



TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

COMMISSIONER THORNTON

C2023/6485

s.739 - Application to deal with a dispute

**National Tertiary Education Industry Union
and
Flinders University of South Australia
(C2023/6485)**

Flinders University Enterprise Agreement 2023 to 2026

Adelaide

10.44 AM, THURSDAY, 1 FEBRUARY 2024

Continued from 01/12/2023

PN1

THE COMMISSIONER: Good morning everyone. Please be seated. I'll take appearances, please.

PN2

MS A BUCHECKER: Annie Buchecker for the NTEU, accompanied by Carl Smith of the NTEU. Thank you.

PN3

THE COMMISSIONER: Thank you, Ms Buchecker.

PN4

MR C MURDOCH: Yes, may it please the Commission, Murdoch, initials CJ. I appear on behalf of the respondent, instructed by Minter Ellison.

PN5

THE COMMISSIONER: Thank you, Mr Murdoch, and welcome to Adelaide.

PN6

MR MURDOCH: Thank you, Commissioner, it's nice to be here.

PN7

THE COMMISSIONER: I thought perhaps we'd just start with some housekeeping issues. I understand each party has three witnesses. Ms Buchecker, can you indicate what your order of witnesses is likely to be and confirm that your witnesses are available.

PN8

MS BUCHECKER: Yes, Commissioner, all of our witnesses are here and will appear in the order of Dr Skrzypiec, Dr Wyras and then Dr Rogers.

PN9

THE COMMISSIONER: Thank you. So they will appear in the same order as in the digital hearing book?

PN10

MS BUCHECKER: Yes, thanks, Commissioner.

PN11

THE COMMISSIONER: Thank you. Mr Murdoch, I assume that all of those witnesses are required for cross-examination?

PN12

MR MURDOCH: That's so, Commissioner.

PN13

THE COMMISSIONER: Thank you. And your witnesses, Mr Murdoch?

PN14

MR MURDOCH: Our witnesses, the order will be, firstly, Dr Haseldine, then Professor Munguia and then, lastly, Professor Katsikitis.

PN15

THE COMMISSIONER: Thank you. I understand your witnesses are not present but are on call, as such?

PN16

MR MURDOCH: That's so, yes.

PN17

THE COMMISSIONER: So they would be able to attend in a reasonable time for when they are required?

PN18

MR MURDOCH: What we presently are planning is for them to be here at 2 pm. Now, if things move quicker during the course of the morning, we can try and make arrangements to get them here earlier, but we thought that that might be a reasonable expectation having them here at 2 pm.

PN19

THE COMMISSIONER: Thank you.

PN20

MR MURDOCH: I spoke to my learned friend earlier and, of course, without holding her to this, she indicated that she expected she would be half an hour with each of them.

PN21

THE COMMISSIONER: Thank you. Well, that all sounds - I think it would be suitable and, Mr Murdoch, you have the best understanding of how long you may take with each witness in any event, so that's helpful to know. Thank you.

PN22

I don't think there's any other matters of housekeeping. Mr Murdoch, anything from you with respect to the procedure today?

PN23

MR MURDOCH: There's just one matter that I thought I'd flag at the outset.

PN24

THE COMMISSIONER: Thank you.

PN25

MR MURDOCH: The Commission has put together a court book, and that's of course the usual practice. I understand that my friend will shortly call the various witnesses. Just two points I wanted to flag in respect of the evidence that is contained in the statements for the applicant's witnesses.

PN26

The first thing is you will have seen from (audio malfunction) of the dispute that's before the Commission in terms of what's actually before the Commission and the extent of time that the Commission can consider. That's the first point.

PN27

The second point is that - and this is said without any criticism - there are bits and pieces in the statements that are put forward by the applicant's witnesses that contain matters of opinion and argument. Now, I don't for a moment suggest that we should go through an exercise of going line by line, but I just raise that as a matter that I might ask the Commission to take into account in respect of weight. My friend may well say the same thing about some things that are in my client's material.

PN28

That was all I had to say at the outset.

PN29

THE COMMISSIONER: Thank you, Mr Murdoch. Anything from you, Ms Buchecker, about the order of proceedings?

PN30

MS BUCHECKER: There is, Commissioner. I do have a response to the comments just made. I'm not sure at what time you would like me to make those.

PN31

THE COMMISSIONER: With respect to the submission just made by Mr Murdoch?

PN32

MS BUCHECKER: Yes.

PN33

THE COMMISSIONER: I think now is suitable.

PN34

MS BUCHECKER: Thank you, Commissioner. We have considered the respondent's submissions and, for the purposes of these proceedings, we agree that the Commission will look at matters raised under the 2023 enterprise agreement and that we withdraw our claims that go to prior agreements.

PN35

It's a kind of a complicated issue, Commissioner, because if the parties to this dispute, the affected cohort, had notified their dispute only six weeks earlier, it would have been under a different agreement with similar terms and they would have had recourse to the remedy back to 2018. We accept for the purposes of these proceedings that we do not want to dive down a legal rabbit hole and waste a whole lot of time here, and so we are prepared to proceed on the basis that the Commission is looking at a remedy that is contained in the 2023 enterprise agreement and not any preceding agreement.

PN36

THE COMMISSIONER: Thank you. Ms Buchecker, one thing that would be helpful for me, if you intend to give an opening address, which I assume you will in a minute, is to explain to me the extent to which the issues arising from the redundancy process that are mentioned in your application are still pressed. It seems to me that the material and the submissions really focus on the issue of

workload allocation and what remedy is or is not available to the affected workers in this matter, but it's not clear to me the extent to which you still press some of those issues, if at all, with respect to the change process, so if you can deal with that. I'm happy now just to move to your opening address. No other issues that you wish to raise up front?

PN37

MS BUCHECKER: No, thank you, Commissioner. Given the plethora of written material before the Commission, I wasn't intending to give a laborious outline, but would rather rely on the submissions that have been made by the NTEU, both in outline and in reply, as contained in the court book.

PN38

THE COMMISSIONER: Yes, and I do thank the parties for the work that's been put into those detailed and very useful submissions, and also the reply that, in effect, you've made to each other's arguments. Does that mean you want to give any sort of opening address, Ms Buchecker, or is it straight into your evidence?

PN39

MS BUCHECKER: I could be straight into evidence, I think, Commissioner, setting aside that I will attend to the issue that you have raised just now.

PN40

THE COMMISSIONER: Thank you.

PN41

MS BUCHECKER: Do we need to tender those outlines and replies into these proceedings or do we take this massive court book as being one big exhibit?

PN42

THE COMMISSIONER: Look, it's something that I was considering before and wanted to hear your views on it, but I think it would take some time, given the amount of material. Whether each witness statement with the appendices are submitted into evidence as we go, do you have a view about that, Ms Buchecker?

PN43

MS BUCHECKER: I think it's going to be time-consuming to ensure that every document that needs to be submitted as an exhibit is submitted as an exhibit. I don't know if there's an alternative, Commissioner, to that.

PN44

THE COMMISSIONER: Are there, from your perspective, a number of documents that you would intend to put into evidence that are not annexed to the statements of your three witnesses?

PN45

MS BUCHECKER: There are annexures attached to our (indistinct) submission and we don't know - - -

PN46

THE COMMISSIONER: They are not all annexed to your witness - - -

PN47

MS BUCHECKER: Most are, but not all, so I don't know if we are at liberty to put our outline and our reply with the annexures in as an exhibit in their own right.

PN48

THE COMMISSIONER: Mr Murdoch, do you have a view about that, how we deal with that evidence?

PN49

MR MURDOCH: Again, Commissioner, subject to any arguments about weight, I don't wish to hold proceedings up by going through documents document by document in that regard.

PN50

THE COMMISSIONER: I - - -

PN51

MR MURDOCH: I have - I beg your pardon.

PN52

THE COMMISSIONER: No, no, please.

PN53

MR MURDOCH: If you are minded to admit the statements as evidence, well, that's, of course, fine and I don't cavil with the attachments that are to the statements. In respect of the submissions, I don't have a difficulty with the submissions going in and the documents that are attached to them simply being taken to be documents in support of the submissions because that's, I assume, what they are intended to be. To the extent that those documents aren't otherwise proven, and I haven't gone through them to check which ones are in and which ones are out, that's just a matter of weight.

PN54

THE COMMISSIONER: Do either of you have any difficulties with this: if we do put the union's application into evidence, given that there's a number of annexures to that, some of which Ms Buchecker tells us are not appendices to the statements of the witnesses, that goes into evidence and then the individual statements - I don't think there's a need to put the submissions or reply submissions and the like into evidence. Any difficulties with that, Ms Buchecker?

PN55

MS BUCHECKER: No, that's fine, Commissioner, thank you.

PN56

THE COMMISSIONER: Okay. Mr Murdoch, no difficulties?

PN57

MR MURDOCH: That's fine.

PN58

THE COMMISSIONER: All right. I think on that basis, we will start by, Ms Buchecker, if you're tendering your Form 10 application, we'll put that into evidence as the initial exhibit and we will mark that A1. So A1 is the applicant's Form 10 application with annexures, which appear to have 14 or 15 appendices.

EXHIBIT #A1 APPLICANT'S FORM 10 APPLICATION WITH ANNEXURES

PN59

All right, Ms Buchecker, I think that now leaves you to call your first witnesses.

PN60

MS BUCHECKER: Commissioner, shall I attend first of all to the issue that you raised about the scope of the dispute?

PN61

THE COMMISSIONER: Thank you.

PN62

MS BUCHECKER: I can confirm that all matters, except those set out in the questions for determination and the compensatory remedy, are entirely set aside and are not the subject of these proceedings.

PN63

THE COMMISSIONER: Thank you. I appreciate that. I think that leaves for you to call your first witness, Ms Buchecker, who I understand is going to be Dr Skrzypiec.

PN64

MS BUCHECKER: That's right, Commissioner.

PN65

THE COMMISSIONER: Thank you.

PN66

THE ASSOCIATE: Please first state your full name and address.

PN67

DR SKRZYPIEC: My name is Grace Skrzypiec, although my christening name is Gracieta, (address supplied).

<GRACE SKRZYPIEC, SWORN [10.58 AM]

EXAMINATION-IN-CHIEF BY MS BUCHECKER [10.58 AM]

PN68

MS BUCHECKER: Thank you, Commissioner.

*** GRACE SKRZYPIEC

XN MS BUCHECKER

PN69

Dr Skrzypiec, can you confirm that you prepared a statement on 18 January '24 for these proceedings?---Yes, that's correct.

PN70

Can you confirm that you prepared a supplementary statement for these proceedings on 24 January?---That's correct.

PN71

Excuse me, the first statement of evidence was 18 January; is that correct? Do you have any alterations, corrections or additions that you wish to make to those statements at this stage?---No, not at this stage.

PN72

Do you adopt those statements as your evidence in these proceedings?---Yes.

PN73

Commissioner, I tender those statements, which are at page 453 to 470 of the court book and 849 to 866. I don't have any questions for the witness at this stage.

PN74

THE COMMISSIONER: Thank you. We will admit into evidence the statement of Dr Skrzypiec with annexures GS1 to GS5, and I understand that that statement was given on 18 January. We will mark that as exhibit A2.

**EXHIBIT #A2 WITNESS STATEMENT OF GRACE SKRZYPIEC
WITH ANNEXURES GS1 TO GS5 DATED 18/01/2024**

PN75

And the supplementary witness statement of Dr Skrzypiec in the court book starting at page 849 will be marked as exhibit A3.

**EXHIBIT #A3 SUPPLEMENTARY WITNESS STATEMENT OF
GRACE SKRZYPIEC DATED 24/01/2024**

PN76

Thank you, Ms Buchecker. Mr Murdoch, cross-examination.

PN77

MR MURDOCH: Yes, thank you, Commissioner.

CROSS-EXAMINATION BY MR MURDOCH

[11.00 AM]

PN78

Dr Skrzypiec, I just want to ask you some questions in respect of 2022 and 2023. Initially, what I wanted to clarify with you is, in terms of the reporting chain that existed in 2022, who did you report to?---Report to in terms of my workload?

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN79

Yes?---My supervisor was the person I would discuss with first about my workload and then Chevaun - what happened was that Chevaun contacted me by phone in early 2022 and told me that my workload was 57 WAUs and that then needed to come down, and so I was shocked by that.

PN80

We will get to all of that. I'm just asking you a more confined question. Who did you report to in 2022?---My first instance was my supervisor, but Chevaun was the person I needed to speak to to change it, because I don't - I didn't - I wasn't aware about reporting to because we don't report - I don't report to, I respond. I respond to being told this is my workload and then I contact my supervisor, so I don't report to anybody, I respond.

PN81

In terms of the organisation that you were working, did you have a supervisor?---Yes, I did.

PN82

Who was that?---Jane. She's since left.

PN83

What was Jane's surname?---My mind's gone blank. Jane Jarvis. Excuse me. Dr Jane Jarvis.

PN84

Did she supervise you in terms of your academic - - -?---She was my - yes, academic work, yes.

PN85

In terms of workload, who did you report to, her or somebody else?---Well, Kerry was the person - Kerry Bissaker was the person we discussed workload with, and I contacted Jane Jarvis about my workload and I told her that it was over. She was looking into it. She spoke to different people and then she left, and then - before that, I had Ben Wadham, and then, after that, I had Tim Windsor.

PN86

Dr Rogers, Dr Bev Rogers, you know her?---Yes.

PN87

She was also a person who had responsibilities in respect of your workload in 2022, wasn't she?---As the TPD?

PN88

Yes?---She was the one I was referred to after I wanted things changed. I was told, 'If you want things changed, then talk it over with the TPD', which was Josh and Bev.

PN89

If we move to 2023 - I know you've mentioned some people left - but in terms of your academic supervisor, was it the same person, Jane?---No, Jane left, and so then it was Tim Windsor.

PN90

In terms of 2023, in terms of your workload, was Bev Rogers again the person who you were to discuss that with as TPD?---The TPD.

PN91

Without trying to be difficult, I think she may have been deputy TPD?---That's right.

PN92

You are also aware in both 2022 and 2023 of Professor Katsikitis?---Mm-hm.

PN93

Yes? Her role was the dean of people and resources, wasn't it?---That's correct.

PN94

She was also someone who you were aware you could raise issues in respect of your workload with, weren't you?---Yes. It's - I'd like to clarify that, if I may.

PN95

Of course?---When I did raise the issue of reducing my workload - because what happened was that back in 2020, when we were first told about the WAU system, and Mary Katsikitis came to the meeting, what she said to us was that we would contact her if we couldn't manage our workload. Her words were, 'If you can't manage your workload, contact me, otherwise I won't know.' That's what she said. So I was under the impression that I was expected to carry my workload unless I couldn't manage it, and so I did all my best to manage it up until 2022, and when I was made aware that it was actually 57 WAUs when things started to get counted, because before that, they didn't count, I took steps to make sure that it would be reduced, and, at that point, I was told by Mary to speak to Chevaun, and when I spoke to Chevaun, after Chevaun got upset with our conversation, then Mary contacted me. She contacted me within the hour after I'd spoken to Chevaun and, at that time, she had said to me, 'Isn't it - I thought that it would be okay for me to just get Chevaun to do this' - or words to that effect. So even though, theoretically, she was the person we should have contacted, in reality, it didn't quite work that way.

PN96

Can I say to you, with respect, that that's a long way of saying that you knew that, ultimately, if you had concerns in respect of your workload, Professor Katsikitis was someone that you could go to?---Yes, you could say that.

PN97

You have also mentioned Chevaun. That's Dr Haseldine; correct?---That is correct.

PN98

She was a senior project officer who worked with Professor Katsikitis; correct?---Yes.

PN99

Her role - this is Dr Haseldine - primarily was in respect of, as far as you understood, administering the workload model?---Correct.

PN100

She was a person - this is Dr Haseldine - with whom again you could raise any workload concerns with, wasn't she?---Yes.

PN101

And you did?---Yes.

PN102

In terms of the workload that was performed, just to clarify, in respect of yourself, you had allocations in respect of teaching; correct?---Yes.

PN103

Research?---Yes.

PN104

And also - and this is not to diminish anything - you had smaller allocations in respect of service and leadership, didn't you?---I had smaller allocations because I wasn't in a leadership position like Dr Rogers and Dr Wyra.

PN105

Yes?---I was director of the Global Research Alliance, but that didn't somehow count, and I had also then a co-director of SWAPVV, which was the Student Wellbeing and Prevention of Violence Research Centre, and that didn't seem to count much either.

PN106

Picking up on what you've just said in respect of these co-directorships, you would agree with me, I take it, that there's quite a large spectrum in respect of the types of work that each academic will do within service and leadership?---Yes.

PN107

Just as there's quite a large spectrum in respect of the type of work that each academic will do within research?---Yes.

PN108

And again quite a large spectrum of the type of work that each academic will do within the teaching area?---Yes.

PN109

It would follow from that, would it not, that over the course of a year, no two academics will ever undertake the same work, will they?---I wouldn't know. I only know what I do.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN110

Given your long experience, you would agree with me, wouldn't you?---I work with colleagues and I'm aware of what they do on particular projects and they

work the same as me. I don't know what other people in the faculty might do in terms of their research because I'm more of a quantitative person and most of the people that I work with in the discipline of education are qualitative, and I'm not aware exactly of what they do.

PN111

That's because different people have different responsibilities, don't they?---Everyone's responsible for their own research.

PN112

In terms of teaching, people teach different courses?---That's correct.

PN113

Different courses can have different numbers of students?---That's right.

PN114

From academic to academic, there will be differences in terms of experience?---Of course.

PN115

Aptitude?---Yes.

PN116

In terms of research, there will necessarily be differences in respect of the type and nature of research activities that are being undertaken?---Yes.

PN117

The other matter, and can I suggest it follows from what we have discussed, is that no two academics will take the same time to do a task, will they?---Again I can't answer that. I only know what I do, you know. I haven't timed anybody else; I haven't discussed with anybody else how long they should take to do anything.

PN118

MS BUCHECKER: Can I just suggest that, with all due respect, there does appear to be an effort to lead the witness to an answer that she can't give.

PN119

THE COMMISSIONER: My concern is more that Dr Skrzypiec is being asked some questions that she might not be able to answer, and I think she's explained to you why she's unable to do that. So perhaps if you can move on, Mr Murdoch.

PN120

MR MURDOCH: Yes, of course. Yes, of course. I've got a different topic that I'll go on to. Some of the questions are along the same lines. If it's a difficulty, I will, of course, take that on board.

PN121

THE COMMISSIONER: Thank you.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN122

MR MURDOCH: The other topic that I wish to ask you about is that you would accept, of course, that different academics have different types of workloads within teaching?---Again I don't completely understand what you mean by 'different types of workload'. I need some clarity around that, please.

PN123

Of course. Well, for example, within teaching, there are different tasks, aren't there? There's topic coordination?---Yes.

PN124

There's teaching?---Yes.

PN125

There's assessment?---Yes.

PN126

There's supervision?---Mm.

PN127

And there's also something called scholarship of teaching; correct?---Yes.

PN128

What I'm suggesting to you - and if your answer you don't know, well, of course, say this - but what I'm suggesting to you is that, academic to academic, they will be doing different forms, if one takes those five examples that I've given to you, of teaching?---What I can tell you is that, based on my experience and the colleagues I discuss teaching with, we all put a lot of effort into topic coordination. We have a topic book that we need to put together every year; we need to update that every year; we scaffold our students; we update our assessments; we take care of marking. We undertake all of the tasks that you mentioned and we do it diligently, conscientiously and we do it to a high standard. That's all I can tell you. How long it takes, I can't tell you what other people do. I just know that to reach a high standard and give the students what they deserve, those things take time, and I assume that when my work is allocated to me, that the WAU associated with all of those tasks has been calculated correctly, and that's what I accept.

PN129

Just picking up on something that you said a moment ago, is it the case, though - and I should say, just so it's clear, no one's suggesting that you have worked other than diligently. That's not where I'm going with any of this, so just be very clear on that. In terms of things year on year, it's the case, is it not, that, for example, if a person, as a teacher, is teaching a particular topic, the workload in respect of that topic can change year on year?---You'd expect that - you'd expect that. This is what I expected. I expected that, okay, once I start teaching and approaches to research, that once I get the topic set up, the next year it's set up and I can perhaps spend less time on it. That's exactly not what happened in reality.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN130

In reality, I found that we had things that we were asked to do. One year we had to develop topic books and we had to follow a template, so that means the topic books we had were no longer useable, we had to do a new template. Last year, I had to move everything onto the campus platform. A few years before, I had to move everything onto FLO.

PN131

So every year, there was something that we had to do that was something different that meant that, while I expected to have less time to spend on my particular topic and coordinating topics, it wasn't the case. And students became more demanding every year as well, I found. For some reason, I was answering more emails, making sure that they were happy. There was always something extra that needed to be done and the time allocated was never enough.

PN132

MR MURDOCH: You'd pick up economy in scale, though, wouldn't you, in some respects?---You'd think that, but, in reality, it just didn't work like that.

PN133

If one year you had - when I say 'you' - if one year one had a smaller number of students, that would have the effect that the time required would be different; correct?---You'd think that if you had a smaller number of students that there's less work, but what I found - for example, one year I did have a smaller number of students because of various reasons when the numbers were down, but I ended up having to mark - remark the assignments because the person, the CAT that was allocated to me, wasn't experienced enough as a PhD student to have marked those assignments correctly, so then I had to mark those. So there was - what I'm trying to say is, while I did expect all of those things to happen, in reality, it just wasn't the case. There were always extra things as well. I refer to it as that 'creep'. Things would come up that you have to attend to and the hours that I needed for that topic were no less than what they'd been the year before, and sometimes they were even more.

PN134

The example you have just given there about a CAT - and tell me if I'm not putting this correctly - a CAT had done the marking but not done it correctly? What you are saying there is that you weren't the person assigned to do the assessment, somebody else was?---Only a part of it. I still, as topic coordinator, am responsible for the marks that are allocated and to see that the assessment is done correctly, and even though I had spent time with that particular CAT calibrating the topic, in reality, she wasn't able to mark and do it fairly and correctly and I had to redo it, and that took time.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN135

THE COMMISSIONER: Sorry to interrupt you. Can you just indicate what CAT stands for?---Sorry, it's a casual academic tutor or teacher. So when you have more than 30 students, I'm allowed to then ask for a CAT to help me with marking, and so it's assistance. It doesn't take over, it's just assistance and,

generally, the assistant CATs that I've just had, they've just caused me more work than less.

