

## Chapter 9

# **The University of Newcastle: prelude to Dawkins**

**John Biggs**

### **A university of contradictions**

In 1973, I took up a Chair in Education at Newcastle University.<sup>1</sup> In arriving at this decision, I noted that it was a new University, and was developing a reasonable academic reputation. Newcastle, as an area, came out tops on all the life-style indicators: size, location, climate, proximity to beach, vineyards and other extra-curricular activities, and Sydney was only two hours away.

What the indicators didn't reveal was that here was a city, and an institution, seized with cultural contradictions. In ethos it was a large working class town, but many leadership roles were filled by figures imported from — or who worked strenuously at the appearance of having been imported from — an expatriate Establishment. It's a familiar scenario in Australian academe, but at its most obvious in Newcastle. As the redoubtable J. J. Auchmuty, the founding Vice-Chancellor, put it: "What I was proposing to establish was a university in the British tradition."<sup>2</sup> This went down very well locally, because "Few people in Newcastle understood such matters and those who did wanted a university of the most traditional kind."<sup>3</sup>

After ten years as Vice-Chancellor, Auchmuty retired in 1974. He was replaced by Don George, an engineer from the University of Sydney, who could hardly have been more different in style of operation, and who had to face political pressures of a kind that Auchmuty did not. The fact was that from the late seventies onwards, things began to unravel. The nature of what went wrong, and why, is I

think important for understanding what later happened to the Australian university system.

The University of Newcastle, along with several other universities, faced many difficulties, and instead of admitting there were problems and endeavouring to correct them, generated poor public relations by appearing to refuse to admit that any problems existed, or that if they did, it was because of recalcitrant and difficult individuals outside — never inside — the Administration. By the mid to late 1980s, public sympathy for universities in general was low. Worse, there was a strong public sentiment that they had got out of control and needed bringing into line. The stage was set. Enter Dawkins, upper right.

Newcastle had its own unique problems beyond those besetting other places. Academic decision-making structures within the University were side-stepped, partly for political reasons, partly through fuzzy management, but whatever the reason, the stake academics themselves had in decision-making was undermined. This is similar to today's managerial institutions, except in their case the situation was imposed by deliberate choice, top-down, and was much more thoroughgoing. In Newcastle at the time in question, the responsibility for decision-making was simply diffused. When things went wrong, as they inevitably would under those conditions, the academic staff would not admit that anything could be wrong.

Part of the problem here was that Auchmuty had built up a power structure from scratch, and it worked — for him. George, however, tended to delegate. This may have been a personal preference, but it was also a consequence of his positions outside the University — Deputy Chairman of Council of the Asian Institute of Technology in Bangkok, Chairman of the Australian Atomic Energy Commission — positions he took because he thought it would “be good for the University's standing.”<sup>4</sup> The student paper *Opus* saw this differently, and in one particularly testing time politically, dedicated a lead article to solving what the headline screamed as: THE CASE OF THE MISSING VICE-CHANCELLOR.

In such a situation, it is inevitable that others come forward to fill the vacuum. Insecurity appeared to be in the air, so that when several knotty procedural problems presented themselves, Administration — and I mean this collectively, although the buck must eventually stop at the VC's desk — tried to solve them by seeking legal advice. Lawyers, however, advise on the questions that *are* put to them, not on those that *should* have been put. Thus, if incomplete or inappropriate

ate questions are asked, the answers may be less than helpful. And as lawyers frame their answers in legal rather than in academic terms, one should not be surprised if the final resolution of some problems were reached in court, rather than within the University.

And so it was. Let me give two examples.

### **The Spautz case**

In 1977, Alan Williams was appointed Professor of Commerce in the University of Newcastle. Michael Spautz, a Senior Lecturer in the same Department, had studied Williams' Ph.D. thesis, recently completed at the University of Western Australia, and by the second half of 1978, was questioning the methods Williams used, and the conclusions he reached. Spautz then claimed to have discovered unacknowledged secondary sources, which he thought amounted to plagiarism.<sup>5</sup> Spautz considered that such lack of scholarship made Williams unfit to hold a Chair, so he informed Williams that he would make his evidence public if he didn't resign. Williams didn't resign. Spautz then demanded that Administration rectify their lack of judgment in appointing Williams by dismissing him. The same condition applied: if they did not do as demanded, Spautz would "blanket the campus like snow" with his evidence of the alleged plagiarism.

The Vice-Chancellor thought it was not up to his University to investigate the award of another university. Let UWA investigate the plagiarism charge. So for a long time he did nothing. Spautz, on the other hand, acted quickly and vigorously. The campus was duly blanketed, as promised, not only with the alleged plagiarisms and their presumed sources, but also with his bulletin *In Vita Veritas*, in which he attacked senior University administrators and Council members. Late in 1979, a committee chaired by Professor Michael Carter investigated and reported to Council. They expressed their confidence in Williams and ordered Spautz to stop. He didn't stop.

Another committee, chaired by Justice Michael Kirby (the Deputy Chancellor), was asked by Council to determine *inter alia* if Spautz's behaviour constituted grounds for dismissal; that is, if they resolved to dismiss Spautz, would they have "good cause" for doing so. However, the By-Laws of the University required the committee to be a "committee of Inquiry," as fact-finding, and so the question of what constituted "good cause" for dismissal as requested by Council in the

original terms of reference was confused.<sup>6</sup> So while the Kirby Committee found that Spautz did behave as alleged, and had disobeyed the order, the question as to whether that constituted “good cause” remained unresolved. Back to the university’s lawyers, who advised in essence that “misconduct,” and hence “good cause,” could mean what Council decided it to mean. Thus, when Council decided to sack Spautz in May 1980, disobedience became “good cause.”

