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## Was Melbourne Model stoush behind the Law dean's departure?

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The departing dean of the University of Melbourne's Law School, Professor James Hathaway, was at the centre of an ugly stoush over the implementation of the University's controversial Melbourne Model just weeks before his resignation last Wednesday.

A damning series of internal documents, obtained by *Crikey*, reveals widespread anger from within the elite faculty over changes that would have seen up to four professional staff sacked and replaced with three senior bureaucrats, leading to a budget blowout and a "pyramid-like professional staff structure".

After serving as dean for just 18 months, Professor Hathaway announced his resignation last week, ostensibly to pursue refugee advocacy work. However, in the weeks preceding his resignation, an 80-strong staff led law faculty "deliberative group" was in active revolt over "the most significant changes experienced by a faculty in at least the last 20 years".

In the (<http://www.crikey.com.au/Media/docs/Deliberative-Group-Response-24069b80-d6a4-46fe-afc5-776cf28f35d5.pdf>)19-page, [39-recommendation salvo](http://www.crikey.com.au/Media/docs/Deliberative-Group-Response-24069b80-d6a4-46fe-afc5-776cf28f35d5.pdf) (<http://www.crikey.com.au/Media/docs/Deliberative-Group-Response-24069b80-d6a4-46fe-afc5-776cf28f35d5.pdf>), aggrieved staff blast the consultation process following the announcement of staff cuts on 17 September as "manifestly inadequate".

"The proposal to dismantle the existing professional staff structure, and to replace it with a quite different one, raises questions that have not yet been properly addressed in any process involving staff," it reads.

"We have serious concerns about exposing the faculty to substantial and ongoing financial liabilities, before a full consultation and evaluation of possible wider restructure of the faculty's administration."

The controversy stems from a restructure proposal put to staff by Professor Hathaway and the Executive Director of the Law School, Marian Schoen. Staff were provided with one week to formulate a response, however after significant angst, an extra week's extension was allowed.

The group said the changes, which involved employing a new layer of senior management to insulate Professor Hathaway, would lead to a \$500,000 blow-out in the faculty's bottom line.

The submission was followed by an [emailed back-flip](http://www.crikey.com.au/Media/docs/Email-from-Law-Exec-Director2-fc77e495-6cfb-4dcf-98f4-15c091e322c1.pdf) (<http://www.crikey.com.au/Media/docs/Email-from-Law-Exec-Director2-fc77e495-6cfb-4dcf-98f4-15c091e322c1.pdf>) from Ms Schoen on behalf of Professor Hathaway, that "apologised for any distress caused" and junked the proposed changes to the faculty's finance and resources, information technology and business services sections. The changes to the faculty's human resources department were upheld.

It is believed the tensions, reported a day before his resignation in [student newspaper \*Farrago\*](http://erez.printgraphics.com.au/erez4/fsi4/fsi.swf?pages_server=http://erez.printgraphics.com.au/erez4/pages_dir=*Kg1W1jhg/nL9hQrFBjvCMPwvcqPQZkgM7dOMzcfU2lo%2CwXUAFBSP0e2YLTioUmsXgY65oWeB.SA7pSzmAIQZlpX9%2CNmAiOCQzJQ%2CZBCrFaSFRi8zpm19firG3cfs9XawZgw%3D%3D&cfq=pages_presets/erez_defaults.fsi&pages_zoom=1&pages_print=1&pages_save=1&pages_search=0&MouseModes_Mode2=0&pagesounds_Library=pagesoundlib_coated.swf&pages_BendEffect=matte&plugins=resize,PageSounds) ([http://erez.printgraphics.com.au/erez4/fsi4/fsi.swf?pages\\_server=http://erez.printgraphics.com.au/erez4/pages\\_dir=\\*Kg1W1jhg/nL9hQrFBjvCMPwvcqPQZkgM7dOMzcfU2lo%2CwXUAFBSP0e2YLTioUmsXgY65oWeB.SA7pSzmAIQZlpX9%2CNmAiOCQzJQ%2CZBCrFaSFRi8zpm19firG3cfs9XawZgw%3D%3D&cfq=pages\\_presets/erez\\_defaults.fsi&pages\\_zoom=1&pages\\_print=1&pages\\_save=1&pages\\_search=0&MouseModes\\_Mode2=0&pagesounds\\_Library=pagesoundlib\\_coated.swf&pages\\_BendEffect=matte&plugins=resize,PageSounds](http://erez.printgraphics.com.au/erez4/fsi4/fsi.swf?pages_server=http://erez.printgraphics.com.au/erez4/pages_dir=*Kg1W1jhg/nL9hQrFBjvCMPwvcqPQZkgM7dOMzcfU2lo%2CwXUAFBSP0e2YLTioUmsXgY65oWeB.SA7pSzmAIQZlpX9%2CNmAiOCQzJQ%2CZBCrFaSFRi8zpm19firG3cfs9XawZgw%3D%3D&cfq=pages_presets/erez_defaults.fsi&pages_zoom=1&pages_print=1&pages_save=1&pages_search=0&MouseModes_Mode2=0&pagesounds_Library=pagesoundlib_coated.swf&pages_BendEffect=matte&plugins=resize,PageSounds)), became too much for Professor Hathaway, a respected scholar on refugee issues, who under the university's "responsible division management" process, had been forced to operate an internal fiefdom in the manner of a small business.

Earlier, according to the faculty's confidential business plan, Professor Hathaway had "acceded" to unpopular plans to increase the size of the Melbourne Juris Doctor (the two-year post-graduate law course) by 60 students to paper over a funding shortfall, a substantial increase in staff-student ratios. Some tutorials would increase to 60 students, from a current maximum of 30, under the plan.

Last week, Professor Hathaway revealed that his mother, at the height of the furore, had asked him to "quit being a bureaucrat and start doing good things for the world again".

The resignation statement from the University, released late last Wednesday, made no mention of the internal chaos engulfing the faculty, instead emphasising the dean's commitment to refugee issues.

"Professor Hathaway wishes to re-engage all of his energies to find answers to what is clearly a moment of crisis in the international protection regime", it read.

This morning, the University backed its original explanation for Prof Hathaway's departure. A spokeswoman said:

"Jim Hathaway has resigned to return to full-time academic life as he wishes to make a significant contribution to the important issue of refugee and asylum seeker law. Prof Hathaway acted appropriately and considerately in responding to concerns raised by his staff."

But NTEU branch president Ted Clark told *Crikey* that the brawl with staff had tipped the dean over the edge: "I think there was definitely an interpretation that the job was too burdensome. It was a big job and it was made even more difficult by the university's responsible division management process".

RDM, a core component of the controversial Melbourne Model, was implemented at the beginning of this year, under a directive from the university's governing council. It devolves bureaucratic work to the faculties, who are expected to take responsibility for the budget and staffing arrangements and pay "rent" to the central administration.

Law faculty staff have gone to ground following Professor Hathaway's departure. He is believed to be well-regarded, with the blame over the restructure sheeted back to Vice Chancellor Glyn Davis, who has staked his reputation on the university's rationalisation.

In July, 220 staff cuts were announced at the leading sandstone institution after the Global Financial Crisis laid waste to internal finances. *Crikey* understands the response to the offer of 100 voluntary redundancies has been overwhelming, with up to 190 staff submitting applications to the University's Human Resources unit.

