

# De Minimis

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## The BIP SLIP: How Melbourne University Exposed its True Nature

Alana Zepackic

By now we all know the rhetoric. The Business Improvement Plan, implemented by the University of Melbourne's senior management between 2013 and 2014, was designed to help 'support academic performance' and 'improve the student experience'. Two years later, after repeated attempts by both students and staff to engage with senior management and express their discontent, the mendacity of this promise could not be clearer.

We were told that the University would seek to invest more in systems and processes, with the aim of 'freeing up' student support staff to provide more 'personal face-to-face assistance'. An emphasis was placed on providing more support for students experiencing disability; however, at no point were any formal mechanisms put in place for distributing relevant information to those students who would be most affected by the proposed changes. Nor were those students consulted on the changes, or given a chance to contribute to or comment on the proposal prior to its implementation. Furthermore, the tenure of our Wellbeing Officer, Kate van Hooft, the single accessible staff member who appears to genuinely care about our health and happiness, remains uncertain after attempts to dissolve her job title were shouted down by students.

Similarly, staff at the University were merely informed at the end of 2013 by Vice Chancellor Glyn Davis of the 'innovative program to revamp service'. The official University press release reporting the Vice Chancellor's announcement contained no indications that there would be job losses, or sustained insecurity of tenure for professional staff. Instead, the emphasis was on the improvement of systems and processes with the resulting savings of \$70m per annum reinvested in teaching, research and engagement. Ultimately, however, the Business Management Plan abolished 540 jobs, with all remaining professional staff positions declared vacant and all staff required to re-apply for a diminished pool of jobs. These changes essentially destroyed the collegiality necessary to facilitate a healthy, productive and worthwhile learning environment for students. The hostility, stress and exhaustion caused by the BIP strategy is not only felt by staff, but by students who receive substandard support throughout a degree that turned out to offer much less than it initially promised.



Cartoon by third-year JD student Harley Ng

It is worth noting at this point that the senior management responsible for the implementation of the Business Management Plan belong to the lucky generation who benefited from years of free public schooling, fully subsidised tertiary education, and living allowances and scholarships which were actually sufficient to support out-of-home study. Accordingly, these are the same individuals who belong to the lucky generation who were able to retire in a secure financial position, with no accumulated debt from their education, and a strong employer-supported superannuation scheme. Marion Campbell, part of The People's Tribunal who inquired into the BIP at Melbourne University, observed that the kind of career she was able to enjoy – in a field with strong institutional and public respect and support – is already obsolete.

And as of 2016, with the removal of the student centre, increasingly stressed and exhausted lecturers, the refusal to supply an adequate number of classes for elective

subjects to meet student demand, the consistent mismanagement of reading materials, the offset of costs for that mismanagement onto students, increasing fees, diminishing job prospects, substandard exam papers littered with ambiguities and mistakes with little to no avenues of rectification for students, no recording of lectures, the curtailing of the Disability Liaison Unit, and the one million dollar monstrosity on main campus compelling us to 'BELIEVE', it would appear as though the kind of quality education Ms Campbell was also able to enjoy has almost completed its journey down the well-travelled path of obsolescence, enabling the Vice Chancellor to mainline our cash rather than waiting patiently for his jollies like a good little boy.

Someone should have told that guy to check himself before he wrecked himself.

Alana Zepackic is a third-year JD student

# A Welcome Back from the *De Minimis* Team



Louella Willis

Jacob Debets

David Vuong

Mariana Estifo

Tim Matthews Staindl

Duncan Wallace

Sarah Goegan

Welcome back to the quagmire of law school!! You're about to get sucked in and the only time you'll leave is when you'll be forced to go and wait in the line at Stop 1. But fear not – you're among friends! And, what's more, you have a creative release! Any time you feel a flash of brilliance be sure to get writing/drawing/photographing and send us in your results.

We also have a couple of updates for you.

The *De Minimis* team has been working hard this summer redoing our website and uploading articles and editions stretching back to the 1940s. While there is still some work to do, there is now light at the end of the tunnel and the project should be completed over the next few weeks. If you'd like to check out our

progress go to [www.deminimis.com.au](http://www.deminimis.com.au)!!

We've also been working on making ourselves an open, transparent organisation. We have put all of the meeting minutes, financial documents and archived materials on Google Drive and are willing to share all with those who would like to view them. Simply email us if you would like to do so, and we will give you non-editorial access to the whole drive. The only exception is documents which may infringe the privacy of our writers and articles we've received which are yet to be published.

