

The Hon Rob Valentine MLC
Legislative Council of Tasmania
Parliament of Tasmania
Hobart TAS 7000

By email: jenny.mannering@parliament.tas.gov.au

Dear Rob

Thank you for the opportunity to provide additional information to the Committee to inform your consideration of the terms of reference of the inquiry into the provisions of the *University of Tasmania Act 1992*.

Please find following responses to the Questions on Notice provided to the University on 10 March 2023.

Since we attended the inquiry hearings in early March, we have made a [submission](#) to the Federal Government's Australian Universities Accord process which details the key priorities for the University of Tasmania. We would also like to draw your attention to the [Regional Universities Network submission](#) which similarly outlines the challenges and opportunities presented in providing regional higher education in Australia.

We remain committed to supporting the inquiry. Please contact Erin Munro via erin.munro@utas.edu.au if you have any questions about this content.

Yours sincerely



Professor Rufus Black
Vice-Chancellor

3 May 2023

Office of the Vice-Chancellor

Response to Legislative Council Questions on Notice

1. What proportion of university accommodation would be considered affordable to a student on Austudy (rent = <30% of income)?

The University provides a breadth of accommodation facilities to meet the differing needs of each region. Whilst the current Act supports this activity, the inclusion of a preamble mechanism into the Act could provide an effective mechanism to articulate the role of the University in providing access to appropriate services to support participation in higher education.

Financial stress is a well-established problem in Australian higher education¹, and has only been exacerbated during COVID-19. In the last year, more than 33% of Australian² and 50% of Tasmanian households struggled to meet their food needs³. CPI has increased by 7.8%⁴. At the same time, fuel, gas and electricity, groceries and rent have all increased in price⁵.

Importantly, living costs are not currently covered by the Australian government fee support scheme. Despite a robust and equitable student loan and fee assistance system, which removes the initial tuition fee costs for each subject for domestic students, economic disadvantage and financial strain remain central concerns for many low SES students,⁶ particularly of mature age and contribute to attrition⁷. At the same time, recent policies to reduce the cost of living have inadvertently resulted in vulnerable households in the lowest income brackets not being the primary beneficiaries⁸. Instead, households in the highest income bracket appear to capture most of the benefits.

Our university is deeply committed to trying to ease this burden for students. In 2022, we provided more than 1,700 scholarships and bursaries to assist students to meet the rising costs of living, in order for them to undertake and complete their studies successfully.

We know too that the national income support system is only able to help so much. Currently, income support for students is well below the poverty line, at between \$48-51 dollars per day for Austudy⁹, and between \$23-51 dollars per day for Youth Allowance¹⁰. Further, although students can access financial support from universities, any more than \$9,000 per year begins to affect their income support eligibility¹¹. A fully eligible, single student, working part time up to \$480 per fortnight, their weekly income could be \$580 per week. For a student who relies solely on commonwealth government support, their weekly income would be \$339 per week.

Average private rental prices across the state for an unfurnished 3-bedroom share house are now sitting at: \$611 per week in Hobart, \$511 per week in Launceston, and \$398 per week in Burnie.

The University of Tasmania accommodation tariffs range on an annualized basis from \$134 per week to \$337 per week, and differ depending on location and private/shared amenities. The University weekly tariffs encompass more than basic rent, they also include energy

¹ https://melbourne-cshe.unimelb.edu.au/_data/assets/pdf_file/0008/1714715/StudentFinances2012.pdf

² <https://reports.foodbank.org.au/foodbank-hunger-report-2022/?state=tas>

³ https://www.utas.edu.au/_data/assets/pdf_file/0006/1630662/TTP8-Food-insecurity.pdf

⁴ <https://www.abs.gov.au/>

⁵ https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/BriefingBook47p/CostOfLiving

⁶ Bexley et al.,2013; Devlin & McKay,2017

⁷ Edwards & McMillan,2015

⁸ https://csmr.cass.anu.edu.au/sites/default/files/docs/2022/4/A_FAIRER_TAX_AND_WELFARE_SYSTEM.pdf

⁹ <https://www.servicesaustralia.gov.au/how-much-austudy-you-can-get?context=22441>

¹⁰ <https://www.servicesaustralia.gov.au/how-much-youth-allowance-for-students-and-apprentices-you-can-get?context=43916>

¹¹ <https://www.servicesaustralia.gov.au/income-from-scholarships-for-students-and-apprentices?context=22441>

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usage, rates and taxes, internet, furnishings, security, cleaning, maintenance services, inter-campus transport and well-being support services. Additionally, tariffs charged to students do not cover the full costs of the accommodation, and these are further subsidized by the University. Consequently, tariffs are not broken down into components of what would traditionally be considered direct rent.

In comparison, student accommodation on the mainland cities typically ranges from \$350 to \$700 per week, again differing depending on location and level of amenity¹².

Currently, the 30% affordability measure equates to **\$174 per week** for basic housing costs only. While one fifth of University of Tasmania accommodation is priced below this level, it is important to recognise that these tariffs cover more than just rent, as noted above.

¹² Australian University 2023 rent rates

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2. What proportion of residents in university accommodation are part time students?

Full-time students are defined as 75% of Equivalent Full-Time Student Load (typically completing 3 or more units per semester), with Part-time students defined as anyone enrolled at less than 75% Equivalent Full-Time Student Load.

For 2023, the current proportion of residents in University accommodation are as follows:

- Full Time = 731 (46%)
- Part Time = 857 (54%)

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3. Who manages the University's student accommodation properties and which third parties are involved?

The University provides a breadth of accommodation facilities to meet the differing needs of each region. Whilst the current Act supports this activity, the inclusion of a preamble mechanism into the Act could provide an effective mechanism to articulate the role of the University in providing suitable accommodation and pastoral care services.

The University is the owner and operator of all its student accommodation properties. The University directly provides all pastoral care and student residential support for students. The University manages and administers the application process, room allocation and residential leases with students, and collects deposits and rents directly from the students.

The University has outsourced its cleaning, property maintenance and Furniture, Fittings and Equipment lifecycle services of the properties in a long-term arrangement. This property maintenance service is administered by Tetris Capital, an Australian company, and undertaken by Programmed Facilities Management who provide similar services to the University in other areas. They are also supported by other local service providers - plumbers, electricians, and other specialist services.

The University has an agreement with DIF Australia to support the construction of new student accommodation facilities as required. An Australian subsidiary of DIF Capital Partners, a Dutch infrastructure fund management company, DIF have global experience in student accommodation, renewable energy, public utilities and other major infrastructure projects. The University retains ownership of the properties once constructed.

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4. How many times (since 2013) has the University sought written approval from the Treasurer for borrowing and how many times has approval been granted?

The University of Tasmania Act 1992 empowers and supports University Council to make decisions that it considers will best advance the interests of the University, enabling it to fulfil its commitment to be a university for and from Tasmania and critically, into the future.

Section 7 of the Act provides powers to the University to borrow money but requires the State Government Treasurer to approve the borrowings of the University, which provides oversight for the State Government. The Act provides safeguards to oversee University borrowings.

Since 2013, the University has requested 3 borrowing limit changes from the Treasurer (one temporary overdraft and two permanent borrowing limits) and all 3 have been approved. In addition, in 2016 the University sought Treasurer approval for a drawdown from an already existing borrowing facility.

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5. Please provide a table indicating any personal or professional connections that exist between members of the senior executive team and members of the University Council and Council sub-committees.

We understand the intention of this question is to better understand the underlying governance mechanisms that protect against any relationships existing which could give rise to conflicts of interest, and therefore could affect the quality of decision making. To allay these concerns, we set out below the University's process for identifying and managing conflicts of interest and have provided a table of the most recent declarations.

Section 11A and 11B of the Act states: Council members must exercise duties and make decisions: ...-free from conflicts. Schedule 1(4) states: Council members must declare conflicts of interest in relation to matters being considered by Council which must be recorded in the minutes. The member (unless otherwise agreed by Council) must then not be present for the discussion nor take part in the decision.

Council members' external interests are captured in a Register of Interest that is maintained by the University Secretary and published with every agenda of Council and for each Council committee.

Every Council and Council Committee agenda includes an opportunity for the Chancellor/Chair to ask each member to declare any additional conflict of interest. Should any member make a declaration, the remaining Council members will then decide whether that member should leave the meeting for the discussion of that item. When the University Secretary identifies a potential conflict prior to the meeting they will contact any members affected.

Further, as part of the ongoing commitment to greater transparency around decision making, The University Council has recently agreed to make public University Council minutes by publishing them to the University's website.

The following table provides the date of last disclosed interest and/or lodgement of a conflict-of-interest declaration form completed by our University Council and UET members to indicate any actual, potential or perceived conflict of interests, as defined by the Act, Compliance Policy and Conflict of Interest procedure.

We can confirm from the declarations that there are no relationships between any of our Council, Council Sub-Committee, or senior executive members that give rise to a conflict of interest as defined above.

Table 1. Date of University Council and University Executive team last disclosed register of interest

		Last date of disclosed interest / lodgement of conflict-of-interest declaration form
Council and Council subcommittee members	Alison Watkins	27 April 2023
	James Groom	27 April 2023
	Rufus Black	27 April 2023
	Natalie Brown	27 April 2023
	Sheree Vertigan	27 April 2023
	Tara Howell	27 April 2023
	Sarah-Jayne Hall	27 April 2023
	Alicia Leis	27 April 2023

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	Peter Dawkins	27 April 2023
	Ashley Townsend	27 April 2023
	Karina Groenewoud	27 April 2023
	Alice Herbon	20 April 2023
	Damian Bugg	20 April 2023
	Daniel Minihan	10 February 2023
	David Warren	20 April 2023
	Edward Kemp	20 April 2023
	Jacqueline Saward	29 March 2023
	Kane Ingram	20 April 2023
	Leigh Franklin	20 April 2023
	Paul Gregg	10 February 2023
	Rebecca Cuthill	20 April 2023
	Susan Gough	20 April 2023
UET Members	Anthony Koutoulis	29 March 2023
	Ian Anderson	3 May 2023
	Denise Fassett	15 March 2023
	Kate Darian-Smith	2 September 2022
	Terry Bailey	20 April 2023
	Stuart Crispen	3 May 2023
	Craig Barling	19 March 2023
	Kristen Derbyshire	1 May 2023
	Kate Huntington	15 March 2023

In addition, the Section 8 (5) of the Act states: Before making an appointment to the Council, the Minister and the Council must –

- a) give public notification of the vacancy; and
- b) consult with each other about any intended appointment; and
- c) have regard to the balance of skills and experience, regional representation and an appropriate gender balance.

All appointed roles to Council are advertised State-wide in all three mainstream newspapers and on the University's websites. All nominations received are considered by an Extended Nominations Committee to help Council make these decisions and provide additional scrutiny. This Committee is made up of independent members (i.e., members who are not Council members nor employees or students at the University) including people from Industry, State Government and Higher Education who can assist in the selection of appropriate members.

In the most recent examples of University Council appointed members process, the Extended Nominations Committee considered several potential nominees for two positions to Council. One of the nominees had worked closely with the Deputy Chancellor and to appropriately manage any perceived or real conflict, the Deputy Chancellor did not participate on the interview panel for that nominee.

Our approach to conflict of interest aligns with industry best practice, as outlined by the Australian Government's [Australian Charities and not-for-profits commission](#) guidelines, and our approach to declaring interests at each Council meeting is above and beyond the recommended annual reporting cycle.

The [University's Compliance Policy](#) that all conflicts of interest are identified, declared, monitored and effectively managed. Declaring a conflict ensures transparency and protects both the individual and the University. Each staff member is required to complete a Conflict of Interest declaration every 12 months, as outlined in our [Conflict of Interest procedure](#).

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A conflict of interest is defined by the University as being actual, potential, or perceived.

- An actual conflict of interest refers to the situation where an employee's private interest is capable of unduly influencing the exercise of their University role and duties.
- A perceived conflict of interest occurs where a reasonable person might suspect that an employee is subject to an actual conflict of interest, whether or not one actually exists.
- A potential conflict of interest describes circumstances where an actual conflict of interest may arise in the future if a certain condition is fulfilled.

Situations that may generate a conflict of interest include:

- personal relationships with students
- personal relationships with other employees
- personal or commercial relationships with persons with whom the University is dealing, for example, contractors, subcontractors or tenderers
- personal financial interests in matters which involve the University
- outside employment that may compromise the integrity of the University, including membership of boards and committees
- use of confidential information obtained in the course of University duties
- external activities and public comment, e.g. nominating for and contesting political elections
- simultaneously being an employee and a student where one role may conflict with another
- personal relationships with foreign governments or foreign universities.

The University encourages Staff to take a conservative approach and, when in doubt, declare any interests.

In February 2023, the University commenced its annual roll-out of the Conflict-of-Interest process, whereby all university community members will have completed a declaration form by June 2023.

When a conflict of interest becomes apparent, a management plan is developed to remove the possibility of the individual's personal interest from influencing their role or duties. Each individual must propose a management plan for discussion and approval by their supervisor or other appropriate person, and individuals must comply fully with the approved plan. Where the conflict of interest is enduring, a review of the management plan must occur at least annually or in the event that circumstances change.

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6. What recommendations were made from the 2017 external review of the Academic Senate, and to what extent have they been implemented?

The external review and implementation of recommendations of Academic Senate's is managed by TEQSA regulation under the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act), the Higher Education Standards Framework, including the *Higher Education Standards Framework (Threshold Standards) 2021* (Threshold Standards) and the *Education Services for Overseas Students Act 2000* (ESOS Act) and associated instruments (ESOS Framework).

In 2017, an external review of the University's Academic Senate was undertaken to consider the ways in which the academic governance model could be enhanced. The summary finding from the panel outlined:

'The Panel finds that nothing is fundamentally "broken" in the University of Tasmania's Academic Senate model of academic governance, but some improvements are timely, and the recommendations that follow may prove useful. The current model works well, but its efficiency and effectiveness through its standing and sub-committees need to be streamlined, and the communication channels improved'.

The following table provides the details of the recommendations provided by the Panel, implementation progress and further changes since the external review. It should be noted that the next external review of Academic Senate will take place in 2024, in line with TEQSA's seven-year review remit.

Table 2. Academic Senate 2017 External Review recommendations and implementation progress

2017 External Review Recommendations	Implementation of 2017 recommendations	Further changes since 2017
<p>1) The size of the Board should be further reduced. Heads of Schools could be excised as members and replaced by one Head of School representing them all and elected by the Heads of School. Justification: The inclusion of the Heads of School is a strong management presence that can constrain the free expression of ideas. The large number of <i>ex officio</i> members has meant some diminution of the academic 'voice' at Senate.</p>	<p>This recommendation was not endorsed for the following reasons: Heads of Academic Units are an important two-way communication conduit for the matters considered by Academic Senate. As such, reducing membership to one Head of Academic Unit negatively affects the ability of Academic Senate to improve communication channels (as per recommendation 7). This is particularly important as the University academic structure changed to fewer, larger organisational units from 1 January 2018.</p>	<p>As a result of the most recent internal review of Academic Senate (in 2022), the non-management academic voice on Senate has been further strengthened through the inclusion of 9 additional academic positions, as follows:</p> <ul style="list-style-type: none"> • 4 x new appointed roles under 6.1(a)(vi) of the Academic Senate Ordinance which states that: <i>subject to endorsement of Academic Senate, the Chair may, in writing, appoint up to 4 additional members to provide a diversity of views if</i>

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	<p>Therefore, it was proposed that all Heads of Academic Unit be retained.</p> <p>The Review Report also discussed this recommendation in the context of a need to better balance ex officio and elected members. Accordingly, it was also proposed that the number of elected members increase from 12 to 20 members - four members from each traditional College and two members from the University College (elected by the Colleges). The remaining two members to be elected academic staff from areas not aligned to a College. This change to Senate membership was implemented to assist in improving the balance of ex officio and elected members.</p>	<p><i>the Chair believes the current membership does not reflect the academic and cultural diversity of the University</i></p> <ul style="list-style-type: none"> • 5 x members of Senate’s newly established Monitoring and Assurance Committee (MAC) - The MAC comprises seven members: <ul style="list-style-type: none"> ○ Deputy Chair of Academic Senate ○ Five academic staff members who are not ex-officio members of Academic Senate ○ One student representative selected by the Tasmanian University Student Association (TUSA).
<p>2) The Chairs of Academic Senate Committees should become full members.</p>	<p>This recommendation was agreed, noting though that this increased ex officio membership in juxtaposition with recommendation 1, and the commentary surrounding that recommendation in the Review Report, as at this time all chairs of Senate committees were the head of the relevant portfolio (i.e. management)</p>	<p>As a result of the most recent internal review of Academic Senate (in 2022), the chairs of the following Academic Senate committees are no longer the head of the relevant portfolio, but are selected by the Nominations Committee via an Expression of Interest process. Eligibility for nomination is limited to current members of these committees, and non-Ex-Officio members of Academic Senate:</p> <ul style="list-style-type: none"> • Student Experience Committee • University Learning and Teaching Committee • University Research Committee <p>This change has further enhanced non-management academic representation on Senate.</p>

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<p>3) The meetings should be reduced in length to 2 to 2.5 hours and be held by video conference more frequently.</p>	<p>This recommendation was agreed to as meeting times, exclusive of strategic sessions and a short meal break have averaged 2.5 hours during 2017 (2 hours in 2016). Noting discussion in the Review Report on the value of the Strategic Sessions (Focus/Strategy topics), the Standing Orders will be amended to clarify the maximum time for meetings as 3.5 hours.</p> <p>It is proposed that videoconference meetings be trialled at four per annum for 2018. Given Academic Senate's mandate as the primary collegial forum for academic discussion and the difficulties experienced in achieving that mandate through videoconference meetings, it is proposed that only the first and last meeting of each year be held face to face (in Hobart and Launceston, respectively) and that the Planning Day continue to be held in Hobart.</p>	<p>During COVID (from May 2020-Nov 2022) all Senate meetings were held via Zoom due to social distancing measures. The December 2022 Planning Day was the first face-to-face meeting of Senate post-pandemic. As a result of the most recent internal review of Academic Senate (in 2022), the following schedule of meetings was agreed:</p> <ul style="list-style-type: none"> • 6 meetings per year plus 1 planning day. • 2 meetings to be shorter strategic sessions (2.5hrs including short break) held via zoom • 4 meetings to be longer sessions (3.5 hrs, including lunch break) with 2 of these meetings face-to-face (one in Hobart and one in Launceston) and 2 to be held via zoom) • Planning Day to be held face-to-face in Hobart.
<p>4) Faculty Boards need to be empowered and strengthened in the University. The role of Faculty Boards in academic governance needs to be clarified, with particular attention being given to reporting to Senate. Academic governance is to be construed not as Senate + subcommittees, but as Senate + Subcommittees + Faculty Boards. Decision-making needs to be decentralized through the whole academic governance system, with greater alignment between local and university levels. All elements are responsible for academic quality and review.</p>	<p>This recommendation was agreed to with a Working Party comprising the Chair of Academic Senate and Pro Vice-Chancellor (Learning and Teaching) considering the Academic Structure Policy following the redesign of the University's academic structure. This recommendation validated discussions held by that Working Party in relation to the clear articulation of the purpose and responsibilities of College Boards and other College Committees.</p> <p>Academic Senate received an update from</p>	<p>The University's academic structure has been amended so that there are no longer Faculty Boards.</p> <p>An academic delegations framework was adopted in 2020. As part of that framework, the Academic Delegations Ordinance clearly outlines the decentralisation of many governance functions into Colleges, including particularly explicit identification of responsibility for academic quality, monitoring and review.</p>

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	<p>the Working Group at its 3 November 2017 meeting – noting the scope has been broadened to include the Heads of School Policy. That Policy was redeveloped as an Academic Leadership Policy to complement the Academic Structure Policy.</p>	
<p>5) Reports to Senate from Committees and portfolios must be clearer and more detailed, for example, outlining the issue, the discussion that occurred, and the justification for the decision reached. Senate must have confidence that its decisions have been fully debated. The Standing Committee should have a role in vetting the quality of reports.</p>	<p>This recommendation was partially agreed to, noting that the majority of reports progressing to Academic Senate do so via Academic Senate Committees. Briefing note templates will be amended to ensure the papers presented to those Committees, and the ensuing reports to Academic Senate conform to the recommended requirements.</p> <p>In relation the Standing Academic Committee, it was noted that <i>Ordinance 13 – Academic Senate</i> provided Standing Academic Committee a role in assisting with the management of the Academic Senate Agenda. However, the timeframes involved and the workloads of Standing Academic Committee members do not allow for considered pre-meeting vetting of reports. As a more holistic approach to the issue of the quality of papers and reports, it was proposed Standing Academic Committee work with the Chairs of Academic Senate Committees in an educative manner in relation to the use of the revised templates and post-meeting to address any issues which may remain.</p>	<p>Since the start of Vice-Chancellor Black’s tenure at UTAS (2018) a new format for all committee briefing notes was implemented (Known colloquially as SCR (Situation, Complication, Resolution)). This format has greatly enhanced the consistency of papers to Senate and its committees and the ability of Senate and committee members to understand what is being asked of them in a timely and efficient manner which has streamlined the work of Senate and its committees.</p> <p>With the recent establishment of the Monitoring and Assurance Committee of Senate, further updates to the additional Report Template (which is used as an attachment to briefing notes) have been made to ensure gaps in reporting are reduced and members spend less time needing to ask for further information, thereby continuing to streamline matters of business considered by Senate and its committees.</p> <p>The minutes of all committees are available to all University staff through the intranet. There is a standing invitation to contact</p>

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<p>6) Mechanisms must be found to better educate members (particularly elected members and students) about their roles, particularly in monitoring performance against the strategic plan, improving policy and practice, debating university and sectoral trends, and looking outward and innovatively. Additionally, student representatives must have stronger training about their roles in Senate generally, and academic governance in particular.</p>	<p>This recommendation was agreed to and the Academic Senate's Information Booklet was updated to further outline both corporate governance generally and academic governance in particular; the role and delegated authorities of Academic Senate, and; the role and responsibilities of members. Induction sessions continued to be provided for all new members and offered to all returning members, including student members of Senate and its committees.</p>	<p>Chairs should there be particular questions.</p> <p>Since 2020, in addition to the Information Booklet and induction sessions for all new members, student members now meet with the Chair and Secretary of Senate prior to each meeting of Senate to discuss each item in the agenda and answer any questions the students may have about the upcoming meeting. This session also assists student members to prepare for any agenda items they are presenting at the meeting.</p> <p>In addition, in 2023 all members of the newly established Monitoring and Assurance Committee (including the student member) attended a professional development course run by the Association for Tertiary Education Management called 'Reporting to governance committees in a higher education environment'. The Chair and Secretary of Senate also ran a separate induction session for MAC members prior to their inaugural meeting.</p>
<p>7) Communication to all academic staff and students, in channels additional to the formal Senate website, needs to be improved and streamlined. At the moment the communication appears to be 'hit and miss.'</p>	<p>This recommendation was agreed to, noting that all members have a responsibility to provide information from their College/Academic Unit and to disseminate the discussions, decisions and recommendations from Academic Senate meetings as appropriate, but it was somewhat apparent that that communication was not as effective as it could be. It was agreed that Academic Senate would work with members to ensure communication channels were formalised. As noted above,</p>	<p>Since 2018, subsequent to each meeting of Academic Senate, a Senate Newsletter is published on the Staff Intranet that captures the highlights from each meeting and includes information on how readers can access further information about Senate (i.e. the agenda, minutes, meeting outcomes etc, which are available to all staff). Senate members are sent the link to the newsletter and encouraged to share it with their colleagues.</p>

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	<p>Heads of Academic Units have an important role in the two-way communication of issues related to Academic Senate discussions and decisions. The changes to the nomination of elected members discussed above also assisted, as elected members have a clearly defined group of staff to communicate to/with. In addition, the Chair of Academic Senate agreed to consult with counterparts in the sector to ascertain additional and effective mechanisms for that communication.</p>	<p>The Senate web page is now focussed on external readers and an Academic Senate staff intranet page has been developed for internal facing Senate information.</p> <p>Additionally, the Chair of Senate occasionally publishes a video on the staff intranet or via a bulk email to all staff to update staff on relevant Senate news – such as the call for nominations for the Monitoring and Assurance Committee at the start of 2023.</p> <p>Bulk emails to all staff are often used to further communicate Senate information – such as nominations for elected members, nominations for membership of Senate committees and upcoming graduation rounds to encourage staff attendance at graduation ceremonies.</p>
<p>8) Research and researcher development needs to become an integral part of the academic governance discussions at the Board, informed by a strong researcher voice in the University Research Committee.</p>	<p>The following information was provided in relation to this recommendation:</p> <p>The composition of University Research Committee was reviewed in 2015. As a result, this Committee comprises eight ex officio members (Deputy Vice-Chancellor (Research), Chair, Academic Senate, the Pro Vice-Chancellors (Researcher Development and Research Infrastructure), and four elected Associate Deans/Directors Research. Associate Deans/Directors Research are senior researchers. The remaining seven members comprise four experienced researchers (nominated by Academic Senate), a research fellow, a higher degrees</p>	<p>All Senate committees are reviewed each year to ensure their Terms of Reference and Membership remain fit-for-purpose in the ever changing higher education sector.</p> <p>Currently (2023) the University Research Committee comprises the following membership:</p> <ul style="list-style-type: none"> • Chair (selected by Nominations Committee via an EOI process) • Deputy Vice-Chancellor Research • Chair/Deputy Chair of Academic Senate • Dean of Graduate Research • Assoc Dean Research Performance, CoHM

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	<p>by research candidate, and an external member with research and development experience. As such the Committee comprises a strong researcher voice.</p> <p>The Chair of Academic Senate will work with the Chair of University Research Committee to ensure regular and fulsome reporting to Academic Senate on research and researcher development issues. In addition, the development of an annual workplan as discussed below will assist in this regard.</p>	<ul style="list-style-type: none"> • Assoc Dean Research Performance, CoSE • Assoc Dean Research Performance, CALE • Assoc Dean Research Performance, CoBE • University Librarian • Research Fellow of Academic Senate Nominated by Academic Senate • 4 x Academic Staff nominees • HDR Candidate • TUSA Postgraduate Education President • Observers with speaking rights • Senior Advisor to the DVCR • Executive Director, Research <p>The implementation of the Academic Senate Workplan in 2018 has greatly enhanced the consideration of Research and researcher development matters at Senate as this forward planning mechanism has allowed paper authors the time required to develop and present their agenda items.</p>
<p>9) Senate's relationship with Council needs improvement. Reports, both written and verbal, need to be revised to better articulate and draw engagement and input from Council, and to allow Council to understand the underlying logic of recommendations.</p>	<p>This recommendation was agreed to, noting that this has been an area of regular discussion and consideration between the Chair and the Chancellor. The Chair agreed to work with the Chancellor to improve reporting to Council and Council's engagement with that reporting.</p>	<p>As of 2020, all Council members have had a standing invitation to join each Senate meeting, and since the arrival of the new Chancellor in June 2021, Ms Watkins has been a regular attendee at Senate. This has increased Council's understanding of Senate and has strengthened relations between the two bodies. There is no change to the planned Senate agenda as a result of any member of Council being in attendance.</p>

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		<p>At every Council meeting there is both a written and verbal report from the Academic Senate Chair who is an ex-officio member of Council.</p> <p>In 2023, it was agreed to move the report form Senate earlier in the Council agenda to assist in setting the scene for the meeting.</p>
<p>10) While there was no strong indication that management was unduly exerting influence on Senate, it appears that the distinction, and indeed the role of Senate itself, must be clarified with Senate members. The Chair’s ‘roadshows’ in this regard are appreciated, but more must be done. The whole academic community needs greater education about the role of Senate.</p>	<p>This recommendation was agreed to, reiterating the Academic Senate Information Booklet which outlines both corporate governance generally and academic governance in particular. The role and delegated authorities of Academic Senate are articulated to provide an understanding of the distinction between governance and management, and this is echoed during meetings. The roadshows conducted by the Chair resulted in very minimal attendance. The Chair therefore agreed to work with counterparts in the sector to ascertain alternative and additional mechanisms for educating the academic community.</p>	<p>During the COVID years, the Senate Chair established zoom drop-in sessions which all members of staff were invited to attend to ask any questions in relation to Senate in general or academic matters in particular. Although these sessions were well received by attendees, once again the sessions (like the roadshows before them) resulted in minimal attendance.</p> <p>Another initiative that has been implemented is academic staff attending Senate meetings by invitation as observers with speaking rights. A recent example of this is the special meeting of Senate scheduled for 3 May 2023 to discuss the forthcoming referendum. All of our Indigenous Fellows have been invited to this meeting to share their thoughts around the referendum. By inviting academic staff to attend Senate it is hoped that understanding of the work of Senate will be increased and this will encourage more academic staff to nominate for membership of Senate and/or its committees.</p>
<p>11) Senate needs to outline which key</p>	<p>This recommendation was agreed to, noting</p>	<p>The Academic Senate Workplan has been in</p>

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<p>reports it is to commission annually, complete with targets identified in the strategic plan. These reports must incorporate data showing implementation and improvements.</p>	<p>that the recommendation reinforces work already underway to establish an annual workplan of reporting and monitoring, informed by both the Higher Education Standards Framework and the creation of the Business Intelligence Unit.</p>	<p>use since 2018 and continues to be a beneficial addition to each Senate agenda. The Workplan lists each agenda item for each meeting and cross-references the item against the relevant section of the Academic Senate Ordinance and the associated Standard from the Higher Education Standards Framework (HESF) which outlines reporting obligations mandated by TEQSA.</p>
<p>12) <i>Ordinance 13 Academic Senate</i> should be amended to place the University's budget before the Senate for noting.</p>	<p>This recommendation was agreed to, noting that <i>Ordinance 13 – Academic Senate</i> currently indicates (in 2017) that Academic Senate was to provide advice to Council on the longer term implications of the distribution of resources. It was agreed that the Chair would discuss amendments to <i>Ordinance 13 – Academic Senate</i> with the Chancellor to clarify further the advisory nature of Academic Senate's role in this regard.</p>	<p>Ordinances, rules, governance level principles, policies, procedures, guidelines and minimum standards were replaced with a new suite of ordinances, policies and procedures at the conclusion of the Governance Instruments Review in September 2020.</p> <p><i>Ordinance 13 – Academic Senate</i> was re-titled <i>Academic Senate Ordinance</i> and the role of Academic Senate was revised to align with Standard 6.3 of the HESF. Standard 6.3 does not provide any remit for academic senates or boards to provide oversight of, or advice on, the financial resources of universities. Having said that, the University Performance Report is a standing item on each Senate agenda in the 'For Information Only' section and is included for the general awareness of members.</p> <p>The annual budget is also presented to members and is able to be starred for discussion by any member.</p>
<p>13) General Amendments to <i>Ordinance 13 Academic Senate</i></p>	<p>This recommendation was agreed to, noting that Academic Senate would work with</p>	<p><i>Ordinance 13 – Academic Senate</i> was re-titled <i>Academic Senate Ordinance</i> in</p>

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	University Council in relation to the amendments proposed to <i>Ordinance 13 – Academic Senate</i> .	September 2020 and the role of Academic Senate was revised to align with Standard 6.3 of the HESF.
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7. What is the overall median age of UTAS students? Please also provide a breakdown of the median student age:

The overall median age of University of Tasmania students in 2023 is 28.

a) across the colleges and schools;

Table 3. Median age of distinct students by College

Course owning College	Median student age
Academic Division	32
College of Arts, Law and Education	26
College of Business & Economics	21
College of Health & Medicine	32
College of Sciences & Engineering	24
Division of Future Students	21
Research Division	33

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Table 4. Median age of distinct students by unit teaching school

Course owning College	Unit teaching school	Median student age
Academic Division	Aboriginal Leadership	24.5
Academic Division	DVC-Education	20
Academic Division	Peter Underwood Centre	51
Academic Division	Student Life and Enrichment	31
College of Arts, Law and Education	College Office - CALE	28
College of Arts, Law and Education	Faculty of Education	26
College of Arts, Law and Education	Faculty of Law	22
College of Arts, Law and Education	School of Creative Arts and Media	22
College of Arts, Law and Education	School of Humanities	24
College of Arts, Law and Education	School of Social Sciences	24
College of Business & Economics	AIHSM	40
College of Business & Economics	TSBE	21
College of Business & Economics	University College	26
College of Health & Medicine	Menzies Institute for Medical Research	28
College of Health & Medicine	School of Health Sciences	23
College of Health & Medicine	School of Nursing	32
College of Health & Medicine	School of Paramedicine	24
College of Health & Medicine	School of Pharmacy and Pharmacology	25
College of Health & Medicine	School of Psychological Sciences	27
College of Health & Medicine	Tasmanian School of Medicine	25
College of Health & Medicine	Wicking Dementia Research & Education Centre	48
College of Sciences & Engineering	Australian Maritime College	27
College of Sciences & Engineering	College Office - CoSE	24
College of Sciences & Engineering	Institute for Marine & Antarctic Studies	23
College of Sciences & Engineering	School of Architecture and Design	30
College of Sciences & Engineering	School of Engineering	22

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College of Sciences & Engineering	School of Geography, Planning, and Spatial Sciences	27
College of Sciences & Engineering	School of Information and Communication Technology	21
College of Sciences & Engineering	School of Natural Sciences	22
College of Sciences & Engineering	Tasmanian Institute of Agriculture (TIA)	25
Research Division	Graduate Research	30

b) by Tasmanian enrolments and non-Tasmanian enrolments; and

Table 5. Median age of distinct students by Tasmanian or non-Tasmanian status

Tasmanian / Non-Tasmanian	Median student age
Non-Tasmanian	32
Tasmanian	23

c) by students studying in Tasmania and students studying online residing outside Tasmania.

