

PUBLIC

THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON TUESDAY, 27 FEBRUARY 2023.

INQUIRY INTO THE PROVISIONS OF THE UNIVERSITY OF TASMANIA PROVISIONS ACT 1992

PROFESSOR SHARON RIDER, DEPUTY DIRECTOR, CENTRE FOR HIGHER EDUCATION AND RESEARCH AS OBJECTS OF STUDY (HERO), UPPSALA UNIVERSITY, SWEDEN, APPEARED VIA WEBEX, WAS CALLED AND EXAMINED.

CHAIR (VALENTINE) - Welcome to everybody who may be coming in from the net to the hearings for the Inquiry into the Provisions of the University of Tasmania Act 1992.

I want to commence today by acknowledging the traditional Aboriginal people and that we meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to those people and their Elders, past and present, and we recognise them as the traditional original owners and the continuing custodians of this land.

I will introduce members of the panel who are here today. To my left I have Mike Gaffney; myself, Rob Valentine; Meg Webb; Sarah Lovell and Nick Duigan; and we have the secretary to the committee, Jenny Mannering and in assistance, Allison Scott; and Rosemary from Hansard. Thank you to everybody and welcome to those in the audience here at the hearing today in Parliament House.

I would like to particularly welcome Dr Sharon Rider. Is it Dr Sharon Rider or is it Prof Sharon Rider - let me get that clear first?

Prof RIDER - Professor.

CHAIR - It is professor, thank you. I thought so. It is certainly on your submission but communication seemed to indicate it may have been doctor. Thank you for that clarity.

I appreciate you are Webexing from Sweden and it is 11 p.m. at night there and you are not that well at the moment. We do appreciate the fact you have taken the time to talk with us today.

I want to thank you for taking the time to put in a submission to the inquiry. It is always very important for us to hear the perspectives of those from across the spectrum and, obviously, being somebody who is from a different country, it is interesting to hear the different perspectives you may have today.

The evidence that you present is being recorded on *Hansard* and a version of that will be published on the committee's website when it becomes available. What we intend to do is to give you the opportunity to speak to your submission, to make an opening statement and then members will wish to ask questions following that.

Do you wish to make an opening statement, Professor Rider?

Prof RIDER - Yes, a short one. I want to remind the committee of my main points. First of all, I decided to make the submission because I have studied the conditions of higher

PUBLIC

education, research and science for the last 25 years. I know the European situation relatively well, especially the Scandinavian countries, obviously, but also, to some extent, the United Kingdom and the United States. A number of the issues that this hearing is to be discussing are relevant for universities all over the world. I really applaud the initiative you have taken in this public hearing because it is something that is important for liberal democracies in particular that we have this kind of open conversation. I would like to see other legislative councils do something similar, and I would like to be able to point to the fact that you have done this. As I said, I really applaud it.

The reason that I am familiar with a little bit of what was going on in Tasmania is because I gave the James Martineau Memorial lecture in Hobart and Burnie in 2019. In connection with that I met with the Vice-Chancellor, who was working on the University of Tasmania's strategic direction initiative and, at that point, it seemed to me that the leadership was really bringing in the students and the faculty and I thought it looked very promising. But then it turned out, as far as I understood when I was following it up, that it did not follow the trajectory as I had hoped and that was a great disappointment.

If the concern is that the university is going to be performing the functions and filling the purposes it was initially instituted to do as it is repeated in various forms that I have seen (I have not looked at every single one of them) from the original founding act and then one in 1992, it seems to me that you have to very seriously take into account the governance structures, because a university is not just any entity at all. It is a specific entity, and dual governance, where you allow for issues having to do with things like contract law and labour law, you leave to the experts in administration; but the content and form of instruction and research should also be in the hands of people who actually know what they are doing. To just give them a loosely advisory capacity is not really allowing them to take responsibility because they need the mandate to do that. They need to actually be a part of the decision-making process. From what I have seen, it does not look as if that is what is happening in Tasmania. That is a part of a problem that we are seeing in higher education and research systems throughout the world.

I want to stress the importance of elected collegial bodies and their representation of the collegiate in governing bodies, especially the university's main governing body, the Council, for purposes of quality assurance in decision-making processes; that people who actually know what they are doing are making decisions relevant to what they are responsible for.

I also want to add, and I made this as a passing remark in my submission, universities are under threat, and one of the reasons for that is that they are seen as these huge, bloated, bureaucratic enterprises that consist mostly of money-making and administration as opposed to teaching and research. There have been a number of voices, both among analysts of higher education, but also in the OECD and even in popular media, such as people like Bill Maher, who say 'Why is everybody going to university? There are much better ways of making people employable' and 'this is a racket'. It seems to me that if it is not going to be a racket, then we have to go back to basics and back to the core purposes of university, which, to paraphrase from the University of Tasmania Act, has to be the advancement, transmission and preservation of knowledge and learning. And if there is too much management overreach, then that will undermine the fulfillment of those purposes. I am saying that as someone who has studied these things and seen how it has worked in parts of Europe and North America.

CHAIR - Thank you. Turning to your submission, you particularly mentioned a change in focus from 2018 to today's strategic direction and that it disappointed you greatly. For the

record, if you can recall, what are the other main changes you saw from that original document that you obviously were able to view back then compared to what the strategic direction might be today at the university?

Prof RIDER - Well, again, I cannot claim to be an expert on everything that has occurred in Hobart. What I remember distinctly from the brochure was this talk about a sort of responsibility to the local community, about the university as a place-based institution that would take advantage of the specificity, the particularity of Tasmania and the university as situated there. Now I am reading they are just going to leave the campus, go digital and move into different sections of town and spread out. That seemed to go against what was being described in that brochure.

The other thing in the brochure was talk about the community, the administrators, the students and the faculties collaborating for the sake of the whole, for the sake of the University of Tasmania. That seems to have deteriorated rapidly since 2018, from what I can judge based on the documents that I've seen. I haven't studied it; I have just noted it.

CHAIR - That's fine. I can appreciate that. Somebody asked me what I read in a brochure that long ago, I would probably find it a bit difficult to come up with the exact nature of it, but that explains that.

You say, 'I was impressed at the time by the seriousness by which the Vice-Chancellor considered the possibilities and hindrances involved, as well as his efforts to engage the faculty, administrative staff and student body in the work ahead.'

Can you remember what some of those hindrances may have been that were considered as a problem back then? Can you give us a bit of a picture?

Prof RIDER – Now, you're asking me to refer to meetings in 2018. I think what I am referring to here is what I recognise myself as a former dean, adjudicating between different constituencies and stakeholders- sometimes, for example, faculty don't realise that there are certain kinds of questions that end up in this grey zone. So, what is the proper adjudication between genuinely academic questions and questions that have to do with infrastructure and that kind of thing? It is not always clear.

It also is not always easy if you are sitting with the faculty and the administration you have, and, especially if this administration has been very proactive, oddly enough it seems at times that it is almost easier to rid yourself of faculty members you don't feel are on board with the strategy than with senior level administrators who are promoting it. Or if you have a council largely consisting of people from the political sphere, from industry and commerce, or people who have senior administrative positions, then it's difficult, even if you have ideas about dual governance, to realise those ideas if you are working with people with very different ideas, who have been socialised, as it were, in a different idea of what the university ought to be. There are so many constituents whose conceptions and ideals and norms that the leadership have to take into consideration and negotiate. That can be really quite difficult.

There were some researchers who said that an easily governed university is no university at all. I think it was Boulton and Lucas. It is difficult to govern, quite simply, because of these conflicting values and structures within the university. It could be between the council and the

PUBLIC

faculty, or between faculty and administration, or between faculties, or whatever it is, there are just so many relevant positions to take into account.

CHAIR - You go on to talk about the way universities, not just the University of Tasmania, but universities per se, almost as standard procedure is now looking at the marketing, the income and the line management as being things that need addressing rather than the maintenance of academic focus. Is this something that you are seeing happen internationally? Do you want to expand on that a little?

Prof RIDER - There is a famous recent case. The University of Tulsa, Oklahoma, was the flagship university of the state, and a new administration came in. I don't remember the details but I recall that there was some question about the constitution of the governing board of the university. They just decided really brutally to rid themselves of all classical disciplines, take away standard majors, and replace them with some of these vocational training programs and a number of digital programs, without really taking seriously the arguments of people who have been working at the university for many years who really knew very well what they were doing. They were ignored.

The new leadership transmogrified this well-respected university into something entirely different. It is not as if they had an empirical basis for these decisions. It was by fiat because of an idea they had which seems to be largely influenced by ideals taken from the private sector, as if they were selling programs to ensure employability-- which isn't really possible.

There is a great deal of research indicating we are over-selling that product, the idea that a university degree is going to guarantee you a lifelong employment and a better income. We have to be doing something else to make sure that students who study at university really have what is called "transferable skills" and "general competencies", and will be able and equipped to take on an ever-changing labour market. We don't know what jobs will be the ones needed in 25-30 years.

CHAIR - Are you saying that they are tending to evolve to serve the communities and states that they exist in rather than concentrating on academic excellence?

Prof RIDER - I am saying that if they really were concerned about the states and the communities that they are serving, they would concentrate, among other things, on academic excellence. This is what the faculty were arguing, but the administration saw themselves as selling a certain kind of labour force to the market who had made specifications of what they were currently interested in as opposed to taking a more long-term view and considering what are the long-term interests of the people of the state.

CHAIR - Sorry, I didn't mean to interrupt you. I will pass to other members who may have some questions.

Ms WEBB - Hello, Professor Rider, I'm Meg Webb. I wanted to pick up on some comments you make in the final page of your submission where you note that the University of Tasmania Act as it is currently drafted provides an apt characterisation of the university in terms of its constitution and its purpose. Then you point out what you see as a failure to articulate and establish an appropriate form of governance without specified precepts of accountability. I wondered if you could elaborate a little more there. I take it that in terms of 'an appropriate form of governance' what you are talking about is representation of the

PUBLIC

academic side of things at that council level or that governance level. I am interested to hear a bit more about the specified precepts of accountability that you have mentioned and what that could look like.

Prof RIDER - Thank you. That's a good question. I guess that was a bit of a reaction to things that have happened in Scandinavia, where it was written into law that in universities there should be responsible bodies consisting of a majority of qualified academics, people with PhDs, with responsibility for certain kinds of questions, such as course plans, admission into graduate programs, the hiring of faculty etc. So the faculties were written into law as decision-making bodies. That was taken away; is no longer written into the law. There is some kind of very loose demand that somebody with some kind of academic training has the ultimate responsibility, but it would be enough that one person, let's say the vice-chancellor, had a PhD. In principle, that person can make all of these decisions.

As I said in my submission, the major comprehensive universities in Sweden have maintained this dual structure, even though they were allowed to get rid of it, because they thought it ensured quality. As I understand, you have one university in Tasmania, right?

Ms WEBB - That is right.

Prof RIDER - And if you only have one, then I don't think there should be an option whether or not they do this. Someone in Sweden can always choose to go to a university that has this dual structure, but in Tasmania, if a student wants to study in Tasmania, they only have one university. I think that it would be valuable for that university if it were explicitly stated that there is some kind of dual governance structure. I do not know enough about Australian law or anything like that to make any suggestions more than that, but it should be somehow specified, the way it used to be in Sweden for instance. Did I answer your question?

Ms WEBB - Yes, unless there are other things you would like to outline in terms of accountability measures that could be built in other than the representation within governance structures. Some of the things we have heard in other submissions and in hearings have related to thoughts on accountability to the broader community or accountability to parliament, locally. If you had some of those sorts of measures in mind, I would like to hear about those. Perhaps that was not what you were thinking?

Prof RIDER - Well, that is part of it. It seems to me that if there is one university in the state, you have a responsibility to the citizens. There is a kind of co-financing, right? I assume that public funds are involved in this, that the cost is not all covered by fees. That means you really do have a responsibility to the taxpayers, not just for the ones who are going to be studying university, but primarily for the ones who are *not* going to be studying at university.

They have to be able to trust the doctors and teachers and lawyers and engineers that are being produced. That means academic quality is absolutely essential, and you cannot ensure that by having top-down managers. If the guy deciding who is the best candidate for the professorship in hydrology has no understanding of hydrology whatsoever, how is that person going to make the assessment of desirable qualifications?

It just seems to me that the existence of collegial bodies is an assurance to the community that we really are looking after your interests here by making sure that we guarantee quality. This is what we do, we *are* the university. We ensure that the knowledge that we obtain, that

PUBLIC

we enhance, that we transmit, both in the classroom and through our research, really is in the service of the community; that this is the best we can provide.

Ms WEBB - Can we just tease this out a little further? There is an interesting distinction there in whether you are present as part of an advisory body on those sorts of matters or whether you are present as part of a decision-making body. So, here for example, at the University of Tasmania, there is an academic senate which certainly has a role that is defined as advising on a range of key issues to do with academic processes and accountabilities involved in quality assurance on those things in an advisory capacity.

What would your reflections be on whether that is an adequate level of involvement or whether it needs to be what you are describing as being a participant on a decision-making level or body within the institution?

Prof RIDER - I have experience of having been an external member of the highest collegial board of a university college in Sweden where there weren't any faculties. They (the Board) did not have their own financial structures, and they could not make any decisions. All they could do is advise the vice-chancellor. Sometimes they had very serious problems, for example, with things like sexual harassment. They could not actually get rid of people because they had no mandate to do more than counsel the vice-chancellor, and that meant that things were not done as efficiently. You cannot make people responsible for something over which they cannot take decisions. It also undermines their engagement if they know that whatever advice they give can be ignored, whereas if you actually are responsible for the decision you have made, then you feel the onus of that and you will take it more seriously.

I think that there is a fundamental distinction between having an advisory capacity and having to make a decision and take the consequences of that decision. For instance, I am a member of the university electoral college. It's also a consultative assembly but it's very important that we have a very strong voice in who becomes the vice-chancellor. If we choose a vice-chancellor with whom we're dissatisfied, then that's on us; we've made that decision.

Similarly, with our deans, our vice-deans and our heads of department, we have to take responsibility for the people whom we've elected. Also, if you've been elected from among your colleagues to one of these positions, and you do not perform that function well, then you will be held responsible, even when you are no longer vice-dean or dean and are back to being a colleague among other colleagues. There's a much stronger sense of accountability when you actually *are* responsible, as opposed to when you're merely advising.

CHAIR - Further to that, and it's certainly an interesting view point, clearly, there becomes a tension with this dual governance structure when it comes to the financing side of things. For academics to be making decisions that might involve significant financial impact on the university, what model do you see as working well so that the academics can focus on what really needs to be done with courses and the like versus the capacity to actually fund that?

Prof RIDER - As I said, I don't know enough about your economic structures and how much money is state support, how much is reliant on fees and how much comes from external research grants. Without knowing such details, I can't really give you advice. I can say how it works in Sweden, which is that the state funding that goes to the vice-chancellor is largely at the vice-chancellor's discretion.

