agreements only excluded the Commission’s power to resolve a dispute about the classification of employees to the extent that the exercise of such

power would be inconsistent with the terms of whatever certified agreement was in force at the time (WRA Section 170LY).

68. No or nearly no certified agreements applying to academic staff of universities at the time included terms inconsistent with the exercise of the Commission's power to settle such disputes. It therefore follows that the 2001 and 2002 Commission Decisions were made in a fundamentally different set of circumstances. For example, were a university under that legislative regime have stopped access to academic promotion or fundamentally changed its character, then the union could have brought a dispute seeking to reinstate access to a work-value related skills path. Since the WorkChoices regime, and the subsequent legislation, this backstop protection has been removed.
69. Therefore, under the current award regime, a university could arbitrarily deny some or even all employees access to promotion and the employee(s) would have no alternative redress.
70. The purpose of the Union's application, as is made clear, is to protect and extend academic promotion, and to stop it being undermined by management action.
71. It is alleged that the Union has presented no evidence in support of its claim. While it is true that this claim arises primarily from basic principles of fairness, the allegation is not true. The NTEU has provided copies of many academic promotion policies at Attachment A to the Statement (3/6/16) by NTEU Witness Ken McAlpine. These policies indicate the exclusions which prevent many thousands of employees having access to have their award classification determined under a promotion-based system.
72. The employers also allege that the NTEU claim is not necessary to achieving the modern award objective. NTEU relies upon FW Act S.134 (1) which says in part "*The FWC must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions. . .*".

**Part D – [AM2014/229, AM2014/224 Item 1, Drafting errors re casual Academic rates of pay]**

73. The NTEU relies on its earlier submissions in relation to this claim.
74. The Go8 point to minor inconsistencies between the drafting proposed by the NTEU and that found in the pre-reform award. Nothing turns on this. As has been demonstrated in exposure draft discussions by the willingness of the NTEU to incorporate the word “relevant” to qualify the reference to holding a PhD, our approach to this has been one of seeking a practical and straightforward expression of the underlying principles of the rates of pay, to make them clearer and easier to ascertain.
75. The history of the determination of the range of casual rates, the formula-based approach to rolling both delivery time and associated preparation and related duties into a single payment rate for some teaching duties (such as lecturing) and the relevant descriptors which define the circumstances in which each payment rate arises are to be found in [Print 0289](#). In particular, that decision addressed the question of what rate was appropriate for “work that involves what was described as “full subject coordination”...”, as follows:

*“We are persuaded by the submissions of the AHEIA, and in particular by the details of the 1991 salary translation scheme set out by Dr Blackford, that the nexus sought by the AHEIA is to be preferred. We consider that it is appropriate to adhere to the general rationale of the 1980 Salaries Tribunal determination. The linkage proposed by the AHEIA is, in our view, sufficiently consistent with the substance of the earlier regime to be retained in the changed context that we have determined. Those changes include the elaboration associated with the descriptors we have already determined in principle.*

*However, there is one further qualification we will require to be provided for in the order varying the award. Step 2 of Level A as the nexus salary point for the calculation of the hourly rate for tutoring work is not in our view an appropriate basis for work that involves what was described as “full subject coordination” or work at a level normally associated with the performance by a graduate PhD casual academic.*

*As we understood, Dr Blackford's submission, full subject coordination duties would not normally be performed or expected of an academic below step 6 of Level A. We have an open mind as to how to frame a prescription reserving such work to an hourly rate calculated by reference to at least that level of salary. One approach would be to include such work in a descriptor associated with the lecturing level rate of payment of \$26.43 per hour. Alternatively, a proviso to the tutoring level descriptors for the student contact hourly rate of \$56.78 might be expressed to require that:*

*"Any casual academic required to carry out full subject coordination duties as part of his or her normal duties, or who upon appointment holds or during appointment gains a relevant doctoral qualification shall be paid on a basis calculated on an hourly rate of not less than \$22.58 per hour."*

*We reserve leave to the parties to put further submissions as speaking to the order should there be no agreement on the detail of a provision to that effect."*

(emphasis added)

76. In relation to "full subject coordination", there appear to be two issues in dispute between the parties. The first is whether a reference to subject coordination duties as a basis for receiving the Level A Step 6 casual rate of pay should be included in the list of rates, as proposed by the NTEU, or simply in the underlying formula found at 13.2(b) and in the reference found in the first rate payable for "other required academic activity" at 18.2. The second is whether the Step 6 casual rate of pay applies to all the duties performed by a casual academic who performs full subject coordination duties, or only to those duties performed in the subject for which they are performing coordination duties.
77. In relation to the first question, the wording proposed by the NTEU is appropriate and properly reflects the effect of 13.2(b) throughout the casual rates table, avoiding the incorrect implication that it only applies in relation to "other required academic duties". The evidence of the employer witnesses is that the higher rate attaches to all the teaching and coordination work performed by such employees, at least in the subject which they coordinate. In practice it is not possible to take one's coordinator hat on and off while performing different parts of the work in that subject.
78. In relation to whether the higher rate should be paid for all that employee's Level A duties, or only for those related to the subject which they coordinate (an argument raised by Go8, AHEIA and ABI and the NSW Industrial Council), the issue turns, in our submission, on whether the higher rate was fixed in recognition of the skill level of those academic casuals who are asked to take on full subject coordination duties, or as a form of higher duties payment for specific duties. NTEU submits that the correct understanding of the history and rationale of the rate is the former. As the extract above indicates, the Full Bench was satisfied by the AHEIA (Dr Blackford's) submission to the effect that "full subject coordination duties

would not normally be performed or expected of an academic below step 6 of Level A”. That is, the Bench fixed the rate in recognition that the performance of full subject coordination rates was an indicator that the academic had at least the skill and experience expected of a full-time Level A academic with six years’ experience. It is also apparent from the extract above that the Full Bench seriously considered fixing that rate at Level B rather than anywhere within the Level A range.

79. ABI/NSWIC at 4.5 – 4.7 of their submission argue that the words in 13.2(b) of the Academic Award “where the duties include full subject coordination” evince an intention that 13.2(b) only applies to activity “directly related to the program in which the full subject coordination duties are being undertaken.” Read in the context of the original Full Bench decision, and in any case on the face of the words, this construction is strained at best. If that had been the intention of the Full Bench, they could easily have crafted more narrowly-expressed words – for example: “for any subject in which full subject coordination duties are being performed” – but instead chose words which reflect an assessment of the skill level of an academic who is employed to do subject coordination: “where the duties include...”.
80. NTEU submits that the correct approach is to apply the Step 6 pay rate to all duties performed by a casual academic who either holds a PhD or performs full subject coordination duties.
81. In any case, the NTEU is not seeking to establish a new entitlement in relation to this point, but merely to reflect the words previously found in the award, more clearly in relation to all casual academic rates of pay.
82. The AHEIA submission (at 105) appears to be that the effect of the current award provision, with no explanation of what duties are or are not intended to be encompassed within “associated working time”, would enable a casual academic employed on the award to claim for all hours worked, even if that work was in the nature of preparation or student consultation directly associated with a particular lecture or tutorial they had been paid for. That is, they appear to read the current award provision as, effectively, a minimum payment provision for each lecture, tutorial, etc, and that if an employee works for longer than is provided for in that minimum payment, they are entitled to additional payment. This is a surprising submission,

given that to the best of the NTEU's knowledge, no AHEIA member institution has ever raised this issue in relation to the Better Off Overall Test for any application for approval of an enterprise agreement. If they genuinely believe that the Award does not represent "piece work" rates for lectures and tutorials (and other teaching duties) in the same way as their enterprise agreements do, then they must have contemplated that some casual employees who do large amounts of preparation (for example) would not be better off under the agreement than the award.

**Part E – [AM2014/230 Item 11 General Staff working hours and overtime]**

83. Nothing in the submissions or evidence of the employers about these claims has challenged the central contentions of fact set out in the NTEU submissions.
84. AHEIA at paragraph 119 of its submissions contends that a provision requiring an employer to, in effect, either pay for overtime or make reasonably sure it is not being worked, is not a matter which can be included in a modern award. This argument has no merit, and unless the Commission has any questions on this point, we rely upon our earlier submissions. The proposed clause is clearly a matter which can be included in an award.
85. The employer evidence largely goes to the fact that the existing award and enterprise agreements include provisions relating to overtime and time off in lieu of overtime, that the nature of work in the industry is such that overtime must be worked from time to time, and that some employees do get paid for overtime worked. These are not matters in contention.
86. The NTEU's claim is directed at providing improved regulation of overtime hours in response to evidence that a significant number of employees are working hours which ought to give rise to overtime payment (or time off in lieu thereof), without in fact being appropriately compensated for those hours. This practice arises from a combination of workplace culture, employer systems and practices, and a shortage of positive employer efforts to ensure that all employees are paid their full entitlements.

87. NTEU has provided substantial evidence of the widespread working of uncompensated overtime. That evidence has not been challenged by the employer witness evidence. The fact that some people do get paid overtime is of no probative value in ascertaining whether some people do not.
88. The question for the Commission is whether any measure ought be included in the Award to remedy this problem, and if so, what that measure should be.
89. While the NTEU acknowledges it is a different question from whether something should be included in the Award, at a level of general principle, the employers at no stage put forward any argument about why reasonable steps should not be taken to ensure that employees are either;
- Doing the overtime work and getting whatever entitlements the award provides; or
  - Not doing the work.
90. There is no or virtually no evidence that the employers do this or even think it is their responsibility. On the contrary, the employers contend that it would be an unreasonable administrative burden on them to require that they take reasonable steps to ensure that general and professional staff are either being appropriately compensated for overtime worked, or not working overtime at all. Instead, it appears they believe the onus is on employees to assert their right to payment, rather than on the employer having systems in place to ensure that appropriate payment is made.
91. The whole basis of a fair and relevant safety net is that it is not up to the employee to decide whether or not to claim his or her entitlements, nor is up to the employer to say *“If you ask for your entitlements we will give them to you”*. The employer attitude to this question indicates a mind-set about award entitlements which goes to proving why *this industry* and *these employees* need what is proposed by the Union, irrespective of the content of other modern awards.
92. Moreover, with the minor exception set out at paragraph 133 of the AHEIA submissions (about where the work is authorised but where the overtime is not), the assertion by the employers that non-payment for work which the employer knows about, or ought to know

about, but has not authorised, is a matter of *enforcement* is so obviously without merit that NTEU is content to rely on its earlier submissions.

93. With respect to paragraphs 180 and 181 of the Go8 submission, this misconstrues the effect of the proposed clause 23.2. Its effect is to remove an employee's entitlement to claim for overtime for some small incidents of *authorised work* which is performed outside of, or in excess of, the ordinary or rostered hours.

94. A hypothetical example makes this clear:

*An employee's supervisor (a Head of School) is to work during the evening to assess expressions of interest in presenting papers at an up-coming conference, the deadline for which closed at 5pm. An administrative staff member offers, before leaving work, to check her email during the evening and to forward any late emails she has received about the conference to the Head of School. Late expressions are common, so the Head of School says "Thanks that would be great." The administrative officer checks her smart-phone at 6 pm and again at 7.30 pm and forwards two late expressions of interest to her boss. It takes her one minute on each occasion.*

95. The work done would undoubtedly be voluntary - there is nothing in the employee's contract or assigned duties which would require her to check emails from home.

96. However, the work involved would certainly be *authorised*, and under the existing award overtime of at least 3 hours' pay would be due.

97. This sort of instance – of an employee briefly and occasionally choosing to perform authorised work by email or phone in the evening or on the weekend, even though it is not strictly necessary for them to do so, is common and well known to the employers.

98. Without a proviso such as 23.3, each such instance creates an entitlement to payment for overtime (or TOIL). With or without the proposed clause 23.2, 23.3 has the opposite effect of that contended by the employer submissions.

**Part F – [AM2014/230 Item 8, link wages to classifications]**

99. Go8 point to the former Higher Education General Staff Salaries and Classifications Award 2002 (AP 815982) in support of their contention that the sentence to which NTEU objects – “No employee shall refuse to perform duties reasonably required, consistent with the employee’s classification and which the employee is competent to perform.” – should be included.

100. The relevant clause of that Award read in full:

**6. CLASSIFICATIONS AND SALARIES**

**6.1** The classifications and minimum salaries applicable to adult employees covered by this award in respect of each of the classification levels are set out in Schedule D - Classifications and salaries for each Institution.

**6.2** Juniors and apprentices are to be paid at agreed percentages of the appropriate adult rate prescribed in Schedule D - Classifications and salaries.

**6.3** Classification descriptions for each of the classification levels prescribed in Schedule D - Classifications and salaries are as set out in Schedule A - Position classifications standards of this award.

**6.4** The Higher education worker position classification standards set out in Schedule A - Position classifications standards shall be the primary determinant of the classifications of general staff positions. Positions will be classified at the level which most accurately reflects the work performed by the employee as required by the employer, taking into account the skills and responsibilities required to perform that work.

**6.5** No employee shall refuse to perform duties reasonably required, consistent with the employee's classification and which the employee is competent to perform.

101. Self-evidently, this clause went to many more issues than are contemplated by the current/proposed clause. Each sub-clause addressed a different issue, and none of them is essential to the operation of another.

102. The history of the creation of the relevant provisions shows that they were not connected matters.

103. In 2001, His Honour SDP Duncan ([PR911627](#)) issued a decision about the simplification of the *Higher Education General Staff (Interim) Award 1989*. This dealt in large part with the national general staff classification descriptors. Recorded in that Decision was a list of agreed matters.

104. At para 7 of His Decision, SDP Duncan listed a series of matters which were agreed between the parties, which included the following:

***Agreed matters***

- 1. Ten broad classification levels in the simplified Award(s).*
- 2. Salary rates reflecting those inserted in the section 134 agreements with all available safety net adjustments added.*
- 3. Salary relativities as per the section 134 agreements, as adjusted in light of subsequent safety net adjustments.*
- 4. The original DWM descriptors to be inserted in the Award(s) on an interim basis and remain in the Award(s) unless varied by agreement or as a result of arbitration.*

*Wording in the simplified Award(s) which 'links' the descriptors to the classifications of positions along the lines of the following:*

*'Positions will be classified at the level which most accurately reflects the work performed by the employee as required by the employer, taking into account the skills and responsibilities required to perform that work.'*

105. At para 65 of his Decision, SDP Duncan directed that a draft order based on this agreement would form the basis of the Order of the Commission. As it happened, the Award subsequently made (PR917819) also included the form of words sought by the employers. However, that was no part of the agreement of the parties, nor is it necessary to give effect to the terms of the Award. It did not result from and was not connected in any way to the considerations which gave rise to the words the parties now agree should be included in the

Award. It was a set of words commonly inserted as a consequence of Award Restructuring Agreements in the 1990s.

106. There is no logical link to be drawn between 6.4 and 6.5 in the manner contended by the employer submissions. 6.5 is not incidental to 6.4, and should not be imported into that provision in the Modern Award merely because of a coincidence of location in a predecessor instrument.
107. There must be some more substantive basis for its inclusion, and the employer submissions fail to point to one. The Go8 submit (at 187) that the words “concern classifications and duties relevant to classifications and [are] otherwise incidental to such matters”. In fact the words relate to the performance of duties once classification is known. It relates only to duties which are consistent with the employee’s classification, and therefore can play no role in determining the classification of the employee.
108. The Go8 further submit (at 188) that the words are incidental to the requirement to provide an instrument of employment setting out classifications and the main conditions of employment. This submission is without merit. Either the words regulate or are incidental to the regulation of classification, or they are not required to be mentioned in an instrument of employment when advising on classification. They cannot otherwise become incidental to the instrument of employment because they are “a main condition of employment”. If that were so, then any and every matter not currently contemplated within the scope of awards could be brought within award regulation merely by asserting that it was a “main condition of employment”. The words must be separately permissible on an independent ground before they can be considered incidental to clause 14.
109. In any case, the words sought by the employers have no basis whatever in a minimum safety net of conditions for employees. It would mean an employee could be prosecuted and fined for malingering or refusing to perform a particular duty, even in circumstances where the employee had a contractual right to refuse those duties. These words have no place in a modern award.

**Part G – [AM2014/230 Item 13, minor updates to classification definitions]**

110. Noting that at paragraph 191 of their submission the Go8 state:

“The Group of Eight consider the descriptors do not require change as part of this review...”

111. and that at paragraph 137 of their submission the AHEIA state:

“To the extent that any individual university considers that the descriptors require revision, this can be addressed in bargaining taking into account the particular operational needs of each institution.”

112. NTEU is satisfied that the employer representatives do not see any need for revision of the award classification definitions.

113. NTEU is disappointed that the employers have chosen not to engage in a cooperative process to review the Classification Definitions. Nevertheless, in light of their approach to the matter, their assurance that they do not see any reason for the Definitions as expressed in the Award to be reviewed, and the fact that the NTEU claim did not seek to make substantive changes to work value or relativities, but only to update and modernise some of the wording, NTEU does not press our application in this regard.

**Part H – [AM2014/229 Item 5, Bond University Academic Staff Association proposal]**

114. NTEU notes that separate directions have been issued for this part of the matter.

**Part I – [AM2014/229 Item 6, & /230 Item 5, “Full time” or “continuing” employment]**

115. NTEU notes that the contending applications on this point have been resolved by consensus through the exposure draft process.

## **Part J – [AM2014/229 Item 6, & /230 Item 12, ICT Allowance]**

### **Introduction**

116. The employer objections to this claim seek to overstate its significance. The claim concerns payment for connection to a telephone, email, internet or other like data service. Where this is already compensated, the allowance will not be paid.

117. As noted by the employers themselves, telephone and technology allowances are not uncommon in modern awards; (refer attached table).

### **AHEIA reply**

118. [144] The AHEIA assert that *'it would be unclear how much the allowance would be in any particular instance'*. However, the NTEU deliberately kept our claim simple and flexible. Applying the 'cheapest connection' available for the monthly services as a one off payment per month is certainly less difficult than adding up recorded and logged hours for an ICT allowance or any other allowance, and applying a different amount each week or fortnight.

119. [144] There is less likelihood of disputation under such an arrangement than there would be in the application of any other form of allowance as the NTEU proposal is a set payment per month, and not dependent on number of calls made or volume of data used being calculated each pay period.

120. The flexibility in the NTEU claim also allows for variances across Australian cities or regions, recognising the wide geographic spread of some universities, and would provide a floor upon which individual institutions could bargain with NTEU to apply a specific amount which is geographically relevant, should they wish.

121. The payment is limited so that it does not apply to one-off guest lecturers or any other casuals working for a month or less.

122. [147] It is unclear what AHEIA mean in their assertion that the NTEU proposal *"would lead to all employees covered by the awards becoming entitled to a payment whether or not they actually incurred an expense"*. Employees would be required to demonstrate that the

‘package’ of services they are reimbursed for, are actually used for work purposes. For casual teaching staff, this would be relatively simple as it is clear from the evidence of casual academic teachers that they mainly prepare classes and materials from home; most do not have a permanent work station at their University.<sup>1</sup>

123. If we take the example of NTEU witness Dr. Kirkman, she was readily able to account for the amount of time spent on her home computer/telephone for work purposes [para 43]. Dr. Kirkman could either continue to claim the use of these devices as a tax deduction or receive an allowance, she could not do both. Dr. Kirkman has earned as little as \$20,000 per annum as a PhD qualified teacher working long hours. She should expect reimbursement for expenses incurred in the course of her work.

#### **Go8 reply**

124. [210] The Group of Eight Universities conclude that the NTEU claim is not necessary to meet the modern awards objective as the allowance as claimed is “*not a feature of other modern awards*”. We agree that the form of this allowance is different, and superior to that employed in other modern awards. We say that our approach is more flexible and fair than the traditional set allowances for ICT services and much easier for employers to administer. The form of the allowance is relevant to contemporary communication technology, and to the patterns of use of that technology in the higher education industry. We have thought through the form of our claim with care.

125. NTEU conducted a search of the 122 modern awards. There was some form of provision for payment of a technology allowance in 15 ‘white collar’, community and public sector awards (refer below).<sup>2</sup>

126. The most common provision is where an employer requires an employee to have a phone at their residence and they pay for the installation/transfer and rental costs, and the costs of calls. In some cases provision of a mobile phone satisfies this requirement.

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<sup>1</sup> Refer witness statements of Caron Dann and Linda Kirkman.

<sup>2</sup> This analysis does not include where the allowance is for being ‘on-call’, as provided by the Go8 [210 (b) – (e)].

127. Some modern awards provide for the expense of ‘tools or equipment’ for the performance of work to be paid on reimbursement of expenses incurred. Three of the 15 modern awards provide for reimbursement of reasonable purchase, installation, and rental costs for a telephone, modem or broadband connection required by the employer.
128. [212] – [216] The Go8 submission in respect to University-provided ICT facilities is tangential to the NTEU claim; it is clear from our evidence in these proceedings around workloads and overtime for general and academic staff, and from the witness statements of our members, that much work is occurring away from their workstations, including at other locations on campus, at other campuses, on field trips, at home, while attending conferences, outside standard business hours and in circumstances where it is just not feasible or in some instances, safe, to be on campus when working. In the case of casual academic staff they more often than not do not have access to ICT facilities in a way that is conducive to preparing classes, having their materials and books on hand and/or accessing required University databases for their work.
129. [213]-[214] NTEU acknowledges that some work from home may be a choice, but much required work is undertaken at locations other than the university campus because the staff member has no other choice. Attendance at conferences, supervising nursing students in hospital placements, or student teachers in schools, liaising with industry partners in research, and conducting field work are just some examples of this. The proposed allowance is expressed as being limited to circumstances where an employee *is required* to use ICT connections for work purposes when away from the workplace. Further, the NTEU claim is clear that staff can be directed NOT to undertake work requiring phone, email, internet or like connection when away from the workplace, and that in those circumstances the employer would not be required to pay the allowance. Where staff choose to use a personal telephone for work purposes ‘late at night’ for example, and it is clear this is not expected or required, then no entitlement to the allowance would arise.
130. [215] The claim does not ‘*limit flexible working practices*’ but brings the awards up to date by *recognising* that flexible work is an entrenched part of the modern University culture.

131. In relation to the examples provided at [216] and [217], each of these examples would, where appropriate, mitigate against the payment of the allowance.

**Witness statements**

132. [55] – [56] In relation to response of **Andrew Picoleau** of Monash University, the reality of the experience of sessional teacher Caron Dann does not accord with Mr. Picoleau’s examples.<sup>3</sup>

133. [58] –[60] In relation to the policy of reimbursement and salary packaging option provided at Monash, this is a laudable approach and we submit it reinforces our claim that the Award must be varied in order to provide a fair safety net and a contemporary measure for BOOT.

134. [27] –[28] In relation to witness statement of **David Ward** his comments about ‘choice’ and ability to perform all work from campus is just not borne out by the evidence of academic staff.

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<sup>3</sup> Refer Witness Statement and Supplementary Witness Statement of Caron Dann.