PN136

MR MURDOCH: That's a complaint, and again, by using the word 'complaint', I'm not being critical of you - - -?---I did complain.

PN137

That's a complaint that you're making about the quality of the individual; correct?---That's what - I made a complaint about the CATs that were given or assigned to me for help and, in fact, last year, in the last semester, I did not take any CATs, I did it all myself. I figured I have to do it myself anyway, so I might as well do it, instead of having to get someone to get paid for nothing, virtually.

PN138

When you say last year, you're referring to 2023?---Yes, semester 2.

PN139

So you elected to not have the assistance of CATs?---Yes. I'm not even sure I qualified to get more because I had only 34 students. It was an online topic. Normally, I have two topics for the same topic number, I have it online and I have it in person, and so I have over 80 students usually in a semester, but COVID, 2020, everything went online and it stayed online after that for the semester 2.

PN140

You also mentioned before - and I don't want to dwell on this, but just so we can get some clarity in respect of the time frame - about the time when you had a - do you call them C-A-Ts or CATs, sorry?---CATs.

PN141

The time when you had a CAT and he or she didn't assess to the standard that you were happy with, when was that, what year was that?---Every year since 2019. Every year. Every single - every semester.

PN142

You've never had a CAT that you've been happy with in respect of assessment?---No.

PN143

Is that the case?---That's the case. Actually - I qualify - there was one student, James Sowden, whom I was training, because that's what I was trying to do, I was trying to find people - because I had been telling Mike Kyrios for years, 'You need to hire other people to be able to help me with this topic. We need some quantitative people.' His response was always, 'We hire the best people' and that was it, and I never had anyone in the faculty in the discipline of education that could help me with this topic.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN144

He, in two semesters, helped me, and he only ever marked one assignment, the critique, because he didn't have the skills to be able to mark the research plans, because the research plans, you need to have a lot of experience, you need to know about quantitative and qualitative research and you need to be able to know all the nuances associated with that to be able to mark that assignment well and to give appropriate feedback that's going to help the students. So whenever I did have a CAT, they only marked one assignment, I marked the exam and I marked the research plan. Then James left because his mother got sick, and that was the end of that.

PN145

If we just stick with the matter of teaching, you're familiar - and I don't expect you to know it word for word, and I can assure you it's not a memory test - but you're familiar with the Workload Equalisation Model Guide for 2023?---Yes.

PN146

You would accept that under that model, the matters of topic coordination, topic teaching and assessment have more WAUs allocated, depending upon enrolments?---Yes.

PN147

You would accept that that's, generally speaking, a fair approach because the greater number of enrolments, the greater output there ought to be in terms of workload?---Yes.

PN148

Notwithstanding that the model contains that variable in respect of enrolments, if we just look at yourself - and I'm not asking you to consider the situation of anybody else - even accepting what you said before about there being different expectations placed upon you year on year, it would be the case, surely, that in respect of a topic that you have been allocated to teach year on year on year, that the time that you personally have to allocate to that work must be less?---In theory, you'd think that. In reality, it hasn't been the case. All I can do is reiterate what I had said earlier: every year, there was something new that we had to attend to, either that there was a new platform that the topics had to go in - for example, 2020, everything had to move online; then, at one time, we had to move to FLO; then, last year, we had to move to campus. Then we have to update the work as well. Like the ethics changes, so we have to update that; the library changes the way that they set up their searches and we have to change that topic. There are constantly updates that are required in the topic in order to keep it up to date and relevant for students.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN149

So, in reality, it's actually the same amount of time. We have a text book, but we have to make that text book fit the current context, and that means updating things, and they take time, and to make sure that the topic book has got all the right dates, all the right information, all the right references, I have to find new references or assignments because, in the second assignment, for example, when we've got a critique, students have to select from a list of 10 references. I have to

update those references, so every year, I have to look at the references that are there and change them because I don't want students to be using other people's work, and so I'm trying to avert possibilities of plagiarism.

PN150

So there's lots of things you have to do to keep the topic up to date, so, in reality, it doesn't take any less time, and responding to student emails, keeping up with discussion boards online, I have to attend to that topic at least every other day because people get upset when you don't respond to their emails in 24 hours. They want responses immediately for their questions. We get emails on weekends, which I try to answer on Mondays to try and teach the students that they can't just copy me and contact me on weekends. In reality, it just isn't the case that there's any less work from year to year.

PN151

MR MURDOCH: The examples that you have just given there, can I suggest that they're more focused upon the role of topic coordination?---And teaching. I'm a teacher. I have to make sure that what I'm doing relates to the students. Every year, I have to do more work because the students are getting weaker and weaker and they don't have the prerequisites really to be doing postgraduate work, and I have to attend to that as a teacher because I can't have students failing.

PN152

It's my responsibility to help them pass. I get called up and I get asked questions if students fail. That's my responsibility, and I have to do the work that's needed to make sure that they will pass and know the work. I can't just let them pass; they have to reach a standard to pass and I have to get them there, and we scaffold, all of us in the teaching faculty do a lot of work to scaffold our students so that they come to a particular understanding about the topic and reach the standard that we need in order for them to qualify for the qualification they're studying.

PN153

MR MURDOCH: A component that is also included is something called the scholarship of teaching?---Mm-hm.

PN154

What do you understand that to be?---I keep up to date with how - the best methods for how you should teach, and I do, I change my approach, do more scaffolding, involve students, be more interactive in the classroom. I use a student-centred approach, so that means in the classroom, I need to get feedback from students to find out where they're at, what they understand, don't understand, particularly international students. So that means, after a lecture, I will meet with them, only for a few minutes, but then they come and see me. So that takes time. There's a lot involved in all of that.

PN155

THE COMMISSIONER: Just to clarify, is the scholarship of teaching then really focused on professional development as a - - -?---That's how I took it.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN156

MR MURDOCH: It sounds, from the answers that you're giving, that, in your situation, if one looks at the teaching aspect of the workload model, where you were a topic coordinator, you took the approach - and again this is not a criticism, it's just to help me understand, but, more importantly, to help the Commission understand - you didn't really sit back and allocate or place into separate areas the work you were doing for topic coordination, topic teaching, assessment, supervision and scholarship of teaching, rather you applied it, perhaps understandably, in a more holistic way, in that you did your best to provide the topic to the highest standard that you could? Is that a fair way of looking at it?---Those things are all related. It's not like I'm going to sit down and say, 'Okay, today I'm only going to look at how I coordinate the topics and tomorrow, when I go in to teach the topic, I'm only going to look at teaching.' We don't compartmentalise like that. That's the way that they might work out the WAUs for the workload, because those are all components of what we do, but they're not - they overlap and they are required in order to do the job properly, and I don't separate them and spend this much here, this much there. It all takes time and it's all part of it.

PN157

Forgive me while I turn something up, Commissioner.

PN158

Have you got your statement with you?---No.

PN159

THE COMMISSIONER: Mr Murdoch, there are copies of the court book in front of the witness, so if you can take us to the page number.

PN160

MR MURDOCH: Perhaps if the witness could go to your supplementary witness statement, which is tab 9 at page 849, please?---Yes.

PN161

I just want you to go, please, to paragraph 4 of that statement where you've responded to something that is set out in Professor Munguia's statement?---Mm-hm.

PN162

He, at paragraph 16(a), made a statement that, based upon his review of a number of topics that had been delivered by persons, including you, that no changes were made in assessment design within a two-year period and, in respect of yourself, EDUC9761 was given as an example. Now, you will see in subparagraph (a) that there were changes in respect of instruction and content rather than design?---Yes.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN163

I take it that you accept that there were not changes made in assessment design?---Assessment design is, for example, I'm going to get students to do an essay, or something like that. In EDUC9761, which is approaches to research, the

students are required to do a critique of two research articles, one quantitative and one qualitative. They are required to sit an online open book exam, and the reason they say 'online' and 'open book' is because they need to show me that they actually know where to look things up correctly, and then they have to do a research plan.

PN164

So all of those three types of assignment are the design, and so when - and they align with the objectives of the topic, so that the critique helps students to learn how to critique any articles that they read, so they can synthesise what they're reading, they can interpret what they're reading, and they can determine the quality of the research. The exam teaches - demonstrates that they know about research methods, they know where to look things up and they can correctly find answers, and the research plan aligns with the objective that they can design a piece of research.

PN165

Now, when we change those particular types of assessment, we change the objectives, and we don't change the objectives because, to change objectives, we then have to go through CourseLoop, we have to get permission from management to change those objectives, and we don't want to change those objectives. We have worked out what the topic is for and what we're aiming to teach students and the standards we want to reach, but we have to make sure that those standards are up to date.

PN166

For example, last year, I was aware that students were using artificial intelligence to do assignments for them. That's not going to meet the objectives. So, to change that assignment, what I did is I changed it. I have students now - well, I used to have students look at what AI said about the critique of a particular article, and then they had to substantiate or refute what AI had said using the text book. So that's changing the instruction and changing the content. The content is I changed the particular research articles that they could look at, and I went to more open online access articles to make it easier for students to find them.

PN167

So there's lots of things that happen within a topic that we are required to do in order to maintain standards and to keep the topic up to date, and it has nothing to do with the design of the topic and the assessment.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN168

The other thing is that EDUC9761 is the only topic, because it's a core topic, that has ever been calibrated. It was calibrated twice, in 2016 and then again in 2019. In 2016, it was recommended that I provide more information about assessments, so I did, and, in 2019, when it was recalibrated by Murdoch University, they said the assessment was great. That's in the papers here as an attachment. So I didn't need to change the design of that assessment, I needed - I spent time changing the instruction and the content to keep it up to date and to make it relevant and to maintain standards, and that's where the time goes. So I

think, with all due respect to Professor Munguia, there's a lot more involved in the assessment process than just the design.

PN169

MR MURDOCH: But you agree with his statement that there were no changes to the design?---But the implication from that statement was that I didn't spend time on changing - making changes to the design and, therefore, I didn't spend time making changes to the assessment. That's not correct. I just want to qualify that. The implication is not correct. The design itself does not change. The whole thing was wrong. To say that there wasn't any change, of course there's no change because we don't need to spend more time redesigning the whole topic, because that's what changing the assessment design means, because you'd have to change all your lesson objectives, you'd have to change the whole topic if you're going to change the design, and there's no need to change the design. That doesn't mean that we don't do work on the assessment.

PN170

Having said that, there would be other subjects in which the assessment design does change?---I have no idea. I only know about my topic.

PN171

Again I am not asking you to speculate, but are you saying - and this is not a criticism, it's just a question - in respect of your topics, you didn't change the design?---I didn't change the design, but it doesn't mean I didn't change the assessment, and that's the implication I got from this statement, was that I didn't make any changes to this, but it's - the whole premise is incorrect.

PN172

I'm trying to tell you we don't change the design of assessment if it's working because, if we do, we have to change the whole topic. If we change the whole topic, we're changing the course. We don't do that. That's what CourseLoop is for, and you have to go through a committee, they have to sit down, I have to justify why am I changing it. Why would I change it if it's working, if Murdoch University says it's good? It doesn't make any sense to actually say that, and I'm totally confounded by that.

PN173

THE COMMISSIONER: Mr Murdoch, if you don't mind.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN174

Can you just explain briefly what calibration is?---Calibration is when I send a topic with a topic book, the outline of what the objectives are, and I send samples of the students' work. I send all the assessment questions and then I send examples of students who failed that particular assessment, who got a distinction and who got an average grade. So three types - three levels of marking for any particular assessment, for all three assessments of approaches to research, because that was calibrated. So what Murdoch University does is they look at that topic and they look at the assessments, they look at how it's marked, and then they send you a report and say what they thought of the way that this topic is taught, what

the standards were, whether the assessment met objectives, whether those objectives were correct.

PN175

Is it like a peer review of how you conduct that topic?---That's right.

PN176

And is it something that is done informally between universities?---That's right, and it's a valued thing because it then makes sure we maintain our standards.

PN177

Is it a requirement that it's done at certain intervals?---Not - I wasn't aware of that.

PN178

So what would prompt you to seek calibration?---In 2016, I was contacted by the university to do it; in 2019, I was contacted by the university to do it. It's not something I initiate, it's something I was asked to do, and, incidentally, there was no work (indistinct) that - besides the point - but there wasn't, and I do many things that I get asked. We can't count everything we do, but, anyway.

PN179

Thank you. I just needed to understand that process.

PN180

MR MURDOCH: I want to ask you about research now?---Mm-hm.

PN181

You understand - again this is not a memory test, so if you don't understand, you tell me - but you understand that, under the Workload Equalisation Model Guide 2023, that the WAUs that are allocated for research take into account output in prior years?---Yes.

PN182

And income in prior years?---Yes.

PN183

That means then, doesn't it, that, for the purposes of the calendar year in respect of which the WAUs are allocated, they don't necessarily equate to the research output for that particular calendar year because they're based on the past?---That's right.

PN184

Is it the case that - and I'm just asking about yourself and nobody else - that in terms of research, it is not necessarily a situation where year on year you are spending, for the good or the bad, the exact same amount of time on research, so it fluctuates?---Generally, no. I find every year that I have to do more and more because - for example, in the first few years when the WAUs were calculated, my publications from the year before counted.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN185

I was at a meeting where Mary was telling us that what we were doing in that particular year - because I had just won a grant and I said to her, 'I've got this grant', and I said to her, 'I've got this grant.' I said it at a meeting in 2020, 'I've got a grant from the Education Department what I have to do work on and I would like to consider working that into my workload', and her response, at this meeting in front of other staff members, was, 'Workload for research is based on your past years.' And she just dismissed it and let it go at that. And so I just accepted that the research work that I would be doing was never going to be counted until four or three years' time.

PN186

And that's exactly what happened. In 2022 was the time when, suddenly, all that research that I'd been doing - because I had an Education Department grant, I had a grant from LifeChanger, and I was working on the Big Talks for Little People grant with Philip Slee - all of those grants that had been accumulating over these years, and I didn't have any workload for, suddenly appeared in 2022, and that made my WAUs 57.

PN187

Suddenly, I realised, at that point, when Chevaun called me and said, 'You've got WAUs that are 57 and we need to bring them down', I suddenly realised, at that point, 'Oh my God, this is what I've been doing all these years.' All these years that I've been not having these things counted - it's been 57 - it upset me because it cost me so much.

PN188

I wasn't going to friends' get togethers. We would get invited to go away on weekends, and I would leave on Sunday morning so I could be back for work. It cost me so much, and then when I tried to get it changed, it was such a traumatic experience, you know, that I had reached a point of feeling suicidal because I didn't know what else I could do. No matter what I did, it was - the workload was never going to decrease, and it was costing me my relationships with people because I didn't have time to spend to allow those relationships to flourish.

PN189

MR MURDOCH: And when you raised it - - -?---Yes.

PN190

- - - your workload was decreased, wasn't it?---It was decreased from 57 to 40 after I had told Chevaun, 'Okay, give away my dissertation topics.' I was supervising, and being a topic coordinator for the dissertations, because that is my specialty - I'm a researcher - I have expertise in quantitative and qualitative research - so I gave away the dissertation topic - this is what I told Chevaun - and, at that meeting - that was a Teams meeting online - that's what we got it down to - 40 - if I gave away my dissertation topics plus two others.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN191

What I found over the next few weeks, though, was that I was still receiving emails, my name was still up against those topics. No one else had been allocated

those topics. I had to call her again, and I said to her, 'I need to get this actioned', and I got so upset. Then, within an hour of having spoken to Chevaun, I get a message from Mary she wants to speak to me on Teams, and she chastises me because I upset Chevaun.

PN192

There wasn't any mention of what was happening for me. I told her - she was aware that I was suicidal and her response to me was, 'Oh, I need to let you know that you can go and seek counselling, that you should seek counselling.' And that's all she said. There was no follow-up afterwards to see how I was. It's like I don't matter. And that's how I felt. I felt exploited and not valued, and it was such a difficult - difficult process to try and get those workload WAUs decreased.

PN193

Then, finally, after a few months, I was told, 'Talk to the TPDs, Josh and Bev', and, at that point, we're into - well into the semester and the only recourse they had was to take away those topics, and that ruined my career. I no longer was teaching statistics, was no longer statistics being taught to students, and where would I go from there? I was left with one topic, approaches to research and teaching all the different versions of it. That's it. I had worked so hard, and none of that mattered.

PN194

MR MURDOCH: Can I say to you, with respect, that you can't have it both ways. If you say you're being overworked, you can't then criticise them when they take work off you?---It's not a point of taking work off me. I was asking for assistance, I was asking them to find somebody else to help me teach these topics. I was quite happy to do handovers, to be able to continue those topics. It shouldn't have come at such a cost. I could have still, perhaps, been a topic coordinator for statistical topics and had someone else teaching, or a more qualified CAT. They just took the topics away.

PN195

Can I say this - and I say it to you respectfully, with no criticism - this sounds like a person who, conscientiously, doesn't want to let things go?---No.

PN196

As opposed to someone - - -?---No.

PN197

- - - who's working with their employer to try and reduce their workload?---No. I have to tell you that my intent, from the day I began working at Flinders University, has always been to get students to learn about research methods. Teachers do no research topics in their undergraduate years. They come to us to do a master's degree and PhDs with no research background, and that problem that was evident to me when I began working there was that teachers were not doing research and education was not moving forward - and you can read that anywhere, it's common knowledge - so I took it upon myself to actually be dedicated to helping these students.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN198

I assumed that my dedication was matched by the people around me and, in the beginning, it was. David Giles, who was the dean, appreciated what we were doing and supported it. Then the next person - my mind's gone blank but I can see her face - the next dean supported it as well, and then, all of a sudden, things started to change and those things didn't matter any more.

PN199

So it's not that I wasn't willing to let go, I was hanging on for dear life, waiting for them to fix it, waiting for them to find people that could teach these topics, as well to get support with it, to get support with my research, to get support any way, anywhere, but I always felt that I was expected to carry this load, and I actually wasn't aware that it was actually 57 until Chevaun called me, because I - up until that point, that's not what my workload was showing, but I know it's because there were many things that weren't being counted.

PN200

MR MURDOCH: And it's the case - and I don't think you disagree with this, and we can go through all the emails if you wish, but I don't think we need to?---Mm-hm.

PN201

But, as a result of the process, involving a number of people, including Dr Haseldine and Ms Rogers, your WAUs were significantly reduced in 2022, weren't they?---They were, but they never were - they never, ever, ever, in the whole time I've worked at Flinders have they been 30, ever, and I've never received a workload that is 30 WAUs.

PN202

I didn't ask you that question. You agree with me, though, that when you raised this concern, your WAUs were significantly reduced over the course of 2022, weren't they?---I had to insist, and it was not a very pleasant process.

PN203

When one goes into 2023, it wasn't a situation where the WAUs leapt back up again, they stayed at a similar level to what they were after the reduction process in 2022?---That's right, because the topics were gone. But they were never 30.

PN204

When you say the topics are gone, can I say that that seems to be a concern on your part?---Of course.

PN205

But, ultimately, you accept it's for the employer to allocate the workload?---Of course.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN206

Yes. And you are professionally upset that you're no longer teaching these subjects?---I'm professionally upset that these topics are gone. That's what I'm saying. Those topics are gone. Our students no longer get any kind of statistical

background or quantitative topics. All the quantitative topics are gone. More than half the literature is quantitative. Our students are not qualified any more to do good research. I raised this with the dean of research at the time, I raised it with Deb West, I pointed it out, and everyone was saying, 'Oh, that's a shame, that's terrible', but nobody did anything about it. That's my concern. And I resent the fact that I was trying to hang on to these topics for the sake of the students and the faculty wasn't doing anything to help me with that.

PN207

Can I say that, with respect, that seems to be the real issue, that you - and, again, I'm not in any way criticising - but you and your conscientiousness were hanging on to a workload?---It wasn't just I was hanging on. This workload was given to me at the beginning of every year. I didn't design what I was going to do. The workload was handed to me, and that's what I expected, I assumed was expected of me, because Mary had said at that meeting, 'If you can't manage your workload, you come and tell me', with the implication that I had to manage it. This is what was given to me; I have to manage it.

PN208

Until they called me - I've never been contacted about my workload being over. No one - Chevaun never rang me, never sent me any email until that one time when it had reached 57, and that was because it was nearly twice as much as what it should have been. That was outrageous, and I had been carrying that load that didn't count.

PN209

MR MURDOCH: You are talking about - when you use the words 'carrying that load', you're referring to a period prior to 2022?---And '22 - well, '22 is when I insisted that I couldn't do it any more - and I have, I've burnt out. The fact that I was suicidal just tells me I'd burnt out. I couldn't do it any more. I had to do something drastic to make it change, and I had to call up Chevaun - I had to follow that up. They didn't follow it up; I had to do it.

PN210

So when you did what Professor Katsikitis had said to do, your workload was reduced?---It was reduced to 40 - on paper. In reality, my name was still against the dissertations, students were still contacting me, I was still the Ask Flinders place. They were still sending emails to me, still sending students to me. Nothing had changed in reality.

PN211

Just pause there. You accept that the work had been removed from you; correct?---Yes.

PN212

So if students - - -?---Eventually.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN213

If students are still contacting you - - -?---No, no. The work hadn't - what happened was Chevaun said to me, 'If we take away your dissertation' - so she did it online on the system, the BI system - 'your workload would be reduced to 40.' Okay? In reality, my name was still on those topics because Chevaun didn't do anything else. She may have told Mary - she led me to believe that that had been taken care of, and it hadn't.

PN214

It hadn't at all, and I didn't know it hadn't been taken care of until I started getting those - not started - I continued to get those emails, I continued to have students being sent to me from Ask Flinders. My name was still against all of those topics that I had thought had been taken away from me and had been given to somebody else, because I think Bev Rogers took over the dissertations, and she took over the independent study, so those things didn't happen until I then contacted Chevaun again and said, 'This hasn't happened, you have to do something here.' So they hadn't, in reality, been taken away. They hadn't - it had been reduced, in reality, only on paper.

PN215

MR MURDOCH: As I understand it - and tell me if I have misunderstood - when students started emailing you, you got back on to Chevaun and said, 'Look, I'm being contacted by students in respect of work that I'm not supposed to be doing'?---That's right, and then it took weeks - weeks - to stop that. It took weeks. It's not like - the time when I spoke to Chevaun on the phone and then the meeting we had, the Teams meeting, when she told me this is what would happen if you took away those topics, this is what the WAUs would be - there were 40 - it's not like that that then kicked into action. That didn't kick into action until I raised it again.

