

Chapter 9

The University of Newcastle: Prelude to Dawkins, an update¹

John Biggs

A university of contradictions

In 1973, I took up a Chair in Education at Newcastle University. 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 Newcastle 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."² 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."³

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 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. As David Clark, a reporter with *The Australian Financial Review*, wrote⁴:

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.

The University of Newcastle was not the only one that needed straightening out, by any means, but it was probably the worst and the one with the highest public profile, as Clark's article suggests. The University's record presented an open invitation to an ambitious spoiler like John Dawkins to take the axe from the woodshed. But before I get on to that, let me elaborate on some of the more incredible of Newcastle's particular ragbag of concerns.

The basic problem was that Auchmuty had tailored idiosyncratic and top-down decision-making structures to suit his own ample form, but they didn't suit the style of his successor, George. He was off-campus quite a lot as Deputy Chairman of Council of the Asian Institute of Technology in Bangkok, and as Chairman of the Australian Atomic Energy Commission, positions he took because he thought it would "be good for the University's standing."⁵ 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.

There was a power vacuum on campus. Interventionists abhor power vacuums and Professor Michael Carter was an interventionist. He was elected to the powerful post of Deputy Chairman of Senate, designed by Auchmuty for a once-only three year incumbency so it could be spread around the senior academic staff. But Carter was re-elected, not only once but twice. As we lurched from crisis to crisis, Mick, as he was affectionately called, enjoined us in the ringing Thatcherite rhetoric of pain: 'Bite the bullet! Tighten the belt!' And as each election of the Deputy Chairmanship drew nigh: 'We must have continuity of leadership in these desperate times! Re-elect me!' It's an old political trick but it worked every time. 'Yes,' echoed members of Senate, 'we must re-elect Mick Carter!' Whose own girth, be it noted, was if anything wider than at the previous election, his own teeth unworn by bullet biting.

For years, Mick sat on all the important Committees, filling the vacuum created by George's management style. The administration stumbled along making mistake after mistake. Partly for political reasons, partly through fuzzy management, the stake academics themselves had in decision-making was undermined: Carter had become a *de facto* CEO. 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, decision-making was top-down but confused, legitimate structure for due process being by-passed.

Two notorious cases, the Spautz Case and the Bayley-Jones Case, wasted millions of dollars in legal fees and settlements, both in and out of court, not to mention the incredible waste of man hours, stress and pain, for over a decade. These dreadful mistakes were traceable to Mick's paranoia and lack of judgment, which he masked with fast footwork and smooth, British urbanity.

These created just the sort of jolly news, I'm sure, that in 1988 helped John Dawkins decide it was time to chop up the tertiary system.

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, was not impressed with the appointment; he studied Williams' Ph.D. thesis, recently completed at the University of Western Australia, and was less impressed still with what he found: methodological problems and unacknowledged secondary sources, which he thought amounted to plagiarism.⁶ 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 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. As he had promised, he blanketed the campus 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 Mick 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," a fact-finding committee. The question of what constituted "good cause" for dismissal, as requested by Council in the original terms of reference, was confused.⁷ 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. Orr had been 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)⁸. Another problem with Spautz's manner of dismissal was that some of those involved in the dismissal proceedings were hardly disinterested; they were being threatened with libel by Spautz.

Spautz had been handed the grounds for a wrongful dismissal suit on a plate; 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 in their handling of the Spautz case.

The Bayley-Jones case

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

Bayley-Jones was a doctoral student in the Geography Department, with Associate Professor Don Parkes as her supervisor. In 1984 he submitted a report to the Doctoral Degree Committee that:

- was critical of her academic work,
- pointed out serious enrolment irregularities,
- she was ineligible for a Commonwealth grant she had been awarded, and
- she was plagiarising not only the work of others but her own, namely dissertations she'd already submitted elsewhere, at the University of Loughborough and Murdoch University.

The university lawyers advised, wrongly in terms of the University's own Regulations, that her enrolment was valid. The Chairman of the Committee was the ubiquitous Mick Carter, who steamrolled her candidature through the Doctoral Committee ignoring the other matters Parkes had raised. Parkes resigned as

supervisor in protest but Carter appointed himself supervisor: never mind that he was a sociologist and the thesis was in geography. However, as they were neighbours for a while in the suburb of Merewether, there was every opportunity for a meeting of minds of over their differing disciplinary perspectives. Her thesis was completed and was formally sent out for examination.