**Modern Awards – Telephone allowance**

Award	Telephone	Other
1. <i>Air Pilots Award</i>	<p><b>19.6 Telephone allowance</b></p> <p>(a) Where an employer requires a pilot to have a telephone at their residence the employer will pay any cost of installation or transfer plus rental (in the case of aerial application operations, only half the rental) and the cost of all business calls. This provision will operate only in respect of one installation per pilot at any one base. The provision of a mobile telephone will satisfy this requirement.</p> <p>(b) Where the employer does not require a pilot to have a telephone the employer will pay the cost of all business calls made on a pilot’s personal telephone plus in the case of full-time or part-time pilots, 50% of rental costs.</p>	
2. <i>Broadcasting and Recorded Entertainment Award</i>	<p><b>18.5 Telephone rental allowance</b></p> <p>If the employer requires an employee to have a telephone the employer must meet the rental cost.</p>	<p><b>18.7 Tools of trade</b></p> <p>[18.6 renumbered as 18.7 by <a href="#">PR996846</a> from 28May10]</p> <p>(a) Where the employer requires the employee to provide any tools for the performance of their work, the employer must reimburse the employee the cost of purchasing such tools.</p> <p>(b) Where any tools supplied or paid for by the employer are lost through the negligence of the employee the cost of their replacement may be deducted from the employee’s wage.</p>
3. <i>Commercial Sales Award</i>	<p><b>16.1 Telephone allowance</b></p> <p>(a) Where an employee does not have a telephone, modem or broadband connection and, at the written request of the employer, the employee is required to have such equipment, the employer must reimburse the reasonable cost of purchase, installation and rental.</p> <p>(b) Where an employee makes telephone calls in connection with the business on the employee’s private telephone at the direction of the employer, the employer must reimburse the reasonable cost of such calls. Provided that the employer may request details of all such calls claimed by the employee.</p>	

4. <i>Contract Call Centre Award</i>	<p><b>20.3 Telephone allowance</b></p> <p>(a) Where an employee does not have a telephone, modem or broadband connection and, at the written request of the employer, the employee is required to have such equipment, the employer must reimburse the cost of purchase, installation and rental.</p> <p>(b) Where an employee makes telephone calls in connection with the business on their private telephone at the direction of the employer, the employer must reimburse the cost of such calls. Provided that the employer may request details of all such calls claimed by the employee.</p>	
5. <i>Health Professionals and Support Services Award</i>	<p><b>18.11 Telephone allowance</b></p> <p>Where the employer requires an employee to install and/or maintain a telephone for the purpose of being on call, the employer will refund the installation costs and the subsequent rental charges on production of receipted accounts.</p>	For being on- call only
6. <i>Journalists Published Media Award</i>		<p><b>15.1 Reimbursement of expenses</b></p> <p>An employee will be reimbursed reasonable out-of-pocket expenses, including transport expenses.</p>
7. <i>Local Government Award</i>	<p><b>15.5 Reimbursement of expenses</b></p> <p>(a) All reasonable expenses incurred by the employee at the direction of the employer, including out-of-pocket expenses, course fees and materials, telephones, accommodation, travelling expenses and the cost of special protective clothing, incurred in connection with the employee's duties will be paid by the employer and, where practicable will be included in the next pay period.</p> <p>(b) The method and mode of travelling or the vehicle to be supplied or to be used will be arranged mutually between the employer and the employee. Travelling arrangements will be agreed between the employer and the employee in advance.</p> <p>(c) The employer will reimburse an employee, other than a tradesperson or apprentice, for the cost of any tools, instruments or special equipment purchased and supplied by the employee at the direction of the employer. However, reimbursement need not be made if the employer supplies the tools, instruments or equipment.</p> <p>(d) The employer may require the employee to present proof of payment prior to the reimbursement.</p>	
9. <i>Market and Social Research Award</i>	<p><b>(c) Telephone allowance</b></p> <p>If an employer requires in writing that an</p>	<p><b>17.2 Reimbursement and expense related allowances</b></p>

	<p>employee have a private telephone as part of the employee's work duties, the employer will reimburse:</p> <p>(i) the cost of rental and all telephone calls made as part of the employee's work duties; and</p> <p>(ii) the cost of the installation if the employer has required in writing that the employee install a private telephone for use in connection with the employer's business.</p>	<p><b>(a) Expenses reimbursement</b></p> <p>(i) In addition to the remuneration payable under clause <u>14—Classifications and minimum wage rates</u>, an employer will reimburse an employee for all expenses which have been actually and properly incurred by the employee as required by the employer in the discharge of the employee's duties.</p> <p>(ii) Such expenses as can reasonably be anticipated will be payable in advance.</p>
10. <i>Medical Practitioners Award</i>	<p><b>16.5 Telephone allowance</b></p> <p>Where the employer requires an employee to install and/or maintain a telephone for the purpose of being on call, the employer will refund the installation costs and the subsequent rental charges on production of receipt(s).</p>	For being on-call only
11. <i>Professional Employees Award</i>		<p><b>16.3 Equipment and special clothing</b></p> <p>Except where an employee elects to provide equipment and special clothing, the employer will provide free of cost, all such equipment and special clothing reasonably required for the adequate discharge of duties. Such equipment or clothing will remain the property of the employer.</p>
12. <i>Real Estate Industry Award</i>	<p><b>18.6 Mobile telephone allowance</b></p> <p>(a) Where the employer requires the employee to use the employee's own mobile telephone in the course of employment the employer and employee must, either when this award comes into operation or upon commencement of employment, agree in writing on a method of payment for reimbursement of the costs of using that mobile telephone in the course of their employment.</p> <p>(b) Without limiting an agreed method of payment for reimbursement, an employee's salary in excess of the minimum weekly wage may be inclusive of reimbursement providing the reimbursement component of the salary is identified in the agreement.</p> <p>(c) The agreement made in accordance with clauses <u>18.6(a)</u> and/or <u>(b)</u> must be</p>	

	<p>reasonable when considering the employee's use of their mobile telephone for work-related duties.</p> <p><b>(d)</b> If a written agreement is not made as prescribed in clauses <a href="#">18.6(a)</a> and/or <a href="#">(b)</a> and use of a mobile telephone is a requirement of the position, the employer must cover all the costs of ownership, network access, maintenance and payment of work-related accounts for this telephone.</p> <p><b>(e)</b> The mobile telephone allowance is payable during the entire period of employment, except when the employee is on leave.</p>	
<i>13. Social, Community, Home Care and Disability Services Award</i>	<p><b>20.6 Telephone allowance</b> Where the employer requires an employee to install and/or maintain a telephone for the purpose of being on call, the employer will refund the installation costs and the subsequent rental charges on production of receipted accounts.</p>	For on-call only
<i>14. State Government Agencies Administration Award</i>		<p><b>15.2 Equipment allowance</b> Where an employee is required to provide necessary instruments, equipment, tools, stationery and furniture for carrying out their work, the employer must reimburse the employee for any expenses incurred. This clause does not apply if the employer provides such instruments, equipment, tools, stationery and furniture.</p>
<i>15. Telecommunications Services Award</i>	<p><b>(c) Telephone allowance</b></p> <p><b>(i)</b> Where an employee does not have a telephone, modem or broadband connection and, at the written request of the employer, the employee is required to have such equipment, the employer must reimburse the cost of purchase, installation and rental.</p> <p><b>(ii)</b> Where an employee makes telephone calls in connection with the business on their private telephone at the direction of the employer, the employer must reimburse the cost of such calls. Provided that the employer may request details of all such calls claimed by the employee.</p>	

**Part K: [AM2014/229 Item 1, change “context” to “content”]**

135. NTEU relies on our earlier submissions.

136. In relation to the circumstances of Professor Komessarof, this is not put as anything more than an example of one instance in which the presence of the erroneous word in the Award, and as a result in substantially mirror EBA provisions, affected the case that the NTEU was able to run on behalf of our member.

**Part L: [AM2014/229, Item 2, & /230 Item 2, Medical Research Institutes]**

137. NTEU has provided submissions on this part of the application in a separate document.

**Part M: [AM2014/229 Item 9, Academic Casual Conversion]**

138. NTEU relies on our earlier submissions in relation to this.

**Common Claims: Annual Leave**

139. NTEU relies on our submissions previously filed in relation to the common claim proceedings relating to Excess Annual Leave:

<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/am201447-sub-nteid-080915.pdf>

## **Further Supplementary Witness Statement of Ken McAlpine (July 2016)**

1. My name is Kenneth McAlpine and I am employed as a Union Education Officer at the National Office of the National Tertiary Education Industry Union (“NTEU”). My work address is still 120 Clarendon Street South Melbourne, Victoria.
2. I make this statement further to my Statements lodged in the higher education modern award review proceedings in the Fair Work Commission in March and June 2016.
3. I have read the witness statements of witnesses appearing in these proceedings on behalf of employers, and the comments which follow are in response to their various assertions to the effect that academics are autonomous and self-directed professionals. In addition to my 28 years representing employees in higher education and the extensive knowledge which I asserted in my previous Statement, I now also draw to the Commission’s attention my specific role in providing union education to NTEU staff, officers and activists through structured courses on academic freedom, and on the peculiar characteristics of academic employment. The question of academic autonomy and its limits is a key issue for a union representing academic staff, as it is important that we can advise members about current norms and conventions, and often have to do so. In my senior role in undertaking these union education functions, I have drawn upon my extensive reading and upon experience in advising individual academic staff, as well as organised groups of academic staff, as well as many discussions with representatives from management, about issues which go to the conventions of academic autonomy, as they are on the one hand widely understood and accepted, and on the other as they are sometimes contested.
4. On the basis of that experience, I say that the following propositions are generally true across the (non-casual) academic staff covered by the Award:

- a) To the extent that employees are engaged in teaching classes (lectures, tutorials, etc.) academics are required to teach such classes, and may be assigned to teach in subjects where they do not control the content or format of what is taught, especially where the academic is not the subject or course co-ordinator for that subject. Nevertheless, most academics will control the content of most of what they teach. However, this autonomy in relation to content has always been constrained by the requirements of professional bodies and course accreditation requirements, and more generally in the past two decades, course and unit content and format has been more closely directed by management through curriculum frameworks, rules about assessment (method and amount), requirements to deliver on-line, and often to tailor course content to increase student satisfaction scores. In many cases, academic staff will have substantial input into decisions about which units they will teach. However, whether a unit is to be taught, and who will teach it, is ultimately a decision for the management. Before such decisions are made there is usually some collegial discussion. However, significant changes are sometimes made by senior management about what is to be taught (subjects and whole courses) with no or perfunctory discussions. These points are not here made by way of complaint. They are merely made to explain the limits on teaching autonomy.
- b) In relation to teaching, there is for most non-casual academics a practice of consulting them about the size of their teaching allocation, which is usually measured in teaching contact hours (or some variant thereof) or by reference to student load numbers, which takes account of the additional work involved in larger classes. However, in law and practice, and subject to the terms of the relevant enterprise agreements and policies made (sometimes pursuant to the

terms of the enterprise agreement) the size of the teaching allocation is ultimately a question for the management. Few academics with teaching responsibilities have the autonomy to decide the size of their teaching load.

- c) Academics exercise some autonomy within the constraints described above, about how much time they will spend in teaching-related duties. While this obviously does not apply to the delivery of a lecture or tutorial (which have a fixed time), it does apply to other duties, such as preparation or reviewing of lecture and subject content, to some extent assessment, and the general scholarship required to ensure that the teaching content and materials are up-to-date.
- d) Many academics are engaged in thesis supervision or assessment. For most academics, whether they do this work is a matter about which they will be consulted. However, for senior academics with PhDs it will generally be seen as a responsibility or requirement of their job. Such academics cannot generally “choose” not to do this work and the number of thesis supervisions will often form part of a work allocation given to an employee. Nevertheless, it would be very unlikely that an academic would be directed to supervise a particular research-degree thesis such as a PhD or Masters-by-research: academics retain considerable autonomy about which students’ thesis topics they wish to supervise.
- e) Academics spend a significant amount of time on “administration”. What this term refers to varies from university to university. Leaving aside that part which might otherwise be described as “university service” (e.g. serving on committees and the like), the form and content of most or much of this work is entirely or largely prescribed by management direction, and academics (other than academic managers) exercise little or no autonomy in relation to administration. It is rare

that academics can choose not to do this work, and it takes a considerable amount of academic time. Most academics (other than academic managers) will spend as little time on administrative procedures as they can, consistent with the requirements of their employer.

- f) In relation to research, there are important respects in which academics retain considerable autonomy. Academics whose research work involves making findings, conclusions and publications enjoy very high levels of autonomy over this area of their work. Within resource constraints, such researchers retain a high level of autonomy over research methodology. Moreover, it would be almost unheard of for an academic to be directed to research a specific question or to apply for a research grant about that question. To this extent, there is no doubt that academics in these matters are highly skilled autonomous professionals. To the extent that there is constraint in these matters, (except in relation to research misconduct) it is more likely to be imposed by their own colleagues working as part of a research team, or the academic discipline of peers nationally or internationally, rather than the management of their own institution.
- g) Despite the autonomy described in f), there are important respects in which the autonomy of much of the research work of academics is very limited. These limitations vary within and between institutions, but include:
- Requirements that research bring in research income. Performance standards require that research “outputs” include the gaining of grants or other research income, as a question separate from the academic merit of research undertaken;

- Requirements that academics apply for a certain number of research grants. Applying for such research grants takes up a considerable amount of time – in many cases well in excess of 100 hours per year.
- Requirements that an employee’s academic research comply with the strategic direction of the university or academic management unit.
- Requirements that research outputs (usually publications) comply with certain metrics, such as where they are published, or what “impact” they have.

These restrictions and requirements can have at least two consequences. Firstly, they direct the employee into research areas that may not correspond with what the employee considers to be the most academically important research pursuits. Secondly, they can lead to research undertaken which does not comply with these requirements not “counting” in workload models.

- h) About 28% of all non-casual academic staff (14,736) are employed in research-only functions. A majority of these are employed at Level A (5,416) or Level B (4,726). [For these figures, see the Commonwealth Higher Education Statistics “U Cube” at <http://highereducationstatistics.education.gov.au/> ] Nearly all of these are employed fixed term, working on research projects of limited duration. While they are applying high level skills, at Level A at least (most commonly titled research assistant) they generally have little or no role in determining what is being researched, and exercise only limited autonomy over research methodology. Most or all of their work is directed by a research supervisor who will determine the amount and nature of the work to be done.

5. I have read the Statements and Submissions in opposition to the claim that the payment of “overtime” to academic staff for a workload in addition to the normal

workload is unknown to academic work. As it happens, I was advised by another union staff member in recent days about a payment made to an NTEU member at the Australian Catholic University. Following representations made by the NTEU at that University, the management has agreed to pay an NTEU member additional money pursuant to the terms of the *Australian Catholic University Staff Enterprise Agreement, 2013 – 2017*, for performing a workload in excess of the 1595 hours per annum prescribed by that Agreement. A relevant email (with surnames redacted) confirms this payment.

**From:** Pauline Cxxxxx <[Pauline.Cxxx@acu.edu.au](mailto:Pauline.Cxxx@acu.edu.au)>  
**Date:** 30 June 2016 at 10:37:03 AM AEST  
**To:** Roger Lxxx <[Roger.Lxxx@acu.edu.au](mailto:Roger.Lxxx@acu.edu.au)>  
**Cc:** Danny Rxxx <[Danny.xxxxx@acu.edu.au](mailto:Danny.xxxxx@acu.edu.au)>, Meg Sxxxxx <[Meg.xxxx@acu.edu.au](mailto:Meg.xxxx@acu.edu.au)>, external-wcupido-enterprisebarginingteam <[wcupido@nteu.org.au](mailto:wcupido@nteu.org.au)>  
**Subject:** 2015 workload differences for Roger Lxxx (School of Science, Brisbane)

Dear Dr Lxxx,

I refer to your previous email correspondence to Mr Danny Rxxx, Manager Employment Relations, regarding your workload allocation during 2015. In particular you raised the issue of changes to your workload allocation for student consultation for the unit Human Biological Science One (BIOL121).

Following consideration of the issues raised, it has been identified that you should have been allocated an additional 140 hours under A6 of the Academic Workload Policy, and therefore your overall workload allocation for 2015 was exceeded. The Academic Workloads Policy states at point 9:

*In circumstances where a full annual 1595 hours workload is exceeded a discussion will occur to explore workload management options and may include paid inside work for teaching delivery and where maximum teaching requirements have been met for the academic career pathway.*

Sub-clause 2.2 of the Paid Inside Work Policy requires that “All paid inside work must be approved in advance”. However as you had already performed the additional work, approval of an out of policy recommendation was required.

I now advise that approval has been granted for you to receive an additional payment of \$6,960.00 (gross) in recognition of the additional 140 hours of student consultation for BIOL121 in 2015. Consistent with the Paid Inside Work Policy, this amount is comprised of the 140 hours of student consultation paid at the higher (PhD) “Other Academic Activity” rate which is currently \$49.72 per hour as detailed in Schedule 2 of the Australian Catholic University Staff Enterprise Agreement, 2013 – 2017.

The additional payment will be paid to your normal bank account on the next pay day which will be Wednesday 6<sup>th</sup> July 2016. Please contact me if you have any queries regarding this matter, regards from Pauline

Pauline Cxxxxx

Senior Employment Relations Officer | Human Resources, Australian Catholic University

6. The payment was made under the University's Workload Policy, which can be found at

[http://www.acu.edu.au/policy/hr/hours\\_of\\_workworking\\_arrangements/workloads](http://www.acu.edu.au/policy/hr/hours_of_workworking_arrangements/workloads)

[for academic staff/academic workload policy#toc\\_9](#). That Policy includes the following terms:

***Workload Activity Calculations and/or Tolerances***

*The maximum academic workload allocation is 1,595 hours per annum. Supervisors and staff will make all reasonable efforts to allocate a 100% workload. However, in some years and in some circumstances a full annual 1595 hours workload may not be allocated, or, may be exceeded in any year.*

*In circumstances where a full annual 1595 hours workload is not achieved a discussion will occur to explore workload management options including:*

- *projects which a staff member can competently perform and contribute to a strategic need; and/or*
- *Teaching into other programs; and/or*
- *A temporary reduction of fraction; and/or*
- *Utilisation of leave entitlements.*

***In circumstances where a full annual 1595 hours workload is exceeded a discussion will occur to explore workload management options and may include paid inside work for teaching delivery and where maximum teaching requirements have been met for the academic career pathway. [Emphasis added]***

*The University expects that, where the full allocation of 140 hours of annual leave is not taken in a calendar year, these are available hours for additional workload to be allocated.*

7. The Workload Policy is made enforceable by the terms of the Enterprise Agreement, which includes the following terms

***Australian Catholic University Staff Enterprise Agreement, 2013 – 2017- extracts***

*5.2.2.1 The basis for calculation of the annualised academic workload is thirty five (35) hours per week times 52.178571 weeks in a year. In any calendar year an academic staff member is entitled to the following to achieve work-life flexibility and to support the staff member's health and wellbeing through taking a break from work to recreate:*

- *Annual Leave: 20 days (140 hours)*
- *10 public holidays: 10 days (70 hours)*
- *University holidays: 3 days (21 hours).*

*This results in a rounded figure of 1,595 hours per academic staff member per annum of academic staff availability to be managed through work allocation in accordance with this clause and the Academic Workload Policy.*

.....

*5.2.2.2 The National Head of School or delegate will assign workloads in accordance with the University's Academic Workload Policy with the expectation that a competent staff member can perform their allocated duties in 1,595 hours per year.*

.....

*5.2.5.1 Academic workload will be managed in accordance with the Academic Workload Policy.*

.....

*5.2.8.1 The Academic Workload Policy referred to in this clause will remain in place until the nominal expiry date of the ACU Staff Enterprise Agreement 2013 – 2017. The Academic Workload Policy can only be altered in circumstances where: a) A new academic activity is determined by the University as necessary for inclusion into the Academic Workload Policy; and b) Amendment is required and mutually agreed by the University and the NTEU.*

8. It would be misleading of me to suggest that such practices are widespread. However, there are a number of universities where management pays extra money for certain classes of work which are considered over and above a normal or standard workload – for example overseas teaching.
9. In reading the witness statements and submissions of the employers, I noted that the point is made that the type of regulation which the NTEU is seeking is in Australia is at odds with the regulation of academic workloads internationally. I cannot claim to be an expert on the regulation of academic workloads across countries comparable to Australia. However, I am sufficiently familiar with typical workload regulation (as embodied in collective agreements, whether formal or informal) applicable to academic staff in the English-speaking countries. What I can say is that there is a wide variety of forms and methods of regulation and allocation of academic workloads in those Agreements. I am almost certain that there is no other jurisdiction where a specific safety net of minimum conditions is required to be set for academic staff. My reading of relevant collective agreements in the USA and Canada suggests a level of detail which is comparable to those found in Australian Agreements, though there are

considerable variations in both countries. In the United Kingdom, there are not formal enterprise agreements of the type used in Australia. However, there are national and local (university) negotiations. A typical agreement between the University and College Union (which represents academic staff in the UK) and a university (In this case, the University of Brighton) is included as **Attachment T**. An interesting (but I would not claim common) variant applies at the University of Oslo. **Attachment U** is a translation into English (by the University of Oslo itself) of its working time arrangements, including for those who (as “particularly independent”) are exempt from the national working time regulation in Norway.

- a) I have attached further documents to this Statement as follows: **Attachments V, W, and X** are various documents concerned with workload policy and administration at the University of NSW, respectively from the Faculty of Art and Design, the School of Humanities and Languages, and the School of Electrical Engineering and Telecommunication, with Attachment X showing the assumed hours for various types of teaching activities, for various staff (names redacted) in the School of Electrical Engineering and Telecommunication.
- b) **Attachment Y** is a copy of the 2015 Annual Report of the National Ageing Research Institute, which is relevant to the evidence given by AAMRI witness Debra O’Connor.
- c) **Attachment Z** is copy of the various documents from the website of the Cardiac Health Institute, which is attached to the Macquarie University Hospital, which is a not-for-profit controlled entity of Macquarie University.

**Ken McAlpine**

11 July 2016

## **Contents of Attachments**

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## UNIVERSITY OF BRIGHTON – Summer 2014

### Workload Allocation Model - Interim proposal for 2014-15

1. This paper proposes an interim or Stage One lecturer's workload allocation model to be implemented in 2014-15, with the identification of further work to be undertaken during the Autumn and Spring Terms of 2014-15 in order to achieve a Stage Two - complete – workload model to be implemented in 2015-16.

The model is based on a re-affirmation of the specifications of the current local and national contracts as regards hours of work – namely that:

*The nature of teaching posts is such that staff are expected to work such hours as are reasonably necessary in order to fulfil their duties and responsibilities. It would therefore be inappropriate to define the total hours to be worked in any week. A reasonable norm, however, having regard to the contractual position of other senior staff in the institution, would be thirty-seven, although this should not be regarded as a minimum or maximum.*

The use of any specification, within the workload model, of a total number of hours to be worked annually or in any one week is therefore to be understood as a broad approximation within a semi-quantitative exercise, which is designed to complement existing terms and conditions.

2. The workload model also needs to take account of the transparency requirements of the TRAC national data collection exercise. This necessitates data being recorded accurately in specific categories against the actual activity undertaken.
3. The proposed workload model has also to be sufficiently resilient to withstand immediate anticipated threats to income and also current and emerging cost pressures, specifically:
  - The complete deregulation of student numbers from 2015 which removes the final financial safety net (the current Student Number Control system) within the HEFCE funding arrangements and exposes the university to greater financial risk.
  - Government confirmation that the maximum fee amount of £9000 for Home/EU undergraduates will remain for 2014-15 and 2015-16. This is, in effect, a cut in the undergraduate unit of resource in 2014-15 of around 2.5%, followed by a further (estimated) 2% in 2015-16.
  - An efficiency gain (reduction against expected amount) in the HEFCE grant to institutions for 2014-15 of just under 5%.

Clear signs of a wish by the government to reduce the benchmark price for NHS funded provision; it is believed that the aim of Health Education England is to cut the benchmark price by 4%.

- There is a clear preference by the current government for moving much teacher training into schools (via the Schools Direct programme) which would add a reduction in the volume of university funded ITT activity to the anticipated drop in the unit of resource.

#### Stage One Model

4. The Stage One model should include the following common elements across all Schools:-
  - 4.1. A total maximum individual workload of 1600 hours per year.
  - 4.2. An allocation of 320 hours for self-managed research and scholarly activity.
  - 4.3. A maximum teaching contact hours of 550 per year in line with the terms of the national contract (see Appendix One). It is emphasised that the figure of 550 is a maximum, not a target or a norm and would only be expected to be reached in exceptional circumstances.
  - 4.4 A transparent Teaching Related Allocation (TRA) model based on a quantitative formula – moderated by judgement - taking account of the variable amount of preparatory and contextual activity generated by each teaching hour (see Appendix Two), and governed by the principle that teaching contact hours plus TRA will not exceed 1100 hours.

For 2014-15 the models will be specific to each School, with an aim to agree and apply a common framework for all Schools for 2015-16. For 2014-15 Schools will be asked to implement a model which includes the following features.

- An expectation for each School of a minimum average of 1:1.3 (i.e. a minimum average allocation of 1.3 hours TRA for each teaching contact hour).
  - A minimum ratio of 1:1 (i.e. a minimum allocation of one hour TRA for each teaching contact hour). This ratio is a minimum and must not be treated as a norm or a target; it is expected that the minimum ratio would only apply in exceptional circumstances where the amounts of teaching preparation and/or subsequent tasks (e.g. assessment) are demonstrably lower than the norm.
  - There will be no maximum ratio, and the ratio may even rise to 1:4 or more, but it should be ensured that exceptionally high TRA ratios are justified in relation to transparent and equitable criteria.
- 4.5 A transparent system for allocating hours (out of 1600) for managerial and administrative roles – such as: Assistant Head; Division Leader; Academic Programme Leader; Course Leader; Module Leader; Admissions Tutor.
 

This list is for illustrative purposes only. For 2014-15 the models will be specific to each School, with an aim to agree and apply a common framework for all Schools for 2015-16.
  - 4.6 An allocation of a minimum of 30 (per FTE) contingency hours to allow for unexpected changes in patterns of work to be accommodated in a fair and reasonable manner.
  - 4.7 Allocations for personal tutorial meetings which include appropriate recognition of any preparation or follow-up tasks required.

- 4.8. Appropriate recognition of anticipated and essential travel time. For 2014-15 this will be recognised within existing School mechanisms but a commitment is made to aim to achieve a University-wide scheme for 2015- 2016 which allocates time on a 1 for 1 hour basis ( noting that for some staff this will already be taken account of in administrative or management roles). This issue should be included in the Stage Two discussions.
- 4.9. Allocations for trained and notified reviewers to conduct SDRs; this should include appropriate time allocations for preparation and follow up work. It is noted that in some cases time for this will already have been allocated as part of the block allocation for administrative and managerial roles. The agreement of a common cross-university tariff for this should be developed as part of the Stage Two agenda.
- 4.10 Allocations for research student supervision in accordance with the current local agreement (see Appendix Three)
- 4.11 Additional research time (above the 320) according to the requirements of University policy or in relation to external funding. This issue will be further discussed once the results and the funding implications of REF 2014 are known (see Appendix Four) .
- 4.12 Allocations for economic and social engagement according to the requirements of University policy or of identified projects.
- 4.13. Induction processes for new staff

The current local agreement is re-affirmed and states that:

*17.1 Heads of department are responsible for allocating time to staff involved in the induction of a new member of staff, as part of the allocation of a lecturer's duties and responsibilities.*

*17.2 It is important that staff new to teaching have the maximum opportunity to gain practical experience. Heads of department should therefore be sensitive to the need to lighten the allocation of other duties. During the first year of teaching, a lecturer should not normally be required to undertake a teaching load equivalent to that of a more experienced colleague.*

*17.3 In most cases, the induction process for a lecturer new to higher education will take in the region of 25% of a full-time lecturer's total workload. This proportion of time may be shared between several individuals, including the new member of staff. The agreed allocation will therefore be appropriately distributed by the head of department.*

- 4.14 All individual workloads to be published, and available or distributed to all academic staff within the School, and (in aggregation for consideration by the LCIG) from across the University.
5. The University proposes a conclusion of the current round of discussions on Workload Planning by the end of April 2014. Discussions will resume in October 2014 with a focus on Stage 2 issues.