Table 6. Median age of distinct students for students studying in Tasmania and students studying online residing outside Tasmania

Study base	Median student age
Studying on campus in Tasmania	23
Studying by distance and residing elsewhere	37
Other combination or unknown	21

Data note: Address origin information will contain a degree of error as it relies on student-supplied addresses. Students supply current residential, permanent, and original addresses. These data reflect the most accurate known address between those, giving preference to residential, then permanent, and finally original based on which are supplied by the student.

Students are marked as studying outside of Tasmania by distance if their preferred known address is interstate or unknown (i.e., international) and their mode of study is distance. Students are marked as studying on campus in Tasmania if their preferred known address is Tasmanian, or their preferred mode of study is on-campus or mixed and the campus is in Tasmania.

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8. What is the average age and median age for UTAS:

a) undergraduate students overall;

Table 7. Median age of distinct undergraduate bachelor's degree students

Course level	Mean student age	Median student age
Undergraduate bachelor	27	22

b) postgraduate students overall;

Table 8. Median age of distinct postgraduate degree students

Course level	Mean student age	Median student age
Postgraduate coursework and research	34	32

c) 2023 commencing students?

Table 9. Median age of distinct commencing students

Student cohort	Mean student age	Median student age
Commencing 2023 students	30.3	27

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9. In 2023 how many commencing undergraduate students at UTAS are Tasmanian? How many Tasmanian commencing undergraduate students in 2023 are school leavers?

As outlined in our strategic plan, the University is committed to serving our Tasmanian students, supporting them to learn what is needed for their communities, in the regions where they live, as well as attract new people from interstate and overseas.

In 2023, there are 3,698¹³ commencing undergraduate bachelor students. Of these students, 2,172 (58%) are Tasmanian, 1,123 (30%) are interstate and have relocated to Tasmania, and 403 (10%) are international students. Further, 1,040 (28%) are Tasmanians of school-leaver age (defined as less than 20 years old).

¹³ University Enrolment dashboard, 2023 commencing student headcount

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10. Regarding University College Operations:

- a) Please provide details regarding University College operations since inception, in particular the number of;
- i. enrolments each year by course, by region and in total;

Launched in 2016 with courses first offered in 2017, University College delivers a range of innovative and flexible courses and programs for students looking for a shorter, job-focused qualification or a pathway to further study. These courses are offered in discipline areas including aquaculture, fermentation, cybersecurity, design, business, agribusiness, construction management and health and community support. Preparatory and pathway courses are also offered. University College's mission to support increased access and participation in higher education has seen more than 9500 students undertake study since its inception.

In response to the Legislative Council Review Panel's question regarding region, it is important to clarify that University College students rarely study entirely on-campus or even totally in the region they live. The non-traditional demographic of University College students indicates cohorts of mature-age students juggling working and/or caring responsibilities and thus many study partially or fully online and predominately part-time. Data are reported against region in which students reside (Tasmania (North, North-West, South), Interstate, International) according to their last reported address. These are the regions within which impact will be seen more broadly as educational attainment increases. Total enrolments are provided in Table 1. below for each University College course by year and by region (registered address). Please note these data may represent multiple enrolments per individual student.

Table 10. University College Course Enrolments x Year x Region (registered address)

Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Assoc Degree Agribusiness	10 (NW) 11 (N) 8 (S) 2 (U)	15 (NW) 12 (N) 9 (S) 2 (I)	17 (NW) 12 (N) 9 (S) 2 (I)	18 (NW) 13 (N) 10 (S) 3 (I) 1 (Int)	14 (NW) 20 (N) 10 (S) 12 (I) 2 (Int)	8 (NW) 14 (N) 10 (S) 17 (I) 3 (Int)	5 (NW) 9 (N) 5 (S) 7 (I) 1 (Int)	291
Assoc Degree Applied Business (Specialisation)	4 (NW) 2 (N) 7 (S)	17 (NW) 12 (N) 9 (S) 2 (I)	12 (NW) 14 (N) 19 (S) 2 (I) 1 (U)	11 (NW) 17 (N) 15 (S) 7 (I) 1 (U)	4 (NW) 6 (N) 9 (S) 4 (I)	3 (N) 2 (S) 2 (I)	1 (N) 1 (I)	184

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Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Assoc Degree Applied Business	16 (NW) 18 (N) 38 (S)	19 (NW) 16 (N) 32 (S) 1 (I)	15 (NW) 17 (N) 26 (S) 4 (I)	20 (NW) 17 (N) 38 (S) 7 (I)	8 (NW) 13 (N) 28 (S) 15 (I)	4 (NW) 9 (N) 23 (S) 24 (I) 1 (U)	2 (NW) 5 (N) 15 (S) 15 (I) 1 (U) 1 (Int)	448
Assoc Degree Applied Design	-	9 (NW) 61 (N) 89 (S) 3 (I) 3 (U)	7 (NW) 39 (N) 48 (S) 2 (I)	9 (NW) 31 (N) 38 (S) 11 (I)	2 (NW) 8 (N) 22 (S) 5 (I)	1 (NW) 2 (N) 8 (S) 2 (I)	1 (NW) 6 (N) 4 (S) 1 (I)	412
Assoc Degree Applied Health and Community Support	-	-	28 (NW) 15 (N) 43 (S)	48 (NW) 28 (N) 62 (S) 5 (I) 1 (U)	28 (NW) 18 (N) 67 (S) 13 (I) 2 (U)	20 (NW) 13 (N) 43 (S) 8 (I) 3 (U)	9 (NW) 10 (N) 36 (S) 9 (I)	509
Assoc Degree Applied Science	-	3 (NW) 3 (N) 9 (S) 3 (I) 1 (U)	3 (NW) 8 (N) 15 (S) 5 (I)	7 (NW) 12 (N) 18 (S) 18 (I)	8 (NW) 5 (N) 15 (S) 18 (I) 3 (Int)	3 (NW) 6 (N) 13 (S) 21 (I) 1 (U)	2(NW) 4 (N) 8 (S) 11 (I)	223
Assoc Degree Applied Technologies	-	5 (NW) 4 (N) 5 (S) 1 (I)	7 (NW) 10 (N) 10 (S)	3 (NW) 13 (N) 23 (S) 6 (I) 1 (U)	11 (N) 34 (S) 26 (I) 1 (U)	7 (NW) 9 (N) 33 (S) 49 (I) 1 (U)	9 (NW) 6 (N) 24 (S) 44 (I) 1 (U)	343
Assoc Degree Equipment Design and Technology	-	-	-	12 (NW)	13 (NW) 1 (S)	7 (NW)	2 (NW)	35
Sub-total Assoc Degrees	116	345	390	524	445	370	255	2445

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Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Diploma of Applied Business	5 (NW) 28 (N) 24 (S) 2 (I)	6 (NW) 27 (N) 25 (S) 2 (I)	1 (N)	1 (NW) 2 (S) 7 (I)	1 (S) 5 (I)	1 (S) 3 (I)	-	140
Diploma of Applied Design		1 (NW) 1 (N) 3 (S)	1 (N)	-	-	-	-	6
Diploma of Applied Health and Community Support	-	-	-	1 (NW) 4 (N) 9 (S)	6 (S) 1 (N)	1 (S)	1 (S)	23
Diploma of Applied Science	-	-	-	2 (N) 1 (S) 3 (I)	1 (N)	-	-	7
Diploma of Applied Technologies	-	-	-	1 (N) 3 (I) 1 (U)	10 (NW) 4 (N) 4 (S) 3 (I) 1 (U)	4 (NW) 3 (N) 1 (I)	1 (NW) 1 (I)	37
Diploma of Construction Management	-	-	-	4 (NW) 10 (N) 7 (S) 1 (I)	3 (NW) 13 (N) 9 (S) 2 (I) 1 (U)	4 (NW) 9 (N) 10 (S) 6 (I)	4 (NW) 4 (N) 10 (S) 9 (I) 1 (U)	107
Diploma of Pharmacy Studies	-	-	-	10 (N) 10 (S) 4 (I)	3 (NW) 11 (N) 14 (S) 6 (I) 1 (U)	4 (NW) 4 (N) 11 (S) 18 (I)	4 (NW) 10 (N) 12 (S) 23 (I)	145

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Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Diploma of University Studies	-	73(NW) 106 (N) 199 (S) 35 (I) 4 (U)	107 (NW) 156 (N) 311 (S) 113 (I) 8 (U)	77 (NW) 128 (N) 287 (S) 138 (I) 3 (U)	89 (NW) 135 (N) 236 (S) 92 (I) 3 (U)	79(NW) 124 (N) 226 (S) 78 (I) 26 (U)	84(NW) 130(N) 215(S) 163 (I) 6 (U)	3431
Bachelor of General Studies (Pathways) <i>(Transferred to Diploma of University Studies 2018)</i>	78(NW) 105 (N) 278 (S) 30 (I) 6 (U)	23(NW) 22 (N) 70 (S) 12 (I)	2 (NW) 5 (N) 11 (S)	1 (NW)	-	-	-	643
Diploma sub-total	556	609	715	715	654	612	678	4539
Undergraduate Certificate in Agribusiness	-	-	-	1 (N667W) 1 (I)	1 (S) 1 (I)	5 (NW) 3 (N) 7 (S) 38 (I)	2 (NW) 2 (N) 5 (S) 28 (I)	94
Undergraduate Certificate in Agriculture	-	-	-	-	-	-	1 (N) 1 (S) 10 (I)	12
Undergraduate Certificate in Applied Design	-	-	-	-	6 (N) 8 (S) 38 (I)	2 (NW) 8 (N) 9 (S) 146 (I)	2 (NW) 1 (N) 7 (S) 42 (I) 1 (U)	270
Undergraduate Certificate in Applied Health	-	-	-	2 (NW) 3 (N) 4 (I)	2 (S)	-	-	11
Undergraduate Certificate in Applied Technologies	-	-	-	1 (I)	1 (NW) 6 (S) 30 (I) 1 (U)	5 (NW) 4 (N) 17 (S) 241 (I) 3 (U)	2 (NW) 4 (N) 11 (S) 86 (I) 4 (U)	416

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Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Undergraduate Certificate in Community Support	-	-	-	-	-	27(NW) 30 (N) 53 (S) 46 (I)	24(NW) 37 (N) 49 (S) 27 (I) 1 (U)	294
Undergraduate Certificate in Equipment Design & Project Management	-	-	-	1 (NW) 1 (S)	-	-	-	2
Undergraduate Certificate in Fermentation	-	-	-	-	-	9 (N) 4 (S) 4 (I) 1 (U)	1 (NW) 2 (N) 12 (S) 29 (I)	62
Undergraduate Certificate in Science	-	-	-	1 (N) 2 (S) 9 (I)	3 (I)	-	-	15
Undergraduate Certificate in Small Business	-	-	-	1 (N) 1 (S) 9 (I)	1 (S) 5 (I)	1 (S)	1 (NW) 1 (N) 5 (S) 1 (I)	26
Undergraduate Certificate in University Preparation	-	-	-	1 (NW) 2 (N) 2 (S)	-	-	-	5
Undergraduate Certificate sub-total	-	-	-	42	103	663	399	1207
University Preparation Program	90(NW) 124 (N) 147 (S) 21 (I) 3 (U)	81(NW) 95 (N) 172 (S) 38 (I) 3 (U)	108(NW) 114 (N) 225 (S) 36 (I) 6 (U)	93 (NW) 152 (N) 225 (S) 38 (I) 2 (U)	61 (NW) 94 (N) 143 (S) 35 (I) 3 (U)	40(NW) 56 (N) 105 (S) 38 (I) 10 (U)	36(NW) 54 (N) 66 (S) 23 (I) 4 (U)	2541
Open Universities Australia	-	-	-	1 (NW) 3 (N) 12 (S) 605 (I) 9 (U)	4 (NW) 8 (N) 11 (S) 565 (I) 6 (U)	3 (NW) 15 (N) 15 (S) 877 (I) 3 (U)	4 (NW) 10 (N) 13 (S) 518 (I) 4 (U)	2686

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Course	2017	2018	2019	2020	2021	2022	2023 (to date)	Total
Other sub-total	385	389	489	1140	930	1162	732	5227
TOTAL	1057	1343	1594	2421	2132	2807	2064	13418

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate; U=Unknown; Int=International)

ii. course withdrawals/non-completions each year by course, by region and in total;

Data provided regarding withdrawals (see Table 2. below) indicate the number of students who have self-withdrawn after study period Census dates by year and by region (registered address).

Table 11. University College Course withdrawals x Year x Region (registered address)

Course	2017	2018	2019	2020	2021	2022	TOTAL
Assoc Degree Agribusiness	1 (NW) 1 (S)	1 (NW)	1 (NW) 1 (N)	1 (NW) 2 (N)	2 (NW) 2 (N) 2 (I)	1 (NW) 1 (S) 3 (I) 1 (Int)	20
Assoc Degree Applied Business (Specialisation)	1 (S)	4 (N) 2 (S) 1 (U)	2 (N) 2 (S)	1 (NW) 3 (S)	1 (NW) 1 (S)	1 (S) 1 (I)	20
Assoc Degree Applied Business	1 (NW) 1 (N)	2 (NW) 1 (N) 2 (S)	1 (N) 2 (S)	7 (NW) 5 (N) 7 (S) 1 (I)	2 (N)	1 (NW) 2 (N) 2 (S) 2 (I)	39
Assoc Degree Applied Design	-	5 (N) 6 (S)	4 (N) 2 (S)	3 (NW) 7 (N) 11 (S)	1 (N) 1 (S) 2 (I)		44

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Course	2017	2018	2019	2020	2021	2022	TOTAL
				2 (I)			
Assoc Degree Applied Health and Community Support	-	-	1 (NW) 1 (N) 2 (S)	10 (NW) 7 (N) 7 (S) 1 (I)	4 (NW) 1 (N) 11 (S) 2 (I)	2 (NW) 2 (N) 8 (S)	59
Assoc Degree Applied Science	-	1(N) 1 (S) 1 (I)	1 (NW) 2 (N) 6 (S) 1 (I)	3 (NW) 2 (N) 3 (S) 2 (I)	3 (NW) 3 (S) 4 (I)	1 (S) 2 (I)	37
Assoc Degree Applied Technologies	-	2 (S)	1 (NW)	2 (NW) 2 (N) 1 (S)	1 (S) 1 (I)	2 (N) 2 (I)	14
Assoc Degree Equipment Design and Technology					1 (NW)	1 (NW)	2
Assoc Degree sub-total	5	29	31	90	45	35	235
Diploma of Applied Business	5 (NW) 15 (N) 14 (S) 1 (I)	1 (N)	-	1 (NW)	-	-	37
Diploma of Applied Design	1 (NW)	1 (S)	-	-	-	-	2
Diploma of Applied Health and Community Support	-	-	-	1 (N)	-	-	1
Diploma of Applied Science	-	-	-	1 (I)	-	-	1
Diploma of Applied Technologies	-	-	-	-	1 (N) 1 (S)	1 (N)	3
Diploma of Construction Management	-	-	-	1 (N)	-	-	1

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Course	2017	2018	2019	2020	2021	2022	TOTAL
Diploma of Pharmacy Studies	-	-	-	1 (S)	1 (N) 2 (S) 1 (I)	1(NW) 1 (N) 2 (S)	9
Diploma of University Studies	-	17 (NW) 11 (N) 26 (S) 4 (I)	12 (NW) 23 (N) 39 (S) 10 (I)	17 (NW) 19 (N) 52 (S) 30 (I) 1 (U)	9 (NW) 26 (N) 17 (S) 4 (I) 1 (U)	15 (NW) 14 (N) 23 (S) 14 (I) 4 (U)	388
Bachelor of General Studies (Pathways) <i>(Transferred to Diploma of University Studies 2018)</i>	15 (NW) 13 (N) 37 (S) 6 (I) 1 (U)	5 (NW) 3 (N) 12 (S) 3 (I)	1 (NW) 2 (N) 7 (S)	-	-	-	105
Diploma sub-total	108	83	94	124	63	75	547
Undergraduate Certificate in Agribusiness	-	-	-	-	-	1 (N) 3 (I)	4
Undergraduate Certificate in Applied Design	-	-	-	-	1 (N) 3 (I)	1 (S) 14 (I)	19
Undergraduate Certificate in Applied Health	-	-	-	-	1 (S)	-	1
Undergraduate Certificate in Community Support	-	-	-	-	-	3 (NW) 1 (N) 1 (S)	5
Undergraduate Certificate in Applied Technologies	-	-	-	-	1 (I)	1 (S) 11 (I)	13
Undergraduate Certificate in Equipment Design and Project Management	-	-	-	1 (NW)	-	-	1

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Course	2017	2018	2019	2020	2021	2022	TOTAL
Undergraduate Certificate in Fermentation	-	-	-	-	-	1 (I)	1
Undergraduate Certificate sub-total	-	-	-	1	6	37	44
University Preparation Program	12 (NW) 13 (N) 26 (S) 4 (I) 1 (U)	22 (NW) 13 (N) 31 (S) 7 (I) 1 (U)	18 (NW) 33 (N) 41 (S) 9 (I) 1 (U)	31 (NW) 34 (N) 70 (S) 10 (I) 1 (U)	11 (NW) 25 (N) 29 (S) 6 (I) 1 (U)	6 (NW) 11 (N) 20 (S) 9 (I)	496
Open Universities Australia enrolments	-	-	-	1 (S) 2 (I)	2 (I)	3 (N) 2 (S) 124 (I) 2 (U)	136
Other courses sub-total	56	74	102	149	74	177	632
TOTAL	169	186	227	364	188	324	1458

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate; U=Unknown; Int=International)

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Non-completion is formally reported to the Commonwealth Government as attrition data. Attrition is measured by those students who study in any given year, who neither complete their course of study in that year nor return to study in the following year. It should be noted that non-traditional, preparatory and pathway students tend to show higher than bachelor level student attrition. Non-traditional, and in particular, preparatory students, also tend to have multiple attempts at higher education leading up to successful completion of courses. Attrition data are only available up to and including 2020 and are reported by campus and are inclusive of data relating to self-withdrawn students. This is outlined in Table 3. below

Table 12. Attrition (non-completion) for University College Courses x Year x Region (Campus)

Course	2017	2018	2019	2020	TOTAL
Assoc Degree Agribusiness	4 (CC) 2 (L) 5 (H)	2 (CC) 2 (L) 2 (H)	2 (CC) 1 (L)	1 (L) 1 (H)	22
Assoc Degree Applied Business (Specialisation)	1 (CC) 3 (H)	3 (CC) 5 (N) 3 (H)	1 (N) 1 (H)	3 (N) 3 (H)	23
Assoc Degree Applied Business	3 (CC) 3 (L) 3 (S)	3 (CC) 3 (L) 4 (S)	4 (L) 3 (H)	3 (CC) 11 (L) 2 (H)	42
Assoc Degree Applied Design	-	1 (CC) 29 (L) 49 (H)	4 (L) 3 (H)	16 (L) 10 (H)	112
Assoc Degree Applied Health and Community Support	-	-	4 (CC) 3 (L) 3 (H)	6 (CC) 11 (L) 6 (H)	33
Assoc Degree Applied Science	-	1 (CC) 3 (L) 4 (H)	1 (CC) 3 (L) 2 (H)	2 (CC) 10 (L) 9 (H)	35
Assoc Degree Applied Technologies	-	1 (L) 4 (H)	1 (CC) 1 (L) 2 (H)	2 (CC) 3 (L) 6 (H)	20

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Course	2017	2018	2019	2020	TOTAL
Assoc Degree Equipment Design and Technology	-	-	-	3 (CC)	3
Assoc Degree sub-totals	24	119	39	108	290
Diploma of Applied Business	13 (L) 21 (H)	1 (L)	-	1 (CC) 3 (L) 1 (H)	40
Diploma of Applied Design	14 (L) 15 (H)	1 (H)	-	-	30
Diploma of Applied Health and Community Support	-	-	-	1 (CC) 2 (L) 1 (H)	4
Diploma of Applied Science	-	-	-	1 (L) 1 (H)	2
Diploma of Applied Technologies	-	-	-	1 (L)	1
Diploma of Construction Management	-	-	-	2 (CC) 3 (L) 3 (H)	8
Diploma of Pharmacy Studies	-	-	-	4 (L) 3 (H)	7
Diploma of University Studies	-	9 (CC) 83 (L) 80 (H)	17 (CC) 133 (L) 67 (H)	9 (CC) 93 (L) 87 (H) 1 (R)	579
Bachelor of General Studies (Pathways) <i>(Transferred to Diploma of University Studies 2018)</i>	9 (CC) 71 (L) 74 (H)	-	-	-	154
Diploma sub-totals	217	174	217	217	825
Undergraduate Certificate in Agribusiness	-	-	-	1 (H)	1

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Course	2017	2018	2019	2020	TOTAL
Undergraduate Certificate in Applied Health	-	-	-	2 (L) 3 (H)	5
Undergraduate Certificate in Applied Technologies	-	-	-	1 (L)	1
Undergraduate Certificate in Equipment Design and Project Management	-	-	-	2 (L)	2
Undergraduate Certificate in Science	-	-	-	4 (L) 1 (H)	5
Undergraduate Certificate in Small Business	-	-	-	4 (L) 1 (H)	5
Undergraduate Certificate in University Preparations	-	-	-	4 (L)	4
Undergraduate Certificate sub-total	-	-	-	23	23
University Preparation Program	29 (CC) 83 (L) 31 (H)	15 (CC) 71 (L) 40 (H)	18 (CC) 109 (L) 62 (H)	13 (CC) 152 (L) 56 (H)	679
Other courses sub-total	143	126	189	221	679
TOTAL	384	419	445	569	1817

CC= Cradle Coast;; L=Launceston; H=Hobart; R= Rozelle.

NB. The majority of distance/online study is registered to the Launceston campus.

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iii. Associate Degrees awarded each year by course, and by region and in total;

Associate Degrees (16 units of study) are offered and delivered as part of a suite of nested and related discipline courses. Associate Degrees can be studied full-time over 2 years, however study time is predominately part-time (NB credit for previous study/experience reduces the time-frame for completion of courses). For fullness of reporting discipline-related (Nested) Diplomas (8 units of study) and Undergraduate Certificates (4 units of study) are also included, (see Tables 4., 5., and 6. below).

Table 13. Associate Degree Completions x Year x Region (registered address)

Course Assoc. Degree	2017	2018	2019	2020	2021	2022	Total
AgriBusiness	-	1 (NW)	3 (NW) 1 (N) 1 (S) 1 (I)	6 (NW) 2 (N) 3 (S)	2 (NW) 1 (N) 3 (S) 1 (I)	2 (NW) 2 (N) 3 (S) 2 (I)	34
Applied Business (Specialisation)	-	-	2 (NW) 3 (S)	2 (NW) 6 (N) 1 (S) 1 (U)	2 (NW) 4 (N) 5 (S)	2 (N) 1 (S)	29
Applied Business	6 (NW) 5 (N) 12 (S)	2 (NW) 1 (N) 7 (S)	1 (N) 2 (S) 1 (I)	5 (NW) 3 (N) 9 (S)	2 (NW) 3 (S)	1 (NW) 9 (S) 4 (I)	73
Equipment Design & Technology	-	-	-	-	3 (NW)	3 (NW)	6
Applied Design	-	-	9 (N) 16 (S) 1 (I)	8 (N) 5 (S)	1 (NW) 4 (N) 10 (S)	1 (NW) 5 (S)	60

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Course Assoc. Degree	2017	2018	2019	2020	2021	2022	Total
Applied Health & Community Support				7 (NW) 1 (N) 12 (S)	11 (NW) 4 (N) 14 (S) 3 (I)	4 (NW) 5 (N) 2 (S) 2 (I) 2 (U)	67
Applied Science			1 (N) 1 (S)	1 (NW) 1 (S)	1 (N) 1 (S) 3 (I)	1 (N) 2 (S) 6 (I)	18
Applied Technologies			1 (N) 1 (S)	1 (NW) 1 (N) 3 (S)	3 (S)	2 (N) 1 (S) 1 (I)	14
Total	23	11	45	78	81	63	301

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate; U=Unknown)

Table 14. Nested Diploma Completions x Year x Region (registered address)

Course (Diploma)	2017	2018	2019	2020	2021	2022	Total
Applied Business	-	-	-	-	1 (I)	1 (I)	2
Applied Design	3 (NW) 9 (N) 5 (S)	1 (S)	-	-	-	-	18
Applied Health & Community Support	-	-	-	1 (N) 2 (S)	1 (N) 5 (S)	1 (S)	10
Applied Science	-	-	-	-	-	1 (N) 1 (S)	2
Applied Technologies	-	-	-	1 (S) 1 (I)	1 (N)	-	3
Total	17	1		5	8	4	35

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate)

Response to Legislative Council Questions on Notice

Undergraduate Certificates were first offered in 2020. These were developed in response to COVID-19 and availability of this award course has been extended through an amendment to the Australian Qualifications Framework until end June 2025.

Table 15. Nested Undergraduate Certificate Completions x Year x Region (registered address)

Course (Undergraduate Certificate) (First offered 2020)	2020	2021	2022	Total
AgriBusiness	1 (I)	1 (I)	2 (NW) 1 (N) 2 (S) 14 (I)	21
Applied Design	-	1 (N) 2 (S) 6 (I)	1 (NW) 5 (N) 6 (S) 61 (I)	82
Applied Health	1 (NW) 1 (N) 1 (I)	-	-	3
Community Support	-	-	5 (NW) 16 (N) 25 (S) 26 (I)	72
Applied Technologies	-	5 (I) 1 (U)	1 (NW) 2 (N) 9 (S) 112 (I)	130
Fermentation			2 (N) 1 (I) 2 (U)	5
Science		1 (N) 1 (S) 5 (I)	1 (I)	8
Small Business	5 (I)	1 (I)	1 (S)	7
Total	9	24	295	328

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate; U=Unknown)

Response to Legislative Council Questions on Notice

University College offers preparatory and pathway courses and non-nested diplomas. Completion data for these courses are listed in Table 16. below.

Table 16. University College Preparation, Pathway and Non-nested Diploma Completions x Year x Region (registered address)

Course	2017	2018	2019	2020	2021	2022	TOTAL
Diploma of Construction Management	-	-	-	-	2 (NW) 5 (N) 4 (S)	2 (NW) 4 (N) 2 (S) 2 (I)	21
Bachelor of General Studies (Pathways) <i>(Transferred to Diploma of University Studies 2018)</i>	8 (NW) 10 (N) 33 (S) 5 (I)	5 (NW) 4 (N) 23 (S) 4 (I)	2 (NW) 1 (N) 4 (S)	1 (NW)	-	-	100
Diploma of University Studies	-	4 (NW) 11 (N) 15 (S) 2 (I)	26 (NW) 31 (N) 82 (S) 21 (I) 3 (U)	22 (NW) 38 (N) 84 (S) 46 (I) 1 (U)	30 (NW) 37 (N) 58 (S) 28 (I) 1 (U)	21 (NW) 39 (N) 65 (S) 15 (I) 7 (U)	687
Diploma of Pharmacy Studies	-	-	-	1 (N) 4 (S)	5 (N) 3(S) 2 (I)	1 (NW) 2 (S) 2 (I)	20
University Preparation Program	3 (NW) 6 (N) 6 (S) 2 (I) 1 (U)	11(NW) 8 (N) 20 (S) 4 (I)	7 (NW) 21 (N) 22 (S) 8 (I) 1 (U)	14 (NW) 16 (N) 36 (S) 4 (I) 2 (U)	9 (NW) 16 (N) 28 (S) 5 (I) 1 (U)	3 (NW) 5 (N) 17 (S) 6 (I)	282
TOTAL	74	111	229	269	234	193	1110

*Region is drawn from last registered address (NW=North-West; N=North; S=South; I=Interstate; U=Unknown)

NB. The University Preparation Program is a non-award program – completion assumed on passing 8 or more units of study.

Response to Legislative Council Questions on Notice

iv. associate degree graduates who have enrolled in higher-level degree courses each year, by region and in total; and

University College graduates' progression to higher-level courses are provided in Tables 17., 18., and 19. below. Please note region data is not to hand. For fullness of reporting Associate Degrees, as well as Diploma and Undergraduate Certificate progression are provided.

Table 17. University College Associate Degree Graduates Progression to Higher Level Courses by Year

Course	2017	2018	2019	2020	2021	2022	2023	TOTAL
Associate Degree in Agribusiness	-	-	1	4	3	4	3	15
Associate Degree in Applied Business	-	2	3	4	1	1	3	14
Associate Degree in Applied Business (Specialisation)	-	-	-	4	3	4	2	13
Associate Degree in Applied Design	-	-	4	5	7	7	7	30
Associate Degree in Equipment Design and Technology	-	-	-	-	-	-	-	-
Associate Degree in Applied Health and Community Support	-	-	1	-	9	19	9	38
Associate Degree in Applied Science	-	-	-	1	2	-	6	9
Associate Degree in Applied Technologies	-	-	-	1	-	4	2	7
TOTAL	-	2	9	19	25	39	32	126

NB. A number of Associate Degree graduates also undertook further study in Diplomas and/or Undergraduate Certificates.

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Table 18. University College Diploma Graduates Progression to Higher Level Course by Year.

Course	2017	2018	2019	2020	2021	2022	2023	TOTAL
Diploma of Applied Business	1	1	1	1	-	1	1	6
Diploma of Applied Design	-	6	3	3	1	1	-	14
Diploma of Applied Health and Community Support	-	-	-	-	1	-	-	1
Diploma of Applied Science	-	-	-	-	2	-	-	2
Diploma of Applied Technologies	-	-	-	-	1	1	1	3
Diploma of Pharmacy Studies	-	-	-	-	4	6	9	19
Diploma of University Studies		5	74	150	195	175	170	769
TOTAL	1	12	78	154	204	184	181	814

NB. A number of Diploma graduates also undertook further study in Diplomas and/or Undergraduate Certificates.

Table 19. University College Undergraduates Certificate Graduates progression to Higher Level Courses by Year

Course	2020	2021	2022	2023	TOTAL
Undergraduate Certificate in Agribusiness	-	-	1	1	2
Undergraduate Certificate in Agriculture	-	-	-	1	1
Undergraduate Certificate in Applied Design			7	6	13
Undergraduate Certificate in Applied Health	-	-	-	2	2
Undergraduate Certificate in Applied Technologies	-	-	2	14	16
Undergraduate Certificate in Community Support	-	-	4	22	26
Undergraduate Certificate in Fermentation	-	-	-	4	4
Undergraduate Certificate in Science	1	-	5	53	59
Undergraduate Certificate in Small Business	1	-	-	-	1
Undergraduate Certificate in University Preparation	-	1	-	-	1
Total	2	1	19	103	125

NB. A number of Undergraduate Certificate graduates also undertook further study in further Undergraduate Certificates.

Response to Legislative Council Questions on Notice

Table 20. Other University College Program Progression to Higher Level Courses by Year.