Parkes, righteously outraged, prepared a more detailed report on his original concerns, which was examined and endorsed by an independent committee chaired by Professor Laurie Short. On hearing of the Committee's findings, Bayley-Jones threatened legal action and the Short Report was shortened terminally. Parkes appealed to the Visitor to the University, Sir James Rowland, who supported Parkes and ordered the University to stop the examining process. George had by now retired but the new Vice-Chancellor, Keith Morgan, no doubt briefed by Carter, encouraged Senate to vote *against* accepting the Visitor's direction to stop the examining and to accept the examiners' reports in defiance of the Visitor's ruling. It was a stormy Senate meeting; Parkes requested to be present but was treated disdainfully by both Morgan and Carter. They were so determined to belittle him that they ignored what he was trying to tell them—that what they were about to do was illegal.

When the Administration finally came to its senses, Bayley-Jones' candidature was terminated on the grounds of invalid enrolment. But the University lawyers had not only advised that her enrolment *was* valid but had thoughtfully provided Bayley-Jones' lawyers with this opinion. It was a gift. Bayley-Jones herself appealed to the Visitor, now Sir David Martin, seeking reinstatement, resumption of the examining process, and compensation and costs. The Visitor ruled that the regulations as cited by the University were the wrong ones, and recommended, not compensation, but a modest "solatium" of \$6,000. Not enough. Bayley-Jones 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.⁹ 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. Bayley-Jones 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, relying heavily on inappropriate legal advice about the University's own regulations, 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 did not happen; neither did the University investigate the substance of Parkes's initial 1984 report to the Doctoral Committee, contrary to its own regulations.

The history of the University, Don Wright's *Looking Back: The History of the University of Newcastle*, had a stormy passage. Vice-Chancellor Keith Morgan held up production for 18 months because he didn't like what it said about him, and when it was finally published in 1992, it immediately became the subject of legal action from Bayley-Jones, who didn't like what it had said about her. The Administration, under yet another Vice-Chancellor, terrified of another encounter with this formidable lady, withdrew its own official history from sale.

The damage caused by the University's handling of just the Spautz and Bayley-Jones cases was colossal: to the people concerned, to the University's own national and 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.

Perhaps it is possible for institutions to become psychotic, independently of who is running them. Certainly, institutional madness was still being displayed three or four Vice-Chancellors after the George-Carter regime. A culture of lying and cover-up had become endemic, resulting in 2003 in the University being investigated by the St. James Ethics Committee, over yet another plagiarism case. University regulations and procedures were heavily criticised but Administration was cleared of deliberate wrongdoing, but soon after the Report was received, both Chancellor and Vice Chancellor resigned. They denied any connection between the report and their resignations.

A postscript to all this endemic chicanery. Don Parkes thought that if Bayley-Jones could be granted a degree known to have been produced under fraudulent circumstances, then a degree from the University of Newcastle was worthless. Parkes had two of the things: a masters and a doctorate. He sent his degree certificates back to the University Council. The Council refused to accept them.

In a specially convened public seminar at the University, which the University insisted in videotaping, Parkes gave a detailed, documented account of the University's failings in handling the Bayley-Jones case.

At the conclusion of which, he publicly tore up his degree certificates.¹⁰

How to please our lords and masters and avoid amalgamation

In 1981, the State Minister of Education was concerned about many reported problems at the Newcastle College of Advanced Education (NCAE) under its new Principal, Eddie Richardson. The Minister reconstituted the Council, first sounding out prospective members as to their willingness to adopt a watchful role over the College administration. I, as Dean of Education, was approached, and as Eddie was making life extremely difficult over co-operation between my Faculty and the College, which was just across the creek from the University, I happily agreed. Then all of a sudden the game changed.

The Fraser Government's Razor Gang ordered the amalgamation of NCAE and the University. NCAE's management problems promptly faded into insignificance, as far as the State Minister was concerned. The issue now was that NCAE (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 NCAE Council swiftly closed ranks with Eddie (except me and a couple of others) 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." He

thought my loyalty was to the NCAE Council, I thought my loyalty was to the quality of the tertiary sector as a whole.¹¹

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 was brewing: 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 would have a new name: “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, would certainly have won the day, leaving Newcastle's tertiary sector in a state befitting Eddie's deliberately worded acronym.

But if Richardson's nomenclature did not endure, his concept did, outlasting the man himself. In 1989, Vice-Chancellor Morgan 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.

When Labor won the 1983 election, amalgamation was off the agenda. The life of the University went on as usual, with Spautz, Bayley-Jones, the Rose incident (whereby a newly appointed professor left within weeks claiming he had been misled), the Academic Plan (which disadvantaged selected departments without prior consultation), the Rigged Failure Rates (another face-saving case where the University breached its own examination regulations) and other items on David Clark's list to keep us amused.

In 1985, the Commonwealth Tertiary Education Commission (CTEC) raised the matter of “rationalisation” between NCAE and the University: amalgamation was back on the agenda.