### Stage Two agenda

6. The key issues already identified for development of the Stage Two model are:-
- The development of a common framework for a University-wide TRA model for application in 2015-16.
  - The development of a common framework for a University-wide model for allocation of hours for managerial and administrative roles for implementation in 2015-16. The achievement of this is likely to be facilitated by the details of the outcome of the university restructuring currently underway.
  - The consideration of models for the allocation of additional research time beyond the 320 hours and for related accountability. The progress of this is likely to be considerably assisted by knowledge of the qualitative and financial outcomes of REF 2014.
  - Further consideration of the merits of a more differentiated specification of maximum contact hours
  - Further discussion on allocations for travel as set out in 4.8.above.
  - Further discussion on time allocations for the conduct of Staff Development Reviews as set out in 4.9. above

### Conclusion

7. The implementation of a Stage One model for 2014-15 would offer the following advantages for the University, UCU and individual staff.
- The adoption of a common 1600-hour currency would allow more equitable workloads to be allocated across the University.
  - The publication of all individual workloads would allow greater transparency and fairness.
  - The re-affirmation of the 320 hours for research and scholarship for all lecturers would ensure that all received their rightful allocation and allow clearer mutual accountability.
  - The establishment of a common statistical model would allow the national requirements of TRAC to be met by use of beginning of year workload plans, amended in May/June as necessary to reflect actual activity- and would remove the need to complete individual work diaries during 2014-15.
  - The adoption of a Stage One Model would allow important progress to be made on a number of issues without waiting for all of the more complex and currently highly devolved and variable issues to be resolved.

SIL

April 2014

Signed on behalf of the university John M. Crampton Date 30 / 7 / 14

Professor JM Crampton Vice- Chancellor

Signed on behalf of UCU M. Erickson Date 29 / 7 / 14

Name DR MARK ERICKSON

### Appendix One: Teaching Contact Hours

The increasing scale of use of technology- mediated teaching makes this concept much harder to define than when the current national and local contracts were agreed over 20 years ago. Therefore it is anticipated that, as further new teaching methods emerge, any existing definitions will need to be continually reviewed.

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Direct teaching responsibility will constitute formal scheduled hours, defined as the actual hours timetabled or scheduled (as set out, for example, in the validated module outline) for:

- lectures
- seminars
- tutorials
- dissertation or project supervision on taught undergraduate and postgraduate programmes
- supervision and observation e.g. in studios, workshops or laboratories or in clinical or practice settings (excluding travel time)
- mandatory study visits or field trips (for which a maximum of 18 hours per week should be applied as an allocation – any excess over 18 hours per week should be allocated as teaching-related)
- Where e-learning, distance learning or other asynchronous blended learning forms part of an agreed course or module outline, this should be recognised by incorporating a minimum expectation of direct student contact time per module
- Research degree supervision

**Appendix Two – Teaching Related Activity**

Teaching Related Activity allocations would normally be expected to be made in relation to the scope and scale of the following activities:-

- Design of teaching material and assessment methods.
- Curriculum development within subject field.
- Carrying out of teaching and associated administrative tasks within an established programme of study.
- Setting and marking of assignments, including summative assessments, assessing the work and progress of students and providing constructive feedback to students.
- Attending and participating in module team, and liaising with colleagues as necessary.
- Reflecting on practice and development of teaching and learning skills.
- Contributing to internal and external quality assurance processes within the scope of their teaching activity.
- Compilation and maintenance of student records in relation to the assessment of students work specifically included in their teaching activity.

**Appendix Three: Research Degree Supervision**

Section 16 of the current local agreement reads as follows:

*16.1 Each full-time candidate for a research degree should be entitled to a minimum of one hour's individual supervisor time per week for 45 weeks of the year; each part-time candidate should be entitled to a minimum of ½ hour per week for 45 weeks of the year. The precise timings for delivery of such supervision should be agreed by mutual consent and will need to be such as to meet the needs of students and supervisors e.g. a part-time student might see supervisors once every two or three weeks etc. or a student might see two supervisors simultaneously.*

*16.2. The minimum 45 hours contact allocated to a research student will normally be spread throughout the calendar year, which includes 34 teaching weeks. Heads of department are responsible for ensuring that, for each full-time research student, an absolute minimum of 34 teaching hours is agreed upon in the allocation of duties to staff (either to an individual supervisor or shared), and a minimum of a further 11 hours is clearly recognised in the allocation of the remaining individual or departmental staff resources. As a general rule, the 11 hours should be offset against a lecturer's teaching related and administrative duties rather than research activity. Heads of department are responsible for establishing a system which provides supervisors with sufficient time to honour students' entitlements, and ensures that there is no erosion of existing good practice. It will therefore remain possible for heads of department to increase the above allocation of time, but not to reduce them.*

**Note:**

It is noted that since the instigation of the current local agreement the University's standard number of teaching weeks has reduced from 34 to 30 weeks.

#### **APPENDIX FOUR: Allocation of additional Research Time.**

During 2014-15 there will be further discussion of the principles and processes for the allocation of additional research time (above the 320 hours).

The starting point for these discussions will be that both the University and UCU share a common strong commitment to increasing the quantity and quality of the University's research activity and output.

In considering the appropriateness of principles and processes the following factors will be among those to be taken into account:-

- The requirements of the Research Excellence Framework (or any comparable national research assessment exercise which determines the allocation of research funding).
- The bidding for, and delivery of, externally funded research grants and contracts.
- The diverse research practices and staff expertise relating to individual academic and professional subjects.
- The development of inter-disciplinary knowledge.
- The development of research and scholarship through team working – both within and without the University.
- The testing of significantly new research methods or topics.
- The individual career path or aspirations of the individual lecturer (e.g. where a potential transfer into a new subject discipline is being contemplated).
- The pursuit of pedagogic scholarship and research.

The dual ambition will be:

- to find an appropriate mechanism through which all lecturing staff can expect a routine but non-obligatory allocation of additional research time over an appropriate timeframe, in the form (for example) of sabbatical leave, for identified research projects with quantifiable outcomes;
- to move, without mandatory constraints, to a continually increasing proportion of academic staff who are research active (including but not defined as REFable or REF-submitted).



<http://www.uio.no/english/for-employees/employment/working-hours-and-absence/working-hours/academic-employees.html>

## Working hours for academic employees

Academic employees have the same working hours all year: 37.5 hours per week

### Content

- [Exceptions from ordinary working hours regulations](#)
- [Normal working hours](#)
- [Teaching](#)
- [Presence at work](#)
- [Normal distribution of tasks for research and teaching personnel](#)
- [Work duty account](#)

### Exceptions from ordinary working hours regulations

As a main rule, employees in scientific positions are regarded as occupying “particularly independent posts”, cf. section 10-12, second paragraph of the Norwegian Working Environment Act and section 13 no. 4 of the Basic Collective Agreement. This applies to posts such as lecturer, associate professor, professor, researcher, post-doctoral research fellow, scholarship holder and specialist graduate. As an automatic consequence of the above, these employees will not be governed by normal working hours regulations. More detailed information is provided in the guidelines for [Regulation of Working Hours for Employees in Scientific Posts at the University of Oslo](#).

### Normal working hours

Academic employees have the same working hours all year, and the 30-minute lunch break is unpaid and comes in addition to the 37.5 hours a week.

### Teaching

Teaching is to be carried out during the normal working hours unless the nature of the teaching means that it has to take place at other times. In such cases, the employer may order an individual employee to provide teaching, for example in the case of higher and further education whose target group is people who are working full-time. Other working-hour schemes may be agreed on within the frameworks of [§7, no. 8 of the Basic Collective Agreement \(lovdata.no \(in Norwegian\)\)](#) and [section 10-5 of the Working Environment Act \(pdf\) \(arbeidstilsynet.no\)](#).

### Presence at work

All employees of the University of Oslo are to be present in the workplace during working hours unless professional or other grounds mean that the work has to take place elsewhere. In such cases, this is to be pursuant to the consent of the unit’s management and in accordance with the prevailing rules governing absences.

## Normal distribution of tasks for research and teaching personnel

It is assumed that the local employer will follow up the individual employee and that plans and documentation exist for both the unit's and the individual's activities.

Refer to [Guidelines for the normal distribution of work obligations during working hours for combined research and teaching positions](#)

According to the guidelines, the starting point is a normal 50/50 distribution between research and teaching over time within the frameworks applicable to the individual department, and as a rule the equivalent for the individual member of the research staff.

For a university lecturer with and without promotion to an associate professor, the working hours are normally to be distributed as follows:

- 75 per cent spent on teaching assignments
- 15 per cent spent on professional development work
- 10 per cent spent on administration

The distribution stated in the [Regulations concerning terms and conditions of employment for the posts of post-doctoral research fellow, research fellow, research assistant and resident](#) applies to recruitment and education jobs.

## Work duty account

Different regulations pertain to the work duty account at the various faculties and departments, [see overview](#).

\*\*\*\*\*

<http://www.uio.no/english/about/regulations/personnel/academic/>

## Regulation of working hours for employees in scientific posts at the University of Oslo

Stipulated by the University Rector 12 February, 2010

### Content

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## PART 1 NORMAL WORKING HOURS

### Item 1.1 Posts which are normally “particularly independent” in legal terms

Research demands a high degree of individual independence when organising the working day. This is difficult to combine with ordinary regulation of working hours. Many of the University employees will therefore come under the legal and collective agreement based term “*particularly independent post*”. In principle, an individual assessment is required to determine whether an employee falls into this category or not. However, it is also possible to simultaneously assess several employees with the same types of assignment. The criteria for assessment are presented in item 1.3 of these guidelines.

Employees whose work represents around 50% research in addition to other independent assignments, such as preparing classes, are in the main in charge of organising their working day. On this basis, the following categories at the University of Oslo are regarded as a rule as “particularly independent posts”, cf. section 10-12, second paragraph of the Norwegian Working Environment Act and section 13 no. 4 of the Basic Collective Agreement.

Lecturer	SKO 1010
Associate professor	SKO 1011
Professor	SKO 1011
Professor	SKO 1404
Researcher	SKO 1108
Researcher	SKO 1109
Researcher	SKO 1110
Researcher	SKO 1183

The same applies to educational posts where the main purpose is formal qualification and which comprise a minor volume of obligatory work;

Post-doctoral research fellow	SKO 1532
Scholarship holder	SKO 1017 and SKO 1378
Specialist graduate	SKO 1476

Employees in these posts normally have a clear and obvious independence as to how and when their work is organised and executed. Unless the employer confirms in writing that a specific employee is not covered by this rule, employees in the above-mentioned position categories are legally regarded as particularly independent.

### Item 1.2 Posts which require specific assessment

For employees in the following categories, the nature of assignments and organisation of work may vary:

Associate professor	SKO 1198
University lecturer	SKO 1009
Instructor, dental studies	SKO 1015 and SKO 1353
Specialist dentist	SKO 1016
Scientific assistant	SKO 1018, SKO 1019 and SKO 1020

An assessment of whether the individual employees in the above-mentioned categories are covered by the legal term "*particular independence*" has to be carried out by a local supervisor based on specific circumstances. This assessment shall be based on the criteria specified in item 1.3 of these guidelines.

If the assessment concludes that the employee cannot be regarded as “particularly independent”, then he/she will be subject to the normal regulation of working hours pursuant to the Norwegian Working Environment Act, supplemented by the provisions of the Basic Collective Agreement. This includes the requirement in section 10-7 of the Working Environment Act which states that: “*An account shall be kept of the hours worked by each employee.*” If the employee is permitted to freely choose his or her working hours, then he/she must record the hours worked every day on a continuous basis. This record of working hours shall be made accessible to the employee’s supervisor.

### **Item 1.3 Criteria for individual assessment**

Individual assessments shall be based on typical characteristics for the different categories of positions. As such, an individual element can be linked to variations in the actual working situation for each employee, viewed in light of type criteria for the category in question.

The Working Environment Act and the Basic Collective Agreement are, in principle, co-independent also in terms of the definition of "*particular independence*". However, there are no real circumstances which require a different interpretation of the legal term than that stated in the Basic Collective Agreement. The University of Oslo therefore bases its interpretation on joint criteria. Whether employees are covered by the legal term “*particular independence*” must be determined according to the degree to which they themselves:

- control their own working hours
- prioritise their own assignments
- decide what has to be done
- decide how the work is to be executed
- decide when the work is to be executed

If the major share of the work is controlled by the employee, then the employee can legally be defined as particularly independent. If, however, the dominant share of the work is governed by the employer, the term "*particular independence*" cannot be applied. For such

individual assessment, it is thus the degree of “constraint” versus the degree of “freedom” when organising the working day and assignments which is of interest.

Scientific work is mainly independently initiated, and characteristics of particular independence are that the work is distinguishable by:

- professional freedom to choose research-related issues, methods and the like
- freedom to publish research-based work, scientific articles, specialised books or other method of communication
- independent educational activity, such as professional preparation of classes, guidance for graduates, planning courses, compiling textbooks
- independent professional input to public research work, media or other types of social contribution
- freedom to plan activities in other locations than the normal workplace, such as field work, observations, interviews, studies in archives/libraries
- the employee’s working hours during such processes can be difficult to control, as the employer does not have specialised professional expertise to check how much time is needed to complete an assignment

Examples of questions which may help assess whether a position is covered by the term "*particular independence*":

- **To what extent are the employee’s working hours governed by the decisions of others?** If the extent is relatively small, then the employee is most probably particularly independent. This will typically be cases where a scientific employee may have from 260-300 obligatory hours of teaching per year or less, taking into consideration that a number of these hours may represent guidance which is not governed according to time or location.
- **To what extent can the employee choose assignments and working methods?** This item may also include the extent to which the employee is free to *prioritise* assignments and working hours. The more freedom the employee has, the more likely he/she is to be particularly independent. This issue must be considered in relation to the extent of freedom when *executing* the work. An assignment may be given for example as a subject for a dissertation or as a part of a project, but this is not decisive if the employee has the freedom to control the execution of the work in terms of subject and time.
- **Who has the professional expertise and opportunity to assess how much time is required to execute the work in a scientifically proper way and with good results?** The more this is true of the employee, the stronger the case for the employee being in a "*particularly independent post*".
- **To what extent are stringent limits on scope and allotment of working hours compatible with executing the assignments in question?** In cases where stringent limits would make it difficult for the employee to perform the assignment, there is a stronger case for stating that the employee has a "*particularly independent post*".
- **To what extent is it practically possible to keep a secure check and record of working hours?** The more difficult this is, the stronger case there is for the post being "*particularly independent*".

#### Item 1.4 Legal impact of having a particularly independent post

The legal impact of having a “*particularly independent post*” is governed both by the Norwegian Working Environment Act and the Basic Collective Agreement.

The Act governs issues such as the scope of working hours, allotment of working hours and the requirement for a record of hours worked. Employees in particularly independent posts will automatically be excluded from these working hour regulations, with the exception of section 10-2, first, second and fourth paragraphs (respectively the requirement that employees are not exposed to adverse physical or mental strain, the right to exemption from working at night and the right to reduced working hours).

The legal limits for scope and location of working hours therefore does not apply to these employees. Neither does the requirement in section 10-7 regarding keeping an account of hours worked. Consequently, there is no legal obligation to record normal working hours for employees covered by the legal term “*particularly independent*”.

The limits of the Basic Collective Agreement for working hours will however apply, irrespective of whether the employee is exempt from the provisions of the Working Environment Act. The employee has the right to limit active working hours to 37.5 hours per week in a full-time position, cf. section 7 no. 1 of the Basic Collective Agreement.

The Basic Collective Agreement requires that working hours, where possible, shall be organised in the period of time between 07.00 and 17.00, from Monday to Friday. However, this must be seen as a reference to the working hours governed by others than the employee him/herself, for example, class times stipulated by the employer. Furthermore, particularly independent employees in principal determine the allotment of the “free” share of their working hours.

The employee is otherwise obliged to comply with class times, project participation, meetings and other activities where the timing is governed by the employer.

The Basic Collective Agreement also includes special exemptions for particularly independent employees. However, as opposed to the Working Environment Act, the function of this exemption is to regulate the issue of economic compensation. The provisions in question here are in section 8 no. 6 regarding compensation for travel abroad, section 13 no. 4 regarding compensation for overtime, section 15 no. 7 regarding work at nights, on Saturdays and Sundays etc. and section 16 no. 3 regarding weekends and public holidays.

The limits for overtime are described in detail in part 2 of these guidelines. Any exemptions according to the other provisions mentioned require separate agreement locally, which the University of Oslo does not have. However, employees do not have the right, without the prior consent of the employer, to organise normal working hours during periods which represent a claim for increased salary according to the provision regarding travel, work at nights, on Saturdays and Sundays and work at weekends and on public holidays.

For individual contracts of employment, confirmation is required that the employee occupies a particularly independent post, with reference to the limits on working hours stipulated by the administrative guidelines regarding “Regulation of working hours for employees in scientific positions at the University of Oslo”.

## **PART 2 OVERTIME**

Overtime limits are stipulated in section 10-6 of the Working Environment Act and section 13 of the Basic Collective Agreement.

### **Item 2.1 General requirements regarding overtime**

Section 13 no. 1 of the Basic Collective Agreement states that "Overtime work shall be compulsory and controllable, and shall be limited pursuant to the requirements of the Working Environment Act." The Working Environment Act, section 10-6 first paragraph states that "*Work in excess of agreed working hours must not take place except in cases when there is an exceptional and time-limited need for it.*"

Irrespective of working hour arrangements and whether the employee occupies a particularly independent post, the general condition is that:

- overtime may only be ordered in the case of exceptional needs, i.e. cannot be utilised to cover permanent requirement for manpower
- overtime shall be explicitly ordered by a superior officer, who must also be able to control and confirm that the overtime work has been executed.

### **Item 2.2 Overtime within normal working hours regulation**

For employees who are covered by ordinary working hours regulation (i.e. who are not in "particularly independent posts") the limits for daily, weekly and annual overtime are stipulated in section 10-6 of the Working Environment Act. Overtime work must not exceed ten hours per seven days, 25 hours per four consecutive weeks or 200 hours during a period of 52 weeks.

The Act operates with a 40-hour week, while governmental employees have working hours of 37.5 hours per week, as stipulated by tariff. This implies that the weekly limits for overtime may be extended by 2.5 hours. However, this does not automatically imply that employees can annually work 130 hours of overtime in addition to the limit of 200 hours, i.e. "saving" an extra quota. An extended quota only applies on a weekly basis, i.e. the difference between 40 and 37.5 hours. The annual number of "extra hours" will therefore be determined by the actual weekly overtime for the individual employee.

Total working hours (normal working hours and overtime) must not exceed 13 hours per 24 hours. Exemptions may be permitted from the outer limits for overtime by way of agreement with the employee representative or upon approval from the Labour Inspection Authority, cf. section 10-6 of the Working Environment Act.

### **Item 2.3 Overtime when in a particularly independent post**

Employees occupying particularly independent posts are exempt from ordinary overtime limits, cf. section 13 no. 4 of the Basic Collective Agreement.

Employees in particularly independent posts do not as a rule have the right to overtime payment as they mainly control their own working hours. However, as an exception, they do have the right to compensation for overtime of up to 300 hours per calendar year pursuant to section 13 no. 4, litra c of the Basic Collective Agreement. This is conditional upon the overtime work being ordered by a superior officer who is also able to carry out the required

level of control of the overtime work. The requirement for control also includes the responsibility to confirm that normal working obligations pursuant to the contract of employment have been fulfilled. The decisive issue here is that the employee has a superior officer with a genuine capacity to judge the actual requirement for overtime and to control and confirm that the overtime work has been executed.

The right pursuant to the Working Environment Act to extend the limits for overtime upon agreement with an employee representative or upon approval by the Labour Inspection Authority does not apply, as these employees are exempt from section 10 of the Act. The limit of 300 hours is therefore absolute.

#### **Item 2.4 Payment for overtime**

Employees who work overtime are responsible for recording the time overtime work started and ended and for submitting documentation to their superior officer.

For all work ordered outside of normal working hours, the employer is obliged to pay remuneration according to the tariff stipulated in section 13 no. 2 of the Basic Collective Agreement and according to the employee's reciprocal legal claim. The prevailing rate is 50% supplement to the hourly rate up to 20.00 and 100% after this time and on Saturdays/Sundays.

On individual agreement between the employer and employee, an exactly equivalent number of hours may be taken off in lieu of overtime worked, cf. section 16 no. 2 of the Basic Collective Agreement. In addition to time off in lieu, the employee is entitled to be paid the difference between ordinary pay and overtime pay.

The University of Oslo is an institution and the limits for overtime therefore apply irrespective of whether the employee works across a number of internal organisational boundaries. The rates for overtime pay therefore apply when the employee is ordered to execute extra assignments outside of normal working obligations by other University units than the employee's own place of service.

### **PART 3 REPORTING ABSENCE**

All employees are obliged to report absence during working hours, for example:

- Sick leave in the form of self-certified sick leave or a doctor's certificate, within the limits stipulated in the National Insurance Act and the University of Oslo's inclusive workplace (IA) agreement.
- When taking agreed holidays in accordance with the provisions of the Holiday
- Occupational travel, participation in seminars outside the University of Oslo or other forms of transferring activities to other locations than the normal workplace.
- Taking time off in lieu of overtime or extra hours when working a flexitime scheme.
- Absence due to leave granted.
- Other forms of absence during working hours.

The employee is responsible for reporting absence as mentioned above to his/her superior officer, via self-registration according to the procedures established at the employee's workplace.

## UNSW Art & Design Academic Workload Guidelines and Procedures

<b>Associated UNSW Policy &amp; Guidelines</b>	UNSW (Academic Staff) Enterprise Agreement 2011 <a href="http://www.hr.unsw.edu.au/services/indrel/UNSW_Academic_Staff_Enterprise_Agreement_2011.pdf">http://www.hr.unsw.edu.au/services/indrel/UNSW_Academic_Staff_Enterprise_Agreement_2011.pdf</a>
<b>Approving Authorities</b>	Faculty Standing Committee, 13 November 2013 (First Approved) This Version to be submitted for approval on 19 November 2014
<b>Effective Date</b>	January 2 <sup>nd</sup> , 2015
<b>Contact Officer</b>	Deputy Dean & Head of School (DDHoS) ddhos.artdesign@unsw.edu.au
<b>Version</b>	2.4 (19 November 2014)

### PURPOSE

The purpose of the UNSW Art & Design Workloads Guidelines and Procedures is to ensure that the distribution of work activities between academic staff of the Faculty is equitable and transparent.

### ASSUMPTIONS

- Consistent with the Academic Staff Enterprise Agreement (2011)
- Does not apply to casual employees
- Pro rata for fractional appointments
- The allocated teaching duties to an employee may ebb and flow over the course of a year
- Where an agreement has been made in accordance with clause (c) of Schedule 3 of the UNSW (Academic Staff) Enterprise Agreement (2011) for an employee to perform a predominantly teaching role for a defined period, the maximum teaching contact hours may be exceeded on a proportional basis.
- Overseas teaching will only be allocated to an employee with their agreement, and with the approval of the relevant authority.
- Academic staff will teach in no more than two teaching sessions per year in any 12-month period. (Where an employee agrees to teach in more than two sessions, compensation through workload allocation or salary will be provided to the employee)
- There are two (2) 12 week academic Semesters in the year
- Programs are made up of Courses; and Courses are made up of Classes (hierarchy from top to bottom is Programs > Courses > Classes).

### NOTIONAL HOURS OF WORK PER ANNUM

The normal workload for an academic in the Faculty is: **40% Teaching, 40% Research** and **20% Engagement & Leadership**. All academic staff on fixed term/continuing contracts will be expected to be active in teaching, research, university administration and community engagement.

### QUANTIFIABLE MAXIMUM ON REQUIRED WORKLOAD

The relevant quantifiable maximums for academics are as follows:

Total maximum workload = **1610 hours** (46 weeks x 35hrs) (notional 35hr per week)

**REVIEW:** The workload guidelines from 2013 have been reviewed at the end of the first year of operation in 2014 in version 2.1. Further amendments were made in version 2.2 following suggestions from academic staff. Any further proposed changes to these guidelines will be circulated for discussion with academic staff and approved at the Faculty Board, or its equivalent on an annual basis.

**NOTE: Professional experience** workload is not quantified in this document and is expected to be determined in discussion with the Deputy Dean & Head of School (DDHoS) as some degrees have courses in professional experience currently under development or revision.

## 1. TEACHING = 40%; 644 HOURS PA

Majority normally takes place within the two 12 week academic Semesters.

*Definition: Contact or face-to-face hours*

Face to face teaching is defined as including: postgraduate coursework teaching, undergraduate coursework teaching, Higher Degree Research supervision (PhD, Masters by Research, MPhil) and Honours student supervision.

### A. Course Teaching Allocations

It is expected that academics will normally undertake at least one core course in each semester. As an indicator of workload, a full time staff member will teach between 2 and 5 courses per semester. All staff will be responsible for the full range of teaching duties, that is, teaching, course convening, consultation and marking.

Teaching for UNSW Art & Design fall into three formats, and are specified in the course outline:

#### **Lecturing/Tutoring**

**Studio** (and within the Studio format, there is an online/blended 'mode')

**Other** (for fieldwork and/or intensive modes, and blended/online learning)

Format	Activity (as defined in 2011 Academic Staff Enterprise Agreement)	Definition	Global Assumptions
<b>Lecture/ tutorial</b>	Lecture	A formal and direct delivery of information for an extended period (e.g., 50mins) to a large group of students	3 weighted hours per timetabled hour for first class Repeat lectures: 2 hours per timetabled hour
	Tutorial	Supplementary form of education delivery where matters already introduced are discussed. Conducted in a more informal group than a lecture to enable effective student participation	2 weighted hours per timetabled hour for first class Repeat tutorials: 1 hour per timetabled hour (that is, the delivery hour is the only hour of allocation)
<b>Studio</b>	Lecture	A formal and direct delivery of information for an extended period (e.g., 50mins) to a large group of students	3 weighted hours per timetabled hour for first class Repeat lectures: 2 hours per timetabled hour
	Demonstration	Supplementary form of education delivery where matters already introduced are developed through studio sessions, practical classes, and concept labs where students are supported in their work	1 hour per timetabled hour (that is, the delivery hour is the only hour of allocation)
<b>Other</b>	Fieldwork and/or intensive modes of delivery	Delivery of a 6 credit point course involving fieldwork and/or intensive	Calculation as for Studio with final total assessed by DDHoS
	Online and blended learning modes	Delivery of a 6 credit point course where $\geq 30\%$ of teaching activity is online/blended	1 additional weighted hour of student contact time

Lecturing/tutoring Format (first class without any repeats):

Lectures will be 1 hour duration, followed by tutorial/s of 2 hours duration – weighted as:

Lecture: for every 1 hour of delivery, an additional 2 hours preparation (totalling 3 weighted hours)

Tutorial: for every 1 hour of delivery, an additional 1 hour of preparation (totalling 2 weighted hours)

(note: a tutorial is normally of 2 hours duration, therefore totalling 4 weighted hours)

Therefore, 3 hours face-to-face teaching has a MAXIMUM TOTAL = 7 WEIGHTED HOURS

(Note: repeats attract a lesser workload weight, as noted in above table.)

