

Dear Editor

It was satisfying to see the two articles in the last issue of the *Alternative Law Journal* relating to the 'rationalisation' of Macquarie University's School of Law.¹ However, both articles only touched on the way in which the University's administration dealt with *students* who had concerns about the proposed changes to the School.

To put it bluntly, it was a sham — not least because the administration showed a total disregard for those students whose law program was being undermined and other students who were concerned about further account-driven restructuring. By way of background, many students opposed the merger, and those who did not were at least concerned about the ramifications it would have on the teaching methodology, class contact hours, the academics, and the rest of our program of study. The administration demonstrated it had no commitment to freedom of information, student participation in decision-making processes, and no respect for the students who were to be affected by the changes.

As an aside, the information targeted at students isolated the issue of the merger from issues of staff redundancies, the overall treatment of academics, and the exclusion of the Department of Legal Institutions. While these were issues students were also concerned about, we were largely excluded from them.

The first news (for students, that is) of the merger came in the second semester and only because a few academics recognised the importance of students being informed of changes that would affect them. After it was realised that many students knew about the proposal, the administration was compelled to inform them of the changes. Maybe 'inform' is not the right word. Law students received a letter from the Head of School, and another from four of the Professors from the School of Law and the School of Business Law. Needless to say, both letters were at pains to support the merger and to annihilate any possible discussion against it.

The letter from Michael Noone, Head of School, highlighted current 'inefficiencies' in the Macquarie University law degree. These included a comparative table of TER standards and another relating to employment of Macquarie law graduates. The aim was obviously

to offer a statistical justification for restructuring. The letter drew attention to statistics revealing that Macquarie graduates do not have as good a rate of employment in corporate law firms compared with other universities. Macquarie law graduates were, however, highly represented in the public sector and post-graduate studies. In fact, the statistics should be taken as a positive appraisal of the law program at Macquarie. Further, the letter seemed to offer anything but an academic reason for restructuring, reducing tertiary legal education to mere vocational training.

The letter from the four professors claimed that restructuring was an inevitable consequence of, as Touchie and Veitch put it, 'the lack of collegiality'. There were no academic reasons proffered for the restructuring, and it sought to lay blame with the academics themselves. Although I cannot fully understand the personal atmosphere of the School, it is by no means in itself an adequate reason for the restructuring. The letter reduced the issue to personal terms and, since the law students could not fully appreciate the state of relations between the academics, presented it as a *fait accompli*. It not only served to silence any discussion, it also created a split between students and academics.

So much for critical thinking and so much for being informed. Dare I say, it is ironic that these legal academics, who presumably encourage their students to think critically and be informed about all the facts, totally disregarded informed discussion and debate in this situation.

As can be seen, not only were students provided with little information about the changes, but the information they did receive was nothing more than an exercise in marketing.

As a consequence of this lack of information, students were not able to participate in the decision-making processes leading up to the final decision. Certainly forums were provided where students could participate in the debate, but the meagre information we were given negated the value of that participation. And, yet, the restructuring would affect students so much (and has already).

Maybe this is not all that surprising since the administration of Macquarie University is ranked as one of the worst offenders when it comes to freedom of information (FoI). In a paper presented

at a recent conference on open government, the Deputy NSW Ombudsman, Chris Wheeler, reported that Macquarie University has had more complaints made about it than some government departments in relation to FoI.² In fact it has rejected more applications for information than the Department of Fair Trading, the Department of Corrective Services and Sydney Water. It also ranks just after the Department of Community Services.³

Another possible reason we were not informed is because, apparently, we cannot read or write. The University's Vice-Chancellor, Di Yerbury, contended this at one of the protests against the merger. All of the correspondence to students suggested that we were not capable of free-thought, and were 'duped' by those academics against the restructuring. As this indicates, respect for students, and indeed the academics, was wanting. We can read and write, we are more than capable of free thought; the problem was a lack of respect for students.

However, the entire issue goes further than internal restructuring. Law students are encouraged to think critically about legal institutions. A university law school is no less a legal institution than the Constitution, and the structure of a legal education course no less a legal institution than the practices of lawyers. We are encouraged to discuss, critique and challenge legal institutions. More importantly, we are encouraged never to take the assumptions upon which the law rests for granted. And, yet, when it comes to this particular institution, discussion is nullified, critique is made impossible and every assumption is accepted as final.

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References

1. Touchie, J. and Veitch, S., 'The Decline of Academic Reason', and Boehringer, G., 'Infamy at Macquarie: Economic Rationalism and the New McCarthyism', (1999) 24(1) *Alt.LJ* 26-32.
2. Wheeler, Chris, 'Public Sector Compliance with FoI in New South Wales', open government conference held by the Public Interest Advocacy Centre.
3. Of the total number of applications under the *Freedom of Information Act* (NSW), 45.5% were partly refused (compared with 40% by the Department of Corrective Services) and 9% were totally refused (compared with 8.8% by the Department of Fair Trading).