PUBLIC

The way it's been working in continuously dual government universities such as Uppsala, Lund and Stockholm, is that the money pretty much gets siphoned down to what's called 'the disciplinary domains': have medicine and pharmacy; natural science and technology; and then the humanities, social sciences, educational sciences, law. Within these three domains there are faculties, and those faculties and domains siphon down funding (to departments) according to the number of students registered and this sort of thing.

There are also incentives to produce research results that might influence revenue. Grant capture and things like that will also affect how much money the faculty will get, and that in turn will determine how much money the departments will receive. It's not a free-for-all where academics decide what they want to do. It's all very structured, and they're expected to instruct a certain number of students, for instance. They are also obligated to ensure student retention and completion of degrees. So there are expectations built in, but how they are to fulfill them has to be resolved amongst the faculty members themselves. There's an official university document that explains and enumerates accountability at every level, so that you know what your responsibility is, say, if you are head of department or on the faculty board.

For example, the actual decision to institute a whole new discipline is not something that a faculty can do by itself. It has to be referred upward, and there will be a negotiation if they want to get remove a discipline or major and institute a new one. They can't just do it themselves by fiat. It has to go through a whole administrative negotiation. It's an apparatus, but there's a point in having that kind of apparatus because decisions that are made too quickly can be dangerous and destructive: it can take enormous time and effort to rebuild what has been destroyed in an instant. Just as in law, there's a certain wisdom in having things moving a bit more slowly than they might in another kind of organization.

CHAIR - Thank you. I'll hand over to Mike Gaffney for questions.

Mr GAFFNEY - Thank you, Professor Rider. I'm finding this really interesting. In your submission you spend some time talking about governance and college decision-making and institutional excellence. As you have already highlighted, there are always challenges using rankings as a way of measuring that performance.

We have just recently received from our parliamentary research a university ranking on the whole UTAS situation. So, people listening who may not have a chance to read your submission, could you give us some comment or correlation between rankings and decision-making, addressing some the issues that you have already mentioned? How that works in Europe and your country about rankings about what universities are doing really well, but also considering their model of governance or decision-making.

Prof RIDER - I think so, yes. I'm not a big fan of the rankings. Firstly, they are very easy to manipulate. Secondly, they waver, and often on very questionable bases. The only reason I took up the rankings is because I know that every university, every college, wants to be excellent and world-leading. Often there is rhetoric around more managerial forms - that we can build these strategies to put us on the map and that kind of thing. But, if you look at the really solid comprehensive universities that are always in the top of the ranking, they generally have dual governance structures. There is certainly no conflict between faculty governance and recruitment and retention of top students and staff.

[Webex silence]

PUBLIC

There will often be conflicts at the university between what managers consider “efficiency” and scientific excellence. Having collegial structures means that people are actually making decisions about things they know about, which will support high quality in research and teaching.

Did I answer your question?

Mr GAFFNEY - Yes, that’s quite good. Professor, we did lose you a little bit there. There were a couple of sentences we didn't hear because of the audio. We will send you a copy of the transcript and you might be able to fill in what was lost, but that answered my question, thank you.

You mentioned before about the decision for groups to change faculties or take a faculty out or create a faculty. We have had some situations here in Tasmania where a faculty has been doing quite well and then because of management and decision-making it appears that there is then angst in how well that faculty is performing, whether it is loss of staff or loss of resources.

In your experience, what is the greatest negative towards the strength of a faculty within the university or its setting? Is it loss of staff? Or is it management decision-making? I'm not sure if I have asked that question very well.

There was some concern a faculty that was doing really well here, there has been transfer of staff out, there has been some decision-making and then we have had students exiting and going other places because of that.

So, in your experience, does that occur in other universities?

Prof RIDER - There was a period when I was dean of my faculty. As dean, I was also head of the recruitment and promotion committee, and we saw an onslaught of very highly qualified applicants for professorships and lectureships, especially from the UK. Many described a complete loss of faculty autonomy there, and complained of being burdened with all sorts of administration. They felt controlled, and constantly having to report on everything they did, more and more of which they didn't have any say.

One of the reasons they found Uppsala attractive, despite the fact that it is dark half the year and has terrible weather, was the reputation of the faculty of having a say in the course plans, in educational programs, in research trajectories and what kind of research they conducted. They found that very attractive and, as a consequence, we had some great hires. Uppsala was lucky that they were treated this way, because we could recruit them.

These are high profile people so it has not only led to student satisfaction among the students we already had, but also to an increase in international students seeking to study for those faculty members.

Mr GAFFNEY - My last question, is there any point to make about your assessment of the need for personal face-to-face contact between professors and students - I know Covid has had an impact in that space - the contact hours on a personal level and having access to other

PUBLIC

faculties and other members and students in the same building or area more so than disbursed?
Any comments there?

Prof RIDER - Yes, I do, and there is also research on this. I recommend you read Mitchell Stevens at Stanford University, who has really stressed place.

In general, students want to meet other students, in different disciplines, who don't know anything about their discipline and who have a totally different career in mind. Meeting different kinds of students -- happening to be at a party where you meet someone who is an archaeologist and thinking, maybe I will study some archaeology-- is an intellectual experience of seeing what's available, what's possible, what can be talked about, what can be understood. That doesn't happen by going to one seminar online and then another seminar online. That happens often through informal and unexpected meetings on campus, in the dorms, having a cup of coffee with the professor who is having coffee with another professor in some discipline you have never even heard of. It is a full experience, not just this very thin kind of online procedure of seeing someone on a screen and then submitting your paper.

It is much fuller, richer, more complex and diverse. It also gives both students and faculty a sense of *belonging* to something. We have this expression that we still use in the United States, 'my alma mater', "nourishing mother". People remember their years at university - or least they used to, with great fondness - and will often leave endowments if they are successful because they consider the university an important part of their lives and their community.

Mr DUIGAN - Professor Rider, I was interested in your submission where you talk about this idea of a place-based institution. I wonder if you could flesh that out a bit for us?

Prof RIDER - It partially has to do with what I was just talking about. Mitchell Stevens has talked about students wanting to be *somewhere*. Because students are always online, they are always, as it were, nowhere in particular. But they want to be somewhere, with other people, not just other professors and teachers but also other students, and to feel that this is a place to experience their own development into becoming a lawyer or doctor or whatever it is they are going to develop into. This is a time where they are finding themselves. You can't do that by yourself online.

You need to have these accidents of experience, ending up talking to someone you wouldn't have spoken to. Maybe that person takes you to some seminar you wouldn't have dreamed of going to and you start studying a different subject because you are intrigued and you find out that, "No, I don't like the law. I want to be an engineer." It is harder to do that online because it is not as full an experience. It is much more attenuated.

It seems that during the pandemic the students very much wanted to get back into the classroom. They were explicit about that, as soon as possible, at least here. It is obviously something the students think is important and I understand why.

Again, I think back to the States where, particularly in smaller towns, the residents consider their university *their* university. They want to go to the cultural events sponsored by their university. They are very proud that when one of their professors becomes acknowledged internationally; it is something that belongs to *them*. The more you digitalise, the more you spread the college around and integrate it with other things, the less it becomes something specific that *belongs* to the people.

PUBLIC

It has to do with a sense of belonging and in a way owning and being part of it, feeling that it means something to you, even if you personally are not studying at the university, knowing that it is there for your children and your grandchildren as an expression of everything that community is and aspires to. In a place like Tasmania, which *is* an amazing place, if I were a vice-chancellor of that university, I would really take advantage of the location, of the island geography, its geology, its history-- because it is really unique. I think you could get people coming from all over the world because it so very special and beautiful. This is a place you really could, as I said, put on the map.

Mr DUIGAN - That idea of place is somewhat incongruous for me because the university has been very proactive in developing its campuses. Tasmania has a fairly disparate population and the University of Tasmania has three distinct place-based campuses around the state, so I think it is an interesting criticism to make of UTAS.

CHAIR - With respect to your experience in or with university councils, I am interested to know the level of those on the councils who are appointed versus those who are elected. Do you have any comment in that respect? Quite clearly, we have been receiving submissions that point to some of that saying there were need to be more elected than appointed and there are others that might see the appointment process being a better way to go, do you have any comment?

Prof RIDER - It used to be the case, back 20-30 years ago, that the majority in our councils were academics, but that has been continuously reduced and reduced for a couple of decades now. Now there are three representatives of the faculty and I think one or two student representatives. Where it used to be the majority, now students and faculty make up less than half.

However, the argument was always, "well, as long as the chair is a faculty representative, then you have nothing to worry about." But then it was decided that the faculty representative could not be chair. So now we are in the minority here in Uppsala as well, but the three academic representatives are elected by the electoral college. The student representatives are elected by the students. As I understand it, it is not the case in Tasmania that they are all elected by faculty. Now as a matter of fact, the external representatives here, the chair and the vice-chair, are not chosen by the electoral college. But while the college does not elect the external representatives, they do elect representative for the committee who proposes the candidates for chairman and vice-chairman to the government. In an advisory capacity, we (the electoral college) can say to the representatives whom we elect what we think they should be looking for and what they should perhaps avoid.

Thus we even have something to say indirectly (because we are mostly consultative) about the selection of the external members of the council. There is some influence there and, when it comes to our own representatives, it is entirely up to us.

Ms WEBB - Just to clarify quickly for you, Professor Rider, there is one student-appointed member and then there is one elected academic member to the council here and one professional staff member who is represented as well from the non-academic staff of a council of 12-14.

PUBLIC

Prof RIDER - It looks to me, at least in Uppsala and I believe it is the same in London and Stockholm, that there is a stronger collegial influence on the university council. It sounds to me as it should be strengthened in Tasmania.

CHAIR - Thank you for that. We really appreciate those responses and we have just run out of time. Is there anything you wish to say in closing with regard to the matters before us?

Prof RIDER - My only suggestion is you have an open discussion about whether it is possible to strengthen collegial participation in decision-making in a way that would both strengthen quality assurance in decision-making and at the same time ensure academic freedom—if there is some way of having an open discussion with faculty and other stakeholders about what kind of revisions of the act would do that in a satisfactory way without too many problems for the smooth running of the university. That would be my suggestion.

CHAIR - Thank you very much, Professor Rider. I hope you are feeling better soon and we hope we have not kept you up too late.

Prof RIDER - Not at all. Good luck on your important work.

CHAIR - Thank you very much.

THE WITNESS WITHDREW.

The Committee suspended from 9.47 a.m. until 9.55 a.m.

PUBLIC

The Honourable MICHAEL FIELD AC WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Welcome back to those who are beaming in over the net and to those who are in the audience here today. I welcome Michael Field. He probably needs no introduction to most. For the record, I want to officially introduce the members of the inquiry, Mike Gaffney, myself - Rob Valentine, Meg Webb, Sarah Lovell and Nick Duigan. We have Jenny Mannering, secretary to the inquiry, ably assisted by Allison Scott and we have Rosemary from Hansard.

We thank you for attending today. For the record, the hearings are in relation to the provisions of the University of Tasmania Act 1992. As you probably are well aware, it is important to note that all evidence taken at this hearing is protected by parliamentary privilege and I remind you that any comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses is available and if you have not read it and are not aware of the process it is there for you read but you tell me that you have.

The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. Our procedure today will be that you will be given the opportunity to speak to your submission - you didn't make a submission; I do apologise - for you to make your opening statements and observations. Then members of the committee will ask questions of you in relation to that. In the event that you wish to be heard in camera for whatever reason then you can let us know if that is your desire and the committee will consider that at the time and either agree or otherwise if that is the case.

It is a public hearing and the information provided to you in the witness sheet explains all of that process in relation to in camera hearings. Over to you to make your opening statement.

Mr FIELD - You have received very substantial submissions from the university itself and I don't intend to go into ground they have well and comprehensively covered but what I want to do from my perspective is to give a view of my period as chancellor. I became chancellor in 2013, in fact my first interview with members of council was on the day of the bushfires and I came up from Eaglehawk Neck and couldn't get home. I couldn't get home until the Wednesday after them. I went from there.

It was clear after my initial settling in that the university faced very substantial problems. In this submission I will give you an overview on those problems that the university faced and how the university's confronted those problems and put in context the decision that has caused all the controversy because there has been a whole process of several years to get to this point. My final thing to do is to make a plea to you as the Legislative Council committee to get a report that gives a lead, given the importance of the university to this state.

I start off by saying just how important this university is to this state. It is the only state in Australia that has one university. It is a university that is dealing with the whole of the state and how it has changed, and I will give you an idea. When I went to university there were fewer than 3000 students at the university. There are now 36 000. Virtually all the university students who entered university when I went were straight from school to university. Now, the average age of the university student is 30. Of those, 40 per cent are part-time - this is in the university submission but it's important contextually to know that.

PUBLIC

The background for a university in society was very different in the late 1960s when I went to university. Then, very few people went to university but now it is prerequisite for a lot of participation in the community, generally for a lot of people. and Tasmanians' participation in the university relative to the other states is much lower. We have much less of a percentage of Tasmanians who have a bachelor degree than the other states. It is in that context that there was a consideration of our purpose.

It was going on before I was chancellor but that became a major source of deliberation of the university council. I add to that that Damian Bugg has given a submission that the university had recently changed its councillor numbers in order for governance to be improved and TEQSA (Tertiary Education Quality and Standards Agency), which oversees universities, has given a big tick to the governance structure and given a big tick to the performance of the university. That's the context.

You'll get evidence from others, particularly Kwong Lee Dow who's an ex-vice-chancellor of Melbourne University and who is doing it online. I think you should listen to him rather than me necessarily because he has a lifetime of involvement in universities. He ended up - not for a long time - as Vice-Chancellor of Melbourne University and he was on our council I think for six years. He's a good person to examine if you have any questions about the performance of council.

When I was there, council had three reviews of its performance. Governance was well and truly examined by external people while I was there and reported to the university to make sure that governance was of a high order.

When I started, there was a debate about the future of the university. To contextualise that, funding for universities has gone down over the 21st century and that's in the university submission as well. I would recommend that you have a good look at that to show just how much university funding has diminished.

The response of universities has varied but what's happened is many universities have retreated and closed their regional campuses and concentrated on the major cities. Competition between universities has increased so it's very substantial and overseas recruitment for full fee-paying students has increased. Competition is hot.

The other thing is there's a lot of cross-subsidisation because the competition comes for overseas students. Overseas students are attracted by the status of the university. Rankings rely on research more than anything else to determine those rankings, so the universities have tended to concentrate on research in order to increase their rankings; in order to increase their appeal to overseas students. Tasmania didn't get into that much at all in the 1990s because it started after the Dawkins reforms but did so later on. The emphasis has changed now since Rufus has been vice-chancellor, in that we are concentrating more on the Australian market. If you get Australian students here by being a university of place with particular specialisations that are attractive to students Australia wide. That is having some success and I suggest you may wish to do that. Because I have not been chancellor for a couple of years but I still take an interest in the University, I am probably not your best source on getting the latest on that. It is having success and that means the university is doing well.

PUBLIC

The funding issue was a core issue when I became chancellor. The second was, increasing tertiary participation because that was lower than other states and we wanted to provide a broad range of high-quality degrees so students have a choice and don't have to leave the state to study. We wanted to provide a quality university and to upgrade facilities so they were appropriate for the 21st century and of course, we wanted a high quality and relevant research program and concentrating on research that is beneficial for Tasmanians.