Studio Format:

Studio will be 3 hours in duration – weighted as:

Lecture has 1 of delivery, plus up to 2 hours preparation (totalling 3 weighted hours)

Demonstration has 1 hour of delivery only for each demonstration hour that is run (maximum 2)

Therefore, 3 hours face-to-face teaching has a MAXIMUM TOTAL = 5 WEIGHTED HOURS

*Online and blended learning mode (>30% of activity is online and/or blended online & standard):*

MAXIMUM TOTAL for online/blended learning = 6 weighted hours

Other:

Reserved only for fieldwork and/or intensive modes of delivery, weightings are as for Studio with final total assessed by DDHoS.

Notes:

Staff wanting to undertake longer lectures, tutorials or studios are welcome to do so, however note only the above weightings will be used in workload calculations.

When a permanent/fixed term staff member gives a lecture for another member of permanent staff (or the same occurs between a permanent/fixed term and currently contracted casual staff member), this should be performed as a direct swap. Where swaps do not occur, and the same permanent/fixed term lecturer delivers three or more lectures into another's course, the allocation for the teaching will be split between the two lecturers proportionally.

Where a casual staff member agrees to give a lecture/s in addition to that for which they are currently contracted, and a swap is not possible, the same process as for external guests (described in next paragraph) applies – that is, the lecture/s must be approved in advance as payment is required.

External guest lecturers, defined as those requiring payment for their lecture/s, are called for before semester starts, and are approved in advance by the DDHoS. The approved external guests lecturer list will be confirmed directly after census date.

There are three rates of pay for external guest lectures, outlined in the Enterprise Agreement, Schedule 2 'Academic Salary Rates'. These are:

1c Rate: will normally be used in nearly all cases; if followed by a repeat, Rate 1d applies);

1b Rate: will be used very occasionally and where a case of 'special expertise' is made and approved by the DDHoS (it is expected this will involve expertise not otherwise available within the School);

1a Rate: reserved only for a distinguished external guest, approved in advance by DDHoS; the guest should be well regarded at least at the national level in their field.

## B. Course Convenor Allocations

Convening is the ‘assembly’ of a course, the where and when of how it happens. Note that convening is about courses, not *classes*.

### B.1: Courses that one teaches oneself:

If one is teaching a course, one is by definition also convening it; the weighted hours above for lecturing and tutoring, or demonstration, accommodate this responsibility. Therefore, a separate convening allowance is not applied, nor does the EFTSL of the course/s count towards the convening threshold (see B.2). However, when a single course spawns *nine or more tutorial groups*, a bespoke workload adjustment will be made by negotiation with the DDHoS in relation to overall workload.

### B.2: Courses that one teaches oneself but that others also teach into; and/or courses one convenes, but does not teach into:

The combined EFTSL from these courses is added together and is applied towards reaching the minimum EFTSL (12.5) for a convening allowance to be applied.

### *How to calculate EFTSL:*

EFTSL is calculated as follows: headcount per course divided by 8 (because our students do 8 courses per year; although workload is calculated on a semester basis, the university plans around annual EFTSL). EFTSL calculations will be taken on current enrolments and their projections when workload is assigned, and recalibrated after census date; if adjustments are to be made to workload due to change in EFTSL (e.g., because the EFTSL has dropped), they will occur in the following semester if possible, if not, within the following year (and if necessary, across three years).

Course Convenor Allocation Table:

Total EFTSL per semester	Weighted Hours (per semester)
51 or more	150
26 – 50	75
12.5 – 25	60

*Example 1: a staff member is wholly teaching 3 courses in Sem 1, for which she receives no convening allowance. However, she is convening a further 2 courses, one of which has 10 EFTSL, one of which has 13 EFTSL. Referring to the table above, she is convening 23 EFTSL, so receives 60 workload hours for convening the 2 courses.*

*Example 2: a staff member is wholly teaching 1 course in Sem 1, for which he receives no convening allowance. However, he is teaching a further 3 courses, one of which has 10 EFTSL, one of which has 12 EFTSL, and one of which has 7 EFTSL. Each of these 3 courses has other staff (or casuals) teaching some of the tutorials, therefore the courses count towards the convening allowance. Referring to the table above, he is convening 29 EFTSL, so receives 75 workload hours for convening the 3 courses.*

*Example 3: a staff member is teaching 1 course in Sem 1, which has 71 EFTSL. This course will have at least 23 tutorials due to its size. Because the size of the course has spawned more than the 9 tutorial groups of the threshold, the lecturer will have a bespoke convening allowance.*

### C. HDR Supervision

Higher degree research supervision includes primary, secondary and joint supervision of higher degree research candidates, as well as the supervision of Honours students. Supervisors are also responsible for contributing to advisory panels, annual reviews, and research seminars.

In practice, supervision of research students is highly variable, is unlikely to be contained within a defined semester period and may overlap with research, making it difficult to define in guidelines for workloads. The following is provided as a general guide, and allocations can be further discussed where variations sometimes occur:

*All hourly allocations below are deemed to be face-to-face hours. HDR supervision may take place throughout the year.*

HDR Students	Hours per year per EFTSL		
	Primary Supervisor	Joint Supervisor	Secondary Supervisor
PhD	48	24	0
MRes	24	12	0
MPhil	24	12	0

Honours Students	Hours per year
Supervisor	18

All candidates must have 2 nominated Supervisors. A secondary supervisor may be asked to cover for a primary supervisor in cases of absence. Joint supervisors equally share responsibility for the candidate. Please find the UNSW joint supervision policy and definition at:

<http://www.gs.unsw.edu.au/policy/documents/hdrs supervision policy.pdf>

3.5 Joint supervisors: Two joint supervisors who take equal responsibility for the research may be appointed when there is a formal equal collaboration and sharing of resources to support the candidature; or where the student is working in a multi-disciplinary project and there are supervisors with expertise in the different aspects of the project in the same school.

#### *Joint supervisors:*

- a) will take equal responsibility for the research program and direction; and
- b) must ensure that one of the two meets the criteria for appointment as primary supervisor outlined in Section 3.6 and that this supervisor is designated as the administrative contact for the Graduate Research School. The location of this supervisor will dictate the School and Faculty through which the academic decisions are made on candidature via the relevant Faculty Higher Degree Committee.

### D. Research Papers

As part of some coursework programs, research supervision and marking are required for each enrolled student in research paper-type courses. The allocation for this is equivalent to Honours, at 9 hours per semester.

## **2. RESEARCH = 40%; 644 Hours**

*Normally takes place across the whole working year.*

It is anticipated that academic staff develop their annual research programs and present these for discussion during the Performance Development process. For clarity regarding what is expected in terms of research for each level of academic appointment, refer to the UNSW Position Classification Standards in Schedule 4 of the Enterprise Agreement 2011:

<https://www.hr.unsw.edu.au/services/indrel/acadea2006.html>

In addition, succinct reference to expectations at each appointment level can be found in the UNSW policy that is used as a guide in determining suitable criterion for the filling of academic positions:

<https://www.hr.unsw.edu.au/employee/acad/criteria.html>

Information on your research activity and outputs is collected by UNSW and reviewed by the Faculty. Through your Performance Development meeting, you may have been advised that you need to consider your research activity and generation of outputs carefully in order to maintain 40% of your workload being allocated to research, and/or you may have been identified as 'research inactive'. Note that the 40/40/20 split is the 'default' arrangement of your workload, but it is possible to rebalance the teaching/research proportions, including to replace research with teaching in your workload and thereby convert your position (even if only for an agreed period) to 'teaching intensive'. If this option is of interest to you as a way of releasing pressure on the need to perform research as well as teaching duties, please discuss it with the DDHoS.

## **3. ENGAGEMENT & LEADERSHIP = 20%; 322 Hours**

*Normally takes place across the whole working year.*

*Previously called Service, Institution Building and Administration.*

All academic members of staff are expected to take an active role in the decision-making and administrative processes of the Faculty, consistent with experience and seniority. As described by UNSW, regular participation at School and Faculty meetings, events, graduations, functions, seminars, symposiums and so on is an expectation of all full-time academic staff. Where staff undertake training this may be considered as engagement in developing their teaching and research skills, which can also enhance their leadership capabilities.

It is anticipated that academic staff agree their upcoming annual engagement and leadership workload during the Performance Development process. This also gives an opportunity to report on the year's outcomes, and to highlight individual achievements and initiatives in the engagement and leadership areas.

Academic Staff are expected to undertake key administrative roles and contribute to the Committees, Working Parties and organisation of the Faculty as well as engaging in external and internal professional work. Defining the many and varied aspects of engagement and leadership can, in part, be framed around the established UNSW categories:

- Contribution to governance, strategic direction and planning, capacity building and/or development of inclusive cultures within UNSW. This contribution is expected of all academics.
- Community engagement through significant contributions to the Australian, global or business and government communities or through building partnerships with the community.

- Contribution to the profession and or discipline through engagement in the governance of professional bodies; editing, refereeing, evaluation of research or other activities and/or through contribution of professional or disciplinary expertise to the community.
- Knowledge Transfer and Policy Development.
- Thought leadership through engaging with wider society, reinforcing the role of the university in critical public debate.

## OTHER INFORMATION

### Overloaded teaching:

In the event of a staff member doing significantly more than 40% of their total load in teaching in one year, correction in the following year, with averaging over three years, will aim to compensate for this and totals adjusted where required. Workload percentages (rather than hour calculations) will be used in the adjustment.

### SSP or Internal Release:

SSP and internal release procedures will be implemented following UNSW guidelines.

### Process for individual academics to discuss and/or appeal workload:

Every member of academic staff will have the opportunity to discuss their workload allocation with the DDHoS. The DDHoS will also confer with the Program Directors on staff workloads and work distribution between permanent and casual staff.

The Enterprise Agreement, allows that an employee may seek to have their workload reviewed by raising the matter first through normal University channels and, if unresolved, the matter can be further reviewed by a committee comprising: (i) another academic employee of the University nominated by the employee, or by the employee's designated representative; (ii) the Deputy Vice-Chancellor; and (iii) the President of the Academic Board.

### Process for Allocation of Teaching:

The staff workload allocation will be drafted following the close of Term Planning in the proceeding year. Key managerial/administrative roles will be negotiated towards the end of each year, between October and December.

## **School of Humanities and Languages**

### **Workload Formula**

The newly formed School of Humanities and Languages has set up a working party (WP) to devise a school workload formula. The WP was chaired by Professor Sandra Hale and comprised the following members: Professor Vanessa Lemm (HOS), Dr James Lee (DHO), Dr Shawn Ross (DHO), Associate Professor Anne O'Brien, Dr Michaelis Michael, Dr Tony Coronas, Dr Zora Simic, Dr Yi Zheng, with the professional assistance of Lois Cleal and Samuel Russell.

The WP met three times and after reviewing workload policies from three other FASS schools and from another university, much discussion and consultation with various parties, produced two models which were presented to the school at a general school meeting on Tuesday 27<sup>th</sup> August, 12-2pm.

The school was given time to review the proposals and offer feedback via email to the Chair of the WP and later at a general school meeting. The email feedback was compiled by the Chair and distributed to the school prior to the general school meeting. All the minutes of the WP meetings, copies of the models from other schools, correspondence from the dean and the union and terms of reference from the school's implementation committee were also distributed to the school prior to the meeting. Further feedback was received at the school meeting. The feedback was considered in detail by the WP at a fourth meeting on 17/9/2013. Based on the feedback, the models were revised (see Attachment 2). The two revised models will be sent to the school with an accompanying calculator on 25/9/2013 for staff to try both models and make an informed decision when asked to vote. The models will be put to a vote on 1/10/2013. The poll will close on 10/10/2013. If one model receives 75% of the vote from 90% of the staff who are currently not on leave, that model will be adopted. If no model receives 75% of the vote, the model with the highest number of votes will be presented for a second vote. The second poll will be open from 11/10/2013 to 15/10/2013. The results will be announced on 18/10/2013 and the winning model will be implemented in 2014 for a trial period of one year. The model will be reviewed at the end of the year.

## General principles and clarifications applying to both models

### *General principles*

- The purpose of the School of Humanities and Languages' Workload Formula is to distribute workload in a manner which is **fair** and **transparent** and which ensures that all School of Humanities and Languages academic staff are treated **equitably**.
- The workload allocation will be leave neutral. The type of leave will determine how the workload allocation will be affected. For Long Service Leave, the number of days of LSL will be deducted from the total maximum workload (1610hrs). Academic staff on Special Study Program or Internal Release will be allocated 805 hours to cover their period of leave. This means that they will be expected to work for 805 during the other semester of the year in which they take their SSP/IR leave. If it is impossible for them to cover 50% of their workload in one semester, the hours can be averaged out over a three year period.
- The workload allocation will be budget neutral. This means that staff will not be required to work over their maximum workload if there are budget shortfalls.
- The workload allocation will be transparent – i.e all staff workloads will be made public to all members of the school
- The Workload Formula will cover workload over an average of three years with a plus/minus 10% margin.
- The relevant quantifiable maxima for the School of Humanities and Languages are as follows (see Attachment 1):
  - Total maximum workload = 1610hrs (46 weeks x 35hrs; excluding public holidays and annual leave).
  - Total maximum face-to-face teaching hours = 13 hours per semester.
- The relevant quantifiable minimum for the School of Humanities and Languages is:
  - Total minimum face-to-face teaching hours = 4 hours per semester (can be averaged out over three years)
- Research calculations will be based on the previous complete triennium as per current UNSW Research Active Policy - e.g for a 2014 workload allocation, research output from 2010, 2011 and 2012 will be counted.
- Teaching and service workload will be calculated for the coming triennium – e.g. for a 2014 workload allocation, teaching and service will be calculated for 2014, 2015 and 2016. The required hours will have to average out over three years (plus or minus 10%). This means that a staff member may have a lighter teaching load in 2014 but a heavier one in 2015 and 2016, for example.
- Teaching only staff must complete 100% in learning & teaching and service.
- Research only staff must complete 100% in research.
- Each member of staff will enter their workload on a spreadsheet calculator prepared by the Workload committee.

- The workload allocation document will be completed at the time of term planning for the next semester, and revised after Census date, once student numbers are confirmed.

### ***Clarifications on Learning and Teaching***

- Undergraduate and Postgraduate teaching are treated equally.
- Postgraduate diploma (research) is equivalent to Honours.
- Japanese Teaching Practicum is treated as a course.
- Online components (e.g. quizzes, extensive use of Moodle) receive no extra workload allocation.
- Total number of teaching hours are to be entered in the calculator. For e.g. where a staff member teaches a 1 hr lecture over 12 weeks, 12 hours should be entered.
- “Team teaching” does not attract double workload allocation. For example, where two staff members teach one lecture together as a team at the same time, they will need to split the workload allocation. Where two staff members share the delivery of a course, then each will receive an allocation for the relevant number of hours taught. For example, where two members of staff teach 6 weeks each of a 1 hr lecture, each will claim 6 hours on their workload.
- Where member of staff share the marking, their allocation will be calculated according to the percentage of their share. For example, if the course coordinator marks only one assessment task worth 50%, s/he will be allocated 30 an hour per student for marking on their workload.
- Annual progress reviews for HDR students and internal thesis marking for Honours’ students forms part of the duties undertaken by supervisors.
- External thesis supervision and thesis marking falls within the 5% general Service allocation.

### **General timeline and procedure**

#### **2013**

- October – School of Humanities and Languages academic staff will enter their workload on a spreadsheet calculator provided by the Workload Working Party. The spreadsheet will be filled out in consultation with the relevant major stream or program convenor.
- November – Academic staff workloads will be approved by the Head of School or nominee.
- December – Academic staff workload allocations will be published annually on the HAL shared school drive to ensure transparency and equity within the School.
- March (Census date for semester 1) – workloads will be adjusted according to student numbers.

- August (Census date for semester 2) – workloads will be adjusted according to student numbers

### **2014 onwards**

- July – School of Humanities and Languages academic staff will enter their workload on a spreadsheet calculator provided by the Workload Working Party. The spreadsheet will be filled out in consultation with the relevant major stream or program convenor.
- August – Academic staff workloads will be approved by the Head of School or nominee.
- September – Academic staff workload allocations will be published annually on the HAL shared school drive to ensure transparency and equity within the School.
- March (Census date for semester 1) – workloads will be adjusted according to student numbers.
- August (Census date for semester 2) – workloads will be adjusted according to student numbers

### **Review**

The School of Humanities and Languages' Workload Formula will be reviewed by the Workload Working Party at the end of 2014 based on feedback from all academic staff.

**ATTACHMENT 1**

Table 1: Staff working time

<b>Weeks per year</b>	<b>Annual leave</b>	<b>Hours per week</b>	<b>Total annual workload hours</b>
50	4	35	1610

Table 2: Nominal maxima and minima

<b>Duty</b>	<b>Targets</b>	<b>Percentage</b>	<b>Hours per year</b>
<i>Learning and Teaching Activities</i>	Minimum	20%	322
	Nominal	40%	644
	Maximum	70%	1127
<i>Service</i>	Minimum	5%	81
	Nominal	20%	322
	Maximum	75%	1208
<i>Research</i>	Minimum	5%	81
	Nominal	40%	644
	Maximum	60%	966

Table 3: Face to face teaching parameters

<b>Target</b>	<b>Hours per week</b>
Minimum	4
Nominal	8
Maximum	13

## ATTACHMENT 2

### MODEL 1

The overarching principle of this model is that a standard workload allocation will constitute 40% learning and teaching (L&T) activities, 40% research activities and 20% service activities. All staff will be given a 20% allocation for service, where all roles will be rotated among staff equally (every two years for minor roles and every three years for major roles). This will mean that some staff will have lighter service roles during some years but heavier service roles during others. Research allocation will be fixed at 40% for all research active staff (according to the UNSW Research Active Policy). Learning & Teaching allocations be calculated according to staff members' assignments but must constitute 40% of their workload, which can be averaged out over three years.

Under this model, all staff must do 20% service, 40% teaching and 40% research averaged out over a triennium.

#### Learning & Teaching (L&T) (see attachment 3 for details)

- Maximum of 13 face-to-face teaching hours per week.

#### Service (see attachment 4 for details)

- Head of School receives a 75% service allocation.
- Deputy heads of school receive a 40% service allocation, which reduces their L&T to 20%.
- Staff with major service roles (i.e. PG Research coordinator, MAITS convenor, BA convenor and B. International Studies convenor) receive a 30% service allocation, which reduces their L&T to 30%.

#### Research

- Universal allocation of 40% for Research Active staff.
- Research inactive staff, Early Career Researchers and new academic staff receive 40% for up to two years after which they will need to devise a research plan with their supervisor/Head of School.

**MODEL 2**

The overarching principle of this model is that different staff members can choose to focus on different areas at different times of their career, and their workload allocation be calculated based on all three components, with all staff having to do a minimum 20% learning and teaching activities. All staff receive a base service allocation of 5% per year and a base research allocation of 15% over three years. High performing researchers can claim a maximum of 60% for research based on their output. Teaching and service can be offset with research output; research and teaching can be offset with service to the school, university and the profession; and research can be offset with teaching and service.

Learning & Teaching (see attachment 3 for details)

- Minimum 20%
- Maximum of 13 face-to-face teaching hours a week.

Service (see attachment 4 for details)

- 5% minimum allocated to all staff for attending school, faculty and university meetings, functions such as graduation ceremonies, open days, information days, etc. (see attachment 4 for details)
- 75% maximum service allocation for HOS
- 40% maximum service allocation for DHS
- 35% maximum service allocation for staff with major service roles (PG Research coordinator, MAITS convenor, BA convenor and B.Int. St. convenor)
- 30% maximum service allocation for all other staff.

**Clarifications on Service**

- Staff members who are convenors of committees will not count membership of that committee or of other related committees as additional allocations. For e.g. the Research convenor will receive an allocation of 20% which will cover her/his membership on the school and faculty research committees.
- Staff will receive extra workload allocation for attending external committees that are unrelated to their existing service roles.

Research (see attachment 5 for details)

- Universal allocation of 15% for all staff (over three years) to cover activities such as refereeing, serving on ARC related roles, mentoring, serving on academies, community engagement to disseminate research results, preparation of manuscripts for publication, etc.
- 10% additional allocation for two years for Early Career Researchers, new academic staff and research inactive staff.

- The rest of the allocation is calculated based on staff HERDC points over the past triennium. HERDC outputs include refereed publications, HDR completions and external funding (as per ERA categories).
- Extra HRDC points will be allocated for submitting external grant applications (with HOS approval) at a rate of 0.5 for Cat.1 grants and 0.25 for Cat. 2 grants.
- Under this model, 5 HERDC points are needed to reach a 40% workload allocation; 9 HERDC points are needed to reach a 60% workload allocation.
- Maximum workload allocation of 60% - if staff wish to do more research it cannot be counted towards their workload.
- Academic staff with external research grants that allow for teaching buy-outs will need to pay for the full cost of the teaching that would have been conducted by the particular academic staff member. Teaching 'buy-outs' are claimed as the staff member's own teaching hours (i.e as proxy).
- Co-authored publications will be claimed as: 50% for two authors and 30% for three or more authors.

**ATTACHMENT 3: LEARNING AND TEACHING HOUR ALLOCATIONS (For models 1 & 2)**

*NB: The calculations below are based on a total of 1610 hours (50 weeks in a year with 4 weeks of leave and 35 hour working weeks)*

<b>Course Convening</b>	<b>Base hours</b>	<b>Load hours</b>	<b>Occurrence</b>	<b>Notes</b>
Course convening	20	0.06 per student	Hours per semester	E.g. 3 hrs a semester for 50 students
Tutor coordination	6	3	Per semester	E.g. 3 hrs per semester per tutor (15 minutes a week)
<b>Teaching</b>	<b>Face to Face hours</b>	<b>Preparation</b>		
Lecture	1	3	Hours per week	
Repeat lecture	1	0		
Tutorial	1	2	Per week	
Repeat tutorial	1	0		
Teaching into multiple courses		16		Flat allowance for teaching into more than 4 courses
<b>On line teaching &amp; convening</b>				
convening	20	0.6		
Teaching	35	0.6		
On line conversion Complex		70		Conversion of a "traditional" course plus major revision
On line conversion Simple		35		Conversion of a "traditional" course; no major revision
<b>Marking</b>	1		Per student	
<b>Curriculum development</b>				
New course	70		Two weeks, must be approved by L&T committee	
Major revision	35		One week	
<b>Supervision</b>				
Honours	24	12	Hours per semester	
MA coursework	24	12	Per semester	
HDR	24	12	Per semester	For sole supervision
HDR Principal	18	9	Per semester	
HDR Secondary	6	3	Per semester	
HDR Joint	18	6	Per semester	
<b>Examinations</b>				
Viva exam		0.5	Per student	
Accreditation exam preparation		4	Per exam	
Accreditation exam editing		1	Per exam	
Accreditation exam marking		1	Per exam	
<b>I&amp;T Practicum convening</b>	24	0.25	Per student	

**ATTACHMENT 4: SERVICE ALLOCATIONS<sup>1</sup> (For model 2 only)**

General Service allocation: 5% (80.5 hours)	5% Service Roles (80.5 hours)	10% Service Roles (161 hours)	20% Service Roles (322 hours)	30 % Service Roles (483 hours)
School Meetings	Plagiarism Officer	Deputy Learning and Teaching Convenor	Deputy Postgraduate Research Coordinator	Postgraduate Research Coordinator
FASS Meetings	Americas Studies Convenor	Korean Studies Convenor	MA Applied Linguistics Convenor	MAITS Convenor
Discipline Meetings	Indonesian Studies Convenor	Deputy Honours Convenor	Chinese Studies Convenor	Bachelor of Arts Convenor
Open Day	Performance Development Review	Deputy Research Convenor	Philosophy Convenor	Bachelor of International Studies Convenor
Graduation	Seminar Series/Research Cluster Coordination	European Studies Convenor	Japanese Studies Convenor	
FASS mentoring program	UNSW/FASS Committees	Asian Studies Convenor	History Convenor	
External co-supervision	Minimal Editorial Responsibilities	Australian Studies Convenor	Major Editorial Responsibilities	
External thesis marking	FASS Standing Committee	Environmental Humanities Convenor	Honours Convenor	
	Postgraduate Coursework Coordinator	French Studies Convenor	Research Convenor	
	Minor Community Engagement	German Studies Convenor		
	Minor Service Roles to the Profession	Hispanic Studies Convenor		
	WHS Representative	Major Service to the Profession Roles		
	Research Committee Membership	Major Community Engagement		
	TELT Coordinator	Linguistics Convenor		
	Ad hoc School	Minor Editorial		

<sup>1</sup> Note that the Service allocations were calculated based on the following factors: Number of students enrolled in stream/program, number of staff and number of courses as well as whether a stream is disciplinary or interdisciplinary.