In 1986, the year of his retirement, Don George became convinced 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.¹² 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.¹³ 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 was self-destructive lunacy; the College leadership 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 nonconsultative *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 personalised structuring of the University 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.¹⁴

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 was the ubiquitous Michael Carter, who refused 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 all over 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. Given permission to speak, I summarised Education's 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 ...

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. Not that that made any difference to the outcome; the State Labor Minister had again

reconstituted Council, beefing up the representation of NCAE with the appointment of several NCAE senior administrative staff. The 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 still wanted the Dip. Ed. 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 ..."¹⁵

I began to recite the mistakes.

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 two members — I was one, Carter the other — and with acclamation expressed its confidence in its representative on Council for not representing Senate on Council.

Senate’s resolution on the Dip. Ed. went 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 saw that the University of Hong Kong was advertising the Chair in Education. Hong Kong being sufficiently distant, 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

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? Forty years ago, Orr was dismissed on a ruling that undermined tenure, in 2001, when tenure had become a joke in the new corporatized universities, Wollongong academic Ted Steele was sacked, but back in the 1980s, when academics officially had tenure, why shouldn’t they speak out on academic matters? It was their duty!

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, what does this sort of talk do to the academic reputation of the University? What does that then do to my research funding applications, to 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 reaffirm 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 is what I can only call the cowardice of too many colleagues. They agreed with me 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. Today, it is much worse; crossing management is definitely ill-advised if you want your livelihood. 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.

But then, when their bread was not at stake even if their cake might be, if academics had only stood up to be counted, universities might not be in 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.

There are several theories of whistleblowing.¹⁶ 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, even if he personally lost heavily. 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 to be crippled for political reasons. And those who were doing so were the university administration, whose job it was — then, but arguably 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.¹⁷

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 idiosyncratic 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 the university who did not have the capacity to earn income from outside work: “Jealousy sometimes

comes into it...”¹⁸ The public image resulting from a statement that seemed to endorse moonlighting 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.¹⁹ Now, moonlighting is virtually 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. 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. 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. At least in today’s universities study and conference leave procedures have become much more accountable than they were when Dawkins struck.

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 that the antics at Newcastle would have done little to dispel.

David Clark’s suggestion, quoted in the opening section, 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. Many of 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 set up the corporate structure for universities. One moment of truth was at the Newcastle University Council Meeting in October 1986, when it agreed with Professor Michael Carter, 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.

The bulk of this Chapter was written in 2001. Since then, the university sector has changed considerably. The Howard Government trimmed public funding from over 90 per cent of an institution’s budget to near 30 per cent, thus forcing universities into the market place to scabble for money, principally by charging higher and higher fees, with international students an important source of funds. This also forced them to look to their quality of teaching in order to compete. Whatever good results this has achieved—and there are some—it has changed the nature of universities so that instead of the pursuit of scholarship being paramount, it is now the marketing of knowledge.

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.²⁰

The farce became tragedy for some at the Universities of Tasmania and Newcastle, precisely because fleeting and irrelevant priorities over-rode academic principle. The universities generally began to lose the plot probably as far back as the late seventies.

What is now emerging is a new kind of institution, more on American lines, but without the massive private endowments that good American universities attract from their alumni, and that can provide the infrastructure needed for untrammelled research and scholarship. No doubt these Australian neo-universities will serve a useful function in an opportunistic, modularised society, but if we are to progress as a nation, we still need one sector that is dedicated to the pursuit of knowledge for its own sake, not for what knowledge is worth in the market place.

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 end noted as appropriate. Professor Michael Carter replied that I was inaccurate and selective; on asking him where, and could he provide correction where he saw fit, I received no reply. Coral Bayley-Jones replied in terms that seemed to be dictated by her lawyer: “you and your publishers must take full responsibility should it transpire that your description of matters relies upon incorrect and/or incomplete source materials.” I am satisfied that the contents of this chapter are true.

Notes

1. The original version of this Chapter was muted for legal reasons. Circumstances have now changed and so I can go into more detail; I have also taken the opportunity to update aspects of the Newcastle story.
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. David Clark, “Taxpayers are supporting quantity, not quality academic institutions.” *The Australian Financial Review*, 3 November, 1986.
5. Private communication, 19 November, 1999.
6. 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.

7. *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.

8. 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; 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.

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

10. 'Angry academic destroys degrees,' *The Newcastle Herald*, 22 August, 2003.

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. 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. ..."

13. 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.

14. Quoted in Dutton, op. cit., p. 341.

15. 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.

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

17. *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 ..."

18. Quoted in "Students union calls for Inquiry into 'moonlighting' academics." *The Newcastle Herald*, August 13, 1986.

19. 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.

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