Course	2017	2018	2019	2020	2021	2022	2023	TOTAL
University Preparation Program	243	162	148	134	134	129	123	1073
Bachelor of General Studies Pathways	268	72	10	-	-	-	-	350
Open Universities Australia	-	-	-	14	40	95	63	212
TOTAL	511	234	158	148	174	224	186	1635

v. teaching staff employed each year by course, by region and in total (by part-time and full-time)

University College employs teaching-intensive staff with expertise in multiple disciplines, many teach across discipline/course areas. Staff also teach across multiple regions dependent upon expertise need. The table below outlines full-time equivalent staffing numbers across regions based on the last listed address as well as part-time/full-time staffing. This data is outlined in Table 21. below.

Table 21. University College Full Time Equivalent (FTE) Staff (Continuing, Fixed-term)

Location	2017	2018	2019	2020	2021	2022	2023 (to date)
Hobart	6.4	12.3	14.3	19.7	20.7	19.3	18.9
Launceston	6.5	14.1	14.7	15	10.7	12.1	11.5
Burnie	3.9	8.5	9.7	11	9.7	9.2	8.9
Other					1.4	0.4	0.4
Total	16.8 FTE	34.9 FTE	38.7 FTE	45.7 FTE	42.5 FTE	41.0 FTE	39.7 FTE
Part-Time/	9	28	35	40	29	32	24
Full-Time (Heads)	13	22	25	25	25	28	28

Response to Legislative Council Questions on Notice

b) Are all staff delivering University College courses employed directly by the University? If not, what other employment arrangements are utilised for the delivery of these courses?

All staff teaching at University College are employed by the University of Tasmania. Occasionally, industry experts contribute to panels, site visits etc. This contribution is on an in-kind basis.

From 2018-2020, the Associate Degree in Applied Design was delivered by a third party provider (Foundry). Foundry employed the teaching staff for this degree at that time. These Foundry staff members were also adjunct appointments to UTAS.

c) Does the University derive a net financial benefit in the delivery of the University College Program and, if so, to what extent?

University College net margins since 2017 are provided in Table 22. below. Net profit margin is defined as the percentage of revenue left after all expenses have been deducted from revenue.

Table 22. University College Net Margin 2017 - 2022

	2017	2018	2019	2020	2021	2022
Net Margin \$M	-5.5	-5.9	-6.6	3.3	0.1	-2.7

It should be noted that the figures provided in Table 22 includes the overheads typically apportioned to Colleges, such as student support services, utilities, insurance, building maintenance costs etc.

d) Do University College courses attract Higher Education Contribution Scheme fees, and are students able to get HECS-HELP loans?

The majority of University College courses attract Higher Education Contribution Scheme fees, and these courses are all FEE-HELP approved.

In addition to this, the University of Tasmania also offers fee waivers for a number of its pathway programs, including the University Preparation Program, an enabling course to increase participation in higher education.

Response to Legislative Council Questions on Notice

11. Please provide the policy document that outlines guidance on use of consultation in decision making.

Decisions made throughout the organisation are guided by our governance frameworks, which include legislation, policies and delegations, as well as our governing bodies such as University Council, Academic Senate and the Vice-Chancellor.

A [Guide to Decision Making](#) has been developed to assist and empower staff members across the institution to act within their delegations and make sound and informed decisions. This Guide includes the consideration of stakeholders in each decision made.

Decisions for endorsement by the University Council, Academic Senate or the senior executive team require decision-makers to complete a briefing note template, and articulate the consultation process they have undertaken to reach the decision (see Appendix 1 for template examples).

In addition to this, on 24 February 2023, University Council endorsed a proposal to amend the existing Communications and Brand Policy and establish a new Transparency and Accountability Procedure. The proposed changes articulate a clearer commitment to transparency and accountability than is otherwise required by legislation and regulation, supported by a procedure which will provide clear support and guidance for a number of specific interventions and initiatives to deliver on this commitment. Consultation is now underway with students and staff to guide the development and implementation of these initiatives.

Response to Legislative Council Questions on Notice

12. Regarding the detail provided in financial reporting:

- a) **Is there a reason public reporting of the revenue and costs, assets and liabilities of each segment of UTAS activity is not provided in the Annual Report? Can this detail please be provided for the most recent financial period?**

The University complies with relevant accounting standards in the preparation of its Annual Financial Statements.

Defining segments for a university is difficult due to the integrated nature of university operations. On face value, university activities could notionally be split between Teaching, Research and Commercial segments, however the level of cross-subsidisation is such that attributing financial performance, and even more so assets and liabilities, is very complex. For instance, the majority of our academic staff members operate as what is termed a 'balanced academic', who have a split of responsibility along the lines of 40% Teaching / 40% Research / 20% Service, however costs are not split on this basis and individual workload allocations also vary across the University. While some assets could be designated as specifically teaching or research focussed, the large majority serve shared purposes supporting teaching, research or commercial activities as and when required, and therefore are generally held centrally rather than allocated to a particular segment.

An alternative view of segment reporting is to analyse our student segments. The Commonwealth Department of Education collects and reports on a significant amount of data from the Higher Education Sector that enables users to breakdown student cohorts in a variety of ways, ranging from domestic v international, level of study, gender, fee type etc, as well as allowing a comparison across institutions. This analysis can be found here <https://www.education.gov.au/higher-education-statistics/student-data/selected-higher-education-statistics-2021-student-data>.

- b) **Please provide the breakdown of the line item 'All other expenses' in the 2021 report (e.g. consulting, legal fees, executive expenses etc)?**

Please refer to Note 4.5 in the Annual Report, that breaks expenses down in detail. 'Other', as listed in this note, of \$7.5m (from total other expenses of \$192m) is made up of:

- student placement costs of \$2.6m,
- copyright charges of \$1m,
- catering of \$1m,
- bank fees of \$0.6m and
- freight and relocation costs of \$0.5m.

Response to Legislative Council Questions on Notice

13. It appears over time that academic benefits and on-costs have gone down, while non-academic benefits and on-costs have gone up. If this is the case, please provide an explanation.

As outlined in Figure 1 below, Academic costs decreased in 2021 due to the \$8.9m in restructuring costs incurred in 2020 (\$2.7m in 2021). Excluding these one-off payments, academic costs rose slightly in 2021. Academic employee related expenditure continues to be higher than non-academic employee related expenditure.

Net of restructuring and other costs, academic employee-related expenses have increased by 11.2% between 2018 and 2021. Over the same period, net of restructuring and other costs, professional employee-related expenses have increased by 5.6%.

Please note, 'restructuring and other employee costs' consist of restructuring costs such as redundancy payments and historical payment shortfalls, the majority of which relates to professional staff.

Figure 1. Excerpt from 2021 Annual Report (page 65)

	Notes	Consolidated 2021 \$'000	2020 \$'000	Parent entity 2021 \$'000	2020 \$'000
4. EXPENSES FROM CONTINUING OPERATIONS					
4.1 Employee related expenses					
Academic					
Salaries		153,861	154,383	153,818	154,383
Contribution to superannuation and pension schemes		25,894	25,283	25,894	25,283
Payroll tax		12,081	12,117	12,081	12,117
Workers' compensation		400	382	400	382
Long service leave expense		4,606	4,170	4,606	4,170
Annual leave		10,259	10,398	10,259	10,398
Restructuring and other employee related costs		2,731	8,857	2,731	8,857
Other expenses		4,497	4,658	4,497	4,658
Total academic		214,329	220,248	214,286	220,248
Non-Academic					
Salaries		147,234	145,894	142,118	141,760
Contribution to superannuation and pension schemes		24,285	23,517	23,649	22,998
Payroll tax		11,200	10,927	10,902	10,930
Workers' compensation		410	399	385	376
Long service leave expense		4,477	4,500	4,328	4,549
Annual leave		10,669	10,009	10,366	9,809
Restructuring and other employee related costs		13,029	7,178	13,029	7,093
Other expenses		2,064	2,449	2,056	2,414
Total non-academic		213,368	204,873	206,833	199,929
Total employee benefits and on costs		427,697	425,121	421,119	420,177

Response to Legislative Council Questions on Notice

14. Please provide the ratio of Executive management staff costs compared to all other staff costs for the most recent financial reporting period, and an indication of changes to this ratio over recent years.

In 2018, Executive employment costs constituted 6% of total employee costs. Over the past 5 years this figure has seen a small increase in proportion, and in 2022 constituted 8% of total employee costs.

Executive employee is defined as any staff member on a senior management contract.

Over the past year, we have been listening to the feedback provided by our staff, students, and the broader community. What we have heard are consistent themes around the need to ensure our academic mission is at the very centre of all we do. To achieve this, we need our professional leadership roles to deliver on the important work of adapting our systems and services, so they work in ways that make it easier for people to do their jobs.

On Monday 6 March 2023, we commenced a consultation period to inform the adjustment of some aspects of our professional services leadership to reduce breadth and complexity and to make sure we have the right environment for our academic work to be enabled and supported effectively. This work will see a change in the ratio of senior management staff, with a less complex and more student-centric professional leadership structure to better enable and support our academic mission.

Response to Legislative Council Questions on Notice

15. Please provide all documents relating to the UTAS RTI process (e.g. policy, procedure, flowchart), including detail on where RTI responsible officers sit within the organisational structure and the role (if any) that senior management have in the RTI process.

Appendix 2 contains copies of the University's RTI Manual, which are based on the Ombudsman guidelines.

As of 26 October 2022, the following staff from the University's Legal and Audit team are delegated RTI officers under an instrument of delegation signed by the Vice Chancellor:

- Ms Jane Beaumont, General Counsel
- Ms Juanita O'Keefe, Deputy General Counsel
- Ms Karina Groenewoud, Director Governance and Compliance
- Mr Michael Klapsis, Senior Lawyer
- Mr Brendan Parnell, Senior Lawyer

RTI officers are appointed for a period of three years. Each officer must demonstrate they have the necessary skills and knowledge to perform and exercise the functions and powers under the RTI Act.

RTI officers sit within the Legal and Risk portfolio of the Student Services and Operations Division.

Response to Legislative Council Questions on Notice

16. For each of the past five years, please provide a breakdown of what proportion of RTI requests made to UTAS have been accepted in full, partially refused, and refused in full. For each of the past five years, what proportion of RTI requests made to UTAS have been sent for external appeal?

Table 24. RTI requests received by the University by financial year 2017/18 to 2021/22

Year	Applications received	Not accepted*	Accepted for decision	Refused	Withdraw before decision	Accepted and decided				Proceeded to external review
						Accepted and decided	Information provided in full	Partial release of information	Information not provided	
2017-2018	6	1	5	0	1	4	0	3	1	1
2018-2019	11	2	8	1 ⁺	2	6	1	4	1	0
2019-2020	9	1	8 [^]	0	0	6	0	8	0	2
2020-2021	6 [#]	0	6	0	0	7	1	5	1	1
2021-2022	13	1	12	4 ^{&}	0	7	2	3	2	1
2022-2023 (to date)	12	0	8	4 ^{&}	0	8	1	5	2	4

* eg not paid the fee and/or not negotiated waiver

+ vexatious

[^] two were accepted for decision in 2019-20 were decided in 2021-22

[#] one was accepted for decision in 2021-22 but decided in 2021-22

[&] information disclosed by other means (active or routine disclosure), or information was a repeat of a previous application

It should be noted that the table above does not include third party RTI requests where we are asked to provide a response to through third party consultation.

Response to Legislative Council Questions on Notice

17. Please provide details for each of the past five years on the number of deeds of agreement with exiting staff that included non-disclosure and/or non-disparagement clauses. Please also indicate what proportion of the total exiting staff had deeds of agreement inclusive of these clauses.

The table below provides details of the number of exits, and the proportion of these exits that have included a deed of release. The number of exits that include deeds of release and either a non-disparagement clause or a non-disclosure/confidentiality agreement has decreased from 11% in 2018 to 5% in 2022.

Table 25. Number of exiting staff with deeds of agreements 2018 - 2022

Year	Total Exits (fixed term / continuing)	Exits with Deed of Release	% of exits with Deed of Release	No. of deeds with non- disparagement clauses	% of exits with non- disparagement clauses	No. Deeds with non- disclosure / confidentiality clause.	% of exits with non- disclosure/conf identiality clauses
2018	322	34	11%	31	10%	33	10%
2019	384	24	6%	24	6%	24	6%
2020	432	16	4%	16	4%	16	4%
2021	445	20	4%	19	4%	20	4%
2022	449	23	5%	23	5%	23	5%
Totals	2,032	117	6%	113	6%	116	6%

Prior to completing this paper, review the [Guide to Decision Making](#) to ensure you have considered all aspects of the recommended decision

SUBJECT:

FROM:

MEETING DATE:

EXECUTIVE SUMMARY:

Please provide a 1-2 paragraph summary of the key elements of the paper. The full paper will be included behind the coversheet, along with any attachments.

MOTION: That University Council:

What specific decision(s) are you recommending Council make? Please ensure that any recommended motion is an appropriately framed for Council consideration and:

- be meaningful by itself and specific in its recommendation(s)*
 - be clear about what it refers to – eg what the policy will be, what is to be done, by whom and by when it is to be done*
 - be an action that Council has the power to take within its terms of reference*
 - if appropriate, refer the matter to a relevant governance committee or UTAS officer with delegated authority.*
-

RATIONALE:

Use the Situation (Context), Complication (Reason a decision is needed) and Resolution (Recommended decision) framework to support the decision that you are recommending.

Situation (Context):

-

Complication (Reason a decision is needed):

-

Resolution (Recommended decision(s)):

-

Explain how the recommended decision(s) align with:

- *Strategy – what part of the University’s strategy does this recommendation advance and how?*
- *Risk Appetite – what, if any, risks are there? How they are being managed so that the residual risk is within the University’s risk appetite <link to the Risk Appetite Statements of Intent>.*
- *Policy – does the University have a policy position in relation to the issue?*
- *Budget – are any costs related to the recommendation covered in the University budget or if not provide the rationale for out of budget expenditure? Consider advice from Financial services where material financial implications exist.*
- *Legal – are there legal compliance obligations associated with this recommendation? If so, reference and attach legal advice obtained from Legal Services.*

CONSULTATION:

- *Who has been consulted to date and do they support the recommendation?*

AUTHORITY TO APPROVE: [This section is for Council Committees, not Council]

- *Explain how the particular issue and associated recommendation aligns with the Terms of Reference for the Committee, which gives the authority to the Committee to consider and make decisions (including noting an item or providing a recommendation to Council for a decision).*

ATTACHMENTS:

- *Only include if Council needs to consider additional detailed material as part of decision making. **Please limit this content to 5 pages maximum.***
- *If included, number attachments (Attachment 1, Attachment 2 etc) and ensure that attachments are all referenced and in order throughout the briefing for ease of reference.*

Responsible Officer: *UET Member*
Position title:

BRIEFING NOTE FOR THE VICE-CHANCELLOR

Prior to completing this briefing note, review the [Guide to Decision Making](#) to ensure you have considered all aspects of the recommended decision

SUBJECT:

FROM:

CRITICAL DATE:

RECOMMENDATION:

What specific decision(s) are you recommending the Vice-Chancellor make?

That the Vice-Chancellor:

-

RATIONALE:

Use the Situation (Context), Complication (Reason a decision is needed) and Resolution (Recommended decision) framework to support the decision that you are recommending.

Situation (Context):

Complication (Reason a decision is needed):

-

Resolution (Recommended decision(s)):

-

Explain how the recommended decision(s) align with:

- *Strategy – what part of the University's [strategy](#) does this recommendation advance and how?*
- *Risk Appetite – what, if any, risks are there? How they are being managed so that the residual risk is within the University's risk appetite <link to the Risk Appetite Statements of Intent>.*
- *Policy – does the University have a policy position in relation to the issue?*
- *Budget – are any costs related to the recommendation covered in the University budget or if not provide the rationale for out of budget expenditure? Consider advice from Financial services where material financial implications exist.*
- *Legal – are there legal compliance obligations associated with this recommendation? If so, reference and attach legal advice obtained from Legal Services.*

CONSULTATION:

Professor Rufus Black
VICE-CHANCELLOR

APPROVED/NOT APPROVED

DATE:

- *Who has been consulted to date and do they support the recommendation?*

AUTHORITY TO APPROVE:

- *What provides the Vice-Chancellor with the authority to make the decision(s)? For example, what section(s) of the General Delegations Ordinance applies and how does the recommended decision fit within the Vice-Chancellor's delegation? If you are using the One-up Principle, identify why (ie what risks you consider need to be escalated). If University Council has delegated authority to the Vice-Chancellor to sign a contract, include the Council resolution as evidence of the authority that has been delegated.*

ATTACHMENTS:

- *Only include if the Vice-Chancellor needs to consider detailed material as part of decision making.*
- *If included, number attachments (Attachment 1, Attachment 2 etc) and ensure that attachments are all referenced and in order throughout the briefing for ease of reference.*

Prepared by:
Position Title:

Endorsed by: *UET Member – no additional endorsements.*
Position title:
Date:



UNIVERSITY *of*
TASMANIA

**RIGHT TO INFORMATION
PROCEDURES MANUAL
SECOND EDITION 2022**

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1. INTRODUCTION

- 1.1 The *Right to Information Act 2009* (Tas) (“**RTI Act**”) deals with access to “information” which is defined to mean:
- (a) anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and
 - (b) anything in which information is embodied so as to be capable of being reproduced.
- 1.2 It is about accessing information from public authorities or a Minister. This manual has been prepared for a public authority under the RTI Act. In this Manual it will be referred to as the “public authority”.
- 1.3 There are four different ways under the RTI Act that a person might be able to obtain information from a public authority or Minister:
- (a) required disclosure;¹
 - (b) routine disclosure;²
 - (c) active disclosure;³ or
 - (d) assessed disclosure.
- 1.4 This Manual only deals with applications for assessed disclosure.
- 1.5 Delegated officers should interpret the RTI Act liberally with an emphasis on disclosure, as it is remedial legislation.
- 1.6 Throughout the Manual there will be references to various FORM letters which appear in Chapter 8 of this Manual and have been developed to help guide delegated officers dealing with applications for assessed disclosure. They ***should be used carefully*** and with appropriate changes to accurately reflect the situation at hand. They should not be blindly followed in each case.

¹ Which means a disclosure of information by a public authority where the information is required to be published by the RTI Act or any other Act, or where disclosure is otherwise required by law or enforceable under an agreement: see definition in s 5, RTI Act. It can be required under a law or contract.

² Which means a disclosure of information by a public authority which the public authority decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure. Examples include an annual report, annual statistics provided to a government body, etc

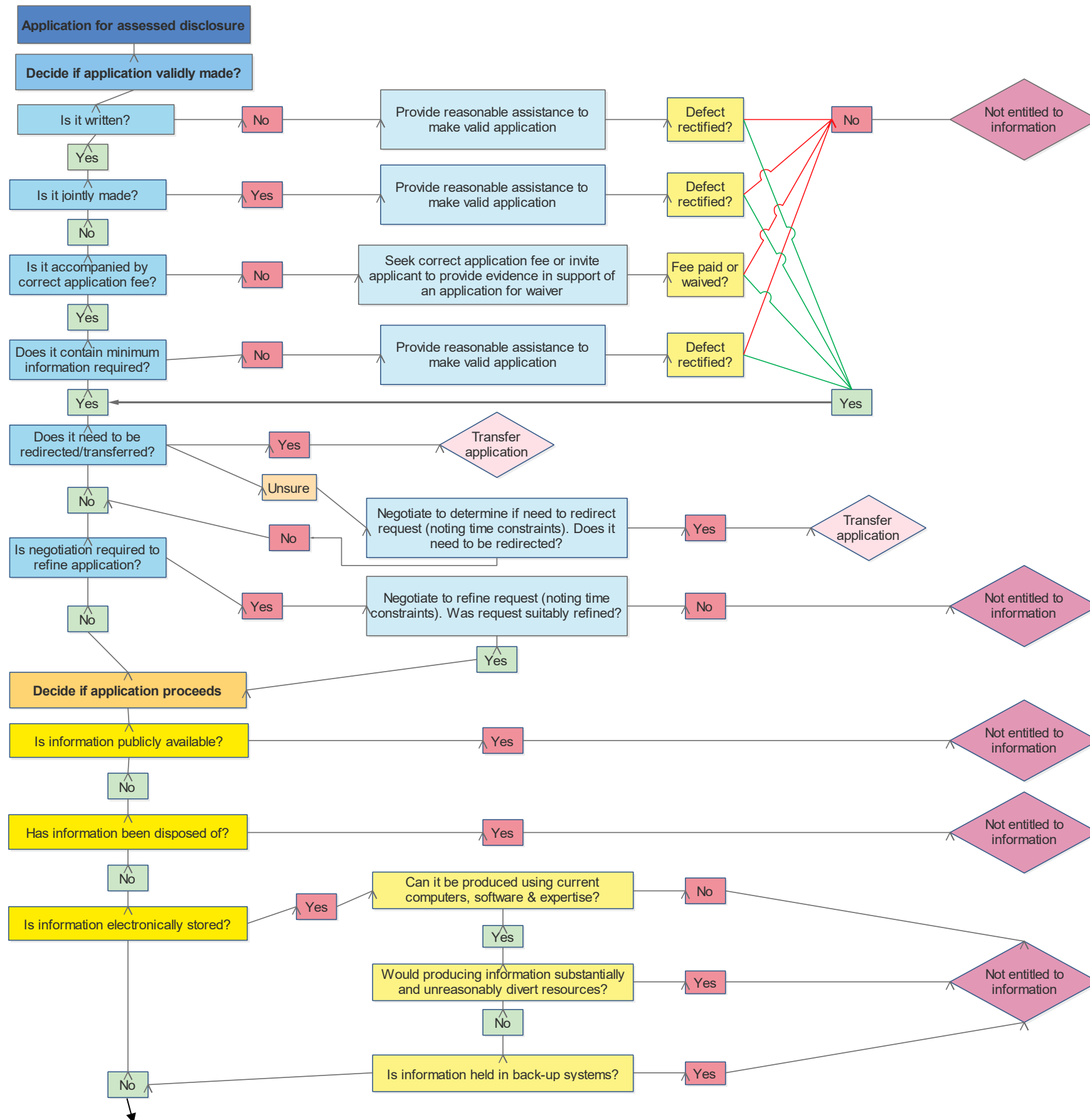
³ Which means a disclosure of information by a public authority or a Minister in response to a request from a person made otherwise than by an application for assessed disclosure under the RTI Act. Information which is outside the scope of an assessed disclosure application which is nevertheless disclosed should be considered as an active disclosure. Examples can include a media release, publication, information on the web site, etc.

Objects of the RTI Act

- 1.7 The broad object of the RTI Act and the main reason why it exists is to improve democratic government in Tasmania.⁴ This is to be done by:
- (a) increasing the accountability of the executive to the people of Tasmania;
 - (b) increasing the ability of the people to participate in their governance;
 - (c) acknowledging that information collected by public authorities is collected for the Tasmanian people and is State property.
- 1.8 That broad object is pursued by giving members of the public the right to obtain information held by public authorities and Ministers including information about the operations of Government. The RTI Act is intended to be interpreted in a way which furthers those objects and any discretions conferred by the RTI Act are to be exercised to facilitate provision of the maximum amount of official information promptly and at the lowest reasonable cost.
- 1.9 Because the RTI Act is beneficial legislation it is to be interpreted liberally.

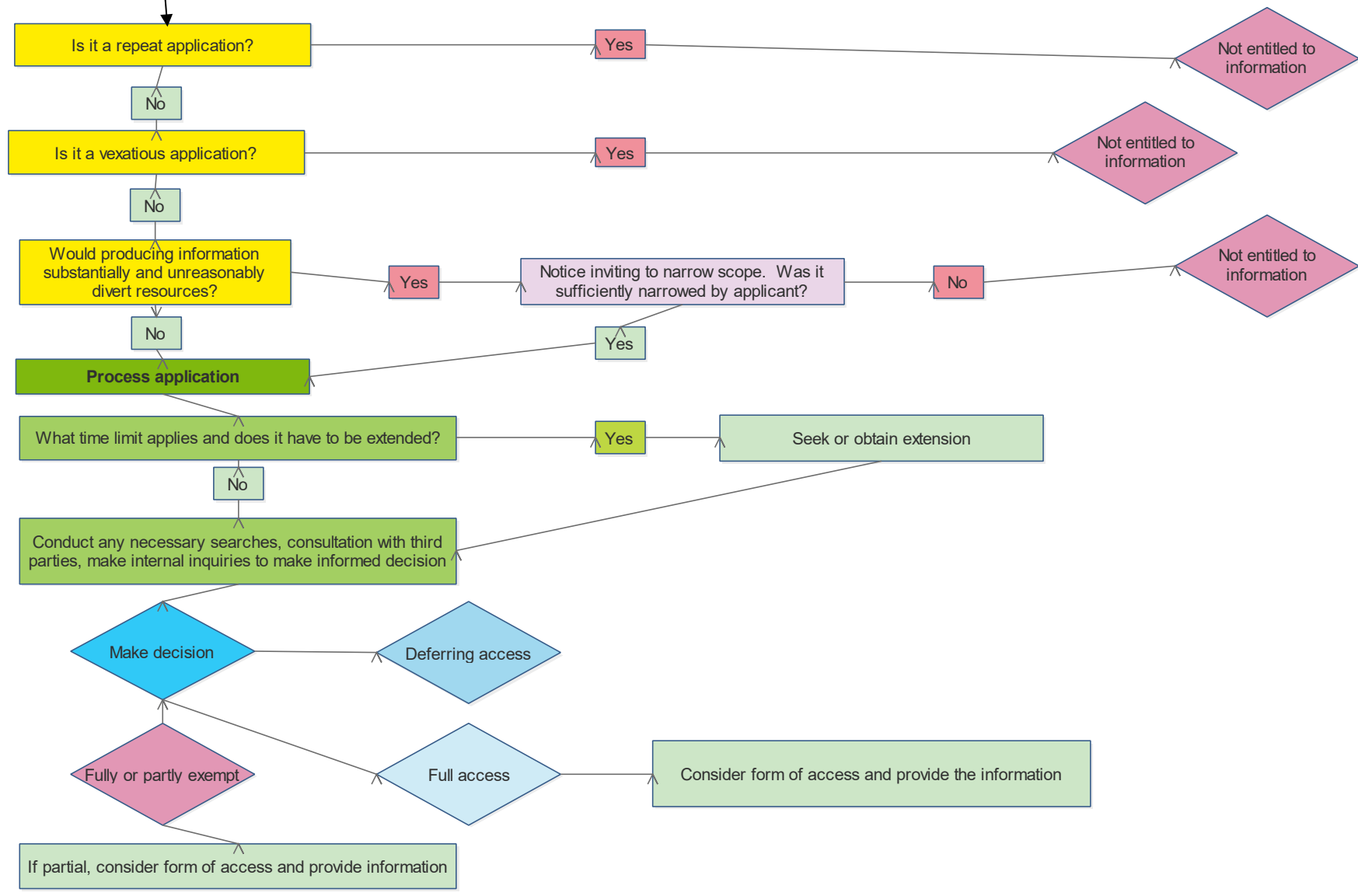
⁴ Section 3, RTI Act.

FLOW CHART – PROCESSING APPLICATIONS FOR ASSESSED DISCLOSURE



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2. APPLICATION FOR ASSESSED DISCLOSURE OF INFORMATION

- 2.1 The right to be provided with information by way of an application for assessed disclosure can only be exercised in accordance with the RTI Act.⁵
- 2.2 An application for assessed disclosure may be made to any public authority⁶ or Minister that the applicant believes has the information sought.⁷ It must be for information in the possession of a public authority or a Minister.
- 2.3 In relation to a public authority, information is in the possession of a public authority is taken to be in possession if the public authority is “entitled to the information” and it is not in the possession of a Minister.⁸ It must be information in the possession of the public authority and must relate to the official business of the public authority – it does not include information in the possession solely for the purpose of collation and forwarding to a body other than a public authority.⁹
- 2.4 The application for assessed disclosure must satisfy the following statutory requirements before it can be considered as having been validly made and to be compliant with the RTI Act:
- (a) A written application to a public authority or Minister¹⁰
 - (b) The application must contain the minimum information specified in the Regulations.¹¹
 - (c) The application must be accompanied by an application fee of 25 fee units unless waived.¹²
- 2.5 Where all requirements have been satisfied, and where no negotiation is required with an applicant to refine or possibly redirect an application, a letter in the form of **FORM 7** ought to be sent to the applicant acknowledging receipt of the application for assessed disclosure and notifying a due date for notification of a decision on the application.

⁵ Section 7.

⁶ Defined in s 5 to mean an “Agency” under the *State Service Act 2000*, University of Tasmania, Police Service, a council, a statutory authority (defined in s 5), a body established by or under an Act for a public purpose, a body where at least a majority of the members are appointed by the Governor or a Minister, a GBE, a council-owned company (defined in s 5) or a State owned company (also defined in s 5). See also s 5(4) in relation to unincorporated bodies established by or in accordance with an Act. See also s 5(5) as to when a person is not a public authority. For excluded persons or bodies, see s 6.

⁷ Section 13(1).

⁸ See s 5(3).

⁹ Section 5(1) definition of “information in the possession of a public authority”.

¹⁰ Section 13(2).

¹¹ Section 13(3).

¹² Section 16.

Written application

- 2.6 The application for assessed disclosure must be in writing.¹³ That includes any mode of representing or reproducing words, figures, or symbols in a visible form.¹⁴ That can include in the form of an electronic communication such as an email or fax.¹⁵
- 2.7 Although a public authority might have or encourage the use of an application form for use by intending applicants, it cannot force an applicant to do so. An application does not have to be on a particular form provided it otherwise satisfies the requirements for a validly made, compliant application for assessed disclosure.¹⁶
- 2.8 **FORM 1** is an example of what an application form might look like.
- 2.9 Examples of **acceptable** ways to make an application for assessed disclosure include:
- Application form;
 - Letter;
 - Email;
 - Fax;
 - SMS/Text message (where that facility exists within an agency to accept such communications);
 - Electronic communication using social media platform.
- 2.10 Non-acceptable ways to attempt to apply for assessed disclosure include:
- Oral application made by telephone;
 - Oral application made by voicemail message;
 - Oral application made by Skype or similar application;
 - Oral application made in person in a meeting;
 - Oral application made in person at reception/customer service desk.
- 2.11 If one of these non-acceptable ways for making an application are used by an intending applicant, then consistently with the obligation to assist an intending applicant to make a valid application, the public authority should point out the acceptable ways to make an application and the other requirements for a validly made application.

¹³ Section 13(2).

¹⁴ Section 24(b), *Acts Interpretation Act 1931* (Tas).

¹⁵ See s 6, *Electronic Transactions Act 2000* (Tas).

¹⁶ Ombudsman's Manual, [3.3], p16.

Minimum information

- 2.12 The Regulations set out the minimum information which must be included in an application for assessed disclosure. Where that information is provided and all other requirements for a validly made request are satisfied, and where no negotiation is required to refine or possibly redirect an application, a letter or email in the form of **FORM 7** ought to be sent to the applicant acknowledging receipt of the application for assessed disclosure and notifying a due date for notification of a decision on the application.
- 2.13 If the minimum information is not provided, the application for assessed disclosure is not validly made. However, remember that a public authority has an obligation to assist an intending applicant to make a valid application. If any of the minimum requirements are not satisfied, you should contact the applicant and point out the defect and invite the intending applicant to rectify the defect. A form of letter or email by which this could be done is **FORM 2** in the Manual.

(i) Name of the applicant.

The applicant can be any person who has the right to make an application for assessed disclosure under the RTI Act. That is any person who has the right to be provided with information in the possession of a public authority in accordance with the RTI Act.¹⁷

A “person” is defined to include any body of persons, corporate or unincorporated, except the Crown.¹⁸

It is arguable that a joint application cannot be validly made on the basis that the exercise of the right of access to information may be an individually exercisable right.¹⁹ An application by a husband and wife would not be valid, nor would an application by a law firm which was a partnership where the client was not identified.

(ii) Address of the applicant for communicating on matters relating to the application.

As a practical measure, it is desirable that applicants be encouraged to provide an email address to ensure expeditious communication.

(iii) Daytime contact details of the applicant

This is necessary in order to enable effective and timely communications with applicants about their applications. As a practical measure, it is desirable that

¹⁷ See ss 7 and 13.

¹⁸ Section 41, *Acts Interpretation Act 1931* (Tas).

¹⁹ *CKI Transmission Finance (Australia) Pty Ltd v Australian Taxation Office* [2011] AATA 654; *Apache Energy Pty Ltd v National Offshore Petroleum Safety and Environmental Management Authority* [2012] AATA 296.

applicants be encouraged to provide an email address to ensure expeditious communication. Telephone contact details are also desirable for more urgent communications.