The first threshold question we had to answer was whether we follow in the footsteps of some of the universities on the mainland, in fact most of them, to concentrate in the capital cities, in order to increase their status and become more attractive to students. To reduce their costs because there is a cross subsidisation associated with providing regional campuses, we were making very large losses because of the maintenance cost of Burnie and Launceston, which was very high. That was the first issue and there were some at that time who were advocating we close the north-west and north and concentrate just in Hobart.

We decided that was not for us, as Tasmanians, that we needed to upgrade our facilities in the north and the north-west and we set out to do that. Fortunately, with the federal election in 2016, there was quite a competitive race and we were able to get the two major parties who saw the importance of upgrading those facilities to make substantial commitment to upgrading the facilities in the north and the north-west, which has led to their redevelopment. I highly recommend a visit by this committee to Burnie and Launceston to examine the facilities that are being built there and the change of the attitude of the people who live there towards the university and those places. There were problems at the beginning, but they have become very enthusiastic supporters. I believe later on today there is a submission from the northern people about how they are going there. When I was there, it had turned around. They were very sceptical, as Launceston is on a lot of things, for a very long time about the university's motives, but they have turned around and are now enthusiastic supporters.

This has meant there are courses that are emerging in Burnie and Launceston that were not available before but are of particular significance. I particularly cite the nursing degree in Burnie that has a facility second to none in Australia and has now had its first graduates. That means that people locally, when there are shortages of medical practitioners and nurses around Australia, providing nurses for the northwest and will happen with other areas of specialisation as well.

That is the context of what we have done. That is a \$300 million program funded to rebuild Burnie and Launceston. Those of you who are aware of those areas would know that in Burnie it was outside the town, it has moved into where the first educational institution. Burnie High was and where the new campus is now built attracting students from the north-west coast.

In Launceston, it has moved from what was the old Brooks High into Inveresk which is a short walk from the city and that has now, after initial suspicion, been strongly supported by local government and by the local community and has been referred to in submissions and that is turning out to be a big success.

The expectations were very high for Hobart in that context because the suspicion was there, but the consultation was successful and they were overcome.

PUBLIC

Mr GAFFNEY - Michael, just on that, when you said the consultation was successful, are you talking about Burnie and Launceston campuses there or the Hobart one?

Mr FIELD - No, I have not got to Hobart. What I am talking about is that the precursors to Hobart were the process adopted in Burnie and Launceston where there was suspicion, where there were extensive discussions in both places and consultation about the nature of the buildings right through. Even though I have not been there for two years, there has been strong support and indications of success, running in parallel with other initiatives. If we are talking about student participation and broadening courses and student satisfaction, then those things are happening in both those places, that is what I am talking about. I have not got to Hobart yet.

That is what has happened there and I do that to illustrate the fact this Hobart situation is part of a larger transformation of the university as we confront what is a major challenge to universities all around Australia. Tasmania was extremely vulnerable, given the funding situation and the decline of funding per student that was taking place from the federal government. That is why I was saying; and it was in spite of the fact that other people were closing their regional campuses, Tasmania was in fact spending a lot of capital on them.

Mr GAFFNEY - Thank you.

Mr FIELD - Then it was what to do with Hobart and there were a lot of people who thought we should just concentrate on Hobart and forget the rest, but that would be to not fulfil our mission to be a university of and for Tasmania. Those decisions were known and then that meant what do we do with Hobart?

Now, the discussion about Hobart has gone on for years. I went overseas with a couple of others and there were a couple from the Hobart City Council who went overseas to examine the latest happening in universities around the world in order for us to be informed about making that decision. We did that in 2018, and it is in the context of the changing nature of universities that it has been made. If I give you an idea of the nature of the community, and it is in your submissions from the university, but I will remind you the nature of the university. I said that when I was there, there were fewer than 3000. There are now 36 000 students providing 310 unique degree courses in 65 disciplines. So this is a very big thing. There are 5799 staff employed across all campuses, spending \$600 million per annum.

Ms WEBB - Is that head count or FTE?

Mr FIELD - You can go back to the submission. Don't get me for detail. I haven't been there for two years but it is in the submission. I would reckon some of those would be part-time but I wouldn't be certain of it. There is \$150 million being spent on research. Of the students, and I will run you through this because it is important as they are striking figures: 66 per cent are female, when I was there mostly males were at university; 3 per cent Indigenous; 19 per cent only are from low SES backgrounds; 11 per cent have non-English speaking backgrounds; 10 per cent live with a disability; and this next is a key figure: 40 per cent are part-time - virtually all were full-time when I was at university; 19 per cent are school leavers; and the average age is 32. So what has happened, I think, is that people my age and a bit younger have a view of the university, if they went there, in their head. I have.

PUBLIC

I don't know how many of you went to university, but when I went to university everyone went to the Ref for lunch. It was huge. Clubs and societies were funded and so there was a far greater involvement by students on site. There were five AFL football teams coming from the university, with a whole range of other sports because they were subsidised from union fees. It was a completely different world. If you carry that image of the university around in your head: the Ref is closed; there is a small cafeteria. If you go down there, there are very few people there.

It is a completely different thing and the buildings themselves are not fit for purpose.

Ms LOVELL - You might not know this, I was wondering if you know how those statistics compare with other universities?

Mr FIELD - There is a trend all around Australia. Ruth and some others will be able to let you know that because they are recruiting in the Australian scene. There is now 'recruitment'. The university is big because your future depends on it but there is a trend for continuing education as people change professions.

Society generally is not like it was 30 years ago. People are changing or updating their professions. I had my skin checked the other day when I went to the doctor. He said that if you are a surgeon now you only have 10 years in you before the information in that specialisation has changed so much that you can't keep up. You have to have that continuing education. That is a big change.

Back to the average age being 32. This means we are looking at a different sort of institution. Most of those buildings were built in the 50s and early 60s at the university in Hobart. By the time I arrived in 1967 they were pretty much complete but they were completed according to a design imposed on us by Canberra. It had that loop road around for deliveries, so there was no sense a core in the centre of the university.

There was not a quadrangle like in, say, Sydney university. It always made it difficult, it was difficult for the Tasmanian university to retain a sense of community.

If you look at the proposed design for the city, that is very different. Getting back to the choice, the choice was where do we consolidate. Forty per cent of the university is at present in the city. With the work that is going on now, by the end of this year or when the commerce building is finished, it will be 50 per cent. Say you have 50-50 down there when you have all sorts of problems, they can go into that. I'd prefer not to go into the details because they have dealt with them. All I can say in introduction is that there was extensive consultation with every major decision-maker in Hobart, including the city council. They all supported it at that time and the university was quite confident. I was still chancellor when the decision was made and there was very strong support. It is probably best if I stop there and we just have a discussion.

CHAIR - We appreciate the experience you have and the input you are talking about there. Primarily, our inquiry is looking at aspects of the functionality of the act, more so than the move. There may be decisions made in the move that we would want to question, but it is primarily about the act and so, having been chancellor for the period of time that you have been, I am interested in a couple of aspects, particularly the way the council itself has operated

PUBLIC

and the level of appointed versus elected members on the council during your time. Have you seen a fundamental change in how that has been approached?

Mr FIELD - I chaired the meetings from 2013 inclusive to June 2021, so I was there a long time. The council gelled pretty well. You would not want it much bigger. There was a time when there was a Legislative Council representative and there was a House of Assembly representative.

CHAIR - Why do you think they were taken out?

Mr FIELD - Because you had a decision-making body of 30 and if you are going to have a deliberative body, that's like you have an in or an out of cabinet. If you want a deliberative body that is going to be actively involved, then you need one that can do that. In fact, 14 is on the high end of a decision-making body. In Tasmania it's particularly difficult because you can't have a self-perpetuating oligarchy, which is a danger, but you have to try to balance, regional representation and a representation of specialists, you have to have financial speciality and speciality and you have to have specialities from the university itself. At the moment, ex-officio members are the chancellor, the vice chancellor, then there is the academic senate head, an elected student representative and then there is an elected staff representative. So that is five. Then we have two - one from the north and the north-west - that is seven. Then you have to have the specialist areas which means you really have to be disciplined in terms of how you can balance the size that enables proper decisions to be made with having sufficiently qualified people in a specialist area to contribute. That is not easy but the balance, since I have been there, if you are conscientious, you can do it.

For example, outside those academics and in much of the time when I was there we had Kwong Lee Dow who was an external academic. We have one now who had just started when I left to replace Kwong, so we are very disciplined in getting the people who provide specialist skill, regional skill and representative skills and that is what you have to balance. If you increase it any further than 14 you are going to sacrifice your ability to do that and then essentially you hand it over to the - they would not like me calling them bureaucrats - bureaucrats in the structure of the university, because meeting a day in a month is not sufficient in order to examine and make the decisions in a body that is much bigger than 14.

CHAIR - Some of the criticism that has been coming in is that decision-making process with the information that is provided to the councillors is almost fait accompli-rubber-stamping rather than proper decision-making based on the evidence and the like.

Mr FIELD - I would like to know who those people are so I can respond to them.

CHAIR - It is in the submissions.

Mr FIELD - I know that. I know the people and I can see them because I have had lunch with most of them at the University Club. There is a small group of people who hark back to the good old days when the professorial board ran the university. Right at the beginning there was no vice chancellor at all - you did not have one.

If we are to compete in the present worldwide university structure, we need a structure that works in terms of governance. You can't have a series of fiefdoms pursuing their self-

PUBLIC

interest around a deliberative body and that is what the danger is. I wasn't around when it was run in a very different way, but I do know something about organisations. A university with a budget the size it is with the number of people involved needs a deliberative body that works. My strong view would be that - as I am sure Damian would have put when he was here - by supporting the university and I have been to chancellors' meetings and they are supported by other universities because the trend has all been to get a deliberate body that is smaller in order for the corporate objectives of the university to be met.

CHAIR - With that structure, in terms of scrutiny by the Tasmanian people - vis-a-vie, parliament - do you think that the structure provides a good level of scrutiny or that because the university is beholden to so many acts - and there are a lot of them and you would be well aware of that - that the level of scrutiny that the Tasmanian public get to have is sufficient?

Mr FIELD - It is more than any other state. Where you have six universities in Victoria or it might be more than that, the scrutiny by the government would be less so.

We have several standing committees at the university. There are regular meetings with the Minister for Education, Children and Youth and there is a strong relationship. The Peter Underwood Centre is a co-operative between the state and the university and that is continuous. The relationship between the present Government and the university has been very good.

Ms WEBB - I would like to pick up on a few of those things. You mentioned a self-perpetuating oligarchy as a risk, that is certainly been identified in submissions we have received because of the changes that were made prior to your time. Amendments made to reduce both the size and also the nature of appointment to the council, so that there are more appointed to the council by the council itself, rather than elected from a group. For example, the student representative is no longer elected, it is appointed by the council and we have one academic staff member elected.

Tasmania, when compared to the rest of Australia, has fewer elected representatives as a proportion of their council than others even though that is, as you say, a general move.

Given the risk there that you have a group that is largely appointing itself in an ongoing way, do you believe there has been some detriment to that model because of things deriving like - groupthink is the word that is being used in some submissions - or a culture of appointing people who will be comfortable to work with in decision-making processes?

Mr FIELD - There is a fairly rigorous process for appointment.

Ms WEBB - Publicly advertised positions?

Mr FIELD - There are publicly advertised positions. There are consultations with the state government for their two and they can veto. I do not believe groupthink is there. Like on this committee, there are some people who will say more than others, it does not mean that people not saying anything are not taking in what is said.

I think you would be insulted if I said, the problem with this committee is that it is overcome with groupthink and, your Chair would be particularly offended.

PUBLIC

Ms WEBB - That may be so, but what I am asking you about is how you regard the current model? Within the act it describes how appointments of the council are made and we know that the progress of over time is the concentration of perpetuating appointments by council, but there is a risk there.

Mr FIELD - I acknowledge the risk, but I think this is the best way we have devised to establish a body to properly supervise and lead the university. If we went back to it being any bigger, groupthink would be higher because there would be less capacity for people to be intimately involved. If you interviewed individual members of council, they would all say, and I can see their faces, that they are not subject to groupthink. It's a very subjective view to put forward something, that a group has groupthink. If someone agrees with me, I do not say you were agreeing with me because it's groupthink. I say you are agreeing with me because of the potency of my arguments.

Ms WEBB - To follow on then, you talked about the importance of having a deliberative body that works, is the way you phrased it. I think one way we would be able to better understand the risk of groupthink and how well the body is working, is how will we measure a deliberative body that works.

Your perspective you are presenting us is from within that body and I really appreciate the insight you are able to provide from that. But, when we look at it externally and question how we will measure whether this deliberative body works, what we can see quite clearly in evidence to the committee, but also probably just in general conversation, is using the example of the city moving Hobart in terms of the decision-making process. What we see is internally within the university quite a degree of strife amongst academic and student bodies. You have 12 student groups writing a public letter objecting to it; staff expressing a great deal of consternation. You have an elector poll of the Hobart City Council area, three-quarters of whom said no. How would we understand that the process has been managed by a deliberative body that works, given those circumstances?

Mr FIELD - You can set up the structure. I would be very worried if a volunteer poll from Hobart ratepayers is regarded as the font of all wisdom. I am saying it is an opinion. If you were deliberating for the future of tertiary education in Tasmania and you had been deliberating it for several years, you had made a decision, and you take your responsibilities seriously, then because it is the biggest issue you have dealt with, it is likely that you would be taking it seriously with a level of competence, if your council is competent. I challenge anyone here to go through the list and see whether the council members are in your view competent or not.

While I was there we had three reviews from external consultants to determine whether it was operating well. All of them came back to say that we were operating extremely well. We have also had a TEQSA review, which is the body that examines universities, which has licensed us to be a university for the next six years, with no criticism of council. We have an Auditor-General who examines the books of the university and has given us a clean bill of health in the financial operation of the university. We have a state government that is strongly supportive of the university.

We have, subjectively, a group of people who have questions about that for all sorts of reasons, and that is their right but I would say that from my point of view the deliberative

PUBLIC

process of the university was a far higher level than most cabinet decisions I was involved in when I was chairing cabinet meetings.

Ms WEBB - Thank you for that and I appreciate that you are able to provide that insight from within that body and you do point to those areas where there is support for the university. Yet we have this demonstrable difficulty about a key decision for which the council ultimately is responsible. My question to you was about how are we to assess that this council has undertaken an appropriate or an effective process about this matter given internal staff disquiet? Perhaps that is related to its configuration.

We only have to look at the survey that was partly put into the public domain to see internal staff disquiet. We have 12 student bodies writing public letters and we have a large proportion of community disquiet as well, demonstrated, not just a small coterie. I am asking how do we assess an effective decision-making body?

Mr FIELD - I presume that is why you are having this committee and I assume you have all read the submissions from the university?

Ms WEBB - Absolutely.