The problem with this interpretation was that it revived Justice Green’s ruling that the relationship between an academic and a university council was that of Master-Servant. In other words, academics were required to be “obedient” to Council. It will be remembered from Chapter 3 that Orr was sacked for “failing to answer to allegations against him pursuant to his obligations.” Both Orr and Spautz had been dismissed essentially on the ground of disobedience.

So here was the University of Newcastle undoing all the work FAUSA had done in the 25 years since the Orr case (see Chapter 5)<sup>7</sup>. Another problem with Spautz’s manner of dismissal was that some of those involved in the dismissal proceedings were the subject of his public fulminations, which included threats of libel.

*Prima facie*, then, it would appear that Spautz had been handed the grounds for a wrongful dismissal suit on a plate. Certainly, he was granted legal aid on that basis. But instead of pursuing that central case, he foolishly pursued his string of libel suits, some 20 or so, against the Chancellor (Sir Bede Callaghan), Justice Michael Kirby, ‘The Don’ (George), Carter, and Williams, amongst others. He lost them all, and in 1982, was ordered to pay costs. He refused, and was jailed in Maitland high security prison. Although a prosecution for declaring him a vexatious litigant failed, he was seen as a nuisance, a negative image hugely reinforced by his imprisonment in a high security prison. When finally, in 1991, the all-important wrongful dismissal case was heard in the NSW Supreme Court by Justice Rolfe, he lost. In the judgment, his behaviour was cited as a major issue. It wasn’t until December, 1996, that it was admitted he had been wrongfully imprisoned, and was awarded \$75,000 damages in compensation. But this recognition was far too late. The damage had already been done. Williams, meantime, had quietly resigned in 1994.

Williams had weak credentials to be appointed to a Chair, and in refusing to examine a challenge to those credentials, the University was probably no different from nine out of ten universities anywhere. Clearly, too, Spautz was being extraordinarily difficult; at one stage,

he stood outside the classroom where Williams was teaching, and loudly exhorted students not to go inside as they would be wasting their time. Understandably, perhaps, the University saw it as more important to shut Spautz up than to address the issues he raised. But all that notwithstanding, over 15 years of expensive litigation suggests that the University administration and its advisers had made some grievous lapses in judgment.

### **The GS case**

In another case, the University achieved the unusual distinction of losing twice over in a three-way dispute between a graduate student, GS; her supervisor, Associate Professor of Geography, Don Parkes; and the Administration of the University of Newcastle.

I have asked all three parties to comment on my first draft of writing up this case. All agree on one thing: the account was unbalanced, to use the mildest term that was applied. Since all three were pulling in a triangle of opposing forces, any balanced account would inevitably be so judged. So, too, would a completely incorrect account be so judged! To complicate matters further, I had been informed that the case and matters arising are to be the subject of further legal action (see Acknowledgments), and so naming the student, and giving any detailed account of what happened, would be unwise. Professor Parkes presented detailed submissions to the recent Senate Inquiry<sup>8</sup> in which he gave full details of how he saw the case, and the how the University had acted wrongly in many ways, including compelling evidence that the University attempted to set Parkes up as the “patsy” in the event of litigation by the student. This too, the University got wrong, because they were, and as I understand it still are (in 2001), under threat of litigation. Parkes attempted to clear the matter up finally with his submissions to the recent Senate Inquiry into universities. When the matter was presented, Senator Tierney, himself from Newcastle and recently associated with the University, was not present.<sup>9</sup> Despite Parkes’s detailed submissions and supporting evidence, which are available on the Senate Inquiry public website, Item 320 (see endnote 8), nothing has emerged on this case so far from the Inquiry. The University defended itself by ignoring what had been tabled.

Given all the above, the following account is thus somewhat basic.

In February 1980, GS enrolled at the University of Newcastle as a doctoral student. In 1984, her supervisor, Parkes, submitted a statutory report to the Doctoral Degree Committee in which he raised a number of matters, concerning both academic and legal considerations. One legal matter concerned dual enrolment at another university, which Parkes thought breached the University's enrolment regulations. The University of Newcastle's lawyers, however, advised that the matter in question was not in breach of the regulations, and so the Doctoral Committee endorsed GS's candidature. They did not, however, consider the other matters Parkes raised, both legal and academic, which the Committee was required to do under another regulation, which states that a supervisor's report has to be considered and decided one way or another by the Doctoral Committee. Parkes's advice as supervisor had illegally been ignored, and he resigned as supervisor. Another supervisor was appointed, Professor Michael Carter, a sociologist, who saw the thesis through to the point of its being sent out for examination.

Parkes, feeling that the University had acted contrary to its own regulations and procedures, and with legal advice and the support of the Staff Association, appealed in 1986 to the Visitor to the University, His Excellency Sir James Rowland, for a ruling. The Visitor agreed that the University had breached its own regulations, and ordered that the University stop the examining process, to be continued only when Parkes' report as supervisor had been properly considered.