	or Faculty committees	Responsibilities		
		Women and Gender Studies Convenor		

**ATTACHMENT 5: RESEARCH ALLOCATION (For model 2 only)**

<b>Research Output</b>	<b>Annual Percentage</b>	<b>Annual Hours</b>	<b>Notes</b>
Base	5% (per year over 3 years)	80.5 (241.40 hrs over 3 yrs)	Allocated to all
Early Career Researcher, new member of staff and research inactive staff	10%	161	Allocated for only 2 years
HERDC publications over the past triennium	5% per point	80.5 per point	Articles, Book chapters, and refereed proceedings attract 1 point, scholarly books attract 5 points. Joint publications – 50% for two authors, 33% for more than 2 authors
External research funding over the past triennium (Cat.1)	5 % up to \$50,000	80.5 per \$50,000	Amount of successful grant entered in the year it was won
External research funding over the past triennium (Cat.2)	2.5% up to \$50,000	40.25 per \$50,000	Amount of successful grant entered in the year it was won
Category 1 external funding submitted application	5%	80.5 per application	With Head of School approval
Category 2 external funding submitted application	2.5%	40.25 per application	With Head of School approval
HDR completions over the past triennium	5% per student	80.5 per student	100% if solely supervised, 50% if jointly supervised, 75% if principal supervisor with secondary, 25% if secondary supervisor

ATTACHMENT 6: Calculator (Excel Spreadsheet attached)

Staff	Course	Convenor	Class Size	Course Structure for students (Lec;Tut;Lab)	Allocated Hours			Admin Duties
					Lectures (Hrs/Wk)	Tutorial (Hrs/Wk)	Lab (Hrs/Wk)	
<b>Elias Aboutanios</b>	ELEC9722	Aboutanios	40	L=2, T=1, Lab=1.5	2	1		Coordination of Satellite Systems Engineering masters program, HDR Scholarship Committee, first time teaching ELEC9722, heavily loaded S1
<b>Vassilios Agelidis</b>	ELEC1111 ELEC4122	Agelidis Ladouceur	575	L=2, T=1, Lab=2	3	2		Director of AERI
<b>Eliathamby Ambikairajah</b>								Head of School + L&T new initiatives
<b>Andrew Dempster</b>	ELEC9764 ELEC4122	Dempster Ladouceur		L=3, T=0, Lab=0	3	4		Director of ACSER
<b>Rukmi Dutta</b>	ELEC3105	Dutta	180	L=3, T=1, Lab=1.5	3	2	3	
<b>Andrew Dzurak</b>	GSOE9510 ELEC4122	Ladouceur Ladouceur	60		1.5	0.5	2	Director of ANFF-NSW
<b>Ray Eaton</b>	MINE2610							Associate Dean (Education)
<b>Julien Epps</b>	ELEC2146 GSOE9400		30	L=2, T=1, Lab=3	2 0.5	1	3	Director of Academic Studies, Acting Head of Discipline, AEC Chair, L&T Initiatives
<b>John Fletcher</b>	ELEC9711 ENGG1000 - 50%	Fletcher	145	L=3, T=0, Lab=0	3 1			Coordinator of Nuclear Engineering Program, heavily loaded in S1
<b>Branislav Hredzak</b>	ELEC3145	Hredzak	20	L=2, T=1, Lab=3	2	1	3	New to course

Staff	Course	Convenor	Class Size	Course Structure for students (Lec;Tut;Lab)	Allocated Hours			Admin Duties
					Lectures (Hrs/Wk)	Tutorial (Hrs/Wk)	Lab (Hrs/Wk)	
<b>Chee Yee Kwok</b>	ELEC9703 ENGG1000 - 50%	Kwok	15	L=3, T=0, Lab=0	3 1			Deputy Head of School, Head of Discipline
<b>Georgios Konstantinou</b>	ELEC9123 ELEC4122	Konstantinou Ladouceur			3	4		New to course, plus teaching in summer session
<b>Francois Ladouceur</b>	ELEC4445/GSOE9445 ELEC4122/GSOE9510 - 50%	Ladouceur Ladouceur	100 255	L=2, T=2, Lab=0 L=3, T=2, Lab=0	2 1.5			EE&T Industry Liaison, first offering of GSOE9445
<b>Torsten Lehmann</b>	ELEC4602 ELEC9701	Lehmann Lehmann	30 15	L=2, T=0, Lab=2 L=3, T=0, Lab=0	2 3	2		
<b>Iain MacGill</b>	ELEC9715 ELEC4122/GSOE9510 - 50%	MacGill Ladouceur	70 255	L=3, T=0, Lab=0 L=3, T=2, Lab=0	3 1.5	0.5		Joint Director of CEEM
<b>Rob Malaney</b>	TELE9756 ELEC4122	Malaney Ladouceur	20	L=3, T=0, Lab=0	3	2		Assistant Postgraduate Research Coordinator
<b>Aron Michael</b>	ELEC2133	Michael	210	L=3, T=1, Lab=2	3	3		AEC member
<b>Tim Moors</b>	TELE9752 ELEC4122	Moors Ladouceur	25	L=3, T=0, Lab=0	3	0.5 2		IT Coordinator
<b>Andrea Morello</b>	MOOC development ELEC4122	Ladouceur				4		
<b>Derrick Ng</b>	TELE4652 TELE3113 - 50%	Ng W Zhang	35 65	L=3, T=1, Lab=1.5 L=3, T=1, Lab=1.5	3 1.5	1		SPF03, new to courses

Staff	Course	Convenor	Class Size	Course Structure for students (Lec;Tut;Lab)	Allocated Hours			Admin Duties
					Lectures (Hrs/Wk)	Tutorial (Hrs/Wk)	Lab (Hrs/Wk)	
<b>Hendra Nurdin</b>	ELEC3114	Nurdin	180	L=3, T=1, Lab=1.5	3	3		SSP
<b>Gang-Ding Peng</b>	PHTN4662	Peng	30	L=2, T=1, Lab=1	2	1	2	International (China) initiatives
<b>Toan Phung</b>	ELEC9712 ELEC4122	Phung Ladouceur	90	L=3, T=0, Lab=0	3	2		Deputy Director of Academic Studies; Thesis/ ME project coordination, AEC member, heavily loaded in S1
<b>Jarryd Pla</b>	ELEC3117 - 50% ELEC4122	von Brasch Ladouceur		L=2, Lab=3	1	2	3	SPF03
<b>Faz Rahman</b>	ELEC4613	Rahman	135	L=3, T=0.5, Lab=1.5	3			Head of Energy Systems Discipline, heavily loaded in S1
<b>Rodica Ramer</b>	TELE9755 ELEC1111	Ramer Agelidis	50	L=3, T=0, Lab=0	3	2		ARC College of Experts, Deputy Industrial Training Coordinator
<b>Jayashri Ravishankar</b>	Full teaching load in summer session	ELEC4122				2		PG Coursework Coordinator, MEngSc Project Coordinator, AEC member
<b>Andrey Savkin</b>	ELEC4632	Savkin	70	L=2, T=1, Lab=1.5	2	2		Deputy Director of Research, load carried over from S2 2015
<b>Vidhya Sethu</b>	ELEC4123	Sethu	120		3	1		Technology-based teaching development, AEC member
<b>Vijay Sivaraman</b>	GSOE9758 ELEC4122	Sivaraman Ladouceur	45	L=3, T=0, Lab=0	3	2		Postgraduate Research Coordinator
<b>Iain Skinner</b>	Lab Coordination							Faculty Duties (50%), EE&T Laboratory Coordinator

Staff	Course	Convenor	Class Size	Course Structure for students (Lec;Tut;Lab)	Allocated Hours			Admin Duties
					Lectures (Hrs/Wk)	Tutorial (Hrs/Wk)	Lab (Hrs/Wk)	
<b>Victor Solo</b>	ELEC9732 ELEC4122	Solo Ladouceur	30	L=3, T=0, Lab=0	3	2		Head of Systems and Control Discipline
<b>David Taubman</b>								SSP
<b>Chamith Wijenayake</b>	ELEC2142	Wijenayake	185	L=3, T=1, Lab=3	3	3		SPF03, AEC member
<b>Jinhong Yuan</b>	TELE4651	Yuan	45	L=2, T=2, L=1.5	2	2		Head of Telecommunications Discipline, Acting Director of Research
<b>Daming Zhang</b>	ELEC4617 ELEC4122	D Zhang Ladouceur	120	L=3, T=1, Lab=3	3	2 2		
<b>Wei Zhang</b>	TELE9754 TELE3113 - 50%	W Zhang W Zhang	60 65	L=3, T=0, Lab=0 L=3, T=1, Lab=1.5	3 1.5			
<b>Alex von Brasch</b>	ELEC3117 - 50%	von Brasch		L=2, Lab=3	1	3		

# Annual Report 2015



# Contents

## Our Vision

To be a national leader in ageing research in Australia, producing work of international significance in order to improve the health and wellbeing of all older people.

## Our Mission

To improve the health and wellbeing of older people through research and evidence based practice.

## Our Work

NARI conducts research into the major health issues that affect older people, and uses this research to shape health promotion, service provision and policy development concerning older people, recognising that Australia's older population is very diverse.

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# From the President

In 2011, 3.1 million people were aged 65 years and over in Australia and older people accounted for about 1 in 7 people. This is expected to rise to about 1 in 4 by 2050 and double in number. As life expectancy increases this good news story gets lost in a cacophony of doom and ruin.

At NARI, our research into positive ageing via falls prevention, pain management, mental health promotion, cognitive health through such interventions as physical activity can all enable older people to get the most out of their later years by ageing well and remaining connected within the community, workforce or care environment. This aim is at the heart of our mission statement.

As the NARI President I am proud to present to you this annual report which captures some of the many aspects of research undertaken by our dedicated researchers.

The NARI community was saddened to hear of the loss of the Honourable Michael McKellar earlier this year. As our Board President he was widely acknowledged to be unfailingly courteous, kind and generous and a benefactor contributing to the betterment of the lives of older people.

As foreshadowed, Professor David Ames retired in May 2015 and I thank him for his contributions to NARI since 2007. David will remain in touch with NARI through his position as honorary professorial fellow.

It is my pleasure to welcome Associate Professor Briony Dow into the role of Director. Briony has worked at NARI for 12 years and has built an impressive research portfolio in health promotion, mental health and carer's health. Briony brings with her wealth of expertise, networks and visionary leadership to lead NARI into its 5th decade.

I thank our Ambassadors, Dr Patricia Edgar and Dr Don Edgar for their active support and acknowledgement of NARI in their writings and advocacy activities.

I thank the Board for their commitment and support for myself and NARI. I would particularly like to welcome new members, Dr David Alcorn, Richard



Gallina, Maree McCabe, and Prof Terry O'Brien and thank retiring members Sue Hendy, Associate Professor Tony Snell and Professor Ian Everall for their dedication and service.

**Associate Professor Michael Murray**

## From the Director

The past 12 months have been a period of change for NARI, not least due to the resignation of Professor David Ames, after eight years as Executive Director. Professor Ames was a highly respected Director and a highly successful researcher as his prolific publication record shows. I thank Professor Ames for his significant contribution to NARI and look forward to continued research collaboration in his role as honorary Professorial Fellow at NARI.



There have been significant changes in the broader research environment that have impacted upon NARI. It is becoming increasingly difficult to secure funding for specific research projects as the National Health and Medical Research Council becomes more competitive and many non-government and philanthropic organisations look to fund collaborative programs rather than one-off projects. NARI has responded to this changing environment with the establishment of the Melbourne Ageing Research Collaboration (MARC), which is a collaboration between 12 organisations

representing research, university, health service, community, government, advocacy and industry.

NARI has also partnered with The University of Melbourne with a new Hallmark Ageing Research Initiative, a fully on-line Master of Ageing to commence in July 2015 and a Massive Open Online Course, Rethinking Ageing, which was run for the first time in April 2015.

NARI has also expanded its fundraising efforts, running a successful lunch with opera performances at Coombe Cottage in March. We have established the Australian Ageing Research Foundation

to raise funds for research to improve the wellbeing of older Australians.

NARI staff continue to produce work of the highest quality: this year we had over 140 peer reviewed papers accepted for publication and numerous research highlights.

I thank all those people who support NARI's work. Our research could not be done without our research volunteers who give up valuable time to help us better understand ageing. I thank the Victorian government for their continuing financial support and partnership in research to promote the health of older Victorians.

*“NARI staff continue to produce work of the highest quality; this year we have over 140 peer reviewed papers accepted for publication and numerous research highlights.”*

**Associate Professor Briony Dow**

# Board of Directors

## President

- > Associate Professor Michael Murray

## Vice President

- > Derek McMillan

## Treasurer

- > Richard Gallina (Appointed 18/8/2014)

## Executive Director

- > Professor David Ames (Retired 22/5/2015)
- > Associate Professor Briony Dow (Appointed 25/5/2015)

## Members

- > Dr David Alcorn (Appointed 28/5/2015)
- > Professor Ian Everall (Resigned 21/10/2014)
- > Sue Hendy (Resigned 14/8/2014)
- > Professor Terence O'Brien (Appointed 17/11/2014)
- > Professor Elizabeth Ozanne
- > Maree McCabe (Appointed 17/11/2014)
- > Associate Professor Tony Snell (Resigned 2/2015)

## Senior Executive Staff

- > Professor Stephen Gibson - Deputy Director, Director Clinical
- > Debra O'Connor - Executive Manager
- > Dr Frances Batchelor - Director Health Promotion
- > David Rischbieth - Chief Finance Officer

## Board Meeting Attendances

> Dr David Alcorn	2 out of 2
> Professor David Ames	4 out of 4
> Professor Ian Everall	0 out of 1
> Richard Gallina	3 out of 3
> Sue Hendy	0 out of 1
> Christine Kotur	2 out of 4
> Maree McCabe	2 out of 2
> Derek McMillan	3 out of 4
> Assoc Professor Michael Murray	4 out of 4
> Prof Terence O'Brien	1 out of 2
> Assoc Professor Elizabeth Ozanne	3 out of 4
> Assoc Professor Tony Snell	2 out of 2

## Total Meetings 4

## Finance, Audit & Risk Management

> Dr David Alcorn	1 out of 1
> Professor David Ames	1 out of 5
> Professor Ian Everall	1 out of 1
> Richard Gallina	5 out of 5
> Christine Kotur	1 out of 1
> Derek McMillan	0 out of 1
> Assoc Professor Michael Murray	5 out of 5

## Total Meetings 5

## Business Development and Strategy

> Professor David Ames	0 out of 4
> Christine Kotur	4 out of 4
> Maree McCabe	1 out of 2
> Derek McMillan	3 out of 4
> Assoc Professor Michael Murray	2 out of 4
> Professor Terence O'Brien	0 out of 2
> Assoc Professor Elizabeth Ozanne	4 out of 4
> Assoc Professor Tony Snell	3 out of 3

## Total Meetings 4

# Positive Ageing Roundtable



The Positive Ageing Roundtable was established early in 2015 to turn the attention of policy makers and service providers towards the many positive contributions that older people make to the economy and the quality of community life. Increased longevity is a remarkable achievement and one which brings opportunities and social benefits for Australian society.

The inaugural Positive Ageing Roundtable, hosted by NARI, was convened by our Ambassadors Dr Patricia Edgar and Dr Donald Edgar. The coalition is made up of researchers and policy thinkers including: Adjunct Associate Professor Katharine Betts (Swinburne University of Technology), Tony Coles (Australian Association of Gerontology), Aimee Defries (RSL Care), Janey Dolan (South Australia Health), Nicholas Gruen (Lateral Economics), Kerry Jones (The Australian Centre for Social Innovation), Dr Helen Kimberley (Brotherhood of St Laurence), Emily Millane (Per Capita Principal), Gideon Perrott (State Trustees), Professor David Ames, Professor Stephen Gibson, Associate Professor Briony Dow and Debra O'Connor (NARI).

The conversation focussed on many affirmative aspects of ageing including the reality that the majority of older people want to, and do, live independently in their own homes; just seven per cent of older people are in aged care accommodation, yet the latter group dominates policy discussion.

Today the majority of Australians will live beyond 80 and have only a few years of possible decline. Older people contribute billions of dollars to the national economy through voluntary



*Image: Dr Patricia Edgar and Dr Don Edgar, NARI's Ambassadors*

work, care of the old and people with disabilities and to their own families via inter-generational transfers. Rising health costs are explained more by increased population generally, advanced and more costly medical technology, pharmaceutical costs and by futile end of life interventions, than they are by 'ageing' as such.

NARI's new Positive Ageing Roundtable will continue to build links across a national coalition of those working towards a less gloomy, more proactive and inclusive approach to Australia's growing older demographic.

The Roundtable felt strongly that ageism needs to be challenged against a more realistic and positive picture. Next steps include a campaign to canvass politicians' views on ageing in the lead up to the Federal Election, focussing on a broader agenda not just health and aged care, and advocacy through media to change the conversation on ageing to a more positive one.

# Significant Achievements

## PUBLICATIONS

- › Over the past year NARI researchers have had over 140 publications in peer-reviewed journals, a very high rate of productivity.

## ADVOCACY

- › NARI continues to be a voice for older people through submissions and meetings with politicians about our pioneering research into health and wellbeing of older people. The past year included making a submission about elder abuse to the Royal Commission into Family Violence in Victoria and contributing to the national Ministerial Dementia Forum.

## INTERNATIONAL COLLABORATION

- › NARI increased its international profile through research partnerships and presentations at international conferences. The past year NARI staff gave keynote presentations and seminal presentations in Argentina, Norway, USA, the UK, China and Tokyo.

## FUNDRAISING

- › We announced the establishment of the Australian Ageing Research Foundation to raise funds for our research.

## EDUCATION

- › NARI delivered 12 specialised workshops and 38 seminars as part of its education program, reaching over 2,000 people. Our researchers played a critical role in the development of the new Masters of Ageing and the Massive Open Online Course at The University of Melbourne.

## RESEARCH COLLABORATION

- › NARI continues to drive the Melbourne Ageing Research Collaboration which over the past year has included a forum on falls, a colloquium on MARC's four priority areas: health ageing, falls, dementia, and end of life and palliative care research.

## MEDIA

- › NARI continues to raise issues about older people's health and wellbeing in traditional and social media. Over 50 articles and radio interviews were placed in a range of media including *The Age*, *Sydney Morning Herald*, *Radio National Life Matters*, *The Conversation*, *Grassroots*, *ABC 774*, *Radio National Health Report*, and the aged/senior press. A highlight has been the collaboration between NARI and News Ltd's *Body and Soul*.

# Clinical Division 2014-2015



Research in the clinical division this year reflects the diversity of this program in exploring ageing issues. A considerable component of our work has focused on either the early detection of age-related impairment, or better methods for managing age-related illnesses.

Our longitudinal studies continue to explore relationships between biomarkers and age-related impairments. Randomised controlled trials examine better management approaches for age-related conditions, whilst service development studies implement and evaluate best-practice. Not confined to a particular health care sector, our research continues to be relevant for the 'healthy' ageing community, acute health care systems such as hospitals, and long-term residential aged care settings.

## Flagship study of ageing

The Australian Imaging Biomarkers and Lifestyle (AIBL) Flagship study of ageing is a longitudinal study improving our understanding of how Alzheimer's disease develops over decades. Many participants initially recruited in 2006 are still involved at the 90-month follow up.

Recent findings indicate that individuals without the apolipoprotein E (APOE)  $\epsilon 4$  gene but with toxic amyloid protein build up in their brains have far slower cognitive decline over time than people with amyloid protein who do carry the  $\epsilon 4$  gene. In addition, individuals with memory problems and amyloid build-up who carry the gene for a particular form of the brain-derived neurotrophic factor (BDNF) called Val66Met, show both large and significant decline in memory and shrinkage of the memory centres in the brain over time. Finally, people who follow a Mediterranean style of diet have been found to show reduced cerebral amyloid deposition over time.

## Older twins study

NARI is also involved in one of the largest and most comprehensive ageing studies involving older twins in Australia. The Older Australian Twins Study (OATS) examines the contribution of genetic and environmental factors as well as their interaction on the ageing process. Data from the first wave of this longitudinal study has examined genetic influences on cognitive processing speed, memory, planning and problem solving, as well as the role of mental and physical activity in maintaining a healthy brain. Brain imaging and blood data has contributed to investigating the heritability of brain structure and function, the role of brain metabolites, and the epigenetics of memory and learning. This study is currently expanding to perform Positron Emission Tomography scans on a number of twin pairs to establish whether amyloid plaques have a genetic component, and how they relate to performance in memory and thinking.

*"A considerable component of our work has focused on either the early detection of age-related impairment, or better methods for managing age-related illnesses."*



## Randomised controlled trials

NARI research has also focused on the best methods to manage age-related illness. A randomised controlled trial of an innovative telephone support service for people with chronic obstructive pulmonary disease found that symptoms of depression and anxiety were reduced in participants who received either a tailored cognitive behaviour therapy program or a program of befriending. The program has since been modified to assist family carers of people with dementia and trials are currently underway to develop telephone support services further.

Another randomised controlled trial is examining whether the use of analgesics can reduce behavioural and psychological symptoms of dementia. Participants with dementia are administered analgesics to examine whether behaviours of agitation or aggression in older persons are driven by unrelieved pain. To date, the study has recruited participants from over thirty residential aged care facilities throughout Melbourne. Results can be expected soon regarding the relationship between agitation, aggression, pain and dementia. The study has also expanded to examine the relationship between depression, pain and dementia.

## Research into innovative practice

Service development research continues to support health services in piloting and evaluating innovative practice. The Dementia Behaviour Management Advisory Service was evaluated as a hospital-based pilot project in Victoria, focusing on building the capacity of hospital staff to care for patients living with dementia and manage related behaviours. This project used a combined approach that offered education, a team based assessment and care planning, mentorship/leadership support, increased use of non-pharmacological approaches and dementia friendly environments that could support hospital staff in caring for people with dementia. The education program was found to be highly successful. Nursing staff unanimously agreed that they would be able to implement the education program into practice, be more likely to seek information from family and carers when planning care, be more confident in their practice, and be less stressed in their workplace.



NARI also assisted the Inner North West Melbourne Medicare Local to evaluate a video consultation pilot for residential aged care. General practitioner views were collected and analysed about the telehealth video consultation process. GPs viewed the pilot positively, and thought that the technology supported them in providing effective medical management to appropriate patients. The advantage of telehealth was mainly in monitoring low acuity patients and increasing speed of service for this group of patients.



The Health Services Guardianship Liaison Officer (HSGLO) pilot was an innovative model of support for health services to resolve guardianship and complex discharge decisions for older people. The pilot aimed to build capacity through improving the knowledge base of health service staff for best practice decision-making. The pilot also aimed to improve organisational capacity to enable appropriate guardianship applications and discharge plans. The evaluation by NARI highlighted that while successful, significant unmet needs remain for health professionals working with older people facing guardianship and complex discharge decisions. Impact was made in achieving these aims on individual health professionals and care units within certain health services. However, it was also clear that organisational and system-wide impacts were lacking, and

a more comprehensive longitudinal evaluation is needed to explore changes more broadly.

NARI is also working with Royal Freemasons in evaluating a new pilot program aimed at enhancing their aged care services. Called 'Tapestry of Care', this enhanced model of care emphasises the World Health Organisation approach to functioning, disability and health, and focuses on improving relationships, quality of life, and what is important to the resident. A major component of the program is a multidisciplinary professional review of each resident's condition, summarising their overall approach to their care and providing all care staff with a greater sense of direction, in a form easier to convey to the resident's family. The Tapestry framework is being implemented and NARI will evaluate outcomes later in 2015.

## Partnerships

In an Australian first, Pastoral and Spiritual Care for Older People (PASCOP) is developing national guidelines for spiritual care in aged care settings. These guidelines aim to have applicability for a range of users including pastoral care workers, staff, volunteers and health professionals.

A goal of the implementation is to raise awareness about the rights of all older people to have access to spiritual care regardless of culture, beliefs and backgrounds. It seeks to challenge perceptions that the provision of spiritual care is exclusively the domain of pastoral carers, chaplains and clergy.

The project is funded by the Department of Social Services and PASCOP has partnered with NARI and Spiritual Health Victoria. NARI is assisting the project by advising on overall direction, including project design, evidence-based analyses and financial auditing.

# Identical twins sign up for research

Identical twins Peter and Sid Grondman are enthusiastic about their involvement as research participants in the Older Australian Twins' Study.

Their introduction to NARI and the Older Australian Twins' Study was made through a doctor friend, who thought they might be interested in contributing to medical research.

"It has been quite an adventure for us," said Sid.

"I've learned a lot about my body, and the importance of keeping active and fit as you age."

As well as taking part in research, both brothers, aged 72, have many interests, which they say is important to healthy ageing.

Their passion for rock music and sport began as teenagers and since then, they have operated music venues, played in bands, and ran an artist management and booking agency.

In the late 1970s, they established a touring company through which they booked bands and musicians, such as Lionel Ritchie and the Commodores, Chuck Berry, Cliff Richards, as well as Australian stars like Kate Ceberano, the Bee Gees and AC/DC.

Today there is no stopping their enthusiasm. Peter is a professional tennis coach and Sid continues in the music industry.

However their involvement in the study is important to both.

"The study has really raised our understanding of why older people need to keep active for their health," Sid said.

"Everyone is fascinated by identical twins," said Sid.

"The fact that we are contributing to one of the largest ageing studies in Australia is something we are both proud about," Peter added.



*"I've learned a lot about my body, and the importance of keeping active and fit as you age."*

*Image: Identical twins Sid (left) and Peter (right) are part of the Older Australian Twins Study.*

# Health Promotion



The Health Promotion Division has had a productive year, working on a range of projects each of which are reflected in our streams of Healthy Ageing, Carers and Mental Health, Cultural Diversity, Falls and Balance, Health Policy and Services, Social Connections and Technology.

The team has also represented NARI at local, national and international conferences, including the Australian Association of Gerontology's national conference in Adelaide, the Australian and New Zealand Falls Prevention Conference in Sydney, and the British Gerontology Society Conference in Southampton, England amongst others.

Highlights of the year included delivering results and resources through completing projects as diverse as tackling depression and anxiety among older Chinese immigrants through to developing an online e-learning package for the Department of Health and Human Services in Gippsland, Victoria.

## Tackling depression and anxiety amongst older Chinese immigrants

This Australian-first study on depression and anxiety among older Chinese immigrants has shown that one in five participants had clinically significant symptoms of depression and one in 10 exhibited clinically significant symptoms of anxiety.



The study, funded through *beyondblue*, also showed that Mandarin-speaking people are at higher risk of depression and anxiety than Cantonese speakers as well as other older people. Depression occurs in between 10 and 15 per cent of the general older adult population.