Mr FIELD - If you have read them you have also received submissions from the people who criticise the move to the city and if you intellectually - and I wouldn't doubt it for a minute - examine the case being put forward by the university, compared with the case being put forward by the critics, and I have looked at both, then I think it is fairly clear what argument is the strongest.

Ms WEBB - Our focus with this inquiry is the act and that determines the governance structures. In terms of the governance structures described in the act, has that led to configuration within the council that can allow what can be seen as a derailment of process around this one example of the city move? I am using this as an example because it isn't about the pros and cons of that move. This is about the governance structure of that council that led to the council being configured as it is and then the council oversaw what looks like a mess.

Mr FIELD - I left before this controversy emerged.

Ms WEBB - Did you have a sense that there may be a controversy looming?

Mr FIELD - There was not, because everybody supported it strongly, including the Hobart City Council.

Ms WEBB - Staff, students?

Mr FIELD - Well, I can tell you what I think. There are the people who are nimbys who have opposed this; there are people who are really comfortable who have opposed it, who do not want to move, who are academics who are very comfortable down at Sandy Bay. Most of us resist change, and there are people who are nostalgic for the university that never was. They are your groups and there are a couple of pockets who have not been performing well and this gives them an opportunity to kick up when a higher standard is being demanded of them.

PUBLIC

So, there are reasons for it. I am not saying in terms of public relations it could not have been better, but in terms of substance, I think that the decision by the university has been the right one. If you go through this and listen to it, your discussion should be about, do we agree with the move? If we do, as a Legislative Council committee, you report back to the Legislative Council expressing that view and giving your strong backing. I think there are responsibilities of this committee to provide support for the university, because it has cost the university a lot because of the public controversy.

This committee can help the university turn it around and to me, I throw the challenge back because it has been an issue where, while I have not been directly involved in it, it has saddened me because it could weaken the ability of the university to effectively pursue a transformation program that can have profound influence, not only on the university, but of the broader Tasmanian community as a whole.

Ms WEBB - As you are fully aware, this committee is responsible to parliament and we are undertaking a job inquiring into the act, so we are not making a determination about a particular decision of the university. Can I ask a specific governance question?

Mr FIELD - 'Other matters incidental thereunto'. I think you are covered. If you want to take a lead on this -

Ms WEBB - Thank you for your suggestion. If I can ask this specific governance question to flesh out what I was trying to get at with my other questions, and I accept that you have a view as to where the opposition to the move decision lies. However, we also know that 12 student bodies wrote a public letter and we know through surveying that amongst staff there is a low level of support. I am wondering, in the decision-making process, in that representative level in council, in your time and when the decisions were being made, did council know what the student view was and what the staff view was?

Mr FIELD - The student on the council, the students were very quiet. This did not emerge - the decision was made, I remind you, in 2018. The public campaign started well after that, after the committee was set up in terms of organising the use of Sandy Bay itself. A lot of this, in my view, is nimby.

Ms WEBB - I am trying to get to process. Did the council determine the student view and the staff view, for example, when they were making this decision? I am trying to understand, in terms of structure of the council, you have one staff member elected, you have one student appointed. Were those avenues sufficient to have in the decision-making process, the presence of staff and student voice?

Mr FIELD - The university continually consulted and there was an open display next to the Stanley Burbury theatre before we made our decision that was open to all students and all staff, and feedback was invited. You can ask the administrators what feedback there was but there certainly wasn't any indication that there was deep-seated opposition to the extent since expressed - I don't know when it started because I haven't been involved. I have been more involved in the strategic direction of the university, so rather than the actual campaign. My time is nearly up.

CHAIR - It is nearly, and there are other questions.

PUBLIC

Mr FIELD - I'll try to be brief.

CHAIR - There will be one question from Mr Gaffney and one from Mr Duigan.

Mr GAFFNEY - Michael, you spoke about the corporate objectives of the university. Could you comment? Is that now in conflict or do you believe it is in conflict or at odds with the integrity, academic function and purpose? Is that reflected in the governance structure of the university? Understanding that the act itself is now 30 years old, does the act reflect the contemporary and future needs of tertiary education?

On one hand you talk about corporate objectives; on the other hand we have a group saying that the academic function and purpose of the university has now been overtaken by the corporate objectives. That's where there's a bit of angst, so a comment on that conundrum.

Mr FIELD - There will be tension between those two objectives. For example, if the wrong decisions are made - wrong in terms of my view - then you could jeopardise the future of the university itself and it would be an absolute tragedy for Tasmania. The financial viability of the university has to be paramount and the investment by the university has to be extremely well considered. I think you are quite right.

There are also people with a perspective of an academic in a particular area of the university who see the incursion of corporate objectives as restricting, but there is a balancing act between corporate and intellectual freedom and the rest of it, so that is continually the case. Universities around Australia had an inquiry. We have adopted here protocols associated with academic freedom.

In terms of the act, I think the act is pretty well suited to purpose as it stands. I'd be very interested in this committee if they think there is a different model out there. If they look around Australia and saw one that was radically different than the one we have, I'd be shocked if you did.

CHAIR - I hope you realise that our questions are to get information and facts. We're not attacking. Do you understand that?

Mr FIELD - I'm responding in the way I normally respond.

CHAIR - That's fine.

Mr DUIGAN - My question is around corporate objectives versus academic objectives and the tension that is there and whether the governance structure or whether the academic objectives are subservient to the corporate ones at this point in time?

Mr FIELD - There's a balance. I pretty well answered it in terms of - I used to think about this as the state of Tasmania. When I was premier, we were in a situation where the first budget I had was the last we could put together without doing something about our expenditure.

If the university gets to a position where it's making decisions that undermine its viability, then Tasmania will suffer fundamentally from that. In any consideration that has to be a threshold issue. Within that there is a great deal of freedom and protocols and policies associated with academic freedom that enable academics to express themselves both in terms

PUBLIC

of their area of interest plus more broadly than almost any other area of professional operation in society. That is absolutely necessary in my view but that is the case here.

CHAIR - Thank you. I guess we could go on for another three-quarters of an hour exploring all sorts of aspects of your time as chancellor. Unfortunately, we don't have that time but we will be having a lot of time with the university itself so I am sure they will provide a lot of information and answers to the questions that we have. I want to thank you for taking the time to come in and for giving us the benefit of your experience and wisdom.

Again, it's important to note that all the evidence that has been taken at this hearing is protected by parliamentary privilege. I remind you that any comments you may make to the media or others outside of this room, even if you were to repeat what you have said here, will not be protected and I am sure you would be aware of that.

Mr FIELD - I am aware of that from 21 years in parliament.

CHAIR - Exactly. I imagine so. Thank you and I appreciate your time.

Mr FIELD - Best of luck with your deliberations. I would like to be a fly on the wall when you are working out your recommendations.

THE WITNESS WITHDREW.

Committee suspended from 10.52 a.m. to 11.01 a.m.

PUBLIC

EMERITUS PROFESSOR KWONG LEE DOW AO, AM VIA WEBEX, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Welcome back to those listening online and welcome to those in the audience today and a particular welcome to Emeritus Professor Kwong Lee Dow. Thank you for joining us today and for your submission to the inquiry.

To introduce the members of the committee that are on the inquiry. To my left I have Mike Gaffney, I am Rob Valentine, and Meg Webb and Sarah Lovell and Nick Duigan. We have Ms Jenny Mannering who is the inquiry Secretary, ably supported by Ms Allison Scott and we have Henry from Hansard.

I would ask Professor Dow if you could take the oath.

CHAIR - If you could state your name.

Prof LEE DOW - Yes, it is Kwong. That is the first name and the surname is Lee Dow.

CHAIR - As I said before, welcome, and thank you for attending. For the record, our hearings today are in relation to the Legislative Council Select Committee Inquiry the Provisions of the University of Tasmania Act 1992. It is important to note that all evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses is available. Have you had a chance to read that?

Prof LEE DOW - Yes, I have, thank you.

CHAIR - Thank you for that. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. We will provide you with an opportunity to make an opening statement, speak to your submission, if you wish to do so. Then questions will follow from members of the inquiry following that. We are seeking information specifically related to the terms of reference for the inquiry. I remind you that it is a public hearing and the information provided to you in the information witness sheet explains the process should you get to a point where you wish to share something in confidence and don't wish to have in the public arena, you can inform the committee and they will deliberate on that as to whether to allow an in camera hearing or otherwise. You advise us if that is the case.

You wish to make an opening statement so over to you.

Prof LEE DOW - Thank you. I will make a brief statement by way of three points. The first point is that the first Australian universities were called Sydney, Melbourne and Adelaide, but the fourth university was called Tasmania. That is significant now because this is not a university of Hobart. The University of Tasmania takes seriously its roles in Burnie and in Launceston and its provisions for the state overall. I make the point because the northern transformations that have occurred at West Park in Burnie and at Inveresk in Launceston set a scene for city-focus for the university in those places. Even as early as 2016 Burnie was already forecasting to Canberra, the Commonwealth, that the university was seriously considering a move from Sandy Bay to Hobart CBD.

PUBLIC

The first point is unlike some of the submissions. I want to focus that the university is Tasmania wide.

The second point is unlike every other mainland state, the Tasmanian Government is responsible for just one university. That has all sorts of implications. One of course is this. If you were a select committee inquiring into one of the universities in Victoria, you would be giving careful thought to the impact that the inquiry into one institution could have for the other seven universities in the state of Victoria. Whereas, in Tasmania you have a lot of benefit in having one university representing the state. Again, I say that because at least one of the submissions says it is unhealthy to have only one university in the state. It would be preferable to have some competition. I do not want to be rude about this, but it just seems to me, if I can use the word, it seems silly to suggest that in the modern world with the resource constraints we are all under and with the population base we are talking about to be thinking about more than one university in this state, does not make contemporary sense.

The last point I make is this, that some submissions say, look at the council, there is only one elected academic staff member and we should have change in the balance of council with more than one in that elected role in the 14 members.

I say to you that it is unhelpful to look only at the composition of the council. I think with governance and for the management of the university as well, not a separate issue, you have to look at the council, at the academic senate and the executive, the size, composition structure of each and the way they interact. Before one jumps to any points about inadequate representation on the council, it is wise to think in terms of governance as a whole, as I have just outlined. That is all I want to say, thank you.

CHAIR - Thank you very much for that. For the record, this inquiry is actually into the provisions of the act, more so than it is about the inquiry into the university, if I can put it that way. It is about the act. Our jurisdiction as a parliament, is the Act of the University of Tasmania Act 1992. I am just wanting to clarify that.

Opening question from Meg Webb and then other members will have other questions.

Ms WEBB - Yes, thank you, Professor Lee Dow.

I am interested to have the effect a bit more around that final point you were putting forward around considering governance as a whole, not just focusing on the composition of the council. As you have observed, we have received submissions and discussions in hearings about people making suggestions that there should be a more elected representation on the council. Given that the council is the ultimate decision-making body in that sense, it sits above everything else, do you not see there is a rational argument being made there, especially if you consider that Tasmania has less representation in that way than, say, other councils in other institutions interstate?

Prof LEE DOW - Thank you, Ms Webb. My view is that the size of university councils has been significantly reduced in recent decades and that the current sizes of councils - Tasmania is 14 - are probably working well overall. I say that having led, some years back, a review of the Tertiary Education Quality and Standards Agency, TEQSA, that is looking at the regulatory bodies and the responsibilities of councils. I don't think there is a big

PUBLIC

discrepancy between the way in which academic staff are represented or involved on the University of Tasmania council from that of other Australian university councils.

Maybe there are some that have two elected academic members of the council. My own view is that whether it is likely augmented in that way that, in itself, is unlikely to have the impact on the culture and the relationship with the university's executive that some of the people making submissions to you have the hope that it might.

Ms WEBB - I am interested to hear a little bit more about that, if you could reflect further on it. If we are talking about a body of 14, two in 14 sounds like considerably more than one in 14 - that's a 100 per cent increase. You still don't believe that would make a tangible difference to the discussions being made in that decision-making body and the way things might be considered?

Prof LEE DOW - I think if you increased the academic staff representation from one to two, there would be a good case to be made for increasing the professional staff representation and a good case to be made for increasing the student representation. It is true that a governing council, as the Chair rightly points out, has ultimate responsibility. That word is prominent in legislation. It is certainly the case, but the way in which councils in universities act in relation to academic governance and bodies - which in Tasmania is called the Academic Senate and in many other places is called the academic board - those bodies have very substantial involvements from the academic community. That, I think, has more significance than a shift from one to two on the council.

However, if the government decides that it is a good thing to increase the size of the council a little bit and to increase that representation, I do not think there is harm done by that. I think, really, that it won't make much difference at all in practice, but it may give some comfort to people whose views on many aspects of the university I have great respect for. I believe that they are speaking with as much genuine commitment to Tasmania who have grown from the success of the university as anyone else so I don't want to be, as it were, saying that you must keep the numbers as they are. However, as soon as you start changing the balance, other pressures immediately will come forward.

Ms WEBB - Do you want to elaborate on that at all - the other pressures that would immediately come forward?

Prof LEE DOW - I think the other pressures would be from other parts of the university to have increased representation. My sense is that that focus is a bit misleading, for those of us who have spent a lot of time actually involved on councils of universities.

The way things actually work would make little difference. I do want to make an additional point: that the six members appointed in Tasmania by the council and the two appointed by the Education minister, I don't for a moment think that these people don't have a good understanding about many aspects of the university as it is functioning and as it actually operates day by day.

During my experience of seven years on the University of Tasmania council I was very impressed with the calibre and the quality and the commitment of the council members with whom I was sitting at the table. Because a number of them had long involvements on the council, they developed a very good understanding. Remember, that it is not just at council

PUBLIC

meetings. There are a number of other activities where the council meets with the communities in Burnie, in Launceston and in Hobart - the broader communities. It has many opportunities to meet, especially through some of its committees, with members of the academic and professional staff as well as the senior executive. So I believe that the current Tasmania Council, as it was when I last left it in early 2021, was functioning effectively. Indeed, my sense of joining the council in 2014 under Peter Rathjen's vice-chancellorship was that it was similarly a cohesive and genuinely effective body.

It's effective for what a council can do. A council within the current university environment and the Australian environment with its complexity between the Commonwealth and the legislative face in the states - these are very complex nuanced organisations. Although the words 'ultimate responsibility' are there, the council can only do so much. Indeed my sense of the eight formal council meetings in Tasmania in a year, four in Hobart, three in Launceston, one in Burnie, and the activities that go around that, is that if you look at the council meeting papers, the depth and the extent of those, that is about as much as you could expect any group, whether it is a size 14 or whether it is a size 20 with two academic members and elected, that will not actually change much of the way the university is functioning.

I can understand the unease of some members of the university community with the relationship with the executive, then there are other ways that take time and involve a lot of personal contact to get increased understanding. However, this understanding is harder and harder in the very complex environment in which our Australian universities now operate.

CHAIR - So, if I might, Professor Lee Dow, it is an interesting point you make: the complex environment in which our universities in Australia operate. Is there a sense that the model is right from the word go, the way it has evolved over time? We have received a lot of submissions that are tending to suggest the financial aspects are wagging the academic dog, if I can put it that way - that for universities which are principally there for their academic focus and excellence it may be that the financial strictures are tending to play a greater and greater part. Do you have any comment on that?

