

Axed academic treated 'worse than murderer'

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Aban Contractor
Higher Education Writer

The University of Wollongong gave an academic less natural justice than a murderer could expect when it sacked him without warning a year ago, a Federal Court judge said yesterday.

Justice Murray Wilcox, presiding at a full bench hearing of an appeal by the university against a judgement that it had erred when it sacked Dr Ted Steele, said he was shocked by the university's behaviour.

"I find it remarkable that a university, of all institutions, of all employers, an institution that we've been brought up to regard as open and liberal and fair, should seek to exercise the power to sack somebody for discipline reasons without giving notification to them - I find [it] extraordinary, I have to say.

"Look, even murderers are entitled to be heard in their defence. The suggestion that an academic, whatever his or her offence, is not allowed to make a defence - for a university to put that proposition, I repeat, I just find it a shocking proposition."

Dr Steele, a senior biologist who had been at the University of Wollongong for 16 years, was sacked by the vice-chancellor, Professor Gerard Sutton, after telling the *Herald* at the height of last year's furore over soft



Sacked Steele . . . judge is shocked.

marking that he had been told to upgrade student marks.

Another appeal judge, Justice Richard Conti, said the kind of allegations made by Dr Steele appeared to be "legion" as a result of the funding difficulties faced by universities in recent years.

"I read the newspapers and I hear from friends in university - those sorts of complaints are legion. I don't know [what the] big deal is."

Counsel for the university, Geoffrey Flick, SC, told the court that the university regarded the case as important because it

wanted to know if it had the power to sack an employee without notice. "As we would have it, it would be exceptional to deny an employer that power."

But Justice Wilcox said it would be a very exceptional employer that could lay claim to such a power. "And for that to be claimed by a university, it shocks me a little."

A spokesman for the university said outside the court that the judges' comments were made without access to the full facts of the case.

"The university firmly rejects any suggestion that Dr Steele was denied an opportunity to have his say," he said. "Dr Steele was given a number of opportunities to substantiate his claims and was unable to do so."

The president of the National Tertiary Education Union, Carolyn Allport, said Dr Steele had been without work and pay for a year.

"We remain confident that the full Federal Court will confirm Justice Branson's earlier decision and that we will soon see Dr Steele reinstated," she said.

"We believe that this will send an important message to all university managers that allegations against staff must be tested before dismissal is considered."

The court reserved its judgement and is expected to rule within weeks.