

PUBLIC

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET ON WEDNESDAY,
7 DECEMBER 2022**

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

CHAIR (Mr Valentine) - Welcome to the University of Tasmania Inquiry into the act. We are waiting on a web link coming in from Sweden so we will wait a few minutes and see if we can organise that. We may move to another presentation if that presentation hasn't arrived.

To start the day, I acknowledge that we're meeting today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present, and we recognise them as the traditional and original owners and the continuing custodians of this land.

[Waiting for connection]

CHAIR - For those who may have tuned in, over the last few minutes we have been waiting for a web link to establish from Sweden for our next presentation. That is what the issue is.

At this point a decision has been made for the broadcast to stop. It will recommence at 9.55 a.m. when we have our next witness.

We will deal with the technical issues in the meantime.

I apologise for any inconvenience it may have caused.

Mr JAMES GUTHRIE was called and was examined.

CHAIR - Welcome, James, if I might call you that; over Webex. For those who may be listening in from other locations, the inquiry we are dealing with today is the Provisions of the University of Tasmania Act. I will introduce Legislative Council members of the inquiry. The honourable members are Nick Duigan; Sarah Lovell; Meg Webb; myself, Rob Valentine; and Mike Gaffney. We also have Jenny Mannering as secretary; Alison Scott in support; and Harrison from Hansard.

Thank you for being patient with us, we appreciate that. I am presuming that you have read the information for witnesses that was sent to you?

Mr GUTHRIE - Correct.

CHAIR - Thank you, and that talks about in-camera evidence if you are wanting at any point in time to share something. We do not have to swear you in because you are not within the State of Tasmania, so the parliamentary privilege aspect does not apply. However, I do wish to let you know that the evidence you present is being recorded and the *Hansard* version

PUBLIC

will be published on the committee's website when it becomes available if you want to review it at a later point.

At this point we give you the opportunity to make an opening statement and then members would be free to ask questions. Do you wish to make an opening statement?

Mr GUTHRIE - Yes, I have a short opening statement. Thank you for the opportunity to air my ideas on the Australian higher education system, but more specifically, the University of Tasmania. The reason I provided two submissions to the inquiry is that, in my first submission, I didn't have access to the 2021 annual report, which was made public quite late in the year; therefore, my second submission updates my financial analysis of 14 years to give us a bit of a view of what some of the revenues and incomes are of Tasmania. My qualifications and experiences are outlined in appendix to the submission number two. That is all I wish to say.

CHAIR - Submission number two?

Mr GUTHRIE - Yes.

CHAIR - Sorry, on our list, you are submission number three, are you saying you are the second submission?

Mr GUTHRIE - Sorry, my second submission.

CHAIR - Part two, thank you. I just wanted to clarify that. For those listening in, we are dealing with submission number three on the list of submissions on the parliamentary website. James, you don't wish to say anymore, and you are satisfied with that?

Mr GUTHRIE - I am quite happy to take questions now.

CHAIR - Thank you very much. Over to Meg.

Ms WEBB - Thank you. I will just dive straight in. Some of the things you raised in your submission are similar to points raised in other submissions, about increasing corporatisation in the higher education sector broadly, but also at UTAS; and how that balance in the governance end of things is achieved between a corporatisation approach versus having a more democratic and academic-focused involvement at a governance level.

Could you talk to us a little bit about how you see that being best achieved; noting that universities are facing fairly complex funding and business environments, and also have to juggle their public entity status, and making sure that they've got the involvement of the people who constitute the university itself. So, there needs to be a balance there. Can you talk about what you would see as an appropriate balance?

Mr GUTHRIE - That's a very good question. It's quite a difficult question to answer. I've published and researched on this for about 20 years. I have history papers and more contemporary papers. Corporatisation of the Australian higher education system started in about 1980 with the Dawkins reforms and various reforms since then.

PUBLIC

In the last decade this has become quite rampant, in the sense of the business model that's been adopted by most public universities in Australia. Corporatisation means that they run the universities like a business rather than a public institution; all the powers of the business - accrual accounting; being a strong leader; being a vice chancellor; being wedded to what I call 'free cashflow' which was the international students as the way to fund property and research - has been part of the model that's happened, and that in the last 10 years has accelerated.