Prof LEE DOW - Yes, I do. The financial situation, not only in Australia, but in other universities. I've had serious involvement in universities in some other countries. These are very real if you are looking at the infrastructure requirements for modern scientific, engineering, health, medical areas, and if you are looking to attract and keep high calibre staff and if you are looking to similarly attract relative to other options, high calibre students who have families, not all of course, but those who are fortunate to have the capacity to move, it is difficult to not acknowledge that the financial drivers of universities are significant.

As someone who comes from a base in education concerned with schools, concerned with young people, concerned with the whole of the education side of views, I don't immediately jump to, am willing to advocate for the importance of finance and infrastructure but I have lived long enough to be sure that without relative strength in comparison to competitive institutions in other parts of the country or overseas, we just will not make it. I don't know how best to say it but I just think that many of the academic community see the need for finance in their own areas, salaries and equipment and facilities. Unless you actually, year by year, actively tend to manage and balance all these issues, get campuses going in regional settings, you can't avoid putting a high pressure on finances.

PUBLIC

It is one of the reasons why the Australian universities are so concerned with sustaining and building international student numbers. It may not be a wonderful way of thinking but the fact is that resource is really highly competitive and limited. Without a proper focus on those aspects, you can't run an effective, competitive, modern university.

CHAIR - Thank you for that response, I will now hand to questions from Sarah.

Ms LOVELL - Thank you, Professor Lee Dow. I want to follow on from that and from the evidence you were giving earlier on the make-up of the university council.

One of the arguments that the committee has had put to us is that another model would be where you have an institution, like a university, where there are conflicting and competing priorities sometimes, an alternative would be to give the academic senate, for example, more of a decision-making role and more decision-making powers rather than just being an advisory group and having a dual governance model.

Do you have a view on how that may or may not work in an institution like the University of Tasmania?

Prof LEE DOW - Yes, I believe that what you have just said is understandably a view that is held by many but it's not the perspective that I would put. I would be talking about shared governance. I would be talking about real decision-making within the academic senate.

There are areas of decision-making that are the responsibility of the academic senate and as I said at the outset, the relationship between the council, the academic senate and the executive, the vice-chancellor is leading with his senior staff in both the academic and the professional areas. It's that interplay that is critical. I don't think myself that the academic senate is a kind of subservient body.

I know the word 'ultimate' is used with respect to the council. My own sense is that the University of Tasmania and a number of other Australian universities - maybe nearly all Australian universities - what really matters is the interactions between those three component parts. I think the academic senate has the appropriate authorities and is treated with respect and is a more effective body than might appear to be the case to people who are not quite so closely connected.

Remember, too, that academic senates now are bodies that are over the three campuses so people coming together have to do quite a bit of travel unless they're doing things on Zoom. It's a complicated set of requirements and the view that academic senates are essentially about the mainstream of the academic teaching and research communities is, in itself, a bit misleading historically. You have to remember that the academic senate in Tasmania and the academic boards in many of our universities grew out of professorial boards and those professorial boards were initially the single professors' heads of departments, very authoritative people with high levels of power, themselves, not bodies that were broad-based.

I think it's a case of getting the right balance in each era and at the present time we are seeking to engage and sustain the commitment of a wide range of academic staff. Again, the way the modern large universities run, you can't expect everyone to have a finger in every pie.

PUBLIC

Even here with the broadening of senates and the encouragement of people to get wider understandings, there are limits to how much you can actually achieve. Remember, too, that I've been talking in an institutional level. I've been talking about councils, senates and the executive but most of the people who would be aspiring to involvement in the senate are operating at another level as well, and another level to the prime extent. That is within the colleges or the schools. There are structures that are very important and those operations are running in parallel and with interaction with the operations at the institutional level.

I have to finish this point by saying that the people at the institutional level are also looking at the national level because their budgets - I've been involved with Commonwealth bodies that have been deciding budgets for individual universities and the criteria for that. There's a national level, there's an institutional level and there's a college faculty school level. Many of the people who are advocating for more involvement on senates and councils are actually operating much more at the college faculty school level than at those other two levels.

This is indeed a tricky area and I have sympathy and understanding. I want to be as respectful as possible to people taking these views but, as I say, time and again, it's the culture of the institution functioning as a whole that is going to really drive the effectiveness, not playing with numbers and even with the senate, trying as it were to increase its authority or its power, I do not think there is any real attempt by the executive or by the council to take away anything that is properly the responsibility of academic governance.

Mr DUIGAN - Professor Lee Dow, I take you back to the comments you made around UTAS being unusual in so far as it has a number of geographic locations, three locations, four campuses potentially. I am wondering if there are any governance mechanisms in terms of how those sites are managed and resourced. You did say that competition for resources is competitive and they are limited. How does council go about dealing with that issue in Tasmania?

Prof LEE DOW - With difficulty. Let us take for a moment another example I know in Victoria. If you think about the third university in Victoria to be created well before the Dawkins changes in the late 80s but as La Trobe University, it was sited at Bundoora in the Heidelberg area. It was seen as a traditional university. When you look at it now, it has a major operation at Bendigo, not all that less than what was the University of Ballarat and I speak with inside knowledge of that, having been vice-chancellor there briefly at Ballarat, and La Trobe not only has Bendigo but it has more campuses at Mildura, at Shepparton and at Wodonga.

Now that university is very different now from what had originally been intended and just as a university like that is dealing with the complexities of multi campuses, here in Tasmania real decisions have to be made. The focus in Launceston, one focus on architecture and design, it was the hope that you can actually centre some activities in Launceston and not be repeating them in Hobart. The extent to which that is feasible is quite limited and there is a balance between what you have in small centres like Burnie. I think of institutions like Central Queensland University that is dealing with that sort of issue in a very large measure, what you can do there and what you can do at Launceston and what you can do in Hobart, there are judgments and balances. Just as the council needs to have its membership drawn from the different centre, so also does the executive need to make judgments and balances, test those out with the academic senate and bodies and the council. In the end you have to make an on-balance decision.

PUBLIC

There is no straight sort of rule book by which you can actually make those judgments and fortunately, the Commonwealth government, although it allocates funding on certain criteria with the different communities and their different needs, it doesn't require the universities then to actually disperse that funding on exactly that basis because it recognises that those on the ground, closest to the action, can provide the best on-balance judgements.

I am afraid I can't give you a nice easy answer, but I will say we have these complexities built in. If you think about other states like South Australia, you have nearly everything in Adelaide but not quite everything. It's different, whereas in Queensland we have the University of North Queensland based in Townsville. It has a major campus at Cairns and if it does not give enough resources to that campus in Cairns then central Queensland starts playing around in that area. This is a difficult set of circumstances. At some point you have to trust the executives and I say to you we are very fortunate in Tasmania - to have the calibre and the quality of the leadership that we have actually have here.

There was one submission I looked at where it was said 'Rufus Black is the first president since the 1980s who doesn't come with a long academic background'. I think that is a total misreading of a base, background, knowledge and understanding that our current vice-chancellor has. We are very fortunate to have Rufus in place in Tasmania at this time.

Mr DUIGAN - Thank you very much.

CHAIR - Just a question with respect to those areas the University of Tasmania is going to in relation to vocational education and training. I am interested to know your views on whether that is something that the university ought to be expanding in to or whether that is tending to compete with other institutions within the state? Do you have a comment on that in terms of how rigorously the university should or should not get into that area?

Prof LEE DOW - Yes, I do, and I am going to give you an answer that you will have to wait for a bit because I want to say to you that when the Bradley Review was done of Australian universities back in 2007, her initial intent was to have one regulatory body covering both higher education and vocational education and training. Remember, we did not have regulatory bodies at that stage and her original idea was let's have one covering the whole waterfront. Now, it never came to pass and I think it is very understandable that it didn't. The need for a focus on vocational education and training, as it has evolved in Australia, separate from all the issues that confront higher education; are you at a national level or some differentiation though universities in Victoria like RMIT University; Swinburne; what was Ballarat, now Federation; are called dual sector universities because they do bring together all the communities they serve. Ballarat is a good example. They bring together higher education and TAFE. I come to Tasmania now and I am now answering the question.

I think that TasTAFE, some of its activities may well be right to fit into the university, particularly in the framework of what while I was still on the council, was called university college. It doesn't mean that no other vocational training, apprenticeship training, everything should go into the university. I don't think that makes sense but it could be that the point at which one organisation stops and another takes over, there could be some relooking at where that balance lies. My sense when I was on the council and we were grappling with these issues, was that the relationships at that time - anyway, in my time - were working pretty effectively and that there was good linkage between the university through its council and its executive

PUBLIC

with TasTAFE people. I have lost track of where that is now. All I am saying is there are some aspects of TAFE that probably should remain outside the university but there may be some elements that would be more helpfully brought together, particularly in our smaller communities.

CHAIR - Thank you. We have run out of time. As I said before to another person before us, Michael Field, we could go on for another three-quarters of an hour. Thank you for your time this morning. Thank you for taking the time to come and present to us. I remind you that it is important to note that all evidence taken at the hearing is protected by parliamentary privilege and any comments you may make to the media or others outside of this room, even if you were to repeat what you have said here, will not be protected. Do you understand that?

Prof LEE DOW - Yes, thank you, Chair.

CHAIR - Thank you very much and again, thank you for your time.

Prof LEE DOW - I am pleased to have been involved. Thank you.

THE WITNESS WITHDREW.

The committee suspended from 11.48 a.m. to 11.55 a.m.

PUBLIC

Mr MICHAEL WELLS, MANAGING DIRECTOR, WELLS ADVISORY, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Welcome to Mr Michael Wells from Wells Advisory, who is our next witness, number 136 for those who wish to view that submission. Thank you for that and as I said before thank you for attending. Our hearings today are in relation to the Legislative Council State Committee Inquiry into the Provisions of the University of Tasmania Act 1992.

It is important to note that all evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege.

There is an information for witnesses sheet available to view and so therefore you'd be aware that if you get to a point during the hearing where you wish to make a more confidential statement to the committee, for whatever reason, then you can let us know that and we will consider that as a committee or otherwise and we can go from there.

Today we will provide you with the opportunity of making an opening statement if you wish to, but you don't have to, but if you wish to that, we certainly encourage that. We are seeking information specifically relating to the terms of reference which no doubt you would be no well aware of having made a submission. Thank you and over to you, if you could make a statement.

Mr WELLS - Thank you, Chair, and members for having me today. Today, I am essentially appearing as an independent member of the community and giving you, a perspective about governance and management in a public university from an expert point of view and I have a background that I have stated in my submission.

Previously, I have provided professional advice to the university. I hold no current engagements with the university. I do declare that I also have family members who have been students and academic staff of the university. I regard myself as independent. I do note, my father was an upper House member in Victoria and I do appreciate the role of upper House committees of review and particularly inquiry committees.

I think this is a really important opportunity to consider ways in which the act, and through the act, this state's university can be further supported to achieve the best possible outcomes for Tasmanians.

UTAS is arguably the most significant organisation outside of government in the state. Optimising its governance and legislative framework is critically important. Its impacts far exceed its turnover, although that is now closing in on a billion-dollar scale.

I think you've heard from other witnesses that universities are complex to govern, lead and manage and are growing in their complexity, scale and degree of change. There are presently two other states examining mission and system needs and structures of their universities, arguably for those reasons.

Universities must compete in a very competitive set of markets. They're fast evolving and in order to remain viable and sustainable, they have to be successful in competing in those contexts. To invest in quality education and research requires significant financial, human and

PUBLIC

physical resources, planning, execution and risk taking. Domestic and international students these days can go anywhere. Staff are global and research is judged against world-class standards in our system. However, like other public universities, UTAS must deliver community and economic opportunity and impact, and a uniquely amplified responsibility to do so across the whole of this state.

Briefly, governance at UTAS is highly regulated, including governance and core operations - I've rehearsed some of that in my submission. The UTAS act is, in my view, a very robust starting point for that but there are other important requirements to consider. Essentially a balance has to be struck between the various elements and I would submit ideally avoiding too much duplication. Certainly, the primary act for the University of Tasmania, establishing it and creating its mission must articulate the things that are essential, recognising there's a range of other settings.

At UTAS, governance arrangements are, in my view, essentially typical of other Australian public universities and, although I have not reviewed it in detail - I have looked quite closely but I haven't conducted an independent review with full access - the governance arrangements are robust. That's not to say there are not opportunities to continue to evolve governance arrangements via the legislative framework and otherwise.

I will highlight a number of those aspects which I think demonstrate robustness. You've heard about what's often in our sector called 'tripartite governance' which is the corporate governance usually led by the council; the 'academic governance', led by an academic board or in this case an academic senate; and 'management'. Historically, those have been required to be separated and, indeed, they are currently required to be separated. In particular, there are references in the UTAS act but there are also references in the TEQSA legislation.

UTAS has the existence and structure of key committees that are very common across the sector. It has complexion and membership of these that are very typical across the sector, albeit with natural variations across the sector. It has division of authority and responsibility. I'll give one example that I think is particularly relevant in the context of some of the debates - the academic delegations ordinance. The academic senate of UTAS is not given a particularly amplified definition in the act, and I will come back to that, but there are very extensive delegations specified in ordinance. One of the key ordinances of the university is the academic delegations ordinance. In that - and I have taken the time to look at in detail, it is on the web - there are all the usual things that you would expect to see in the carving out of roles for academic governance. The model in our sector generally ranges from holding to the most senior committee the things you would regard as the most fundamental and broad-ranging in impact. So, the academic senate of the university approves courses: the council doesn't; the vice-chancellor doesn't. The academic senate approves academic policies - ditto.

There is a whole range of things that are specified either to the academic senate or its sub-committee structure. All of those things are what we call 'academic governance', 'rights' and 'authorities' and none of them are within the scope of authority of the vice-chancellor and, indeed, technically, as you would know from delegation, you can delegate a power and still exercise that power but in the current context the policy gives that set of responsibilities to the academic senate.

You can change policy. You could go further up the hierarchy of the legislative framework and imbed some of those things in ordinance or in the statute itself. There is a

PUBLIC

debate about how much you want to lock in the on-principle at the high level and have matters dealt with at the lower level. I think that division of authority and responsibility is crucial - the involvement of academics and students in governance, both corporate and academic, so they are represented to greater or lesser degree and, with one exception that I will come to, in a typical way we see in the sector.

In the busywork of a lot of academic decisions they're made at an academic committee level, which is a sub-committee of the academic senate. So, an academic governance committee, made up of academics, decide a whole lot of things at the faculty or school, or in this case, college level. Academics comprise those committees and then have inputs across the different parts of the structure.

The students also have input at both academic and corporate governance level, and so I would say in some ways UTAS governance, from what I have seen - and I am happy to unpack this later - has aspects where they are at the better practice end of the sector. As an independently appointed expert reviewer I have reviewed a range of universities, corporate and academic governance so I have been let into the weeds and under the hood. From what I can tell at this vantage point, UTAS is in a strong position and has a fairly typical approach. That doesn't mean that you shouldn't have some variations to suit the particular mission and circumstances of the university.