PN216

But you knew that you weren't doing the work?---I thought I wasn't doing the work. I was still receiving those emails as though I was expected to still do that work because nobody else had been assigned it and nobody - I hadn't been contacted who was now taking over the dissertations.

PN217

With respect to you, that's not your problem. It's not your problem. You've been told you're not doing the work, so if somebody else has - - -?---No, no, that's wrong. It's not that I was told I wasn't doing the work at all. Chevaun had said to me, 'When we reduce these, this is what the workload will be.' I said 'Okay' and I left it with her because she's the one that speaks to Mary. Nothing was done. And so I'm still getting the emails, Ask Flinders is still telling me that my name is up against the dissertations. When I write to them and say, 'I'm not the topic coordinator here' they're telling me, 'Ah, but that's what the name says you are.' So they actually weren't, in reality, happening.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN218

I had to insist - I had to get emotional, like I am now, trying to tell you to get this changed, and when I did it this way, I got told off. I got told off for upsetting Chevaun.

PN219

THE COMMISSIONER: But, Dr Skrzypiec, in the meantime, you weren't performing the work, you were - - -?---I was.

PN220

- - - supervising the dissertations, you were - - -?---I had stopped supervising dissertation masters. I only had two students that I was supervising, not as a topic coordinator, just as a supervisor, with the topic coordination I had tried to give up, but when students send me emails, I respond to say, 'I'm no longer a topic coordinator', that still takes time for me to type that up. I have to then contact the person involved - Chevaun - 'Hey, how come I'm still topic coordinator?' 'Contact your TPD.' I contact the TPD. 'Hey, Bev, I'm still coordinator. Can this be changed?' And it goes on and on.

PN221

MR MURDOCH: Well, that's a lot less - that administrative-type activity that you have just described, can I suggest, is a lot less work than actually having to do the actual work itself?---I had already done it for the year anyway.

PN222

Had you?---Yes. At the beginning of the year, I had started to do the topic book support. This stuff has to happen before the semester starts, of course. What do you think I do in January? I don't take annual leave in January. Every January, you'll see that my annual leave has been reversed because I've had to work.

PN223

And that's your choice?---My choice? It's my choice to be a good, diligent worker, conscientious, to make sure that the standards are maintained. Yes, I've thought about this, I've thought about this, I've thought, 'Yes, it wasn't my choice, you know, I could have worked less', but what would it mean to work less? Cutting corners? Reducing standard? Where does that leave our students? I have a responsibility to students. Ethically, is that wrong that I care about the standards that we maintain because I'm thinking about my role? What's my role? My role is to teach teachers how to become researchers, because we need researchers in order to move forward in education, because the world is changing and we need to change education as well.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN224

So that's my choice, and that's the job I'm in, but, to keep my job, to make sure the standards are maintained, I have to maintain these hours, and the WAUs reflect it, even though none of them are ever 30 - ever. It's always over 30, and it's expected that I maintain these standards, because, when I don't, I get called up and I get asked questions, and that's something that's missing from this. When I got asked, 'How come this number of students failed your topic?', there's many things that

haven't been included in this that is a reflection of why I must maintain my standards.

PN225

MR MURDOCH: Can I ask you, please, to go to your first witness statement?---Yes.

PN226

That's at page 453 in the court book. I'm sorry, it's my fault, I should have asked you to go to your supplementary. That's page 849. I apologise. If you just go, please to paragraph 3. The reference there at paragraph 3(b), you refer there to a telephone call from Dr Haseldine?---Mm.

PN227

That's the one that you've been talking about, isn't it, in your oral evidence?---Yes.

PN228

As you say there, that telephone call from her was in February of 2022?---Yes.

PN229

If you can please go to paragraph 6?---Mm-hm.

PN230

You refer there to the adjustments that Dr Haseldine has referred to in her statement, and there's a reference there to a topic that never became a new topic. You say in your paragraph 6(a) that you'd been working on it, preparing it, knowing that it had been timetabled for semester 2 2022?---That's correct.

PN231

You take issue, as I understand it, with her removing that topic from your WAUs because you'd done some work in respect of it?---Yes.

PN232

You accept, though, that notwithstanding - and I'm not here to argue with you - that you'd done work on preparing the topic, you accept, though, that if that topic did become a new topic that there would have been additional work than what you had done that would have had to be done?---Yes.

PN233

But, as the topic didn't go ahead, there was work that was allocated to you that wasn't required?---Yes, but then that's where it stopped as well. Semester 2, it wasn't counted. I was working on it up until semester 2 and semester 2, when it didn't go ahead, it didn't count in my WAUs for the rest of that year, so it didn't count at all.

PN234

That's what I'm saying, it didn't count?---It didn't count in the second half of the year.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN235

Yes?---So that was taken away. There's nothing to take away as it already had been taken away for semester 2.

PN236

When were you told that the topic would be cancelled?---Then, in September - in semester 2 on that email.

PN237

When was the topic to run?---At semester 2.

PN238

Yes. What I'm saying to you is that if it had run, there would have been additional work?---I'm telling you that because it was cancelled, that wasn't included in my calculation of WAUs in semester 2.

PN239

I'm not arguing with you about that?---But there's nothing to take away because I had done the work in semester 1, and so that's work I've done, it's allocated and I've done it, and then the topic didn't go ahead, so in semester 2, it didn't count, and it didn't count, it wasn't included in my calculations for semester 2 because
- - -

PN240

THE COMMISSIONER: It was in 1?---Pardon?

PN241

It was counted in your WAUs for semester 1?---Yes.

PN242

MR MURDOCH: What you're saying - and I'm not disagreeing with you in respect of this - that what you say is that because you'd done the preparation work, that should stay in?---Yes.

PN243

Yes, but what I'm saying to you is - and again I don't think we're disagreeing, I'm just clarifying?---Yes.

PN244

If that topic had gone ahead in semester 2 of 2022, that would have required you to do additional work?---Yes.

PN245

But it didn't?---No.

PN246

Therefore, that was an example of WAUs that you may have had allocated to you?---That's right.

PN247

That were not?---That's right.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN248

Can I say that's another example of, in 2022, your workload being reduced?---That's right.

PN249

Yes?---Of course. But, even though my workload was reduced, it only did - it never was 30. It was reduced from 57. Of course it needed to be reduced. I couldn't cope with that.

PN250

You have spoken quite a bit about that. What I wish to say to you in respect of that is that what that does demonstrate, though, is that when you raised a concern, action was taken?---When I raised the concern, what happened was action was taken on that moment, at that moment, and then I had to keep raising it and keep raising it to try and get it actioned.

PN251

In fact, the issue was initially raised with you, as you have said in your paragraph 3 of your supplementary statement, it was originally raised with you by Dr Haseldine. She rang you?---Yes, of course, because the workload that I had didn't count any of the research things that should have been counted because they were delayed. That year, suddenly came to the surface and they started to get counted. I don't know what my workload is until it's sent to me by somebody like Chevaun. In fact, it is Chevaun that sends it to me. I don't know what my workload is theoretically until I get it. Well, when she contacted me, I was shocked at how high it was because that's when I realised that was the kind of workload I had been carrying, and I insisted that that has to change, I can't do that.

PN252

THE COMMISSIONER: Sorry, Mr Murdoch.

PN253

When you say you don't know what your workload is, you mean you don't know what your WAUs are?---Yes, because - - -

PN254

You know what work you have to perform?---Yes.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN255

But you don't know what your WAUs are?---Because not everything's counted. The research that I'm doing in any given year isn't counted until years later, and so I just do the work because I know it has to be done. That is my job. If I'm accepting a grant, which the university wants, I have to work at that. I can't let that grant go. I have to work at it, whether I've got workload or not, and that's an expectation of me from the university. I have to have a certain reputation out in the research world in order to get these grants. I can't jeopardise that by telling students or telling anybody else, 'Sorry, I can't do it because I don't have a workload for it.' And that's known. It's in research now, it's just counted because it's dismissed until whenever it can be counted, and that's why I've never known

what my WAUs are until they tell me, and when I was made aware of how high my WAUs actually were, I couldn't take it any more, I had to do something. Up until that point, I just assumed that Mary knew what I had to do and that that was the workload I was expected to carry.

PN256

MR MURDOCH: Yes, and as you've said in your statement, you became aware of what you understood your WAUs to be because you were alerted to that fact by Dr Haseldine; correct?---That's right, yes.

PN257

You were alerted to that fact at the beginning of 2022?---Yes.

PN258

Which allowed a process to occur whereby your workload for the purposes of 2022 was reduced; correct?---It theoretically allowed the process to happen, but I had to really push to get things changed and action them.

PN259

It's the case, is it not, that because of the fact that work is done over the course of a year, that one can't actually assess what one's workload for the year is until one gets to the end of the year when the work's been done?---In retrospect? This workload - 1725 hours has been the work that - the hours that are associated with our work: 46 weeks of work. All right? And that's been the case since David Giles first alerted us to that, when it was made clear to us, '1725 hours is the hours that you work over 46 weeks; the rest is leave.' Right? Now, the WAUs - then we were told, 'WAUs is going to replace that, but don't worry, it's the same thing. 30 WAUs is the same as 1725 hours.'

PN260

There's enough work being done by the people that allocate how many WAUs and how many hours get allocated to particular tasks to know how much time it takes. Kerry Bissaker has been in the business for, I don't know, over 30 years, and all the other people that were working on the 1725 hours had allocated those hours to the particular tasks that we have to undertake: the topic coordination, assessments, marking. All of those things are worked out ahead of time, and it's known. It's not that we spend the year and then we look back and say, 'Well, topic coordination took me this long, assessment took me this long.' It's kind of worked out how much it all involves, and it's included in the calculations when they do the WAUs, so when I receive those WAUs, that's my workload.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN261

The thing is that because I knew things weren't being counted, I almost dismissed that workload and I just accepted this is what I am expected to do, and I went ahead and did my job, and I did my job diligently, conscientiously, to high standard, and when these things started to get counted, I realised how much I was actually doing. That's when it was made clear to me. All those years when these things hadn't been counted, that's how much work I was doing because I was still doing the same amount of teaching and I was still doing the same amount of

research, and I said, 'Something has to be done' and Chevaun said to me, 'Okay, let's look at what we can take away. What will you give up?' And I gave up the topic coordination and a couple of other topics, brought it down to 40. Contacted her again, 'What else can we do?' I need to get these down to 30 because I'm not going to carry a load of 57 WAUs.'

PN262

So it's not that we look back and work it all out. And then, when we get the workload, I've never received the workload that I can remember until the beginning of the year, and that year, in '22, it's February and the semester began in March, the beginning of March, and by the time anyone got around to actioning the decreasing of these WAUs, the semester had started and there was nobody available to be able to take these topics. The students just got contacted, 'I'm sorry, these topics are not running.'

PN263

MR MURDOCH: Well, that's not your problem, is it?---Yes, I know it's not my problem. You know, nothing is my problem. It's up to me to work out how I'm going to manage my workload. I have to go and tell Mary if my workload is - I'm not coping with my workload. It all rests on me. And when I tried to get this changed, I still had to continue to push and push and push to get it actioned. It's always not my problem, though.

PN264

The evidence that you have just given actually, can I suggest to you, illustrates the answer to the question I asked you a little while ago. You have an allocation, on your evidence, of 57 WAUs at the beginning of 2022. That's what the allocation is. But you accept, don't you, that by the time you got to the end of 2022, you had a much reduced number of WAUs; correct?---Yes.

PN265

That goes back to the question I asked you before: it's no good looking at what the assessment of WAUs are at the beginning of the year, the more important question is what are your WAUs at the end because, with you as the example in point, you didn't finish where you started, did you?---No, but I would like to point out something here. That was the first time in all the time that I've been at Flinders - - -

PN266

You have said that several times. Everyone understands that?---That's the first time I was ever contacted about my workload being over, and so that's the first time I felt I had permission to actually decrease my load, and I went for it - absolutely - and I needed to get it done, but it still didn't go down to 30. Yes, sure, it was reduced, of course it was reduced because I pushed for that to happen, and it came at a great cost. It came at a cost to me in my career and a cost to the students who I enrolled in those topics, or would have been enrolled in those topics, and the reputation that Flinders has as now it's just qualitative.

*** GRACE SKRZYPIEC

XXN MR MURDOCH

PN267

I had a student who had relocated from Queensland to come to Flinders University and do my statistics topics. He said to me that we were the last universities in Australia still teaching statistics in education, and he had relocated for that purpose. They took away those topics. That's gone now.

PN268

THE COMMISSIONER: Mr Murdoch, I feel that we have traversed some of this information on more than one occasion, so - - -

PN269

MR MURDOCH: I agree with that. Subject to one matter that I just needed to clarify - - -

PN270

THE COMMISSIONER: Yes.

PN271

MR MURDOCH: - - - that's the cross-examination.

PN272

THE COMMISSIONER: Thank you, Mr Murdoch. Any re-examination, Ms Buchecker?

PN273

MS BUCHECKER: Yes, there is, Commissioner, thank you.

PN274

THE COMMISSIONER: Thank you.

RE-EXAMINATION BY MS BUCHECKER

[12.11 PM]

PN275

Dr Skrzypiec, thank you for those answers, and I've just got a few follow-up questions for you. How many WAUs do you understand a full-time load to be?---40 WAUs.

PN276

How do you understand that to be so?---Because we had a meeting in 2019 when - by Kerry Bissaker, a staff meeting where she told us that we were moving to the WAU system, and she kept saying at this meeting, 'It's just 1725 hours, don't worry about it, it's the same, it's just that it's WAUs, but it's still only 1725 hours - 46 weeks' worth of work.'

PN277

In the period 2022 to 2023, were you at any time allocated a load of 30 WAUs or less?---Never.

PN278

Do you undertake annual performance reviews?---I do.

*** GRACE SKRZYPIEC

RXN MS BUCHECKER

PN279

Have the performance issues raised in the respondent's statement on matters of assessment ever been raised with you in those performance reviews?---Never. No.

PN280

THE COMMISSIONER: Sorry, Ms Buchecker, I missed that question.

PN281

MS BUCHECKER: I was just asking Dr Skrzypiec whether or not the performance issues raised in the respondent's statement around review of assessment had ever been raised with Dr Skrzypiec in her performance reviews.

PN282

THE COMMISSIONER: Thank you.

PN283

MS BUCHECKER: What was your research output in 2023?---I had publications. Is that what you mean?

PN284

Yes?---Yes. I can't remember. All I - I have 118 publications. I usually publish four or five papers. In 2021, I published a book; I'm a co-author on other books; I've written chapters for books as well. I have an extensive publication record and I have a h-index that's currently 20.

PN285

When you said that you published four to five papers, did you mean per year?---Yes, four to five, not 45.

PN286

Yes, yes, four to five?---Yes.

PN287

When do you get an allocation for the 2023 research work that you have done?---It's in the future. I'm confused exactly when because I dismissed that - because it wasn't being counted, I kept waiting to hear when it would get counted.

PN288

But would it be fair to say that you haven't received an allocation yet for the 2023 research work that you undertook?---No, of course not, no.

PN289

Can I take you again to page 850 of the court book. I'm sorry, Commissioner, if this is slightly repetitive, but I just do want to make this one point. Paragraph 3 - are you there?---Yes.

PN290

You say that it took you from February to May 2023 to get the workload solution?---That's correct.

*** GRACE SKRZYPIEC

RXN MS BUCHECKER

PN291

So it took you that many months?---Yes, I had to keep pushing because no one could find solutions, no one was available. It was just such a difficult process to try and get these WAUs reduced. I don't know why, but it was.

PN292

How did that leave you feeling about the potential for future reductions that you might seek?---I was hesitant about the whole process and reluctant to try and fight any further. I'm totally worn out. I had been carrying that load, doing my work, and then realising that I had to fight to get it reduced was not something I wanted to do again in the future. I was grateful that it had been reduced, but it had never reached 30 and I was out of steam to try and get it reduced even further.

PN293

What was the lowest number of WAUs you are allocated in 2023?---I have to go and check, I can't recall that. It's in the - - -

PN294

Take your time, that's fine?---It's in the witness statement. I want to check. I don't want to just base it on my memory. 2023 became a difficult year in the end because of the disestablishment in August, when we were called up. Could you let me know what page my witness statement begins. Here it is.

PN295

It begins at page 849?---Not the supplementary, the original?

PN296

I'm sorry, I'm on the supplementary statement. My apologies.

PN297

THE COMMISSIONER: It's 453 of the first folder?---453? Thank you. In '23, my workload was 32.47 WAUs.

PN298

Sorry, Dr Skrzypiec, what paragraph are you referring to?---Sorry, paragraph 8, table 1.

PN299

MS BUCHECKER: 32.47?---That's the lowest it's ever been.

PN300

Yes. In 2022, what was the lowest that it reached?---34.96.

PN301

So at any stage in your employment with Flinders since the WAU model came into effect have you been granted 30 WAUs or less?---No, never.

PN302

Thank you.

*** GRACE SKRZYPIEC

RXN MS BUCHECKER

PN303

THE COMMISSIONER: In this table, are these the WAUs at the end of the year?---These are the WAUs that I was given. I wasn't given any other WAUs, and these were after they had the - after the census date when they'd been adjusted for the number of students that had withdrawn.

PN304

From (indistinct) topics, yes?---Yes.

PN305

MS BUCHECKER: So can we assume from table 1 that, after census, the WAUs reduced from 40 to 34.96?---Yes.

PN306

Thank you. I don't have any - - -?---In 2022.

PN307

In 2022. Thank you. I don't have any further questions.

PN308

THE COMMISSIONER: Thank you, Dr Skrzypiec, that concludes your evidence. You are welcome to stay in the courtroom, if you like, now that you have given your evidence.

<THE WITNESS WITHDREW

[12.17 PM]

PN309

THE COMMISSIONER: Is there any need for a short break, anyone, or would you like to proceed to your next witness? Ms Buchecker, your view?

PN310

MS BUCHECKER: Happy to proceed, thank you, Commissioner.

PN311

THE COMMISSIONER: Mr Murdoch?

PN312

MR MURDOCH: Yes, thank you.

PN313

THE COMMISSIONER: All right. Ms Buchecker, your next witness, please.

PN314

MS BUCHECKER: I will just go and get her.

PN315

THE COMMISSIONER: Thank you. My associate can assist with that, perhaps, Ms Buchecker. We'll have someone assist you with that. I understand it's Dr Wyras.

*** GRACE SKRZYPIEC

RXN MS BUCHECKER

PN316

MS BUCHECKER: Dr Wyra, yes.

PN317

THE COMMISSIONER: Ms Buchecker, if you wouldn't mind, if you're submitting any statements into evidence in which there's a gap in the annexures, if at all possible, could you alert us to that because I understand from your submission that there were intentional or unintentional gaps in the number sequence.

PN318

MS BUCHECKER: Yes.

PN319

THE COMMISSIONER: So if you could let us know so I know what I'm - I won't be looking for something that's not there.

PN320

MS BUCHECKER: Sure. That's applicable to the statement of Dr Rogers.

PN321

THE COMMISSIONER: Thank you. Just Dr Rogers?

PN322

MS BUCHECKER: Just Dr Rogers, yes.

PN323

THE COMMISSIONER: Okay.

PN324

THE ASSOCIATE: Please state your full name and address.

PN325

DR WYRA: Mirella Wyra, (address supplied).

<MIRELLA WYRA, SWORN

[12.20 PM]

EXAMINATION-IN-CHIEF BY MS BUCHECKER

[12.20 PM]

PN326

Thank you, Dr Wyra. Can you confirm that you prepared a statement of evidence for these proceedings on 18 January '24?---Yes, I confirm that.

PN327

Can you confirm that you provided a further supplementary statement of evidence on 28 January 2024?---Yes, I confirm that.

PN328

Do you have any alterations, corrections or additions that you wish to make to those statements?---No, I don't.

*** MIRELLA WYRA

XN MS BUCHECKER

PN329

Do you adopt those statements as your evidence in these proceedings?---Yes, I do.

PN330

Commissioner, I tender those statements, which are at page 471 to 496 and 867 to 1060 of the court book.

PN331

THE COMMISSIONER: Thank you. The initial witness statement of Dr Wyra from 18 January 2024, which is at page 471 to 476 - sorry, including the annexures of MW1 to MW8 - will be marked as exhibit A4.

**EXHIBIT #A4 WITNESS STATEMENT OF MIRELLA WYRA
WITH ANNEXURES DATED 18/01/2024**

PN332

And the supplementary statement of Dr Wyra dated 28 January 24, with further annexures of MW1 to MW18, will be marked as A5.

**EXHIBIT #A5 SUPPLEMENTARY WITNESS STATEMENT OF
MIRELLA WYRA WITH ANNEXURES DATED 28/01/2024**

PN333

MS BUCHECKER: Thank you, Commissioner. I don't have any questions at this stage.

PN334

THE COMMISSIONER: Thank you. Mr Murdoch, your cross-examination.

PN335

MR MURDOCH: Yes, thank you, Commissioner.

CROSS-EXAMINATION BY MR MURDOCH

[12.22 PM]

PN336

Dr Wyra, I just want to ask you some questions at the outset about the reporting lines that applied to you at the university, and I am asking about 2022 initially. In 2022, who was your next up person who you reported to?---I don't remember that, but I think exactly - well, I think, in 2020, it might have been Associate Professor Kerry Bissaker. I have had a series of supervisors, so when it comes to dates, I might not necessarily - - -

PN337

Perhaps we might do it a different way. Forget the names, we might just focus on the titles. In 2022, what was the title or the office that you reported up to next in line?---'22 or '20?

*** MIRELLA WYRA

XXN MR MURDOCH

PN338

2022?---Right. So there are different, I think, ways of reporting, because the management of the college has a model of distributed leadership, so there is the

vice president of the college, then we've got two deans, dean of education and dean of research, and - sorry, three - dean of people and resources, and then there is a director of operations. There are also - at the time, I think we had head supervisor and other supervisors and academic supervisors, so you would need to perhaps be more precise with which aspect of my work you're referring to, please.

PN339

Are you familiar with the acronym TPD?---TPD?

PN340

Yes?---Yes, definitely, teaching program director.