But the examiners' reports had already been received. The June 1987 meeting of Senate, now chaired by the new Vice-Chancellor, Keith Morgan, had before it a motion framed on the Visitor's ruling: that the examiners' reports lie on the table until the Inquiry into Parkes' original report had been held. Parkes, who was not a member of Senate, asked permission to attend and to speak to the motion. Although his request was granted, Morgan made it embarrassingly clear that he regarded Parkes as a troublemaker. This divided Senate along irrelevant lines. The majority, in typical fashion, closed ranks against the "troublemaker," and voted against the direction of the Visitor.

Then, in a remarkable *volte face* a month later, the Doctoral Committee recommended that GS's candidature be terminated on the enrolment ground raised originally, that she was enrolled at Newcastle and at Loughborough Universities for essentially the same work.

Loughborough had already terminated her enrolment on this ground, as soon in fact as the matter had been pointed out. Morgan announced GS's termination at Newcastle in September. However, the University lawyers had suggested earlier that that matter did *not* constitute a breach of Newcastle University's regulations, and had thoughtfully provided GS's lawyers with this opinion.

Not surprisingly, GS herself now appealed to the Visitor, seeking reinstatement, resumption of the examining process, and compensation and costs. The Visitor, now Sir David Martin, ruled that the regulations as cited by the University were the wrong ones, and recommended, not compensation, but a modest "solatium." GS went to the Supreme Court, where in 1990 Justice Allen ordered the case back to the Visitor for him to consider full compensation, not just solace, for deprivation of her status, consequent loss of salary, and costs.<sup>10</sup> She received an undisclosed amount in an out-of-court settlement. The University ordered yet another supervisor, and another set of examiners. She was awarded the degree in 1995, with yet another Vice-Chancellor, Raoul Mortley, in place.

Parkes had by now taken early retirement, completely disillusioned with the University, although he had won in the important sense that the Visitor had supported him on the major point he had raised: the University had not followed its own regulations. GS had also won. She had fought the University's dithering for over ten years, and, finally, she obtained her doctorate. The University Administration had lost all round, oscillating between academic and legal advice, evidently oblivious throughout to the enduring academic issues and principles involved. In 1988, the Council of the University resolved that an Inquiry into the case be established, but this has not happened; neither has the University investigated the substance of Parkes's initial 1984 report to the Doctoral Committee, contrary to its own Regulations. The current Administration, under yet another Vice-Chancellor, is pleading immanent legal proceedings seventeen years after the GS case as an excuse for inaction, and has forbidden the sale of the official history of the University on that basis (see endnote 1)!

The damage caused by the University's handling of just the Spautz and GS cases was colossal: to the people concerned, to the University's own national and even international reputation, to its finances, to staff morale and division amongst staff, to time-wasting, to the general functioning of the University as an educational institution. One could be forgiven for thinking that the Administration of the

University of Newcastle was unable to get anything right, no matter who was Vice-Chancellor.

### **How to please our lords and masters and avoid amalgamation**

In 1981, I was appointed to the Council of the Newcastle College of Advanced Education (NCAE), as it was then known. The Labor State Minister of Education, concerned about many reported problems at NCAE, had reconstituted the Council and had asked me to be a member, first sounding me out (as were other new appointees) as to our willingness to adopt a watchful role over the College administration. Then the game changed.

The Fraser Government's Razor Gang ordered the amalgamation between the NCAE and the University. The CAE's management problems promptly faded into insignificance, as far as the State Minister was concerned. The issue now was that the CAE (the State body) should get the better of the University (the Federal body). This was Newcastle, Labor's heartland, with a Liberal Federal Government. The Labor-dominated CAE Council swiftly closed ranks against the elitist enemy at the University. It became very clear to me that the University would be outmanoeuvred in short order. I thought I should keep Don George abreast of what was happening, but he did not wish to know. "You," he pointed out, "are on the CAE Council in your own right, not as a University representative. I do not wish you to apprise me of their business."<sup>11</sup>

So I didn't tell him directly (although I told other senior administrators who I thought should know) about the sudden splurge in NCAE staffing, or about the promotions and granting of tenure that would strongly advantage NCAE staff over university staff, or about the financial Trojan Horse that was being cunningly designed, whereby the long-service leave funds would, in the fullness of time, create a deficit of over one million dollars. A new amalgamated institution would very quickly find itself with a superfluity of invulnerable staff, and a very large and unexpected debt.

Nor did I elaborate to George the details of the "equal partners" model that Eddie Richardson, the Principal of NCAE, was working on. The plan was to abolish the University of Newcastle, and replace it with a new amalgamated institution structured on CAE rather than on



traditional university lines. As a new institution, it had to have a new name. It is said that Richardson out of devilment proposed the “Southern Hunter Institute of Technology.” Had it not been for the change in Government in the 1983 Federal Election, NCAE, with its carefully cultivated political links and far superior tactical sense,<sup>12</sup> would certainly have won the day, leaving Newcastle’s tertiary sector in a state befitting Eddie’s acronym.

But if Richardson’s nomenclature did not endure, his concept certainly did, outlasting the man himself. In 1989, Vice-Chancellor Morgan impetuously agreed to the equal partners model without appearing to have read the fine print, and without consulting his University colleagues. For his pains, he earned a unanimous vote of no confidence from the Staff Association, and close calls in like votes both in Senate and in Council. The proposal was withdrawn, and the University of Newcastle continued as a legal entity.