We had COVID-19, of course. Most of the published research on COVID-19 showed that nearly every university wasn't financially affected in the terms of what they spoke about; but they used COVID-19 as a major reason to restructure, to delimit the number of staff and change the working conditions of staff - both professional and academic staff.

It's very hard to tell how many people lost work in the public universities, but we think about 40 000 to 50 000 people all across the system. We have a situation now where the Tasmanian University is no different from the other universities. I've worked at Sydney; I've worked at Macquarie; I've worked at UNSW - they're all in this corporatised mode. That has led to the issue you raise, which is the democratic decision-making within the university which has marginalised the academic and professional staff and where senior executive sort of run a 'command and control' way of thinking about managing or administrating a university. In that process, they've lost their way with regard to what the role of a university is, in terms of excellence and teaching and excellence in research.

Ms WEBB - Where are you pointing us in terms of the evidence of that? By implication, you're saying that it's a negative impact from that trajectory and where that's arrived from your assessment; so, what are the negative impacts then that we would be observing, say, at the University of Tasmania, as a result of those changes that have come about - that corporatisation?

Mr GUTHRIE - I state in my submission that the university, like most universities, has become a property development corporation and an investment corporation. What surprises me, when I look at the annual reports and look at the data, is the amount of investment and investment income that Tasmania has. From memory it has half a billion dollars in investment and generates about \$100 million in returns on that investment. You might ask yourself where does the money come from, to get half a billion dollars in investment? Well, they argue - I call it ring fencing - they ring fence this material from operations so it affects the profit and loss and what you see is financial viability.

Where did they get the half a billion dollars? Some of it would have been gifts, and I'm surprised - because when you look at the gifts and donations - we are only talking about millions in the last couple of years. The only other place that that money could come from is sale of property where they've used the funds to buy shares and other forms of investment, or it's come from surplus cash flow, and it's come from surplus cash flow from teaching. Because, at the end of the day, we know in Australia, research is not funded on full cost. Research is only ever funded on variable cost. The fixed cost being staff, buildings, all that sort of stuff, isn't funded. That money could have only come out of teaching and most probably - looking at the numbers for Tasmania - that's come out of international students, because international students actually pay significantly more than local students to do a course. The cost of teaching is minimal and that generates free cash flow and that free cash flow is then being used on their property development or putting money into their investments.

PUBLIC

Ms WEBB - In respect of that then, in terms of the flow-on impacts of that approach, what are you observing about the University of Tasmania?

Mr GUTHRIE - Well, the University of Tasmania: as I've put in the second submission a number of issues about the University of Tasmania -

Ms WEBB - I'm just trying to find my way through that to find -

Mr GUTHRIE - Firstly, the executive salaries are very high. They are in their clubs like most vice-chancellors.

The other thing I talk about is that with the University of Tasmania we can't really look at a profit and loss because that is business accounting. If you look at the profit and loss there are quite a number of expenses in there, such as depreciation, amortisation, which is nothing more than accounting constructs.

If we look at the University of Tasmania, it's interesting that they value their buildings and land at so-called 'fair market'. Fair market only came in after the global financial crisis. I would be surprised if most of the land and buildings up to recently - you've got the student accommodation which is all in done in a PPP and a bit funny on the side - but most of that would have been granted money from the State in land and from the Commonwealth in buildings. That process stopped in 2014 with the Abbott government budget where they withdrew the \$4 billion for infrastructure and the University of Tasmania would have been affected by that.

Recently, I note that the university has got some money for infrastructure from the Commonwealth and from the State for infrastructure building.

Ms WEBB - Presumably, that's partly the Launceston City Deal maybe?

CHAIR - Can you give us a quantum on that?

Mr GUTHRIE - I don't have it at my fingertips but I could explore that through my database and put in a number on infrastructure grants.

Ms WEBB - I'm trying to drill down a bit further into the criticism you're making here. The university has to function and it has to be viable. It has to provide the core business and the services and achieve its core aims. Around that it has to achieve a viability to that functioning.