PN341

Yes?---And I have - I have been in that role for a number of years before 2022. At that time, in 2022, I believe Dr Bev Rogers was in the role of the deputy TPD, and Mr Joss Rankin was in the role of the teaching program director - TPD.

PN342

In terms of your role in 2022, the deputy TPD, I suggest, was a person with whom you could raise workload concerns?---It's not that clear because the workload concerns, sometimes they were presented as something that needs to be discussed with the P&R or with the professional personnel in P&R. TPD's role is purely to manage the delivery of topics, courses, providing timetabling information, and things like that. I don't think that the role of TPD has any power to direct workload.

PN343

In terms of the role of deputy TPD, that role also has the capacity to assign work; is that correct?---Not to my knowledge, no.

PN344

So who assigns the work then?---It's the dean P&R and the staff of dean P&R.

PN345

When you say the dean P&R, you're referring there to, at the relevant time, Professor Katsikitis?---Yes.

PN346

Yes?---Yes.

PN347

Therefore, she was a person who, if you had a concern about workload, you could speak to?---Technically, yes.

PN348

Yes? And she was assisted by a lady called Dr Haseldine; correct?---Yes, and also, I think, another person at another time, so I'm not sure in terms of the (indistinct) what's the line set up of work.

*** MIRELLA WYRA

XXN MR MURDOCH

PN349

But, in 2022 and 2023, you would accept that if you had concerns in respect of your workload, Dr Haseldine was a person that you could raise that with?---That was - that information has been circulated via email.

PN350

So you agree with me?---I do agree with you that that was the advice.

PN351

If we move on from the structure and the functions of various people in the structure, can I just clarify with you, in respect of you, yourself, did you, at some point, perform the role of TPD?---Yes.

PN352

Can you just clarify when that was?---From 2019, when we have had a restructure from faculties to colleges. That was a newly-established role. Before then, I was in a similar role as a postgraduate director - director of postgraduate studies.

PN353

Can you just tell me what years were you in the role of TPD?---2019 to 2020 - '21, sorry.

PN354

And other - - -?---But I don't - this is what I think - I don't remember the dates as such.

PN355

But certainly, once you finished in that role, which you say, to your recollection, it was 2021, other people were in the role after that?---Yes.

PN356

That is a demonstration, isn't it, that the fact that you were working in the TPD role and then ceased to be in that role and somebody else took it over, that's a demonstration of the fact, can I suggest to you, that, for an academic who works at a university over a period of time, year on year, their responsibilities will change, won't they?---As in any job.

PN357

Indeed. So what your workload is in one year may not necessarily be the same workload in the next year?---In terms of the tasks that we are required to do, not in terms of the workload.

*** MIRELLA WYRA

XXN MR MURDOCH

PN358

In terms of the tasks that are required to be done, what you're referring to there is that, in one year, one might have a particular - such as, taking yourself as the example, one might have a particular leadership function, but, in the next year, one doesn't, but has a higher load in respect of teaching. Is that the type of example you are giving?---Not exactly, but, yes, sort of the shift of the aspects of one's full-time job can shift within that full-time role from teaching to leadership and so on, or research, if somebody has a grant. So that aspect of the workload can be shifted.

PN359

It's also the case, is it not, I suggest, that if we talk - you are familiar with the term WAUs?---Yes, I am familiar with the term WAU.

PN360

It's the case, is it not, that one may have an allocation of a particular number of WAUs at the beginning of a year, but, over the course of that year, changes can be made, which means that by the time one gets to the end of that year, the actual WAUs that a person has had applied to them can change?---Not in the sense that what is expected of a full-time academic is one full-time workload, which equates to 30 WAUs.

PN361

Well, that's your understanding?---This is a common understanding that has been presented by the college and university management and leadership when the WAU was first introduced. So when you refer to the shift in workload with a fluctuating number of WAUs, in what I understand that you might be intending to convey is that the number of WAUs can shift, but what actually is the sort of balances of component of an academic workload, what shifts is within that full-time role, percentages of focus on teaching, research, service and leadership, but not the number of WAUs.

PN362

If we just use your example - and we can use your example for the purposes of what I'm trying to convey - the point in time to consider the - let's just call it the WAU allocation - is at the end of the year, because it's only at the end of the year that you can look back and see what work has actually been undertaken. Do you accept that?---If you could clarify your point, please, that would help.

PN363

Using your example, you've got 30 WAUs, at the beginning of the year, those WAUs are divided up into a number of different components - okay - allocated to different areas. You understand so far?---Yes.

PN364

By the time you get to the end of the year, using your example, you still have your 30 WAUs, but the actual allocations within that 30 may have changed because of changes in the way that the work was allocated during the course of the year?---No, because when the workload is first assigned, I usually have a workload draft that consists of more than 30 WAUs. That means more than a full-time workload because 30 WAUs are 1725 hours per year. And at the end of the year, that (indistinct) what I was required to do by the college, that number typically increases to an even higher number. So I don't know if that answers your question.

*** MIRELLA WYRA

XXN MR MURDOCH

PN365

I think it does. I think ultimately you are agreeing with me that the time to look at the number of WAUs is at the end of the year, not the beginning; correct?---No, I don't agree with that because in the - so the balance of hours that have been

worked, yes, but not when it comes to effective planning for workload, because if people end up with more workload than they have started with at the beginning of the year, then that, in my - well, that shows that there has been ineffective planning for whatever needs to be picked up on the way.

PN366

In respect of yourself, for 2022 and 2023, you had allocations for three areas, being teaching, research and service and leadership, didn't you?---Yes.

PN367

Within teaching, there are, for the purposes of the workload model, a number of different categories, aren't there?---Yes.

PN368

There's coordination, there's teaching, there's assessment?---Yes.

PN369

There's supervision?---Yes.

PN370

And there's something called scholarship of teaching?---I'm actually quite interested when you mention that because that's what I would expect that would be included in my workload. I am responsible for the teaching component and, therefore, the scholarship of teaching is important for people who teach students. However, in the balanced role, in the balanced academic's role, I don't get one per cent - nothing. Balanced academics who have responsibility for teaching don't have workload allocation for teaching part called scholarship of teaching. So, no, what you have said is incorrect.

PN371

When you say 'balanced', you are referring to a person who has both a teaching and the research component?---Yes.

PN372

But in terms of the teaching component, if we can just focus on that for a moment, as you understand things, under the model, topic coordination, topic teaching and assessment have more WAUs allocated, depending upon the number of enrolments?---Yes, there is - the number of enrolments, the WAUs increase. There is a formula, precise mathematical formula, that guides the allocation of WAUs, and it is on an - and the WAUs allocated for topic coordination include a component that accommodates the number of students in the topic.

PN373

You would agree that that's a reasonable way to approach the WAU allocation? Generally speaking, the more enrolments, the greater load there will be on the relevant academic?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN374

It's the case, is it not, that, in some courses, the student numbers change from semester to semester?---Are we talking about courses or topics?

PN375

I beg your pardon, topics, yes?---Yes.

PN376

Of course, that can also happen year on year, can't it?---Do you mean topic?

PN377

Yes?---Sorry, I'm confused because you said 'course'.

PN378

I'm referring to topics?---Yes. So the number of students fluctuates, especially in the continuing professional education, where we have students who are professional educators and international students. However, my understanding of the workload allocation is that it is calculated post census. So that means when students who want to withdraw from topics withdraw.

PN379

Yes. Is it the case - I should just clarify, and I should have asked you this earlier - were you working in the continuing professional education area or in other areas as well?---Initially, when I was employed, I worked in the initial teacher education, and then I have been asked to work in the continuing professional education, but I would like to also point out that continuing professional education became continuing professional education in 2018 or '19, when the faculties were converted to colleges. That term 'continuing professional education' did not exist before that change.

PN380

So in '22 and '23, you were working in the continuing professional education area?---Yes.

PN381

And the relevant DTPD was Dr Rogers?---Yes.

PN382

Would you agree with me that - sorry, I withdraw that - I will put the question a different way. Because you had been working in that area for quite some time, that being the CP, the continuing professional education, area, was it the case that, over that time, there were a number of topics that you taught each semester?---Coordinated. Because of my high workload, I have had casual academic teachers employed to do teaching and marking of some of those topics, some of the topics I have taught and assessed.

PN383

But, whether it be - and there was a problem with my question - I apologise - but whether it be coordinating or teaching, is it the case that there were particular topics that you were regularly involved in teaching?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN384

Yes, and that's either from semester to semester or from year to year?---I'm not sure if I understand your question correctly, so I will just say that, over a number of years, I was responsible for coordinating and teaching a big number of topics.

PN385

A big number of topics?---Yes.

PN386

But a number of those topics, is it the case, you would have been responsible for semester by semester, year on year, so you were familiar with them?---Yes.

PN387

Yes. It follows, can I suggest to you, that topics that you are familiar with, you have to spend less time on as time goes on?---No, that's not correct.

PN388

Why not?---So it may appear so. However, when you work with professional educators, and in my specialisation and specialisation topics, I have students who are lecturers - at Flinders University including - I have educators from overseas, lecturers from international universities, I have school principals, school coordinators, school teachers, SSOs, I have cricket coaches, I have real estate training instructors, I have army instructors. So year to year, my role in topic coordination may not appear as having the same amount, or even more amount, of work because the topic outline, learning aims and outcomes are the same, but the work is not lesser.

PN389

In order to support students and to work with students, and with casual academic teachers, there needs to be attention to the learners' context. These are postgraduate students; these are not pre-service teachers that require the same sort of line of education.

PN390

MR MURDOCH: But you would certainly agree with me that, over time, you are required to spend less work familiarising yourself with a topic than someone who is new to it would have to spend?---No, because you need to be up to date with the literature in that area, and that changes.

PN391

So are you saying that somebody who was a topic coordinator for the first time - that you, as a topic coordinator for a topic semester on semester, year on year, doesn't spend any less time than a person who is a topic coordinator for the very first time? Is that your evidence?---Yes, because if somebody teaches a topic for the first time, they still get the same allocation of WAUs. If they - and this is with assumption, I would think - I don't know - that they have qualification and expertise to pick up the topic. If they don't and they need to redesign the topic, then they should be getting extra allocation.

*** MIRELLA WYRA

XXN MR MURDOCH

PN392

I'm not asking you anything about WAUs, I'm asking you about time, the time that you spent. So I'll ask it again. Are you saying that you, being experienced in coordinating a topic, are you saying that you don't think that a person new to the topic would have to spend more time on it?---Being not new to the topic still requires you to perform the same responsibilities.

PN393

So when you look at the key responsibilities, as stated by the college, for topic coordination, you will see a list of items that need to be performed every year. So the tasks are the same. Whether I have been coordinating a topic for the 20th year or for the first year, I still need to spend the same amount of time to provide timetabling information. There is no workload allocations for the time, for example, for training new casual academic teachers, and so I include that in my statement that, no, I would not spend less time.

PN394

MR MURDOCH: You have seen the evidence that's been given by Professor Munguia in respect of the question of assessment design, haven't you?---Yes.

PN395

You have given a response in respect of that?---Yes.

PN396

I just want to make it clear that no one is suggesting - no one is suggesting some lack of conscientiousness on your part - okay - that's not what is being suggested - but you accept, though, don't you, that there were some topics in respect of which the design wasn't changed? You accept that?---In the system, that's what it appears, yes.

PN397

When you say, 'In the system that's what it appears', who is responsible for updating the system?---If the changes are not - if the changes are not required to be put in the system, then they don't need to go in the system, and I have also explained in my response why I said there is no need for redesign of assessment in these topics. The assessment for the topics is designed in such a way that each individual student has opportunity to design a case study based on their context. So there will be - so the assessment design is - the assessment is designed in such a way that provides freedom to individual students in how they provide evidence of achieving learning outcomes that are set for their topic. That's one part.

PN398

Another part, and the core part, is that there is no requirement for annual/biannual assessment redesign. This is left to the expertise of the academic staff who are responsible for the topics and courses.

*** MIRELLA WYRA

XXN MR MURDOCH

PN399

MR MURDOCH: Yes. So again going back to the point I made before - no suggestion - no suggestion - of any lack of conscientiousness on your part by not engaging in that redesign process - but it's the case - and tell me if I've got this wrong - but there will be some topics in respect of which there will be a need for redesign and there will be others where there isn't; is that a fair statement?---I can only talk about my topics and, for my topics, there was no need for redesign. Topics and courses undergo review from other people, and so if there was such a need, somebody would have said to me, 'You need to redesign this topic as this is not on the list.'

PN400

But you understand - and I think it's probably inherent in your last answer, but tell me if I have got this wrong - you understand, from your experience, that - not your own topics - I accept that - but other academics may have a need to redesign?---Well, if there is a need to redesign.

PN401

Yes?---But - and they don't need to redesign if their topic assessment design is sound and up to the required standards, that is, the assessment provides evidence of students achieving learning outcomes in their topic.

PN402

The other matter - - -?---So, sorry, if I may finish?

PN403

Of course, of course?---So it's not redesigning for the sake of redesigning.

PN404

No, that's right, but there will be times where you acknowledge that, in some topics taught by other people, there may be a need to redesign?---I can't speak for other people.

PN405

So you've never heard of a topic being redesigned by anybody?---Topic or assessment?

PN406

Topic - topic assessment being redesigned?---Topics have been redesigned, topic assessment has been redesigned.

PN407

Yes, thank you?---Yes.

PN408

The other matter that Professor Munguia raised in respect of yourself was this matter in respect of failing to finalise grades. Now, again, I just want to make it very clear that I'm not asking you these questions with the intent of, in any way, criticising the way or the conscientiousness in which you went about your work. Okay? That's not what I'm doing?---I understand.

PN409

I just want to clarify with you some aspects of the evidence; okay?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN410

So no one's saying you weren't doing a good job or anything like that. Okay?---I think that, through that comment, it was implied, and so I'm happy that you have asked that question and I'm happy to answer that question.

PN411

That's not the context. Just so it's clear to you, that not the context in which I am asking you these questions?---I understand.

PN412

Yes. In respect of what has been said there in - to be fair to you - with your leave, Commissioner, I don't normally take a witness to somebody else's statement, but it just might be fairer if I can just work through the codes with the professor's statement in front of the witness?

PN413

THE COMMISSIONER: That's Professor Munguia?

PN414

MR MURDOCH: Yes.

PN415

THE COMMISSIONER: Okay. Give us a page number.

PN416

MS BUCHECKER: Yes, I will.

PN417

THE COMMISSIONER: Thank you.

PN418

Dr Wyra, in front of you is the documents we are referring to and Mr Murdoch will give you a page number to start with.

PN419

MR MURDOCH: If you could just, please, go to 1289 - page 1289, I'm told, which I'm sure is correct. If we just look at those subjects that are listed there from (i) to (ii), (iii), (iv) and (v).

PN420

THE COMMISSIONER: Sorry, is this paragraph 15, Mr Murdoch?

PN421

MR MURDOCH: Paragraph 16, I'm sorry, 16(b).

PN422

THE COMMISSIONER: We are on page 1292, Dr Wyra?---Yes.

PN423

And you can see if that helps you, so that you can - - -

*** MIRELLA WYRA

XXN MR MURDOCH

PN424

MR MURDOCH: If you want to - subject to the Commissioner's leave, if it's easier for you to pull the page out and sit down. Whatever's easier for you.

PN425

THE COMMISSIONER: It's probably easier for the transcript if you do sit, so either if you put the folder closer to you, or, alternatively, as Mr Murdoch suggested, take the page out.

PN426

MR MURDOCH: If we just have a look at that, do you agree - again with the context that no one's being critical of you in respect of this - but do you agree with the statement that you failed to finalise grades for those topics?---I don't agree with the statement that I have failed to finalise. I agree - - -

PN427

You did not?---I confirm that I have not finalised all of the assessment.

PN428

We will put it in that way. Do you - - -?---Yes, so I would like to say that I resent the verb 'fail' and I will qualify that and I have provided response in my response to that. The topics that we are referring to, well, I have been ill, so I have been ill for two months. The college, in the ineffective planning, does not have contingency plan for any absence, and especially for long absences, to have someone else who understands what needs to be done to step in and pick up that work, and so Professor Munguia's statement indicates that I have failed to do so.

PN429

However, it is the failure of the management in actually monitoring what needs to be done when staff are incapable of doing this, and when you look at dates - backdated things to 2022 that have not been noticed by the staff - nobody has talked to me about this stuff. That again provides evidence for not managing effectively what needs to be done when people are not available to do so and when there is no staff who can step in. We are talking about staff who has the expertise and understanding of the content, understanding of the topics, topic structures and, in my case, the continuing nature of the topics, that they're not sort of independent topics, one builds on another, so whomever works with one of the topics needs to actually know everything that students have read and done in previous topics.

PN430

Another thing is that staff does not have WAU or workload space to pick up anyone else's work when they are on leave. That's my understanding.

*** MIRELLA WYRA

XXN MR MURDOCH

PN431

MR MURDOCH: Can we just take the word 'fail' out of the discussion because I'm not - like I said to you at the outset, I'm not making any criticism?---Yes, I understand that and I have said that I'm glad that you have actually cited the words of Professor Munguia because that gives me an opportunity to actually say, 'Well, this is incorrect, I have not failed that.'

PN432

You accept the proposition, though, that you did not finalise those grades?---Yes.

PN433

Yes. And - - -?---I'm sorry, not all those grades. I have provided in evidence reports for final result and processing that I have submitted. I have provided PDFs of that, which are not readily accessible retrospectively because the system does not let us get into it to actually - - -

PN434

Yes?---Being somewhat particular in terms of I have downloaded those reports for my records, just so that I am certain of doing it, and of my list, because I coordinate a large number of topics, so it's not a matter of one, and availabilities and, as you have rightly pointed, some topics are repeated over semesters and they have more than one availability that needs to be addressed in reporting.

PN435

You accept that you did not finalise the grades for some of the topics that are listed in subparagraph (b)? Some of them?---Yes.

PN436

It's the case, is it not, that within the WAUs that were allocated to you, that took into account finalising grades?---Sorry?

PN437

The WAUs allocated to you included assessment, didn't they?---Yes.

PN438

Yes?---So WAUs are allocated for assessment purposes.

PN439

Yes. So because you did not finalise some grades, it meant that some of the WAU that had been allocated to you wasn't taken up?---Yes.

PN440

That was because, I think you said before, you were on leave?---Yes.

PN441

So you would accept that when one got to the end of the relevant year in respect of those WAUs that had been allocated to you in respect of assessment, that those WAUs were - and this is not a criticism of you - that those WAUs represented work that, because you were on leave, you hadn't undertaken?---That's correct.

PN442

Thank you. Now can I ask you next, please, about the matter of research. You had research as part of your workload in both 2022 and 2023?---Yes.

PN443

It's the case, is it not, that under the workload model, the WAUs that are allocated to an academic in respect of research are based upon past research and past income?---Yes.

PN444

So does that mean, therefore, that by the time one comes to - just using 2022 as the example - by the time one comes to 2022, that's been assessed on research from the past - I'm paraphrasing it - research and funding for the past couple of years as opposed to research and income for 2022?---That's the model, yes.

PN445

That means, therefore, doesn't it, that the WAUs that are allocated for 2022, because they're based on the past, not 2022, may or may not represent the actual research activity that's being undertaken in 2022?---No, that's not the understanding I have.

PN446

Why is that?---The understanding is that the work allocation in terms of WAUs is based on the specific calculations of performance, past performance, but it does not mean that the work - sorry, I've lost my train of thought. Can you please repeat that question.

PN447

What I'm suggesting to you is that because - we'll just use 2022 - because the research WAUs for 2022 are based upon, let's just say, past research activity, the actual research work that's being undertaken in 2022 may not reflect the WAUs that have been allocated?---No, it does not mean that.

PN448

Why's that?---Because - I don't understand why you would be proposing, like why you would be making that statement. The workload in terms of research performed in any given year by a balanced academic consists of work that contributes to current research performance and future research performance as calculated by the workload model that allocates the workload WAUs. This is very complicated, Commissioner, so I apologise if I'm - - -

PN449

THE COMMISSIONER: I agree it's very complicated?---Yes. So the workload allocation for any given year, as you have stated correctly, is based on the work performance in the area of research based on past years' deliverables because that's what's measured in the workload. Right? The workload does not measure the amount of work that is put into grant writing, working with - collaboration with researchers. In order to apply for grants, in order to deliver grants, a massive amount of reading is required to update one's knowledge of the current developments in academic research and literature. So I don't agree with that part of your statement and it is not correct.

PN450

So I agree with the aspect of it that the measurable outcomes of research performance guide the workload allocation for research component, but in no way they measure the actual amount of work that goes into research component of a workload.

PN451

THE COMMISSIONER: Mr Murdoch, if you don't mind, I think it is an important issue for me to understand and it is complex.

PN452

I think Mr Murdoch's question - and please correct me if I'm wrong - was to the effect that given the workload allocation for any given year - for a future year - is based on research performance in the previous year, it's not necessarily reflecting the actual time - putting aside the grant writing - but the actual time that you might spend on research in that current year?---Yes.

PN453

Is it possible that you would be allocated more WAUs for research based on having a particularly good year the year before with your output and attracting grants and do less of it in the actual year where you're getting a particular WAU allocation? I apologise if that's a very simplistic or blunt way of putting it, and please tell me if I've phrased that incorrectly?---So, no, because that workload allocation requires you to actually perform within that - put in the time, because WAUs are hours, and you need to do that and even more, I would say from my own experience, in order to be able to show outcomes for the next year and the following year. So it takes time. So once papers have been published, which are some component of recent allocation, students have been supervised, grants have been received or not received, even though the work for applying for grants has been put in. So the only sort of measurable outcomes that inform the workload, are those that have been - - -

PN454

Awarded?---Yes, thank you.

*** MIRELLA WYRA

XXN MR MURDOCH

PN455

Yes?---There is no sort of visibility of workload that needs to be put in every year in order to write grant applications. So there is no sort of reflection of workload measurement for that work. Papers need to be written. Research needs to be conducted. So in order to plan for the following year, to comply with the requirements and the deliverables, one needs to work really hard and spend a lot of time. So, no, there would not be less work in terms of time put in, just because in a particular year one has more research delivered outcomes. So I would like to differentiate the time factor and the amount of work that is put in, and a lot of that work is not visible through the outcomes because for research purposes the outcomes are counted for high level publications. So if we aim for Q1 publications, which is top five to 10 per cent of international highest quality of academic publications, the rejection and the delay in publishing is high. Similarly, with high value grants. With ARC linkage grants, for example,

the success rate is between five and 10 per cent. So, as we can see or imagine, the 90 per cent of applicants don't get that grant. Therefore, there is no visible deliverable that contributes to WAUs, but the work has been done and it needs to continue each year in order to get the deliverables that then are counted for the following year.