So, opportunities to consider revolving the governance, and then I will close the opening statement. As to council membership, I think you have heard that councils of universities across the country have been reduced in number over time. They used to be in the mid-twenties, and many people particularly from corporate backgrounds, found that to be quite shocking and unworkable so there was pressure across the country to reduce the number of members of the ultimate corporate governing body. They have come down mostly across the country into the mid-teens. UTAS, which is specified at 14, currently has 12 members, and I think it is fair to say is at the lower end. It is not out of step but it is at the lower end of range of membership. Considering the heavy responsibilities that the institution carries as the only, and the, university of the state, with a particular range of things it has to achieve across the board, certainly a consideration might be given to that membership. I am thinking in terms of range of expertise and experience.

As a governance adviser I don't start with representative views, but there is certainly experience and expertise that might look more representative. You could imagine that perspectives in the state might range from geography to certain activity types. I also note that in the complexion, the university council has small numbers of members appointed by government, variously by minister or by governing council. In this case only two. There are some universities with none. There are some universities with many more than that.

One question you are probably reflecting on in terms of numbers is, how might the right complexion be achieved and how might the important relationship between, I will call it 'owner', the State of Tasmania and the institution be achieved. I think it would certainly be open to consider making additional appointments, maybe between two and four. Again I don't want to be too prescriptive there but I am thinking 'a few' puts you back into the middle of the pack. They could be governor in ordinance and council appointments reflecting on the kinds of skills and mix that are appropriate at any one point in time.

PUBLIC

Student members: across the country typically have two members. At the moment there is only one. There is a postgraduate member. There is not an undergraduate member. That could be prescribed and certainly pressure placed to ensure that students are, at the moment, specified as at least one.

I think it would be more common across the sector to have a specified two-member, two student representatives, one undergraduate, one postgraduate, again, there are considerations as to types of expertise and perspectives. I have mentioned potential geography, the other thing that is not mentioned in the act, the time that universities across the country have spoken, mainly at the corporate governance of things like financial expertise, they do not often prescribe higher education expertise, Tertiary Education Quality and Standards Agency does prescribe that, it is not a bad thing, it could be explicit. We also have quite important emerging challenges, such as technology, cybersecurity, so there are some there.

Briefly, the academic senate- there is not much prescription in the act. You could consider giving it a prescription if you wanted, there are plenty of acts around the country that set out a set of dot points for the role. At UTAS, those are set out in the next level down in the legislative framework.

In terms of membership, at UTAS, this is not prescribed at all, but at the moment UTAS has a large academic senate, not uncommon of traditional universities with a fully broad function, which I think UTAS is. My understanding is that there are 70 plus members, quite traditional, the membership is dominated by academic members, senior management make up a minority. Importantly, in my counting in that, I am splitting the difference between executive deans and school heads, so in my experience in the sector, school heads are more representative of their discipline and are often seen as the discipline lead of an area within a university, so I am counting school heads and the elected academic members on one side. I am counting everyone who is one or two direct reports to the vice-chancellor on the management side.

At the moment, on that basis, UTAS has, in its key academic committee, about two thirds academic, one third management representative. It has the students and the independent chair of the academic senate in there as well and is moving in the direction of having independent chairs of sub-committees. In the past, there have been times when senior executives have chaired. There are, currently in Australia, examples of universities where a provost chairs the academic senate and senior deputy vice-chancellors chair all of the committees.

I think UTAS has moved in and is in the right direction with its academic governance arrangements. I think then the final two areas in which you might consider, one is a preamble to the act, there is not a preamble. Across the country there are a range of preambles, particularly in Victoria and also with the University of Western Australia and preambles are not a bad way to, in this complex type of organisation, set more of a legislative view, reminding people of the history and the trajectory. Setting that out and in this case, there is very important history that could be captured and communicated that way.

There is also the question of your aspirations as a legislature for the institution, I think that could be a useful part of the act to set more of the tone and a framework against which reviews like this in future and indeed, by regulators like TEQSA and auditor-generals could be carried out.

PUBLIC

Finally, partnership with the state, it is an autonomous university, that does not mean you cannot have a range of mechanisms for state and university joint planning and engagement to try and ensure that the partnership is as successful as possible, lots of options there.

CHAIR - Thank you. First question to Nick.

Mr DUIGAN - Thanks, Michael and thanks for your submission. Noting those expansive opening remarks you make, I will take you right back to the beginning. This inquiry is looking at the UTAS act, and I would just like you to reflect on how would you describe the suitability of that act to do what it has to do? And you would you contrast it with other pieces of legislation that exists in other jurisdictions around the country?

Mr WELLS - It is in line with other acts. I think the legislation is fairly standard, although there are slight variations in the purposes and in the functions. It is some ways by comparison, under prescriptive of the academic senate, and I have raised that. It is also fairly under prescriptive of the councils of committees. These days in big organisations, a lot of work gets done in the committees. At UTAS, the audit committee is specified and left open and then to council to create. Not a bad approach, but you have the typical power committees, as I call them, in the resources committee and in audit risk. And, depending on how you construct things and obviously relevant to current debates, investment and infrastructure are often dealt with as either sub-committees or committees in their own right.

The other thing that you have the capacity to do is that council can appoint external members to committees. I think that is a very important power. That is not prescribed. At the moment there are external members, as I understand it, on the public website for the resources committee and for audit and risk, not for others. For example, you could envisage that specialist areas of investment and infrastructure would be other examples in other places.

I think there is a limited prescription. I am a big believer of getting the broad principles right and knowing that you then have subordinate legislation and you have policy.

One point I made in my submission was critical things embedded in policy, particularly for TEQSA are reportable. There is a continuous disclosure regime with TEQSA. If anything, that is part of the compliance regime, is changed in university such that there is such a risk of non-compliance, they have 14 days to report to TEQSA. I think if we go to the correspondence file with UTAS we will find there is traffic as there is in every institution now across the country on the continuous disclosure regime.

There is actually another policeman on the beat in TEQSA watching comprehensively the range of requirements and performance. Where you set that balance, there is opportunity to be a bit more descriptive in the act itself. I think the preamble might be a way setting some of the context and aspiration, rather than binding the institution down into legislative detail. And of course, the only other aspect is I have mentioned geography. That is probably the one hallmark of a university of a whole state and as other witnesses may have observed, a university in a state that has very significant dispersion and geographical challenges, even though it is a relatively small state, it has very significant complexity in that dispersion. Those are matters that might warrant further attention.

PUBLIC

Mr DUIGAN - Do you think there is risk in terms of making the enabling legislation more prescriptive that it runs foul of the federal legislation which is, as you have outlined in your submission, pretty prescriptive?

Mr WELLS - I think there is. I think you run that risk of having to keep up. I think you could certainly set some further broader elements. You really have, if you like, got the usual suspects and then you have got very little at all in some areas. You could go into those areas and set some broad requirements, but go too far and I think the university will have to continue to review and keep lockstep and then advise you as legislature.

Mr DUIGAN - My next question would be the idea of governance and obviously, the UTAS act has governance provisions as does the TEQSA act. A lot of submissions to this inquiry have been about this idea of dual governance and TEQSA has something to say about that. I wonder if you can expand a little bit there?

Mr WELLS - Sure. TEQSA in its first set of standards had a prescription as to the 'academic board', as it was called. In the current version, it dropped reference to a particular structure but set in much broader and, in some ways, a more demanding way a set of requirements that the institution must have academic governance. It has a lot to say on what that academic governance is. It must involve there being appropriate expertise and scrutiny brought to bear on academic-related proposals. It must be effective. Those are the broad principles of it. Most universities have continued; they all had academic boards or equivalent prior to the TEQSA legislation and they have all continued with that structure and a committee system under it.

I think the requirement is also that academic governance is a part of governance. Governance must be separated from management so in that broad principle, academic governance arrangements need to have sufficient separation from executive. That doesn't mean not having executives on such committees - and they are across the country - but getting the balance right. I think the role of chair and the balance across the committee is very important, and the system. A lot of heavy work goes on in committees below.

The other thing is that academic boards or academic senate, in this case, don't report to the vice-chancellor. They report to the council. They advise the vice-chancellor on a range of matters that come out, as they do also advise the council. Increasingly we're seeing audit and risk committees grow in their importance. It's really an emerging space, particularly with the pressures that universities are under, including regulatory pressures, that academic risk is being identified within the broader framework of the audit and risk committee and that the academic senate in UTAS's case has a relationship into audit and risk. That's quite important. We have independent members of that committee from outside. We have a crossover member of the president of academic senate who is a member of the audit risk, which is quite important, and also a member of council. I think we are seeing role delineation, which is important, membership and relationships. That's the essence of governance and TEQSA would expect to see all of those things.

Mr GAFFNEY - Thanks, Michael. You mentioned in the preamble - or was it mentioned in Nick's? - are you aware of any other university which has significant distances between their campus like the UTAS set up - like Burnie, Launceston and Hobart? Are you aware of that?

PUBLIC

Mr WELLS - Yes, Mr Gaffney. The ones perhaps I am more familiar with in my home state of Victoria are Federation University which probably has the greatest distribution of campuses relative to its size in Victoria and is very challenged by that. It has a significant preamble to its act. The Latrobe University also has significant dispersed campuses ranging from Gippsland to West Victoria, so we're talking similar distances from the north to the south of Tasmania. Then probably the greatest nationally distributed university that we have is the Australian Catholic University which, whilst technically a private university, is described as 'public spirited', and it has campuses in five of the mainland states.

Mr GAFFNEY - My second question is this: we have had some submissions saying that those campuses should be identified in clauses or divisions or sections of the act. In your experience, in those other universities you mentioned, are they included in the preamble which then covers the act or are they specifically mentioned in the clauses or divisions?

Mr WELLS - They are preamble rather than specifying, if you like, 'spots' on the committees. If you were to go down to that level, I think you could consider a lead-in reference to considerations of appointments with regard to a range of factors. Typically, the factors listed are usually to do with expertise, but I think there would be no difficulty if, in that list, you had some thought to the particular dimensions by which the state of Tasmania wants to see expertise and perspective brought to bear.

I would probably be a bit cautious about specifying the particular number. I think you could certainly expect that, on review, if we were not seeing appointments made, and you have, at the moment, heavy weighting towards council-appointed spots on council and hence my earlier comment about the potential for increasing the number of (indistinct) council appointments, that may give you slightly greater capacity, through government at least, to make those appointments, but you could have that reference apply to both.

Ms LOVELL - To go back to something you were saying earlier, it was a follow-on from a question from Nick, in your submission you were talking about academic senate functions and membership not being stipulated in the act. You then go on to say that there are some things you would not stipulate because it would be too hard to keep up, so just for clarity, functions and membership would be okay, but anything further than that might be getting too much into - ?

Mr WELLS - Too much into the detail. I would suggest broad functions and examples of broad functions would be fundamental functions of a peak academic governance body, such as course approvals, so improving the academic standards embedded in courses; academic policies, and, for example, these are things that are specified in the ordinance, academic policies; quality assurance review, academic quality assurance, so standing at the gate, reviewing academic outcomes for students and education and research, more generally. Those would be three really fundamental examples and you could state those at a high level and would not have to go down into the full detail.

I think at the membership level, in addition to - at the moment there are limited stipulations, I think you could stipulate types and you could stipulate issues such as guidance around chairs of committees or chair of that particular committee as to not coming from an executive function. You could also stipulate the relative balance, particularly the majority and quorum requirements.

PUBLIC

Ms LOVELL - So, there are some parts that you could comfortably legislate?

Mr WELLS - I believe so.

Mr DUIGAN - Could I follow up from that, because some of those functions are currently listed federally, so you want them duplicated?

Mr WELLS - I think it is a matter if the parliament wishes to have greater specification over that matter, and it would be commonly seen across the country, there would be no risk in going there with that level of stipulation and intent.

Ms WEBB - To clarify too, in terms of those things already being stipulated at a federal level through legislation, there is obviously room within that for various complexions within different state legislation. It is not that it is exhaustively stipulated at a federal level, otherwise everyone's would look the same, would it not?

Mr WELLS - Correct. That is what I have described as a carve out, so only if it is directly inconsistent would the state legislation struggle.

Ms WEBB - I am interested to better understand how assessments are made by TEQSA about compliance, a key role. Particularly, because for example, you have complimented UTAS's arrangements regarding that separation between management and governance for example. Yet, we have heard through a range of pieces of evidence provided in submissions and hearings about people's concerns about a lack of separation there. I would like to understand, when TEQSA is assessing that, and because no doubt UTAS will point to TEQSA's tick of approval. Is it measured by looking at what policies are in place and what paper documents there are to say how it works or is there an assessment that looks at how does it work in practice and if and how are there any concerns about how it is working in practice compared to on paper?

Mr WELLS - TEQSA has a deep and a less deep approach. Its main deep approach is that on reregistration cycles, which are every seven years, the last of which went through in 2019, TEQSA has a case team that is assigned to each institution and prescribes a long list of core evidence against core standards, so there is a significant body of paper-based evidence that has to be submitted. In addition, it then adds further scope if there have been issues with the institution or indeed, at sector level, significant emerging risks. They get added to what is called core plus. It is a policy framework I helped develop when I was at TEQSA and there is a significant body of paper-based evidence submitted and reviewed.

The teams are expert at reviewing and triangulating the evidence. They are not just interested in policies, they are asking for policies and processes and evidence of implementation and of their efficacy. From that point of view, in the last review, TEQSA granted seven years but imposed two conditions on UTAS's registration which is quite a significant development for the university, publicly on the register and those two conditions within the subject were based on there being concerns by the regulator as to certain aspects. They were not noncompliant because the university could not have been reregistered. The act requires ongoing compliance to be registered. TEQSA must be satisfied in other words, but they raised concerns about two issue, imposed conditions. Those conditions could have been taken up in the Administrative Appeals Tribunal and been reviewed. They weren't and late last year, I think about three months ago, those conditions were lifted on the basis of what I would

PUBLIC

anticipate of being a case team looking closely at a set of evidence supplied by the university to the federal regular. You can see TEQSA did not lift the conditions for the better part of three years.

It is quite an involved process. On reregistration there are opportunities and often this is the case, there are opportunities to interview. TEQSA will often hold a site visit or in the last few years a Zoom set of meetings with people, including governance members, executive members, students and staff, so there is flexibility in their methodology to meet with people and they do frequently meet with people. It is not prescribed though. In addition, out of those cycles finally, the agency has the power to conduct compliance assessments. If they saw a material change notification that gave them real cause for concern or in the case of sector wide issues such as academic integrity - which is an issue of late - TEQSA writes to the Vice-Chancellor on any of those issues and requires a please explain and that may lead into a boots and all investigatory review. That is out of time.

Ms WEBB - On that, I might have missed it as you were describing it, what is it that would trigger that to be looked at?

Mr WELLS - It would be awareness by TEQSA of there being significant risks to compliance by the university against any of the threshold standards.