NARI researchers believe contributing factors could be associated with the immigration experience, as well as older Chinese immigrants having limited knowledge about depression and anxiety.

The study has highlighted the critical need for culturally appropriate services for older Chinese Australians. As a first step towards this, the investigation has resulted in a suite of culturally-appropriate screening tools to help health professionals better detect anxiety and depression in older Chinese people.

*“Highlights of the year included ... tackling depression and anxiety among older Chinese immigrants through to developing an online e-learning package for the Department of Health and Human Services in Gippsland, Victoria.”*

These tools are freely available for health professionals working with older people from a Chinese background. The resources also include a guide defining depression and anxiety, risk factors, common screening methods and what to do if a person's results show them to be anxious or depressed.

### Gippsland e-learning

Over the past year, NARI has been involved in the Gippsland Department of Health and Human Services Planned Activity Group review. Findings from the first stage of the review indicated that people attending Planned Activity Groups (PAG) were physically active for less than 15 per cent of the time.

To support PAG staff to help their clients become more physically active NARI developed an e-learning package that is available on the NARI website [nari.net.au/elearning/story.html](http://nari.net.au/elearning/story.html). The package covers physical activity recommendations, the “how to” of measuring physical activity, and practical suggestions for increasing physical activity. It is aimed at all Planned Activity Group workers - whether co-ordinators support staff or volunteers.

### LGBTI people and mental health

People who are lesbian, gay, bi-sexual or transgender are more likely to experience mental health problems than their heterosexual counterparts. In addition to the factors that trigger depression and anxiety in all of us, older LGBTI people also deal with discrimination and stigma, and, for some, a lifetime of denying their true identity for fear of abuse, legal ramifications or rejection by family, church or employment.

A recent study, funded by *beyondblue*, conducted in partnership with NARI, Latrobe University and RMIT, aimed to raise awareness of these issues amongst health professionals and service providers by developing an education resource that tells the stories of older LGBTI people in their own words.

The older LGBTI people interviewed for the study sent a clear message - they want to be treated with respect and dignity. The education resource will be disseminated by all the project partners (Val's Café, Latrobe University, RMIT Health Sciences, *beyondblue* and NARI) as well as to students in the Master of Ageing at the University of Melbourne.





## Elder abuse

NARI's recent report, launched by Victoria's Minister for Ageing the Hon. Martin Foley on World Elder Abuse Prevention Day, revealed that most abuse (92 per cent) occurs within the family and is largely perpetuated by the adult children of the older person (67 per cent).

NARI analysed two years' of data from Senior Rights Victoria (SRV) and found that the most common types of abuse reported to SRV are financial and psychological/emotional abuse. However, reporting of one type of abuse is often just the tip of the iceberg as most people ringing into the SRV Helpline with abuse complaints were experiencing multiple abuse types. The report also looked at the factors associated with elder abuse. Women were 2.5 times more likely to be the victims of abuse than men and older people who lived with their adult children were more at risk than others.

A significant number of alleged perpetrators had substance abuse or gambling issues, and/or mental health issues, suggesting that substance abuse and mental health challenges facing people aged 35 to 54 years, are directly affecting the older population.

NARI and SRV now have funding from the Lord Mayor's Charitable Foundation to explore "what happens next?" Researchers will interview 30 ex-clients of SRV to investigate the outcomes of the abusive situation and the help they received. This will help to inform services about what older people experiencing abuse find to be most helpful.

In addition, NARI is partnering with the University of Melbourne to conduct a literature review on intergenerational elder abuse with the aim of informing future policy and practice in this area.

## Working with the Victorian government

Over the past year, the Health Promotion Division has worked in conjunction with the Victorian Government Department of Health and Human Services on a number of projects including the development of ten fact sheets for clinicians, service managers and quality teams.

Topics include: comprehensive geriatric assessment, sub-acute care, multidisciplinary and interdisciplinary approaches, multimorbidity, advance care planning, transitions: transfer of care within the health service and to home, managing cognitive impairment, preventing adverse events, translating evidence into practice and communication.

We received funding to update the groundbreaking "*Best care for older people everywhere*" toolkit to transform the latest evidence-based information on preventing functional decline in hospitals into a comprehensive website resource. This will be launched in the coming months with the Department of Health and Human Services new website.

## Working with research participants

Our work with carers continues with the IMPACCT project (Improving Mood through Physical Activity for Carers and Care Recipients Trial). This randomised controlled trial is examining the impact of a physical activity intervention for carers and care recipients on depression. This trial is in the final stages of recruitment.

Our healthy ageing stream also continues to actively recruit and follow-up participants for ground breaking studies such as AIBL Active, Individual Goal Setting (INDIGO) for physical activity and an innovative study which involves sitting time reduction to enhance the cognitive benefits of physical activity in older adults at increased risk of diabetes or with type 2 diabetes.

The aim of AIBL Active is to establish whether 24 months of home-based physical activity can delay the progression of cerebrovascular disease in older adults with subjective memory loss.

INDIGO is a National Health and Medical Research Council funded randomised controlled trial to determine whether a home-based six month physical activity

intervention with individual goal-setting and volunteer mentors can significantly increase physical activity levels in sedentary older adults at increased risk of developing Alzheimer's Disease, memory complaints or mild cognitive impairment who have at least one vascular risk factor.



# Have A Try!



Around 40 per cent of older Australians have a poor diet or are physically inactive. Although there is much research on healthy ageing, few resources provide this information in a user-friendly format in languages other than English. Up to 80 per cent of older Australians have low health literacy, resulting in poorer health outcomes and poorer use of health care services.

NARI has developed a unique model of engaging with groups of older people from culturally and linguistically diverse backgrounds in an attempt to change behaviour.

Known as Have a Try (HAT), the program has linked social activity programs for seniors that are supported by local government. Over 100 people have engaged with NARI over the past year in group and home-based exercise programs. Today four formerly sedentary groups (Spanish-speaking, Chinese, Eritrean and Slavic) are participating in physical activity during their weekly meeting under the leadership of peers. The groups also now have access to information about healthy ageing, all in their first language.

The research findings have been far reaching. Participants reported feeling better or healthier, fitter and stronger, younger, more alert, more flexible and less tired.

These health benefits were corroborated by improved fitness. Almost 70 per cent of participants completed a follow-up functional assessment and findings indicate that the program has delivered widespread benefits.

Balance, based on the step test, improved by 17 per cent, while mobility, based on the timed up and go test, improved by ten per cent. Lower body strength, based on the sit-to-stand five times, improved by nine per cent while upper body strength, based on arm curls within 30 seconds improved by eight per cent.

According to Dr Elizabeth Cyarto, Healthy Ageing Stream Leader, some groups were more successful than others partly due to whether senior members were involved, and whether all of the group was exercising.

“Another key ingredient for success was training peer leaders to support and sustain health promotion activities for the groups,” Dr Cyarto said.

Next steps for the research include the production and launch of the multilingual HAT exercise DVD as well as rolling out the model to other local councils.

HAT was funded by the Federal Department of Social Services under the Aged Care Service Improvement and Healthy Ageing Grants fund.

Collaborating partners included the City of Melbourne’s Healthy Ageing team, the Multicultural Centre for Women’s Health, Centre for Cultural Diversity in Ageing and Blue Care residents based in Brisbane.





# Driving Ageing Research Forward Internationally



NARI works in partnerships with specialists, leading academics, community groups, and other research centres to bring in new ideas and share expertise to drive ageing research forward. The past year has seen NARI expand its collaborations across Australia and overseas.

## International Longevity Centre - Australia

NARI was one of eleven consortium partners involved in the successful bid to start the International Longevity Centre (ILC) - Australia.

The result was seen as a tremendous result for the region, providing a robust avenue for global collaboration to support longevity and programs that will help to drive dialogue and share understandings.

## International linkages

NARI welcomed two international researchers to its Parkville centre over the past year, as part of our contribution to growing clinical and research into ageing. Dr Jun Ho Lee, from Seoul National University Hospital, South Korea, visited NARI to learn more about our work in Alzheimer's disease.

The Institute also welcomed Dr Carl-Johan Olsson, who works in the Ageing and Living Conditions Program at Umea University in Sweden.

Associate Professor Dow is a Chief Investigator on the Managing Agitation and Raising Quality of Life (MARQUE) project. This project, to improve quality of life in people with moderate or severe dementia, is led by Professor Gill Livingston from University College London.

## International speaking engagements

Our researchers spoke at and attended a range of international conferences during the year including:

- > Associate Professor Dow attended the World Health Organisation Kobe Centre (WKC) to review case studies representing a range of innovative community based approaches to support older adults.

- > Dr Frances Batchelor and Associate Professor Dow at the British Society of Gerontology in Southampton, UK.
- > Professor Stephen Gibson gave the keynote address at the EFIC World Congress on pain and dementia in Norway; at the 15th World Congress on Pain, Buenos Aires; and at the International 5th World Congress on Head and Neck Oncologic Societies, New York.
- > Dr Samantha Loi presented at the Women's Mental Health conference in Tokyo.
- > Dr Xiaoping Lin presented at the International Psychogeriatric Association 2014 International Conference in China.

# Melbourne Ageing Research Collaboration



In late 2014 the National Ageing Research Institute established the Melbourne Ageing Research Collaboration (MARC) with eleven partner organisations and support from the Victorian Government's Department of Health.

MARC, managed by Dr Frances Batchelor, NARI Director of Health Promotion, aims to drive a critical research agenda for policy, dialogue and funding. The ultimate goal is to ensure more rapid translation of research evidence into practice to improve the lives of older people.

MARC has identified four hot topics central to ageing: healthy ageing, falls, dementia and end of life/palliative care. A scoping study completed by MARC showed that, despite advances in ageing research, there are still gaps particularly in relation to care of older people in hospitals.

Its first forum in December 2014 covered the perennial issue of falls and older Australians, with presentations given by Frances Batchelor (NARI), Sean Lynch (Inner North West Melbourne Medicare Local), Kristie Mackenzie, Leah Blyth and Annette Lamb (Melbourne Health), Sarah Yallop (Department of Health) and Trentham Furness, (Australian Catholic University).

The forum was a precursor for the first MARC demonstration project which will look into reducing falls in hospitals. Its focus will be on translating research into real world situations.

In May, MARC hosted a one-day symposium covering each of the priority areas. Over 100 people attended to hear the latest clinical implications of research findings from leading experts.

Partner organisations include: Alzheimers Australia Victoria, Austin Health, Australian Catholic University, Inner North West Melbourne Medicare Local, Mercy Health, Royal Melbourne Hospital, NARI, Northern Health, St Vincent's Hospital, Telstra and The University of Melbourne.



# People



Images: Steven Savvas (left), Marcia Fearn (middle) and Xiaoping Lin (right)

## PhD Scholars

Dr Xiaoping Lin graduated from the University of Melbourne with a doctorate on the nature of parent-child relationships and their associations with psychological wellbeing in multicultural Australia. She found similarities, as well as differences, between older Australian-born people and older Chinese immigrants in these areas. Her findings have important implications for policy development and service provision for older people in Australia.

Dr Emily You graduated from The University of Melbourne with a doctorate on “Case Management Practice, Goals and Outcomes in Community Aged Care: Perspectives of Case Managers in Australia.” Her study explored the roles, functions and activities of Australian community aged care case managers; elucidated the goals and outcomes that case managers perceived they should achieve in their practice; increased understanding of the factors that influence case managers’ practice; and explored perceptions of changes in case managers’ roles in the future.

## Interim Director

Associate Professor Briony Dow was appointed by the NARI Board as Interim Director in May 2015. Associate Professor Dow has been at NARI for over 12 years, initially as a Research Fellow and then as Director of the Health Promotion Division.

She is a social worker with a strong clinical background as well as extensive experience in managing community and hospital based programs and organisations.

Associate Professor Dow is currently President of the Australian Association of Gerontology, co-chair of the University of Melbourne’s Hallmark Initiative, and Adjunct Associate Professor with the Centre for Applied Social Research, RMIT University.

## Life Member

Mr David Simmons was awarded life membership at the last AGM. Mr Simmons served 18 years on the NARI board from 1994 to 2012.

## NARI Awards

Dr Steven Savvas and Marcia Fearn were recipients of NARI Achievement Awards, named after two former NARI directors.

Ms Fearn received the Derek Prinsley Staff Award for her substantial commitment to NARI’s ongoing success. She has been with NARI for 14 years working on a number of projects including person-centred health care, evaluating the Victorian Government’s Heatwave strategy and a randomised-controlled trial into the effect of telephone support on depression and anxiety with people who have chronic obstructive pulmonary disease.

Dr Steven Savvas received the Robert Helme Research Award for research excellence. He has worked at NARI since 2011 during which time he has published consistently in the geriatric field in dementia, pain and aged care. Dr Savvas is currently trial coordinator for a large multi-site clinical trial involving people with dementia in residential aged care.

# Education



## Professional education

NARI delivered 12 specialised workshops to aged care professionals over the past year, reaching 300 people. The focus was on sharing research evidence to enable participants to apply knowledge to real-life case examples. A number of new workshops were initiated, including *Writing Funding Applications: The Nuts and Bolts* and *Falls and Cognition*.

## Annual Seminar

NARI's fifth annual seminar, "*Challenging Conditions of Late Life - Issues and Solutions*", attracted over 100 people. It was opened by the Hon David Davis MP, Victorian Minister for Health and Ageing. Topics covered included dementia, frailty, common late life syndromes, and pain.

## Seminar series

The free weekly seminar program, convened jointly by NARI and Royal Melbourne Hospital, presented 38 seminars in 2014/2015. Speakers focused on a diverse range of topics concerned with clinical issues and current research. We thank our education series presenters. For the program, please see [www.nari.net.au/education](http://www.nari.net.au/education)

## Hallmark Ageing Research

The Hallmark Ageing Research Initiative began this year. NARI's Director Briony Dow is co-chair with Professor Rob Moodie of the University of Melbourne. A three-year initiative, it will draw together research on ageing from across the university, affiliated institutes and industry partners. The focus will be on technology, design, healthy ageing, leadership, ageing in low and middle income countries, and social aspects of ageing across the life course.

## Massive Open Online Course

NARI contributed to a seven-week Massive Open Online Course (MOOC) hosted by The University of Melbourne. *Rethinking Ageing: Are we prepared to live longer?* attracted nearly 5,000 students from more than 125 countries.

## Undergraduate and postgraduate supervision

NARI hosted two students through the Swinburne University's Social Research Internship program. Marie Dell'Anno and Michelle Slater undertook two broad-reaching projects into how older people are portrayed in the media and social connection, ageing and technology.

Michelle Slater, supervised by Professor Colleen Doyle and Dr Sue Malta, analysed 138 articles to show how older people were represented specifically in the Australian Women's Weekly over two six-year time periods: 1977 to 1982 and 2009 to 2014.

Marie Dell'Anno, supervised by Drs Sue Malta, Briony Dow and Liz Cyarto, reviewed literature to examine the effectiveness of computer and internet technology in improving or enhancing the social connection of older adults.

Our PhD students Willeke Walsh, from The University of Melbourne's School of Physiotherapy, examined falls risk assessment in the acute hospital setting while Claudia Meyer from La Trobe's School of Physiotherapy investigated how people with dementia and their carers learned about and acted upon falls prevention strategies. Sam Loi, from The University of Melbourne's Department of Psychiatry, focused on predictors of depression in older carers.

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## BOOKS

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9. Haralambous B, Lin X, Vrantsidis F & Dow B. *Tackling depression and anxiety amongst older people in the Chinese community*. Report to beyondblue, 2014.
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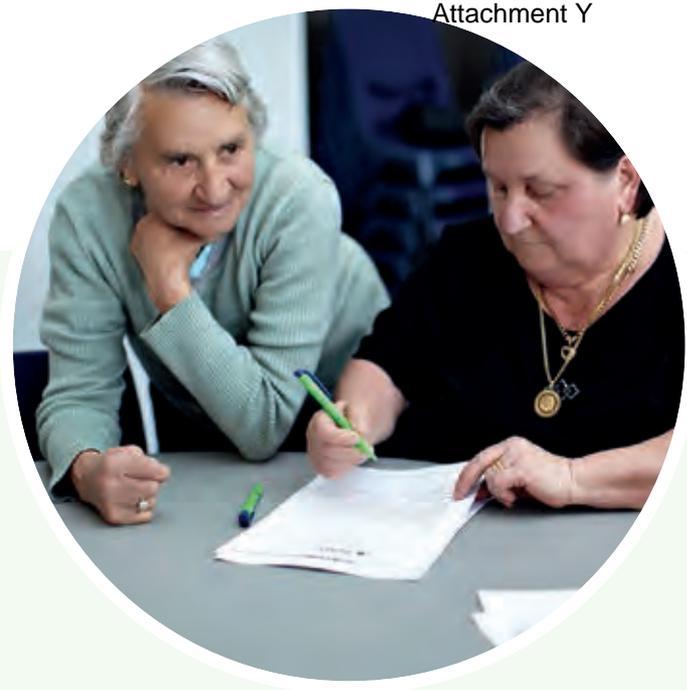
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## EDITORIALS

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# Fundraising



The past year has seen NARI increase its fundraising efforts to open up new avenues of funding for its research program.

A highlight of the year was the announcement that the Institute was establishing the Australian Ageing Research Foundation.

The first major program to be funded through the Foundation will be on falls and balance research. One in three people over the age of 65 fall each year, around one million Australians. Falls have a major impact on the individual, their family, friends and social network, and on the broader community.

Funds raised will be used to purchase new state of the art equipment and facilities to enable vital testing and screening to predict and prevent falls.

## Opera in Melba's Garden

The concept of the Australian Ageing Research Foundation was unveiled at the highly successful Opera in Melba's Garden at Coombe fundraising luncheon on Wednesday 25 March. Guests enjoyed a delicious luncheon while being entertained by operatic performances. They also toured the gardens and visited the Melba Gallery.

NARI also hosted a concert and champagne reception at Toorak Uniting Church on Sunday 28 September to raise funds for its dementia research. Artists included the famous young tenor Robert Barbero and accompanist Dr David Kram. The concert coincided with International Dementia Awareness Month. In Australia, the rate of dementia doubles every five years. NARI is renowned for its research into dementia. Some of its flagship projects include investigating the link between physical activity and dementia, the use of pain relief by people with behavioural and psychological symptoms of dementia as well as brain fitness.

## End of year

NARI's end of financial year appeal focused on research to prevent elder abuse. The appeal was one of the most successful NARI has undertaken, highlighting community concern about this pervasive issue. Recent research carried out by the National Ageing Research Institute and Seniors Rights Victoria showed that 66 per cent of elder abuse is caused by adult sons and daughters of older people.

Public inquiries about the Australian Ageing Research Foundation should be made to Judy Hooper on [j.hooper@nari.unimelb.edu.au](mailto:j.hooper@nari.unimelb.edu.au)



# Thank You



Thank you to our 2014-2014 funders and donors. Our work would not be possible without your generous support.

## AUSTRALIAN AGEING RESEARCH FOUNDATION

- > Rosemary Everard
- > Russell Fynmore AO
- > Chris & Jane Johnson
- > Margot Melzac
- > Baillieu Myer AC
- > Lady Primrose Potter AC
- > Derek Prinsley AM
- > Josie Razenhofer
- > Merran Samuel
- > Jean Thomas
- > Penny Underwood

## IN LIEU (P GROUNDS)

- > Alister & Dajuni Badenach
- > Peter & Gerda Evans
- > Sandra & Roger Glass
- > Isabel Sloman

## IN MEMORY OF G CONRON

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- > Russell Baker
- > Kevin & Pam Barham
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- > Andrew Tonkin
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- > Isabel Wluka
- > A Zerfas

## DONATIONS

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- › Val Barrett
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- › Patricia Walden
- › Mark Weymouth
- › Barrie Winzar
- › Barbara Woodward

## TRUSTS AND GRANTS

- › Benetas
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- › BlueCross Pty Ltd
- › Catholic Homes Victoria
- › CSIRO
- › Dementia Behaviour Management Advisory Service
- › Department of Health and Human Services (Vic)
- › Department of Social Services
- › Epilepsy Foundation
- › Inner Northwest Melbourne Medicare Local
- › Flinders University
- › Municipal Association of VictoriaRoyal Freemasons Ltd
- › National Health and Medical Research Council
- › Residents of Retirement Villages Victoria
- › RMIT University
- › National Rural Health Alliance
- › Rural Northwest
- › Scanlon Foundation
- › State Trustees
- › The University of Melbourne

# Volunteers



Every day, the generous efforts of volunteers in our research programs and administration help us in our work to bring research to life. Our volunteers are all retirees wishing to remain engaged in the workforce and community. Our volunteering program is a true partnership. NARI could not do the work it does without volunteers.



Dallas Ware is a familiar face around NARI. He began volunteering in 2007, assisting researchers in their work into preventing secondary stroke.

Mr Ware used to work as General Manager, Commercial and Finance at CSIRO before retiring. His career encompassed technology, engineering and commercial management roles in many technology-based industries such as aircraft, aerospace, aviation, space, IT and telecommunication.

Today, he volunteers twice a week at the NARI library where he has been cataloguing, sorting and reorganising NARI's extensive research literature.

Over the past year, Mr Ware has put his research background to good stead working alongside staff to undertake a massive literature search into technology and ageing.

The work includes scoping current evidence to help inform the development of a framework to understand the full breadth of this complex issue. Technology is a growth area across the ageing research and aged care sector.

"What we want to achieve is a understanding of the real needs and problems and how technology can apply a solution," Mr Ware said.

"At the moment, many people are developing solutions without knowing the problems."

Once the framework has been established, it will enable providers and clinicians to evaluate what, if any, benefits a technological solution might have.

"What I have discovered from the literature is that much of the work so far examines technology from the benefits to health professionals, carers, and family members rather than the older person specifically," Mr Ware said.

Now 64, Mr Ware says that volunteering at NARI has given him a renewed interest in work.

"There is always some match of interests or skills for people who want to volunteer," said Mr Ware.

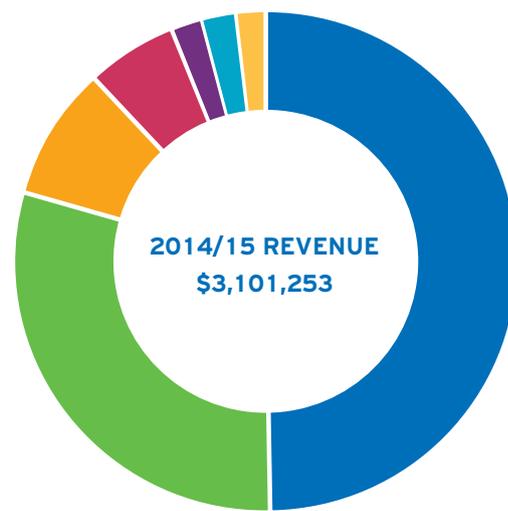
"My retired colleagues envy my chance to do something interesting and useful for this important organisation. We are all dealing with ageing in some way!"

*Image: Dallas Ware assisting Dr Frances Batchelor with research.*

# Finances

## Statement of Comprehensive Income for the year ended 30 June 2015

	2015	2014
<b>REVENUE</b>		
State government grants and contracts	\$1,544,148	\$1,392,389
Federal government grants and contracts	\$919,861	\$1,012,006
Other contract research	\$175,146	\$550,688
Philanthropic grants and contracts	\$275,020	\$310,285
Education and training	\$56,523	\$169,719
Interest	\$64,851	\$64,872
Donations and Miscellaneous	\$65,704	\$41,199
<b>Total Revenue</b>	<b>\$3,101,253</b>	<b>\$3,541,158</b>
<b>EXPENDITURE</b>		
Employee Benefits	\$2,602,382	\$2,892,365
Project costs	\$288,585	\$196,876
Research support	\$153,917	\$149,620
Other expenses	\$239,515	\$301,734
<b>Total Expenditure</b>	<b>\$3,284,399</b>	<b>\$3,540,595</b>
<b>Deficit for the year</b>	<b>\$(183,146)</b>	<b>\$563</b>

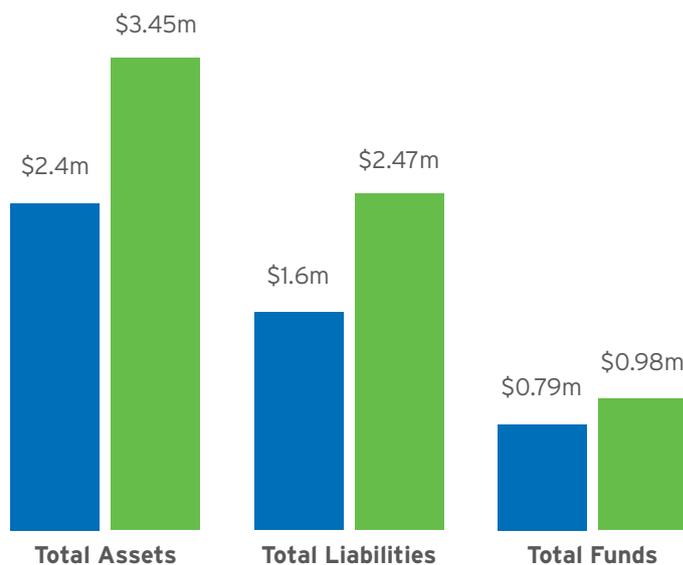


### REVENUE BREAKDOWN

- State government grants and contracts
- Federal government grants and contracts
- Other contract research
- Philanthropic grants and contracts
- Education and training
- Interest
- Donations and miscellaneous

## Balance Sheet as at 30 June 2015

	2015	2014
<b>ASSETS</b>		
Current assets	\$2,088,753	\$3,242,535
Non-current assets	\$313,772	\$214,545
<b>Total Assets</b>	<b>\$2,402,525</b>	<b>\$3,457,080</b>
<b>LIABILITIES</b>		
Total current liabilities	\$1,446,312	\$2,352,938
Total non-current liabilities	\$159,321	\$124,103
<b>Total Liabilities</b>	<b>\$1,605,633</b>	<b>\$2,477,041</b>
<b>Net assets</b>	<b>\$796,892</b>	<b>\$980,039</b>
Reserves	\$7,879	\$1,576,568
Retained earnings	\$789,013	\$(596,529)
<b>Total Funds</b>	<b>\$796,892</b>	<b>\$980,039</b>



Full audited financial statements are available at [www.nari.net.au](http://www.nari.net.au)

# How You Can Help

Australia will have six million people over the age of 65 by the year 2050 and they will comprise 25 per cent of the population.