But back to events concerning amalgamation in 1981. The amalgamation did not come off, but that was due to good luck rather than to good management. Labor won the 1983 election, and amalgamation was off the agenda — at least for the moment. So the life of the University went on as usual, with Spautz, GS, the Rose incident (whereby a newly appointed professor left within weeks claiming he had been misled), the Academic Plan (which selectively disadvantaged departments without prior consultation), Outside Earnings (an issue of staff moonlighting, see below), the Rigged Failure Rates (another face-saving case where the University breached its own examination regulations), to keep us amused.<sup>13</sup>

Then in 1985, the Commonwealth Tertiary Education Commission (CTEC) raised the matter of rationalisation between NCAE and the University. There were rumblings, yet again, about amalgamating the two institutions.

In 1986, the year of his retirement, Don George became convinced — probably not on legal advice on this occasion — that if the University handed over the graduate Diploma in Education course to the College, as a full and sufficient sacrifice, “our lords and masters in Canberra,” as he referred to CTEC, would be placated.<sup>14</sup> So in secret talks with the College a deal was struck. Our Dip. Ed., in numbers our most important programme in Education, was to be traded for five Master’s courses involving trade subjects, for which we didn’t have the staff and the College did, to be offered externally, which we weren’t empowered to teach and the College was. The Department of

Education stood to lose over half its staff, while eight or nine other content departments in the Faculties of Arts and Science stood to lose a steady flow-through of some hundred or so students.<sup>15</sup> And this was at a time when the University was being criticised by CTEC for not meeting its student numbers. From the University's point of view, the scheme appeared to most as self-destructive lunacy. The College leadership, for their part, couldn't believe their luck.

George made this announcement at a Planning Committee in September, 1986. I, as Dean of Education, and Ross Telfer, as Head of the Department, were in attendance and were stunned. This was the first we had heard of it. Yet Senate was to ratify it within three weeks, and pass it on to the October Council meeting, there to become official and immediate University policy!

I called an emergency meeting of Faculty Board. We passed two sets of resolutions for Senate to endorse: (1) expressing grave concern at the way the matter had been handled, especially the appalling lack of consultation, (2) requesting the proposals be withdrawn and alternatives explored.

Senate agreed with both resolutions by a large margin. The VC's wrist was slapped for his *modus operandi*, and Council was asked to scrap the plan and go back to the drawing boards. Council was to meet two weeks later.

This is where Auchmuty's rather personalised structuring of the University might have caused things to go awry. Usually in universities, the Vice-Chancellor does not chair the senior academic body, the Professorial Board or in this case the Senate, precisely so that that body remains advisory to the VC, and upon whom its decisions are not necessarily binding. Auchmuty, wanting to be part of the decision-making process, set up a different structure to accommodate that point:

The Vice-Chancellor himself presides over the senior academics, but the Deputy Chairman is elected by them and is in fact expected to represent the opposition, if there is an opposition, to whatever the Vice-Chancellor is doing.<sup>16</sup>

The Deputy Chairman of Senate is thus *ex officio* on Council specifically to move and to speak to Senate's motions, *especially* when they are in opposition to the Vice-Chancellor's position. The incumbent at that time, Michael Carter, refused in this instance to represent Senate's

views. The Staff Association member, Don Wright, did so instead, which one Council member mysteriously saw as “provocative.” Another remarked that the matter of the Dip. Ed. “was beyond the wit of Senate”; yet another opined that “If Council is headed for a confrontation with Senate, then so be it.”

Senate’s official representative on Council anticipated with admirable prescience the corporatisation of Universities by some ten years. He said: “University Councils over all the Western world are assuming more power, precisely because the Senates find it impossible to make the hard decisions.”

I had sought to be present,<sup>17</sup> and I was given permission to speak. I summarised our case, and then drew the attention of Council to the constitutional problem that was by now painfully evident:

The Senate motions ... put Council and Senate on a collision course. The Senate has adopted a clear position on certain academic matters: the nature and structure of masters degrees, the question of consultation with departments, and the question of whether the University of Newcastle will continue to offer preservice teacher education ...

If Council endorses the present proposal, ... it will precipitate a profound crisis in the government of the university. The only parallel I can think of is the Tasmanian situation, which in 1955 led to a Royal Commission which found for the senior academic body (Senate), and which in turn led to the agonisings of the Orr Case. This University must avoid such a humiliating and costly outcome ...

My reference to Orr was appropriate. A major cause for staff dissatisfaction in the lead up to the Tasmanian Royal Commission was precisely over the issue as to who should make the academic decisions. However, at Newcastle, unlike Tasmania, the Senate’s own voice on academic matters was speaking and voting against his own constituency. But it probably made little difference to the outcome. The Council had recently been reconstituted by yet a different State Minister, who had appointed several NCAE senior administrative staff to it. Possibly my remarks too were seen as “provocative.” At any rate, this new Council rejected Senate’s recommendations, although only by two votes.

At the Standing Committee meeting prior to the next Senate, two other Professors, John Keats (Psychology) and Godfrey Tanner (Classics), moved that Senate’s original position be maintained. After

that meeting the day before, Professor John Hamilton (Medicine) asked me:

“What are you going to say tomorrow? I’ve a meeting in Town and will be unable to attend Senate. I’d just like to know how things might go.”

I was honest rather than wise. “Well, however the vote goes on the Dip.Ed., Senate has problems, which should be raised. One is the role of the Deputy Chairman. He’s clearly not fulfilling the role he’s elected to carry out. I think we have a structural crisis ...”

“Are you going to move a no confidence motion?”

“No. I don’t think we need go that far. But we do need to discuss the structural problem.”