PN456

So in your experience you've never had a WAU allocation for research in any given year that you haven't performed with work? So you haven't got an allocation of WAU that you hadn't fully used in terms of the work you performed?---Yes.

PN457

Sorry, Mr Murdoch, I don't know whether that's actually the question you were asking.

PN458

MR MURDOCH: Thank you, Commissioner.

PN459

You said before, you mentioned the going – I think you said 'going over the WAUs' or something like that. You - - -?---No, I was answering about the time, which is WAUs.

PN460

Yes, but I think you said that you went over the WAUs. Is that the evidence that you gave?---So the time spent on that aspect, in – and I don't take notes how much time I spent. It's a lot of time.

PN461

Yes?---And definitely more than the – yes – WAUs allocated, because my work spills to weekends and evenings.

PN462

I take it that if one accepts that you're, to use your words, 'going over the WAUs', that's because of a desire on your part as an academic to get a particular grant?---No, that's not desire. That's a requirement.

PN463

Well, when you say 'a requirement', a requirement by whom?---Requirement by the university of balanced academics, and having those three components that one is accountable for.

*** MIRELLA WYRA

XXN MR MURDOCH

PN464

Yes. Well, can you point to anything which requires you to, using your words, go beyond your allocated WAUs for research? Where do we find that requirement?---Well, I don't know how to answer this question, and going beyond the WAU, it might have just – I don't know. It - so this feels like a lot of work. So your question was, if I remember correctly, that the WAU allocation allocated for past performance do not necessarily translate into the time that one

spends on research in the year that allocation is provided. So I'm trying to answer your question by saying, yes, one spends a lot of time, and my – so maybe my interpretation of your question was just because somebody has performed well in one year and has WAUs allocation, it does not mean that they spend less time on performing research activities.

PN465

In terms of the allocation of WAUs, the system that was in place – and I just want to – I'm asking you now about 2022 and 2023, not back to previous times. The situation was in place that – I beg your pardon – that was in place, is that there would be a draft workload allocation for service and leadership, research and topic coordination, set out in about September?---In 2022, did you say? Because in previous years that might have been, yes. In previous years hardly ever we got draft of a workload this early in advance.

PN466

That was sent out by Ms – I beg your pardon – Dr Haseldine?---Yes.

PN467

Yes, and that document provided a projection of WAU allocations in respect of those particular areas for the next year, didn't it?---Yes.

PN468

Okay?---Yes.

PN469

So that gave an academic an opportunity to see what was projected in respect of those areas?---Yes.

PN470

Correct. And it was then a matter for the management – and to be clear, when I say 'management' I'm saying not the academics themselves but for other people higher up in the organisation, to allocate out their topics, wasn't it?---Sorry?

PN471

Academics don't allocate themselves topics?---No.

PN472

That's done by others?---Yes.

PN473

Correct. And once that topic allocation process was done, there'd then be a further draft produced. Correct?---Sometimes.

PN474

Yes, and that's when academics had the opportunity to seek to have their WAUs reduced. Correct?---Yes.

PN475

Yes, and that's something that you sought to do?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN476

Yes, and you were accommodated, I'd suggest?---Sorry?

PN477

You were accommodated, weren't you? You WAUs were reduced?---No.

PN478

So you've never had a time in 2022 or '23, when you raised an issue about your WAUs being too high with somebody and nothing happened? I beg your pardon. And they were reduced?---I think there might have been one. I don't remember now exactly but there was a puzzling – and only I have noticed that upon sort of reviewing all the documents, because they present a little bit of a mess. That, yes, there was one mention of something – adjustment, but I was never clear on what it might refer to, as there were years of adjustments that had not been made.

PN479

I think you might be referring there to the attachment to Dr Haseldine's affidavit. Is that what you're referring to?---Where she went through – and relevantly to you, she went through the matters, the WAUs, that had been allocated to you and made some adjustments?---These adjustments, most of them are incorrect.

PN480

I'm not asking you whether they're correct or incorrect. I'm just asking you whether that's the document that you're referring to.

PN481

THE COMMISSIONER: Perhaps we should look at that document, Mr Murdoch.

PN482

MR MURDOCH: Yes, it's CH6. I beg your pardon, it starts at CH6 but in respect of Dr Wyras it's CH11.

PN483

THE COMMISSIONER: Do you have a page number for that at all?

PN484

MR MURDOCH: I'm just having that brought up.

PN485

THE COMMISSIONER: Thank you.

PN486

MR MURDOCH: May it please the Commission, it's CH10 and CH11.

PN487

THE WITNESS: And which page that might be?

PN488

THE COMMISSIONER: I think it's just - - -

PN489

MR MURDOCH: Page 1236.

PN490

THE COMMISSIONER: Thank you.

PN491

MR MURDOCH: Now, I'm not asking you to give a commentary on this document. I'm just asking you whether that's the document that you were referring to a moment ago when you spoke about adjustments?---Yes.

PN492

What I'm asking you about is whether prior to seeing the – or what I'd like to ask you about is whether prior to seeing these documents you'd ever raised with Ms Haseldine at an earlier stage issues about your workload?---Yes, I have.

PN493

Yes?---And I'm not sure whether it was with Dr Haseldine or whether it was with my supervisor. So that's – and that's another sort of areas that I unclear, that people with whom we might want to discuss the workload, there is – so that might be a supervisor. That might be Dr Haseldine or anyone else who is tasked with this task at any given moment. So, yes, I have raised that issue.

PN494

Is it the case that when you raised the issue, that steps were taken to reduce your workload?---Steps – I don't remember, but it's hardly impossible to reduce my workload at that time. So I'm not sure which point in time you are referring. So if you are referring to that date in September '22, where the draft was sent to me - - -

PN495

No, no, I'm not asking you about that at all. What I'm just asking you about – if your answer is 'No', just say so. What I'm asking you about is whether you, in 2022 or 2023, approached Ms Haseldine to seek to have your workload reduced?---I have provided an answer to that with evidence through the correspondence, and so the – I think the timeline of events, as I recall, looking through emails, and Dr Haseldine has contacted me and presumably other staff in September 2022, with a draft of workload for 2023, with an expectation of timely response. At the time I was on annual leave and, therefore, I did not know that that email came to me. And I think it was five weeks of annual leave. So the way that evidence is presented again, it sort of feels like a blame on me for not responding in a timely manner, whereas that email has been sent to me when I was on leave and I have provided an explanation of why I have not responded at that time. Following that, upon my return, I have prioritised immediate needs of students, topics, casual academic teachers, research students, who have not had any support for what I do while I was on my annual leave. So that was the priority. What also occur at that time is there was a dispute raised by NTU in relation to yet another change of how workload for HDR students is being allocated, and I have written in my email to Dr Haseldine, stating that it looks fine

for now. I have stated that in my email, because we don't know what the outcome of the proposed change is going to be. And the proposed change had quite a significant potential impact on how the workload for teaching and research is allocated and shifted within full-time work model, because previously the supervision of research students' work, so PhD students, educational doctorate, and Master of Education by Dissertation students, was allocated into the teaching component of workload. And the management proposed shifting that aspect of teaching, so HDR supervision – higher degree by research supervision – into research component. So this has been disputed, and so I have referred in my response to Dr Haseldine, saying, 'Well, we don't know where that work will sit. And, therefore, if it's shifted into research, then I will have more space for teaching coordination related duties. So having a conversation about workload at that time was absolutely pointless, after my return. That matter has been resolved, I believe, in February the following year, when all the teaching and staff allocations in terms of staff availability were already in place. So nothing from the perspective of my responsibilities and topics that I teach, coordinate, could be changed. So that's one part of it. Another part is – and I have documented that in my statement and response - - -

PN496

Just before you go on, and I'm not – I am interrupting you but I'll let you finish. The extent to which you've conveyed this to Dr Haseldine, you say you've either appended the emails to your statements or it's somewhere in your supplementary statement or your statement. Is that the case?---Let me finish the first part, please, and then I will respond to your question. And so the – and so, as I was explaining, the – so, yes, I think that was an effective way of throwing me off what I wanted to say.

PN497

That was not intended?---Yes, I'm not saying that it was – yes, and so I'm sorry if that - - -

PN498

If you want to take a moment to clarify your thoughts. I was just trying to clarify, because you were talking about responses and I was trying to clarify - - -?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN499

- - - whether they were emails or oral or whatever?---So some might have been emails to Dr Haseldine, but there are also conversations that are not recorded, not minuted, with other supervisors. So it's not just one line, and if I may say, not everything is minuted in details when the conversations are being had. And so I apologise and I do remember what I was going to say. I just wanted to point out that over my time with Flinders – and I have documented that – since 2011 I have been overloaded in hours, or WAUs which are hours. I have had conversations with my supervisors about my workload. My workload has not been adjusted. The overload has been seen by senior staff at university, not just in the college, and signed off on my applications for promotions where I have included a statement that – and the special circumstances, pointing to continuous overload, year after year. So the senior management in the college and previous in the

faculty and School of Education, have seen it. The senior staff at the university level have signed off on one promotion, for example – I mean, not for example, but has taken place – Where the annual overload was listed, documented and the college management has signed off on it. Nobody has questioned that, because they knew that I have worked over one full-time equivalent. So the history of trying and not succeeding, just sort of left me without trust or hope that anything would change. Sorry. Give me a second.

PN500

I'm almost finished.

PN501

THE COMMISSIONER: Thank you, Mr Murdoch.

PN502

THE WITNESS: Yes, please move on.

PN503

THE COMMISSIONER: If you need some time, Dr Wyra, please let us know and we can take it?---So this is not an – this is not – so apology for the emotional -
- -

PN504

No apologies necessary?---I just wanted to explain that this has been a torturous process.

PN505

There's a tissue behind you, Dr Wyra, if that helps?---Thank you. The absolute disregard of loyal hard work of students – university, by picking on things that are inaccurate. And I'm not blaming you, sir, it's just my sort of take on it.

PN506

MR MURDOCH: I just want to ask you two more questions about two more issues, and it won't take long. Noting what you've said about your view as to the past in respect of people knowing about your workloads, etcetera, you accept that in September of 2022, Dr Haseldine wrote to you, among other people, and said:

PN507

If you have queries once your workload is published, i.e. you are too high or low, please discuss solutions first with your TPD DTPD, and include your supervisor in the email before informing me of any changes to your workload.

PN508

Do you accept that email was sent?---Yes.

PN509

Yes, so you accept that whatever might have happened in the past, it was made very clear that if you had concerns about your workload being too high, you were to discuss solutions first with your TPD and DTPD. Correct?---Yes.

*** MIRELLA WYRA

XXN MR MURDOCH

PN510

Yes, and at the relevant time your DTPD was Dr Rogers. Correct?---Yes.

PN511

So you were being directed by Dr Haseldine that if you had concerns about your workload being, in your case, too high, that the person to speak to about it was Dr Rogers?---I don't recall whether Dr Rogers has been pointed as the person, or TPD in general, because there is also another TPD that is above - - -

PN512

Okay. Well, a person was Dr Rogers. Did you go to Dr Rogers at any time and seek to find with her solutions in respect of your workload for 2023?---We have discussed things in CPE meetings, and we have discussed the measure of collectively course coordinators, that there is no one – there is no contingency plan by the university, by the college, to have anyone to step into any teaching needs. In the past where there were – there was no contingency plan, topics have been closed and not available to students because there is no one to actually pick up that work.

PN513

And that's a matter for the university to decide; not, with respect, you as an academic, isn't it?---That's true.

PN514

That's right?---But the university has responsibility to students who are enrolled in courses that have course rules that are unbendable, legally binding as far as I understand, that students need to have these topics available.

PN515

The point that I – - - ?---There are core topics that cannot be cancelled.

PN516

But the point that I'm making to you is that if there are – if there's an issue in respect of workload, and people not being available to perform the work, that's not – it's not your problem. That's a problem for the university. Correct?---Technically, yes. In practice, no.

PN517

So if you and Dr Rogers decided – and I'm suggesting that on the basis of your last answer, this is what happened – to continue coordinating these topics, that was a choice that you and her made?---No, that was not the decision. That was the reality of the situation.

PN518

Now - - -?---At no point – so, if I may finish.

PN519

Of course?---At no point in any of the years there was a suggestion that someone else is available or can take the topics.

*** MIRELLA WYRA

XXN MR MURDOCH

PN520

And that's the point that I'm making to you. If someone else is not available, that's a problem for the university. It doesn't mean that you have to go and take it and, on your evidence, have a higher workload, does it?---The university requirement is to actually look after wellbeing of the staff, and not overloading them. The university has mechanisms, databases, specialists employed in roles of Dean's P&R and P&R staff, within colleges and centrally to provide effective ways of monitoring staff's workload. This is – and the remedies for that workload.

PN521

So that's your answer to my question?---Yes, I think we're going in circles.

PN522

That's the cross-examination.

PN523

THE COMMISSIONER: Thank you, Mr Murdoch. Anything in re-examination, Ms Buchecker?

PN524

MS BUCKECKER: Yes, thank you, Commissioner.

RE-EXAMINATION BY MS BUCHECKER

[1.34 PM]

PN525

MS BUCKECKER: Dr Wyra, can you confirm what you understand full WAU work to be?---Okay. So the full-time workload is 80 WAUs. I understand that this is – one WAU is a nominal unit of work that equates to 57.5 hours.

PN526

How do you understand that connection between WAUs and hours? How have you been advised of that connection?---Okay. So from the onset of the introduction of WAUs, we have been told that they just replaced – the value replaces the 1725 hours workload. That 30 WAUs are equivalent to 1725. People were not quite sort of understanding what it means, and so we were given a figure of 57.5 hours as one WAU equivalent, in order to sort of be able to look at what the workload is.

PN527

And when did the 1725 point model become replaced with the WAU model?---I think it was in – I don't remember – 2019, that was I think the sort of transition period. Or 2020 or 2019 probably.

PN528

Has your WAU allocation ever been at 30 WAUs or below in that period?---No, it hasn't.

PN529

Commissioner, I'm not sure that my mic is working. Does it matter?

*** MIRELLA WYRA

RXN MS BUCHECKER

PN530

THE COMMISSIONER: It's just for the purposes of the transcript, so my associate will confirm if there's any difficulties. Yes, it's fine.

PN531

MS BUCKECKER: Dr Wyra, are you an active researcher?---Yes, I am.

PN532

When are you due to receive your workload allocation, of WAUs performed in 2023?---It is based on work performed in the past years, based on the outcomes of publications, and PhD students' supervision completions.

PN533

When will your 2023 allocation – when will the work that you did for research in 2023 be provided with an allocation?---I think it's in 2025 and '06, or '06.

PN534

Thank you?---So it's – there is a gap between when the work is done and workload for that work is allocated.

PN535

Thank you. You were asked a question about the WAUs and that your assessment allocation should have been reduced perhaps because you weren't performing all the work, because you were on sick leave. Can I take you to page 799 of the court book. Can you see there at section (indistinct) there that the WAU allocation is transferred across to leave if somebody is on sick leave?---Yes.

PN536

So presumably, can you confirm that the WAUs that you were allocated for the work you were supposed to do and couldn't do because of sick leave, would have simply been replaced with WAU in the leave section?---That's my understanding, yes.

PN537

So there were no WAUs allocated to you that were just randomly unattended to because you were on sick leave? There was a mechanical solution; is that correct?---That's correct.

PN538

Can I take you now to page 494 and 495 of the court book. You were questioned at some length about your apparent choice to work more in the area of research than the university required of you. I'd just like to take us to page 494 in the first instance, which is your allocated load for 2022. Can you confirm that 70.4 per cent of your load was allocated to teaching. Is that correct?---Yes.

PN539

In 2023, we go to page 495, is it correct that 81.1 per cent of your load was allocated to teaching?---Yes.

*** MIRELLA WYRA

RXN MS BUCHECKER

PN540

And in the context of those allocations, what was the university's expectation on you as a teaching research academic in the research area of your load?---So in the research – so I don't understand. Expectations in terms of work being conducted, work being - - -

PN541

Did the university – were you still expected to be an active researcher with a teaching intensive load?---Yes. However, the teaching load should have been much smaller within the scope of one full-time work. Having delivered above the expectations, which is also not included in the work allocation because in the past a number of my publications or HDR completions, especially publications, are not included because there is a ceiling for allocation. So the work that has been completed over a period of many years, that then culminates in something being published or a student completion. If all of that work falls on one year, it's not informing fully or not accounted for in the allocation because there are caps. But in a typical balance, about 40 per cent falls into the teaching of workload – into the teaching load of balanced academics. And so here we can see that there is an allocation of 70 per cent and 80 per cent in my workload for 2022 and 2023, which is not – I know we're talking just about 2022 or 2023, but that's a pattern over many years, in my case.

PN542

And would it be fair to say that all of the extra hours you were spending on research were because you needed to?---Yes.

PN543

Because the teaching load was so high?---That's right. And I needed to in order to plan ahead, to be able to deliver what is expected of me as a balanced academic in a number of years ahead, because the work that is being done takes time to actually be reflected in measurable outcomes that the university uses to allocate workload. So the work that it takes to prepare high quality research publication can actually come to fruition of a paper being published, sometimes two or three years later that the work needs to be done.

PN544

So if we go page 494 and we look at the research section, it says that you were meeting the expectations of HDR completions and publications at 200 per cent for both years?---Yes. Yes.

PN545

Despite your teaching workload?---Yes.

PN546

And can you confirm for the Commission that this is the university's own documentation and not something that you have built yourself?---Yes. These are the screenshots from the Work Day app in which the workload allocations sit, and generally speaking they are derived from the university databases about teaching, research and so on. A combination of, I think, databases or one database, I'm not sure how it works.

*** MIRELLA WYRA

RXN MS BUCHECKER

PN547

THE COMMISSIONER: Can I please just get clarification on HDR, what HDR - - -?---So HDR means higher degree by research. So HDR completion refers to successful outcome or successful PhD or EDD supervision that's where a student completes and is awarded a PhD degree, for example. It does not actually account for students who might have had personal circumstances, difficulties. And I have had a student whom I have supervised, and due to personal circumstances she's stopped her PhD and moved to another state for personal reasons. And in – so that would not be seen here, for example. So it's the outcome of research work; not the research work per se. But the allocation is for the work that then continues, goes on, in order to achieve the outcomes.

PN548

MS BUCKECKER: Can I take you back to page 494 in the top corner. It has, 'Expected WAU, 'Total WAU', and then a percentage. Can you explain to me what you understand expected WAU to mean?---So expected WAU is 30 WAUs. That is equivalent to 1725 hours. So the percentage of total WAU that is represented in percentages, reflects the percentage that falls over that full-time of 100 per cent.

PN549

So the percentage total WAU is stating on the university's document that you're working 38.83 per cent over - - -?---Yes, yes.

PN550

- - - what the university has identified as a full-time load?---Yes. Yes. So the – so one WAU is a unit of measure in the same way as, for example, one hour is a unit of measure. And one hour has 60 minutes. And the distance between each of those minutes is 10 seconds. So it's very precise, and very precise formula are used in the system to measure that. So 30 WAUs equals full-time, which equals 1725 hours, and that's 100 per cent full-time equivalent workload. And 138.83 per cent signifies that that's one full-time workload, plus 38.83 per cent that falls in addition to the full-time workload.

PN551

I have no further questions, Commissioner.

PN552

THE COMMISSIONER: Thank you, Ms Bucker. Thank you, Dr Wyra, that concludes your evidence and you can sit in the courtroom for the remainder of the hearing if you so choose.

<THE WITNESS WITHDREW

[1.47 PM]

PN553

THE COMMISSIONER: Well, this takes us to a quarter-past 1, so perhaps if we can revisit the issues of order of witnesses and how long we might need. Mr Murdoch - - -

*** MIRELLA WYRA

RXN MS BUCHECKER

PN554

MR MURDOCH: What time would you - - -

PN555

THE COMMISSIONER: - - - it looks unlikely that we'll conclude today.

PN556

MR MURDOCH: That's correct. We'd probably – I'd hope that we might be able to conclude the evidence today and come back and make submissions tomorrow, but it looks like the evidence might trickle over into tomorrow. Noting that it's a quarter-past 1 now, what time would the Commission ordinarily adjourn until, for lunch?

PN557

THE COMMISSIONER: Well, probably at least the hour. I'm just thinking about – and this is just for discussion - whether you would like to conclude, both of you, the NTU's evidence today, and then commence your evidence tomorrow, or is that – would you like to start your evidence this afternoon?

PN558

MR MURDOCH: I think subject to the Commission's views, of course, I don't think I will be – I won't be all afternoon with Dr Rogers, and we've got some people who are coming in. Maybe we'll at least bring one or two of them in to use up the time this afternoon.

PN559

THE COMMISSIONER: Yes. I'm just thinking about the inconvenience to them. If we're not going to get to them today, should we - - -

PN560

MR MURDOCH: Well, we can maybe ask one of them not to come in.

PN561

THE COMMISSIONER: I think that might be appropriate. Ms Buchecker, what are your thoughts?

PN562

MS BUCKECKER: Commissioner, my preference would be to move through all of the evidence today, if we can, but if it's not feasible then so be it. I don't think I'll need more than half an hour with each witness.

PN563

THE COMMISSIONER: Well, the cross-examination has probably taken longer than anticipated, so if we're not back until a quarter-past 2, and I imagine you might be with Dr Rogers about an hour, we might not get to all three, to your full cross-examination today. So that I think it's best that we don't truncate what you need to do, so I think that sounds reasonable to me, that we at least make an effort to get through two of the university's witnesses today and see how that progresses this afternoon. So I think it's best if we probably adjourn now until a quarter-past 2.

*** MIRELLA WYRA

RXN MS BUCHECKER

SHORT ADJOURNMENT

[1.49 PM]

RESUMED

[2.52 PM]

PN564

THE COMMISSIONER: Ms Bucecker, I understand we're now going to proceed with the evidence of Dr Rogers.

PN565

MS BUCKECKER: We are, thank you, Commissioner.

