

**FAIR WORK COMMISSION**

**Commission Matter No.:**  
**AM2015/6**

**4 yearly review of modern awards – Education group**  
*Higher Education Industry - Academic Staff - Award 2010*

**REPLY STATEMENT OF TERENCE JOSEPH GYGAR**

I, Terence Joseph Gygar, care of Bond University, 14 University Drive, Robina in the State of Queensland, Associate Professor, state as follows:

1. I have previously provided a statement in this matter dated 9 August 2016.
2. I have reviewed the material filed in these proceedings on the Fair Work Commission (FWC) website.
3. On 29 July 2016, the Fair Work Commission issued an Order requiring the production of document ('the Order'). The notice was directed to Bond University Limited ('BUL') and requested by the Bond University Academic Staff Association ('BUASA'). Annexed and marked "TG4" is a copy of this notice.
4. On 5 August 2016, BUL responded to the notice stating, inter alia, that It does not engage fixed term staff in any of the categories described in clause 11.3 of the Modern Award; and that it has 109.1 FTE staff employed on fixed term contracts (and 138.1 FTE staff employed on ongoing contracts). Annexed and marked "TG5" is a copy of BUL's response.

**Statement of Kenneth Richardson**

5. I have reviewed the statement of Kenneth Richardson filed in the matter ('the Richardson statement').
6. With respect to paragraphs 10 and 11 of the Richardson statement, students at Bond University have, since approximately 2008, been eligible for FEE-HELP. FEE-HELP is a Commonwealth Government funded scheme whereby students undertaking approved courses at approved post-secondary education providers may apply to the Commonwealth Government for financial support to pay those fees. The amounts paid by the Government are later repaid by the student to the Commonwealth Government in a process mandated by the Commonwealth Government.
7. The current arrangement is that BUL sets the cost of its University degrees and students are able to elect to defer payment of their fees by opting into FEE-HELP. BUL then recovers the cost of the student fees from the Commonwealth Government and the student then pays back their FEE-HELP payment to the Commonwealth Government over time (if at all). BUL benefits from the funding model as it does not carry the financial risk of recovering the fees of students undertaking their courses.



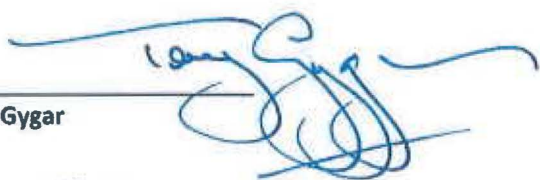
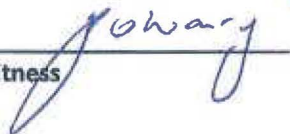
**Statement of Christopher Andrews**

8. I have reviewed the statement of Christopher Andrews filed in the matter (**the Andrews statement**).
9. The number of fixed term and ongoing FTEs declared by BUL in its response to the Order (109.1 and 138.1 respectively) at TG5 do not include all academic staff employed by BUL.
10. I have reviewed BUL's internal telephone directory and have identified more than 450 members of academic staff.
11. BUL commonly advertises that it has 1 member of academic staff for every 10 students. BUL disclosed that it had 3,475 students in response to the Order at TG5.
12. It appears to me that the figures disclosed by BUL do not include its entire employed academic staff. I believe that the difference is likely to be the number of academic staff employed on a semester-by-semester basis, also known as 'semester casuals'. 'Semester casuals' are typically employed for a fixed term; being the length of the semester.
13. With respect to paragraph 33 of the Andrews statement, the issue of fixed term contracts, and the University's reluctance to modify their practice, had been explained at BUASA Executive meetings by Assistant Professor Joel Butler and Professor Tor Hundloe throughout 2015 before I took over the Presidency.
14. Upon taking up the Presidency of BUASA in May 2016, I met with Assistant Professor Joel Butler (now no longer employed by Bond University) who informed me that, after the signing of the MOU, he and other members of the BUASA executive, including Professor Tor Hundloe (former President of BUASA), had expressed the concerns of staff about undesirability and injustice of Bond University's practice of rolling over fixed term contracts to Mr Andrews; but had received no indication from the University that it was prepared to change or modify that practice.

Dated this 27th day of September 2016.