Sitting down at the meeting next afternoon, I discovered Hamilton was sitting opposite me. He had decided not to go to his meeting after all. The Keats-Tanner motion was put and passed. Senate wanted the Dip. Ed. still. It was then time to raise the constitutional issues. I summarised the problem, which in a nutshell was that Senate had been deprived of its advocate on Council. I foreshadowed two motions: that Senate express its concern over this situation, and that Senate set up a committee to look at the structural problems, with particular reference to the role of the Deputy Chairman. I then elaborated:

“We appear to be run by an oligarchy, the same faces are on almost every important Committee in the University. And the same mistakes keep recurring ...”

I began to recite the mistakes (see note 4) ...

Hamilton interrupted. “It sounds as if Professor Biggs is about to move a vote of no confidence ...”

“No, I’m not. As I told Professor Hamilton yesterday, I think these are matters Senate needs to discuss. You’ve heard my foreshadowed motions ...”

“Well then, let’s be quite clear about it. I hereby move a vote of *confidence* in the Deputy Chairman.”

“With acclamation!” shouted Professor Clarke, sitting beside Hamilton, and from the same Faculty. Clarke stood, clapping loudly.

Slowly, Senate stood, except for one member, and with acclamation expressed its confidence in its representative on Council, when he had not, on this occasion, represented Senate on Council.

Senate’s resolution on the Dip. Ed. went again to a specially convened meeting of Council, and for the second time Council

rejected Senate's advice on an academic matter, this time by only one vote.

It was time to go. I decided to take the advice Polya enjoined upon Orr in the words of the Turkish proverb:

*Instead of taking your righteous case to court, emigrate.*<sup>18</sup>

I saw that the University of Hong Kong was advertising the Chair in Education. Yes, Hong Kong was probably sufficiently distant. So I followed the egrets and the ibis in their migration from the Shortland Wetlands, which border the University of Newcastle, to the Mai Po marshes in Hong Kong.

### **On whistleblowing**

One question has bothered me for a long time, but that last Senate meeting reminded me of it very sharply. How, in a university of all places, can such things happen? How, when it is obvious that something is badly wrong, can intelligent people, whose training and daily work requires an open-minded appraisal of evidence, close ranks against the whistleblower? Today, and forty years ago, we know why: they would be dismissed, like Orr was in Tasmania in 1955, and like Ted Steele was in Wollongong in 2001. But in the 1980s, academics officially had tenure, and officially were encouraged to speak out on academic matters.

Even, perhaps especially, in the halcyon days of last century, most staff did not want to know if their University was stuffing up on a grand scale. They resented those who provided this knowledge. Why? Well, if the whistleblower is right, things would be intolerable. What does this sort of talk do to the academic reputation of the University? What does that then do to my research funding applications, my job applications? How can we be so stupid as to keep voting people onto committees who — according to *some* — are performing so badly? Is one person right, and everyone else, wrong? No, those who say such things have a chip on their shoulder, they are destructively mischievous. They must be marginalised. Such messengers should be shot on sight. And to preserve the integrity and good name of our University, we must re-affirm our confidence in our leadership, and in the decisions they have already made.

When people think like this, things can only get worse. That is part of it.

Another part, which is undoubtedly much more significant today, is the sheer cowardice of too many colleagues. Today, the stakes are much higher, but even twenty years ago academics were all too easily intimidated. They might agree with you in private, but in public they did not want to become involved. Too much might be at stake: internal research money, promotion, support for one's proposals. Not life threatening, but distinctly uncomfortable if things went the wrong way.

My belief is that had academics stood up to be counted, in those days when their bread was not at stake even if their cake might be, universities might not be in quite such a bad state as they are at present. But they didn't want to rock the boat, and now what they feared the most has become the case. Whistle-blowers in the present university structures can be deprived of their livelihood very easily, even more easily now, under the redundancy rules that FAUSA incredibly agreed to in 1988, than Orr was of his.

There are several theories of whistleblowing.<sup>19</sup> Whistle-blowers can have a variety of motives — power, martyrdom, obtuse self-interest — but essentially they are motivated by principle. They can be prickly company. Yet, when you think about it, whistleblowing is the *essence* of being an academic. As I told *Opus*, the Newcastle student paper in August, 1987:

There's a strong belief amongst academics that going public is somehow *bad form*. But really, the whole thing about being an academic is 'publishing' — literally 'going public' — on what you perceive to be the truth, and why. If you believe something is wrong, there are two ways to go. One is to close ranks for the sake of form ... the other is to speak out, because that way something might be done about it. ...

... Of course any large institution has its odd blip, but here we're looking at a whole string of things, and most follow the same pattern: a problem, a long period of indecision, then a sudden decision made by one or a few select senior administrators, with minimal consultation (least of all with those most affected), and little or no published rationale or case made. Such a style is the antithesis of everything a university is supposed to stand for. The essence of academic work is to arrive at the best approximation to truth or the best decision. So, you base a case on evidence and sound public argument; you invite criticism, not reject it as an impertinence.

Academics are committed to speak the truth as they see it on academic matters. If they are too afraid to do so, they are not fulfilling their academic role. When I was a student, I heard Orr say something very close to this on many occasions. In fact, as the Dip. Ed. issue unfolded, I was increasingly conscious of Orr's example of going public. He made me aware that people *can* speak out against incompetent or malevolent administrators, and even win, as happened in the Tasmanian Royal Commission. The differences are that Newcastle had no Royal Commission, and I didn't win. But then, I didn't lose so drastically as Orr did in the end.