PN566

THE COMMISSIONER: Thank you. Thank you, Dr Rogers. My associate will now administer the affirmation to you.

PN567

THE ASSOCIATE: State your full name and address.

PN568

DR ROGERS: Dr Bev Rogers, (address supplied).

<BEV ROGERS, AFFIRMED

[2.52 PM]

EXAMINATION-IN-CHIEF BY MS BUCHECKER

[2.52 PM]

PN569

MS BUCKECKER: Thank you, Dr Rogers. Can you confirm that you prepared a statement of evidence for these proceedings on 18 January 2024?---Yes, I did.

PN570

Can you further confirm that you provided a supplementary statement of evidence dated 29 January?---Yes, I did.

PN571

Do you have any alterations, corrections or additions that you wish to make to those two statements?---No, I don't.

PN572

Do you adopt those statements as your evidence in these proceedings?---I do.

PN573

Can I, Commissioner, please tender the statements which are at page 497 to 834, and 1061 to 112, the latter being the supplementary?

PN574

THE COMMISSIONER: Yes. My associate has just advised me that we're having some transcript issues, so we might just pause while we can confirm that that's fixed, and then we'll – I'll read that back on the record - - -

*** BEV ROGERS

XN MS BUCHECKER

PN575

MS BUCKECKER: Thank you.

PN576

THE COMMISSIONER: - - - while we put those statements into evidence.

<THE WITNESS WITHDREW [2.54 PM]

SHORT ADJOURNMENT [2.54 PM]

RESUMED [3.12 PM]

PN577

THE COMMISSIONER: Apologies for that delay, but it seems that we've come to a functional solution to our problem, and so we'll commence again where we left off. So I understand that Ms Buckerker has just submitted into evidence the statement of Dr Bev Rogers. Please, Dr Rogers, feel free to sit. Her initial statement of 18 January 2024, commencing page 497 and concluding at 834 of the digital court book. We'll admit that into evidence as A6.

**EXHIBIT #A6 WITNESS STATEMENT OF DR BEV ROGERS
DATED 18/01/2024, COMPRISING PAGES 497 TO 834 OF THE
COURT BOOK**

PN578

And a supplementary statement of Dr Rogers dated 29 January 2024, between pages 1061 and 1078 of the digital court book. The supplementary statement will be marked as A7.

**EXHIBIT #A7 WITNESS STATEMENT OF DR BEV ROGERS
DATED 29/01/2024, COMPRISING PAGES 1061 to 1078 OF THE
COURT BOOK**

PN579

Thank you.

PN580

MS BUCKECKER: Thank you, Commissioner. I have no questions at this time.

PN581

THE COMMISSIONER: Okay, and, Dr Rogers, you can sit in the witness box, if that suits. Are you more comfortable that way? Mr Murdoch.

PN582

MR MURDOCH: Yes, thank you, Commissioner.

<BEV ROGERS, RECALLED [3.13 PM]

CROSS-EXAMINATION BY MR MURDOCH [3.13 PM]

*** BEV ROGERS

XXN MR MURDOCH

PN583

MR MURDOCH: Dr Rogers, in 2023 you, amongst other things, were a DTPD. Is that correct?---Yes.

PN584

Yes?---Deputy Teaching Program Director.

PN585

Yes, but the acronym is DTPD. Correct?---Pardon?

PN586

The acronym is DTPD. Is that so?---Deputy TDP, correct.

PN587

Yes, and you first assumed that role in 2022. Is that right?---Yes, I think March 2022.

PN588

Yes, and in that role as D or Deputy TPD, you reported to the person who was the TPD. Correct?---He was my supervisor, yes.

PN589

Yes. Yes, and in terms of matters of workload, you also reported to Professor Katsikitis, didn't you?---Maybe you could expand a little bit more on when you say 'reported to'.

PN590

Was Dr Katsikitis higher in terms of authority in the university?---Yes.

PN591

Yes?---Yes, higher and she's deemed P and R, so – and her responsibility is workload. And, you know, if she's sent me an email saying, you know, 'Can you work through this issue?' which she did, and I've included that as an example. So, yes, I would do that, yes.

PN592

Yes, and I think you've answered my question, that in terms of people higher up the leadership chain than you, Professor Katsikitis was a person who had responsibilities in respect of your workload?---Well, no. Well, look, overall workload for the whole college.

PN593

Which includes you because you were part of the college?---Well, yes, but I wouldn't – I – you know, there was no conversation with - - -

*** BEV ROGERS

XXN MR MURDOCH

PN594

I didn't ask you about was there a conversation. I asked you about responsibilities. Do you agree with me that Professor Katsikitis was a person who had responsibilities in respect of your workload?---Look, responsibilities, I guess in terms of, you know, the – making sure – I guess making sure that what I was down to be teaching and, you know, service and so on, was actually featured on

my workload. She did – you know, she delegated that to someone else, but responsibility, yes, I guess, you know, you could say that was a responsibility for Dean P&R, yes.

PN595

So it follows, doesn't it, that if at any stage in 2022 or 2023 you had concerns in respect of your workload, Professor Katsikitis was someone who you could go to, to raise those concerns?---Actually I – that wasn't how I felt. I – the – early in 2022, and it's really a process from about March to June, and I've mentioned that in my original submission, the early process I was asked to intervene in relation to another member's workload, and that process – and I described it in, you know, both my submissions, that process was dysfunctional in that it took four months and involved going through what we call CourseLoop, and doing a whole lot of processes to change things in relation to that workload. It was really difficult because at the time from 2022, the only person who had access to detail about people's workloads was Dr Chevaun Haseldine, who'd been delegated that, and that was a complete contrast for all the years before. So nobody, including myself, nobody could look at other people's workloads and get any sense of what they were doing or how to manage this process. No one could do that. And, indeed, in that situation where I was asked to, you know, work through this person's workload, I had to email backwards and forwards on a regular basis to get updates and to, you know, check on whether things were going to work. So it was – I call that a dysfunctional process because it took so long. It was – you know, it was just convoluted and it wasn't addressed in a timely way originally. And so, you know, so that experience – I have to say quite honestly, that experience gave me not faith whatsoever in, you know, talking about my workload. That the nature of the experience, by the way, was – and the conversations, I guess, that Mary had had with me about the reactions of the person that I was working with, you know, in terms of workload, that gave me no faith whatsoever in any process to discuss workload and I – my prediction is that that would've been delegated to the TPD who I believed actually knew nothing about what I was doing, so - - -

PN596

So is it the case that the long answer to my question is that you elected to not go to Professor Katsikitis in respect of any concerns that you may have had about your workload?---I elected to find other ways to work on workload issues, you know, including through the union but also doing my job as a supervisor and working with their workloads to encourage – you know, to where possible, in terms of my responsibilities for continuous professional education – you know, CPEs called in here in many places. My responsibility for trying to make sure that topics and, you know, which are equivalent to subjects, and courses, were – I spent an enormous amount of time refining those courses and taking out topics and trying to reduce where possible, you know, as a result of low numbers. So I was trying to work in a number of fronts to reduce workloads overall.

*** BEV ROGERS

XXN MR MURDOCH

PN597

So rather than going to Dr Katsikitis and saying, 'Look, I've got too much work on. Can you allocate it to somebody else', you elected to try and resolve it

yourself. Is that what you're saying?---No, I was – I think I kind of need to explain that as of March 2022 I was new into that role. The last thing I was going to do was to – and I have to say, especially within the – the culture within the college, the last thing I was going to do was to go to, you know, someone in the – well, they're referred to as the leadership team. The last thing I was going to do was go and, you know, whinge about my workload.

PN598

So your answer to my question is that you – for whatever reasons you wish to put forward, whether you didn't want to go and whinge or whatever, you didn't go and speak to Professor Katsikitis, you, to put it bluntly, soldiered on. I think you're – you know, I think you're presenting it more simplistically than that. The culture in the college is actually that people are frightened to raise issues. And, you know, I call that frightened of payback, of things happening as a result of - - -

PN599

Well, talk about yourself. Don't talk about other people. Were you frightened of payback, were you?---I was aware of that issue arising in a number of cases.

PN600

Against you?---Against me, yes, but against - - -

PN601

What? From Dr Katsikitis? She – you were the subject of payback from here, were you?---I was aware of that in relation to a number of other people. I became aware of some things – you know, some inappropriate things that had been said, so, you know, I – look, the circumstances, you have to make, you know, decisions on what you do. But I was – early in my role I was trying to, you know, work as effectively as possible and, you know, work really hard. And so – and I actually – you know, from my previous work within the Education Department, I actually believe that the onus is on the manager to talk with people and raise issues about – that might be, you know, in relation to workload. I was a secondary principal for 11 years, and that was – I saw that as my job to be concerned about people's workloads, as - - -

PN602

As and - sorry?--- - - - I would never expect a teacher on my staff to feel that was their job to raise – to, you know, take on the responsibility to raise it with me. It was my job to be aware of where everybody was at, and to make sure that their workloads were safe.

PN603

And I take it that you understood that you ought to apply the same approach in respect of those staff for whom you were responsible as the Deputy TPD?---Well, and, you know, for the people I supervised. You know, I made absolutely sure that, you know – as I said, that from 2022 it was a much more convoluted process, and really difficult in terms of understanding the detail of what people were doing.

*** BEV ROGERS

XXN MR MURDOCH

PN604

Well, let's not beat around the bush. Grace reported to you, didn't she?---No. Well, you see, I was not her supervisor.

PN605

You were responsible for her workload, weren't you?---I was asked by Mary to meet with her and Chevaun to resolve her overload.

PN606

So you were responsible for dealing with her overload, weren't you?---I was asked to intervene to work through how we might deal with her overload.

PN607

You were responsible for dealing with her overload, weren't you?---Not – look, not solely. That's not the case. It wasn't up to me. You know, I was working with Sean, I was having to negotiate with Grace, and there were numerous other processes of, you know, going through CourseLoop and which, you know, is university-wide, you know, process for recording information about topics and recording when they run and so on. And you know, and negotiating with other people about classes that could and you know, could not be cancelled and so I wasn't – it wasn't just my responsibility that Mary had I think delegated that to me, you know, in the – in that period of time to work with Chevaun and to see what we could do about her work load to reduce it.

PN608

Can the witness go to page 1284 in the court book, please?

PN609

THE COMMISSIONER: So, yes, Dr Rogers, you have got the book there in front of you and, sorry, Mr Murdoch, 1200 and ?

PN610

MR MURDOCH: Eighty-four.

PN611

THE COMMISSIONER: Thank you.

PN612

MR MURDOCH: It's Exhibit NK2?---Yes.

PN613

That's an email from Professor Katsikitis?---Yes.

PN614

To yourself and to Grace from 3 May 2022?---Yes.

PN615

Yes. You will see that it says first – the second paragraph, first sentence,

*** BEV ROGERS

XXN MR MURDOCH

PN616

It was very clear that with the new Government structure that the TPD/Deputy TPD's will be assisting me into the future with managing work loads across the college.

PN617

Nothing ambiguous about that, is there?---Well, it - - -

PN618

THE COMMISSIONER: Dr Rogers, you might need to sit so the microphone will pick up - - -?---Oh, sorry.

PN619

That's all right?---I am sorry. Look, that's – that's actually, you know, it may appear clear to you, but that's not – that was not clear in the college.

PN620

MR MURDOCH: Well, it's – well - - -?---And if you have a look at the date of that email from Professor Katsikitis, that was 3 May 2022. That was only just you know, a couple of months into the new Government structure and in fact, the – you know, if there was meant to be clarity about roles, there wasn't at that stage, because we were working through processes and in fact, you know, in reality, the first step that was gone through was going to the TPD. I think Professor Katsikitis asked – included me in this because my responsibility was for CPE or continuing professional education and the issues I think in relation to Grace's work load were you know, just in relation to that.

PN621

So if we go on in the email, about halfway down that second paragraph,

PN622

However, the general oversight of work loads including Cat support or arrest with the TPD/Deputy TPD's therefore, can I please ask you both to get together again,

PN623

This is you and Grace?---M'mm.

PN624

Once the semester is completed to finalise the work load for Grace in Semester 2.

*** BEV ROGERS

XXN MR MURDOCH

PN625

So, it's very clear, is it not from that email, that certainly in respect to Grace that Professor Katsikitis placed the responsibility on you in respect of her work load. And managing it. Correct?---Well, she did, as of you know, as of early 22, she said to me, can you work with Sean to you know, try and work out Grace's work load, but you know, I think that the issue with Grace's work load, I have to say, quite honestly, was about prior – the year prior, that the proper work hadn't been done in terms of looking at her work load and so on. That wasn't my responsibility that was a supervisor responsibility. However, at that time, that

would have been difficult to do, so you know, I am – I came into this process not being responsible for anything that had happened and all I – when what I was trying to do is – was resolve it in the best way possible. And you know, and there were you know, real limitations on doing that as I said before. I could not – I had to ask Chevaun every time can you give me an outline of where Grace's load's at. Because – and this was – I mean, this was a process that – for whatever reason the college had decided to make – to not make supervisors or other people able to access people's work loads, you know, to have a – you know, to look at them on the system, that the only person who could access them in the college was Siobhan.

PN626

Well, that's just an email asking for access to the data, isn't it?---Oh, it's – you know, it – prior to 2022, there was, and I have included them in some of the attachments, but prior to 2022, all the way through, there have been PDF documents, you know, transportable documents that were clear. Now, you could – you could see – you can look at people's work loads, and the detail of their work loads, what the classes, were, understand the number of students and so on, and that was in place all the way up to the end of 21. And 2022 for you know, suddenly, the work loads were available for – through what was called the Power BI system which is through the Flinders Intelligence Portal and that was – he just, you know, enormously difficult if you're trying to work with someone in relation to the work load and you can't see any information and the printouts that well, Chevaun didn't provide any printouts, she just told me, well, you know, we're – the work load is now you know, 42 or something. If there was no detail about you know, the classes and so on and so it was you know, it was a really difficult circumstance working through that process and I – I – you know, I felt really limited in terms of what we were able to do and the interesting thing is despite the college or despite Professor Katsikitis saying the supervisor would be involved, there was no supervisor involvement, and so there was, you know, there was no involvement of the person who was actually responsible for Grace's work load.

PN627

Who was that?---I don't know who her supervisor was. It was, you know, whoever was someone was allocated in the system. It wasn't me. So, and they weren't – they obviously, you know, hadn't been doing their job, because they had let her work load get up to an extraordinary number.

PN628

So what, you never bothered to find out who this mystery person is?---Well, I - - -

PN629

You being serious?---I didn't know who, you know, and I – and I think - - -

PN630

Come on, the reality is you know as well – you know.

*** BEV ROGERS

XXN MR MURDOCH

PN631

MS BUCHECKER: Commissioner. Can I just intervene for a minute. Can we just talk respectfully in this place? I think that it's bordering on haranguing the witness and I think there's no need to use that tone.

PN632

MR MURDOCH: I am in the Commissioner's hands. The witness is, with respect, dissembling in the answer she is providing. Isn't answering the questions?

PN633

THE COMMISSIONER: I am also not clear on the point in time in which you're asking about who the supervisor is, so I think it would be helpful, you know, questions like, are you – yes. It – the tone. I am sure we can revert to asking questions slightly more respectfully. But Mr Murdoch, can you be clear about the point in time? Are you asking this witness did she know who the supervisor was prior to this exchange in May 22 or at that time?

PN634

MR MURDOCH: Well, I can clarify that but - - -

PN635

THE COMMISSIONER: Thank you.

PN636

MR MURDOCH: You have given some answers – you have given some evidence about not knowing who the supervisor was?---Well, the supervisors changed actually with the – yes, the Government structure and the appointment of the TPD is the supervisors all changed. And they were – well, to some extent continuing to change as they were, you know, shuffled around and trying to manage people's supervision load and you know, and that's partly it. At that time, at the time in - I think it was – would have been you know, March, March/April is when you know, we were doing some key work here. This was a confirmation in kind of May, but there was you know, at that time, it was the early days of having formed up the supervision structure and I – you know, it wasn't – it, and Chevaun never included a supervisor in discussions, so it was – I think it's important to appreciate it was you know, a tricky time and it took months and months to work through this process and largely because from 2022 it all revolved – it revolved around one person being the only person having access to this Power BI model that interestingly you know, a – someone through the enterprise bargaining process, Carolyn Jennings, actually through that process said that it was possible to give other people access and for some reason in the college that had been decided not to give people access. So it became – it became a really limited process and I was, you know, one month into my new role.

PN637

Let's just leave it with this question and I won't pursue this issue any further. You're not suggesting that if you had to find out who was supervising a particular topic that it wasn't possible for you to do so, are you?---Particular topic?

*** BEV ROGERS

XXN MR MURDOCH

PN638

Yes?---No, no. I – I knew who was - - -

PN639

Yes?--- - - - you know, I – I knew how to find out who, you know, who was teaching what, but you know, in terms of who you know, I am not sure what you're meaning by supervision there in terms of who is - - -

PN640

Well, sorry - - -?--- - - - top – who is coordinating a topic.

PN641

THE COMMISSIONER: You use the term topic, but are you asking about – well, Dr Skrzypiec in particular?

PN642

MR MURDOCH: Well, I will go back a step. When you referred to the word, supervisor earlier, and said you didn't know who the supervisor was, what type of supervisor are you referring to?---The member of you know, the – the member of staff that would have been at that point because the structure had changed. An Associate Professor or Professor who was – who had been given the supervisory role for Grace.

PN643

Yes, and what I am suggesting to you is that whilst you say you didn't know relevantly to May of 2022 who that person was, it's something that you – it's – that's not knowledge that was unknowable. You could have found out?---Oh, I – I – look, I could have found out, but the process that you know, the process I went through with Chevaun, the process that had been set up, didn't involve that person at all. It wasn't – it wasn't anything – it wasn't anything myriad or Professor Katsikitis has asked me to do wasn't anything Chevaun was involved in. It wasn't related to anything and in fact, I think you know, Chevaun's belief or, you know, had previously said that you know, that – and it wasn't her role to link up with supervisors, so I am not sure what you're arguing that I haven't done. I did everything I absolutely could in those three or four months to work with Grace to reduce her work load and you know, I - - -

PN644

And you did?---Well, and I – I did and I discovered – I discovered a whole lot of things through that process that weren't actually working in the college in relation to work loads.

PN645

Okay. Can I suggest to you that what you – the process that you went through with Grace in that period was consistent with what Dr Katsikitis had asked you – asked you to do, was taking responsibility in respect of the oversight of Grace's work load and working with Grace and Chevaun and perhaps others to reduce it. So you did what you were asked to do, didn't you?---I tried to do what I was asked to do, yes.

*** BEV ROGERS

XXN MR MURDOCH

PN646

And you were successful because her work load was brought significant down, wasn't it? Grace's, that is?---Yes, it was. With you know, with some repercussions and so on. It meant – it actually meant that one of the you know, one of the topics that was taught in China had to have other people do it.

PN647

Well, that's another example of the system working. If Grace or somebody else has got a challenge with her work load, take the work off her and give it to somebody else. That's what's supposed to happen, isn't it?---Well, as the – the actual process of all of that happening was – involved, you know, numerous people having to work for extra time to put those arrangements in place and to organise you know, a casual academic person to be doing it and so on. It involved you know, just numerous kind of actions as a result of that, that impacted on a number of other people.

PN648

So and then, just as you had undertaken that process with respect to Grace, what I am suggesting to you is, that if you had concerns in the respect of your work load, you ought to have gone to Professor Katsikitis and sought her assistance to reduce your work load?---As I explained to you already, I didn't – I was in the early days of my role as Deputy TPD. That's not something – and in relation to my – how I saw the culture in the place, it's not what I would immediately feel happy about doing.

*** BEV ROGERS

XXN MR MURDOCH

PN649

But you don't give any evidence of you and Professor Katsikitis personally having any previous difficulty, do you?---No. No, but you know, it's the – anyway, it's the circumstances and I also you know, I thought that my work in – and you know, I spent, I – you know, hours and hours and hours and I, you know, it's not included in any of these attachments, because it, you know, it's just a spreadsheet that's got multiple pages that you know, is having gone through every degree that we ran, you know, in post-graduate – every degree, every topic, all the numbers in all of those topics and so on, I worked through that, absolutely, trying to work out how we could reign in what we were offering and make it more manageable and you know, and that was partly to do with my work load and other people's work load of trying – you know, I was trying to get to what I thought was the source of the problem. As I indicated in one of the attachments, which is – sorry, I can't find it immediately, but it's a graph that shows that 70 per cent, in 2022, 70 – more than 70 per cent of the college were overloaded. The source of the problem, the – you know, wasn't – it wasn't going to be helpful to say, 'Oh, we have got to find more people to take other people's work'. That wasn't going to be the case at all, with 70 per cent overload, you know, the issue as actually fund – more fundamental than that. The issue was that we were you know, trying to run too many things. You know, and I think the executive dean, you know said that with too many things, with too small classes and so on, and that we had to look at the fundamental issues of how did we reign this back. That's what I thought I was – I could do and I did with the spreadsheets. I did with – I worked very closely with the education quality unit and put through course – things to cancel some degrees

and cancel topics and so on. And that was you know, and that was the effort at the fundamental issue. I was aiming to you know, if we had – if we had put out a, you know, a graph again in 2023, then ideally – ideally, you'd want to see fewer people overloaded.

PN650

And the graph that you're referring to?---Yes.

PN651

That is your Exhibit BR29?---Yes, that's right.

PN652

And that's on page - - -

PN653

THE COMMISSIONER: 818.

PN654

MR MURDOCH: 818?---Yes.

PN655

Now, if you just open up that – if you just go to that graph, please, that was sent to – that was sent out by Professor Katsikitis on the 6 June 2022, wasn't it?---Yes.

PN656

Yes. And - - -

PN657

THE COMMISSIONER: Dr Rogers, have you got that there?---Which – sorry, which - - -

PN658

Page 818?---Sorry?

PN659

818?---818. Okay. Yes.

PN660

MR MURDOCH: So that was the situation in – in June of 2022, correct?---Yes.

PN661

And as I understand your evidence, you took steps after seeing that to try and find ways to reduce people's work loads?---Well, actually, before that, but - - -

*** BEV ROGERS

XXN MR MURDOCH

PN662

MR MURDOCH: Yes, yes, but you continued?--- - - - but you know, it confirmed that the source of the problem was – was really something fundamental about what we were, you know, topics and courses and so on. And you know, and that was clear and I – you know, I have to say that based on the – and I have got – I have in – you know, included that in the first submission based on the emails

that were sent to me through 2023, I have no reason to believe that any graph that would have been produced last year in 2023 would have looked any different.