Ms WEBB - Would it be reasonable then to expect that come the next review time for UTAS, the processes of this committee of inquiry would be relevant extra bits to be considering when determining what to look at beyond the core?

Mr WELLS - A very good suggestion. I would expect the report of this committee would be high on the exhibits list of the case team at TEQSA. They will review it because, as occurs with other processes such as Auditor-General's reports and other public inquiry type processes, this will be material that will be examined by the regulator. That process, the submission will be due 2025 for a decision in 2026, with the evidence is being put together over the next 12-18 months.

Ms WEBB - To pick up on the opportunity, for example, if there is something quite striking that emerges, please explain, can be put in place from TEQSA to the institution. Given, for example, things we have heard here have been in the public domain in this state on circumstances to do with our law school in UTAS, where there was significant breakdown around what was being taught and how was being taught, such that the law community had to lobby from externally into UTAS.

Would that be of a magnitude to warrant a look outside of the cycle of review?

Mr WELLS - It could be, it depends on the connection to the standards TEQSA regulates against. It is likely, I am not across the details there. For example, there is a requirement and a professional accreditation standard, if the course is delivered by the law school for initial registration as a lawyer to practice fell foul of professional requirements that would certainly be one of the basis' for TEQSA to have a look at. If there were matters of clear underresourcing or inappropriate expertise, there are a range of standards that would come to bear.

Ms WEBB - Presumably, that would have to be brought to TEQSA's attention through a complaint or some sort of notification?

Mr WELLS - Yes and TEQSA receives complaints, it does not publish all those complaints, it is not a complaint-handling agency of first resort, unlike, for example, an ombud, but the agency receives regularly, as I understand it, complaints from students and staff across the sector and it filters those, in terms of their relevance for its remit. If it is sufficiently serious, there have been occasions to launch immediate investigations. If they are judged to be something that could be reviewed among other issues at a point of intersection, such as a reregistration that might occur, but those matters do articulate the agency's focus at those points.

Mr GAFFNEY - A follow up to that, Michael, are you aware of any universities in Australia that have been deregistered because they have not reached the standard of TEQSA in, say, the last 10 years or is it they have to address it and have six months to do so for a re-examination, how does it work?

Mr WELLS - Very good question. The powers exist to refuse reregistration. TEQSA has not ever made such a decision. It may have threatened such a decision, but it has never made such a decision. If it did, you would go straight into the courts and there would be litigation, that decision would be reviewable in the AAT as a starting point.

Generally, universities, the public universities in particular, but I think all institutions in the sector regard TEQSA registration and if you like being on good terms with the regulator and being seen to be compliant with the requirements, they regard that clean bill of health as being critical to their reputation. Institutions that have received a range of public decisions, for example, conditions, depending on what the condition is about, can be, for a public university, very motivating. I am sure that that has been the case here, albeit TEQSA's conditions in the case of UTAS range I think, from what I would describe as somewhat administrative, requiring more evidence, through to some broader concerns, which have now been fully resolved.

Mr GAFFNEY - You may have already mentioned this, that TEQSA assessment, is that property of the university or property of TEQSA and can be public information or how does that work?

Mr WELLS - The TEQSA assessment is an assessment by the Commonwealth agency. The assessment itself is not published, the decision is a published decision and the agency has very powerful rights to publish. It is almost impossible to stop them in the Federal Court. We have had numerous clients wanting to do that. So, there is significant power in TEQSA to publish the outcome of its decision and you will see the treatment on its website, the way it expresses at a high level the basis of its decisions.

In addition, state and various actors in the country, including state governments, have the right to seek information from TEQSA and there are very broad information sharing powers that TEQSA has been given by the Commonwealth Parliament.

I think it is suffice to say, a state government making inquiries on TEQSA would likely to be given, and has likely occurred - but not to my knowledge at this point - on TEQSA's watch, that state governments have made inquiries, as have other parts of the federal government.

PUBLIC

CHAIR - A question with respect to the act itself, and its sufficiency. Like other universities, no doubt, there are operations of the university outside of Tasmania and UTAS Sydney and other areas.

Do you think the act is sufficient in catering for operations that are international? I am interested in your perspective in that regard and, how the Commonwealth legislation and the state legislation works.

Mr WELLS - The acts across the country don't give much particular reference to out-of-home jurisdiction. There are references to international standards, and you have one of those in your own act about referencing international quality of education and research. The word 'ancillary' comes to mind. Some of the operations you speak of might be regarded as ancillary to the core purpose and mission of an institution with a home-based jurisdiction. Then they'd be ancillary in the sense of providing sufficient diversification and opportunities to teach a full range of students. Some students will want to come here, others may want to go to other places.

In what we call transnational education, there is a general trend towards more students staying at home in Asia, even though we've got a bit of a snap back occurring into Australia post-COVID-19 and borders, we really do see the long term as leading to greater offshore activity or the sector is likely to lose its market share and its position.

I think there could be references to enabling a broader capacity to recognise that delivering on your core objectives is likely to require some consideration of a broader footprint necessary to achieve successful competition in the market. You wouldn't want the university to feel in way hampered. That said, it needs to be clear of its core mission and where that leads.

CHAIR - Are there any gaps in terms of how that area is governed between the Commonwealth and state? Generally, you think Commonwealth control as opposed to state control or governance. Is there enough there to make sure that any operations that are offshore, put it that way, are effectively managed and controlled?

Mr WELLS - The main legislation people think of about international students is limited to onshore in Australian. The Education Services for Overseas Students (ESOS) Act and the (indistinct) cost registrations only apply to activities onshore. Offshore there is no particular legislation beyond the TEQSA legislation and certainly its grant of registration and the accreditation, Australia is awarding degrees that are globally relevant and delivered. So, if you like, the licence to operate is seen as a global licence, subject to operating consistent with laws in other jurisdictions where you operate. However, the qualification is seen, out of Australia, is global. That's absolutely the case and the way the world is working there are, what I would call, a few big degree issuers - Canada, United Kingdom, United States and Australia are very important in that.

The home act, the enabling act, needs to make sure it is given sufficient capacity. If you see a broader remit for the University of Tasmania to compete globally, it's something that probably warrants a reflection in the legislation more than it is today.

CHAIR - One final question with regard to the vocational education and training aspect, it's something I've asked others who have been before us. How deeply does the university get into that space? From a Commonwealth perspective, is it duplicating? Is there a danger that

PUBLIC

there might be too much being offered in that space or do you think there's not enough? Can you advise?

Mr WELLS - Briefly, the question on whether a university might extend into vocational education and training - this is a very different type of education and education sector. In some ways I would tend to think of there being two types within vocational education and training. There are things I would call 'mid-quals' - mid-level qualifications. There are qualifications - mainly certificates - in the Australian framework of certificates I, II, III and IV. They include apprenticeship-type arrangements. We then have diplomas and advanced diplomas and associate degrees. UTAS has - and I've had something to do with it - the establishment of the UTAS College which is awarding associate degrees and diplomas. There's an overlap in the mid-quals.

The universities across the nation are not particularly going after levels I, II, III, IV, but there is a significant overlap occurring nationally in that mid-qual space that could give rise to consideration of efficiency. You'd have to be very careful about not 'raiding' vocational education and training at the expense of - it's absolutely crucial that you have an effective education and training sector in the state, absolutely critical. There are very different objectives and systems required to deliver successfully so ways of looking for collaboration - and you've probably heard, there are opportunities to continue to look for opportunities for collaboration between TasTAFE and UTAS but the opportunity legislatively may well be in that mid-qualification space.

The second part of your question, Chair?

CHAIR - You have answered the question so there is no need to go back there.

We have run out of time.

Ms WEBB - Maybe, I can ask for a follow up?

CHAIR - Yes.

Ms WEBB - The Public Universities Australia have put out a draft model act. Are you familiar with that and whether it complies with TEQSA requirements?

Mr WELLS - Yes, it does sufficiently.

CHAIR - Thank you for your time today. We really appreciate it. It was fascinating to get that independent view and I remind you that it is important to understand that all the evidence taken at the hearing is protected by parliamentary privilege. Any comments you make to the media or others outside of the room, even if you were to repeat what you've said here, will not be protected. Do you understand that?

Mr WELLS - I do, Chair.

CHAIR - Thank you very much for a very interesting set of information.

Mr WELLS - Thank you, Chair, and thank you, members. All the best.

PUBLIC

THE WITNESS WITHDREW.

The committee suspended from 12.49 p.m. until 1.40 p.m.

PUBLIC

Dr BRIAN HARTNETT, Professor COLEMAN O'FLAHERTY AM, Professor MARTIN RENILSON and Professor JOHN WILLIAMSON, ALL VIA WEBEX, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - We have before us as witnesses the Northern Tasmanian University Support Group, appearing online. I want to, for the record, introduce the members of the inquiry, Mike Gaffney, Rob Valentine (as Chair), Meg Webb, Sarah Lovell and Nick Duigan. We have Ms Jenny Mannering who is the committee secretary, ably supported by Ms Allison Scott and we have Roey from Hansard.

Because we are taking sworn evidence it is necessary for you all to make a statutory declaration. You would have all been sent that and if you could each do that.

CHAIR - Welcome, and thank you all for attending. For the record, our hearings today are in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992. It is important to know that all evidence taken at this hearing is protected by parliamentary privilege and I remind you that any comments you make outside the hearing may not be afforded such privilege.

There has been a copy of the information for witnesses that has been made available to you. Are you all aware of that copy? And do understand what is to take place if you wish to go into camera for any reason? Can I hear an acknowledgment on that?

Prof O'FLAHERTY - Yes.

Prof RENILSON - Yes.

Dr HARTNETT - Yes.

Prof WILLIAMSON - Yes.

CHAIR - Thank you. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. By way of introduction, I advise that the procedure we intend to follow today as is follows. Firstly, you will be provided with the opportunity to speak to your submission if you wish to do so. In your case, you have given us a written submission. The longer we have to ask questions, the better it is for the inquiry, but feel free to give an opening comment. After that, the committee will address questions to you. So, if you wish to make an opening comment.

Prof O'FLAHERTY - I will first speak on behalf of the group.

CHAIR - Just before you do, Professor O'Flaherty, I would just like to make the declaration that we have in fact served on a board together some time ago with the Museum and Art Gallery, correct?

Prof O'FLAHERTY - Yes, I think it was about 25 years ago.

CHAIR - Yes, I think it was about that. I have not forgotten.

PUBLIC

Prof O'FLAHERTY - Thank you very much. If I may start, I thank you and members of the committee for inviting us to meet with you by video today.

Can I first tender an apology from Don Wing who had planned to be here today, but for medical reasons, cannot now attend. Don had been scheduled to undergo a medical procedure in May, then last week he was suddenly offered a vacancy next Thursday. This procedure requires him to undergo some testing and prepping today at a specialist clinic. For the good of his health, he must attend this and that is where he is at this moment, so he has asked me to express to you his very sincere apologies for his late withdrawal from this meeting.

CHAIR - Absolutely understood.

O'FLAHERTY - Thank you very much, Chair.

Now, there are two things that I would like to try to make clear. First of all, who or what is the Northern Tasmanian University Support Group? We are a group of concerned citizens who are very conscious of the economic, technological and societal changes that have been taking place over the past 30 to 40 years.

Education, especially higher education, is a key ingredient in the way that society copes with these changes. History shows that universities have profound influences on the locales in which they operate. Locales that have quality universities thrive, whilst those that do not slumber.

Because of the dramatic changes that are taking place, universities are having to adapt to change their modes of operation to cope with the challenges of change, while at the same time fulfilling the obligations and purposes for which they were established. Our group is concerned with ensuring that Tasmania as a whole, and especially northern Tasmania, benefits from these changes and does not end up in slumberland.

The second thing to bring to your attention is: what does the Northern Tasmania University Support Group seek from this committee? We seek changes to the university act that will ensure that the university continues its current statewide drive to bring quality, higher education to all Tasmanians into the future. I repeat, to bring quality higher education to all Tasmanians into the future.

Our group is concerned that prior to the early 1990s, the University of Tasmania did not fully meet the state-wide obligations and objectives underlying its establishment.

The University of Tasmania is and always has been an excellent academic institution. However, prior to 1990s, it primarily operated as a capital city university and its leadership paid relatively little attention to meeting the higher education needs of the north and north-west of Tasmania where half of the Tasmanian population reside.

The reality is that this historical focus on being a quality capital city university, has not necessarily been good for Tasmania as a whole. And this, at least partially, is reflected in the regional educational, economic and social disparities that have developed and exist to this day between the northern half of this state and the southern half of Tasmania.

PUBLIC

Our group is very supportive of the statewide approach to the provisions of higher education in Tasmania that has been adapted by the current university council and the current university administration led by Professor Rufus Black. We believe that the council and the vice-chancellor are genuine in their state-wide drive to coping with the accelerating changes that beset all decision makers today.

However, whilst lauding the present university initiatives and leadership, we are concerned that they may not be continued into the long-term future. The university, as it exists now, must continue to exist into the future for the good of the state.

It is a reality of life, however, that university leadership teams change with time. Corporate memory is lost and consequently good intentions and initiatives can fall by the wayside. Hence, our groups appearance before you today to seek your support for changes to the University Act as outlined in our submission that seek to ensure the continuance of these initiatives and intentions into the future.

Thank you, Mr Chairman. I do not know whether any of my colleagues would like to add to what I have just said?

Prof WILLIAMSON - Chair, if I could add a comment?

CHAIR - Yes, briefly.

Prof WILLIAMSON - Thank you. If you think about the founding of Australian universities. The four universities that were founded in the late 19th century, three of them were given the names of their capital city. The stand out was the University of Tasmania. Even from the beginning, Tasmania recognised that this was the University [audio cut out] of Tasmania, it was not the university of a capital city. It was not until almost a decade and a half later that universities in two other states became identified as the university of that state.

CHAIR - Professor, you may wish to reiterate that last paragraph because there was a hiatus here, we missed that, the communication failed briefly.

Prof WILLIAMSON - What I was saying was to reinforce Professor O'Flaherty's statement. It was a historical point that in the 19th century the founding of the first four universities in the country, three of them were given the names of their capital city. The stand-out was the University of Tasmania. Even at that time, people recognised this needed to be a statewide institution. It was not until almost a decade and a half later that two further institutions were given the names of their state. With this naming as the University of Tasmania, it is a privilege and it is a privilege that exercise the whole of the state. That is why it was chosen as the name - University of Tasmania and as Professor O'Flaherty said, the suggested Act changes are to ensure the whole of the state is looked after, not only now but into the future. Thank you.

CHAIR - Thank you for that clarification.

A clarification from me, in my opening comments I talked about your submission which was received as correspondence. It is not a submission, so the committee resolved it would be received as correspondence. To correct that slightly and why it is not published on the website.

PUBLIC

I have questions commencing from Mike Gaffney.

Mr GAFFNEY - Thank you, gentlemen. I appreciate receiving the correspondence. It is very clear and easy to read. I will go straight to the recommendations on page 6 and then my learned colleagues will ask questions about how you got to there. I would be interested to understand, because we are looking at the act how or why you have come up with those various amendments. I am sure the Office of Parliamentary Counsel, which is responsible for our legislation with guidance from recommendations, would be interested to know why you have chosen the amendments that you have. Anything you could do to enlighten us would be really appreciated.