Growing older is a positive experience for many people, but it also brings worries about health and living with chronic disease.

With your compassion and generosity, NARI can continue its research to improve the health and wellbeing of older people. There are many ways you can get involved and make a difference:



## MAKE A DONATION

Your donation, no matter how large or small, will help us fund important research into ageing or buy vital equipment. Donate online at [www.nari.net.au/support-us/donate](http://www.nari.net.au/support-us/donate)



## VOLUNTEER

NARI's research program relies on the support and interest of older people participating as volunteers. We are always recruiting people for our projects.

Alternatively, you can volunteer your skills to help out in the office. We are a self-funded, not for profit organisation, and we warmly welcome and greatly appreciate the wonderful work of our office volunteers who assist in a wide range of tasks from policy development to routine office support. The availability of positions will depend on our current business needs and your level of expertise.

If you are interested in becoming a NARI volunteer please go to: [www.nari.net.au/support-us/volunteer-general](http://www.nari.net.au/support-us/volunteer-general)



## LEAVE A BEQUEST

Leaving a bequest to NARI is a special way of leaving a gift for generations to come. It also allows us to plan for the long-term future with a greater degree of certainty.



## INVITE US TO SPEAK

Invite us to speak to your group and learn more about the vital work of NARI and how it brings research to life.



## HOLD YOUR OWN FUNDRAISING EVENT

Get creative, have fun and make a difference! Planning your own fundraising event is a great way to raise much-needed funds and awareness of NARI. Have a casual clothes day at work, hold a girls' night in, get fit and recruit your friends for one of the many fun runs and raise money for the Institute.



## FOLLOW US OR LIKE US

If you are on social media, why not like us on Facebook or follow us on Twitter:

**Facebook:** National Ageing Research Institute

**Twitter:** @NAgeingRI



For further information about how you can support NARI, please call 03 8387 2305 or email us at [info@nari.unimelb.edu.au](mailto:info@nari.unimelb.edu.au)



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### About Us

Cardiac Health Institute combines the latest technology and up to date research together with forefront leadership in the field of cardiology to bring comprehensive care to the community. Our team of internationally respected cardiologists and health care professionals provide unsurpassed excellence in consultation and in diagnostic and interventional cardiology.

Services across all sites include complete onsite imaging, EP pacing, device implementation and expert guidance for preventative cardiac health care measures.

Our multi-skilled team is dedicated to delivering the highest standard of cardiac care and remains committed to CHI's central goal of patient focused cardiology.

The multilingual specialties within the practice include Mandarin, Indonesian, Hokkien, Hakka, Cantonese, Hindi and Punjabi.

### Our Commitment...

**We are committed to serving our patients with welcoming smiles, kindly words, gentle hands, compassionate hearts and exceptional professional care.**

#### We Value..

- Leadership and excellence in cardiovascular and preventative healthcare services
- Education and training for healthcare professionals
- Expanding medical knowledge through research
- Improving the health status and knowledge of our community

- Medical Consultation
- Research & Risk Factor Careers Management
- Contact Us

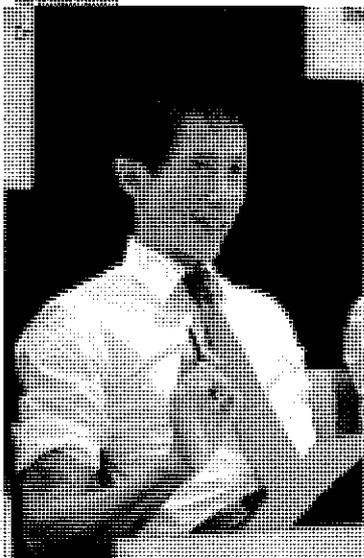
- Electrocardiogram (ECG)
- Holter Monitor
- Ambulatory Blood Pressure
- Exercise Stress Test
- Nuclear (sestamibi)scans
- Echocardiogram
- Stress Echocardiogram
- Transoesophageal Echocardiogram
- Carotid Ultrasound
- SphygmaCor Central Blood Pressure Analysis
- Diet/Exercise Program
- EP Device/ Therapy
- Pacing Clinics
- CT Coronary Angiogram
- Coronary Calcium Scoring
- Angiography/Angioplasty /Stenting/Personalised



Professor Hossein Kiai

Professor Hosen Kiat

## Education &amp; Research

For Professionals  
For Patients

## Education

Cardiac Health Institute has been recognized by the RACGP as an accredited provider. We establish programmes that help to further skills and demystify aspects of diagnosing and treating cardiac disease.

## Accredited Activity Provider

2011 - 2013



[Find out more regarding our CPD calendar.](#)

Education &amp; Research

Careers

Contact

## Research

Under the direction of Professor Hosen Kiat, Cardiac Health Institute continues to seek the answers to complex cardiology questions through dedicated research programmes : grants affiliated with Australian and International universities.

At the Institute, we are dedicated to research so that we can improve physician competence, enhance performance in-practice, and provide continual improvement in patient care.

For a full listing and access to the extensive register of Professor Kiat's publications please see [http://www.researchgate.net/profile/Hosen\\_Kiat/](http://www.researchgate.net/profile/Hosen_Kiat/)

## Recent Publications

- Grant SJ, Yu SB, Kiat H, Chang D. "The use of complementary and alternative medicine by people with cardiovascular disease: a systematic review." BMC Public Health 2012;12(1):299.
- Currie, G.M., Iqbal, B., Wheat, J.M., Wang, L., Trifunovic, M., Jelinek, H.F., Kiat, H., "Risk stratification in heart failure using <sup>123</sup>I-MIBG." J Nucl Med Technol. 2011;39(4):295-301.
- Kiat, H., Bin, Y., Grant, S., Chang, D., "Complementary medicine use in cardiovascular disease: a clinician's viewpoint." The Medical Journal of Australia. 2011;195(11-12), 654-6.
- Currie, G. M., Kiat, H., Wheat, J. "Scintigraphic Evaluation of Acute Lower Gastrointestinal Hemorrhage Current Status and Future Directions." Journal of Clinical Gastroenterology 2011;45(2): 92-99.
- Currie, G. M., Wheat, J., Kiat, H. "Pharmacokinetic considerations for digoxin in older people." Open Cardiovasc Med J 2011;5: 130-135.
- Bin, Y. S., Kiat, H. "Prevalence of dietary supplement use in patients with proven or suspected cardiovascular disease." Evid Based Complement Alternat Med 2011: 632829.
- Currie GM, Kiat H, Wheat JM. Scintigraphic Evaluation of Acute Lower Gastrointestinal Hemorrhage: Current Status and Future Directions. Clin Gastroenterol 2010.
- Doran CM, Chang DHT, Kiat H, Bensoussan B. Review of economic methods used in complementary medicine. JACM 2010; 16(5): 591-5.
- Geoffrey M Currie, Hosen Kiat, Janelle M Wheat. Potential iatrogenic alteration to <sup>18</sup>F-fluoride biodistribution. J Nucl Med 2010; 51(5):823.

## Recently Acquired Grants

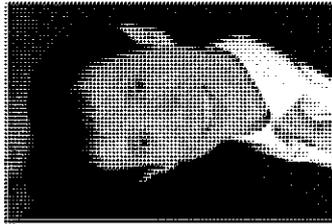
- 2012-2015. Innovative Exercise to Improve Prognosis Among Patients with Ischaemic Heart Disease
- 2011-2012. Macquarie University Safety Net Funding in Heart Rate Variability.
- 2011-2014. ANSTO Health Medical Research Grant in MIBG cardiac SPECT.
- 2011-2012. Australian National Imaging Facility Subsidised Research Grant in Functional MRI.
- 2011-2014. Defence Health Foundation Medical Research Grant in Heart failure.
- 2011-2012. Cancer Council NSW Commissioned Strategic Research Grant in Functional MRI.
- 2010-2012 NHMRC Safety Net Project Grant, Macquarie University in Heart failure.
- 2010-2014. MediHerb Research Support Grant in Lymphoedema.

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Professor Hosien Kiat

**Professor Hosien Kiat**

**MBBS FRACCP FACP FACC FCCP FCSANZ FASNC**



Academic Appointments

- Professor of Cardiology, Macquarie University School of Advanced Medicine
- Conjoint Professor of Medicine, University of New South Wales
- Conjoint Professor of Medicine, University of Western Sydney
- Adjunct Professor, School of Dentistry and Health Sciences, CSU

Education & Research Careers Contact Us

Professor Kiat graduated from Monash University. He did his medical internship and residency at the Alfred Hospital, Melbourne and did his general, interventional and electrophysiology cardiology training at the Alfred and Austin Hospitals, Melbourne and Westmead Hospital, Sydney.

He went on to do his research fellowship, and was appointed full-time staff cardiologist and Director of Cardiac Imaging Research, at the Cedars-Sinai Medical Centre, UCLA School of Medicine in Los Angeles. Over his 10 year tenure there, he acquired several million dollars of research grants and published more than 200 research publications in the field of cardiovascular medicine.

He is a Diplomate of American Boards: Internal Medicine, Cardiovascular Disease, Nuclear Medicine and Cardiovascular Disease - Subspecialty Cardiac CT.

In 2007, Professor Kiat was invited to be one of the foundation professors to head up the School of Advanced Medicine at Macquarie University, which provides specialty and subspecialty medical training and degrees for our medical graduates.

Professor Kiat has research groups at UWS, Macquarie University, UNSW and Charles Sturt University. To view his current research activities and his publications, please follow the link: [http://www.researchgate.net/profile/Hosien\\_Kiat/](http://www.researchgate.net/profile/Hosien_Kiat/)

He speaks fluent Mandarin and Indonesian national languages and is well versed in Southern Chinese dialects (Hakka, Cantonese) and Java's dialect, Bahasa Sunda.

Professor Kiat is the Medical Director of Cardiac Health Institute and consults at our Eastwood and Macquarie Rooms.

## Supplementary Witness Statement

### Dr John Kenny

1. In my earlier witness statement at paragraph 8 and attachments JK-1 and JK-2, I provided evidence of the University of Tasmania Academic Workload Guidelines (“AWG”) and the Faculty of Education Workload Model (2013).

#### 2013 Dispute

2. An earlier version of The AWG was appended to the *University of Tasmania Academic Staff Agreement 2006 – 2008*. The NTEU raised a dispute in relation to the application of those guidelines, as a result of which the Faculty of Education and the NTEU established a joint committee within the Faculty, which led to the development of a time-based model for allocating academic work in accordance with the AWG. The Faculty of Education Workload Model (2009-2020) developed through this process was a precursor of the Faculty of Education Workload Model (2013), JK-2.
3. A version of the AWG was appended to the *University of Tasmania Academic Staff Agreement 2010-2012* (at Appendix B), which were referred to at clause 24.1, where the Agreement required the university to ensure:
  - a fair and equitable workload for employees;
  - transparent process of workload allocation;
  - the workload of employees is managed to ensure teaching and administrative responsibilities are reasonable and in line with agreed workload guidelines;
  - adequate time is allowed in an employees workload for research and scholarship; and
  - the workload of each employee is manageable and consistent with the continued health and safety of the employee.

4. That Agreement established a bipartite Academic Workload Development Committee (“AWDC”) which was empowered to determine changes to the guidelines, to develop standard time allocations for various teaching, administrative and research activities, and to monitor and review School and Faculty Workload Models to ensure consistency with the Guidelines and with the standard time allocations. The AWDC developed the AWG into their current form.
5. This revision of the AWG led to a revision of the Faculty Workload Model into the 2013 version.
6. In 2013 there was a dispute between the NTEU and the University in relation to the lack of implementation of these provisions across the University. This dispute (C2013/304) concerned the requirement to monitor School and Faculty Workload Models to ensure consistency with the AWG. The dispute led to recommendations by Commissioner Roe which resulted in the School based Models which were in dispute being brought into compliance with the time allocations in the AWG.

### **Ongoing work of AWDC**

7. This earlier work in the Faculty informed the subsequent work on the AWG to incorporate time estimates for a variety of elements of academic workload to be applied across the institution. These time estimates were further developed by the Academic Workloads Development Committee, established in accordance with clause 26 of the *Academic Staff Agreement 2010-2012*. That committee consisted of 6 people (three representatives of the NTEU led by myself, and three representatives of management including a Dean, the DVC Research and a representative of Human Resources). These people served on that committee in addition to their other duties and it met approximately 20 times over an 18 month period in the course of developing those time estimates.

8. The Committee undertook the work necessary to audit the pre-existing workload models, most of which had been designed by managers and had been used historically to allocate teaching on the basis of units to be taught or student load. These models were not compliant with the enterprise agreement.
9. The committee took the time to consider and consult about appropriate estimates itself – this was not a task delegated to other staff for which the committee merely had oversight. This involved a survey of academic staff to establish a range of estimates for various tasks performed by academics which was used to find the median value, which became the starting point for negotiations.
10. Once developed, the two key members of the committee, myself and the lead management representative, undertook to conduct information meetings across the organisation to inform Faculties and work units of their existence and the process and timeline for their implementation.
11. I calculate that the development of the working time estimates for various academic duties in the Academic Workloads Guidelines at UTas took in the order of 650-700 person hours, including consultations, survey development and analysis, meeting time, preparation, travel, and follow-up.

### **Inputs and outputs**

12. In deriving mechanisms to determine realistic time estimates for various aspects of academic work both input and output activities need to be considered. Input refers to time required to complete tasks whereas output refers to the resulting products or outcomes.
13. For teaching, the AWG demonstrates that the determination of inputs is relatively straight forward once the associated tasks have been defined. While survey of individual academics

shows a wide range of estimates for some tasks, the median value was used as the basis to negotiate a reasonable allocation. In other words, while any one person may take longer on a given task, they would be aware of the time they are actually allocated for that task for the purposes of their workload allocation. Thus transparency and confidence that the figures used were realistic was crucial. This was assured by the involvement of the staff representatives who were able to share the developments with the staff overtime.

### **Research workload estimates**

14. In the case of research, the AWG document provided only estimates of the minimal expectations to be used to determine staff as “research active” in accordance with the requirements of the then industrial agreement (2010-2012). However, there is no reason why a similar process as applied for determining the teaching workload allocations would not work for determining research workload.
15. The associated research tasks include both input and output activities as below:
  - *Research input activities* include supervision of research students, preparation and submission of grant and project proposals, management of existing grants and projects, preparation and submission of research papers for review.
  - *Research outputs* include the number of research student completions, the amount of external funding for grants, and the number and type of peer publications. These again can be determined relatively easily (see the UTAS Academic research performance expectations).
16. The AWG provided for the passive allocation of research working time by determining the balance of time remaining when teaching and administrative duties have been allocated. The Faculty of Education Workload Allocation Model 2013 was derived from the earlier workload model and modified to be in line with the AWG. It includes time allocations for teaching and

administrative related tasks consistent with the AWG, along with several Faculty related activities. Each Faculty and Institute went through a similar process to adopt workload models based on the AWG.

17. At page 4, the Faculty of Education Workload Allocation Model 2013 went further and provided a mechanism to determine research outputs of an academic at each classification level given the time allocated for research in the workload model. To my knowledge, this page was derived by the then Associated Dean of Research in the Faculty and was to be used to supplement the minimal research expectations in the AWG in order to guide the research performance of academics in the Faculty. This page has since been superseded by the UTAS research performance expectations as listed in the *Research Performance Expectations for Academic Staff 2014* (JK-4).

18. I am unable to calculate with precision the time associated with the development of the working time estimates for research embedded in the Faculty Workload Allocation Model (2013) and Workload Calculator, but the fact that it was completed largely by one person in one faculty (who also had considerable responsibilities aside from this work) indicates it was not a very onerous task.

### **Maintaining and Updating time estimates**

19. While the initial development of such estimates is a relatively substantial task, their maintenance and updating in light of new methodologies or technologies, or other changes to pedagogical and research practice, would be a much smaller undertaking. Once established, these estimates will only require occasional amendments to keep them up to date. For example, the May 2012 Academic Workload Guidelines (JK-1) continue to be used at UTas in 2016, and 2013 Faculty Workload Allocation Model (JK-2) are currently being revised to bring them into line with the new performance management policy as in *The UTAS Academic*.

20. In the attachment to this supplementary statement, JK-14, I provide some preliminary analysis of data from a national survey of 2059 academics asking for estimates of the time involved in completing various research, teaching and administrative tasks they perform. This is the same survey reported at paragraphs 36-42 of my earlier statement. The tables in JK-14 show the median values for the time estimates received. The figures in the teaching table are broadly consistent with the AWG developed at UTAS and so validate this process.

21. In addition, the work described above can inform the task going forward. It has been reported in the literature and there is no reason why national data cannot be used to establish national time allocation benchmarks for the range of academic tasks using a similar process to that outlined here involving the NTEU and employer representatives. This would substantially reduce the effort needed within each institution undertaking the work separately.

**Dr John Kenny**

**11 July 2016**

## Attachment JK-14

An online questionnaire was developed in conjunction with the NTEU national office and circulated to academics across the country. It contained a range of questions of asking for estimates of the time typically associated completing with a wide range of tasks as well as open text comments allowing respondents to elaborate on their responses.

The survey was set up in the online survey system SurveyMonkey and 2059 valid responses were received and downloaded into Excel, SPSS and NVivo for statistical and thematic analysis.

### Preliminary Findings

#### *Demographics*

Respondents came from 39 Australian universities with all academic levels represented (Table 1). Genders were approximately equal, with more females overall (Table 2). Career lengths were fairly equally divided between short (0-5 years), long (20+ years) and durations between. HASS, STEM and Medicine were the most represented disciplines (60% of the sample).

**Table 1: Academic levels**

	<i>Level A</i>	<i>Level B</i>	<i>Level C</i>	<i>Level D</i>	<i>Level E</i>	<i>Total</i>
<i>Percent</i>	7.3	47.6	26.3	9.3	9.5	100

**Table 2: Gender and contractual basis**

	<i>Male</i>	<i>Female</i>
<i>Full time continuing/tenured/ongoing</i>	34%	39%
<i>Part time continuing/tenured/ongoing</i>	2%	5%
<i>Full time fixed term</i>	5%	7%
<i>Part time fixed term</i>	2%	5%

### ***Workload***

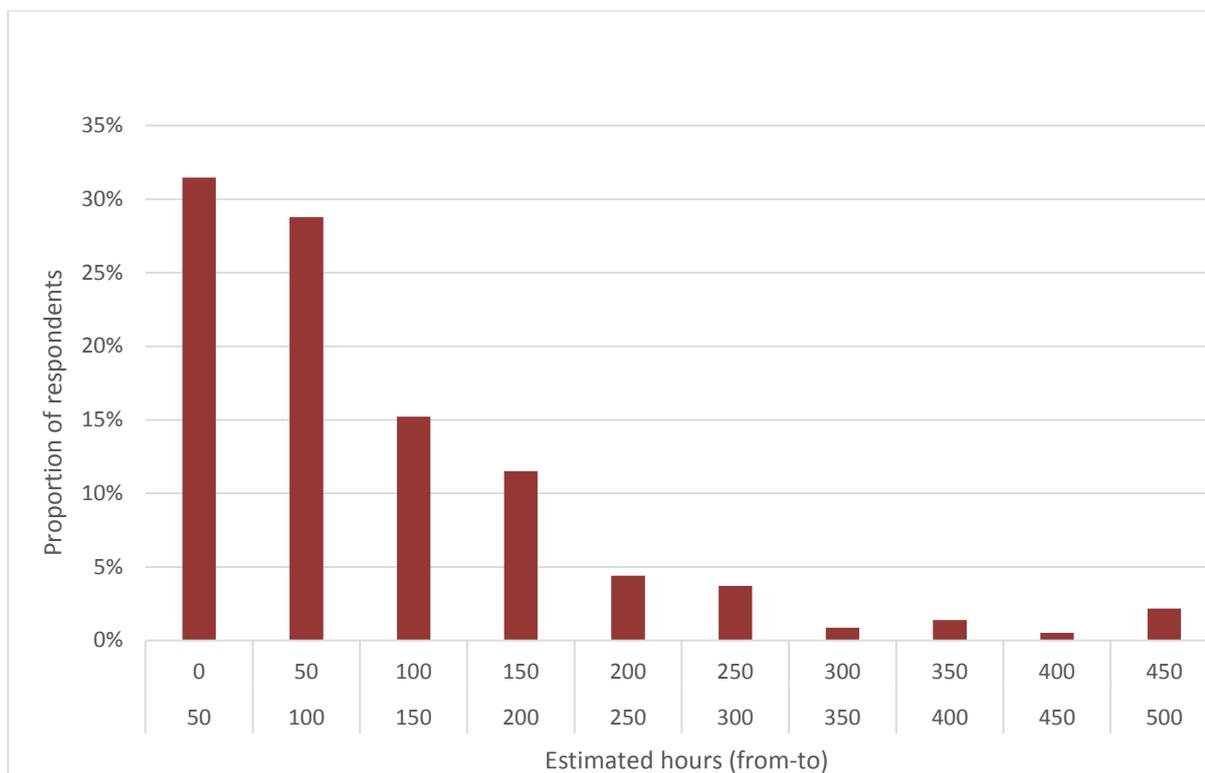
For full-time academics, only 10% agreed 38 hours a week is sufficient to perform their actual academic workload. For all respondents, including casual and part-time, the mean working time was 50.4 hours per week, standard deviation = 11.06 hrs. For full-time academics the range of hours worked per week was 32 to 100 hours. To eliminate outliers, the range was trimmed by 5% at either end. This gave a range of 35 to 97 hours, a mean of 52.4 hours (sd. 8.7) and median of 50 hours.

62% of all respondents, including part-time, strongly agreed they have to work in the weekends or evenings.

### ***Estimated workload for specific tasks***

Questions asked respondents to estimate the amount of time it took to perform standard academic tasks related to teaching, research and administration. The first question illustrates the range of responses.

Academics estimated the time (in hours) to undertake unit planning activities (on campus teaching) for a totally new unit (or one you have not taught previously). The mean and standard deviation from the 1157 respondents that answered this question was 121 (142) hours respectively. Figure 1 shows the distribution of responses which indicates the individual responses varied considerably.



*Figure 1: Estimated time (in hours) to undertake unit planning activities (on campus teaching) for a totally new unit (or one you have not taught previously)*

The scattered nature of the data underscores the individuality with which many academics approach their work or that some respondents may have had different interpretations of the question. For example, in framing the question it was presumed delivery for the new unit would be 3 contact hours per week over a 13 week semester (39hrs) which may not apply universally.

In the tables below outliers were ignored as they were few in number but could distort the data analysis, and the median figure to represent the consensus of estimated unit planning time. In this case, the median was 96 hours.

All the tables which follow have used the same methodology to provide initial estimates of the time academics say they need for the tasks involved in their work.

NTEU survey 2016 (tables prepared with raw data 7Apr16)

Median preparation and teaching time estimates		Totally new	Substantial review	Update	Repeat	
Estimated time (in hours) to undertake unit planning activities	On campus teaching	96	50	25		
	Online teaching	100	60	30		
Preparation time (median hours per hour of delivery)	Lecture	On Campus	8	5	2	1
		Online	10	5	3	1
	Tutorial	On Campus	5	3	2	1
		Online	6	4	2	1
	Workshop	On Campus	8	4	2	1
		Online	8	5	3	1
	Laboratory session	10	5	3	1	
	Studio class	6	4	2	1	
	Field trip	10	5	3	2	
Time to set up for a class or tutorial	1					
Average time (per student) to visit and supervise students in industry placement, teaching practicum, clinical placements or other work4 integrated learning activities (hours).						
Student consultation (average minutes per student per unit)		On Campus	20			
		Online	25			
Average time to assess and give feedback on student work (average minutes per student per unit). Please note this question refers to the total average time required per student for all assessment tasks in a unit, regardless of the form of the assessment.		On campus	60			
		Online	60			
Average time taken to moderate student assessment items (average minutes per unit)		On campus			30	
		Online			40	

<b>Median research task time estimates for working academics.</b>		
Typical time to develop and submit a competitive research grant proposal (e.g. ARC, NHMRC or similar) in your discipline area.	Average estimated time in hours for this task	120
	How many hours would you spend on this type of task in a typical year?	140
Typical time to develop and submit a competitive research grant proposal (e.g. With industry, CRC or other public sector Income source) in your discipline area.	Average estimated time in hours for this task	80
	How many hours would you spend on this type of task in a typical year?	80
Typical time spent managing a competitive research grant (e.g. ARC, NHMRC, or similar) in your discipline area.	Average estimated time in hours for this task	80
	How many hours would you spend on this type of task in a typical year?	60
Typical time spent managing a competitive research grant proposal (e.g. With industry, CRC, or other public sector Income source) in your discipline area.	Average estimated time in hours for this task	50
	How many hours would you spend on this type of task in a typical year?	60
Typical time spent preparing an ethics application.	Average estimated time in hours for this task	15
	How many hours would you spend on this type of task in a typical year?	30
Typical time spent preparing an 'A1' (refereed article in a scholarly journal) for submission and peer review.	Average estimated time in hours for this task	100
	How many hours would you spend on this type of task in a typical year?	240

<b>Typical median time spent preparing a publication for submission and peer review.</b>	Average estimated time in hours for this task	How many hours would you spend on this type of task in a typical year?
'A1' (refereed article in a scholarly journal)	100	240
'B1' (Authored book- Research)	250	160
'C1' (Chapter in a book- Research)	100	100
F1 (peer reviewed conference paper)	40	60
G1 (a Registered Design)	0	0
K1-5 (a Published/Recorded work, Curated exhibition or Performance).	40	40
J1 (a patent).	15	0

<b>Research supervision and approved research qualifications</b>	Average estimated time in hours for this task per annum	How many hours would you spend on this type of task in a typical year?
Typical time spent co-supervising an HDR student.	60	145
Typical time spent in a year studying for a doctorate or masters in connection with your employment or probation (estimate total hours).	400	

## **Further Supplementary Witness Statement**

### **Professor Phil Andrews**

I, Professor Phil Andrews of 23 Koorringal Road, Upwey, in the State of Victoria, declare as follows:

1. I make this statement in addition to my previously lodged statements. I am advised that the employer, by way of submissions and witness evidence in these proceedings have sought to rely in support of their case upon the flexibility about how, when and where academic work is performed, to support the proposition that this is a significant benefit to academic staff.
2. This flexibility should be acknowledged, and in my experience most academic employees do see this as one of the attractions of the academic job. However, while this benefit is real, I would also wish the Commission to be aware of two things based on my extensive experience and observation:
  3. The first is that in my work area there is an expectation, which has increased over the years, that academic staff will be at their office (or in their laboratory) during working hours. Certainly, one's absence from the workplace is noted. It is not the case that academic staff can just turn up for scheduled activities and otherwise come and go as they please.
  4. The second is that, across my university and the higher education sector, flexibility in the times and locations at which academic work is performed by no means only favours the employee. Considerably flexibility in working hours is also required of academic

staff in order to deal with peaks in workloads, such as, for example, marking periods and research grant application deadlines. Academic staff are expected to put in whatever hours are necessary to get the work done.