Our motivation in doing so is two-fold. First, there is a wealth of archived resources which are not yet online and which people may want access to. In particular, the *De*

*Minimis* editions from the 1940s, '50s, '60s and '70s are a fantastic historical resource and should be open to all.

Second, we want to keep ourselves accountable. Our record-keeping so far has not been, ah, perfectly meticulous, and we are hoping that by opening ourselves up in this way we will be driven further in that direction. Further, *De Minimis* is written by law students for law students and law students should, therefore, have a right to see how we're run!

Here's to hoping it doesn't all blow up in our faces – and to a great 2016 at MLS!

Your Editorial team

## The People's Tribunal | Book Launch

### An Inquiry into the 'Business Improvement Program' at the University of Melbourne

John Morrissey

On April 11, 2015, the People's Tribunal met in the Brunswick Uniting Church to address and critique the University's "Business Improvement Plan", or BIP. The location was an evocative one. The church, dominated by an enormous wooden crucifix and stained glass images of the apostles, was not a legal forum, and the Tribunal was not a legal institution. Nevertheless, it was intimately concerned with older notions of *right*, natural law and natural justice. It goes without saying that University representatives were invited to the Tribunal to explain their own position. None took the offer up.

The Tribunal's purpose was, above all, to provide a place in which those affected by the BIP could detail how they were affected by it. This was of vital importance because the University systematically stifled the voices of its employees under cover of a managerial process of "consultation". The University skilfully co-opted its employees and made them complicit in the BIP process by forcing them to compete against each other for their own jobs. As a result, anybody who survived the BIP process was--in the most perverse sense imaginable--a beneficiary of the redundancies imposed on their colleagues.

Testimony at the Tribunal incorporated the anonymous statements of employees detailing the harm they suffered as a result of the BIP, as well as testimony from academics and other individuals who, despite not being

formally affected by the BIP (the University had worked through their ranks several years earlier) spoke in solidarity with the academic support staff who make their own jobs possible. Much of the testimony focused on the consulting firm hired to implement the BIP, Booz & Co. Booz & Co was formed after Booz Allen split into two companies: Booz & Co, and Booz Allen Hamilton. Booz Allen Hamilton has worked to help the United Arab Emirates form an NSA-equivalent organisation and was involved in metadata analysis as part of the American government's covert surveillance program.

The Tribunal was assisted by legal counsel drawn from the student body of Melbourne Law School. It was also presided over by Aunty Janet Turpie-Johnson, who sat on the Tribunal itself. Aunty Janet is an Anglican vicar and Aboriginal leader, and her prominence in the Tribunal process reflected the fundamental Aboriginality of the Tribunal. Aboriginal men and women were represented on the Tribunal itself, as counsel, provided evidence, and sat in the audience. In his opening statement, Aboriginal academic Philip Morrissey drew out the links between the University's authoritarian implementation of the BIP and the managerial attitude towards Aboriginal people reflected in successive government policies such as the Stolen Generation.

Some may ask what purpose the Tribunal served, if its pronouncements had no legal



Courtesy of The People's Tribunal

effect. To this it can be said that the very act of speaking back is itself an act of resistance. This principle is reflected in the following quote from a recent paper on neoliberalism, cited in the recently published book summarising the Tribunal's findings: "The case for the desirability, viability and sustainability of progressive alternatives will not make itself. Rather, it will have to be advanced in an environment deeply structured--not to say distorted--by several decades of cumulatively entrenched neoliberalism." The Tribunal's purpose was to make such a case in such an environment, and it succeeded in doing so.

John Morrissey finished the JD in 2015

*The People's Tribunal: An Inquiry into the 'Business Improvement Program' at the University of Melbourne* can be purchased at [www.discipline.net.au](http://www.discipline.net.au).



# Calling all Public Interest Nerds

Abbey Cone

So it's the beginning of a new year at MLS - the beginning of being inundated with the cries of student organisations trying to win your hearts and minds (and attendance), and here I am adding my voice to the fray.

The Public Interest Law Network (or PILN for those who want to add to the list of acronyms that make you sound like you know what you're talking about) is a student organisation that focuses on increasing awareness of public interest law issues and events happening both within and outside of the law school. We aim to connect students with volunteering opportunities and work within the sector by hosting events and sharing information throughout the year.