What I found particularly infuriating was that my Department, which just prior to this had had a better record for obtaining research funding than any other Department of Education in Australia, was apparently being crippled for political reasons. And those who were doing so were the university administration, whose job it was — then, but alas no longer — to facilitate the work of academics, not to sabotage it. I think that several others who resigned around the same time thought along similar lines to me.<sup>20</sup>

It is infinitely sad that now university administrators universally in Australia do not agree that academics should speak the truth as they see it. But that theme is taken up in the final Chapter.

### **Setting the stage for Dawkins**

Events at the University of Newcastle were dramatic and singular enough, but in several respects they were symptomatic of problems in the tertiary sector as a whole.

An issue that caused considerable public outcry, not only at Newcastle, was the perception that some academics in professional faculties were “moonlighting,” some running their businesses from university offices, using university secretarial staff and resources, and undercutting local professional services. There was more than a suspicion that they were neglecting their university duties in so doing.

There were clear rules for outside earnings, but Don George denied that the guidelines were being exceeded. He went further. He said there were two groups of people who objected to academics doing outside work: those in the community who regarded it as a challenge to their own incomes, and those in university who did not have the capacity to earn income from outside work: “Jealousy sometimes

comes into it...”<sup>21</sup> Such a statement could be seen to endorse moonlighting. The resulting public image was hardly positive. Where George might have been different from other VCs in addressing this issue was his refusal to admit that anything could be wrong.<sup>22</sup> Now, of course, moonlighting is compulsory, as long as the university gets its cut.

Another public perception — again general, not only at Newcastle — was that study leave was misused. Study leave is based on the assumption that research, the discovery and creation of new knowledge, is a complex and cooperative venture, undertaken by building on the knowledge accumulated by scholars who may reside in universities or institutes anywhere in the world. The process of creating knowledge is greatly facilitated when it is a dialectic one. That is, talking with knowledgeable others about your ideas sparks off new ideas. Researchers need to travel to where their particular research action is at its most active. They need public time to disseminate and test their ideas on fellow experts; they also need individual time for reflection. Study leave is designed to provide for these complex needs.

In many universities — and colleges, which raises different issues — staff who were not seriously undertaking research were nevertheless granted study leave as of right, generously supported with travel grants, with little or no obligation to produce serious evidence that the time and money spent was in fact an investment of public funds for the eventual public good. This was particularly the case in the advanced education sector, where academics were not even expected to undertake research, but where many were still granted study leave (admittedly a lower proportion than was granted to university academics). I have heard some boast about what a terrific rort it was. In many institutions, study leave had become a hugely generous long service leave, and like long service leave, was seen as earned retrospectively, and free of obligation. Study leave was not meant to be retrospective at all, but prospective, an academic investment.

We shouldn't therefore have been surprised when a Dawkins emerged. It had become only too easy to make the case that universities generally had mishandled their freedom, a perception the antics at Newcastle would have done little to dispel. As David Clark, a reporter with *The Australian Financial Review*, wrote<sup>23</sup>:



Do we really need more than the 19 universities we have already — or fewer but better ones? Take, for example, the University of Newcastle. Currently it is plagued with the following problems:

- Allegations that members of the Commerce Faculty used the university's tax-exempt status to operate a tax avoidance scheme for their personal benefit.
- Friction between the community and the university over academic "moonlighting" and concern from many academics that academic standards are declining as a result.
- Intervention by the Governor of NSW, Sir James Rowland, who is Visitor of the University, after an Associate Professor called for an investigation of the administration's handling of a dispute ...
- A long running dispute involving a former member of the Department of Commerce, Dr. Michael Spautz, who alleged in 1979 that the then head of the department was guilty of plagiarism ...
- A decision to build a \$0.5 million new Council/Senate chamber at a time when the university has staffing problems and departments are facing cuts in teaching funds.
- Demands that the University Council be dismissed ...
- Suggestions that the Newcastle CAE and the University be amalgamated. The CAE staff are keen to be transformed into university lecturers but in the light of the above surely there is a case for subsuming the University of Newcastle into the Newcastle CAE

This incredible ragbag of concerns suggests that the university should at least be the subject of a wide-ranging external Inquiry — with one of the options deserving serious consideration being its closure.

Of course, such problems are not confined to the University of Newcastle ...

This is strong, opinionated stuff, but it seems to indicate the public concern over the dubious situations universities had got themselves into. And the advanced education sector, with the help of its political allies, skilfully exploited the situation, even though the rorts and incompetence were undoubtedly greater there than in the university sector itself.

Clark's suggestion that the University of Newcastle might better be subsumed under Newcastle CAE was actually what happened on a national scale. Under Dawkins, the whole tertiary sector was transformed into a university sector in name, but a massive advanced education sector in structure, management, and function. Consider: Universities were now to offer courses to provide for the market,

teachers were “multi-skilled” to follow the market forces, and institutions were managed top-down, not collegially (see Chapter 4). All these are characteristics that originally belonged to the advanced education sector, but today are characteristic of universities generally. With the exception of a few of the sandstone universities, today’s universities are little more than glorified teaching colleges, with a guided research agenda if someone else pays for it. The classic idea of scholasticism, the creation and learning of knowledge for its own sake, is virtually gone, a quaint frippery of more frivolous times.

And part of the tragedy is that universities must take much of the blame for this, in their refusal to listen to whistleblowers, and so to clean up their act.