(iv) General subject matter of the application

This requirement is a little inconsistent with the fact that an application can be made “without specifying the subject matter of [a] record or document” containing the information sought.²⁰

(v) Details of the information sought by the applicant

Consistently with similar legislation in other Australian jurisdictions, it would appear that there is an obligation on an applicant to strive to define with as much precision as he or she can precisely what information is sought from a public authority. It is important to bear in mind, however, that an application for assessed disclosure may be made by reference to the information in a particular record or document without specifying the subject matter of that record or document.²¹

Nevertheless, a public authority does have an obligation to negotiate with an applicant in relation to any lack of definition, ambiguity, uncertainty, or lack of clarity of an application.

It should be noted that if after negotiations with the applicant about the clarity of the application for assessed disclosure an application continues, in the opinion of the public authority, to be “lacking in definition”, the public authority can refuse the application on the basis that it is a vexatious application.²²

(vi) Details of any efforts undertaken by the applicant to obtain the information before the application was made

(vii) Date of the application

(viii) Signature of the applicant

(ix) If the application includes a request for personal information²³ of the applicant, proof of identity of the applicant.²⁴

²⁰ Section 13(4).

²¹ Section 13(4).

²² See “Negotiations” below and s 20.

²³ See the definition of “personal information” in s 5.

²⁴ Regulation 5.

Application fee

- 2.14 An application for assessed disclosure of information must be accompanied by an application fee of 25 fee units²⁵ unless the application fee is waived.²⁶ From 1 July 2022 that is \$42.50.
- 2.15 An application for assessed disclosure cannot be accepted by a public authority or Minister unless the application fee has been paid or a decision made to waive the application fee. That means that no application can be accepted until that requirement is met,²⁷ and the time within which a decision on application must be notified to the applicant does not commence.²⁸
- 2.16 Because of the timing consequences, an application for waiver of the application fee should be considered immediately upon receipt of an application for an assessed disclosure and a decision made as soon as practicable.²⁹ If no application fee was paid, the public authority should send a letter or email in the form of **FORM 3**.
- 2.17 A fee unit is established under the *Fee Units Act 1997* (Tas) and published by the Treasurer in the Government Gazette on or before 15 February each year. From 1 July 2022 a fee unit has a value of \$1.70.³⁰ The value of the application fee is obtained by multiplying the number of fee units by the value of a fee unit and rounding down to the nearest cent.

Waiver

- 2.18 The application fee may be waived in four circumstances. First, where the applicant is impecunious.³¹ As “impecunious” is not defined in the RTI Act, it has its ordinary meaning. Various dictionary definitions of “impecunious” include:
- Having very little or no money, usually habitually;
 - Penniless; poor;
 - Not having enough money to pay for necessities.
- 2.19 An example of where it has been accepted that an applicant was impecunious was where evidence of reliance on a Commonwealth disability support pension was produced³² or a pensioner living in Housing Commission accommodation with no real

²⁵ Section 16(1). See also definition of “fee unit” in s 46, *Acts Interpretation Act 1931* (Tas), and *Fee Units Act 1997* (Tas). As at 1 July 2022 a fee unit is \$1.70.

²⁶ Section 16(2).

²⁷ Section 16(3).

²⁸ Section 15.

²⁹ Ombudsman’s Manual, [3.4], p17.

³⁰ Also published on web site: <http://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>

³¹ Section 16(2)(a).

³² *Stott v Forestry Tasmania* (Apr 2009) referred to in Ombudsman Guidelines, [3.4], p17.

assets and not employed.³³ In a Victorian case it has been considered that impecunious means being poor, or in want of money, or having little money, or being unable reasonably to afford the application fee.³⁴

- 2.20 Second, where the applicant is a Member of Parliament acting in connection with his or her official duty.³⁵
- 2.21 Third, where the applicant is a journalist acting in connection with their professional duties.³⁶ ‘Journalist’ is defined in s 5 as a person who –
- (a) is engaged in the profession or practice of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary nature; and
 - (b) is paid to perform that profession or practice by a person, or body, that –
 - (i) is subject to a code of ethics and a procedure for the Australian Press Council, or another person or body that is prescribed, to deal with complaints about persons engaging in such a profession or practice; or
 - (ii) is the holder of a licence under the *Broadcasting Services Act 1992* of the Commonwealth.
- 2.22 Fourth, where the applicant is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit.³⁷ It has been held in Victoria that it does not mean a use which gratifies curiosity or merely provides information or attracts general public attention. It connotes a use which will be in the interest of or for the benefit of the public as distinct from the interest or benefit of individual members or groups of members of the public. The use of the word “general” emphasises the distinction between the interest or benefit of the public and that of an individual or individuals.³⁸
- 2.23 This requirement may not be met if an applicant represents a special interest group which is not representative of the Tasmanian community generally and where the information in question would not have any wide or general appeal or interest. It must do more than address the applicant’s own interests, and there would need to be a body of evidence showing the use to which the information would be put and that it would be used for the general public use and benefit rather than for a special interest group.³⁹

³³ *Melville v Craig Nowlan & Associates Pty Ltd & Anor* [2002] NSWCA 32.

³⁴ *Larson v Office of Corrections* (Unreported, AAT of Vic, Howie PM, 19 June 1990).

³⁵ Section 16(2)(b).

³⁶ Section 16(2)(ba).

³⁷ Section 16(2)(c).

³⁸ *Director of Public Prosecutions v Smith* [1991] 1 VR 63.

³⁹ See *Sunbury Progress Association v Hume City Council* [2004] VCAT 2344, [20]-[21].

2.24 Consistently with the latter, the Ombudsman's *Guideline in Relation to Charges for Information* suggests fee waiver where a journalist proposes to use the information in writing an article the subject of which is of wide public interest within the community.⁴⁰

Obligation on public authority to assist

2.25 A public authority must take reasonable steps to assist a person to make a compliant application for assessed disclosure in these situations:⁴¹

- (a) If a person wants to make an application for assessed disclosure (and has not yet done so); or
- (b) If a person has made an application for assessed disclosure and it does not comply with the requirements of s 13 of the RTI Act.

2.26 This means a public authority cannot refuse an application for assessed disclosure on the basis that the application was not compliant unless it first provided reasonable assistance to the applicant or intending applicant to rectify any non-compliance.

2.27 Note that a public authority must make available to the person general details of the information in the possession of the public authority:

- (a) if requested to do so; or
- (b) if it is appropriate to do so to assist the person to make an application for assessed disclosure.⁴²

2.28 Whether or not assistance was provided by a public authority to an applicant to narrow a request, is one of the immediate points of focus by the Ombudsman in determining applications for review of a decision made on the grounds that providing the information would be an unreasonable diversion of resources under s 19. The Ombudsman might require assistance to be provided if it has not been previously provided.⁴³

2.29 Assistance can also include negotiation as to the definition of the application.⁴⁴

2.30 Where all requirements for a validly made request are satisfied, and where no negotiation is required to refine or possibly redirect an application, a letter or email in the form of **FORM 7** ought to be sent to the applicant acknowledging receipt of the

⁴⁰ Ombudsman, *Guideline in Relation to Charges for Information*, 21 April 2012, p 5.

⁴¹ Section 13(6).

⁴² Section 13(8).

⁴³ Ombudsman, *Guidelines to Assist Agencies and Applicants in relation to Access to Information under the Right to Information Act 2009 and the Personal Information Protection Act 2004*, August 2013, p 3.

⁴⁴ See s 20.

application for assessed disclosure and notifying a due date for notification of a decision on the application.

Negotiation

- 2.31 A public authority **may** negotiate with an applicant in relation to an application for assessed disclosure. Although there is a power or discretion to do so, it is advisable to always do so if one of the two circumstances in which negotiation may occur arises. They are as follows:
- (a) To refine an application for assessed disclosure.
 - (b) To redirect an application for assessed disclosure.
- 2.32 Negotiation should occur where the terms of the application are unclear or too general in nature with a view to refining or redirecting the application.⁴⁵
- 2.33 Negotiations may occur orally or in writing as there is nothing in the RTI Act prescribing how they are to occur. If conducted orally, it is best administrative practice to ask the applicant to confirm the outcome in writing.⁴⁶ Given that the application is effectively being amended or clarified, that is consistent with the obligation for an application to be made in writing to the public authority.
- 2.34 It is preferable that negotiations occur by written communication if that can be conducted speedily (eg by email), so that a written record or trail of the negotiations is maintained and avoids any misunderstanding between the public authority and applicant.
- 2.35 Where no negotiation is required, a letter in the form of **FORM 7** ought to be sent to the applicant acknowledging receipt of the application for assessed disclosure and notifying a due date for notification of a decision on the application.

Negotiation to refine

- 2.36 An applicant has an obligation to include in their written application the general topic of the application together with details of the information sought. Failure to do so means the application is not compliant and the public authority must provide the applicant reasonable assistance to make a compliant application.
- 2.37 Consistently with similar legislation in other Australian jurisdictions, it would appear that there is an obligation on an applicant to strive to define with as much precision as he or she can precisely what information is sought from a public authority.
- 2.38 Sometimes an applicant will have attempted to provide such information but the information provided does not state with precision what is sought. In those circumstances, a public authority has an obligation to negotiate with an applicant in

⁴⁵ Ombudsman, *Guideline in Relation to Searching and Locating Information*, 24 January 2013, p 3.

⁴⁶ Ombudsman's Manual, [3.6], p18.

relation to any lack of definition, ambiguity, uncertainty, or lack of clarity of an application. That is described in terms of negotiating to “refine” the application for assessed disclosure.

- 2.39 It has been suggested that the first step in such a negotiation is to find out exactly what information the applicant is seeking and why. If the application is vaguely expressed, or unduly general in its terms, engaging in negotiation will assist to refine the request which can have the effect of assisting the public authority to address the application more efficiently in the long run and probably provide the applicant with greater satisfaction with the application being more focussed.
- 2.40 The purpose of negotiating to refine an application is to enable it to be sufficiently defined for the public authority to be able to determine with accuracy what information is being sought.⁴⁷ This process can result in clarification of the application or narrowing in the scope of the application.
- 2.41 Another example of refining an application is where the applicant might agree not to seek certain information, such as personal information about others, which would then fall outside the scope of the application.
- 2.42 Note the effect on timing which arises as a result of negotiations for refining or redirecting an application. **FORM 6** is a letter or email which could be sent to an applicant after negotiations or after 10 working days have passed after receipt of an application and negotiations have not yet been completed.
- 2.43 If after negotiations with the applicant about the clarity of the application for assessed disclosure an application continues, in the opinion of the public authority, to be “lacking in definition”, the public authority can refuse the application on the basis that it is a vexatious application.⁴⁸
- 2.44 If after negotiation the scope of the application remains broad, that might trigger the application by the public authority of the procedure set out below for applications for assessed disclosure which would substantially and unreasonably divert the resources of the public authority. The Ombudsman has indicated that if an applicant refuses to negotiate on the scope of an application, the request may be refused on the basis it would be an unreasonable diversion of resources.⁴⁹

Negotiation to redirect an application

- 2.45 The second purpose for negotiation is with a view to redirecting an application. This is particularly relevant where the wording of the application is such that it is not entirely clear if it is only your public authority which holds information of relevance to

⁴⁷ Ombudsman’s Manual, [4.6], p.30.

⁴⁸ See s 20.

⁴⁹ Ombudsman, *Guidelines to Assist Agencies and Applicants in relation to Access to Information under the Right to Information Act 2009 and the Personal Information Protection Act 2004*, August 2013, p 4.

the application, or whether another public authority (or authorities) may also hold information more closely connected to what is sought.

- 2.46 **FORM 5** is a letter/email which invites an applicant to negotiate with a view to providing information to determine whether the application ought to be redirected or not.
- 2.47 If after negotiations it becomes apparent that some or all of the application may be transferred, your public authority can transfer the application (or part of it) to another public authority or Minister along with any information held which might be relevant.⁵⁰
- 2.48 Note the effect on timing which arises as a result of negotiations for refining or redirecting an application. **FORM 6** is a letter which should be sent to an applicant after negotiations or after 10 working days have passed after receipt of an application and negotiations have not yet been completed.

Effect of negotiation on time limits

- 2.49 Where negotiations are entered into with an applicant to refine or redirect the application for assessed disclosure, negotiations must be completed expeditiously and, in any case, no later than 10 working days after the receipt of the application for assessed disclosure.⁵¹
- 2.50 Where negotiations are entered into in order to refine or redirect the application for assessed disclosure under s 13(7) of the RTI Act, the application for assessed disclosure is taken to have been accepted by the public authority, for the purposes of calculating when a decision must be notified to the applicant, on the completion of the negotiations or no later than 10 working days after the application was received.⁵²
- 2.51 It is from the date on which the application is taken to have been accepted that the public authority then has 20 working days to notify the applicant of a decision on the application.⁵³ Therefore, if negotiation takes place to refine or redirect an application, the decision on the application must be notified to the applicant no later than 30 working days after the application for assessed disclosure is taken to have been received.⁵⁴
- 2.52 **FORM 6** is a letter which should be sent to an applicant after negotiations or after 10 working days have passed after receipt of an application and negotiations have not yet been completed.
- 2.53 Where all requirements for a validly made request are satisfied, and where no negotiation is required to refine or possibly redirect an application, a letter or email in

⁵⁰ See "Transferring applications" below and s 14.

⁵¹ Section 15(2).

⁵² Section 15(3).

⁵³ See s 15 generally.

⁵⁴ Ombudsman's Manual, [3.6], p.18.

the form of **FORM 7** ought to be sent to the applicant acknowledging receipt of the application for assessed disclosure and notifying a due date for notification of a decision on the application.

Information to be made available to assist applicant

- 2.54 A public authority is required to make available to a person or potential applicant general details of the information in the possession of the public authority. This obligation arises in two situations:
- (a) Where a request for such assistance is made by a person; or
 - (b) If it is appropriate to do so to assist a person to make an application for assessed disclosure of information.
- 2.55 As to what level of assistance is appropriate, it is important to keep in mind the objects of the RTI Act. The Ombudsman has suggested that defensiveness is not the right approach.⁵⁵

Transfer of application

- 2.56 An application for assessed disclosure made to a public authority **must** be transferred to another public authority or Minister if the subject matter (or part of the subject matter) of the information requested is more closely connected with the functions of the other public authority or Minister.⁵⁶
- 2.57 Either the **whole or part** of the application may be transferred. The applicant should be informed of the transfer. **FORM 8** is a letter or email which should be sent to the applicant to inform them of the transfer of the application.
- 2.58 If the public authority has any information relevant to the assessed disclosure application, it should send any such information to the subsequently receiving public authority (or Minister).⁵⁷
- 2.59 The transfer must be made **promptly**⁵⁸ (ie as soon as practicable) as it impacts on timing of when the subsequent public authority must notify a decision on the transferred request. The application is taken to have been received by the subsequent public authority (or Minister) at the time the transfer was made, or at the expiration of 10 working days from the date of the original application being received, whichever first occurs.⁵⁹
- 2.60 The public authority receiving it from the original public authority can then deal with the application as if it had received the application in the first place. That includes

⁵⁵ Ombudsman's Manual, [3.2], p.15.

⁵⁶ Section 14.

⁵⁷ Section 14(1)(b).

⁵⁸ Section 14(1)(a).

⁵⁹ Section 14(2).

refining by negotiation, etc which can have the effect of extending time for processing in the usual way.⁶⁰

⁶⁰ Ombudsman's Manual, [3.7], p18-19.

3. DECISIONS

Refusal without processing: already available information

3.1 A person is not entitled to information:

- (a) that may be inspected by the public under another Act;⁶¹ or
- (b) that may be purchased at a reasonable cost in accordance with arrangements made by a public authority;⁶²
- (c) that is otherwise available;⁶³
- (d) that will become available, in accordance with a decision that was taken before the receipt of the application, as a required or routine disclosure within a specified period not exceeding 12 months from the application date.⁶⁴

3.2 **FORM 9** is a letter or email which can be sent to an applicant with a decision made to refuse information on one of these bases.

3.3 This ground should not be relied on if the information is not reasonably available without the applicant being exposed to significant difficulty, inconvenience or cost, or where the information is only available subject to certain conditions or limitations.⁶⁵

Refusal of certain electronically stored information⁶⁶

3.4 An application for assessed disclosure can be refused if information:

- (a) is stored in an electronic form; **and**
- (b) it cannot be produced using the normal computer hardware, software and technical expertise of the public authority; **and**
- (c) producing it would substantially and unreasonably divert the resources of the public authority from its usual operations having regard to the matters in Schedule 3 (See paragraphs 3.8 and following below).

3.5 **FORM 10** is a letter or email which can be sent to an applicant with a decision made refusing information on this basis.

3.6 A person is not entitled to information stored in back-up systems.⁶⁷ **FORM 11** is a letter or email which can be sent to an applicant with a decision made refusing information on this basis.

⁶¹ Section 9.

⁶² Section 9.

⁶³ Section 12(3)(c)(i).

⁶⁴ Section 12(3)(c)(ii).

⁶⁵ Ombudsman's Manual, [4.3], p27.

⁶⁶ Section 10.

⁶⁷ Section 10(2).

- 3.7 A person is not entitled to information that has been disposed of in compliance with an approved disposal schedule under the *Archives Act 1983*. Note however that an application for assessed disclosure cannot be made for information that can be inspected at the Archives Office – if it cannot be so inspected, that means that it is still accessible from the public authority.

Refusal without processing application: substantial and unreasonable diversion

- 3.8 A public authority can refuse to provide information sought without identifying, locating or collating the information, if the following requirements are met:

- (c) it is satisfied that the work involved in providing the information requested would:

(i) substantially; **and**

(ii) unreasonably,

divert the resources of the public authority from its other work, having regard to the following matters specified in Schedule 3 of the RTI Act:

“The following matters are matters that must be considered when assessing if the processing of an application for assessed disclosure of information would result in a substantial and unreasonable diversion of resources:

(a) the terms of the request, especially whether it is of a global kind or a generally expressed request, and in that regard whether the terms of the request offer a sufficiently precise description to permit the public authority or Minister, as a practical matter, to locate the document sought within a reasonable time and with the exercise of reasonable effort;

(b) whether the demonstrable importance of the document or documents to the applicant might be a factor in determining what in the particular case are a reasonable time and a reasonable effort;

(c) more generally whether the request is a reasonably manageable one, giving due, but not conclusive, regard to the size of the public authority or Minister and the extent of its resources available for dealing with applications;

(d) the public authority's or Minister's estimate as to the number of sources of information affected by the request, and by extension the volume of information and the amount of officer-time, and the salary cost;

(e) the timelines binding the public authority or Minister;

(f) the degree of certainty that can be attached to the estimate that is made as to sources of information affected and hours to be consumed, and in that regard importantly whether there is a real possibility that processing time might exceed to some degree the estimate first made;

(g) the extent to which the applicant has made other applications to the public authority or Minister in respect of the same or similar information or has made other applications across government in respect of the same or similar information, and the extent to which the present application might have been adequately met by those previous applications;

(h) the outcome of negotiations with the applicant in attempting to refine the application or extend the timeframe for processing the application;

(i) the extent of the resources available to deal with the specified application.”⁶⁸

3.9 Note that the matters listed in Schedule 3 are not a complete statement of matters that might be relevant. The question ultimately is one about whether the diversion of resources is both substantial and unreasonable when considering ***all the circumstances*** of the case.⁶⁹

3.10 Some factors considered relevant in other Australian jurisdictions for almost identical wording include (and some of them are taken into account in Sch 3 anyway) reasonable estimates of:

- the time and effort required in any consultation that might be required internally or externally;
- the amount of officer time and salary cost;
- the number of persons to be consulted;
- the nature of the individuals to be consulted (staff, third parties?);
- the anticipated time to examine available documents and information;
- the work required in the context of the existing statutory timeframe in the RTI Act;
- current available resources (ie not what you can afford to get in by purchasing or acquiring other resources), the nature and size of the organisation, the level of funding or resourcing for RTI matters, the number of other RTI applications on hand (including current trends on whether they are increasing or decreasing);
- whether the request is a reasonably manageable one, giving due but not conclusive, regard to the size of the agency and the extent of its resources usually available for dealing with FOI applications;
- the number of persons who would be available to assist in processing the request and a realistic estimate of how much time they can actually devote to processing the application consistent with attending to other priorities;
- whether the applicant participates when provided with a reasonable opportunity to consult;
- whether the terms of the request offers a sufficiently precise description to permit the University, as a practical matter, to locate the information sought within a reasonable time and with the exercise of reasonable effort;
- the public interest in the disclosure of the information sought;
- the degree of certainty that can be attached to the estimate that is made as to the relevant information sought and hours to be consumed; and in that regard, importantly whether there is a real possibility that processing time may exceed to some degree the estimate first made.

3.11 Before being able to refuse to provide the information on this ground, the public authority must first give the applicant a reasonable opportunity to consult with the

⁶⁸ Schedule 3.

⁶⁹ Ombudsman’s Manual, [4.5], p28.

public authority with a view to helping the applicant to make an application in a form which would remove this ground for refusal⁷⁰ such that the scope of the application is both clear and manageable.⁷¹ That is not limited to narrowing the actual scope of the application, but can include agreeing an extended timeline by which the information is to be provided.⁷²

- 3.12 **FORM 12** is a notice which can be sent to the applicant inviting them to consult and narrow the scope of the application.
- 3.13 Some important points to note about this ground for refusal are as follows:
- (a) The resources referred to are **not** the whole of the resources of the whole public authority.
 - (b) The resources referred to are only those resources reasonably required to process the application for assessed disclosure (ie identify, locate, collate and provide the information sought), consistent with attendance to other priorities. The resources of the public authority must be able to continue to do other priority work and still be able to address the application for assessed disclosure and make and communicate the decision to the applicant within the statutory timeframe.
 - (c) Substantial diversion means not trivial or insubstantial diversion of the relevant resources.
 - (d) Unreasonable diversion means unreasonable in all of the circumstances (which includes consideration of the matters in Schedule 3 quoted to above).
 - (e) The Ombudsman has indicated that if an applicant refuses to negotiate on the scope of an application, the request may be refused on the basis it would be an unreasonable diversion of resources.⁷³
- 3.14 **FORM 13** is a letter or email which may be sent to the applicant refusing to provide the information if there is no or no adequate consultation to narrow the scope of the application and remove this ground for refusal.

Refusal without processing application: repeat application

- 3.15 An application for assessed disclosure can be refused on the basis that it is a repeat application if:
- (a) in the opinion of the public authority;

⁷⁰ Section 19(2).

⁷¹ Ombudsman, *Guidelines to Assist Agencies and Applicants in relation to Access to Information under the Right to Information Act 2009 and the Personal Information Protection Act 2004*, August 2013, p 4.

⁷² Ombudsman's Manual, [4.5], p28.

⁷³ Ombudsman, *Guidelines to Assist Agencies and Applicants in relation to Access to Information under the Right to Information Act 2009 and the Personal Information Protection Act 2004*, August 2013, p 4.

- (b) the information sought is the same or similar to information sought under a previous application to a public authority;
- (c) the application does not, on its face, disclose any reasonable basis for seeking access to the same or similar information.

3.16 Some important points to note about this are that:

- the information must be the same or similar to information previously sought from a public authority; it does not have to be the same public authority, although one would expect that to be the usual situation;
- the information need not be exactly the same, it is enough if it is similar to information previously sought. The Ombudsman's Guideline in this area suggests that it is sufficient if the information is "significantly similar";⁷⁴
- the public authority only has to consider the application on its face, and can ignore any other communications between the applicant and the public authority, to determine if there is **any** reasonable basis for the applicant seeking access to the same or similar information. It must be expressed or otherwise apparent on the face of the application – no further consultation or background enquiry is required.⁷⁵

3.17 **FORM 14** is a form of letter or email which can be sent to an application refusing access on this basis.

Refusal without processing application: vexatious or lacking in definition

3.18 An application for assessed disclosure can be refused on the basis that it is a vexatious application. That requirement is satisfied if the application:

- (a) in the opinion of the public authority;
- (b) is vexatious;⁷⁶ or
- (c) remains lacking in definition after negotiations under s 13(7) (see **Negotiation** referred to above).⁷⁷

Vexatious

3.19 All the surrounding circumstances should be taken into account to determine whether an application is vexatious, and such a conclusion should not be lightly reached. That includes considering:⁷⁸

⁷⁴ Ombudsman, *Guideline in Relation to Refusal of an Application for Assessed Disclosure Under the Right to Information Act 2001, s20*, p 2.

⁷⁵ Ombudsman's Manual, [4.6], p29.

⁷⁶ Section 20(a), RTI Act.

⁷⁷ Section 20(b), RTI Act.

⁷⁸ Ombudsman, *Guideline in Relation to Refusal of an Application for Assessed Disclosure Under the Right to Information Act 2001, s20*, pp 3-4.

- the objects of the RTI Act (s 3);
 - whether the application might be refused under another more specific provision and, if so, apply the more specific provision (eg unreasonable diversion of resources, repeat application);
 - the wording of the application and whether it is intemperate, obscure, unreasonably long, unreasonably complex, or otherwise inappropriate;
 - the stated purpose or apparent purpose of the applicant in making the application and whether it is consistent with the objects of the RTI Act;
 - whether the application is part of a pattern or course of conduct by the applicant;
 - whether the application is made only to cause annoyance, harass or annoy, cause delay or detriment, or cause or achieve some other wrongful purpose.
- 3.20 Note, this has nothing to do with whether the *applicant* is vexatious; the focus is on the nature of the particular *application*.
- 3.21 Any opinion held by the public authority must be one which is reasonably held and based on the character of the application alone.
- 3.22 **FORM 16** is a form of letter or email which may be sent to the applicant refusing access on the basis that the application for assessed disclosure is vexatious.

Lacking in definition

- 3.23 The purpose, of course, is to enable the application to become sufficiently defined for the public authority to be able to determine with accuracy what information is being sought. Section 20(b) authorises refusal of an application where this purpose has not been achieved, after bona fide negotiation with the applicant.
- 3.24 **FORM 15** is a form of letter or email which may be sent to the applicant refusing access on the basis that the application still lacks definition despite negotiations under s 13(7) of the RTI Act.

Refusal without processing application: neither confirm nor deny existence of information

- 3.25 A public authority can ***in limited circumstances*** make a decision which neither confirms nor denies the existence of information sought without processing the application and ascertaining if the information actually existed or not and based solely on the terms of the request and/or the knowledge of the decision-making officer of the public authority.⁷⁹

⁷⁹ Note, a decision neither confirming nor denying can also be made after the public authority ascertains whether the information exists and assesses the information if the information would be exempt on one of the grounds set out in ss 25, 26, 27, 28, 29, 30, 31 or 32.

- 3.26 Such a decision can only be made without identifying the information if, on the face of the request, the public authority is able to conclude that the information sought would be exempt under one or more of the following provisions:⁸⁰
- (a) Section 25 – Executive Council information
 - (b) Section 26 – Cabinet information
 - (c) Section 27 – Internal briefing information of a Minister
 - (d) Section 28 – Information not relating to official business
 - (e) Section 29 – Information affecting national or state security, defence or international relations
 - (f) Section 30 – Information relating to enforcement of the law
 - (g) Section 31 – Legal professional privilege
 - (h) Section 32 – Information related to closed meetings of council.
- 3.27 **FORM 17** is a form of email or letter which could be sent to an applicant which neither confirms nor denies the existence of information sought ***without processing the application*** and ascertaining if the information actually existed or not.

Decision notification time limits

- 3.28 A public authority must take all reasonable steps to notify an applicant of a decision on an application for assessed disclosure:
- (a) as soon as practicable; and
 - (b) in any case, no later than 20 working days after acceptance of the application for assessed disclosure.⁸¹
- 3.29 An application for assessed disclosure is taken to be accepted by a public authority:⁸²
- (a) on the day it is received; or
 - (b) if negotiations are entered into to refine or redirect the application, on the completion of the negotiations or no later than 10 days after receipt;
 - (c) provided an application fee has been paid or, if not, on the date a decision is made to waive the fee. If the fee is not waived and never paid, the application is never taken to have been accepted.⁸³
- 3.30 Where negotiations are entered into in order to refine or redirect the application for assessed disclosure under s 13(7) of the RTI Act, the application for assessed

⁸⁰ In Division 1 of Part 3 of the RTI Act.

⁸¹ Section 15(1).

⁸² Section 15(3).

⁸³ Section 16(3).

disclosure is taken to have been accepted by the public authority, for the purposes of calculating when a decision must be notified to the applicant, on the completion of the negotiations or no later than 10 working days after the application was received.⁸⁴

- 3.31 It is from the date on which the application is taken to have been accepted that the public authority then has 20 working days to notify the applicant of a decision on the application.⁸⁵ Therefore, if negotiation takes place to refine or redirect an application, the decision on the application must be notified to the applicant no later than 30 working days after the application for assessed disclosure is taken to have been received.⁸⁶

Effect of delays in decision making and notification

- 3.32 If an application for assessed disclosure is made to a public authority and the statutory period calculated in accordance with s 15 has elapsed, if the applicant has not received a notice of decision, a decision is taken to have been made by the principal officer of the public authority refusing the application. That decision taken to be made is reviewable by the Ombudsman (see **External (Ombudsman) review** below).⁸⁷

Extension of time limits

- 3.33 The time within which a decision must be notified to an applicant may be extended in three possible ways or scenarios:

- (a) by agreement with the applicant; or
- (b) if no such agreement can be reached and the application is:
 - (i) complex; or
 - (ii) voluminous; or
 - (iii) complex and voluminous; **and**
 - (iv) it in the opinion of the public authority unreasonable,

then on application by the public authority it can be extended by the Ombudsman.⁸⁸

- (c) where the public authority has decided to consult a third party under the personal affairs exemption (s 36) or the business affairs exemption (s 37), by a further 20 working days in addition to the initial 20 working days.⁸⁹

⁸⁴ Section 15(3).

⁸⁵ See s 15 generally.

⁸⁶ Ombudsman's Manual, [3.6], p.18.

⁸⁷ Sections 45(1)(f) and 46.

⁸⁸ Section 15(4).

⁸⁹ Section 15(5). If the third party does not respond within 15 working days from the time of consultation, the public authority can conclude the assessment without considering the input from the third party: s 15(6). No information can be released pending the expiration of the review periods given to the third parties under ss 36(5) and 37(5): s 15(7).

By agreement with the applicant

3.34 It is unclear whether there can be more than one extension of time.

By the Ombudsman

3.35 An application to the Ombudsman for an extension of time should be in writing and specify in detail why the public authority is seeking the extension of time and how the statutory criteria are met.⁹⁰

Due to third party consultation

3.36 This capacity to extend time only arises where consultation occurs under one of two exemptions – s 36 (personal affairs) or s 37(business affairs). It does not apply to any other consultation which is not required by the RTI Act.

3.37 Where a public authority has decided to consult a third party under ss 36 or 37 about the release of information in determining an assessed disclosure application, it is allowed a further 20 working days in addition to the initial 20 working days within which to decide an application for assessed disclosure.⁹¹ If there is no response from the third party within 15 working days from the time of the consultation, the public authority may conclude the assessment without considering the input from the third party.

Searches⁹²

3.38 The scope of the search is determined by the terms of the application for assessed disclosure. All of the information thought to be covered by the application should be assessed for disclosure. It should then be assessed to determine exactly what falls within the scope of the application.

3.39 Steps taken to search for information should be recorded to demonstrate and a search is conducted methodically and in a disciplined way. It may help in any subsequent Ombudsman review which might be sought as to the adequacy of the search, where:

- (a) the public authority determines the information requested was not in existence on the day the application was made (s 45(1)(b));⁹³
- (b) the public authority determines it was not in the possession of the public authority (s 45(1)(d));

⁹⁰ Ombudsman's Manual, [3.8], p19.

⁹¹ Section 15(5).

⁹² See generally Ombudsman, *Guideline in Relation to Searching and Locating Information*, 24 January 2013.