I imagine that what we're seeing argued by others and the university itself is that these sorts of activities, in property and in managing the financial viability of the organisation, are necessary in this increasingly complex environment that the university finds itself in, and that it can do both. It can be delivering its core outcomes and also engaging in these activities. So, in playing devil's advocate, putting that out there, is it your contention that one is detracting from the other, or that it's not able to engage in its core activities and deliver its core functions alongside?

Mr GUTHRIE - Okay, that's a very good question. As we know, most people would argue that the universities at the present time are delivering on some of their core functions,

but it's the quality of those, I suppose, that I go to. If you look at the functions of the university, as set out in the act, the first two are to advance, transmit and preserve knowledge and learning, to encourage and undertake research, to promote sustained teaching and research to international standards of excellence.

So, you would have to look for evidence as to how the academic staff and professional staff think that those functions are being achieved at the university. Listening to some of your witnesses yesterday, and me talking with some of my colleagues, there would be a question mark over those activities in terms of the quality.

Ms WEBB - Thank you.

CHAIR - In relation to these questions that have been asked and the fact that quite a number of universities, you're saying, around Australia are following this corporatised model, is it really, fundamentally, something that needs to be addressed at a federal government level in terms of how universities are funded in general terms, so that universities aren't forced to be making more money out of their activities as they are at the moment, and therefore looking for innovative ways of being able to generate income? Do you have a comment on that for a start?

Mr GUTHRIE - That's a very good point. We have written to the minister asking for a royal commission into public universities. It's not a funding issue; that is, they don't get enough money. It's a question of how they spend the money and what they spend it on. So, it is a system-wide problem.

The University of Tasmania and the vice-chancellor are playing out what the system is doing, especially over the past 10 years. I know your inquiry is limited in reviewing the act, but I suggest that maybe a wider inquiry into the administration of the University of Tasmania might draw out some of these questions and explore some of the decision-making and especially around - I don't want to get involved in the debate about whether they should move to the CBD or anything, but just about the student accommodation. Most universities in Australia, when they were on the bandwagon of international students, got involved in PPPs - billions of dollars' worth - where the private provider comes in, provides the finance, in some cases the running on a 30-year lease and hands back the facility. It's good from a tax point of view, it's good from a finance point of view, but it mightn't be good from the university's point of view.

CHAIR - The university provides accommodation through a third party. Do you have any comment to make from an accounting perspective about how that happens and the university's charity status? Can you address your mind to that?

Mr GUTHRIE - That's a very good question. What we are finding is most of this material is all commercial-in-confidence. We can't get access to it. The only one that I've been able to do some work on was Wollongong University. At Wollongong University, the private provider fell over and because there were no international students coming, Wollongong had to pay \$169 million to the private provider in the contractual arrangements; and that wasn't reported in the accounts. I was able to write to the Auditor-General and the Auditor-General was able to pursue the matter, and the cost was actually put in the next year's accounts and adjusted.

PUBLIC

It's very difficult when you can't see under the lid, because you get an annual report that comes out 18 months or 20 months after 1 January when it starts; it is historical data; it is in a form that is accrued, so it doesn't help us much with funds or cash. The numbers in that, if you look at my appendix, the big number is 'other expenses'. A huge number, now. It's identifying what those other expenses are. The other big number in there was, of course, the revenue from investments and having half a billion dollars sitting there which could have been used to retain staff, improve the teaching quality and improve research outputs.

Ms LOVELL - Thank you, Professor Guthrie. I wondered if you might be able to comment for the committee on any examples in your experience of how other universities around Australia are delivering higher education offerings, across multiple regions, that address the training needs of those regions, but in a way that is sustainable and not comprising the quality of what they are offering?

CHAIR - That's a very good question. I've talked to Tyrone Carlin, Vice Chancellor of Southern Cross University. He was a PhD student of mine. He clearly says for the regional universities - and maybe we can classify Tasmania as a regional university - it's very difficult in their model to provide campuses across wide areas and to keep the quality of teaching going.

