

Academic was jailed illegally

By BILL WEST

FORMER Newcastle University academic Dr Michael Spautz was wrongfully imprisoned for 56 days after refusing to pay court costs in an action against one of his fellow academics, the NSW Court of Appeal confirmed this week.

The court upheld a NSW Supreme Court ruling that there was no legal authority for jailing Dr Spautz for failing to pay court costs of \$5000 after he lost a defamation action against the head of the Commerce Department at Newcastle, Professor Alan Williams.

Dr Spautz went to jail on October 25 to serve a 200-day sentence. He was released after 56 days when Mr Justice Lee upheld his claim that, because the criminal defamation proceedings in which the costs order was made were indictable proceedings, there was no authority to jail him.

Mr Justice Lee found there was no provision in the Justice Act which authorised such a warrant in relation to indictable proceedings, only for those relating to summary offences, and the imprisonment was therefore illegal.

Dr Spautz has brought a range of legal actions against people connected with the Newcastle campus, including the Vice-chancellor, Professor Don George, and the Deputy Chancellor, Mr Justice Michael Kirby, since he was dismissed by the university in 1980 on the ground that his conduct had rendered him "unfit" to continue in office.

Dr Spautz joined the university as a senior lecturer in the Department of Commerce in 1973. A conflict developed with Professor Williams in 1978 when Dr Spautz objected to Professor Williams's doctoral thesis, alleging plagiarism, and challenging Professor Williams's appointment.

Dr Spautz threatened litigation against Professor Williams early in 1979. The university council directed Dr Spautz to stop conducting his "campaign" against Professor Williams and after an inquiry he was dismissed.