\_\_\_\_\_  
Terry Gygar

\_\_\_\_\_  
Witness

  
 Jodie O'Leary

**Form F52 Order Requiring Production of Documents etc. to the Fair Work Commission**

*Fair Work Act 2009, s.590(2)(c)*

*Fair Work Commission Rules 2013, Rule 54*

**FAIR WORK COMMISSION**

**Commission Matter No.:**

AM2015/6 - 4 yearly review of modern awards – Education group

*Higher Education Industry - Academic Staff - Award 2010*

**TO:**

Bond University Limited  
c/- Minter Ellison  
Waterfront Place  
1 Eagle Street  
Brisbane QLD 4000

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time: 4:00pm  
Date: 5 August 2016  
Place: Fair Work Commission  
Level 4, 11 Exhibition Street,  
Melbourne VIC 3000

Dated: 29 July 2016



**Note:**

This order has been issued at the request of the Bond Academic Staff Association.  
You can apply to have this order set aside or varied.  
Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4.00pm on the day before the day mentioned above.  
If you have any queries in relation to this order please contact the associate to Commissioner Johns on (02) 9308 1826.

## SCHEDULE

1. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform a specific task or project in circumstances described in clause 11.3(a) of the *Higher Education Industry – Academic Staff – Award 2010* ('the Modern Award').
2. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform research in circumstances described in clause 11.3(b) of the Modern Award.
3. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts as a replacement employee in circumstances described in clause 11.3(c) of the Modern Award.
4. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform work which requires recent professional practice studentship in circumstances described in clause 11.3(d) of the Modern Award.
5. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on pre-retirement fixed term contracts studentship in circumstances described in clause 11.3(e) of the Modern Award.
6. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts for employment that is subsidiary to their studentship in circumstances described in clause 11.3(f) of the Modern Award.
7. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts in circumstances that are not described in clause 11.3 of the Modern Award.
8. Any document, information or record evidencing the number of full time equivalent Bond University staff employed on permanent ongoing contracts in circumstances that are not described in clause 11.3 of the Modern Award.
9. Any document, information or record evidencing the number of students enrolled to study at Bond University in each trimester from 1 January 1998 to 27 July 2016

**Bond University: Response to Order Requiring Production of Documents to the Fair Work  
Commission dated 29 July 2016**

**Commission Matter No.: AM2015/6 - 4 yearly review of modern awards – Education group**

In relation to paragraphs 1 to 6 of the request, it is noted that Bond University is not subject to the restrictions on the use of fixed-term employment described in clause 11.3 of the Higher Education Industry – Academic Staff – Award 2010 ('the Modern Award').

1. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform a specific task or project in circumstances described in clause 11.3(a) of the Higher Education Industry – Academic Staff – Award 2010 ('the Modern Award').*

Bond University does not engage fixed term staff in the category described in clause 11.3(a) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of full time equivalent ('FTE') Bond University staff employed under this category.

2. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform research in circumstances described in clause 11.3(b) of the Modern Award.*

Bond University does not engage fixed term staff in the category described in clause 11.3(b) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of FTE Bond University staff employed under this category.

However, the University's records show that it engages 16.2 FTE fixed term staff members on a 'research only' basis (Source: Bond University HR - extracted from the ALESCO HR System, Information extracted at 24 July 2016).

3. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts as a replacement employee in circumstances described in clause 11.3(c) of the Modern Award.*

Bond University does not engage fixed term staff in the category described in clause 11.3(c) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of FTE Bond University staff employed under this category.

4. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts to perform work which requires recent professional practice studentship in circumstances described in clause 11.3(d) of the Modern Award.*

Bond University does not engage fixed term staff in the category described in clause 11.3(d) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of FTE Bond University staff employed under this category.

5. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on pre-retirement fixed term contracts studentship in circumstances described in clause 11.3(e) of the Modern Award.*

Bond University does not engage fixed term staff in the category described in clause 11.3(e) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of FTE Bond University staff employed under this category.

6. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts for employment that is subsidiary to their studentship in circumstances described in clause 11.3(f) of the Modern Award.*

Bond University does not engage fixed term staff in the category described in clause 11.3(f) of the Modern Award. Accordingly there are no documents, information or records which evidence the number of FTE Bond University staff employed under this category.

7. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on fixed term contracts in circumstances that are not described in clause 11.3 of the Modern Award.*

Bond University records show that it has 109.1 FTE staff employed on fixed term contracts (Source: Bond University HR - extracted from the ALESCO HR System, Information extracted at 24 July 2016).

8. *Any document, information or record evidencing the number of full time equivalent Bond University staff employed on permanent ongoing contracts in circumstances that are not described in clause 11.3 of the Modern Award.*

Bond University records show that it has 138.1 FTE staff employed on ongoing contracts (no end date specified) (Source: Bond University HR - extracted from the ALESCO HR System, Information extracted at 24 July 2016).

9. *Any document, information or record evidencing the number of students enrolled to study at Bond University in each trimester from 1 January 1998 to 27 July 2016*

The data below are sourced from Bond University's Internal Statistics and represent On Campus Bond University Students (count of Unique Student ID numbers per semester, Produced 1 August 2016).