A lot of the regional universities got into trouble because they went to Melbourne, Sydney, and Brisbane and set up office blocks, and those office blocks were 99 per cent international students. In most cases, they sub-lease their name to a private provider to provide the courses. The only access over quality control was that someone at the university had to approve the course material that was taught and the exams. It's a really difficult question, in the sense of compared to the big universities like Monash, Melbourne, Sydney, Queensland, and UNSW, they don't bother to leave their campus. They don't need to because they are very solid, they are very financial, they have a very big operating activity and they still attract international students.

The regional universities were the ones that really got caught out. I haven't seen the numbers - I assume Tasmanian University, the international student numbers are right down.

Ms LOVELL - Thank you.

Ms WEBB - I want to come back to more of the core components relating to the act, because that sets the governance structures here, to get your thoughts on how to address some of the issues and the trajectories that you are talking about, at that fundamental statutory level in terms of composition and accountability - those decision-making bodies.

The executive, and the university council that is configured in the act, did you have thoughts on what was required or what would be ideal in terms of the composition of those governance and decision-making bodies that would balance out or work against the negatives that you are portraying, in terms of corporatisation and in terms of an approach?

Mr GUTHRIE - The first point is that it isn't negatives. What I'm trying to do is paint the picture that says where we are at this point in time, in public universities. At the end of the day, it's not about more funding: it's about council and democratic participation in the decision-making. At this point in time the executive seems to be, and in Tasmanian University's case too, running the power of decision-making.

PUBLIC

The power of decision-making is not within the governance structure, that being the council. I listened to the debates yesterday and I thought they were very interesting. I'm not quite sure how we get a balance in this and the academics saying they want a voice; because, at the present time, they feel like they are there as a - we call it commodification - they are there just to do something, not there to be a voice within the university, to help the university deliver on quality teaching and quality research.

In my submission, I do say one little thing is possible: get the annual report sorted it, get it timely delivered. I note in my submission that all the paperwork was done and auditors signed off on 28 February and the annual report didn't come out until the very last day, as per the act. That can be sorted out very quickly - three months after end-of-year, annual reports are made available.

Another one on accountability would be rather than just having an annual report, what should be provided is by 1 January, at the beginning of the year, a budgeted statement that would specifically address the functions of the university. It would be an output-like statement where it says, 'we are putting this much money in for quality teaching in the next 12 months, and this is what we hope to achieve'. That would then be a way that people can see how they are starting to think about their functions and what they hope to do in terms of outputs and outcomes and that would be an important document for accountability of the executive.

It would be very similar to - have you noticed in the recent federal budget, they have a wellbeing budget, a wellness budget, and that's what they specifically do in there. They say, these are the things we're targeting; this is how much money we're putting against it; this is what we hope to achieve. Something like that would help in the discourse and the discussion because other people could become involved in the allocation of resources and the sort of targets they're trying to achieve.

Ms WEBB - That is a really interesting idea. I can see the way that that would provide another avenue of accountability.

Who do you see that document being provided to? Or is it just something that's put into the public domain, say, by the executive or by the university council? Or is it something you think there's a formality to it that it should be provided to government or to a minister, to parliament?

Mr GUTHRIE - It should be put in the public domain and it should be given to the minister because the annual report is tabled by the minister. On the flipside, the credit and the debit would be the annual report so the debit would be the budget and what we propose to do and the credit would be the annual report which shows what they actually did.

Ms WEBB - Yes, so you'd have a backward-looking document that reports on what's happened and you'd have a forward-looking document that reports on what's intended and accountability can be applied to both.

Mr GUTHRIE - Exactly, and a forward-looking document would have built into it the strategies and the indicators and what they hope to achieve. It's nothing more than a budget so you're not held to it. It's just a way of expressing, as per the functions of the university, what they propose to do in the next 12 months.

PUBLIC

Ms WEBB - Is this something that you've seen elsewhere in any other universities or jurisdictions, or is it something that you're proposing as a fairly novel or new initiative?