This year the executive committee is focused on making PILN open and accessible to anyone in the student body with an interest in the sector. To do this we will be holding open meetings during semester to foster discussion and awareness on current issues. If you have an interest in

public law, an idea for an event you would like to see happen or just want to meet some like-minded people please feel free to come along.

PILN's Facebook page is a space for students to share interests, events and volunteering opportunities, and our blog has a database of experiences volunteering with different public law organisations. I would encourage anyone interested in volunteering to give it a read and anyone who has completed any volunteer work over the summer to get in touch and let us know about your experience.

This is going to be a big year for PILN. We are looking forward to working with the student body to get MLS recognized for its engagement with, and action on, public interest law issues. If this sounds like something you would be interested in, check out our Facebook group and page or come along to one of our meetings, the first of which will be in week 2 on Wednesday at 1pm in Room 227.

*Abbey Cone is a second-year JD student and Chair of the Public Interest Law Network*

1/03/16

## Greetings Valuable Student!

To get you acclimatised to the new University systems, we will be addressing you with weekly updates on how we're going.

Please be advised that subject materials are available for collection this month. Our Collection Stations will be open from 8-9am every Tuesday that falls in the week of a blood moon, and every second Monday at the hour the crows fly to the West. At the end of this month, the remaining readers will be incinerated.

Also to be incinerated are any University of Melbourne administrative staff who have not met their KPIs this month. If you do see any University employee operating at less than capacity, do not hesitate to report them to Stop One and we will send them a kindly reminder of the stakes at hand.

Wishing you a productive and efficient year in your degree of choice,

Yours in synergy and other neoliberal euphemisms,

**Stop One**

# Play Review | "Coranderrk: We Will Show the Country"



Duncan Wallace

While doing an internship over the summer I came to learn of the value of Parliamentary Inquiries as sources of evidence and information. Evidence from disparate witnesses is brought together into one transcript and, what's even better, it's all in layperson's terms!

One such Inquiry has been put to excellent use by the Minutes of Evidence Project. The project is "a collaboration between Indigenous and non-Indigenous researchers, education experts, performance artists, community members, government and community organisations that sheds light on the little-known history of the 1881 Victorian Parliamentary Coranderrk Inquiry". One of

the outcomes of the project is the play *Coranderrk: We will show the country*, the script of which consists entirely of excerpts from the transcripts of the Coranderrk Inquiry. *Coranderrk* is a deeply affecting snapshot of the way colonisation played out in Victoria in the 19th century, told through the lens of the Coranderrk station and in the words of individuals involved. This brings the process of colonisation to life and provides the audience with a deeply personal insight into what colonisation really *feels* like: the fact that it involves real and beautiful people whose hopes and dreams are ruthlessly and mercilessly crushed.

This was further emphasised by the location of this particular performance - it was

on the very land where the Coranderrk station once stood.

Due to European diseases, warfare, murders and the disruption of traditional food supplies, the Aboriginal population of what became Victoria plummeted from around 60,000 people at the time of colonisation, to around 1,800 people at the time of the Coranderrk Inquiry in 1881. In spite of this, in the 1860s, through careful diplomacy and political activism, Aboriginal people won for themselves a number of locations in Victoria where they hoped to regain some security and autonomy. Though this was just thirty years after the colonisation of Victoria, incredibly these locations comprised only about 0.03 per cent of Victoria's land mass.

One of these locations was Coranderrk, just near Healesville and a short drive from Melbourne. Under the leadership of *Ngurungaeta* (headmen) Simon Wonga and William Barak, the station quickly became a vibrant and self-supporting community, selling crops on the market and even winning the 'first order of merit' for its hops at the Melbourne International Exhibition.

Though the white-government retained control of the stations through a Central Board, at Coranderrk this

*Continued on page 4*

## 'We will show the Country' cont.

control was initially not tight. In the play, the white manager of Coranderrk in its early years, John Green, states that he "always reasoned with the aborigines. I made that law with their own sanction. If the aboriginal is put into the question, he will strive to keep his own law... I always treated them as free men, and reasoned with them."

However, when in 1869 the 'Central Board' became the 'Board for the Protection of the Aborigines', this all changed. Departing from earlier non-coercive policies, the new Board was awarded 'very large powers', which were to be used, in the case of Coranderrk, to sell the land to settlers who coveted it and to move the Aboriginal inhabitants on elsewhere. This new white-government policy is summarised in *Coranderrk* through the evidence of Edward Curr, a member of the newly constituted Board. Asked why he did not consult with the Aboriginal inhabitants before recommending their removal from Coranderrk, he said it was for their own good. The exchange goes on: "Are they not men?"