⁹³ Note that this is limited to information up to the date of the application, but not beyond: Ombudsman, *Guideline in Relation to Searching and Locating Information*, 24 January 2013, p 5

- (c) the applicant believes, on reasonable grounds, that there has been an insufficient search (s 45(1)(e)).
- 3.40 In recording the searches undertaken, the public authority ought to be able to demonstrate to a person unfamiliar with the matter (eg the Ombudsman on review or in handling a complaint) for each action taken in the search:
- (a) the date of the action taken;
 - (b) the nature of the action (eg discussions with a particular individual or searching in a location or on a database);
 - (c) the outcome of the action (eg if information has been destroyed, where possible get proof of destruction);
 - (d) who performed the action (name and position).
- 3.41 For electronic searches, record details of the indexing system used, the parameters of the search (ie the search terms) and keep any printouts or “screen prints” to show the searches conducted. Keep the record of searches with the application for assessed disclosure so it can easily be located for future reference.
- 3.42 It is recommended that a notice of decision should refer to the details of searches undertaken and reduce the likelihood that an applicant would seek review on one of these grounds.⁹⁴ That could include any finding that information was destroyed or missing and, if appropriate, proof of destruction or explanation of how a conclusion was formed it is missing (including an explanation of what the public authority believes has happened to it).⁹⁵

Form of access

- 3.43 Requested information can be provided in one of a number of forms. They are:⁹⁶
- (a) by giving the applicant a reasonable opportunity to inspect the record containing the information;
 - (b) if it is recorded or embodied in a way it can be reproduced, by providing the applicant with a transcript of the information;
 - (c) by providing a copy of the record containing the information, including an electronic copy;
 - (d) if it is contained in a record from which sounds or visual images can be reproduced, by giving the applicant a reasonable opportunity to hear the sounds or view the images.

⁹⁴ Ombudsman, *Guideline in Relation to Searching and Locating Information*, 24 January 2013, p 3-4.

⁹⁵ Ombudsman, *Guideline in Relation to Searching and Locating Information*, 24 January 2013, p 5.

⁹⁶ Section 18(1).

- 3.44 If the applicant request access in a particular form (being one of the forms (a) to (d) above), and the public authority has the information in that form, it must provide the applicant with the information or part of the information in that particular form unless:
- (i) it would be impracticable to do so; or
 - (ii) to do so would breach copyright.⁹⁷
- 3.45 It is important to note that the RTI Act is about access to information and does not provide an automatic right to obtain the document in which the information is embedded. Section 18 makes it clear that only the relevant “information” can and should be provided in extracted form wherever possible. Applicants should have no expectation that they will obtain whole documents where the information contained in the documents is either not relevant to the request or is covered by a properly claimed exemption.⁹⁸
- 3.46 Where information is provided in part of a record with other exempt or irrelevant parts deleted, the record should be endorsed with a note which states that the copy is not complete.⁹⁹

Decision-making power

- 3.47 A decision in respect of an application for information made to a public authority is to be made by:
- (a) the responsible Minister; or
 - (b) the principal officer of the public authority; or
 - (c) a delegated officer.¹⁰⁰
- 3.48 The person who makes the decision is required to act impartially in making that decision.¹⁰¹
- 3.49 It is an offence punishable by a substantial fine for a person to deliberately obstruct or unduly influence a principal officer or delegated officer in the exercise of the power to make decision under the RTI Act.¹⁰²
- 3.50 In addition, a person must not deliberately fail to disclose information the subject of an application for an assessed disclosure of information where it is known to exist (except when permitted under the RTI Act or another Act – such as because a

⁹⁷ Section 18(4).

⁹⁸ Ombudsman, *Guidelines to Assist Agencies and Applicants in relation to Access to Information under the Right to Information Act 2009 and the Personal Information Protection Act 2004*, August 2013, p 4.

⁹⁹ Section 18(2).

¹⁰⁰ Defined in s 5.

¹⁰¹ Section 21(2).

¹⁰² Section 50(1).

secrecy provision may exist) as that is an offence punishable by a substantial penalty.¹⁰³

Principal officer

3.51 The principal officer is defined to be the principal administrative officer of the public authority or similar head of an agency (under the *State Services Act 2000*).¹⁰⁴ The principal officer is responsible for, among other things, developing RTI Act related policies and procedures.¹⁰⁵

Delegated officer

3.52 A delegated officer is a person specified in an instrument of delegation under s 24 of the RTI Act.¹⁰⁶ The principal officer can in writing delegate to the person specified in the instrument of delegation the performance or exercise of any functions or powers under the RTI Act as specified in the instrument¹⁰⁷ and can revoke all or part of them as well.

3.53 Anything done by a delegate whilst acting in the exercise of the delegation has the same force and effect as if it was done by the principal officer of the public authority and is taken to be done by the principal officer.¹⁰⁸

3.54 A delegation must not be made unless the principal officer is satisfied the person has the skills and knowledge necessary to perform or exercise those functions or powers.

3.55 A delegation can be for a period of not more than 3 years. Even so, the principal officer can still continue to perform or exercise the powers and functions delegated.¹⁰⁹

Medical or psychiatric information

3.56 Where the information sought is medical or psychiatric information about the applicant and it appears to the principal officer of the public authority¹¹⁰ that providing the information to the applicant may be prejudicial to the physical or mental health or wellbeing of the applicant, the principal officer (or delegate) may direct that the information not be provided to the person who made the assessed disclosure application but must instead be provided to a medical practitioner nominated by the applicant.¹¹¹

¹⁰³ Section 50(2).

¹⁰⁴ For a Council it is the General Manager, for the Police it is the Commissioner of Police, for a State owned or council owned company or GBE it is the Chief Executive Officer or equivalent: s 5(1).

¹⁰⁵ Section 23.

¹⁰⁶ See definition in s 5.

¹⁰⁷ Except the power of delegation.

¹⁰⁸ Section 24(5).

¹⁰⁹ Section 24(2) and (4).

¹¹⁰ Or appropriate delegate under s 24.

¹¹¹ Section 18(6).

- 3.57 If the applicant does not nominate a medical practitioner, the information need not be provided.

Partial access

- 3.58 The RTI Act anticipates that where information is sought, access might be given to part of that information for various reasons or in various situations.
- 3.59 That can include that a copy of the information is provided with exempt information deleted. If so, a note to the effect that the copy is not a complete copy of the original information must be included on the copy of the information provided.¹¹²
- 3.60 Secondly, there may be information requested which is included with other (irrelevant) information which may still have to be provided. If the information sought can be extracted from the other (irrelevant) information by using a computer or other equipment usually available to the public authority, then that must be extracted accordingly. That is, the relevant extracted information must be provided (unless exempt).¹¹³
- 3.61 This implies that if a method other than use of computers is required to be implemented to extract the information, it may not need to be done. For example, there would probably be no obligation to extract information by manually searching hard copy records to collate the information sought if that cannot be done by use of computers.

Deferring access

- 3.62 Access to requested information can be deferred in two situations. If a decision is made to defer access, the public authority must as far as practicable indicate to the applicant when the information will be published or presented.¹¹⁴
- 3.63 First, where it was decided before an application for assessed disclosure was received that the information will be disclosed as a required disclosure or routine disclosure within a stated period (not exceeding 12 months from the date of application).¹¹⁵
- 3.64 Secondly, if the information was prepared for presentation to Parliament (or the responsible Minister has designated it as appropriate to present to Parliament) and the information is yet to be presented.¹¹⁶

¹¹² Section 18(2).

¹¹³ Section 18(3).

¹¹⁴ Section 17(1) and (2).

¹¹⁵ Compare this to s 12(3)(c)(ii) of the RTI Act which permits refusal on similar grounds.

¹¹⁶ There is no power to defer when more than 15 sitting days of either House of Parliament have passed since the information was presented to the Minister to be presented to Parliament: s 17(3).

Reasons for decision: when required

- 3.65 A public authority must give the applicant a written notice of decision in relation to an application for information if it decides that:¹¹⁷
- (a) the applicant is not entitled to the information because it is exempt information;¹¹⁸
 - (b) the provision of information has been deferred (see **Deferring access** above);¹¹⁹
 - (c) the provision of information has been refused without processing the request because the application was:
 - (i) a substantial and unreasonable diversion application;¹²⁰
 - (ii) a repeat application;¹²¹
 - (iii) a vexatious application;¹²²
 - (iv) an application lacking in definition after negotiation.¹²³
- 3.66 Despite s 22, the Ombudsman recommends that **all decisions** on the outcome of an application for assessed disclosure should be conveyed to the applicant in writing.¹²⁴

Reasons for decision: content

- 3.67 If the decision of the public authority is that it neither confirms nor denies the existence of any information, the decision can be stated in terms which neither confirm nor deny the existence of any information as if it existed it would be exempt under one or more of the following grounds in Division 1 of Part 3:¹²⁵
- (a) Section 25 – Executive Council information
 - (b) Section 26 – Cabinet information
 - (c) Section 27 – Internal briefing information of a Minister
 - (d) Section 28 – Information not relating to official business
 - (e) Section 29 – Information affecting national or state security, defence or international relations
 - (f) Section 30 – Information relating to enforcement of the law
 - (g) Section 31 – Legal professional privilege

¹¹⁷ Section 22(1).

¹¹⁸ That is, information which is exempt information by virtue of a provision in Part 3 of the RTI Act: see definition of “exempt information” in s 5(1).

¹¹⁹ See s 17.

¹²⁰ See s 19.

¹²¹ See s 20(a).

¹²² See s 20(b).

¹²³ See s 20(b).

¹²⁴ Ombudsman’s Manual, [3.10], p22.

¹²⁵ Section 22(4).

- (h) Section 32 – Information related to closed meetings of council.
- 3.68 **FORM 17** is a form of email or letter which could be sent to an applicant which neither confirms nor denies the existence of information sought ***without processing the application*** and ascertaining if the information actually existed or not.
- 3.69 A written notice of decision must do the following:¹²⁶
- (a) state the reasons for decision;
 - (b) state the name and designation (ie position) of the person who made the decision on behalf of the public authority;
 - (c) inform the applicant of:
 - (i) the right to apply for review;
 - (ii) to which authority an application for review can be made;
 - (iii) the time within which the application for review must be made; and
 - (iv) if the decision relies on consideration of the public interest in the application of a provision of the RTI Act, state the public interest considerations on which the decision was based. For example, if the public authority decided information was exempt information under one of the exemptions subject to the public interest test (ss 33 to 42), the public interest considerations which formed the basis of the decision must be stated.
- 3.70 No exempt information should be included in a notice of decision.¹²⁷
- 3.71 **FORM 18** is a form of letter or email which could be used to refuse access on the basis that the information is exempt (either purely or because, in addition, disclosure is also contrary to the public interest).
- 3.72 **FORM 19** is a form of letter or email which could form the basis of a decision on internal review which is to do other than grant full access to the information sought.

¹²⁶ Section 22(2).

¹²⁷ Section 22(3).

4. EXEMPT INFORMATION: NO PUBLIC INTEREST

- 4.1 There are two different classes of exemptions set out in the RTI Act.
- 4.2 The first of them are those where provided the requisite criteria are met, the information will be exempt information and there is no further requirement to consider any public interest balance to determine whether the information may ultimately be withheld from being provided to the applicant. They are the exemptions in Division 1 of Part 3 of the RTI Act as follows:
- (a) Section 25 – Executive Council information¹²⁸
 - (b) Section 26 – Cabinet information
 - (c) Section 27 – Internal briefing information of a Minister
 - (d) Section 28 – Information not relating to official business¹²⁹
 - (e) Section 29 – Information affecting national or state security, defence or international relations
 - (f) Section 30 – Information relating to enforcement of the law
 - (g) Section 31 – Legal professional privilege
 - (h) Section 32 – Information related to closed meetings of council.¹³⁰
- 4.3 **FORM 18** is a form of letter or email which could be used to refuse access on the basis that the information is exempt.
- 4.4 The second class is those in Division 2 of Part 3 where an exemption provision is satisfied, but **in addition**, the public authority must also determine whether it is contrary to the public interest to disclose the information. That is known as the “public interest test”. It is **only** if that second aspect (the public interest test) is also satisfied that the information is exempt information which need not be provided to the applicant.
- 4.5 In determining whether disclosure is contrary to the public interest, the RTI Act sets out matters which **must be considered** (which is not an exhaustive list),¹³¹ and those matters which are irrelevant and must not be considered.¹³²
- 4.6 Those exemptions which are subject to the public interest test are as follows:
- (i) Section 34 – Information communicated by other jurisdictions
 - (ii) Section 35 – Internal deliberative information
 - (iii) Section 36 – Personal information of person
 - (iv) Section 37 – Information relating to business affairs of third party
 - (v) Section 38 – Information relating to business affairs of public authority
 - (vi) Section 39 – Information obtained in confidence

¹²⁸ Not addressed in this Manual.

¹²⁹ Not addressed in this Manual.

¹³⁰ Not addressed in this Manual.

¹³¹ In Schedule 1: see s 33(2).

¹³² In Schedule 2: see s 33(3).

- (vii) Section 40 – Information on procedures and criteria used in certain negotiations of public authority
- (viii) Section 41 – Information likely to affect State economy
- (ix) Section 42 – Information likely to affect cultural, heritage and natural resources of the State.

4.7 **FORM 18** is a form of letter or email which could be used to refuse access on the basis that the information is exempt and disclosure is contrary to the public interest.

Exemptions not subject to the public interest test

4.8 In this part of the Manual, we will outline only some aspects of some of the more commonly arising exemptions. Public authorities should be aware that ***not all exemptions are outlined here*** and should consider the provisions of the RTI Act on every occasion.

4.9 **FORM 18** is a form of letter or email which could be used to refuse access on the basis that the information is exempt.

Section 26: Cabinet information

4.10 Information is exempt information if it is contained in a record, the disclosure of which would involve the disclosure of a deliberation or decision of the Cabinet or a committee of the Cabinet. The information in question must have been brought into existence for submission to the Cabinet (or a committee) for consideration.

4.11 This exemption cannot apply:

- (a) where more than 10 years have passed after the end of the date on which the information was first considered by the Cabinet, or a committee of Cabinet, at a meeting; or
- (b) to purely factual information, unless it would disclose a deliberation or decision of Cabinet not officially published.

Section 27: Ministerial briefing information

4.12 Information is exempt if it is information brought into existence for submission to a Minister for the purposes of a briefing and consists of:

- (a) opinion, advice or recommendation prepared by an officer of a public authority or a Minister; or
- (b) a record of consultations or deliberations between officers of public authorities and Ministers; and
- (c) those communications were in the course of or for the purpose of providing a Minister with a briefing in connection with the:
 - official business of a public authority, Minister or the Government; and
 - the Minister's parliamentary duty.

4.13 This exemption cannot apply:

- (a) where more than 10 years have passed since the creation of the information;
or
- (b) to purely factual information, unless it would reveal the nature or content of the opinion, advice, recommendation, consultation or deliberations of the briefing.

4.14 Note the breadth of the definition of “officer” in s 5 “in relation to a public authority, includes a member of the public authority, a member of the staff of the public authority and any person employed by or for the public authority, whether or not that person is a State Service officer or State Service employee”.

Purely factual information

4.15 Information is purely factual if it is unambiguously factual and is capable of standing alone. If it is so closely linked or intertwined with the deliberative process so as to form part of it, it is not *purely* factual and the exception does not apply. Therefore, information is still exempt where disclosure would reveal the nature or content of the opinion, advice, recommendation, consultation or deliberations.

Section 29: Information about security, defence or international relations

4.16 Information is exempt information if disclosure would or would be reasonably likely to:

- endanger the security of the Commonwealth or any State or Territory;
- endanger the defence of the Commonwealth;
- adversely affect the international relations of the Commonwealth; or
- divulge information about the location of dangerous goods or substances (which is because they can potentially harm persons, property or the environment due to their chemical, physical or biological properties)

Section 30: Information relating to law enforcement

4.17 Information is exempt information if disclosure would or would be reasonably likely to:

- (a) prejudice the;
 - (i) investigation of a breach or possible breach of the law;
 - (ii) enforcement or proper administration of the law in a particular instance;
 - (iii) fair trial of a person;
 - (iv) impartial adjudication of a particular case;
- (b) disclosure or enable someone to ascertain the identity of a confidential source of information in relation to enforcement or administration of the law;
- (c) disclose methods or procedures for:
 - (i) preventing,
 - (ii) detecting
 - (iii) investigating
 - (iv) or dealing with matters arising out of

breaches or evasions of the law, disclosure of which would or would be reasonably likely to prejudice the effectiveness of those methods or procedures;

- (d) endanger the life or physical, emotional or psychological safety of a person;
- (e) increase the likelihood of harassment or discrimination of a person;
- (f) disclose information gathered, collated or created for intelligence (including but not limited to databases of criminal intelligence, forensic testing or anonymous information from the public;
- (g) hinder, delay or prejudice an investigation of a breach or possible breach of the law which is not yet complete.

4.18 If information falls within any of those above from s 30(1), it will only be exempt information if it is one of the following, but it is also contrary to the public interest that it be given:

- (a) it reveals a law enforcement exemption has exceeded its lawful limits;
- (b) it reveals use of an illegal method or procedure;
- (c) it contains a general outline of the structure of a program adopted for investigating breaches or enforcing or administering the law;
- (d) it reports on the degree of success of a program adopted for investigating breaches or enforcing or administering the law;
- (e) it is a report prepared during a routine law enforcement inspection or investigation where the public authority enforces or regulates compliance with the law (other than the criminal law) and the inspection or investigation has finished;
- (f) it is a report on a law enforcement investigation and the substance has been disclosed to the person/body it is about.

4.19 At least those public interest factors in Schedule 1 of the RTI Act (elaborated below) must be considered in deciding if disclosure is contrary to the public interest. Those matters in Schedule 2 are irrelevant to determining the question.

Section 31: Legal Professional Privilege

4.20 Information is exempt if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

4.21 Legal professional privilege attaches to confidential communications between a person and his or her lawyer made for the dominant purpose of giving or obtaining legal advice or the provision of legal services. That includes confidential professional communications between agencies or public authorities and their legal representatives (whether internal or external) provided the communications are made for the correct purpose.

4.22 If privilege has been waived, the exemption cannot be claimed.

4.23 Some examples of information falling within this exemption include:

- summary or paraphrase of legal advice received, even if prepared by an internal non-lawyer;
- correspondence and progress reports passing between a public authority and its legal advisers;
- a file note of a conversation between a public authority and a third party where the third party has been retained by the lawyers of the public authority to prepared a report for the lawyers to facilitate their advising the public authority;
- an email chain between a public authority and retained barrister.

5. EXEMPT INFORMATION: PUBLIC INTEREST TEST

The public interest test

- 5.1 If any one of the exemptions in ss 34 to 42 (inclusive) of the RTI Act is considered to apply, the public authority must also consider whether, after taking into account all relevant matters, it is contrary to the public interest to disclose the information. This is known as the “public interest test”.
- 5.2 It is important to distinguish between issues of interest to the public and 'the public interest'. There is a distinction between the public interest in disclosure and matters that are of interest to members of the general public. The fact that there is a section of the public interested in a certain activity will not necessarily lead to the conclusion that disclosure of documents relating to it will be in the public interest.

Relevant considerations

- 5.3 In ascertaining all relevant matters to be considered, the public authority must at the very least consider the public interest matters specified in Schedule 1 of the RTI Act which are as follows:¹³³

“The following matters are the matters to be considered when assessing if disclosure of particular information would be contrary to the public interest:

- (a) the general public need for government information to be accessible;
- (b) whether the disclosure would contribute to or hinder debate on a matter of public interest;
- (c) whether the disclosure would inform a person about the reasons for a decision;
- (d) whether the disclosure would provide the contextual information to aid in the understanding of government decisions;
- (e) whether the disclosure would inform the public about the rules and practices of government in dealing with the public;
- (f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation;
- (g) whether the disclosure would enhance scrutiny of government administrative processes;
- (h) whether the disclosure would promote or hinder equity and fair treatment of persons or corporations in their dealings with government;
- (i) whether the disclosure would promote or harm public health or safety or both public health and safety;
- (j) whether the disclosure would promote or harm the administration of justice, including affording procedural fairness and the enforcement of the law;
- (k) whether the disclosure would promote or harm the economic development of the State;
- (l) whether the disclosure would promote or harm the environment and or ecology of the State;
- (m) whether the disclosure would promote or harm the interests of an individual or group of individuals;
- (n) whether the disclosure would prejudice the ability to obtain similar information in the future;

¹³³ Section 33(2).

- (o) whether the disclosure would prejudice the objects of, or effectiveness of a method or procedure of, tests, examinations, assessments or audits conducted by or for a public authority;
- (p) whether the disclosure would have a substantial adverse effect on the management or performance assessment by a public authority of the public authority's staff;
- (q) whether the disclosure would have a substantial adverse effect on the industrial relations of a public authority;
- (r) whether the disclosure would be contrary to the security or good order of a prison or detention facility;
- (s) whether the disclosure would harm the business or financial interests of a public authority or any other person or organisation;
- (t) whether the applicant is resident in Australia;
- (u) whether the information is wrong or inaccurate;
- (v) whether the information is extraneous or additional information provided by an external party that was not required to be provided;
- (w) whether the information is information related to the business affairs of a person which if released would cause harm to the competitive position of that person;
- (x) whether the information is information related to the business affairs of a person which is generally available to the competitors of that person;
- (y) whether the information is information related to the business affairs of a person, other than a public authority, which if it were information of a public authority would be exempt information."

5.4 It is important to note that this is not an exhaustive list of factors which may be relevant to consider in a particular situation.

Irrelevant considerations

5.5 The RTI Act also identifies a number of matters which ***must not be considered*** in determining whether disclosure would be contrary to the public interest. That is, they are expressly identified as irrelevant considerations and not to be considered. They are contained in Schedule 2 of the RTI Act.¹³⁴

"The following matters are irrelevant when assessing if disclosure of particular information would be contrary to the public interest:

- (a) the seniority of the person who is involved in preparing the document or who is the subject of the document;
- (b) that disclosure would confuse the public or that there is a possibility that the public might not readily understand any tentative quality of the information;
- (c) that disclosure would cause a loss of confidence in the government;
- (d) that disclosure might cause the applicant to misinterpret or misunderstand the information contained in the document because of an omission from the document or for any other reason."

¹³⁴ Section 33(3).

6. EXEMPT INFORMATION: EXEMPTIONS SUBJECT TO PUBLIC INTEREST TEST

6.1 The following exemptions are those where in addition to finding that the provision is satisfied, the public authority must also be satisfied that disclosure would be contrary to the public interest after considering the public interest test set out above.

6.2 **FORM 18** is a form of letter or email which could be used to refuse access on the basis that the information is exempt and disclosure is contrary to the public interest.

Section 34: Information from other jurisdictions

6.3 Information is exempt if its disclosure would prejudice relations between:

- (i) two or more States (including NT and ACT);
- (ii) a State (including NT and ACT) and the Commonwealth;
- (iii) a State (including NT and ACT) or the Commonwealth and any other country,

AND

disclosure would be reasonably likely to impair the ability of the public authority to obtain similar information in future.

6.4 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

6.5 Information is exempt if it was communicated in confidence to:

- (a) a public authority; or
- (b) a person on behalf of a public authority;

by

- (c) the Government or an authority of:
 - (i) the Commonwealth;
 - (ii) another State (or NT or ACT); or
 - (iii) another country;

AND

- (d) disclosure would be reasonably likely to impair the ability of the public authority to obtain similar information in future.

6.6 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

6.7 Information is also exempt if it was communicated to a public authority (or a person on behalf of the Government or a public authority) by:

- (a) a Government or an authority of the Commonwealth or another State (or NT or ACT); **or**
- (b) a person on behalf of such Government or Authority;

AND

- (c) notice has been received from the Government or an authority of the Commonwealth or another State (or NT or ACT) that the information is not

required to be disclosed under an RTI or FOI Act equivalent of the Commonwealth or another State (or NT or ACT).¹³⁵

- 6.8 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

Section 35: Internal deliberative information

- 6.9 Information is exempt information if it consists of:

- (a) opinion, advice or recommendation prepared by an officer of a public authority; or
- (b) record of consultation or deliberations between officers of public authorities; or
- (c) record of consultation or deliberations between officers of public authorities and Ministers,
- (d) in the course of, or for the purpose of, the deliberative processes related to the official business of a public authority, a Minister or the Government

- 6.10 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

- 6.11 This exemption is designed to protect the integrity and viability of the decision-making process and to encourage the free exchange of ideas during the process of deliberation or policy-making.

Opinion, advice, etc

- 6.12 This can include information such as:

- estimates or forecasts;
- information that hypothesises on different options available;
- internal deliberations between officers on how to best conduct litigation;
- economic projections based on historic data.

Deliberative process

- 6.13 The phrase 'in the course of, or for the purpose of, the deliberative processes' is a reference to an public authority's thinking processes - the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

- 6.14 This exemption **does not apply** to:

- (a) purely factual information;
- (b) a final decision order or ruling given (or associated explanatory reasons) in exercise of an adjudicative function;

¹³⁵ ACT *Freedom of Information Act 1989*; Commonwealth *Freedom of Information Act 1982*, NSW *Government Information (Public Access) Act 2009*, NT *Information Act 2000*, Qld *Right to Information Act 2009*, SA *Freedom of Information Act 1991*, Vic *Freedom of Information Act 1982*, or WA *Freedom of Information Act 1992*: See Regulation 6, RTI Regs.

(c) information more than 10 years after the creation of the information.

6.15 Note the breadth of the definition of “officer” in s 5 “in relation to a public authority, includes a member of the public authority, a member of the staff of the public authority and any person employed by or for the public authority, whether or not that person is a State Service officer or State Service employee”.

Purely factual information

6.16 Information is purely factual if it is unambiguously factual and is capable of standing alone. If it is so closely linked or intertwined with the deliberative process so as to form part of it, it is not *purely* factual and the exception does not apply. Therefore, information is still exempt where disclosure would reveal the nature or content of the opinion, advice, recommendation, consultation or deliberations.

Section 36: Personal information of person

6.17 This exemption does not apply to information about the person making the application for assessed disclosure.

6.18 Information is exempt if its disclosure would involve the disclosure of personal information of a person (of a person other than the person making the application for assessed disclosure).

6.19 “Personal information” is defined¹³⁶ to mean any information or opinion in any recorded format about an individual:

- (a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- (b) is alive, or has not been dead for more than 25 years.

6.20 Note that a reference to the “personal affairs of a person” (which might be different to “personal information”) includes the affairs of a deceased person. Any rights given by the RTI Act in respect of personal affairs where the person is deceased are to be given and exercised by the next of kin.¹³⁷

6.21 Some examples of “personal information” include:

- names of persons (including staff who prepared documents);
- private address;
- home or mobile telephone number;
- private email address;
- employment history;
- opinions provided by one person about another.

¹³⁶ In s 5.

¹³⁷ Section 5(6).

- 6.22 Note that merely deleting a person's name from information may not be sufficient to de-identify it, as their identity may be reasonably ascertainable from the remaining information. In such circumstances, what remains would still be personal information.
- 6.23 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

Consultation pre-requisite

- 6.24 If the personal information was provided to the public authority by a third party; and the principal officer (or delegate) decides disclosure of the information may reasonably be expected to be of concern to the third party, the principal officer (or delegate) must, if practicable and before deciding whether to disclose, notify the third party in writing:
- (a) that an application has been received for the information;
 - (b) of the nature of the information applied for;
 - (c) requesting that the person should within 15 working days from the date of notice provide their views about whether the information should be disclosed.
- 6.25 Where a public authority has decided to consult a third party under s 36 about the release of information in determining an assessed disclosure application, it is allowed a further 20 working days in addition to the initial 20 working days within which to decide an application for assessed disclosure.¹³⁸ If there is no response from the third party within 15 working days from the time of the consultation, the public authority may conclude the assessment without considering the input from the third party.
- 6.26 When determining the “reasonable concern” of a third party, reasonableness must be considered in terms of being broadly reasonable, not necessarily specifically reasonable to any individual involved within the unique circumstances of a particular matter.
- 6.27 The level of concern before consultation occurs does not have to be “substantial”.¹³⁹

Notice to third parties and review rights

- 6.28 If, after receipt of the person’s views, the public authority decides to provide the information, the public authority must give written notice of the decision to the third party notifying them of the decision and setting out:
- (i) the nature of the information to be provided;
 - (ii) the name and position of the person making the decision for the public authority;

¹³⁸ Section 15(5).

¹³⁹ Compare s 37.

(iii) the person's right of review, to which authority review can be applied for, and by when (ie within 10 working days of being notified).

- 6.29 Where a notice of decision has been sent to the third party, the subject information should not be provided to the applicant for assessed disclosure until:
- (a) 10 working days have elapsed after the date of notification, or
 - (b) if within the 10 working days an application for internal review has been made by the third party, until that review is determined; or
 - (c) if the internal review decision is adverse to the third party, 20 working days after notification of the internal review decision; or
 - (d) if within those 20 working days an application for Ombudsman review is made under s 44 ('Application of external review'), until that review is determined; or
 - (e) if within those 20 working days an application for Ombudsman review is made under s 45(1A)¹⁴⁰, until that review is determined.

Section 37: Information about business affairs of a third party

6.30 This exemption does not apply where the information was received from the person or organisation making the application for assessed disclosure.

6.31 Information is exempt if its disclosure would:

- (a) disclose information related to business affairs acquired by a public authority from a person or organisation (other than the person making the application for assessed disclosure); AND
- (b) the information relates to trade secrets; OR
- (c) disclosure would be likely to expose the third party to competitive disadvantage.

6.32 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

Acquired

6.33 This is about information received from a third party where the third party has provided it, including if it is volunteered. An example would include information in an invoice provided by a third party for the provision of services to the public authority. It would not include information which the public authority generates internally based on the third party data or information provided.

Likely

6.34 For disclosure to be likely to expose the third party to competitive disadvantage, the risk of that exposure must be real and not fanciful or remote. It can be as little as a

¹⁴⁰ Section 45(1A)(a): a person who is an **external party** may apply to the Ombudsman for a review of a decision, if the decision, which may otherwise be the subject of an application for an internal review under s 43(2) or (3), has been made by a Minister or principal officer of a public authority and as a consequence the external party cannot make an application under s 43.

10% chance for it to still be considered real because it is essentially a low threshold test.

Consultation pre-requisite

- 6.35 If the business affairs information was provided to the public authority by a third party; and the principal officer (or delegate) decides disclosure of the information may reasonably be expected to be of concern to the third party, the principal officer (or delegate) must, if practicable and before deciding whether disclosure would be likely to expose the third party to substantial harm to the third party's competitive position, notify the third party in writing:
- (a) that an application has been received for the information;
 - (b) of the nature of the information applied for;
 - (c) requesting that the person should within 15 working days from the date of notice provide their views about whether the information should be disclosed.
- 6.36 Where a public authority has decided to consult a third party under s 37 about the release of information in determining an assessed disclosure application, it is allowed a further 20 working days in addition to the initial 20 working days within which to decide an application for assessed disclosure.¹⁴¹ If there is no response from the third party within 15 working days from the time of the consultation, the public authority may conclude the assessment without considering the input from the third party.
- 6.37 Stating the nature of the information does not mean that every piece of information the public authority is thinking about disclosing must be provided to the third party in order to obtain the view of the third party. It is only required to state the nature of the information applied for, which does not require provision of the actual information in question to the third party. The public authority has a discretion, but in some cases it may be appropriate to provide a copy of the actual information if this best makes clear the nature of the information.

Notice to third parties and review rights

- 6.38 If, after receipt of the person's views, the public authority decides to provide the information, the public authority must give written notice of the decision to the third party notifying them of the decision and setting out:
- (i) the nature of the information to be provided;
 - (ii) the name and position of the person making the decision for the public authority;
 - (iii) the person's right of review, to which authority review can be applied for, and by when (ie within 10 working days of being notified).
- 6.39 Where a notice of decision has been sent to the third party, the subject information should not be provided to the applicant for assessed disclosure until:

¹⁴¹ Section 15(5).

- (a) 10 working days have elapsed after the date of notification, or
- (b) if within the 10 working days an application for internal review has been made by the third party, until that review is determined; or
- (c) if the internal review decision is adverse to the third party, 20 working days after notification of the internal review decision; or
- (d) if within those 20 working days an application for Ombudsman review is made, until that review is determined; or
- (f) if within those 20 working days an application for Ombudsman review is made under s 45(1A)¹⁴², until that review is determined.