Mr GUTHRIE - I wouldn't be surprised if they have an internal document like that because they have to have a budget. Remember, the university runs on a fund system internally, not on an accrual system. The accrual system is just for the annual report so internally they have a fund system and, presumably, the allocations within that budget are based on some sort of strategies and missions and functions and all of that.

Ms WEBB - Can I turn to another matter? You mentioned earlier, just briefly in passing, executive remuneration. It's something that's come up through a range of submissions so I am interested to hear a little bit more about your reflections on that.

It has been observed to the inquiry, through submissions, that executive remuneration at UTAS is relatively high and I'd like to understand your take on where we sit with that at UTAS. How has that come about and what are your observations in terms of benefits or disbenefits to that situation?

Mr GUTHRIE - I've been on about this for a couple of years. My understanding is that it has come about because they benchmark themselves against other universities. But it's a bit of a catch 22 because if you benchmark yourself against someone who's paid \$1 million, what should I receive? It's not just the vice-chancellor, it's senior administration.

I wrote about this recently because we had access to some freedom of information and that was for the top 50 salaries at a number of universities that we were able to get access to, and they were all over \$400 000. So, a professor, gets about \$200 000 and the rest of them go backwards from there. How can I put it? The evidence indicates that there is quite a cadre of senior executives getting high salaries. In all my statements on this, what I do is compare it to the premier's, or prime minister's salary and just show how different it is. At the end of the day, these universities are public universities and their pay and conditions should be like a public sector entity.

CHAIR - Can I just pick up a supplementary on that observation and then go back to Meg's questioning. Clearly within the state system, heads of department quite often are paid more than the minister who oversees it, as far as I'm aware. Do you see the same sort of situation here? Like -

Mr GUTHRIE - Hello? We've got problems, sorry.

CHAIR - Sorry, you can't hear?

Mr GUTHRIE - I had a tree change and I live in the country and the national broadband is not great.

CHAIR - Okay, would you like me to repeat the question?

Mr GUTHRIE - Yes please.

CHAIR - Okay, sorry about that. I was saying that within State Service system, heads of department quite often are paid more than the minister who oversees them. I think I'm

PUBLIC

correct in saying that. Do you see that as a similar situation here, that the head of the university is paid significant dollars to continue to see the organisation function, as opposed to those who may oversee it?

Mr GUTHRIE - All I can say on this matter is that there's one vice-chancellor in Australia at ANU and he only takes \$600 000. He makes the statement that that's all he is worth and that's all he needs. We've got plenty of evidence that we, in this country and in Tasmania, pay over the odds for our vice-chancellors, when compared to, say, the UK. There they have a fixed rate. There's none of this -

Ms WEBB - Can I ask who fixes that rate in the UK?

Mr GUTHRIE - They have a body. I'm making notes here. I'll write a little thing, with the body and the fixed rate and I've got to do something about infrastructure grants.

Ms WEBB - Certainly what I'm interested in and as the member for Hobart, the Chair said, it's interesting to think about the vice-chancellor role and the executive roles that sit around are analogous to. I wouldn't necessarily be inclined to peg them to political salaries either, but potentially the question is, would you think of them as being similar to public sector salaries, which is heads of department? As the Chair said, they're often paid more than the premier anyway. Or is it more like a private sector situation to peg salaries at a market rate in the private sector? What would be most relevant to peg it to a public sector approach, or a private sector approach, or is it something different altogether?

Mr GUTHRIE - I think it's got to be a public sector approach and I think the idea of linking it to heads of departments, because, let's face it, vice-chancellors don't take the job for the million dollar pay packet. Or, in the case of Melbourne University, \$1.5 million. They take the job because they want to be a vice-chancellor and lead an institution and the deputies around them, they're all there because they want to do the best for the institution, not to line their pockets with money.

The example would be the Vice-Chancellor at Sydney University, Dr Spence. I think he was on \$1.7 [million]. He went to Oxford University to run Oxford University, and he was on about A\$700 000 there. He didn't go for the money. He went for the prestige, of course.

It's a difficult one, but it keeps coming up all the time now - the executive team and their salaries. That's why I benchmark it against a professor's salary. A professor is supposed to be the senior person in the university leading teaching and research, and they're on about \$200 000, so it's a big difference

Ms WEBB - Are the salaries within each of these institutions set individually in those institutions - say, for professors and others further down the academic chain?