"No, they are children. They have no more self-reliance than children."

"If they offend against the law are they punished like children?"

"No, like men."

The attempt to control and remove the Aboriginal inhabitants of Coranderrk from their home was what sparked the "Coranderrk rebellion" and forced the Parliamentary Inquiry. Ultimately Coranderrk was closed and white settlers were moved in. A statement made by William Barak forces the audience to wonder what might have happened, however:

"And we don't want any Board nor inspecting Capt. Page over us—only one man, that is Mr. Green, and the station to be under the Chief Secretary; and then we will show to the country that we can work it and make it pay, and I know it will."

Astoundingly, Aboriginal people continue to face precisely the same problems they faced in 1881. Colonising forces continue to deny Aboriginal people the opportunity for self-determination and autonomy. Nicolas Rothwell, the Northern Australia correspondent for *The Australian*, writing last year on the ongoing Northern Territory Intervention, stated that "the idea [behind the intervention] was simple: disempower to empower; limit economic freedom to set free people's minds." He goes on to say that the

intervention is just one part of the effort "to break the political power of the large Aboriginal land councils and gain easy access to indigenous land".

And Edward Curr's sentiments were echoed recently when broadcaster Alan Jones said that Australia needs another stolen generation to "protect" Aboriginal children. What he didn't mention is that Aboriginal children are *already* being taken away at *higher* rates than at the peak of the stolen generations.

*Coranderrk* is a story of past atrocities committed. It is also a reminder that we must do all that we can to stop those atrocities which we are still, right this minute, in the act of committing. If we don't, another audience 100 years from now will again be wondering, what if they'd been allowed to show the country?

*In 1998, 200 acres of Coranderrk land was returned to the Wurundjeri people and the land is now managed by Wandooon Estate Aboriginal Corporation.*

*Now, almost 100 years after Coranderrk was closed, indigenous and non-indigenous people are working together to rebuild Coranderrk, not as a museum, but in a 21st century way.*

*Duncan Wallace is a third-year JD student*

# Clerkship Diaries

**Penny Pincher**

It was about four days into my clerkship at *Top Tier & Firm* when it dawned on me that I needn't purchase food like a peasant any longer. The first epiphany came on the second day. I was at my desk mindlessly privatising Australia's public assets for amorphous multinational corporations when I spotted a tray of muffins in the adjacent "break out" room next to the "knowledge centre" (kitchen and library respectively – isn't the corporate world COOL guys?!).

I meandered over – were these glazed delicacies for everyone, or just the equity partners like the car parks? After doing my best impression of a meerkat and trying desperately to look like I wasn't actually salivating over muffins barely an hour after breakfast, I took the plunge and grabbed one. Blueberry. Cinnamon. Warm. Breakfast sorted – TTEF even had free capsule-coffee to wash it down.

The second epiphany came the following day. I was chatting to a ridiculously attractive graduate solicitor on how fracking wasn't that bad. They suggested we continue the conversation over lunch 'at one of the training seminars', and whipped out a timetable of catered "enlightenment lessons" that stretched past

Christmas.★★ Sandwiches, juice, more coffee – lunch was sorted (as was selling out everything I believed in – the fracking conversation did genuinely ensue). No more tuna salad for me!

The third epiphany came as I was exiting the "knowledge centre" with worryingly less knowledge than I came in with. I spotted a fellow clerk surreptitiously leaving the kitchen (they rejected my proposal to call it the "sustenance hub") with a steaming cardboard box. "Clerk" I called out. Clerk turned sheepishly. After a short interrogation (Batman yelling at the joker: "Where are the noodles?!") I learned that after 6pm clerks were entitled to a free dinner. And I only had to sell my soul for three more weeks to get it.

*Penny Pincher is a third year JD student who is re-evaluating his or her career direction*

**Have a funny clerkship story but still want a grad job? Send it to [mlsdeminimis@gmail.com](mailto:mlsdeminimis@gmail.com) and we'll publish it anonymously.**

★I found that one out the hard way...

★★I admit, I'm making that one up

## De Minimis is...

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De Minimis is written by, and for, the students of  
Melbourne Law School.

We welcome any and all submissions.

If you have insights into the student experience, the legal industry, events on campus or any other matter, send an email to the editor.

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