Section 38: public authority's business affairs

6.40 Do not forget that for each of the following it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

6.41 Information is exempt information if it:

- (a) is a trade secret of a public authority; or
- (b) in the case of a public authority engaged in trade or commerce, information of a business, commercial or financial nature which would if disclosed be likely to expose the public authority to competitive disadvantage; or
- (c) consists of the result of scientific or technical research undertaken by or on behalf of a public authority and:
 - (i) the research could lead to a patentable invention; or
 - (ii) disclosure of the results in an incomplete state would be likely to expose a business, commercial or financial undertaking unreasonably to disadvantage; or
 - (iii) disclosure before completion of the research would be likely to expose the public authority or person carrying out the research unreasonably to disadvantage; or
- (d) is contained in an examination, a submission by a student in respect of an examination, an examiner's report or any such similar record and the use for which the record was prepared has not been complete.

Section 39: Information obtained in confidence

6.42 Information is exempt information if it would divulge information communicated in confidence by or on behalf of a person or government to a public authority and

- (a) it would be exempt if it was generated by a public authority; or
- (b) disclosure would be reasonably likely to impair the ability of the authority to obtain similar information in future.

¹⁴² See footnote 140.

- 6.43 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.
- 6.44 This exemption does not apply to information from a business, commercial or financial undertaking which relates to trade secrets or other matters of a business, commercial or financial nature where was provided to a public authority pursuant to a legal requirement.

Communicated in confidence

- 6.45 The confidential communication of information can be actual or implied and whether it was or not in fact sensitive. Factors to consider when determining the question include:
- what the intentions of the person providing the information were;
 - to what extent that information has been otherwise circulated;
 - the likely consequences of disclosure;
 - the sensitive nature of the information itself.

Reasonably likely

- 6.46 For impairment to be reasonably likely, the chance of it occurring must be real and not fanciful or remote. It can be as little as a 10% chance for it to still be considered real because it is essentially a low threshold test.

Impair

- 6.47 The degree of impairment required must go beyond merely a minimal or trifling impairment.
- 6.48 An example of this exemption applying is where disclosure against their wishes, information provided by a person complaining voluntarily and in confidence about a matter the subject of a public authority's statutory objectives would be reasonably likely to impair the ability of the authority to obtain similar information from other complainants in future.

Section 40: Information used for negotiations

- 6.49 Information is exempt information if it is instructions for guidance of public authority officers on process to be followed or criteria to be applied in:
- (a) negotiations (eg financial, commercial and labour negotiations); or
 - (b) executing contracts;
 - (c) defending, prosecuting or settling cases;
 - (d) similar activities,
- relating to financial, property or personnel management and assessment interests of the public authority or the Crown.
- 6.50 Note the breadth of the definition of "officer" in s 5 to mean "in relation to a public authority, includes a member of the public authority, a member of the staff of the public authority and any person employed by or for the public authority, whether or not that person is a State Service officer or State Service employee".

6.51 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

Section 41: Information likely to affect State economy

6.52 There are two exemptions within s 41.

6.53 First, information is exempt information if the information consists of details concerning any proposed action or inaction by a public authority or the Parliament, Government, or Minister, in the course of or for the purpose of managing the economy of the State (or any part of the State) where disclosure is likely to:

- (a) give any person an unfair advantage; or
- (b) expose any person to unfair disadvantage.

6.54 Secondly, information is exempt information if disclosure would reasonably be expected to have a:

- (a) substantial; **and**
- (b) adverse,

effect on the ability of a public authority or the Government to manage the economy of the State or any part of the State.

6.55 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

Section 42: Information affecting Tasmanian cultural, heritage and natural resources

6.56 Information is exempt information if its disclosure would be likely to:

- (a) threaten survival of a rare or endangered species of flora or fauna;
- (b) prejudice measures taken or proposed for managing or protecting rare or endangered species of flora or fauna;
- (c) have an adverse effect on a site or area of scientific, cultural or historical significance;
- (d) prejudice measures taken or proposed for managing or protecting a site or area of scientific, cultural or historical significance, provided the measures will not have any effect of threatening, prejudicing or affecting in the ways set out in (a) to (c).

6.57 Do not forget that it is necessary to consider in addition whether disclosure would be contrary to the public interest under the public interest test set out earlier.

7. REVIEW OF DECISIONS

Internal review: who can apply?

- 7.1 If a decision about an application to a public authority for assessed disclosure is made by a delegated officer (ie someone other than the principal officer), the applicant can apply to the principal officer of the public authority for review of the decision. That application for review must be made within 20 working days of when written notice of the decision was given to the applicant.¹⁴³
- 7.2 An application for internal review may also be made to the principal officer of a public authority within 10 days of when written notice of the decision was provided to a relevant external third party, if the decision made by the delegated officer was:
- (a) to disclose information relating to the personal affairs of a person where notice of that decision was given to the external individual; or
 - (b) to disclose business affairs information about an external person or organisation where notice of that decision was given to the external third party.¹⁴⁴
- 7.3 The time in which a public authority must make a decision on internal review commences to run after the public authority has received the application for internal review. Where the public authority does not receive the application for internal review, the provisions of s 44(1)(b)(ii) are not enlivened, the result being that the any subsequent application for review with the Ombudsman would be premature.

Internal review: who can decide and when?

- 7.4 Where an application for internal review is made to the principal officer of the public authority, the decision must be reviewed and a fresh decision made **as soon as practicable** (but in any event by no later than 15 working days after the application for internal review was made)¹⁴⁵ by either:
- (a) the principal officer; or
 - (b) a delegated officer (provided they are other than the delegated officer who made the decision under review).
- 7.5 Notice of any decision on internal review has to be given in accordance with the notice of decision provisions referred to earlier (see **Reasons for decision: content** above). **FORM 19** is a form of letter or email which could form the basis of a decision on internal review which is to do other than grant full access to the information sought.
- 7.6 If the first instance decision was made by the principal officer, there is no right of internal review. Review would have to be sought externally from the Ombudsman.¹⁴⁶

¹⁴³ Section 43(1).

¹⁴⁴ Section 43(2) and (3).

¹⁴⁵ Section 44(1)(b)(ii).

¹⁴⁶ Section 45(1)(a).

External (Ombudsman) review

7.7 An application for external review by the Ombudsman may be made within 20 working days¹⁴⁷ in the following situations:

- (a) by the applicant for assessed disclosure after having made an application for internal review and either:
 - (i) they have been informed of the result of the internal review; or
 - (ii) 15 working days have elapsed after applying for internal review (and they have not been informed of the result).
- (b) by an external third party whose personal affairs or business information has been the subject of a decision by the Minister or public authority to provide the information, after having applied for internal review, and either:
 - (i) they have been informed of the result of the internal review; or
 - (ii) 15 working days have elapsed after applying for internal review (and they have not been informed of the result).
- (c) by the applicant for assessed disclosure or the external third party where the first instance decision was made by the Minister or principal officer;
- (d) by the applicant for assessed disclosure where the first instance decision was made by the Minister's delegate¹⁴⁸;
- (e) by an external third party whose personal affairs or business information has been the subject of a decision by the Minister (or Minister's delegate) or principal officer to provide the information and as a consequence the external party cannot make an application under s 43 (internal review).¹⁴⁹
- (f) where the decision made by the public authority was that the information requested did not exist on the day the application was made;
- (g) where the public authority decided to give access in a form other than that requested by the applicant (except where it would breach copyright to do so);
- (h) where the public authority decided that the information sought was not in its possession;
- (i) where, after the decision was made by the public authority, the applicant believes, on reasonable grounds, that there is insufficiency of searching for the information by the public authority;
- (j) where the statutory period within which a notice of decision was to be received has elapsed and the applicant has not received the notice of decision. It should be noted that in such a situation, the principal officer of the public authority is taken to have made a decision refusing to grant the

¹⁴⁷ See ss 44(2) and 45(3).

¹⁴⁸ See s 45(1)(ab) – inserted in 2019 following the Supreme Court's decision in *Gun Control Australia Inc v Hodgman and Archer [2019] TASSC 3*.

¹⁴⁹ See s 45(1A) – as above.

application for assessed disclosure therefore enabling an application to be made to the Ombudsman for review;¹⁵⁰

- (k) where another person believes her or she is a person who was required to be consulted under the personal affairs exemption but the public authority did not do so;
- (l) where a decision was made under internal review and a person, other than the applicant for assessed disclosure, is adversely affected by the decision.

Sufficiency of search

7.8 There is an onus on the applicant to show reasonable grounds to suggest that there had been an insufficient search by the public authority.

Ombudsman powers

7.9 Where an application for review is properly made to the Ombudsman, the Ombudsman has various powers when considering an application for review. They include that the Ombudsman can:¹⁵¹

- (a) direct that a decision be made (or an internal review) if one has not previously been made (or completed) within the statutory time;
- (b) give directions relating to the conduct of the review or the procedure to be followed during the review. This can include power to give a matter priority and expedite the review.
- (c) make a decision on the review in relation to the original application for assessed disclosure that could have been decided by the public authority. The Ombudsman stands in the position of the principal officer of a public authority when considering an application for review.
- (d) direct that the decision of the Ombudsman be implemented by the authority within 20 working days or less. If the public authority fails to comply with such a direction, the Ombudsman can make a report to the Parliamentary Joint Standing Committee on Integrity established under the *Integrity Commission Act 2009* (Tas);¹⁵²
- (e) require an authority to provide a better statement of reasons for decision including a schedule of information relevant to the application;
- (f) make enquiries necessary to determine the review (or to decide if to proceed to review), examine witnesses (including on oath), etc

¹⁵⁰ See ss 45(1)(f) and 46. If the Ombudsman has not made a decision on such an application and the public authority makes an actual decision which is other than to grant the application for assessed disclosure, the Ombudsman can treat the application for review as extending to the actual decision at the request of the applicant: s 46(2). The Ombudsman can also give the public authority more time to deal with the request, whether or not that is subject to conditions: ss 46(3) and (4).

¹⁵¹ See s 47(1) generally.

¹⁵² Section 47(7) and (8).

- (g) identify early opportunities for resolution including conciliation, and promote settlement.
- 7.10 During the review by the Ombudsman, the public authority or Minister has the onus of showing that the information sought should not be disclosed. If that onus is not discharged, the Ombudsman can still make a decision determining the review.¹⁵³ The fact that there is usually the onus on the public authority or Minister means that right from the outset it will be usual that evidence will be required by the public authority or Minister to prove that an applicant for assessed disclosure is not entitled to the information sought.¹⁵⁴
- 7.11 But where the decision of the public authority or Minister was to disclose personal or business information of an external party, the external party has the onus to show that there are grounds why the information should not be disclosed.¹⁵⁵
- 7.12 It is anticipated that in many cases it will be possible to address the review by correspondence alone. If not, it might be necessary to hold one or more case management conferences.¹⁵⁶ Public authority attendees at case management conferences must be sufficiently senior to be able to make decisions on the future of the matter without further consultation. Conferences address things like the process to be followed, potential settlement and narrowing or refinement of issues to be dealt with.¹⁵⁷
- 7.13 The amount of information which might be sought from the public authority will depend on the extent to which an applicant for review complies with the requirement to provide information to the Ombudsman. The information which might be sought can include evidence relied on by the public authority to support a conclusion of no entitlement to information, and a schedule listing all the records in which the information in issue is contained containing the date, a brief but informative description of the record, and whether disclosure is being resisted and, if so, under which section of the RTI Act.¹⁵⁸
- 7.14 Reviews should be determined, including any decision on the application made, as soon as practicable.¹⁵⁹ The Ombudsman has foreshadowed that powers under s 47 will actively be used to expedite the review process and limit matters requiring a formal decision by the Ombudsman. That will include exploring in a timely way prospects of a settlement through a “case management conference” or other means.¹⁶⁰

¹⁵³ Section 47(4).

¹⁵⁴ Ombudsman, *Guideline in Relation to Review of Decisions by the Ombudsman*, 1 November 2011, p 5.

¹⁵⁵ Section 47(5).

¹⁵⁶ Ombudsman, *Guideline in Relation to Review of Decisions by the Ombudsman*, 1 November 2011, p 3.

¹⁵⁷ Ombudsman, *Guideline in Relation to Review of Decisions by the Ombudsman*, 1 November 2011, p 4.

¹⁵⁸ Ombudsman, *Guideline in Relation to Review of Decisions by the Ombudsman*, 1 November 2011, p 4.

¹⁵⁹ Section 47(6).

¹⁶⁰ Ombudsman, *Guideline in Relation to Review of Decisions by the Ombudsman*, 1 November 2011, p 1.

- 7.15 If the Ombudsman intends to make a decision about a review which is adverse to the public authority, it must first make available a draft of that decision to the public authority and seek input before finalising it. The same would apply if the decision is likely to be adverse to an external third party – that is, the Ombudsman would have to make it available to the external third party and seek input before finalising. A written copy of any decision and statement of reasons of the Ombudsman must be given to each party to the review.¹⁶¹
- 7.16 It is an offence for a person to deliberately obstruct or unduly influence the Ombudsman or their staff in the exercise of power to make decision under the RTI Act.¹⁶²

¹⁶¹ Section 48.

¹⁶² Section 50(1).

8. FORMS

Form 1: Application for Assessed Disclosure

[INSERT AGENCY LOGO]

Right to Information Act 2009

Application for Assessed Disclosure

Applicant's Details

Name:

Title:

Postal
Address:

Daytime contact information

Telephone: Business:

Home:

Mobile:

Email:

Public authority or Minister applied to:

General topic of information applied for:
(one sentence summary of information required)

Description of efforts made to obtain this information before making this application:

Application fee included (please tick):

OR

Application for waiver (tick one):

Member of Parliament

Impecunious applicant (evidence attached)

Journalist acting in connection with professional duties

General public interest or benefit

If applying for your personal information, proof of identity is attached
(tick):

Details of the information sought:

(if insufficient room in space provided, please attached further details)

Applicant's Signature:

Date:

Information about assessed disclosure under the Right to Information Act 2009

Object of the Act

Section 3 of the Act includes this statement of the objects of the Act:

- (1) The object of this Act is to improve democratic government in Tasmania –
 - (a) by increasing the accountability of the executive to the people of Tasmania;
and
 - (b) by increasing the ability of the people of Tasmania to participate in their
governance; and
 - (c) by acknowledging that information collected by public authorities is collected
for and on behalf of the people of Tasmania and is the property of the State.
- (2) This object is to be pursued by giving members of the public the right to obtain
information held by public authorities and Ministers.
- (3) This object is also to be pursued by giving members of the public the right to
obtain information about the operations of Government.
- (4) It is the intention of Parliament –
 - (a) that this Act be interpreted so as to further the object set out in subsection
(1); and
 - (b) that discretions conferred by this Act be exercised so as to facilitate and
promote, promptly and at the lowest reasonable cost, the provision of the
maximum amount of official information.

Application for assessed disclosure

- Applications are to be addressed to:
[insert address here including email address]
- Applications are to be made in writing and include the information required by Regulation 4 of the *Right to Information Regulations 2010* (Tas).
- Applications are to be accompanied by the application fee. The fee is 25 fee units which, as at 1 July 2022, is \$42.50 and is indexed annually.
- An applicant can apply for the application fee to be waived where the applicant is a Member of Parliament in the pursuit of their official duty; where the applicant is impecunious; where the applicant journalist acting in connection with their professional duties; and where the information sought is intended to be used for a purpose that is of general public interest or benefit. **Please provide evidence in support of any application for fee waiver.**

Responsibilities of the public authority

- Applicants are to be notified of the decision on an application for assessed disclosure within 20 working days of the application being accepted by the public authority.
- Before the application is accepted, the public authority has a maximum of 10 working days to negotiate with the applicant to further define the application.
- If a need to consult with a third party arises, a further 20 working days will be allowed in addition to the original 20 days.
- If these time limits are not complied with, the application will be deemed to be refused and the applicant may apply to the Ombudsman for a review of that decision.

Form 2: Letter/email seeking minimum information before application is valid

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

Under s 16 of the RTI Act an application for assessed disclosure must contain certain minimum information as set out in the *Right to Information Regulations 2010* (Tas) ("**Regulations**"). Otherwise it cannot be accepted by a public authority. Your application did not contain the following minimum information as required by the Regulations:

[set out here which minimum requirement(s) from the following list was/were missing

- (a) the name of the applicant;
- (b) the address of the applicant, for communication on matters relating to the application;
- (c) the daytime contact details of the applicant;
- (d) the general topic of the application;
- (e) details of the information sought by the applicant [Note, if details were provided, but the application needs to be refined use **FORM 4** below or include wording from FORM 4 as applicable];
- (f) details of any efforts undertaken by the applicant, before the application was made, to obtain the information sought;
- (g) the date of the application;
- (h) the signature of the applicant;
- (i) if the application includes a request for personal information of the applicant, proof of identity of the applicant.]

Before [name of public authority] can accept your application for assessed disclosure you must provide the missing minimum information in writing. In the meantime, [name of public authority] is unable to accept the application for assessed disclosure. That also means that the time within which you must be notified of a decision on the application for assessed disclosure has not commenced.

If you have any queries in relation to the contents of this communication, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

Form 3: Letter/email seeking application fee or evidence of ground for waiver

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

Under s 16 of the RTI Act an application for assessed disclosure must be accompanied by an application fee of \$42.50. Otherwise it cannot be accepted by a public authority. Your application was not accompanied by an application fee.

Please note that the application fee can be waived if:

- (a) you are impecunious;
- (b) you are a member of Parliament;
- (c) you are a Journalist acting in connection with your professional duties; or
- (d) you are able to show that you intend to use the information for a purpose that is of a general public interest or benefit.

Before [name of public authority] can accept your application for assessed disclosure you must either pay the application fee or provide sufficient evidence to satisfy [name of public authority] that the application fee ought to be waived.

Accordingly, could you please either:

- (a) pay the application fee as soon as practicable by [insert method acceptable to the public authority]; or
- (b) provide evidence in support of an application that the application fee be waived.

If you seek waiver of the application fee, you will be notified as soon as practicable after we receive and consider any evidence you provide in relation to the request for waiver of the fee.

In the meantime, however, [name of public authority] is unable to accept the application for assessed disclosure until the fee is paid or a decision about waiver has been made. That also means that the time within which you must be notified of a decision on the application for assessed disclosure has not commenced.

If you have any queries in relation to the contents of this communication, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

Form 4: Letter/email negotiating to refine application

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

Under s 16 of the RTI Act and the *Right to Information Regulations 2010* (Tas) ("**Regulations**"), an application for assessed disclosure must contain certain minimum information. Otherwise it cannot be accepted by a public authority. That includes providing details of the information sought.

In accordance with our obligation to assist you to make a compliant application for assessed disclosure, we provide the following information by way of assisting to rectify the problem with the application for assessed disclosure

Your application did not contain any/adequate¹⁶³ details of the information sought as required by the Regulations. Before [name of public authority] can accept your application for assessed disclosure you must provide [better] details. This is because there is an obligation on an applicant to set out as precisely as possible the details of the information sought in a way that would enable a public authority to be able to identify the information within its records using reasonable effort and within a reasonable time.

In the meantime, [name of public authority] is unable to accept the application for assessed disclosure. That also means that the time within which you must be notified of a decision on the application for assessed disclosure has not commenced.

[Where the application contains details but they are unclear, ambiguous, uncertain, lacking in clarity, vaguely expressed, or too general in nature:

As presently worded, your application for assessed disclosure is unclear, ambiguous, uncertain, lacking in clarity, vaguely expressed, or too general in nature¹⁶⁴ in the following ways. [set out how].]

Unless proper details of the information sought are provided to [name of public authority] **within 5 business days** of the date of this communication, the application for assessed disclosure will remain non-compliant and information sought will not be able to be provided.

If you have any queries in relation to the contents of this communication, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

¹⁶³ Delete whichever is inapplicable.

¹⁶⁴ Select which one(s) apply.

Form 5: Letter/email negotiating to redirect an application

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

Under s 16 of the RTI Act and the *Right to Information Regulations 2010* (Tas) ("**Regulations**"), an application for assessed disclosure must contain certain minimum information. Otherwise it cannot be accepted by a public authority. That includes providing details of the information sought.

In accordance with our obligation to assist you to make a compliant application for assessed disclosure, we provide the following information by way of assisting to rectify a potential problem with the application for assessed disclosure.

The details in your application leave it unclear as to whether this public authority holds information of relevance to the application for assessed disclosure, or whether another public authority may also hold information more closely connected to what is sought.

Accordingly, [name of public authority] invites you to contact it **within 5 business days** of the date of this communication by contacting [name and contact details of appropriate officer] or by emailing it at [insert email address] with a view to negotiating to see whether or not it will be necessary for the application to be redirected to another public authority or Minister.

In the meantime, [name of public authority] is unable to accept the application for assessed disclosure. That also means that the time within which you must be notified of a decision on the application for assessed disclosure has not commenced.

Once those negotiations have occurred the application will either be dealt with by [name of public authority], or may be transferred to a more appropriate public authority (or Minister). Unless sufficient information is provided to [name of public authority] **within 5 business days** of the date of this communication to enable it to address whether to redirect the application, the application for assessed disclosure will remain non-compliant and information sought will not be able to be provided.

If you have any queries in relation to the contents of this communication, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

Form 6: Letter/email acknowledging application after negotiation

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

I also refer to our communications by which we negotiated with you to refine/determine whether to redirect¹⁶⁵ the application for assessed disclosure.

As those negotiations concluded on [date]/As on [date] it was 10 working days since the application for assessed disclosure was received by [name of authority] and those negotiations were not completed,¹⁶⁶ that application for assessed disclosure is taken to have been accepted by [name of authority] which now has 20 working days from that date to notify you of a decision on the application. That is, you will be notified of a decision on the application by no later than [insert due date after careful calculation].

In the meantime, if you have any queries in relation to the application for assessed disclosure, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

¹⁶⁵ Delete whichever inapplicable.

¹⁶⁶ Delete whichever inapplicable.

Form 7: Letter/email acknowledging validly made application (no negotiation required)

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

[Name of authority] has 20 working days from that date of receipt to notify you of a decision on the application. That is, you will be notified of a decision on the application by no later than [insert due date after careful calculation].

In the meantime, if you have any queries in relation to the application for assessed disclosure, please contact [name and contact details of appropriate officer].

Yours sincerely

[name of officer]
[position]

Form 8: Letter/email notifying transfer of application

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date].

As the subject matter of the information sought in the application/part of the subject matter of the information in the application relating to [insert description of relevant part]¹⁶⁷ is more closely connected with the functions of [name of another public authority]/Minister for [area]¹⁶⁸, [name of your public authority] has determined to transfer the application for assessed disclosure to [name of the other public authority/Minster as the case may be].

The application for assessed disclosure was transferred by email on [date]. If you have any future inquiries about the application for assessed disclosure please contact:

[insert contact details for other public authority/Minister as the case may be].

Yours sincerely

[name of officer]
[position]

¹⁶⁷ Delete whichever inapplicable.

¹⁶⁸ Delete whichever inapplicable.

Form 9: Decision to refuse without processing: information already available

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have determined that [you are/[name of corporate applicant] is] not entitled to the information sought because it:

[specify one or more of the following:

- may be inspected by the public under another Act [set out how and where and under which legislation]
- may be purchased at a reasonable cost in accordance with arrangements made by a public authority [set out details of other authority and how the applicant could go about purchasing it];
- is otherwise available [explain where or how]
- will become available, in accordance with a decision that was taken before the receipt of the application for assessed disclosure, as a required or routine disclosure within [set out period being a specified period not exceeding 12 months from the application date] from the date of your application for assessed disclosure.

Review rights

If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek internal review by writing to [the principal officer of]¹⁶⁹ [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

Yours sincerely

[name of officer]
[position]

¹⁶⁹ Delete if external review.

Form 10: Decision to refuse without processing: electronically stored information

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have determined to refuse access to the information sought because:

- it is stored in an electronic form;
- it cannot be produced using the normal computer hardware, software and technical expertise of [name of public authority]; and
- producing it would substantially and unreasonably divert the resources of [name of public authority] from its usual operations.

In forming a view about the impact on resources, I took into account the matters set out in Schedule 3 of the RTI Act including, but not limited to:

[Set out those matters which were most relevant from the items in Sch 3 listed below:

- (a) the terms of the request, especially whether it is of a global kind or a generally expressed request, and in that regard whether the terms of the request offer a sufficiently precise description to permit the public authority or Minister, as a practical matter, to locate the document sought within a reasonable time and with the exercise of reasonable effort;
- (b) whether the demonstrable importance of the document or documents to the applicant might be a factor in determining what in the particular case are a reasonable time and a reasonable effort;
- (c) more generally whether the request is a reasonably manageable one, giving due, but not conclusive, regard to the size of the public authority or Minister and the extent of its resources available for dealing with applications;
- (d) the public authority's or Minister's estimate as to the number of sources of information affected by the request, and by extension the volume of information and the amount of officer-time, and the salary cost;
- (e) the timelines binding the public authority or Minister;
- (f) the degree of certainty that can be attached to the estimate that is made as to sources of information affected and hours to be consumed, and in that regard importantly whether there is a real possibility that processing time might exceed to some degree the estimate first made;

- (g) the extent to which the applicant has made other applications to the public authority or Minister in respect of the same or similar information or has made other applications across government in respect of the same or similar information, and the extent to which the present application might have been adequately met by those previous applications;
- (h) the outcome of negotiations with the applicant in attempting to refine the application or extend the timeframe for processing the application;
- (i) the extent of the resources available to deal with the specified application.]

Review rights

If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek internal review by writing [the principal officer of]¹⁷⁰ [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

Yours sincerely

[name of officer]
[position]

¹⁷⁰ Delete if external review.

Form 11: Decision to refuse information stored in electronic back-up systems

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

Section 10(2) of the RTI Act provides that a person is not entitled to information stored in back-up systems.

I have determined to refuse access to the information sought because:

- it is stored in an electronic form; and
- is stored in a back-up system of [name of public authority].

Review rights

If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek internal review by writing to [the principal officer of]¹⁷¹ [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

Yours sincerely

[name of officer]
[position]

¹⁷¹ Delete if external review.

Form 12: Notice seeking narrower scope of application

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

Under s 19(2) of the RTI Act I am giving you notice that [name of public authority] is presently considering whether to refuse to provide the information sought by you on the basis that the work involved in providing the information would substantially and unreasonably divert the resources of [name of public authority] from its other work. This is **not** a decision to refuse to provide the information at this stage.

[Name of public authority] is satisfied that the work involved in providing the information requested may divert its resources substantially and unreasonably from its other work. The resources referred to are those resources reasonably required to do the work in providing the information requested, consistent with attendance to other priorities. In deciding to give you this notice, [name of public authority] has had regard to the resources which would be used:

- (a) in identifying, locating or collating the information within its filing systems;
- (b) in deciding whether to grant, refuse or defer access to the information or to grant partial access to the information, including resources which would have to be used:
 - (i) in examining the information; or
 - (ii) in consulting with any person or body in relation to the application for assessed disclosure;
- (c) in making a copy, or an partial copy, of the information; and
- (d) in notifying you of any decision on the application.

Accordingly, I invite you to consult with [name of public authority] with a view to amending your application to be in a form that would remove this ground for refusal. Please contact (name of officer and contact details) to arrange the best way to conduct such consultation. Alternatively, you may wish to submit an amended application which narrows the scope of what is sought in a way that would be more manageable for application to be deal with.

In order to assist you in making your application in a form which removes the ground for refusal, I make the following comments:

(list here comments about the difficulty of searching for information currently sought, e.g.:

- *records which have been created and may contain the information sought are voluminous. The effort involved in seeking out, copying and collating these documents or extracting the relevant information would be both difficult and time-consuming;*

- *the information is recorded in various forms, ranging from single pages to large bound volumes and computer stored;*
- *the documents likely to contain the information sought are stored in a significant number of files (electronically and/or hard copy) which would need to be sorted through in order to locate, copy and collate the records containing the information sought;*
- *it is apparent from the nature of the information that it would require [name of public authority] to consult with external individuals or businesses to determine their views about disclosure and this would be a very time-consuming task.)*
- *where possible provide an estimate of the numbers of records that may need to be searched to identify relevant information.*
- *where possible estimate time in days/weeks/months it will take to process the application and make and communicate a decision.*
- *include any other information which would assist the applicant to reduce the scope of the request.*
- *if the application was limited to seeking [set out here what would be acceptable to your public authority if possible] your application might be able to process the application in the usual way and it may remove this ground for refusal.*

I will advise you of your rights of appeal in the event that consultation does not occur within 10 working days of the date of this communication or does not remove this ground for refusal within 15 working days of this communication, in which case access will be refused under s 19 of the RTI Act.

Yours sincerely

[name of officer]
[position]

Form 13: Decision to refuse information: substantial and unreasonable diversion (no or inadequate consultation)

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I also refer to my letter/email of [date]. In that letter/email I invited you to consult with [name of public authority] with a view to amending your application for assessed disclosure under the RTI Act.

It has been [state period] working days since that letter was sent to you. I note that you have failed to take the opportunity to [properly] consult.

Accordingly, as you have been provided with a reasonable opportunity to consult, and there has been no [suitable] change to your application for assessed disclosure, I have decided to refuse access to the information sought in the application.

This is on the basis that [name of public authority] is satisfied that the work involved in providing the information would substantially and unreasonably divert the resources of [name of public authority] from its other work for the reasons set out in my earlier letter/email.

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au
Tel: 1800 001 170
Website: http://www.ombudsman.tas.gov.au/right_to_information

Yours sincerely

[name of officer]
[position]

Form 14: Decision to refuse: repeat application

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

Decision

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have determined to refuse to provide the information sought on the basis that the application for assessed disclosure is a repeat application.

That is, in the opinion of [name of public authority] the information sought is the same or similar to information sought under a previous application to a public authority. More particularly, [insert here details of the previous application(s) referred to].

In addition, the current application for assessed disclosure does not, on its face, disclose any reasonable basis for seeking access to the same or similar information.

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au
Tel: 1800 001 170
Website: http://www.ombudsman.tas.gov.au/right_to_information

Form 15: Decision to refuse: application lacks definition

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

I also refer to our communications by which we negotiated with you to refine the application for assessed disclosure.

Decision

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

As negotiations with you were not able to remove the lack of definition existing in the application for assessed disclosure, I have under s 20(b) of the RTI Act determined to refuse the application on that basis.

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au
Tel: 1800 001 170
Website: http://www.ombudsman.tas.gov.au/right_to_information

Form 16: Decision to refuse: application vexatious

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

Decision

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have determined to refuse to provide the information sought on the basis that the application for assessed disclosure is vexatious under s 20 of the RTI Act.

[Set out how/why reached that conclusion]

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au
Tel: 1800 001 170
Website: http://www.ombudsman.tas.gov.au/right_to_information

Yours sincerely

[name of officer]
[position]

Form 17: Decision to refuse: neither confirm nor deny (without identifying information)

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

Decision

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have determined to refuse to provide the information sought without having identified the information sought and based on:

- (a) the terms of the application; and/or
- (b) information or knowledge held by me or obtained from other officers of [name of public authority],

which enabled me to conclude that even if the information existed it would be exempt information on the following basis

[select one or more of the following and explain how the information would be exempt:

Section 25 – Executive Council information

Section 26 – Cabinet information

Section 27 – Internal briefing information of a Minister

Section 28 – Information not relating to official business

Section 29 – Information affecting national or state security, defence or international relations

Section 30 – Information relating to enforcement of the law

Section 31 – Legal professional privilege

Section 32 – Information related to closed meetings of council.]

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]

[Position]

[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au

Tel: 1800 001 170

Website: http://www.ombudsman.tas.gov.au/right_to_information

Yours sincerely

[name of officer]

[position]

Form 18: Decision letter/email – information exempt

Dear [Name of applicant/applicant's representative]

Right to information application

I refer to the application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] and received on [date] which sought information in the following terms:

[quote description of information sought in application]

Decision

I am a delegated officer of [name of public authority] with power to make decisions in relation to applications for assessed disclosure under the RTI Act.

I have made this decision after taking into account all relevant information including:

- the terms of the application for assessed disclosure;
- [views obtained from individuals about whom the information sought relates;]
- my understanding of the RTI Act based on knowledge and advice;
- discussion with relevant officers and staff of [name of public authority];
- consideration of the content of the information sought by the application.

[Where any one or more exemptions in ss 25-32 apply]

The information is exempt under section [insert no.] of the RTI Act for the following reasons.

[set out reasons including how and why you found the components of the exempt were satisfied. Repeat for all exemptions between ss 25 to 32 which apply to the information]

[Where any one or more of the exemptions in ss 34 to 42 apply]

The information is exempt under section [insert no.] of the RTI Act for the following reasons.

[set out reasons including how and why you found the components of the exempt were satisfied. Repeat for all exemptions between ss 34 to 42 which apply to the information]

Public interest

I have determined that in addition to the reasons set out above, the information is exempt information after taking into account all relevant matters and determining that it is contrary to the public interest to disclose the information.