Mr GUTHRIE - This is a good question. That is set in the awards. On top of that, your professional staff - your CEO and CFO - would be paid a significant amount of money. Some professors are what we call 'high-performing', and they may be paid a bonus. For instance, in my case, at one stage I was getting a 70 per cent bonus per year, which was superannuable - so that was worth something like double - 100 per cent of - my professor's salary. There are not a lot of high-performing professors, so not a lot of that goes on.

PUBLIC

Ms WEBB - My observation would be that this is coming up in discussion in this sector - and in the context of this inquiry and other discussions of the sector - partly because of a contrast with what is happening in terms of human resources and staffing more generally, as you mentioned in your submission, around casualisation rates. Is this really only an issue because of the contrast that people can point to in the way that executive salary and conditions and situations contrast with higher or increasing casualisation among other parts of the workforce?

Mr GUTHRIE - The only reason we can point to high salaries is that it is required, under state acts, to disclose what they call 'bands'. We can point to it, we can collect the data from the annual report, then we can make a little story on it.

In terms of casualisation, I make the point in the submission that the way the universities count people is - I don't think I use the word 'unethical', but I think it's not very good. When they count people, you have two ways. You have head count: the number of people you employ at a point in time. The way they count them is with equivalent full-time staff. As far as we can work out, equivalent full-time staff would be casuals - and there is no document in Australia that I've been able to access over the last three years in working out how they do that calculation. I think it's most probably six casuals or eight casuals to every equivalent full-time staff. That's how we get two. The union, I think, uses six in their calculation.

We've got no idea how it's done internally in an organisation, and this data is reported. That's why I say - did I say that 1700 people lost their work at Tassie?

Ms WEBB - Sixteen hundred.

Mr GUTHRIE - Yes. So, how I calculate that is I go to the Charity's Commission report, where they are required to put the head count, and I look at the head count there. In the annual report, they just report equivalent full-time staff. I try to work out - and there are timing issues with this too, in terms of when they calculate their staffing - and then I come up with a number.

So, what happened in Victoria last year - and see, I have to be careful here - what I observed was that they decided to count their staff a different way. They counted their staff in the last two weeks of December. Now, guess what? Your casuals finished in November, so your casuals never got counted. That was a little trick they did up there.

It is a very difficult thing, accounting for employees. It is kept very quiet and it is something that I have concerns about, because I know that they know the number of people they employ in the year. They just have to look at their payroll system. It is not very hard.

Melbourne University has just, after five years, reported that there were 30 000 casuals affected by the lack of full pay. They would have known way back then how many casuals they had, and how the HR department was treating the casuals.

That is an issue for me. I write about this quite a bit, because I am trying to understand how many people lost their jobs because of COVID. It is not because of COVID - it is because of the COVID excuse.

CHAIR - Unfortunately, we are out of time and we are creeping into the break. Thank you for taking the time to come before us. There are other questions that I think we could be

PUBLIC

asking. You mentioned things like performance management, and how casualisation might impact. Thank you for your presentation and your submissions. They are significant submissions and obviously a lot of thought has gone into those.

That is all I have to say. We have not sworn you in, so I do not have to talk to you about parliamentary privilege.

Mr GUTHRIE - Thank you very much, and good luck with your inquiry.

THE WITNESS WITHDREW.

The Committee suspended from 10.43 a.m. to 11.00 a.m.

PUBLIC

CHAIR - Welcome to Professor Stuart McLean. For those who are listening in today, the submission we are about to hear is from Emeritus Professor Stuart McLean and it is submission number 14.

Prof. McLEAN - Hello. Can you hear me?

CHAIR - Hello, Prof. McLean. Are you able to hear us, Prof. McLean?

May I suggest, Prof. McLean, that you turn off your video and we go with just the sound because that will make it less of a problem for the NBN?

[Broadcast paused]

CHAIR - Thank you, and thank you for joining us, Prof. McLean. We realise that you're unwell and have to come in by telephone and we thank you for taking the time to do that.