The burden of this chapter is that the demise of the classical university was foreshadowed well before Dawkins got his axe from the woodshed. One moment of truth was at the Newcastle University Council Meeting in October 1986, when it agreed with Senate’s representative on Council: *You can’t let academics determine policy*. Once universities act on that assumption, the game is lost. In a true university, the role of the university administration is to facilitate the work of academics. When the role of academics is to serve the purposes of administrators, you are dealing not with a university but with something else.

Corporatisation has sealed this transformation, and universities are now in the scholarly sense dead. In the 1996 Boyer Lectures, Pierre Ryckmans said:

A true university is (and always has been) anchored in values. Deprived of this holding ground, it can only drift at the caprice of all the winds and currents of fashion, and, in the end, is doomed to founder in the shallows of farce and incoherence.<sup>24</sup>

The farce became tragedy for some at the Universities of Tasmania and Newcastle, precisely because fleeting and irrelevant priorities over-rode academic principle. That was what Sydney Orr was fighting for in 1954. Whatever else he may or may not have done is irrelevant in that context.

The universities began to lose the plot probably as far back as the seventies, and it has steadily unravelled since then. And now the university sector is paying for it, very heavily indeed.

### Acknowledgements

I invited all major parties to comment on an earlier draft of this Chapter. I am grateful to Professor Don George for his considered and detailed responses, which I have endnoted where I thought most appropriate. Professor Michael Carter replied that I was inaccurate and selective. I asked him to point out where, or to compose a general reply with the assurance of its publication, but I received no reply to that invitation. GS at first stated that there were items of information and innuendo that were “totally incorrect” but agreed to “assist in any way I can,” offering to provide a list of items where she thought I was incorrect. She also in that letter pointed out that proceedings between her and the University of Newcastle were on foot in the Supreme Court. Shortly afterward, however, she wrote that she was unable to provide the promised list of corrections, or to make further comment, beyond saying that I and my publishers “must take full responsibility should it transpire that your description of matters relies upon incorrect and/or incomplete source materials.” I have therefore restricted myself here to the barest of facts, as they appeared in Justice Allen’s judgment in her favour. Other details on this case can be found in Parkes’s submission to the Senate Inquiry (see endnote 8).

### Postscript

Within days of going to press, I received news that Coral Bayley-Jones — denoted in this chapter as GS — had died. Her inability to sue for defamation posthumously allows considerably more freedom in presenting the case than I have detailed thus far, but it would take too long to carry out the now publishable research. I content myself with simply saying here that the full story would make a fascinating study, not to say a great feature film, of human deviousness and administrative gutlessness. If this sounds far-fetched, I suggest a close reading of Parkes’s Senate submissions (see especially third website, endnote 8).

### Notes

1. Another account of many of the events related here is given in Don Wright’s *Looking Back: The History of the University of Newcastle*, University of Newcastle, 1992, the “official” history of the University. That book has had a stormy passage. One VC, Keith Morgan, held up production for 18 months because he didn’t like what it said about him, and when it was finally published, it immediately became the subject of legal action from another party, and has been withdrawn from sale, as I discovered when I wrote to the University to obtain a copy as background to this Chapter. I eventually received a copy from Ken Dutton, former Vice-Principal of the University and Professor of French, who on its publication had wisely

invested in two copies. Writing histories about Newcastle University is evidently a risky business (see Acknowledgments at end of Chapter).

2. Quoted in Ken Dutton's *Auchmuty: The life of James Johnston Auchmuty*. Mt. Nebo, Q: Boombana Publications, 2000, p. 321.

3. Don Wright, op. cit., p. 99.

4. Private communication, 19 November, 1999.

5. For a fuller account of this case see B. Martin (1983) "Disruption and due process: the dismissal of Dr. Spautz from the University of Newcastle." *Vestes*, 26 (1), 3-9. On the specific issue of the alleged plagiarism, see B. Martin (1984). "Plagiarism and responsibility," *Journal of Tertiary Educational Administration*, 6 (2), 183-190.

6. *Report of the Executive to the members of the Staff Association on the recent dismissal of a tenured member of the academic staff of the University*. Authorized by the Executive of the University of Newcastle Staff Association. 11 July, 1980.

7. George disagrees: "My support for FAUSA was, I thought, understood at Newcastle — I ... recall the great work it did from 1960 (when I came back to Sydney from Lucas Heights), to become a member of SAUT and ultimately its president for two years and many meetings were taken up with the Orr case. I do not remember FAUSA having any serious problem over our handling of the Spautz affair ..." All this is true. George was a leading light in FAUSA, including during some of the Orr negotiations; and likewise, FAUSA at Newcastle did not express any problems over the Spautz affair. It should have done. Spautz held strong right wing views, disapproved of FAUSA on principle, and was never a member of the Staff Association. FAUSA appeared to be taking the view that it supported members only, and in so doing, missed the point that a very important principle was at stake; specifically, that here was a disturbingly close rerun of the Orr Case.

8. The following are the web addresses for Parkes's Submissions to the Senate Inquiry :

[http://www.aph.gov.au/senate/committee/eet\\_ctte/public%20uni/320a%20Parkes%20suppl%20sub.doc](http://www.aph.gov.au/senate/committee/eet_ctte/public%20uni/320a%20Parkes%20suppl%20sub.doc)

[http://www.aph.gov.au/senate/committee/eet\\_ctte/public%20uni/320b%20Parkes%20suppl%20sub.doc](http://www.aph.gov.au/senate/committee/eet_ctte/public%20uni/320b%20Parkes%20suppl%20sub.doc)

[http://www.aph.gov.au/senate/committee/eet\\_ctte/public%20uni/320%20Parkes.doc](http://www.aph.gov.au/senate/committee/eet_ctte/public%20uni/320%20Parkes.doc)

9. *Newcastle Morning Herald*, 25 July, 2001.