5. For example, it is not uncommon for employees to perform substantial work during their annual leave in order to meet required performance standards, especially in relation to research. This is all flexibility in the employers' favour. While the ability, for example, to take a morning off to attend a child's school event, and like flexibilities are appreciated, the main beneficiary of working hours flexibility is the employer.
6. Moreover, while there is some flexibility around when most work is performed, this is offset considerably by the rigid inflexibility which usually applies to allocated teaching work. Nearly all academics rightly put a high priority on being able to deliver their allocated classes, and the taking of sick leave when classes are scheduled is usually limited to completely debilitating illness.

**Professor Phil Andrews**

10 July 2016

## **Supplementary Witness Statement**

### **Clark Holloway**

I, Clark Holloway of 792 Tames Rd, Strathbogie, in the State of Victoria, declare as follows:

1. I resigned from employment at the University of Wollongong with effect from 6 May 2016.
2. I have read the statement of Sue Thomas on behalf of the AHEIA in these proceedings.
3. At paragraph 26 Ms Thomas describes the University's online Web Kiosk system as a "system for recording hours". However it is not such a system since it does not provide for the recording of overtime hours worked, nor for the recording of hours worked outside the "band width" span of ordinary time hours designated for the particular work area.
4. At paragraph 27 Ms Thomas denies that staff are required by this system to lie about hours worked. The system had the effect of requiring me to submit time records which failed to record hours worked outside the "band width" or on weekends. This was an inbuilt feature of the system. In recording my hours on the University's online system as directed, I was necessarily required to omit some of my hours worked because they fell outside the parameters permitted by the system. By failing to record those hours, the system required me to misreport my hours worked.
5. Similarly, the system requires staff to misreport their hours worked in circumstances where they have already accumulated 10 hours of flextime to carry forward, and then work additional hours. It is possible to carry more than ten hours forward only time off in lieu of those extra hours has already been planned in advance. In the absence of knowing in advance when it will be possible to take such time off, the employee is

prevented by the constraints of the system from entering any more than their standard hours in any accrual period.

6. At paragraphs 29 and 30 Ms Thomas asserts that work outside the “band width” and on weekends “is overtime” or “would normally be recognised as overtime”. This is not the case in my experience. In my work area, the flextime system operated, and overtime was not paid for long hours or weekend work.

Clark Holloway

8 July 2016

## Supplementary Witness Statement

**Dr Caron Dann**

I, **Caron E Dann** of **7/17 Gloucester Ave Berwick 3806** declare as follows:

1. I make this statement to supplement witness statement submitted to the Commission and dated 10 March 2016.
2. This statement is provided in response to comments by Andrew Picouveau of Monash University in his statement of 6 June 2016.

### **Response to 73. (a)**

3. In his statement at 73. (a), Mr. Picouveau responds to my statement in relation to information technology and hot desks. It is true that the university provides ‘hot desks’ for use by sessional staff. However, a hot desk on its own does not take the place of an office. In fact, a hot desk can be used for only the most basic tasks, such as checking emails (but not necessarily answering them). In addition, now that we all have mobile technology, this function of hot desks is virtually redundant except when one’s own equipment is running out of batteries.
4. From my experience, an academic needs more than a shared computer at a hot desk to work. During a typical day working in my home office I require access to my books. These are major ‘tools of trade’ and I have three large bookcases in my office holding about 600 books and journals. In any given week, I would use at least 20 of these, and often more. Addressing the work tasks that I am directly required to undertake as part of my teaching work at Monash University, books are crucial to writing lectures, lecture slides and tutorial material; to refer to when students send emails requiring information about sources that they need for assignments; when compiling reading lists for Unit Guides. I cannot always anticipate which books I will need in any given day. Without these books, I cannot do the preparation for my

teaching work at Monash. I cannot physically carry my books with me and so I cannot complete the above work at a hot desk. It is necessary in order to perform my work to a satisfactory standard that I perform much of my preparation work at home, using my own Information Technology hardware and software.

5. Every academic I know who is employed on a permanent or long-term contract basis has a lockable office or part of an office provided for them by the University and containing extensive bookshelves. These bookshelves are always full in every academic's office I've ever been into (since 2008). I'm sure the University would not provide offices with bookshelves if it thought academics did not need them: everyone would just have a hot desk.
6. It would be good to have some lockers to store materials during the work day. However, what is stored would be limited as these lockers would have to be relinquished at the end of a contract, and the contents removed.

#### **Access to my computer desktop and archives**

7. As a casual teacher, I need to refer to a vast number of records, including student attendance sheets, essay marking rubrics, records and archives, PowerPoint slides from the previous semester to be updated to the next, and so on. A hot desk provides a shared computer with access to the internet only—not the access I need to all my files and records. Furthermore, if I create a document on a Monash University computer, I then have to email it to myself. Using 'MyMonash Google' docs is a good option, but the problem here is that when I am between contracts, I would not have access to this material, so it cannot be stored here, only worked on at the time it is being written and only if I have a current contract.
8. Regardless of the limitations of hot desking described above, I often have to work at night or on weekends to prepare for classes and to mark assignments, and it is not practicable to be using the work hot desks at these times.

#### **Response to 73 (b)**

9. At paragraph 73 (b) of his statement, Mr. Picouveau responds to my comments around payment for specific tasks. Mr Picouveau understands of how contracts and claimable hours work in the School of Media, Film and Journalism is erroneous. After a very basic and non-specific contract is agreed to with Human Resources at Monash University, the sessional finance management team issues each sessional with a schedule of claimable hours. These schedules are strictly adhered to. For example, no extra payments are made for student consultations, unless it is a situation in which the Chief Examiner or other authority requests the Coordinator be present at a meeting with an at-risk student.
10. During this current semester, my schedules of claimable hours for the two units I coordinated arrived in week 9 and were finalised at the end of week 10 of the 12-week semester. [*Refer claimable hours schedule emails – from Caron Dann – 11 May 2016 and 13 May 2016*].
11. In my experience, all academics regularly work beyond the hours for which they are paid. This is the same whether a person is a full-time academic, a short-term contract academic or a sessional.
12. Here are two concrete examples from my own experience as a sessional:
  - (i) In *Communications Theories and Practices*, of which I was Coordinator in Semester 1 2016, I was paid 2 hours a week for leading a unit with 50 Master of Communications and Media Studies students. This payment was for 15 weeks, and started in Orientation week, stopped during the semester break, and continued until 2 weeks after the unit ended (let us refer to those weeks as weeks 13 and 14). The problem is, the students' final essay is not due until week 14, so results cannot be finalised by week 14. While marking essays itself is paid separately, there remains a lot of administrative work for the Unit Coordinator after marking is finished—which necessarily falls after the end of the contract and which is unpaid. About two weeks after submission of the final assignments, I completed what is known as the Chief Examiner's report, and the Callista list of official marks, as well as dealing with at-risk students who had failed to submit final assessments.

By this time, I was off the payroll, and thus was doing this work without pay. This is a specific example of what happens every semester. The same happened on my other master's unit, Media, Technologies and Social Change, in Semester 1, 2016.

- (ii) I was employed to teach 50% of the classes for *Borderless Media in East Asia*, including 6 lectures. I have always been paid for a 1-hour lecture at the basic rate, never the developed rate, even if I haven't done that lecture before. From discussions with my casual colleagues, I know this to be widespread. To put together a lecture that is new to me takes me 2-3 days, and I am now very experienced at writing lectures. I am paid a total of \$177.49 for the lecture, which includes the 1-hour delivery plus 2 hours 'associated work', including constructing or upgrading the PowerPoint presentation for the lecture and uploading learning material to the online unit site on Moodle. The payment for time spent in preparation and associated duties for each lecture or tutorial is insufficient to properly allow for the tasks directly associated with each hour of teaching. It certainly does not allow time for additional professional development and maintenance of my discipline knowledge more generally.

13. In respect to Mr. Picouveau's comments at paragraph 73 (c), I have been told specifically by Jodie Wood, the Senior Manager, School Support, in Media, Film and Journalism that sessionals are expressly NOT included in the professional development courses open to contract and permanent staff, even those run by Monash University itself for its staff. [*Refer attached email from Jodie Wood, 28 October 2014*].

14. From the specific example in my original witness statement, [23] – [26] it is clear that this support is not being provided to sessional staff.

15. In an email to me from Jodie Wood, Senior Manager, School Support (28/10/14), Ms. Wood stated that '*Unfortunately the professional development fund for staff is not available to sessional staff*'.

16. Between 2008-2016, I received one grant and know of only this one grant that has been available to sessionals such as me: this was in 2010 and was a one-off publishing grant expressly for sessional staff at the former ECPS (School of English, Communications and Performance Studies). The outcome was that I wrote an article that was then published in an academic journal. I do not know of any other such grants currently available to sessional staff.

Dr Caron Dann

11 July 2016

**Renee Veal**

---

**From:** Susan Kenna  
**Sent:** Monday, 11 July 2016 9:26 AM  
**To:** Linda Gale  
**Cc:** Renee Veal  
**Subject:** FW: Updated Claimable Hours Schedules - APG5894 & APG5397  
**Attachments:** DANN Caron\_APG5894\_CLAIMABLE HOURS Semester 1 2016 as at 12th May 2016.docx; DANN Caron\_APG5397\_CLAIMABLE HOURS Semester 1 2016 as at 12th May 2016.docx

**Importance:** High



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[skenna@nteu.org.au](mailto:skenna@nteu.org.au) [www.nteu.org.au](http://www.nteu.org.au)

**From:** Caron Dann [mailto:caron.dann@monash.edu]  
**Sent:** Monday, 4 July 2016 10:18 AM  
**To:** Susan Kenna  
**Subject:** Fwd: Updated Claimable Hours Schedules - APG5894 & APG5397

----- Forwarded message -----

**From:** **Theresa Mathias** <[terri.mathias@monash.edu](mailto:terri.mathias@monash.edu)>  
**Date:** 13 May 2016 at 09:10  
**Subject:** Updated Claimable Hours Schedules - APG5894 & APG5397  
**To:** Caron Dann <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)>  
**Cc:** Mark Gibson <[mark.gibson@monash.edu](mailto:mark.gibson@monash.edu)>

Hi Caron,

Attached please find the updated 'Claimable Hours Schedules' for APG5894 and APG5397. They should all be correct now.

Thanks Caron,  
Best wishes  
Terri

--

**Terri Mathias**  
School Executive Officer

**Arts**  
Humanities, Social Sciences and Performing Arts

**School of Media, Film and Journalism**

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*We acknowledge the Traditional Owners, and Elders past and present, of all the lands on which Monash University operates.*

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CRICOS Provider 00008C/ 01857J

<b><u>CLAIMABLE HOURS SCHEDULE</u></b>				
Semester 1, 2016 (As at 2 <sup>nd</sup> May 2016 )				
Staff Member:	CARON DANN			
Unit Code :	APG5397 – Media/Technologies & Social Change			
Activity Code	Description	Rate \$	MAXIMUM Hours Claimable	Duration (Weeks)
2051	<b>Lecture</b> (1hr delivery and 2 hrs associated work)	177.49	8	12
2054	Normal <b>Tutorial</b> WITH doctoral qualifications and full subject co-ordination duties	151.40	10	12
2056	Repeat <b>Tutorial</b> WITH doctoral qualifications or full subject coordination duties	100.94	10	12
2087	<b>*Other Required Academic Activity –</b> WITH doctoral qualifications			
	• Consultation Hours	50.47	24	12
	• Coordination	50.47	30	15
2059	<b>Marking</b> Standard WITH doctoral qualifications	50.47	As agreed with unit coordinator	

- \* **IMPORTANT** : When claiming hours for 2087 (Other Required Academic Activity) please ensure that you indicate in the '**comments**' section what the hours are for ie consultation, coordination etc.
- ◆ **Meetings**: Attendance at meetings can be claimed for 'markers moderation' and 'unit inductions'.
- ◆ Subject to change as advised by your supervisor.

<b><u>CLAIMABLE HOURS SCHEDULE</u></b>				
Semester 1, 2016 (As at 12 <sup>th</sup> May 2016)				
Staff Member:	CARON DANN			
Unit Code :	APG5894 – Comms Theory & Practice			
Activity Code	Description	Rate \$	MAXIMUM Hours Claimable	Duration (Weeks)
2051	<b>Lecture</b> (1hr delivery and 2 hrs associated work)	177.49	9	12
2054	Normal <b>Tutorial</b> WITH doctoral qualifications and full subject co-ordination duties	151.40	9	12
2056	Repeat <b>Tutorial</b> WITH doctoral qualifications or full subject coordination duties	100.94	9	12
2087	<b>*Other Required Academic Activity –</b> WITH doctoral qualifications			
	• Consultation Hours	50.47	24	12
	• Coordination	50.47	30	15
2059	<b>Marking</b> Standard WITH doctoral qualifications	50.47	As agreed with unit coordinator	

- \* **IMPORTANT** : When claiming hours for 2087 (Other Required Academic Activity) please ensure that you indicate in the '**comments**' section what the hours are for ie consultation, coordination etc.
- ◆ **Meetings**: Attendance at meetings can be claimed for 'markers moderation' and 'unit inductions'.
- ◆ Subject to change as advised by your supervisor.

**Renee Veal**

---

**From:** Susan Kenna  
**Sent:** Monday, 11 July 2016 9:26 AM  
**To:** Linda Gale; Renee Veal  
**Subject:** FW: Claimable Hours Schedule - ATS3897 SECOND OF THREE EMAILS ON CARON

Susan Kenna  
National Industrial Officer  
National Tertiary Education Union  
1st Floor,  
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[skenna@nteu.org.au](mailto:skenna@nteu.org.au) [www.nteu.org.au](http://www.nteu.org.au)

**From:** Caron Dann [mailto:caron.dann@monash.edu]  
**Sent:** Monday, 4 July 2016 10:17 AM  
**To:** Susan Kenna  
**Subject:** Fwd: Claimable Hours Schedule - ATS3897

----- Forwarded message -----

**From:** **Caron Dann** <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)>  
**Date:** 11 May 2016 at 09:19  
**Subject:** Re: Claimable Hours Schedule - ATS3897  
**To:** Jodie Wood <[jodie.wood@monash.edu](mailto:jodie.wood@monash.edu)>

Hi Jodie and Terri

Thanks for clarifying.

So, I do all tutorials myself on APG5894, and that will thus be 24 hours consultation.

On APG5397, Walter Wang does one tutorial (28 students) and I do the other two. Of course, this doesn't mean I don't consult with his students: I do, as coordinator of the unit, whenever it relates to their progress in general, personal matters that may be affecting them, and so on. In fact, I have a meeting today at Caulfield with one of his students.

So, I presume for APG5397 that the 24 hours would be divided between coordinators' hours and tutors' hours? Please let me know, as I think I have already claimed 16 hours (and worked more than that, of course).

Best regards

Caron

On 10 May 2016 at 12:20, Jodie Wood <[jodie.wood@monash.edu](mailto:jodie.wood@monash.edu)> wrote:

Hi Terri and Caron,

Sorry Caron, you are correct. If the coordinator is consulting to all students then it is 24 hours. If consultation is split between coordinator and tutors then it is a certain number of hours based on how many tutorial they take.

All the best

Jodie

On 3 May 2016 at 15:26, Theresia Mathias <[terri.mathias@monash.edu](mailto:terri.mathias@monash.edu)> wrote:

Hi Jodie,

Can you please advise?

Thanks

Terri

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**Terri Mathias**  
School Executive Officer

**Arts**  
Humanities, Social Sciences and Performing Arts

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----- Forwarded message -----

From: **Caron Dann** <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)>  
Date: 3 May 2016 at 14:29  
Subject: Re: Claimable Hours Schedule - ATS3897  
To: Theresia Mathias <[terri.mathias@monash.edu](mailto:terri.mathias@monash.edu)>

Hi Terri

Claimable hours schedule emails – from Caron Dann – 11 May 2016 and 13 May 2016

Thank you. I think there's an error in the consultation hours: last semester, they were 24 for a coordinator and they seem to have been reduced to 7.5! This might be the rate for a regular tutor who is not the Unit Coordinator, perhaps?

Cheers

Caron

On Tuesday, 3 May 2016, Theresia Mathias <[terri.mathias@monash.edu](mailto:terri.mathias@monash.edu)> wrote:

Hi Caron,

I'm so sorry for the delay in getting back to you, but attached please find the Claimable Hours Schedule for APG5397. APG5894 still to follow as I still need confirmation from the School Manager.

Thanks Caron,

Best wishes

Terri

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**Terri Mathias**

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On 14 March 2016 at 08:35, Theresia Mathias <[terri.mathias@monash.edu](mailto:terri.mathias@monash.edu)> wrote:

Thanks Caron, no problems, will send you both Claimable Hours Schedules as soon as the Teaching Plan has been updated with all the details.

Best wishes

Terri

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Terri Mathias  
School Executive Officer

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On 12 March 2016 at 10:46, Caron Dann <caron.dann@monash.edu> wrote:

Thanks, Terri. As well as APG5397, I am also coordinating APG5894.  
Cheers  
Caron

On 11 March 2016 at 14:36, Theresia Mathias <terri.mathias@monash.edu> wrote:

Dear Caron,

Attached please find the following :

- 1) Claimable Hours Schedule for ATS3897 (Semester 1, 2016)
- 2) 2016 Sessional Payment Outline
- 3) Sessional Marking Calculator (Excel)

The Claimable Hours Schedule for APG5397 is still to follow.

**Claimable Hours Schedule**

This schedule indicates the total number of hours claimable against each wage type for this unit. As indicated at the bottom of the schedule, when claiming hours against 'Other Required Activity', please ensure you indicate in the 'Comments' section what the hours are for ie consultation, meetings etc.

The Unit Code has been added to your profile so you can claim your hours, if it is not appearing please let me know.

**2016 Sessional Payment Outline**

This document explains how the consultation hours are calculated and also the breakdown of how seminars are paid.

**Sessional Marking Calculator**

This excel document will help you work out the number of hours undertaken for marking, including the wage type to use when claiming your hours. It has a formulae included, so you would just need to enter a) Words per assignment, b) number of assignments and c) indicate from the drop down menu whether the marking was 'standard' or 'significant'. The formulae will then calculate the number of hours to claim.

If you have any queries on any of the above, please don't hesitate to contact me.

Thanks Caron,  
Best wishes  
Terri

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Terri Mathias

Claimable hours schedule emails – from Caron Dann – 11 May 2016 and 13 May 2016  
School Executive Officer

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JODIE WOOD

Senior Manager, School Support  
School Manager - Media, Film and Journalism and National Centre for Australian Studies

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**Renee Veal**

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**From:** Susan Kenna  
**Sent:** Monday, 11 July 2016 9:26 AM  
**To:** Linda Gale; Renee Veal  
**Subject:** FW: Request re Chinese students' seminars

3<sup>RD</sup> OF THREE EMAILS FOR CARON DANN ATTACHMENT

Susan Kenna  
National Industrial Officer  
National Tertiary Education Union  
1st Floor,  
120 Clarendon Street  
Sth Melbourne VIC 3205  
P.O. Box 1323

Ph: (03) 9254 1978  
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Mobile: 0418 103 357

[skenna@nteu.org.au](mailto:skenna@nteu.org.au) [www.nteu.org.au](http://www.nteu.org.au)

**From:** Caron Dann [mailto:caron.dann@monash.edu]  
**Sent:** Monday, 4 July 2016 10:16 AM  
**To:** Susan Kenna  
**Subject:** Fwd: Request re Chinese students' seminars

----- Forwarded message -----

**From:** Jodie Wood <[jodie.wood@monash.edu](mailto:jodie.wood@monash.edu)>  
**Date:** 28 October 2014 at 21:59  
**Subject:** Re: Request re Chinese students' seminars  
**To:** Caron Dann <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)>

Hi Caron,

Have just returned from leave and am wading through emails.

Unfortunately the professional development fund for staff is not available to sessional staff. Sorry I wasn't able to advise you earlier.

All the best

Jodie

On 22 October 2014 13:05, Caron Dann <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)> wrote:

Hi Jodie

I would like to attend the seminars on teaching and communicating with Chinese students. Mia has told me to submit my request to you. As there are only 25 places available on each seminar, I would need to apply quickly.

Best regards  
Caron

----- Forwarded message -----

From: **Mia Lindgren** <[mia.lindgren@monash.edu](mailto:mia.lindgren@monash.edu)>  
Date: Wednesday, 22 October 2014  
Subject: Fwd: Communicating with and teaching Chinese students  
To: Caron Dann <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)>

please contact Jodie wood about the application as it has to go to finance committee.  
Best Mia

*Associate Professor Mia Lindgren (Journalism)*  
Head of School of Media, Film and Journalism

MONASH UNIVERSITY, Faculty of Arts  
Building B Level 4, Room B4.34  
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Caulfield East, 3145, Victoria, Australia  
Phone: +61 3 9903 4114 Skype: lindgren.mia Twitter: lindgrenmia  
Editorial Board: *RadioDoc Review* (<http://ro.uow.edu.au/rdr/>)

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On 22 October 2014 12:50, Caron Dann <[caron.dann@monash.edu](mailto:caron.dann@monash.edu)> wrote:

Hi Mia

I would love to do both of these seminars. I've been saying for ages that we should have training in exactly this field. This would be particularly helpful in my Masters of Communications teaching (e.g. 4/5894), but also for many other units. Am I able to sign up for the seminars, or are they open only to continuing staff? The website is asking for a 'cost centre'.

Best regards  
Caron

On Wednesday, 22 October 2014, Mia Lindgren <[Mia.Lindgren@monash.edu](mailto:Mia.Lindgren@monash.edu)> wrote:

Dear colleagues,

some staff development fyi.

Best Mia

*Associate Professor Mia Lindgren (Journalism)*  
Head of School of Media, Film and Journalism

MONASH UNIVERSITY, Faculty of Arts  
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 Editorial Board: *RadioDoc Review* (<http://ro.uow.edu.au/rdr/>)

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From: **Senior Leadership** <[senior.leadership@monash.edu](mailto:senior.leadership@monash.edu)>  
 Date: 22 October 2014 12:30  
 Subject: Communicating with and teaching Chinese students  
 To:

### **Communicating with and teaching Chinese students**

The following interactive seminars are being offered to academic and professional staff who interact with Chinese students and wish to enhance their communication skills.

	Seminar 1	Seminar 2
<b>Seminar title</b>	<b>Chinese language for beginners</b>	<b>Teaching Chinese Students</b>
<b>Target group</b>	All staff who whose work activities would be made easier if they had some basic understanding of the Chinese language.	Academic staff who would like to understand how they can teach and interact with their Chinese students to achieve the desired learning outcomes.
<b>Duration</b>	60 minutes including question time	60 minutes including question time
<b>Group size</b>	Maximum 25	Maximum 25
<b>Cost</b>	\$45	\$45
<b>Dates</b>	Friday 14 November, Time: 9:15am - 10:15am	Friday 14 November, Time: 10:45am - 11:45am
<b>Venue</b>	G19, Building 75, Clayton Campus	G19, Building 75, Clayton Campus
<b>Apply</b>	<a href="#">Seminar application form</a>	<a href="#">Seminar application form</a>
	<a href="#">View seminar 1 details</a>	<a href="#">View seminar 2 details</a>

#### **Seminar 1 - Chinese language for beginners**

##### **Overview**

Chinese language for beginners is a 45 minute interactive seminar which will provide participants with an understanding of:

- Chinese characters
- Different Chinese dialects/languages
- How Mandarin Chinese is converted to English (Romanisation)
- How to pronounce words and names in *hanyu pinyin* (China's official Romanisation system)

- Basic Chinese grammar and sentence structure
- Question and answer

## Seminar 2 - Teaching Chinese Students

### Overview

Teaching Chinese Students is a 45 minute interactive seminar which will provide participants with an understanding of:

- China and other Chinese-speaking cultures and societies
- The typical demographic profile of Chinese students in Australia
- The Chinese Education system
- The reasons behind common challenges Australian teachers experience with Chinese students in:
  - Class participation
  - Course content
  - Assessment and misconduct (including plagiarism, collusion)
- The English of native Mandarin speakers

If you have any questions about the Program, please contact Vicki Mihalakopoulos, Staff Development on extn: 29888.

Further details of the program is at: <http://www.adm.monash.edu.au/staff-development/ws/ct/chinese-language.html>

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Monash HR

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Postal Address: Senior Leadership & Organisational Development  
Monash HR, Monash University, VIC 3800

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Jodie Wood

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