I will introduce members of the inquiry who are here with me today. We have Nick Duigan; Sarah Lovell; Meg Webb; myself, Rob Valentine; and Mike Gaffney. We have the secretariat staff, Jenny Mannering and Allison Scott; and we have Harrison from Hansard.

I just need to have you take the statutory declaration please.

Prof. McLEAN - Are you getting an echo?

CHAIR - We are; and that's why I think we probably need to stop your computer and take you on telephone. I think that's the only way we're going to get rid of that.

Prof. McLEAN - Okay, I've done that now.

CHAIR - That's better.

EMERITUS PROFESSOR STUART McLEAN WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

CHAIR - Are you able to turn your telephone up at all, Stuart, if I might refer to you as that?

Prof. McLEAN - Yes, sure. I've my speaker turned up, but I don't know how to turn yours up.

CHAIR - That is okay, we will go with what we have. We are working this end to try to improve it.

I want to confirm that our hearings today are in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992. It is important to note that all evidence at this hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. We did forward a copy of the information for witnesses; did you receive that and have you read that?

PUBLIC

Prof. McLEAN - Yes, received and read.

CHAIR - Thank you. The evidence you present is being recorded, and the *Hansard* version will be published on the committee website when it becomes available. We will give you the opportunity now to make an opening statement which we appreciate as a lead-in. We're not looking for extensive lead-ins, just to introduce what it is you wish to present to us and then members will ask questions. Do you wish to make an opening statement?

Prof. McLEAN - I do, thank you.

CHAIR - Thank you, over to you.

Prof. McLEAN - The question is, does the University Act ensure a good governance of the University of Tasmania? Let's look at what's happening. Relocation is the biggest change since the 1950s and 1960s. They are broadening a compelling argument to justify that. University management has chosen advertisements to achieve this. They've actually failed to explain it, as shown by the opposition to it by a majority of academics, staff, and residents. I should note that academics themselves, when applying for funding for research grants, must produce documents of much higher quality with reasoned, evidence-based arguments than the advertisements we have seen from the university, which were, frankly, embarrassing.

The relocation itself is a misnomer; it's actually associated with a huge change in teaching. There will be fewer lecture theatres and laboratories available, therefore fewer lectures and practical classes. So, it is a huge change in methods of teaching, which has been imposed on academic activity. This goes to integrity and academic control of teaching.

To keep it brief, the council, of course, deals with general directions and takes decisions on major projects. The university then has management that deals, traditionally, with finance and infrastructure and so forth, and is intended to support academic activities, education, and learning and research, and student services, et cetera. That's the business of the university - academic activities.

What we've been seeing in recent times is the growth in the management level, and they're taking more of a role in directing academic activities as we've seen with the relocation. Also, as an example, an edict came around recently that books were to be removed from shelves in offices - books removed from academic offices. The university has certain values which look commendable, but are they adhered to?

Number five is 'to question and reflect; to challenge ourselves and each other; to lead by example; to act with integrity'. I think it's doubtful that these are being well adhered to. So, just to sum up, the council consists of 13 members, only one of whom is an academic. The University of Oxford, on the other hand, has 26 members, 22 of whom are academics. So, you might say our council lacks a deep understanding of the university's purpose and functions. The act says that:

.... requires the council to best advance the interest of the university.

However, you see in the ads for the relocation, the arguments are superficial and extraneous and not really related to academic activities. My recommendation, then, is for changes to the University Council. The majority should be drawn from the academic

PUBLIC

community and there should be more diversity, in respect to the disciplines involved, reflective of the university itself, which has such a wide range of activities. Thank you very much.

CHAIR - Thank you for that brief overview. You mentioned the statement of values, for instance, near the bottom of your submission. You draw an example from the University of Cambridge and how succinct that is. Correct me if I'm wrong, but you appear to be saying that the statement of values is not really focused enough. Over the page, you talk about the University of Tasmania Act gives a clear and comprehensive list of the functions of the university. Do you see that list, in the act, as being sufficient? Do you feel that more needs to be added to it? That less needs to be there? Or, is it right the way it is? Could you address that small issue?