10. NSW Supreme Court (1990) 22 NSWLR 424. Most of the factual details have been abstracted from this judgment.

11. George comments: "If the inference here is that I didn't want to know what the College was up to, you couldn't be more wrong — we were totally distrustful of Eddie Richardson and were, in the nature of things, pretty well

informed about the College's shenanigans. My concern was for your position — any member accepting appointment to a Board or Council owes a certain loyalty to that body, respecting confidential matters, and must of necessity declare any conflict of interest (not just over financial matters), removing themselves from that particular debate or in the ultimate, choosing to resign.”

This raises the question of an appointee's loyalty. I was appointed by the Minister (along with two other University staff members) precisely to try to curb the “shenanigans” at the College — but before amalgamation was an issue. I always saw my loyalty as belonging not to a specific administration of the College, but to the higher education sector as a whole. My “conflicts of interest” were declared loud and clear virtually every meeting of the CAE Council, once amalgamation was on the agenda. But it was by then a futile commission, and eventually I resigned.

12. See Wright, *op. cit.*, pp 155-56. This tide only started to turn when the University's Staff Association Executive started actively lobbying politicians.

13. See Christopher Dawson, “Newcastle run like an oligarchy: professor.” *The Australian Higher Education*, 26 August, 1987. This is an account of an interview I gave in which I said, *inter alia*, “The root of the problem is not because of the personal wickedness of individuals, but the university's structure ... it is an oligarchy.” See also *Opus*, University of Newcastle, August, 1987. I did not know how prescient I was. This is precisely the structure of the new post-Dawkins corporatised university.

14. George comments: “What I primarily wanted was to avoid Newcastle University being singled out for amalgamation with a CAE when none of the other 17 universities was facing this downgrading. (Wollongong had earlier swallowed up its adjacent CAE because their VC, Michael Birt, wanted it, and there was no Eddie Richardson there with similar ambitions). I wished us to stay in the ‘real’ university league. ...”

15. On this, George writes: “Strangely, far from wishing to weaken the Education discipline, my motivation was to preserve its rightful place in an un-amalgamated university — my recollection is not any pressure from Canberra but rather our own reasoning of a way out of the attack that the College and we were doing the same things and not in co-operation.” Nevertheless, the common perception was that the decision was made in the hope that “this sacrifice ... would appease the gods in Canberra.” (Wright, *op. cit.*, p 199). One of our major concerns was that none of these negotiations included anyone from the Faculty of Education. Nobody on the University side, but everyone on the College side, really knew the technicalities of what was involved. This is where the University Administration was so arrogant, and where they were accordingly taken to

the cleaners on the deal. Hence the “self-destructive lunacy” (see above) of the proposals.

16. Quoted in Dutton, *op. cit.*, p. 341.

17. Which also allowed me to take verbatim notes of what had been said.

18. Polya J. B., & Solomon, R. *Dreyfus in Australia*, Sydney, 1996, p. 77.

19. B. Martin, C.M.A. Baker, C. Manwell, & C. Pugh (Eds.) *Intellectual suppression*, Angus & Robertson, 1986; Q. Dempster, *Whistleblowers*, ABC Books/Allen & Unwin, 1997.

20. *The Newcastle Herald* (19 March 1987) reports my own resignation, that of two other senior members of the Department of Education, and those of the Professors of Mathematics and Computer Engineering. An editorial in the same issue states in part: “The drain of distinguished academics reported this week may not be worrying everyone at the University of Newcastle, but it should. Good academics ... tend to grow roots where they believe they have they have achieved a position of quality in their disciplines. So when a drift is observed, the aspect of quality needs to be looked at ...”

21. Quoted in “Students union calls for Inquiry into ‘moonlighting’ academics.” *The Newcastle Herald*, August 13, 1986.

22. Don George: “On this matter, the Council of the University backed the rights of staff to such earnings and the merits of such activities but gave strict instructions that the rules were to be obeyed without explaining how to deal with staff (if any) who declined to provide truthful returns to my annual questionnaire. I do not believe in an academic police force nor in outside interference in internal matters but followed up any whistleblower’s hints (never in writing) and generally was confident that wrong-doing was rare. ... Both outside earnings and study leave have always had many critics outside the university system and needed, as I saw it, my public defence.”

His final comment: “You are of course entitled to critically analyse any or all of the administrative decisions of the University of Newcastle during the years you were there, but surely the primary cause of today’s troubles lies with the growth of *economic rationalism* with all the damage this has done to caring societies. When coupled with its twin, *academic rationalisation*, and the vindictive attitudes of the present government in Canberra, it is not surprising to read as one can on today’s *Australian Higher Education Supplement* (November 29, 2000, p. 27), the top headline: Another team down the brain drain.”

Don George and I disagree about many things, but I am glad we do agree on this.

23. David Clark, “Taxpayers are supporting quantity, not quality academic institutions.” *The Australian Financial Review*, 3 November, 1986.

24. P. Ryckmans, *The view from the bridge. The 1996 Boyer Lectures*. ABC Publications, 1996, p. 6.