In making that determination I considered the fact that relevant matters which must be taken into account are set out in Schedule 1 of the RTI Act, but that I was not limited in taking only those matters into account. Schedule 2 sets out those matters which I should not (and did not) take into account.

I gave particular weight to the following matters which appeared in all of the circumstances to be relevant:

Factors in favour of disclosure

-
-
-

Factors against disclosure

-
-

Review rights

[Use this paragraph for internal review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek review by writing to the principal officer of [name of public authority] as set out below, and they will either conduct the review or arrange for a different delegated officer to review my decision:

[Name]
[Position]
[Contact details]

[Use this paragraph for external review] If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au
Tel: 1800 001 170
Website: http://www.ombudsman.tas.gov.au/right_to_information

Yours sincerely

[name of officer]
[position]

Form 19: Decision letter/email on internal review

Dear [Name of applicant/applicant's representative]

Right to information application for internal review

I refer to your [letter/email/other?] dated [date] in which you sought internal review of the decision made by the [name of public authority] in relation to an application for assessed disclosure of information made by [you/name of corporate applicant] under the *Right to Information Act 2009* (Tas) ("**RTI Act**") dated [date of application] which sought information in the following terms:

[quote description of information sought in application]

I am a delegated officer of [name of public authority] with power to make fresh decisions in relation to applications for internal review of decisions under the RTI Act.

Decision

[Set out decision and reasons for decision]

Review rights

If you are not satisfied with my decision you may within 20 working days of receiving this notice of decision seek external review by writing to the Ombudsman whose contact details are as follows:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Email: RTI@ombudsman.tas.gov.au

Tel: 1800 001 170

Website: http://www.ombudsman.tas.gov.au/right_to_information

Yours sincerely

[name of officer]

[position]



Australian Universities Accord

University of Tasmania submission

6 April 2023

Acknowledgment of Country

The University of Tasmania pays its respects to elders past, present and emerging and to the many Aboriginal people that did not make elder status and to the Tasmanian Aboriginal community that continues to care for Country. We acknowledge the profound effect of climate change on this Country and seek to work alongside Tasmanian Aboriginal communities, with their deep wisdom and knowledge, to address climate change and its impacts.

The Palawa people belong to one of the world's oldest living cultures, continually resident on this Country for over 40,000 years. They have survived and adapted to significant changes in climate over this time, such as sea-level rise and extreme rainfall variability, and as such embody thousands of generations of intimate place-based knowledge.

We acknowledge with deep respect that this knowledge represents a range of cultural practices, wisdom, traditions, and ways of knowing the world.

The University of Tasmania recognises a history based on truth that acknowledges the impacts of invasion and colonisation upon Aboriginal people, resulting in forcible removal from their lands.

Our island is deeply unique, with cities and towns surrounded by spectacular landscapes of forests, waterways, mountain ranges, and coasts.

The University of Tasmania stands for a future that profoundly respects and acknowledges Aboriginal perspectives, culture, language, and history, and a continued effort to fight for Aboriginal justice and rights paving the way for a strong future.

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Executive Summary

The opportunity for substantial reform that the Australian Universities Accord presents comes at a critical time, as the nation faces three future-defining adaptive challenges between now and 2050. These include:

- **The challenge to prosperity** – after a long-era of economic tailwinds we need to adapt to an era characterised by economic headwinds driven by demographic challenges, rising resource costs, falling productivity and weakening international order;
- **The challenge of sustainability** – in a very short period of time we have to transition to a zero-carbon and circular economy from one built on extraction and emissions; and
- **The challenge to security** – we face unprecedented geo-political challenges which require a step-change in national capability.

Our best opportunity to meet these challenges is to harness the transition to a more sustainable and inclusive economy and society. Doing so will create new pathways to prosperity and security. Universities, together with VET and non-university higher education providers, can play a critical role in helping Australia to successfully make that transition. We can do this by:

- **Tackling inequality and improving productivity through increasing access and student success**
 - Reform the student income support system to reduce cost of living challenges and remove barriers to attending higher education;
 - Implement a sector-wide universal equity and success model that determines the equity-based adjustment to per-student funding required;
 - Support the expansion of university-led health and mental-health clinics to reduce the burden on essential services; and
 - Provide assurance and flexibility in university funding throughout 2024 and 2025 to reduce uncertainty.
- **Lifting national adaptive capacity and competitiveness through a mission focused research funding system**
 - Develop and support 8-12 mission driven programs within the long-term national research agenda, to tackle Australia's major adaptive challenges;
 - Direct research funding through industry bodies to create intellectual property that delivers technological advances that enable scalable and sustainable growth in key sectors and regions;
 - Direct research funding into funding instruments such as social bonds, that deliver not only improved productivity and employment but broader societal

benefit, such as improved health, environmental and education outcomes and other social benefits.

- **Ensuring national cohesion and equity through regionally adjusted higher education funding and initiatives**
 - Adapt the higher education funding model to include a regional delivery adjustment based on higher cost of regional delivery
 - Fund a pilot to enable regional universities to provide internet access in remote areas to enable access to higher education;
 - Create regional excellence scholarships to attract and retain talented students in regional areas of Australia;
 - Direct funding allocated to the National Reconstruction Fund and similar sources into regional areas to ensure increased, sustainable productivity growth;
 - Create a specific regional research grant scheme to provide regions with equitable access to funding to tackle issues and opportunities that are specific in their region and/or to regional Australia; and
 - Ensure research capability is continually replenished, via HDR candidates, within a very strong, strategically focused, and long-term national research agenda that is deployed across all of our regions.

Meeting the adaptive challenges we face as a nation, and across the world, will require sustained and coordinated partnerships between governments, universities, industries and the communities we serve across our regions. Our submission provides a pathway to meeting these challenges.

Why Higher Education reform is needed to meet Australia's major national adaptive challenges

The Australian Universities Accord Process comes during a critical but narrow window of time when the policy choice we make now will determine the shape the nation and world is in by 2050. The organising idea for reform should be the changes needed to enable the sector to play a pivotal role to address the unprecedented adaptive challenges the nation faces collectively and in each of its regions.

Australia's adaptive challenges

There are three interlinked parts to our national adaptive challenge:

The challenge to prosperity

The first is that the tailwinds of the extraordinary growth in post-war economic prosperity and all of the social change that made possible have turned to headwinds.

Demographics: Where we benefitted from the baby boom through until the early 2000s, we now face an aging population with all its implications for increased welfare/medical expenditure, reduced productivity, and downward pressure on government revenue¹;

Resources: While the cost of non-energy resources fell in real terms by over 40% between the 1950s and the early 2000s, they have since progressively risen by almost the same amount in real terms². While that has benefitted Australian national income, it has also created long-term cost pressures for any industrial or construction activity;

Productivity: The very strong post-war productivity rates that underpinned real income increases have fallen across the world and especially in developed countries like Australia³ for hard to reverse structural reasons; and

Connectivity: As we became more connected, through falling trade barriers, dramatic reductions in the cost of transport and electronic connectivity and the end of the Cold War, we now face increased geo-political competition and breakdown of international civil order⁴.

With all four major forces working against us, we are now in a very different era which will require a far more coordinated national response to turn around than we have seen in recent decades.

The challenge to sustainability

What adds to the challenge is that the model of economic development that has enabled the great period of post-war prosperity has two deeply unsustainable features at its core:

¹ United Nations - Population Division (2022), [OurWorldInData.org/world-population-growth](https://ourworldindata.org/world-population-growth)

² World Bank Commodity Price Data (The Pink Sheet), Non-Energy Price Index, annual indices, 2010=100, real 2010 US dollars;

³ Conference Board; Penn World Table; World Bank, World Development Indicators.

⁴ The Organized Crime Index. (2021) Global Initiative Against Transnational Organized Crime. <https://ocindex.net/>

Ecologically unsustainable:

- We are extracting natural resources from the planet and consuming the natural world at an unsustainable rate⁵;
- We are emitting greenhouse gases, other pollutants, and waste like plastics back into the environment in ways that are endangering the planet and its species⁶.

Socially unsustainable:

- Our current model of economic growth is systemically causing inequality between people and places with inequality growing for more than 70% of the global population, including in Australia and especially in its regions⁷;
- Integral to the form this inequality is taking, is that productivity gains are only translating weakly or not at all into real income increases for most people and especially in terms of net wealth⁸. There are whole quartiles going backwards. This is a long-term threat to social cohesion and a heightened risk of the corrosive populism that similar circumstances have created in many developed and developing countries.

The challenge to security

We have entered an era of strategic competition globally. For Australia, that competition is playing out powerfully in Asia, but also in the Southern Ocean and Antarctica. Australia is resetting its defence posture and creating a step-change in capability to help secure a rules-based international order and protect our national interests should there ever be a military challenge⁹.

Case Study



To enhance Australia's sovereign capability, in 2019 the Federal Government awarded the University of Tasmania's Australian Maritime College \$30 million. This funding is being used to build research in maritime engineering and hydrodynamics, including through the development of autonomous platforms and undersea collision research, electrical simulation, and work on the development of a propulsor laboratory and new towing tank.

These facilities will support defence efforts into the future design and construction of the AUKUS SSN and will underpin many of the technical components that comprise Australia's contribution to the AUKUS partnership.

This research is also building the future workforce for Defence and Australian industry, with AMC's students forming an integral part of the workforce to deliver sovereign capability. Our students will contribute to the building of these submarines over the next 20 to 30 years.

⁵ United Nations Environment Programme (2011). Decoupling Natural Resource Use and Environmental Impacts from Economic Growth.

⁶ IPCC, Climate change 2022: Mitigation of climate change

⁷ <https://www.oecd.org/social/>

⁸ World Bank Poverty and Inequality Platform

⁹ <https://www.defence.gov.au/news-events/releases/2023-03-30/updated-publication-address-evolving-global-challenges>

Meeting the adaptive challenge by harnessing the transition to a more sustainable economy and society to create new pathways to prosperity and security

Our best opportunity to meet these challenges is to harness the transition to a more sustainable and inclusive economy and society and in doing so create new pathways to prosperity and security.

We can do this by:

- Meeting the inequality/inclusion, demographic, and productivity challenges by lifting educational attainment to build the human and social capital required to enable greater social mobility;
- Finding new sources of productivity and over the long run lowering the cost of resources by decoupling economic growth from the natural world, while restoring lost eco-system functioning;
- Finding high productivity forms of agricultural production and protein sources from land and sea so we require no further land clearance, where we sustainably use water and soil and do not generate greenhouse gases like methane in the process;
- Ensuring national competitiveness and security by building sovereign capability in critical areas where we need to act independently, and by providing integral components of critical technologies to our allies; and
- Strengthening the civic capacity of Australia to engage in the large scale social and economic changes that will be required.

The higher education system including the VET sector and its partner research agencies like the CSIRO, need to be incentivised to work together to meet these adaptive challenges. This will require creating the right policy settings, regulatory reform, and evolution of the current funding model.

Higher Education and research will be at the core of creating Australia's adaptive capacity in the timeframe required

To create this adaptive capacity will require leveraging the policy settings recommended in the 2008 Bradley review, but going much further to create the new skills and knowledge to deliver:

- A significant increase in higher education participation and completion;
- A significant skills transformation so people have the new skills and knowledge required to create and run a zero-carbon, circular economy;
- A bold, strategically focused and long-term national research agenda that is deployed across all of our regions; and
- Universities that are strong civic institutions that strengthen capacity to be responsive to local communities and contribute to impactful knowledge creation and human capital production. This requires Universities to:

- foster debate and discussion for major social, economic and environment change;
- deliberately lift productivity agendas in their region; and
- drive transformation of key sectors in ways that strengthen social cohesion.

Our biggest challenge is the timeframe

It is clearest in the case of climate change that we need to have transformed the technological base of our economy and society from a carbon generating one, to a zero-carbon model by 2050. The timeframe to change over to a sustainable and inclusive economic and social model is essentially the same. The model might not be completely implemented by 2050, but we need to be far enough down the track that there is a close to unstoppable trend towards a sustainable society and environment.

In historical terms, we have a very short period of time to make this adaptive change.

How three critical reforms can help meet Australia's adaptive challenges

To enable Australia to meet its adaptive challenges by 2050 there are three reforms that are critical:

1. Tackling inequality and improving productivity through increased access and student success in Higher Education

Increasing both higher education participation and completion rates is critical to tackling both inequality and to lifting productivity.

To lift participation and success we need to address the financial support students need to access and stay in higher education, provide education to overcome disadvantage, and provide the mental health services to enable continued participation.

Student financial support and the cost-of-living crisis

We know that the direct and indirect financial support students receive is critical to participation.

Financial stress is a well-established problem in Australian higher education¹⁰, and has only been exacerbated during COVID-19. In the last year, more than 33% of Australian¹¹ and 50% of Tasmanian households struggled to meet their food needs¹². CPI has increased by 7.8%¹³. At the same time, fuel, gas and electricity, groceries and rent have all increased in price¹⁴. If we do not address these problems with urgency, we will unwittingly drive students back into the labour market, at the point in time in human history where we cannot wait for

¹⁰ https://melbourne-cshe.unimelb.edu.au/_data/assets/pdf_file/0008/1714715/StudentFinances2012.pdf

¹¹ <https://reports.foodbank.org.au/foodbank-hunger-report-2022/?state=tas>

¹² https://www.utas.edu.au/_data/assets/pdf_file/0006/1630662/TTP8-Food-insecurity.pdf

¹³ <https://www.abs.gov.au/>

¹⁴ https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/BriefingBook47p/CostOfLiving

another economic cycle to address the human capital challenges of our current 'adaptive environment'.

Importantly, living costs are not currently covered by the Australian government fee support scheme. Despite a robust and equitable student loan and fee assistance system, which removes the initial tuition fee costs for each subject for domestic students, economic disadvantage and financial strain remain central concerns for many low SES students,¹⁵ particularly of mature age and contribute to attrition¹⁶. At the same time, recent policies to reduce the cost of living have inadvertently resulted in vulnerable households in the lowest income brackets not being the primary beneficiaries¹⁷. Instead, households in the highest income bracket appear to capture most of the benefits.

We know too that the national income support system is only able to help so much. Currently, income support for students is well below the poverty line, at between \$48-51 dollars per day for Austudy¹⁸, and between \$23-51 dollars per day for Youth Allowance¹⁹. Further, although students can access financial support from universities, any more than \$9,000 per year begins to affect their income support eligibility²⁰. This compels students to weigh up the pros and cons of applying for financial aid from their higher education institute or risk their ongoing income support. Income support funding for students is also not currently treated equally, with indexation occurring twice a year for Jobseeker, Disability Support Pension and Aged Care but only once a year for Austudy, Abstudy and Youth Allowance²¹.

Our university, like many, is trying to ease this burden for students. In 2022, we provided more than 1,700 scholarships and bursaries to assist students to meet the rising costs of living, in order for them to undertake and complete their studies successfully.

We know that we could be doing more. Last year alone, we had almost 5,000 students submit 6,700 applications for a scholarship, but unfortunately more than 75% of these students did not receive support²². Further to this, we know too that more than 1,300 students completed applications for scholarships but withdrew their applications and did not enrol.

Critical to our ability to improve access is a deep understanding of the barriers to entry to university. We annually survey students who applied to our university but did not enrol, or withdrew before census date. In 2021 and 2022, 45% of Tasmanian adult learners cited cost as a barrier, 54% of lost students worried about balancing work/life/study balance and 55% of part time students chose part time study so they could also work²³.

We saw a very similar pattern and numbers even before COVID-19. That suggests to us that there are well over 1000 people in Tasmania every year who while qualified to participate in

¹⁵ Bexley et al.,2013; Devlin & McKay,2017

¹⁶ Edwards & McMillan,2015

¹⁷ https://csm.cass.anu.edu.au/sites/default/files/docs/2022/4/A_FAIRER_TAX_AND_WELFARE_SYSTEM.pdf

¹⁸ <https://www.servicesaustralia.gov.au/how-much-austudy-you-can-get?context=22441>

¹⁹ <https://www.servicesaustralia.gov.au/how-much-youth-allowance-for-students-and-apprentices-you-can-get?context=43916>

²⁰ <https://www.servicesaustralia.gov.au/income-from-scholarships-for-students-and-apprentices?context=22441>

²¹ <https://www.dss.gov.au/about-the-department/benefits-payments/previous-indexation-rates>

²² 2022 Scholarships and prize data, PowerBI

²³ 2021 and 2022 Commencing and Lost Student Survey

higher education, are not able to do so for financial reasons. That is a loss of human capability the State can ill afford, and a lost opportunity for each one of those people. Critically, we are missing the opportunity to activate the most powerful force we have to reduce inequality.

Even as we increase participation, our data shows that too many students are only able to attend part time. If student support only enables a person to attend part time, but their higher SES peers are able to attend full time, those higher SES students will receive a life-time income advantage over those only able to attend part time. This means that education is not playing the role it should, even for those attending, to correct the systemic inequality that our current economy is creating.

To address inequality, we need to do more than just enable low SES people to attend the university in some form. We need them to be able to participate as fully as those in higher SES brackets.

Recommendations:

The University of Tasmania proposes that the Accord Panel consider recommending that:

- Income support through Austudy and Youth Allowance be increased to an amount that enables students to live above the poverty line; and
- Unintended barriers to university students meeting their financial needs be addressed, for example by increasing the income support financial threshold from \$9,000 per year.

Case Study



In 2020, in partnership with the State Government the University of Tasmania developed a 'Schools Recommendation Program' to help reduce barriers to university. Together, we designed a rubric which considered not what ATAR a student achieved at the end of Year 12, but rather the student's *suitability* to attend University.

Across Tasmania, school teachers assess and provide a recommendation for each of their students, based on 7 key criteria. University offers are then made based on these recommendations.

This program has been successful and has become the main path of entry for Tasmanian Year 12s, with 93% of applications applying through the program in 2022. Further, this model is also providing successful with interstate applicants with 84% of our applicants (excluding quota course such as Medicine also utilising the program).

And this program is not affecting our student success rates, with the SRP cohort comparable to previous ATAR cohorts. This is just one example of the innovative ways we are reducing barriers to higher education.

Learning and Teaching for Universal Equity and Success

If we are to adequately address inequality and improve student success, then students who come to the university with various forms of disadvantage need to be able to complete, and achieve, at the same rate as those without those disadvantages.

In 2019, the Productivity Commission identified that while we have seen significant improvements in the number of students attending university from disadvantaged backgrounds, they are still much less likely to succeed at university²⁴.

Further, there are few incentives in place for universities to appropriately support these students once they have commenced their studies.

While many student success and retention models have focused on single equity groups (for example, Indigenous students), these models are often costly and difficult to scale²⁵. We know though that there is no meaningful difference between students in equity groups and non-equity groups when it comes to student engagement at university, access to resources and the experience of quality teaching, which narrows the focus of attention for support measures²⁶.

There are many international examples of well designed, scalable interventions that have succeeded in lifting student success which is both good for economic productivity and has a differential impact on equity groups. Georgia State University is an international exemplar for how to build a model to achieve student success, and the model has been replicated successfully across multiple institutions. Since launching their model in 2003, Georgia State has increased their graduation rate by 24 percentage points (a 75% increase); improved the number of degrees awarded annually by 84%; reduced the average completion time by a semester; and eliminated achievement gaps based on race, ethnicity or income²⁷. Georgia State now graduates more African American students than any other university in the U.S. And there are many other models like this²⁸. The New Zealand tertiary education commission are currently working with Georgia State's National Institute for Student Success to evolve their own student success and equity models.

An Australian-wide approach is needed, which builds on the fact that many of the most powerful interventions that assist disadvantaged students will also help improve outcomes for all students. These whole-of-institution redevelopments to lift success and have a differential impact on equity include:

- Adopting Universal Design for Learning (sometimes also called Universal Design in Education) curriculum and delivery to be accessible to all from the start so that adjustments for the needs of individual students isn't required;

²⁴ <https://www.pc.gov.au/research/completed/university-report-card/university-report-card.pdf>

²⁵ <https://universityservices.wiley.com/student-retention-strategies/>

²⁶ <https://www.ncsehe.edu.au/wp-content/uploads/2017/07/NCSEHE-Focus-low-SES.pdf>

²⁷ <https://success.gsu.edu/>

²⁸ <https://www.hanoverresearch.com/media/Strategies-for-Improving-Student-Retention.pdf>

- Leveraging predictive student data and analytics in order to drive a whole-of-university systems reform, with scalable interventions that improve outcomes for all students but have a differential outcome for disadvantaged students; and
- Implementing early intervention initiatives for all students;

The end-state of reform for a system that is aiming for increased participation and reduced inequality should see these sorts of approaches being integral to higher education delivery in Australia.

We suggest a three-stage reform pathway as follows:

1. *Targeted support to address disadvantage now*

Until we have a universal equity and success model, we need to provide students with various forms of individualised assistance to address their disadvantage. Often students are dealing with complex disadvantage, where as one challenge is addressed, another emerges. To respond to this, each of these students needs a form of individualised learning plan. The kind of adjustments for these plans include, for example:

- learning support;
- counselling;
- study support;
- peer-to-peer mentoring;
- financial services;
- career and employment support; and
- accessibility services.

To provide these services effectively requires significant investments in staff. Providing assistance like study support or accessibility services requires specialised forms of training like trauma informed practice training to be effective.

Existing funding schemes such as HEPPP, SSAF and IRLSAF are highly regulated and inflexible and are not sufficient to adequately provide the sort of student supports required for disadvantaged students. For example, a recent analysis by Devlin *et al* indicates that supporting low SES students costs six times more (approximately \$109,000 per year) than supporting medium or high SES students (approximately \$17,300 per year)²⁹. Current Government funding to support regional and disadvantaged students equates to approximately \$1,500 per year, for an equivalent full-time student³⁰. At the University of Tasmania, we know that it requires significant funding from our operating grant in addition to HEPPP, Regional and Enabling Loading to make any real difference. As a result, the current funding approach leads to significant under-provision of what is required.

²⁹<https://www.tandfonline.com/doi/epdf/10.1080/07294360.2022.2057450?needAccess=true&role=button>

³⁰ [Higher education support \(other grants\) guidelines 2022](#)

The result is that these students are 10% more likely to have not completed or succeed at the same level as middle to high SES counterparts³¹, and their university experience is often a far more challenging and unhappy one than need to be the case³².

To improve this situation, there is a pressing need for funding to be differentially allocated to enable these students to participate equally in higher education.

We propose an equity-based adjustment to per student funding, to reflect the level of disadvantaged students who are being taught in a university. We are currently conducting the analysis of overcoming different types of disadvantage in our student population, and we would be pleased to supply that data to the Accord Panel. In the meantime, we would advocate equity adjusted per student funding to be embraced in-principle.

2. *Pilot a universal model for equity and success*

We need to pilot scalable applications of models that enable equity and success. That requires piloting and validating these interventions in an Australian university setting, including developing models that would enable the affordable rollout of these interventions in the system, and to understand the return on investment they would provide.

We propose this model would leverage the Universal Design for Learning (UDL) framework to maximise learning outcomes for all students, as it usefully considers multiple learning styles, strengths and needs. UDL operates across the entirety of the learning experience³³, namely:

- Engagement – stimulating interest in learning;
- Representation – presenting information and content in different ways; and
- Action and Expression – providing multiple ways in which students can demonstrate their understanding of what they know.

Further, the UDL framework recognises there is no ‘average’ learner. Learners come with a wide variety of prior experiences, abilities, preferences and needs³⁴. Thus, it requires institutions to adopt a whole-of-systems approach to ensure the built environment, technology, curriculum, and organisational processes align more closely with a learner-centred approach to pedagogy³⁵. UDL is particularly beneficial for students with disability because it provides a more inclusive learning environment and directly improves educational outcomes, but the benefits are also felt more widely. For example, whilst closed captioning of recorded lectures supports deaf students, it also enhances learning for other groups, such as many from non-English speaking backgrounds³⁶.

³¹ <https://www.pc.gov.au/inquiries/completed/productivity/report/productivity-volume3-future.pdf>

³² <https://www.ncsehe.edu.au/wp-content/uploads/2017/07/NCSEHE-Focus-low-SES.pdf>

³³ Center for Applied Special Technology, 2022.

³⁴ Australian Disability Clearinghouse for Education and Training, 2022

³⁵ Moraña, 2017; Bel & Bradburn, 2008

³⁶ Kent *et al.*, 2017

In addition to adopting the UDL framework, our model will also leverage international approaches to lifting student success and equity that apply whole of institution redevelopment to lift success and have a differential impact on equity including, for example:

- Targeted communication to students: This whole of system change would focus on creating appropriate communications, including digital communications (i.e. chatbots), that use data to tailor messages to each student's individual requirements at that point in time and that have the capability to respond automatically to commonly asked questions. This learnable system leverages the benefits of digital technologies.
- Administrative system reforms: Reducing the unnecessary enrolment administration burden faced by all students, but particularly low SES students who often struggle to source and provide evidence of administrative records, financial statements etc.
- Use predictive student data and analytics to better understand student cohorts and to identify individual student struggles more quickly: For example, this provides key information for student risk points, including throughout the application, course design, duration and support systems. This can then be used to develop scalable initiatives – such as engaging with students as changes are being made, not retrospectively, to lift success and retention across the whole student cohort, but importantly for lower SES students. This would then lead to the development of data platforms that systematise risks of students and allow for early intervention and supports.
- Radically reformed course advising: Students would be evaluated and proactively engaged throughout the life of their studies, not just in Year 1, with advisors leveraging insights from the predictive student data. This would require an institution-wide approach and increased ratio of course advisors to approximately 1:300 students. At the University of Tasmania, this will require our student advisory support to increase by a factor of 3.
- Transition pedagogy: Supported by an institution-wide framework, each discipline will develop the support required for first-year student groups (i.e. additional maths and chemistry tutoring etc) to reduce early attrition. This will then be reinforced by cross-discipline student support and mentoring groups, led by academics, to provide additional information to enable success (i.e. how to use the library, how to access financial supports etc).

To develop and deliver this model, we would encourage targeted funding to be provided to a small number of universities to work together to pilot and refine these interventions.

We would anticipate this would take about 5 years to have a suite of evidence-based initiatives ready for wide-spread deployment in the sector.

3. *Scale the universal access model*

The pilot would involve moving away from 'single-focus' programs to more whole-of-cohort and institutional changing initiatives. This will assist in identifying the most successful, cost effective and high impact initiatives and scale them up.

Recommendations:

The University of Tasmania recommends that the Accord Panel endorse this proposed transition, leveraging international models and measures to incentivise the development of a three-stage reform pathway, including specifically:

- The development of a universal equity and success model, that demonstrates the equity-based adjustment required to per-student funding;
- Increased equity-based per-student funding based on that model; and
- Roll-out of a pilot by 2025 to 5-7 Australian universities, for a 5-year period, to test and refine a universal model for student success.

Increased psychological support to strengthen resilience and address mental ill-health

Even once we can eliminate the financial barriers to access, and address the challenges of disadvantaged students, we need to ensure they stay in higher education.

One of the biggest challenges to sustainable participation is to address the very high burden of mental ill health especially amongst young people in universities. Indeed, university students are considered a very high-risk population for psychological distress and mental disorders, with both prevalence and severity of poor mental health rising within student populations worldwide³⁷.

During 2020, between 32% and 39% of Australian university students reported feeling psychological distress³⁸. In addition to this, the 2020 Australian Productivity Commission Inquiry Report on Mental Health highlighted elevated levels of distress and other mental health problems; as well as elevated risk of suicidal behaviours, and barriers to accessing mental health services, particularly for international students³⁹. Further, the 2020 Orygen report outlined the impact of psychological distress by location, and proposed setting-based strategies were required to strengthen primary prevention, early intervention and clinical response⁴⁰.

With widespread ongoing psychological distress amongst the university population, there is increased risk of developing more severe and longer-lasting mental health episodes⁴¹. Further, students' have also indicated that they expect their university to better prepare them to meet their needs into the future⁴². While universities currently provide a range of mental health supports to students, the increasing demand for these services will lead to students accessing support from existing health services.

As has been well documented, access to existing health services, particularly mental health support, is already a significant challenge. Currently, 8.8% of Australians (~2.3M) reported a long-term mental health condition⁴³. In Tasmania, this challenge is even higher with 11.5% of people (~64,000) having a mental health condition.

Depression is also the second-highest ranked reason to see a GP, private psychology clinics have an average wait time of three months, and Tasmania has less than half the number of psychologists per head of population than the rest of Australia. There is insufficient support in the community to meet these needs and universities are not funded to meet the level of need that is present. Further, as the lack of adequate support for students, and the number requiring mental health support increases, this is placing an unreasonable burden on significant numbers of teaching staff to provide assistance. This is even more pronounced in

³⁷ See Hughes & Spanner, 2019; Larcombe et al., 2016; Orygen, 2017

³⁸ Vernon, Modecki and Austin, 2022

³⁹ <https://www.pc.gov.au/inquiries/completed/mental-health/report>

⁴⁰ https://www.orygen.org.au/About/Annual-reports/2020/Orygen_Annual-report-2019-2020-pdf.aspx

⁴¹ Pierce et al., 2020

⁴² https://www.ncsehe.edu.au/wp-content/uploads/2022/03/Vernon_ECU_FormattedFinal.pdf

⁴³ ABS 2022c

regional settings, where the supply of primary care and specialist mental health services is significantly lower than in metropolitan settings.

We have been trialling a solution. In 2021, to respond to the significant shortage in our community for allied health professionals, particularly psychologists, pharmacists and nurses, we developed a model to deliver more services in the communities they are most needed. In addition to expanding our offerings to both the North and North West of Tasmania, we opened additional student clinics that both train more psychologists as well as service the community. These clinics enable students, under supervision of fully qualified psychologists, to see patients and assist them with their health needs. We seek to do more of this.

Case Study



With depression the second-highest ranked reason to see a GP in Tasmania, and a three-month wait time for private psychology clinics, the need for more professionals and services is high.

To respond to this need, the University has recently expanded its psychology offerings, opening its second psychology clinic. This allows Masters students, as provisionally registered psychologists, to assist clients under supervision. *“We have very long wait lists – there are people trying to access services in a timely manner but can’t see a psychologist to get help,”* Psychologist Olivia Boer said. As well as timeliness, Olivia says the other issue is financial. *“A large proportion of the population can’t access private psychology services because of the cost,”* she said.

There has been strong uptake already, with Masters students seeing up to 30 clients a week. Demand is strong in the southern clinic too, with 120-150 clients visiting the clinic each week, up from 20-30 clients per week previously.

“As a university, we are committed to helping our community meet challenges like the continuing high demand for psychological services across Tasmania,” Vice-Chancellor Professor Rufus Black said. *“We have expanded access to psychology education so we can train more psychologists, and expand the community’s access to much needed services.”*

A key learning from adopting these models is that there are critical funding efficiencies that can be gained by investing in university clinics. For example, our clinics have enabled work at a population health level, to create interventions to increase resilience. We have also developed expertise in the issues that are disproportionately reflected in university students’ populations and are using this to directly inform our learning pedagogy – so students graduate with the skills required to support the community they are serving. Finally, these clinical placements are easily accessed by students, reducing the burden of risk (financial, attrition, locational etc) associated with work-integrated learning.

Directing health funding through universities is an effective and efficient way to meet the increasing health and mental health needs. Scaling this model will also help increase the number of psychologists we train in Australia to help meet the overall national challenge.

Recommendation:

The University of Tasmania proposes that the Accord Panel recommends the Australian Government work with State Governments to allocate funding to universities to operate health and mental health clinics to serve their communities and increase the number of trained psychologists.

Increased participation will require funding a larger cohort of students, but increased flexibility will improve the efficiency of current funding

While the current funding caps are sufficient to meet the near-term participation objectives, there is a need to plan for the expansion in the total number of places.

How we fund universities to ensure they provide access and equity and meet the future skills demands, without significantly increasing the financial inputs required from governments or taxpayers, is perhaps the more critical and compelling question to be addressed throughout the Accord review process.

As stated most recently in the Productivity Commission's 2023 'Advancing Prosperity' report, the current funding model for universities is not efficient⁴⁴. Further funding will not be sufficient to meet Australia's needs, with forecast jobs growth for university-qualified roles exceeding the forecast growth for additional university places by a factor of 8:1 by 2026⁴⁵.