PN663

Well, we don't – you don't produce this graph, do you?---No, I don't – I - - -

PN664

No. And - - -?---I don't know that was the case, but I – I actually looked at the percentage of people in the emails from Chevaun, the percentage of people in education who were overloaded was you know, not far off, 70 per cent.

PN665

Well, let's – we will come to that in a moment, but you just stick with the graph that you have put in. Accepting that in June of 2022, now, I don't – I don't have on the document that I have, which one of these vertical bars represents Grace's work load, but - - -

PN666

THE COMMISSIONER: And to that point, Mr Murdoch, I am assuming that every bar is a person, is that - - -?---Yes.

PN667

Okay.

PN668

MR MURDOCH: Now, if we take Grace as an example - - -?---Well, Grace will be about the middle by that stage. June 2022, we had resolved the issue so she would have been around about you know, in the middle where it showed.

PN669

But her work continued to decrease after June 2022, didn't it?---Not that I am aware of?

PN670

That's not your evidence?---Sorry?

PN671

That's not your evidence that her work continued to decrease after June 2022?---No. I - - -

PN672

In any event, this graph is one from June of 2022, you'd accept wouldn't you that in order to accurately assess what a person's actual WRU is, one needs to look at it at the end of the year as opposed to midway through the year, because during the course of the year, somebody might have work taken off them, someone might change her role, a course might get – I beg your pardon – a topic which was planned to be run, might not be run, there can be a whole lot of changes, can't there?---Yes, there are changes all the way through the year, and the monitoring should happen all the way through the year.

*** BEV ROGERS

XXN MR MURDOCH

PN673

So the fact that we see this graph here, which you say represents 70 per cent of people being over as at June, doesn't mean that by the time one got to the end of 2022, the situation looked the same?---No, the situation could have been worse, actually.

PN674

But you don't know, do you?---No, you don't know that, no. You don't know because the graph was never produced after that and yet the – you know, ideally – ideally, it's something that should have been monitored on a regular basis because
- - -

PN675

And – I am sorry, I didn't mean to cut you off. Have you finished?---People's – because of the – you know, and this is the first graph with the Power BI system which was automatically updated with enrolments and you know, and changes to any of the data bases that fed into it and so you know, this was – and I think that update was kind of like an overnight update, so this was – this was changing and really needed to be monitored more than it was.

PN676

But you don't know that it wasn't monitored, do you?---Well, I do know that the work load committee wasn't operating and - - -

PN677

Listen to my question. You don't know that this wasn't being monitored, do you?---I do. Actually, no, because if it was being monitored, then there would have been some changes to practices within the college and at the very (indistinct) level, the TPD's and Deputy TPD's would have been – would have known and been told about that, about changing in processes and I think – I have to, you know, I have to say that in the lead up to 2024, at the end of last year, 2023, I thought I could see that the college was trying to tighten up what they were doing in terms of you know, trying to look ahead at what people's loads were. So that was good and that's what should have been happening for you know, all the years before.

*** BEV ROGERS

XXN MR MURDOCH

PN678

And that was also happening, can I suggest to you at the end of 2022?---Well, I don't think so, not from – not from my knowledge as the supervisor, not from any communication. It was – you know, it's – as I said before, with the Power BI model, supervisors have no access to information and – or – and detail about anybody's work load. If you know, if I can perhaps say, in all of the years, in all of the years up to the end of 21, the people either had spreadsheets and that was up to the end of 2019, or from 20 and 21, they had overview, and then pages of you know, of detail about people's work loads and so on, and those PDF documents or those spreadsheets and PDF documents, were available to supervisors, they were available for you know, meetings to talk about and so on and from 2022, that wasn't available and so you know, it was really, it was really, really, difficult to be dealing with, you know, in any detail and it's one of the

reasons that Chevaun put out the calculator which is listed in one of my attachments which was you know, enabled people. It was a spreadsheet and enabled people to put in the enrolment in their class and then on that spreadsheet would be an indication of what their topic coordination would be, what their teaching allocation would be and what their assessment allocation would be in terms of what else and what that added up to – I am sorry – and that was you know, and that was a start, I guess, to trying to provide tools for supervisors to work with their people to work out what their potential work loads would be in the future. And that's really when it has to happen, is, you know – and in October – October, November or earlier, September, October, November, the year before in terms of identifying people's work loads and looking at them across the college and you know, and how we're going to manage that and according to the timetabling committee, it should be happening much before that as well, in terms of working out what you're actually offering and I know that. I am aware of that because I was on the University timetabling committee for about three years and during the times that we – we tried to tighten up the whole process in terms of timeline and I think I – and I have to say that there's probably much more attention in the future that needs to be paid to that to identifying what it is that the college is actually offering. The numbers of classes, the degrees and so on and trying to manage that within the – you know, the numbers of people. That's not what happens and so it's no surprise really, that this ended up in 2022 because there were you know, the processes were deciding what was offered and what was allocated weren't you know, weren't managed as a whole in terms of the whole college and whether there were enough people and so on, to deal with that. So.

PN679

Just teeing up a document, Commissioner, just excuse me. Can you please go to page 118 – 1184? It's Exhibit CH2, Commissioner.

PN680

THE COMMISSIONER: Sorry, 1184?

PN681

MR MURDOCH: 1184.

PN682

THE COMMISSIONER: Okay.

PN683

MR MURDOCH: Now, if you go to page 1185, you see there's – at the bottom half of that page, you will see that there's an email there?---Yes.

PN684

From Chevaun Haseldine to Morella Wyra and CC'd to a number of people including yourself. See that?---Yes.

PN685

And that's an email of 6 September 2022. See that?---Yes.

*** BEV ROGERS

XXN MR MURDOCH

PN686

You received that email?---Yes.

PN687

And you will see it goes on to say that it's

PN688

(Indistinct) attached screen shots of your 2023 work load showing service and leadership, researching, teaching with proper coordination only, no teaching or assessment allocation yet and that there's a spreadsheet that's been attached for the relevant academic to fill in a projection of teaching in your topics after a discussion with your supervisor and the approval with the TPD Group.

PN689

Do you see that?---Yes.

PN690

Yes. So what happened was this email was sent out by Dr Haseldine to all academics including Dr Wyras. Do you accept that?---Yes.

PN691

And it was CC'd to you?---Yes.

PN692

In your role as the Deputy TPD?---Yes.

PN693

Correct?---Yes.

PN694

So you received in September 2022, in respect of Dr Wyras and other, I assume, academics, in the CP area, a similar email?---Yes.

PN695

Didn't you?---Yes.

PN696

Yes. And it said at - at the end there, this is the academic,

PN697

If you have any queries once your work load is published, i.e. you are too high or too low, please discuss solutions first with your TPD/ DTPD. And include your supervisor in the email before informing me of any changes to your work load.

PN698

Do you see that?---Yes.

*** BEV ROGERS

XXN MR MURDOCH

PN699

Yes. So you accept that by at least by the time one gets to 2022, going to 2023, the academics are being provided with a projection of their work load?---They weren't actually.

PN700

But they were?---I have – if you have a look at my original submission and you might want to say which, you know, equivalent page this is on, but it's in section 62.

PN701

Paragraph 62?---Yes. I have – my original submission - - -

PN702

Yes?--- - - - of the – shows gives a picture, if you like, of the kind of thing that would have been sent out, so this was sent out in October, November of 23 but it would have been a similar – a similar thing at the end of 22 and if you – if you look at the – it's – and it's a similar you know, email that was sent out below that, but if you look at the you know, the next part of section 62, you will see that the – when she says the screen shot of your 23 work load, it contained almost no information.

PN703

Well, if you're looking at – if you're looking at your paragraph 62?---Yes.

PN704

It contains topics, doesn't it?---It – well, but nothing – you know, nothing else. And you know, that was in fact, it – I – you know, what I am pointing out there is it actually included minimal detail and it, you know, the 23-24 included a little bit more detail but – and it's – and I have to be honest and say I, you know, as far as I am aware, I felt like I was one of the few supervisors that actually sat with each of my people and went through their work loads and, you know, and took that seriously. It was – it's not – it, you know, it's – I, you know, I applaud Chevaun for trying to do this. I do. I support absolutely her trying to get this done in the year before and work through work loads and so on. I applaud her for doing that. But you know, there's the rest of the process. The – you know, the explanation about the importance of supervisors actually doing it and contacting their TPD's if they have got any issues and so on, is not – is not reinforced and then by and large, doesn't happen.

PN705

Well, with respect to that last comment, if you put to one side paragraph 62, but if you go back to the email of 6 September 2022 that I took you to?---Yes.

*** BEV ROGERS

XXN MR MURDOCH

PN706

Look at the very last paragraph. Is that not a reinforcement?---It is and it's the same thing. It's – it's you know, it's what's said in the email. It's said as this is the process, but it you know, I have to say, you know, quite honestly, that's not the case and I am, you know, I – apart from the people that I initiated conversations with, I didn't have anyone approach me and say 'I am really worried about my

work load'? Well, that might be because they weren't worried about their work load?---No. Look, yes, look, it was because of the in – the information they were provided was minimal and the people I - - -

PN707

Well, just pausing – pausing there?---M'mm?

PN708

Do you know what information other people were providing?---I do. It's – it was a – you know, it was a similar thing. It was the, you know, the minimal amount that Chevaun knew about what people were teaching, kind of into the future and it's because we, you know, in the college, we don't have, we don't have those records organised to be able to, I mean, you know, it could be done but I have to say I spoke to a number of - - -

PN709

But - - -?--- - - - I have to say I spoke to a number of people who had no idea what they were teaching. It was still being negotiated and they weren't sure about what it was they were, you know, necessarily being – going to be asked to teach the next year.

PN710

Pause then. You were – this is people you were having discussions with that – this is people you were having discussions with in the year before?---Well, this email you're talking about is for 22 going into 23. And this, you know, same thing happened at the end of last year, going into 24. So it's about people organising their work loads for the following year.

PN711

If you go back to the email. Go back to the email, look at the last paragraph. If you have any queries once your work load is published, once your work load is published?---Yes.

PN712

So you accept that there was a – that self-evidently, regardless of - - -?---I – I - - -

PN713

- - - whatever criticisms you may – just listen?---Look - - -

PN714

No, please?---Sure.

PN715

This will – this will be a lot easier if you listen to the question?---Thank you. I would appreciate your politeness and not your inference that I am not listening. So. I am listening.

PN716

You accept that regardless of what criticisms you might have?---M'mm.

*** BEV ROGERS

XXN MR MURDOCH

PN717

In respect of what was provided, attached to the September 2022 email that there does come a point where an academic's work load is published when they do know what their work load is going to be, correct?---Actually, that's not the case, they - - -

PN718

How will they know what their doing?---When you say publish, there's – there's numerous publications in a sense, there's you know, every time – on, you know, on almost a daily basis, from 2022 work loads were updated based on enrolments and the only time that that might stay stable for the rest of the semester is once the census day is reached. But there, you know, are a number of other reasons for – for there being changes and so on that publish – you know, when it's published, it doesn't mean that's final. And as I have said, already, there's no way of knowing, you know, apart from people you know, approaching me and saying my work load is over and you know, and here's an example of it, you don't actually know and apart from you know, a small number of emails that I – I had from Professor Katsikitis, there was no – no general process for – and in fact, I am – and I am not sure and – actually, I will show you which - - -

PN719

No, no, just stick – don't - - -?---No, no, I will – I will go to it – I go to this so it is section of my original submission. It's section 57, which shows emails from Chevaun in – you know, in February 23 and so it shows a number of emails with people's work loads, percentage of work loads on them.

PN720

Yes?---And that – the purpose of that, the purpose of sending out those emails was to actually identify because it was prior to the casual staff being employed was actually to identify who could pick up more work. It wasn't – there was no identification at all of anyone or any – you know, there was no action at all of anyone who was overloaded.

PN721

Well, can we just – can we just – that is interesting. But can we go back to what I was asking you questions about? That being the email of 6 September 2022?---Well, I am - - -

PN722

Can we go back to that, please?---Yes.

PN723

The proposition that I am putting to you is that whether it's – whether it's an interim publication, whether it's a final publication, whether it's a publication that changes there comes a point, doesn't there, when an academic knows, even if it's only a projection, what their work load going forward for a particular year is, correct?---Yes.

*** BEV ROGERS

XXN MR MURDOCH

PN724

Yes. And - - -?---Well, yes, like me.

PN725

Yes, yes?---Okay.

PN726

And you accept that the process that was outlined to the academics including Dr Wyra and others was that if once an academic saw their work load, if they were too high or too low, the process was to discuss it, to discuss solutions first with the TPD and DTPD, correct?---I – and – yes, that's the – the case. But as I indicated to you, there are a whole lot of reasons – you know, a whole lot of reasons that people wouldn't necessarily do that within the college and as I indicated to you, if you have got a situation where more than 70 per cent are overloaded, who exactly are you going to give the extra work to, if you haven't planned for ways for it not to be there.

PN727

Well, that's – that's one reason. Another reason might be the people are quite happy with the work load they have got?---Actually they are not. I was told numerous times by – by people that my whole corridor is overloaded.

PN728

Are those people giving evidence in these proceedings?---No.

PN729

So – and then if we go back to that document that you have – or the email rather that you were taking the Commission to a moment ago?---Yes.

PN730

That being your paragraph 57?---Yes.

PN731

You say that the prime purpose, this is your words in your paragraph 57 was to identify people who could be allocated more teaching in the areas of ITE and CPE – and CPE. When you say the prime purpose, it can be seen that there are people there with both allocations over and allocations under, correct?---Yes.

PN732

Yes. So when you say the prime purpose was to identify people that could be allocated more teaching, doesn't it follow that as part of allocating people who are under with more teaching, logically, you would take – you would then remove teaching or work from people who are over? That's the – that's the obvious thing to do, isn't it?---If you look at the section that is just above section 59 - - -

PN733

Yes?--- - - - then you can see what Chevaun is doing there. She is identifying you know, just the number of people that are underloaded.

*** BEV ROGERS

XXN MR MURDOCH

PN734

No, no, but don't – come on, let's – let's – let's stick to what you raised first, you raised paragraph 57 first, didn't you?---Well - - -

PN735

Which shows people over – which shows people who are both under and over?---It – it does, but the purpose of sending that information out was to point out that there are some people underloaded who can pick up more.

PN736

Pick up more from people who are overloaded, correct?---Yes, but the numbers don't work. There aren't enough people who are underloaded to – and – and that's what that section above 59 points out. There are hardly any people who are underloaded and they can't pick up all of the other load.

PN737

And if we go to paragraph 58, this is your document?---Yes.

PN738

You have blacked – I beg your pardon, I withdraw that. You have deidentified the people, haven't you?---Yes.

PN739

Yes. But if you look at XX, 28.31?---Yes.

PN740

That was Grace, wasn't it?---I don't know.

PN741

So are you suggesting that Grace wasn't on this document?---Look, I don't know. I – I have deliberate – you know, I have deliberately tried to you know, make sure that these people were identifiable and I have – you know, I – I don't remember who – who they were, so - - -

PN742

Well, can I suggest to you that the 28.31 there was Grace?---Well, I don't know.

PN743

Well, have you not got the – have you not got access anymore to the email?---Well, I – look, I - - -

PN744

Well, I call for the email. Can you provide the email, please? Not – not now, but can you provide it when you go back to your office or go home and (indistinct) and can you provide the email?---I – I – this particular email?

PN745

Yes, yes?---From Chevaun? You know, you're – I guess what you're saying is you want to know the name of that person?

*** BEV ROGERS

XXN MR MURDOCH

PN746

Yes?---Well, that – you know, that's – if that's decided to be an appropriate thing then - - -

PN747

Well, it's just – I'd suggest that you have put forward – you have put forward these emails and haven't put – haven't put names in and I can understand why. But what I am suggesting to you is, that Grace was on that list and at that point in time she was under?

PN748

THE COMMISSIONER: And you have sought to rely on these emails, so is there any objection to providing those emails? Ms Buchecker, have you got anything to say about that?

PN749

MS BUCHECKER: No. No objection, Commissioner. Thank you.

PN750

THE COMMISSIONER: So Dr Rogers, are these emails that you have access to? You have extracted them here and you have deidentified the – the staff involved. Are you able to produce those emails overnight through Ms Buchecker and she can provide them to the respondent?---Look, I will need to do that pretty shortly because I think my understanding is, as of close of business tomorrow, I lose access to my email so, so I will attempt to do that.

PN751

MR MURDOCH: The other way of doing it of course is if – I beg your pardon, if Dr Rogers can have a look at the email, then if she can simply, through her advocate agree that XX 28.31 is Grace, we won't need to - - -

PN752

THE COMMISSIONER: If that's going to satisfy you, Mr Murdoch, I am satisfied with that.

PN753

MR MURDOCH: (Indistinct).

PN754

THE COMMISSIONER: So you mean after considering the emails?

PN755

MR MURDOCH: Yes, that's (indistinct).

PN756

THE COMMISSIONER: Yes.

PN757

MR MURDOCH: I am not asking to do it now.

*** BEV ROGERS

XXN MR MURDOCH

PN758

THE COMMISSIONER: Yes, thank you. Dr Rogers, the – are you clear on what Mr Murdoch's asking?---Yes, I am – I am clear on what the aim of the exercise is. And I think I am – my memory has it that I think that was - - -

PN759

Well, Mr Murdoch's actually asking you to refresh your memory from the email?---Yes.

PN760

And communicate with Ms Buchecker who will advise the Commission tomorrow?---Yes. No, I get that. And – but what I was wanting to point out is that I am pretty sure that that situation changed and that by the time we, you know, got a bit later in the year that that was increased. So - - -

PN761

MR MURDOCH: And in fact, that was the next question I was going to ask you. If you go to 59 which is the email sent on 01/03/2023?---Yes.

PN762

You have taken the staff – sorry – you have properly withdrawn the staff's names?---Yes. But not the emails.

PN763

But – well, and also not the – not the codes. Because if you look on the right hand side in the column there, people's – part of people's surname's there, so - - - ?---Yes.

PN764

- - - even I can work out pretty much who the people are?---Well, then in – in – in which case, it's obvious you can see that by 1 March then, Grace has a work load of 103.3 per cent. So.

PN765

So, and the question that I am putting to you is, as the person who in my – I assert, is responsible for allocating her work load, why is it that you allocated her a work load of 103.3?---I didn't allocate her work load. I am - I am not responsible for allocating people's work loads - - -

PN766

(Indistinct) that? But that's – that's - - -?---I – I am not. I don't – I don't - - -

PN767

But Doctor – that's inconsistent with what Professor Katsikitis says?---No, I – look, I am not responsible for knowing what everyone is teaching and you know, allocating their teaching or – or you know, associated thing, that is not my job.

*** BEV ROGERS

XXN MR MURDOCH

PN768

And – but what we don't see interestingly is, and tell me if I have got this wrong, you have put these various emails in, including one showing people being over, but we don't see any emails from you in your role as Deputy TPD to anyone

saying, look, what's going on here. Why have these people – why are these people all over? What can be done as a result of this?---(Indistinct) there's not something I would do by email to people. I – I talk to a number of people and they – they were by and large confused. They were you know unsure of how to access their work load. They were unsure of how to interpret it or to do what is called you know, or – you know, what's it called? Drill down, you know, that – go into their work load and see their – the you know, that allocation. If you have a look at, what is it, I think it's – well, the 8(b) – sorry, it's my 8(b) which is not sure which thing that is, but if you have a look at the – the complicated nature of the you know, the work load document, people are really, you know, because it is not available as a print out, people are unsure how to print it off and they are unsure about how to access it. I spoke to you know, I spoke to so many, I – I, you know, with my own staff I supervise, I was – you know, I – I showed them how to, you know, access it and how to you know, download it and produce as a PDF and – but by – you know, most people don't know and then they're still into – if you think about it, the system changed in 22, so 22, 23 people are still kind of coming to terms with how you accessed – how you access your own work load and it's not – it's not common practice across the college for anyone else to have access to your work load, you know, it's kind of a secret document. So, supposedly, and Chevaun's the only one who can see it. Although, I suspect, Professor Katsikitis can, but no one else can see it.

PN769

Well, that's not correct because you can see it, because you were sent the email that you have reproduced in 2.9?---I – I – I can't see their work load. I can't see the detail of it. I can't see what topics are making that up or the proportion or – and it – you know, it therefore makes it absolutely impossible for me if I see you know, someone with a work load of 140, I – you know, what do I do? I – I have no idea about – I have got no access to any information to find out how they're overloaded, what they are teaching or whatever.

PN770

Well, you - if you look at the email, CPE, for each of those staff there, it's got their teaching, their research, et cetera. There's the different components (indistinct), so you know that?---Sorry? The - - -

PN771

Your paragraph 59? Look at the people in CPE, the people who were part of the area for which you were responsible. You have got there the names blocked out but then you have got teaching, research, other, all of the various – beg your pardon, you have got the various components listed there, haven't you? So you do know what – where it has been allocated?---Well, the detail, the detail – the appropriate detail that you would need would be what those topics were.

*** BEV ROGERS

XXN MR MURDOCH

PN772

Yes. And it's just a matter of an email to Chevaun, isn't it? To find that out?---Well, you know, if I – I don't – look, I – I don't believe that is the case, that that is my job to be you know emailing in relation to you know, what would be 77 people or something to find out some individual details about their work load and

I think – don't think that's my job and that's – the supervisor role to do with their individual staff and then look, I – my point really is, is that the – the system says 2022. The system has been really hard to work with because of lack of information and it's not – it's not easy for anyone to work with individual people on their work load. Even supervisors. And mainly because people don't know the detail and they're not encouraged. There are not systems in the college, really, there for – for that information to be available.

PN773

Well, let's just stick with yourself. You had this email sent to you on 01/03/23. You at least know yourself, you are ROGE (indistinct) zero, five, one?---Yes.

PN774

So you knew in yourself what the total WRU's were at that point in time?---Sorry?

PN775

Did you? You knew what your total WAU's were, didn't you?---Well, yes, I am – I am – I know how to access my document. Yes, I knew what mine were, yes.