I am not sure who is going to take the lead role on that. I will leave that up to you, gentlemen, to decide but from my correspondence it is on page 6 where it starts 'Number 1, Division 2 - Constitution'. If someone would like to walk us through those recommendations that would be appropriate.

CHAIR - If we can, as briefly as possible would be great.

Prof O'FLAHERTY - Thank you, Mr Gaffney. I will state clearly that the t-h-r-u-s-t - I have a bit of an accent - of our proposals, our recommendations, are that the university act as a statewide university and not just a capital city university as historically it has tended to do - I am not running away from that. That in essence is what it is all about.

Mr GAFFNEY - In light of that, you have made some suggestions, including things like Burnie, Hobart and Launceston in section 9, No 2. My understanding is that as long as in the revised act - if there were to be some amendments - that it was statewide and it was clearly defined in the act. However, the Office of Parliamentary Counsel through recommendations and amendments could include that because, for example, this morning we heard that in some other Acts where there are campuses across the states or whatever, that involvement or inclusion could actually be in the preamble, not defined in the actual clauses or divisions or sections. Because sometimes that can be problematic, of those terms I am of the understanding that as long as the act is expanded to ensure that encapsulates the three major campuses - is that a fair assessment of what you are suggesting?

Prof O'FLAHERTY - Pretty much so. In essence, I was privileged to come to this state 44 years ago and one of the first things I noticed was that the people in the state lived in three major areas - the north, north-west and south and the university in its activities was focused on the south in the capital city. It had a role in the national scene as a capital university, a capital city university, at that time and that was its focus. What we are concerned about is that this focus was not right then and it is even more not right now with the changes that are taking place.

Perhaps any of my colleagues might care to elaborate on what I have tried to say?

Prof. WILLIAMSON - Thanks, Chair. Mr Gaffney's comment about location is important. Location in terms of geography does help fit with the notion of place and we all celebrate place in Tasmania. Concomitant with that though, it is about staffing and if you look at what we have tried to do in terms of suggestions for wording is to indicate that not only is location important, not only is place important, but also the nature and purpose of the way that those locations may be used. We know what it is like to try to write policy that limits you in

PUBLIC

the future because you have identified some sites and you wish to amend those but people come back and say that you said so and so. Location is important but it is also talking about the concomitant relationship between staffing, resources, participation and access. While I understand why it is that we want to identify location, it seems to me that the wording needs to be broad enough to include those other important matters as well.

Mr GAFFNEY - Thank you. My last question is about interest in regard to the university's Australian Maritime College, the appointment of an additional council member. Could you expand on that a bit further please?

Prof. O'FLAHERTY - Yes, but perhaps I can ask Professor Renilson who is a former senior staff member of the maritime college to speak to that at this moment.

Prof. RENILSON - Thanks very much. Prior to the amalgamation between the university and the maritime college, the maritime college was a national body and most of its Australian students came from outside this state. When I worked there we made a strong point of being a national organisation, not a state-based organisation. Since the amalgamation between AMC and the university, that has been lost and it is fairly clear to see that the AMC doesn't have that national focus anymore and the suggestion here is that we don't want to turn everything that the university is doing, up on its head. Everything else the university is doing in this state is absolutely right but unfortunately it is exactly wrong for the maritime college. We are suggesting that somebody be there on the council, with an understanding of the national maritime industry to make sure the Australian Maritime College can project itself onto the mainland, not just within Tasmania.

Mr GAFFNEY - Could you repeat that last sentence? We missed it here.

Prof. RENILSON - We want to make sure there is somebody on the council who helps to project the Australian Maritime College nationally and ensure that person understands the national maritime industry, such that it can be represented nationally in that case.

Mr GAFFNEY - A question for my own curiosity, Professor O'Flaherty, I think you were involved with the College of Advanced Education in Launceston, was that correct? Back in the early days?

Prof. O'FLAHERTY - The origins of higher education in the north have been initially at the Launceston Teachers College, which then in 1973 was changed into a College of Advanced Education. It was still essentially a teachers college when I came here in 1978. When I say a teachers college, there was some 1300 equivalent full-time students and about 800 of them were teacher educators and the other 500 were in other areas. My prime job was to turn it into a multidisciplinary institution, hopefully of university-type calibre, leading to the events that took place in the 1990s and which then fell apart and are now being picked up and run with again. The higher education opportunities for people in the northern half of the state have been considerably enhanced by the focus of the 1990 merger, which was on providing university campuses in the Burnie region in the north-west and in Launceston, here in the north.

Mr GAFFNEY - Thank you, and my last question is to Professor Renilson. The Australian Maritime College kept its name, its title, even though it has been subsumed by UTAS, is that correct?

PUBLIC

Prof. RENILSON - That is correct, it still has its name which I really appreciate. I should point out that I left in 2001, so a lot of this happened after me and in fact, if I have the floor for a second, one of the reasons it did not join with the amalgamation in the first place was because it had the name 'Tasmania' in it and the council, at that time, was not Tasmanian-based and they felt that would be a negative step to be Tasmanian-based.

It has kept its name. Originally, the principal reported to the vice-chancellor and in the agreement of amalgamation it was to be a standalone institute. Then the principal reported to the provost, now the principal reports to the dean, and it is just like any other school within the university. So, it has lost its special focus, if you like, that it used to have and I might say, it was promised in the amalgamation.

Prof. O'FLAHERTY - I just want to stress, I came here just prior to the AMC being established and I was very much aware of what was taking place and supported most of what they were doing. I say most because I wanted our mob to participate more in their activities, that is just the normal give-and-take of academia. However, they were a prestigious institute, and I use the word 'were'. In recent years, their national leadership and international leadership has slipped. They get most of their students, not from Tasmania, but from the mainland and overseas. Now, the AMC is not in the capital city and somehow, it has tended to be forgotten by the university and what we wish to stress is that the work that it is doing is vital to the shipping industry in Australia. We would like to see it given a greater focus now and in the future, and to do that, we would like to see a member of the council who is recognised as a leader in the maritime industry being on the council to give guidance to council regarding the developments in the maritime area and in maritime education.

Mr GAFFNEY - Indeed, when it was first announced the Australian Maritime College was going to be in Launceston, there was a lot of media coverage and it was highly sought after because it was the first of its kind in Australia. Are these courses that are being offered at the Australian Maritime College now offered in other colleges and universities across Australia? Has it been fettered out so that it is not the prime place for maritime or is it still the number one institution for learning in the country?

Prof. RENILSON - There are a range of courses that the maritime college does. Basically, one other university recently started a naval architecture course in Canberra, so it is mainly focused on defence people. To a large extent, these courses are only run at AMC and what has happened, and I can speak as ex-president of the Australian Division of the Royal Institution of Naval Architects, we, meaning Australia, are running out of naval architects because they are not coming to AMC anymore because of what we just talked about before.

Although we're spending \$80 billion on new ships, we don't have the people who are required - 'we' being Australia. There haven't been any other courses, other than the small one in Canberra which has just started. There is no other course set up, for example, in the naval architecture and so I think the nation is suffering. Possibly other universities may decide to start up, I don't know. I have a national hat on, if you like, when I'm speaking, not necessarily quite the same focus as UTAS.

CHAIR - If we consider with respect to, say, the Institute for Marine and Antarctic Studies. Wouldn't you equate the Australian Maritime College with something akin to that? If you were to have an extra person on council related to the Maritime College, wouldn't the

PUBLIC

Institute of Marine and Antarctic Studies put their hand up and say, that means that we need that level of input as well?

Prof RENILSON - I can't comment on what it does, but it has very high profile within the university. I think it is important to realise that despite an original agreement and despite originally the principle of AMC reporting to the vice-chancellor, it's moved considerably down in the pecking order within university management, so much so that is basically just a head of school. That's why AMC is suffering.

I don't believe the IMAS is suffering. I don't know, but I think a lot of its students do come from within Tasmania, because it's place based and so on, Antarctic and marine studies. We used to say at AMC that, we just happen to be based in Tasmania. A national organisation could be based anywhere in Australia and it just happens to be based in Tasmania and now has become part of the university. IMAS is very much place based, focusing on the maritime and Antarctic studies, that's what IMAS is about. So, they are a bit different, I think.

CHAIR - I state that as a devil's advocate because some of those observations may be made.

Ms WEBB - If such a position were to be added to council with that specific maritime college focus, is there a conflict with the other part of the act, in section 8(3):

A member of the Council is responsible and accountable to the Council rather than to any constituent body to which either he or she is appointed or elected.

Is there any conflict there? Or, is what you're after the ability to have that voice in the room, not that that person has to be responsible back to the college in some sense?

Prof O'FLAHERTY - As Martin pointed out, the AMC was established initially independently as a national body and a national institution to look after the nation's needs. What has happened in the course of assimilation in the merger, the national needs have tended to be neglected but they are still there. There are still national needs. I think it is not unfair to say that the Antarctic Division, for example, was established by the university to promote research and do good for the university and for Tasmania and for the nation. However, it wasn't established nationally for this purpose. I hope I am right in saying that.

Prof RENILSON - I believe so.

Ms WEBB - I think that is more in answer to your question.

Prof O'FLAHERTY - It's a different type of body that is within a university.

Ms WEBB - To clarify the question I was asking was: if we were to go down the track of the recommendation that you're making and include a role on the University Council as the governing body, a role that specifically related to the Maritime College, as per your recommendation, whether there would then be a conflict for the person in that role with the other part of the legislation that says in section 8(3):

A member of the Council is responsible and accountable to the Council rather than to any constituent body by which he or she was appointed or elected.

PUBLIC

That implies that were there to be a person on council in a sense representing the Maritime College, they couldn't be reportable back to the college as such. They are there presumably to give voice and to be able to participate in conversations from that perspective. Is that what you are anticipating or do you see a conflict with that other part of the act?

Prof O'FLAHERTY - No, I don't think so. I think the misunderstanding is if you see the person on council as representing the Maritime College. He or she is not there to represent the Maritime College. The person is there to make sure that the national educational interests in the maritime industry are brought to the fore.

Ms WEBB - Thank you. Yes, that answers my questions.

Prof O'FLAHERTY - That would be my belief.

Prof WILLIAMSON - Can I jump in there? I was formerly the chair of the academic senate, elected once and re-elected five times so I spent 12 years as chair of the academic senate on the university council. It was a good question but you might ask: I was there as an academic. Does that mean that I was only speaking on behalf of a particular constituency within the university? No. What I did was to bring information from a body and able to present it but I was bound like everybody else by University Council rules and the practices were that you put your opinion, you put information, you provided the data, you had strong debate and then you abided by the Council decision. It would be the same in the instance discussed. I sat on council and saw people who came from particular areas. Students, for example. Students speak on behalf of students but on council they are there not as delegates, they are there as members of council to provide information that is helping make the best decisions for the institution as a whole.

I understand the question but from my own 12 years on council I can see where it is coming from but to me it is an issue that can be dealt with in the practical pragmatic way of being there and providing information and data but not voting as a delegate.

CHAIR - Thank you for that clarification. Can I go to your changes to the act towards the back, section 9 'Role and Powers of the Council'? Item 3(ii) which deals with items 3(a), to be amended to read:

to appoint persons to positions of academic responsibility within the university to ensure an appropriate balance between the major campuses at Burnie, Hobart and Launceston.

Specifically, you have made changes by inserting 'academic' and the words 'an appropriate balance'. Are you flagging that the academic focus is lacking? Is that the purpose of the change and what you might be saying as being an appropriate balance? Perhaps you could comment on those two aspects.

Prof O'FLAHERTY - Every academic in a university would tell you that he or she is a driver of change but in reality, logic points to the fact that the professorial staff, world leaders in their field are the people who push their subject area and get resources for their subject area. Now, that does not mean we would not like more administrative staff in the north or on the northern campus, but what we are trying to bring to your attention here is that when we merged

PUBLIC

in 1990, when the university in the south merged with the TSIT in the north, brought about, to a certain extent, by pressure from the federal government and it was [no audio] we, meaning the TSIT-

CHAIR - Professor O'Flaherty, you'll have to repeat the last paragraph because it broke up again. I'm sorry about that.

Prof O'FLAHERTY - Basically, what I am trying to say is when the merger took place, between the university in the south and the TSIT in the north, the TSIT had study centres in Burnie and Devonport, because it saw it at that time, as part of its responsibility, to provide and maximize the opportunities for educational access in the north-west, as well as in the north.

We thought that the merger would benefit the state as a whole, which it generally did. It benefited the north, and it benefited the northwest by actively bringing the university into the TSIT study centers in the northwest, which accelerated and created the Cradle Coast Campus in Burnie and we fully support that. And, it brought the university in the capital city out of the capital city.

Now, for the first few years after the merger, things went well. There is little point in repeating exact history, that is not appropriate, but the end effect was after the initial vice-chancellor left after some five years, things began to revert to the capital city, what I call the capital city syndrome. The before and after staffing, comparing apples with apples, before and after, over the years, the exact numbers I cannot give you because they were not published anymore, but the numbers of senior staff, professors and associate professors who are the drivers of academia, and that is what universities are primarily about, they doubled in the south and remained essentially static in the north.

We think this is wrong because, not only is the leadership not available in the subject areas being taught on the local patch, but also, there is nobody to fight for the resources for the local patch in those subject areas. What we would like to see is more senior staff, particularly, professor-oriented staff in the north and north-west.

CHAIR - Thank you, I think you make your point and certainly, your correspondence reiterates that position, there is no question about that. The changes also seem to be pointing in that direction. We hear what you say in that regard in terms of the request you are making.

Prof O'FLAHERTY - Chair, if I may interrupt to add one point?

CHAIR - Yes.

Prof O'FLAHERTY - We are not trying to be a separate university or anything like that. We see the University of Tasmania as being a university for the whole of the state with complementary groups, meaning the campuses in the north, south and north-west. We should complement each other, but in order to ensure that the resources are available in whether they be physical or monetary, in the non-capital city location, you need to have people to fight the battles with head office. I am just talking reality and it is the professorial staff and deans who provide the on-campus academic leadership and that is what that is all about.

CHAIR - Thank you. Sorry, did I cut you off?

PUBLIC

Prof O'FLAHERTY - No.

CHAIR - Thank you for those thoughts and thank you for appearing today. Our time is up. You have certainly provided information for us to consider in relation to the act and, of course, you have certainly addressed the topic in relation to the provisions under the University of Tasmania Act.

We thank you all for taking the time to be with us here today.

I remind you that what we have heard today - the evidence that has been taken at the hearing - is protected by parliamentary privilege and any comments you make to the media or others outside of the room or outside of the hearing, even if you were to repeat what you have said here, will not be protected.

Are you all aware of that?

Messrs RENILSON, O'FLAHERTY, HARTNETT and WILLIAMSON - Yes, Chair.

CHAIR - Again, thank you very much for your time. It is appreciated.

THE WITNESSES WITHDREW.

The committee adjourned at 2.27 p.m.