Increased flexibility will improve efficiency

An important way to improve the efficiency of the expenditure of higher education funding is to enable a better matching of the qualifications people require with what is funded. We have found that better matching not only creates a more rapid ability to meet skills gaps but increases access to higher education – all developments that improve productivity.

At the University of Tasmania since the start of COVID, we have seen strong demand in short-term skills and education, with 12,500+ short course participants, 2,474 enrolments in undergraduate certificates and 7,758 enrolments in Grad Certs from 2020-2022. These offerings have quickly become a pathway into higher education for students with no prior educational attainment, and we continue to attract more than the national average (22.4% in UGC vs 13.2%, and 4.9% in UG Bachelors vs 3.2% nationally). Offering these micro-credentials is successfully breaking down barriers to higher education to upskill or retrain our high proportion of regional and disadvantaged communities and enhancing life-long learning for all Tasmanians.

Further, we have more than 1,500 students enrolled this year across our suite of undergraduate certificates in agribusiness, ICT, community support, education support and sustainable living, demonstrating how we are leveraging government policy changes to inject skilled professionals into the Tasmanian workforce..

We know though that price is a significant barrier for our students, particularly our non-school leaver cohorts who additionally worry about finding a balance with study and life commitments.

Despite this picture, the current funding model prioritises and rewards completion of entire degrees rather than meeting actual student and industry needs. It is a supply constraint that actually forces a measure of overqualification and unnecessary cost into the system.

⁴⁴ www.pc.gov.au/inquiries/completed/productivity/report/productivity-volume8-education-skills.pdf

⁴⁵ NSC, 2022b; and Warburton, 2021

A more adaptable funding model that encourages flexible use of CGS funding would enable a university like the University of Tasmania to leverage our credentialing framework to build university qualifications through shorter-form offerings. This would enable us to deliver more education and upskilling to professionalise emerging industries and build a more sustainable workforce for Tasmania.

While other submissions will address it, we do note for the record that another serious inefficiency and inequity in the current funding scheme are the rates relative to HECs vs CGS in the current funding clusters.

The importance of certainty

The current funding model included a CGS guarantee to universities, in response to the significant level of uncertainty created by the introduction of the Job Ready Graduates package. This funding is due to expire in 2024 (and has ceased for a number of universities in 2023) and is causing an increasingly competitive and volatile environment across the sector, effectively a two-speed economy which significantly disadvantages regional universities, and their higher proportion of disadvantaged students. This is very detrimental to the sector. The likelihood of these second order effects being even more severe in the next 12 months if the CGS guarantee is removed as planned is very high. The Accord process has created a welcome opportunity to review how the sector operates and is funded, but has resulted in further uncertainty.

We propose continuing the CGS guarantee into the next budget cycle, to create certainty for universities and reduce the very disruptive effects the removal of the CGS guarantee will have, while also allowing the government time to appropriately consider recommended changes to the higher education funding model.

Recommendation:

The University of Tasmania proposes that the Accord Panel consider recommending:

- Flexibility in how Universities use their funding cap to fund a full range of formal qualifications from micro-credentials through to PhDs, so we can more strongly align places to university pathways, and address the national skills shortage; and
- Continuing the CGS guarantee into 2025, to provide certainty to universities until a new funding model is developed.

2. Lifting national adaptive capacity and competitiveness through a mission focused research funding system

To meet the major adaptive challenges Australia faces, we need a very different approach to research funding than the one we have today. While a healthy research ecosystem needs to fund a range of types of research from discovery through to application, the system is significantly overweight in short-term, competitive funding relative to the large scale of adaptive challenges we have.

Delivering a system that addresses the adaptive challenges we have outlined above requires sufficient long-term programmatic work, supporting infrastructure and monitoring programs to respond to the challenges. These are not currently sustainably funded.

Developing a rebalanced system that redistributes current national research funding into areas of highest impact and need – those that are mission driven, drive innovation and maintain healthy competitive funding - will enable us to lift the national adaptive capacity of Australia.

A rebalanced system would have three major components:

1. Mission driven funding to meet long-term adaptive challenges

To meet our national challenges and contribute to tackling global problems in the timeframes required, we need a long-term and strategic approach to funding. That will require:

- A funding model with three-time horizons; and
- A different approach to research governance of this mission.

Importantly, these won't necessarily require increased total research funding. Rather, they will require consolidation of research funding diffused across government, so it is better coordinated.

Funding model

A mission-driven funding model operates across three time horizons:

Long-Term Horizon: 20-30+ years.

- The time horizon is governed by the length of the adaptive challenge and the life-cycle of the research infrastructure it depends on; and
- The infrastructure, data collection, and long-term programmatic work needed should be funded to ensure the program or facility has the foundational capacity needed.

Strategic Horizon: 10 years

Rolling decadal plans that target key strategic objectives and require sustained coordinated programs and funding to achieve them.

Innovative Horizon: 2-5 years

Shorter term competitive funding programs (2-5 years) to drive innovation and maintain competitive excellence and renewal.

Governance and coordination model

- We need mission oriented, specialist funding governance bodies with appropriate knowledge and capabilities to develop and sustain long-term funding horizon programs and develop decadal strategic plans;
- This will need to be supported by small management functions that have a strong commissioning capability to develop and have oversight of long-term programmatic research which combines the national research capabilities, whether they are in universities, government agencies like CSIRO, the Bureau of Meteorology, Geosciences Australia, or industry; and
- Where research requires access to significant research infrastructure, the management function needs to ensure the alignment of the research programs with access to the infrastructure. The actual manager of the infrastructure should be a separate organisation. If the infrastructure is Australian government owned or funded, preference should be given to its use but the mission-funding agencies should be able to procure access to industry or international infrastructure if that is required to deliver the national mission.

To illustrate how this model could work, we have provided an example below of how decadal-long funding, supported by infrastructure investment and a long-term monitoring framework, is working to deliver state and national priorities in Tasmania.

The Sustainable Marine Research Collaboration Agreement⁴⁶ is an example of long-term mission-driven research funding, provided by the Tasmanian State Government, which has delivered sustainability of research, industry development and productivity for Tasmania.

First, there is long-term horizon funding. The backbone of this program, entering its third decade, has been systematic monitoring of the Tasmanian marine environment including fish, crustaceans, and mollusc stocks, ecosystem health and water quality.

That monitoring has enabled evidence-based policies for the management of these marine resources over the 20+ year horizon.

Second, there is strategic horizon funding. Built on a deep understanding of the marine ecosystem, this has included work on critical issues in the salmon industry, the restoration of ecosystems that have largely been destroyed by climate change, and the quest for uniquely valuable compounds in seaweeds.

Third, is the innovation horizon. Researchers have also been able to access other competitive funding schemes and philanthropic funding to pursue discovery agendas and innovative ideas outside the strategic funding horizon. Inevitably, this work and the

⁴⁶ <https://fishing.tas.gov.au/news-events/sustainable-research-agreement-renewed>

researchers who prove their unique talents in these competitive processes end up informing and enriching the strategic and long-term horizon funding agendas.

As a result, this research eco-system has informed stakeholders beyond Tasmania, and has been central to building research work of national and global significance.

Importantly, the governance of this funding system involves representatives from the university, government, and industry. It is a body that has continuity of membership and objectives, which has created both the necessary stability and capability that these sorts of mission-driven programs require, as well as the levels of trust needed to deal with complex or controversial issues such as those that have occurred around the salmon industry in Tasmania.

Recommendation:

The University of Tasmania proposes that the Accord Panel consider recommending the development and support of 8-12 mission driven programs within the long-term national research agenda, to tackle Australia's major adaptive challenges.

2. Innovative Commercialisation and Impact Funding

Rebalancing the system requires consideration of how commercialisation and impact funding can best be harnessed.

Commercialisation

There have been significant positive changes to commercialisation funding in recent years. In particular, the University Research Commercialisation Action Plan is a \$2.2 billion investment to place university innovation and industry collaboration front and centre of Australia's economic recovery. This is a very deliberate policy intervention to reverse the fall in productivity in Australia and challenges the perceived view that the 30+ year Co-operative Research Centres (CRC) Program has delivered on its policy objectives.

There is no doubt that CRCs have been successful in establishing collaborations between industry and the research sector, however the lack of productivity invites a reconsideration of a more effective collaboration and commercialisation framework.

A key differentiator in the University Research Commercialisation Action Plan is a very lean governance and coordination model compared to that found in CRCs, which has significant overheads, high transaction costs and duplicates many of the core functions already in place in universities. This results in less of the limited resources being deployable to actual work that will drive commercialisation.

As outlined above, the current research ecosystem is highly fragmented, and well-intentioned governance frameworks have been over-engineered, leading to increased friction and transaction costs which has stifled the unlocking of productivity gains.

Further, there is a need for an additional category to address commercialising IP, that creates sectoral or regional advantage. That is particularly important for regional Australia, where Small to Medium Enterprises (SMEs) are dominant.

Small to Medium Enterprises (SMEs) currently contribute more than half our national GDP, employing 68% of Australia's population and making up 99.8% of all Australian businesses, including 97% of all businesses in Tasmania⁴⁷. Many of these businesses are located in regional areas: 57% of SMEs in Tasmania are located outside of Hobart. It is essential therefore that commercialisation funding is structured to serve not just large metropolitan contexts, but also enables our regional enterprises to capitalise on the opportunities to grow and innovate.

To ensure sustainable economic growth is enabled in our regions, research commercialisation funding should encourage partnerships directly with regional SMEs, minimising intermediary's costs, when appropriate, or between large corporations and regional SMEs that focus on the design needs of the SMEs to lift productivity in the sector. This may, for example, include addressing shared opportunities in industry value chains (e.g. addressing bottlenecks in distribution networks), developing new types of products (e.g.

⁴⁷https://www.business.tas.gov.au/data/assets/pdf_file/0004/369382/Business_Statistics_Snapshot_June_2021.pdf

repurposing waste streams into new products) or new processes to address inefficiency in common production practices (e.g. redesigning food processing facilities to make use of new technologies). These would be explored with the explicit intention of creating opportunities that could be utilised by SMEs across the State to increase productivity, demand and exports.

In Tasmania, which has the largest proportion of regionally located SMEs in Australia⁴⁸, this would mean prioritising industries such as agriculture, forestry, aquaculture, critical minerals, and construction in partnerships with large organisations such as the University of Tasmania to co-design and deliver the technological advances that will enable scalable and sustainable growth.

There is a current and growing need for direct funding through industry bodies to work with universities to create IP that specific regions can use to lift competitiveness.

Impact funding

Within the large adaptive challenges there are a range of social and impact improvements that are needed, for example, reduced chronic disease, or better waste management. These large, societal changes would see significant benefit to communities and governments, including increased productivity, sustainability, and cost efficiencies.

Achieving these benefits would provide government with the opportunity to use novel funding instruments like social bonds to increase the funding available to drive collaborative research with industry, government and non-government organisations to tackle these challenges. Social bonds could be used to incentivise University research to deliver not only employment outcomes but contribute to health, the environment, education and other social benefits.

A scheme of this kind would encourage collaborations between education institutes such as universities and TAFE, industry and government to deliver applied research aimed at improving societal outcomes. Return on Investment measures should focus on societal impact and could leverage existing frameworks such as the [United Nations Sustainability Development Goals](#) which focus on the end-user economic, social, environmental and cultural benefits.

Recommendations:

The University of Tasmania proposes that the Accord Panel consider recommending that the Australian Government:

- Direct research funding through industry bodies to create IP that delivers technological advances that will enable scalable and sustainable growth in key sectors and regions; and
- Direct research funding into funding instruments such as social bonds, that deliver not only improved productivity and employment but broader societal benefit such as improved health, environmental and education outcomes and other social benefits.

⁴⁸https://www.business.tas.gov.au/_data/assets/pdf_file/0004/369382/Business_Statistics_Snapshot_June_2021.pdf

3. Competitive Discovery and Innovation Funding

There is still a need to reform the Australian Research Council (ARC), so it operates on a long-term scale, and better utilises limited resources.

Accepting that the ARC provides a small, but critically important amount of total Australian R&D expenditure (funding), to ensure that regions across the nation remain knowledge-generators, there needs to be a component of ARC funding that is quarantined/allocated for fundamental, discovery-based research across all disciplines at universities.

There is a base requirement for new knowledge to enter a knowledge pipeline so that it can have impact now and over the long term. If this discovery-based research function is not supported, the nation and regions across the country risk being knowledge importers and will never realise the immense value that goes with knowledge generation via new enterprises, processes, products and services, many of which will be exported globally.

Universities are the biggest contributors of new knowledge and understand the huge privilege and responsibility that goes with this investment – it is a core function that defines a university that should be framed as a ratio question for each university within a research model that allows both discovery and impactful research to flourish.

The ARC should continue to support Linkage programs with external partners to better connect fundamental/discovery-based research that also has easily understood impact embedded elements in the shorter term and/or longer term, as part of the funding portfolio to universities, that helps connect work to the non-ARC research funding ecosystem.

As described earlier, ARC funding plays a key role in the 2–5-year innovative horizon in a healthy national research agenda that values and recognises the intrinsic value of new knowledge and appreciates that this new knowledge will be deployable now and/or into the future for increased impact.

Recommendations:

The University of Tasmania proposes that the Accord Panel recommend to the Australian Government that it:

- Direct specific ARC funding to support fundamental, discovery-based research across disciplines to ensure Australia remains a knowledge-generating nation; and
- Continue to support Linkage programs that contain fundamental/discovery-based research, as a conduit to the non-ARC research funding ecosystem.

3. Ensuring national cohesion and equity through regionally adjusted higher education funding and initiatives

It is a feature of the current global economy that large metropolitan areas have agglomeration advantages that see them grow significantly faster than regional areas. In Australia, and around the world, we see the divide continuing to grow.

Tasmania provides a very typical illustration of that challenge. Tasmania has a disproportionately high number of people facing disadvantage in all its forms, including those living in rural and remote areas, and First Nations people. In addition, people in Tasmania face unique and complex health challenges and the lowest digital literacy in Australia. Tasmania has the highest proportion of people living in the most disadvantaged areas (37%)⁴⁹. We have the highest rate of disability (26.8% compared with 17.7% nationally),⁵⁰ and we have some of the poorest health outcomes in the country. Tasmania also has the lowest proportion of people with a university degree at 16.2%, compared with 22% nationally⁵¹, and 48% of adults are functionally illiterate⁵².

Further to this, regional universities such as the University of Tasmania disproportionately attract, support and retain students from disadvantaged backgrounds. Indeed, the University of Tasmania is one of the 15 universities of 41 nationally that attracts almost 60% of low SES students, and one of the 11 universities that attract 60% of rural and regional students⁵³.

To ensure Australia's regions do not fall behind, which will drive increased inequality between places, there is a need to ensure that Australia's regionally based universities can play a powerful role in countering that trend.

That role involves a higher cost structure than in metropolitan universities for four reasons; and there is a need for specific regional loadings to enable regions to receive the same benefit of higher education as metropolitan areas. The four reasons it costs more to provide regional education and increased productivity are:

1. Physical presence is required across regions to enable access;
2. A breadth of courses is needed;
3. Regionally focussed research is required; and
4. Measures to prevent the talent drain to metropolitan areas.

Further details about each of these cost challenges is provided below.

⁴⁹ ABS 2016 Census, Index of Relative Socio-Economic Disadvantage

⁵⁰ [Survey of Disability, Ageing and Carers 2018](#)

⁵¹ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/6>

⁵² ABS (2018), 2016 Census QuickStats

⁵³ <https://www.education.gov.au/higher-education-statistics/resources/2021-section-11-equity-groups>

1. Physical presence is required across regions to enable access

It is well documented that educational attainment declines the further from a metropolitan centre you live. In Tasmania, we see this play out both at a state level (with 16.2% of Tasmanians, compared to 22% of Australians with a Bachelor level qualification or above in 2021⁵⁴), but also specifically in our regions. For example, Glenorchy, Huonville and Sorell, despite being less than 40 minutes away from Hobart, have significantly lower educational outcomes, at 18.2%, 16.7% and 12.7% respectively compared to Hobart's 42.5%. Similarly in Launceston, Bachelor level qualifications and above are at 18.2%, but drop significantly as you move away from the city centre, such as for Break O'Day (11.6%), George Town (8.3%) and Dorset (8.2%).

The most predominate reasons for this locational divide include:

- The disruption of having to move away from regional locations to continue higher education. This is particularly important for the generally older learner cohort in regions, who are less able to move to access education due to their commitments;
- The cost of relocation, living away from home and being away from family and friendship support networks;
- The real and perceived deterrent of University Higher Education Contribution Scheme (HECS) contribution. While not typically a consideration for school-leaver cohorts, we know that the accumulation of debt is a critical factor for adult learners (aged 19 and above), which form 80% of our student cohort; and for those needing to relocate to study;
- Lack of perceived relevance of university studies and lack of experience and confidence with higher education;
- Historically low educational exposure, aspiration and peer examples; and
- Poor digital connectivity, costs of connectivity and low digital literacy.

The consequences of these barriers to higher education are profound for individuals, their families and for communities and regions. Regional people have less ability to gain skilled employment and to gain jobs in the emerging future economy. Stable career entry employment is a key social determinant of health and wellbeing. In Tasmania, we see how this poor educational attainment magnifies our economic challenges, with unemployment in Tasmania consistently higher than nationally at 3.7%, compared to the national 3.4% for July 2022, and we have the lowest level of workforce participation at 60.6% compared with the national average of 66.4%.

Our geographic remoteness adds further complexity, with Tasmania being the least digitally inclusive state, recording an average score of 66 compared to the national average of 71.1⁵⁵. What these numbers mean in reality is large numbers of disadvantaged Tasmanians do not have internet access, or if they do they have speeds that make using university learning management systems with their video and graphic based content virtually impossible. This means students cannot access online offerings, and those with campus

⁵⁴ [ABS, 2021](#)

⁵⁵ <https://www.digitalinclusionindex.org.au/dashboard/National.aspx>

programs cannot access from home the digital content that is integral to delivery of contemporary education.

The impact goes beyond just accessing learning content to being able to complete basic administrative tasks associated with being at university. Within less than 60 kms of Hobart internet speeds can be so slow that students cannot even use the internet to enrol online.

Equitable access to higher education requires this issue to be addressed. We propose that government could pilot a funding scheme to enable universities to provide internet access to students in areas where it is not currently available, or adequate, for learning. For example, the best current option in Tasmania would be the provision of [Starlink](#). The University could be funded to provide a set number of these units as part of an access package, that includes a subscription, and then test the difference made to accessing education. If the pilot proved successful, a future funding source for ongoing delivery of the initiative could be derived by an additional charge or levy on telecommunications providers not meeting their community service obligations to provide adequate access to students.

Higher education being more available in regions is crucial to stimulate economic development and to uplift regions adjusting to new economic opportunities. Training regional people locally also means that graduates are already embedded in remote and regional locations. This not only enhances access to education, but graduates are far more likely to remain as qualified teachers, nurses, allied health practitioners and so forth in their community. So, the return on regional productivity far outweighs the investment required⁵⁶.

To meet this challenge, we have established regional campuses in our North and North-West regions, to provide learning close to where people live, and where services are needed when they graduate. These campuses, placed in the heart of their respective CBDs, also contribute to the social, cultural and economic welfare of the community. This can be seen for example through projects such as the West Coast Education Project, the Community Learning Pathways project and [DreamBig](#); community education and economic development groups; Aboriginal engagement and community events and seminars; and community gardening learning programs.

We are also supporting community-based models of learning access in remote areas including the Study Hub West Coast (Zeehan) and the Circular Head Study Centre (Smithton) to help increase exposure to and experience and confidence in higher education.

⁵⁶ <https://www.oecd-ilibrary.org/sites/9789264293137-4-en/index.html?itemId=/content/component/9789264293137-4-en>

Case Study



Proudly from Burnie, Bonita Raimondo has overcome self-doubt in her ability to succeed and a series of life challenges, to be undertaking the final year of a Bachelor of Social Work with Honours

“I came from a low-income family that did it pretty tough at times, and I’d left school after finishing Year 10,” Boni said

Moving away to study wasn’t an option, but the ability to study different units in health and social work at the Cradle Coast Campus enabled Boni to embark on a university journey without having to leave the region.

“I don’t think I would have pursued university if the course and campus had not been here. The leap of faith of doing study was big enough, let alone moving away,” Boni said.

Significant capital infrastructure has enabled universities to expand their regional reach and has been strongly supported by investment at all levels - Federal, State and University funding. However, this investment covers only the initial cost of building and does not allow for the ongoing maintenance, depreciation and ultimately replacement of the buildings. The cost of this activity equates to approximately 5% of the original building investment each year.

As we set out below, the current university funding model does not cover the higher costs of regional delivery caused by issues like this, and reform is needed to address that challenge.

Recommendation:

To support the increased productivity and growth in our regions, the University of Tasmania proposes that the Accord Panel recommend to the Australian Government that it:

- Adapt the higher education funding model to include a regional delivery adjustment based on higher cost of regional delivery. There are a range of ways to make that adjustment, and we welcome the opportunity to discuss further with the Panel the options to make this calculation, and for managing its interaction with a per-student equity adjustment scheme to avoid any double-counting; and
- Fund a pilot to enable regional universities to provide internet access in remote areas to enable access to higher education.

2. A breadth of courses is needed

To meet both regional skill needs and to create equitable opportunity, a breadth of professional courses are needed.

For us to meet the emerging workforce needs, we must focus on the distinctive assets and resources in place, including natural assets, local capabilities, and existing competitive advantage. This requires us to address specific skills needs in each region. The types of opportunities, and how these will be progressed will vary by industry structure and the distinctive areas of competitive advantage that exist.

To meet the needs of our community, the University of Tasmania has developed new, regionally distinctive courses that align to professional need. These courses, such as Marine and Antarctic Sciences in Hobart, Agricultural Science, Allied Health and Food Innovation in Launceston, and Equipment Design and Technology in Burnie, leverage connection with the environment, proximity to industry and community, as well as field trips to unique locations and experiences that can only be found on the island. Our distinctive curricula also include partnering with industry and other research bodies such as the Australian Antarctic Division and CSIRO which maximise the unique opportunities found here.

These courses are not only training the future professionals needed, in the region in which they live, but also create opportunities for us to meet increasing community need for essential services. For example, we have established Mission Health, a partnership with City Mission whereby nursing staff and students provides free primary care to the disadvantaged and homeless of Launceston (a total of 426 presentations were reported including 174 individuals experiencing homelessness over 26 months).

We have also opened an Exercise Physiology Clinic which provides free (Medicare funded) exercise programs to the community; our psychology clinics are providing much needed mental health care to the community and will grow to provide a range of other allied health services; as well as a tax clinic in situ, that provides free assistance for those with low levels of literacy to lodge tax returns. We must continue to offer the programs that build and maintain a healthy society through our humanities, social science and creative arts offerings.

Delivering these courses to our regionally specific cohort requires regionally specific courses to be created, smaller class sizes, support for travelling academic staff, and a level of pastoral care not required in metropolitan campuses. Indeed, we know from teaching in both regional and city locations that the cost to deliver is vastly different. The Transparency in Higher Education Expenditure report in 2019 articulated that overall, the cost per EFTSL for regional universities was found to be 9.6% higher than metropolitan universities generally, and 13.6% higher for Bachelor degree students⁵⁷. At our own campuses, we know that courses offered in Burnie are 25% more expensive to run than they are in Hobart⁵⁸.

The consequence of it being more expensive to deliver education in regional settings by between ~10-25% is that universities like the University of Tasmania are unable to invest in

⁵⁷ <https://www.education.gov.au/higher-education-publications/resources/2019-transparency-higher-education-expenditure-publication>

⁵⁸ University of Tasmania Finance database

sufficient infrastructure renewal, or long-term facilities maintenance. The result of this for us was that our Northern campus became so aged, and the facilities so poor that the campus' viability came into question. This was only resolved by a \$300m+ investment by the Commonwealth and State government, which we explain further in the case study below.

The University's campus in Hobart is the most aged in Australasia, with a huge backlog maintenance liability. As a result, the University needs to invest some hundreds of millions in new facilities, which it can only feasibly afford by realising value from some its campus land.

The failure to fund the true cost of regional education means that either services are under-provided, or universities are forced to provide what is required in the near term but at the cost of serious pressures on long-term viability. Regional universities need to be funded for the true cost of delivering a higher education offering in regional areas that will provide the same opportunities, skills, productivity and adaptive capacity available in metropolitan areas. It is an investment in long-term equity to ensure broad based national productivity improvements.

Recommendation:

To support the increased productivity and growth in our regions, the University of Tasmania proposes that the Accord Panel recommend to the Australian Government that it:

- Adapt the higher education funding model to include a regional delivery adjustment based on higher cost of regional delivery; and
- Direct current funding allocated to National Reconstruction Fund and similar sources into regional areas to ensure increased, sustainable productivity and growth;

Case Study



In December 2022, to address both a severe shortage of nurses, and to enable students to learn in the regions they live in, the North West Coast welcomed a new team of front-line healthcare professionals to the region, the first cohort to begin and finish their degree in the region in which they reside.

This offering was delivered following completion of the \$52 million co-designed West Park campus in Burnie. Which is enabling training and skill building to be provided in the areas of highest need.

“The School of Nursing introduced the full degree program to the region in 2020 to help increase access and opportunity for people on the North-West Coast to study and train locally.” Professor Christine Stirling, Head of the School of Nursing, said.

“The move also helped to build health workforce capacity at a local level, where our graduates will contribute to supporting local healthcare in the community across a range of sectors.”

3. Regionally focused research

Metropolitan areas and their issues receive significant research attention because they are the home of the large research-intensive institutions and their programs.

For regional communities to benefit from research, there is a need for specific programs because the narrower and more specific focus of regional work is often not competitive in large national research schemes. This can be easily accommodated within a long-term national research agenda that is coordinated, planned and deployed across all our regions.

Some recent examples of key regional issues in Tasmania include:

- Reducing the incidence of chronic disease in North-West Tasmania– In partnership with the Tasmanian Department of Health, industry partners such as local pharmacists, and the community, this research seeks to raise awareness to Tasmanians in the North-West of the breadth, severity, and prevalence of hypertension as a driver of chronic disease. Working together the partners will co-design prevention methods to create measurable impact in the short and long-term. Once delivered as a pilot in the North-West region, it is anticipated that this approach could be scaled across Tasmania and nationally;
- Retention of young people in schools – Bringing together educational attainment, sociological, and cultural and heritage perspectives, this research examines the unique local conditions affecting Tasmanian Grade 10 students who chose to leave school early. These findings emphasise how a localised form of social and cultural capital was associated with feelings of failure and anxiety about future learning, whereas a broader form of social and cultural capital was linked with more optimistic perceptions of being a self-directed learner. This work is then informing local teaching pedagogy to improve retention for that school; and
- Environmental sustainability of regional businesses – working across Burnie’s agribusiness, niche manufacturing and tourism sectors, this research considers the influencing factors to improved environmental practices to assist businesses to transition to environmentally sustainable practices and leverage competitive advantage through creating long-term value.

Recommendation:

The University of Tasmania proposes that the Accord Panel recommend to the Australian Government that it create a specific regional research grant scheme to provide regions with equitable access to funding to tackle issues and opportunities that are specific in their region and/or to regional Australia.

4. Reversing the talent drain

One of the most significant and largely undiscussed issues for regional Australia in a competitive higher education market is the draining of talent from regional Australia.

When the brightest and most able students are attracted to metropolitan universities and there is not equivalent flow to the regions, which currently there isn't, then regions are progressively drained of their most talented young people. For example, in 2018, 18% of Tasmanians enrolled in other universities, and this number has increased 8 percentage points over the past five years to 26% in 2021⁵⁹.

Regional universities have sought to provide scholarships to retain talented regional students or even attract talented students from beyond the regions, but they are regularly outbid by large metropolitan universities with far deeper pockets.

This is a major form of market failure, that needs correcting. We need a very strong regional excellence scholarship scheme for regionally based universities to use for any areas where they have demonstrated excellence e.g. Field of Research with Excellence of Research for Australia (ERA) ratings of 4 or 5 (or equivalence in ERA successor assessment).

This is increasingly evident with declining Higher Degree Research (HDR) candidate enrolments, particularly from domestic students, across the country and particularly in regions.

To ensure continual knowledge generation from research, the funding model needs to attract research capability for the nation and regions at the beginning of a research career – the HDR candidate. Currently, it is not financially attractive for a student to consider undertaking an HDR program, as the stipend is not sufficient to cover the cost of living. Talented individuals have increased choice for well paid jobs in the current market.

Further, it is not financially attractive for universities to enrol HDR candidates, as the funds of HDR completion are in the order of ~\$70,000 (high-cost PhD) and ~\$30,000 (low-cost PhD)⁶⁰ which is much lower than the cost of a PhD stipend over 3.5 years, which is well over \$100,000⁶¹. Current approaches around changing multipliers for different types of HDR completions are tweaking at the margins of a broken HDR funding model.

⁵⁹ HEIMS 2015-2021

⁶⁰ [Higher education support guidelines 2022](#)

⁶¹ University of Tasmania Finance database

In the absence of a transformed HDR funding model, universities will be very limited in producing the required future sovereign research capability needed for a knowledge-generating nation or will need to subsidise this function from other income streams.

Recommendation:

To support the increased productivity and growth in our regions, the University of Tasmania proposes that the Accord Panel recommend to the Australian Government that it:

- Create regional excellence scholarships to attract and retain talented students in regional areas of Australia; and
- Ensure research capability is continually replenished, via HDR candidates with an appropriate stipend funding mechanism that is attractive to both HDR candidates and the university sector.

How we can apply these three critical reforms to help meet Australia's adaptive challenges – a practical case study

Our Northern Transformation Project provides a practical case study for the ways in which universities can play a critical role in tackling inequality and improving productivity; lifting national adaptive capacity and competitiveness; and ensuring national cohesion and equity.

Between 2013 and 2018, the number of local student enrolments at the University's northern campuses fell at a rate of 4% per year in Launceston, and 6% per year in Burnie. At the same time, economic growth, labour market outcomes and productivity in Tasmania were all below the national average, and unemployment 0.7% higher than the national average in 2018⁶². The existing campuses were also nearing the end of their usable lives, were poorly located for students and staff, and constrained the university's ability to deliver the technology-enhanced learning environments that students need⁶³.

In 2016, the University, in partnership with local, State and Federal governments, conceived a plan to relocate its existing Launceston campus from suburban Newnham to inner city Inveresk, and its Burnie campus from suburban Mooreville Road to West Park next to the Burnie CBD. These regional partnerships led to a proposal to deliver vibrant, accessible and flexible campuses to attract more students, while also enabling the University to develop courses that better respond to existing skills shortages and the social, economic and technical needs of communities. The partners committed \$300 million aimed at improving educational attainment and maximising economic growth through strategic investments, development and land use.

The new campuses have been designed to:

- support the distinctive offerings in their region, the contemporary and distinctive modes of course delivery and our place-based sustainability focused brand identity;
- enhance access through improved locations close to CBDs, building design and programming all aimed to support increased higher education participation in Tasmania;
- deliver impact through the ability to engage with teaching and research partners and to accelerate commercialisation and new enterprise creation; and
- reduce our carbon footprint in low energy buildings with high utilisation.

In addition, these partnerships have been lifting national adaptive capacity, for example through upskilling in the building and engineering professions. These skills are being utilised in other construction projects in these regions, as well as embedding this knowledge into a new generation of builders with these skills through apprenticeship programs. This learning has also enabled the development of a new timber design specialisation being offered through our Master of Professional Engineering course.

⁶² ABS 2016

⁶³ https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/utas_project_evaluation_summary.pdf

The Northern Transformation Project has also built national cohesion by increasing the number of regional students participating in higher education, the number of courses developed and delivered to serve the region where those skills are needed; and through enhanced industry-led research.

The success of the campus transformations would not be possible without the continued commitment of the partnership across all levels of Government. Indeed, regional compacts of this type provide a unique opportunity to respond to the adaptive challenges we face.

Despite all that we are achieving through our new campus designs, without the critical reforms we propose throughout this submission we will continue to face challenges in meeting the needs for Tasmania and Australia. Indeed, many of our rural and regional students who live outside the CBD can still not afford to travel to and from our university campuses. Psychological stress and burden continues to grow for our staff and student cohorts, and we are still constrained in the extent to which we can redistribute funding to address these challenges.

We once again sincerely thank the Accord Panel for the opportunity to respond to the discussion paper for how we can reshape and reform Australia's Higher Education sector to better serve Australia and Australians.



Field Building, West Park, Burnie