PN776

Yes, yes, yes. And consistent with what you have already said, notwithstanding that you knew what your WAU's were and you knew that they were being projected at 179.9 per cent, you didn't – you would give no evidence of going to speak to anyone above you about it, do you?---As I – I said before, I would – because I identified that the issue was a significant foundation issue within the college, the 70 per cent of people overloaded so the issue is not about finding extra people to pick up bits of people's loads. The issue is about how we actually manage what we are offering and as a - you know, and an overall thing and to manage the number of degrees and so on. That is the issue and that is what I tried to do within CPE, as I said. And I have got some you know, as I said, I have got numerous kind of spreadsheets that have gone – going through in enormous detail and CourseLoop processes that have cancelled some degrees and topics and so on and I actually had a process of going through that in a you know, a fairly logical rational way and identifying on – on a regular basis which – which topics were – had small enrolments and you know, what could we – and I should say, and I got to the stage of pretty early days, trying to develop you know a simplified structure if you like which was – which didn't rely on so many topics to be offered and that was my, you know, that was my investment in time to try and solve what I thought was to solve the issue from the source of the problem.

PN777

Now, you have seen – and I don't ask you to go to it unless of course you want to. I don't want to be unfair to you. You have seen that Miss – I beg your pardon, Dr Haseldine has done an analysis at CH6 and CH7 in respect of your academic work load?---M'mm.

*** BEV ROGERS

XXN MR MURDOCH

PN778

Now, she has put forward some – some forms in respect of some things that she says ought to be taken off and you have put forward in reply that your answers in respect of that. Now, we're not going to resolve that today. But you do concede don't you that there were some things that were included that ought to be removed. Not all of them, but some?---Well, I also mentioned quite significantly in my supplementary statement that there's you know, a clear example of you know, a number of things where the information – the information provided by that – in that statement was wrong, actually.

PN779

But this is the point that I am getting at with you?---Well, and – but the point I guess is that we're in you know, we're in February, there 2024. It's, you know, way too late to be negotiating, you know, these were – these are things that needed to happen through the year is that if there was, you know, if there was a concern there, if there was, you know identification that somehow the – I was being given too many WAU's or whatever then you know, I would have been willing to be involved in a discussion after that and then I could have also corrected the record which appeared in Attachment 2 of the original letter from the university had – had - - -

PN780

No, I am not asking you about – I am not asking you about Attachment 2?---No, look, just - - -

PN781

No, no, listen - - -?---Just let – can you just let me finish and - - -

PN782

Just, no, just listen – the witness keeps doing this. I ask her a question and she goes off on another tangent?---No, I – I - - -

PN783

I do need her to stick to the – to answer the questions.

PN784

THE COMMISSIONER: It is legitimate for Mr Murdoch to bring you back onto what he sees is the point. So, I will – perhaps if you re-ask the question, Mr Murdoch.

*** BEV ROGERS

XXN MR MURDOCH

PN785

MR MURDOCH: All I am – all I am saying to you, I will start again. I am not, in asking you these questions, casting any aspersions or seeking to cast any aspersions against you in respect of you not doing work or you not performing duties. That is not what I am asking you about. All I am saying is that you accept that in respect of CH6 and CH7 that there has been some adjustments that have been asserted by Professor Haseldine. Some of which you agree with and some of which you don't. That is all I am asking?---What I agree to is that I would have been – I would have been happy to have had a discussion much earlier if she was concerned at that level, then you know, I – I would have been – I would have gone

along that, because then – and that was what I was you know, trying to talk about, because then I would have been able to correct her misinformation and also, the Dean of Education's misinformation which appeared in Attachment 2.

PN786

Which I am not asking you about?---There – there in – well, I think it's important to this. There were numerous mistakes or numerous missed information or misunderstandings that have been fed into some of what has been written and you know, including the just the mention of you know, I should not have been allocated topic coordination for a particular topic but then I have, you know, included a whole lot of information about that and I have to say is you know, still dealing with that, that topic, as a result of some real complications with it, which I won't go into, but - you know, there's some incorrect information that has been fed into those statements about what can be adjusted. And so I would agree that, yes, there could have been a conversation.

PN787

I don't agree with any of what's been said there, but I agree that there could have been, and in fact I said that in the attachment that was my reply to the attachment 2, I said that there probably was something in there that could have been negotiated. But then there were also things missing from it, because I mentioned that even though I was meant to be director of - the doctor of education, I got no time for that, and the time I took was from the topics within that that had been allocated topic coordination and teaching time, and, you know, I recognised, I guess, that there was some time in that that I could allocate to my role to look after the doctor of education. So what I would be wanting to say is I would have been - I would have been receptive to having an earlier conversation if there were concerns at the time.

PN788

MR MURDOCH: And it's the case, isn't it, that these - I'm not a technological guru, so I call this document here a dashboard. What do you call it?---Sorry?

PN789

This CH6. I will just get you the page number - 1199?---1199. I'm not far off it. Okay. Well, yes, you could call it a dashboard.

PN790

And it's the case, isn't it, that when you've had a look at Dr Haseldine's analysis of that dashboard and the one for 2023 she suggested certain adjustments, and you've suggested certain adjustments, haven't you?---Sorry, can you just go back and - - -

PN791

She suggested that there would be adjustments made, and you've suggested some adjustments be made, haven't you?

PN792

THE COMMISSIONER: Adjustments in what regard, Mr Murdoch?

*** BEV ROGERS

XXN MR MURDOCH

PN793

MR MURDOCH: In respect of the WAUs that are presented there.

PN794

THE COMMISSIONER: Adjustments made to what the WAUs are allocated for?

PN795

MR MURDOCH: Correct.

PN796

THE WITNESS: Annie, can you indicate which page the original attachment for 8B, BR8B is on?

PN797

MS BUCHECKER: Pages 571 to 574.

PN798

THE WITNESS: The reason I mentioned that is because - - -

PN799

THE COMMISSIONER: Dr Rogers, you can move the folder closer to you, or take the pages out if that's going to help. If you put them back.

PN800

THE WITNESS: The reason I'm mentioning that is because there's a lot more detail associated - it's not as simple as that particular CH6. There are pages of information that are provided, and any negotiation, any negotiation that occurred would be in relation to any one of those aspects, not the global kind of - what did you call it?

PN801

MR MURDOCH: Dashboard?---Dashboard. Not the global dashboard. That's not the level at which there would be any negotiation, and I have - - -

PN802

I accept that. I'm not disagreeing with you on that?---And so therefore any discussion would be about a particular topic and whether there is topic allocation, or topic coordination, allocation or teaching added, or whatever. And so it would be in quite - as what I was mentioning before it would need to be in - if you have a look at the detail of that, then in order to make any changes or to negotiate or do anything it requires significant detail, topic by topic, you know, class by class. And was there any negotiation? There might have been about one or two things early on, but, you know, there was no discussion about my workload, and it's a surprise - it was a surprise to see attachment 2, and a surprise to see the witness statement that suggested all those changes, because they had never been mentioned before.

*** BEV ROGERS

XXN MR MURDOCH

PN803

But going back to what I said to you before, and not arguing with you about the fact that you need to go and look at the individual entries that you have got there at 8B of your first statement, all I'm suggesting to you is that you having read the

adjustments that Dr Haseldine has asserted, you accept some of them and you don't accept others. Is that the case?---Sorry, I accept that there could have been - I accept that there could have been a discussion had this been raised earlier. There could have been a discussion is what I accept. I don't accept anything necessarily, because what - as I, you know, found through the information presented, as I found the knowledge of the detail about what's actually involved in particular topics or involved in the work is not there. There are some assumptions, like in - for example in attachment 2 there was a statement there about, you know, I could lose all of my teaching and assessment associated with a topic because I didn't do any - because it was, you know, students did independent study, and that was totally wrong. So, you know, there's - I keep going back to that saying, look, there needed to be a discussion and I would have been receptive to a discussion, because there was information that in fact, you know, apart from me there's information about that particular topic that no one else knows. Chevaun didn't know, Dr Katsikitis didn't know, dean of education didn't know.

PN804

THE COMMISSIONER: I am having some difficulties with this, essentially understanding where we're at with this line of questioning. Mr Murdoch, were you in effect asking questions about whether there was a discussion and - - -

PN805

MR MURDOCH: No, I wasn't.

PN806

THE COMMISSIONER: No. Okay.

PN807

MR MURDOCH: I wasn't. I don't want to press the witness on this any further, because I have asked the questions that I need to, and the witness has a different view about these things, and that's mine.

PN808

THE COMMISSIONER: Because I don't think what you're being asked, and this is why I am struggling, about whether you would have been open to a discussion. It's about whether a particular thing occurred. So I think - - -?---No discussion occurred.

PN809

Okay?---I would have been open to a discussion, but - - -

PN810

And you don't then accept that there was some concessions made on each side?---No, I don't, and I don't accept the details that were provided either about what the - what the decrease in my load could be.

PN811

Because there was no discussion or negotiation?---That's right.

*** BEV ROGERS

XXN MR MURDOCH

PN812

MR MURDOCH: So what you're really saying, with respect to you, is that in order to understand these WAU figures one really needs to go and look in some detail at what work is actually being performed. That's what you're saying, isn't it?---I am saying that, yes.

PN813

Yes. And the work that's being performed may or may not correlate to the WAUs. That's what you're saying, isn't it?---No, I'm not saying that, you know, because that would need enormous qualifications. The thing that informs my workload is the topics I'm teaching the students on, supervising and so on. So, you know, it's a daily thing of interactions with students that determines - - -

PN814

And you're aware, aren't you, that under the enterprise agreement that a full-time academic's hours of work are 1725 per annum?---Yes.

PN815

And you don't give any evidence of anyone ever saying to you that the university expected you to work more than 1725 hours, do you?---Well, look, I think that having a workload document that has 52.49 WAUs, I think having a workload document at 52.49 WAUs is an implicit expectation, you know, that I will - that according to the metrics the university has developed that, you know, I need to - I need to do that amount of work to meet all the obligations that are listed here in terms of this topic coordination, teaching assessment, and so on, and it's one of those things that's in my mind all the time. There are students associated with this. There are real people, you know, and there are students associated with all these things, and they - you know, I'm trying to prioritise what I'm doing to be able to, you know, serve them and meet their needs best, you know, as I've indicated in terms of one of the topics that, you know, I think both the dean of education and Chevaun said I shouldn't have topic coordination for.

PN816

There's an example of something that I found that was a class not being taught by anybody and had to - had to get my - you know, get myself copied in as topic coordinator, because I had to set up the canvas site, I had to get everything shifted over, I had to get the topic information. You know, and that's - that was by and large a whole lot of work that wasn't listed on here, but, you know, it's one of those things that you have to do because there are students there, there were students sitting in a room without anybody.

PN817

MR MURDOCH: That's an example of you, can I suggest, conscientiously undertaking something?---It is, and I approach my whole workload like that. I attempted to do, you know, everything I could and to manage as much as I could within this.

*** BEV ROGERS

XXN MR MURDOCH

PN818

But no one from the university said to you you've got to go and do that class. You yourself decided to undertake it, didn't you?---As I indicated the existence of this

workload and the existence of this document from the university, you know, intimates that that is what I'm meant to be doing, and that's what I'm judged on in terms of APR, annual performance review. That's what I'm judged on, you know, in terms of how well I've met my tasks and so on. You know, I have to find a way to be doing that in a reasonable amount of time, and the truth is that I was probably working for, you know, certainly not towards the end because of being on redeployment, but I was certainly for a significant amount of 22 and 23 working for six days a week, working during holidays, and, you know, trying to - trying to accommodate all the things that I was needing to do.

PN819

And I suggest that you were doing that because you're a conscientious person of your own volition, not because the university required - - -?---I wasn't doing that because I wanted to do it. I was doing that because it was the only way that I could get what I needed to have done, and the expectation was that - you know, expectation was that I did that as well as I possibly could. And I truly - I truly did believe that I could - you know, I could work through a whole range of issues that I could - you know - the truth is I also believe that - sorry, if it upsets me, but the truth is I also believe that my work was appreciated.

PN820

But then this whole process has shown me that in fact it wasn't much, and, you know, by and large taken for granted, and in hindsight - you know, in hindsight I think - so the priority - I guess the priority for me in terms of a whole lot of work I was doing was, you know, about working with students and improving their success and their outcomes and doing study plans and so on, and trying to - you know, in a situation trying to help students through that, because there was so many frustrating situations where, you know, students were kind of desperate and couldn't get information back from what's called Ask Flinders, which, you know, is a way for them to get someone to sort out their issues. I genuinely thought - you know, I genuinely thought that working this hard and doing as much as I could was appreciated, and that it was appreciated that I was doing a good job.

PN821

MR MURDOCH: You said a moment ago, you said that you were working I think six days a week, but you stopped doing that at some point in 2023 - - - ?---Well - - -

*** BEV ROGERS

XXN MR MURDOCH

PN822

When was that?---As of 16 August 2023 seven of us were sent letters that said, that came out of the blue really, that said, 'At close of business today you will finish work', and we were a number of weeks into the second semester, and, you know, the NTU lodged a dispute which meant that we were able to continue to teach out that semester, which I did, and I did everything as much as possible. And I have, as many of my colleagues will let you know, I have continued to try and do as much as I can to make sure that the processes in place function. Even after the - which was 24 November I think - even after my dates at which I was supposed to go on to redeployment there was - for example there was a college assessment committee meeting after that that I felt I needed to go to

because no one else there at the meeting had been through those processes before and I was worried that, you know, because what happened after this meeting is all the results went forward and students graduated or not, and so on. And we discovered as a result of me being in there in that process and me checking it through that three students had mistakenly got a fail grade rather than an 'I' grade.

PN823

And so therefore - anyway I was pretty rapidly told that I wasn't supposed to be at the meeting, but my approach was there was some risk going on here if someone wasn't there who had been involved in the process. And so, you know, that was kind of my judgment - anyway. However, I have to say that, you know, at the moment and from probably, you know, certainly December, December I was not working six days a week. I was doing - you know, I was doing what I needed to, but I was not supposed to be doing anything. However, I was - I needed to, you know, maintain contact with HDR students and try and - try and handover, by the way, handover to try and work out who was picking up the various roles I had and trying to handover properly to them, which was the doctor of program and dissertation, course work project, and so on, and there were a number of changes to those handover people. So I needed to do that a number of times, and there's another one coming up, because the person taking the doctor of education oversight has changed in the last few days. I see that I need to do that in terms of, you know, the benefit of those students who - you know, they assume somebody knows their information.

PN824

MR MURDOCH: And that's been the approach you've taken - -?---Absolutely.

PN825

- - - all along, isn't it?---Mm-hm.

PN826

No further questions.

PN827

THE COMMISSIONER: Thank you. Re-examination, Ms Buchecker?

PN828

MS BUCHECKER: Thank you, Commissioner.

RE-EXAMINATION BY MS BUCHECKER

[4.46 PM]

PN829

Dr Rogers, what academic level are you classified at?---Level B.

PN830

And can you describe to the Commission the academic classification structure, how many levels are there?---It goes up to level E.

PN831

And E is the highest, yes?---E is the highest and A is the lowest.

*** BEV ROGERS

RXN MS BUCHECKER

PN832

So you're classified at the second to lowest level of the academic structure?---Yes.

PN833

Were you in receipt of any kind of higher duties allowance or recognition of your Deputy TPD role?---No.

PN834

So you were doing that work at level B?---Yes.

PN835

So we can assume it was a relatively junior role in terms of the hierarchy if you like. I mean it wasn't at the level of Dr Katsikitis for example?---No, absolutely not, and I was - you know, as a Deputy TPD I was heavily reliant on information coming to me in various ways, because I wasn't entitled to go to the leadership group in the college.

PN836

Because you weren't part of the leadership group?---No, because the TPD went to that.

PN837

Yes, because the DTPD wasn't part of that group?---Yes.

PN838

Can I take you to page 1284 of the court book, and it's the email that you were referred to earlier from Professor Katsikitis, where it talks about your role as a DTPD, and it says in the second paragraph that:

PN839

General oversight of workloads, including CAT support, will rest with the TPD and the Deputy TPDs.

PN840

Can you describe whether or not you had any capacity as a DTPD to make staff appointments, did you have authority to appoint staff?---No. No, absolutely not, and even - so I had numerous conversations if I had wanted to appoint, you know, a casual staff member I have to - I would have to, you know, do the form, fill in the form and send that through to the TPD.

PN841

So you had no cost centre responsibility?---No.

*** BEV ROGERS

RXN MS BUCHECKER

PN842

What were your options then if you saw someone in your team overloaded? You've described to a large extent the drill down that you did into the work and the streamlining of the work. What other opportunities were there for you if you saw somebody in your team overloaded, what could you do about it?---It sort of depends on when in the year, but I'd certainly talk with them and talk with them about the possibilities, you know, and contact their supervisor and

so on and talk with them through the possibilities or what could be lost from the workload. But as I - you know, as I mentioned there's really limited options in that respect, and that's something that became clear in the conversations I did have, is that there were a very small number of people who could actually take on extra load.

PN843

And whenever, you know, I talked to them and said, 'Look, you know, Chevaun's email says that you've got two extra WAUs that you can take on', they would say, 'Well, actually that's not right. I've got this and I've got' - you know, anyway it ended up being really complicated and the whole issue really is that, you know, the management, I guess, of the number of people to pick up workloads is not equivalent to the workload that needs to be picked up. And so the source of the issue is that much further, you know, to working out the timetable, the degrees, and the so on. And I did as much as I could within the small area that I could work in, but, you know, I'm not responsible for the key decisions that the leadership group would make.

PN844

MS BUCHECKER: So would it be fair to say that you used your best creative endeavours in a circumstance where you didn't have any real authority or cost centre management to make the changes that could have alleviated the problem?---Well, you know, I did - within the limited scope I was trying to do what I could, and the person - you know, the person from education quality who used to work with me in the CourseLoop proposals would certainly tell you that, that there were heaps of things that I put through to her that were changes to degrees, to topics and so on, that were trying to do my bit in managing, you know, the workload, and the source of the issue really is that, you know, we need to be looking ahead and, you know, to be sorting out things now prior to the next semester or the next year. You know, it was too late. Once the - once topics were published to students and they enrolled it was - you know, as I discovered it's really too late to be cancelling or, you know, changing topics that have students enrolled in them.

PN845

Can I take you now to page 161 of the court book?---161?

PN846

161. Now, you will see there that we have on the left the system produced WAU, which is the WAU that the university's app spits out. And we can see on page 162 that you are the second person down, level B teaching specialist; is that correct?---Yes.

PN847

And so the system produced WAU was 54.5. Can you tell me when did you first see the manually adjusted WAU allocation on the right-hand column of 42.39; when was the first time you saw that?---I believe this was - I believe this was attachment 2 to the letter the university sent out. So I only saw that at the time, you know, we got sent the letter.

*** BEV ROGERS

RXN MS BUCHECKER

PN848

So there had been no prior discussion with you about the difference between 54.5 and 42.39?---No, no prior discussion, and in fact if there had been discussion then, you know - I developed a document that, you know, talked to each of these and said what the mistakes were that I provided to Professor Katsikitis when I - when I lodged the grievance with her in relation to this document. You know, for example when it talks about 9616 inflated workload due to only one class a week of teaching, that's not right. There were, you know, online classes as well as the face to face class, and, you know, the mistaken belief here that face to face teaching, you know, the hours of face to face teaching were the only hours that you get. The teaching allocation includes preparation time.

PN849

So the implication here, I read into this implication is that somehow I wasn't doing the preparation or wasn't doing, you know, the assessment and that the second class - the second class had been totally ignored. Anyway, so this document was full of inaccurate information and it talks about the course work project inaccurately as well. Anyway, so there is - I've forgotten what it's numbered, but there is a document in which I kind of wrote the - you know, the arguments I guess about what the errors were. But the first time I saw all of this was, I think it says at the bottom as of 25 September, so 25 September was the first time I saw it.

PN850

MS BUCHECKER: Yes. And the document you were referencing is at 165, which is where you do correct the record. I just want to take you back to the adjusted column, albeit we do not accept the revised numbers. Can you nevertheless explain to me what you understand 141.3 per cent? The university has articulated your revised load as 141.3 per cent. What do you understand that percentage to mean?---It would be - I'd, you know, need to do a little calculation, but it would be more than - well, it says 42 point - so it's overloaded by 12.39.

PN851

WAU. I mean it's not WAU as in w-o-w, but - yes, okay. So 12.39 WAU over, which is 41.3 per cent extra - - -?---Yes.

PN852

- - - in addition to a full-time load; is that correct?---(No audible reply)

PN853

And that's the university's adjusted load which they have put to you as your load for 2023?---Yes.

PN854

And your corrections at 165 show that it's closer to the 54.5 WAU that the university system produced in the first place?---Yes.

PN855

Thank you. I don't have any further questions, Commissioner.

*** BEV ROGERS

RXN MS BUCHECKER

PN856

THE COMMISSIONER: Thank you. Dr Rogers, that concludes your evidence, you can step down from the witness box.

<THE WITNESS WITHDREW

[4.57 PM]

PN857

THE COMMISSIONER: And that leaves us at almost half past 4. So I think despite optimism we might not get to any of the respondent's witnesses. Does that cause anyone any serious concern? I understand you've probably had them attend, Mr Murdoch, but it's my suggestion that we adjourn until tomorrow.

PN858

MR MURDOCH: It's the nature of litigation.

PN859

THE COMMISSIONER: It is, isn't it. Okay. Ms Buchecker, any concerns you want to raise?

PN860

MS BUCHECKER: No concerns, thanks, Commissioner.

PN861

THE COMMISSIONER: Okay. Well, I think it makes sense. We also have responsibilities to our Commission staff to make sure that we're concluding on time. So I think perhaps the best course of action is to resume tomorrow. Does that change your order of witnesses in any way, Mr Murdoch?

PN862

MR MURDOCH: No, Commissioner.

PN863

THE COMMISSIONER: Okay. So we will start with the respondent's case, any opening statement you wish to make, and then I understand we will hear from Dr Haseldine; is that correct?

PN864

MR MURDOCH: That's so, yes.

PN865

THE COMMISSIONER: All right. Anything else anyone wants to raise before we adjourn for the day?

PN866

MR MURDOCH: No, thank you.

PN867

THE COMMISSIONER: Thank you.

ADJOURNED UNTIL FRIDAY, 02 FEBRUARY 2024

[4.58 PM]

*** BEV ROGERS

RXN MS BUCHECKER

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