Prof. McLEAN - Yes, I thought it was quite good. I haven't looked at it in a few months now, but my recollection is it looked good. It was succinct, to the point; and there's no point endlessly going on about it. It really is only a few words and the more words you put in after that just confuses the issue.

CHAIR - So, you're saying 'keep it simple'?

Prof. McLEAN - Essentially.

CHAIR - You talk further on that you are quite astonished that the university should rely on advertisements to explain itself, rather than the advancement of its own reasons and evidence-based arguments when it comes to the move. How do you see that they might have best disseminated those sorts of arguments to the community? Do you see some other way that they might have been able to do that?

Prof. McLEAN - Well, they might have started the university activities, the core activities - teaching, learning, scholarship, research, et cetera; and just explained how they're going to be better off with the relocation. That would be a start.

CHAIR - You mean publicly via advertisements, or are you talking about some other forum that they might have used?

Prof. McLEAN - They should have started with their own staff, the academic staff. There were some talks given by the vice-chancellor, but they were pretty superficial. When you get down to the detail of it, how it will affect - it's academic, it's kind of in a fairly narrow area, [inaudible] her own bubbles, that's one problem I suppose; but in general, you do better in an academic discipline by focusing down on something. You're kind of blinkered about other things. That has disadvantages as well and it's important that we learn how to link across to other disciplines.

But what happens, if you get a new sort of a vision statement, with new buildings, fit-for-purpose in the city and leaving behind old buildings which are no longer fit-for-purpose and can't be fixed up - that's fine. But then, you come down to it: what sort of teaching spaces will be available if there won't be anything like the same number of lecture theatres available? That has a huge impact on teaching. I used to give approximately one lecture a day when I was teaching, and I would do a prac class every week. If the space is unavailable you can't do that. So, it makes a big change for your teaching operations. That wasn't even discussed. In fact, it

PUBLIC

was concealed because the vision statement speaks of brand new, fit-for-purpose buildings but that's not been the case.

CHAIR - Thank you for that. With respect to other aspects of your submission, on page 2 you make a statement:

In the pursuit of ever-increasing income from fees as well as investments and property sales, Australian universities have shifted to a commercial corporate model of governance with the pursuit of profit as the overarching objective.

Are you aware of other universities that are embarking on the selling up of significant land to be able to achieve what they see as their goals?

Prof. McLEAN - I'm not, no. That's from my reading and I've cited the references for that in my article. I thought that it was relevant to the committee's considerations and so I brought that in just to show that the University of Tasmania is not unique in the country. All universities are having to cope in their own way with the kind of challenges of changing circumstances.

Regarding fee-paying students, it's slot money. It can be turned off by COVID-19 as you saw. It can be turned off by their foreign government turning off the students. So it can be easily done. Really, that sort of money you would think you would put away in some sort of sovereign wealth fund as investment rather than using it for running costs which seems to be what's happened.

CHAIR - Continuing that particular statement in the middle of your submission, you talk about the fact that 40 000 university jobs were lost despite record profits from most universities. Would a different model have produced a significantly different result given the impact of COVID-19 at that time?

Prof. McLEAN - A different model would have been prioritising equality of university activities rather than looking at the financial bottom line. That would have been to protect the body of staff at the university as much as possible because without the academic staff there is no university. Those who run the business rely on them for the quality of the business and typically it's a long-range project. Most academics, once they get a permanent job, stay there. Arguably, and in most cases, they get better over time and that's an asset that matures with the university. To retrench people when you don't actually have to do it, because you have the money to keep them on, seems to be not thinking about the best outcome for the university in terms of its academic activities which is the business of the university.

CHAIR - Playing devil's advocate, some might say that the flexibility of the corporatised model may have kept them afloat during that very difficult time. Do you have any comment on that?

Prof. McLEAN - Well, obviously you can't ignore the income because that's required. It seems there wasn't much [inaudible] for getting rid of staff. They just did it because they could and swelled the coffers, so clearly, you've got to look at both. You've got to think about your financial future as well, but that's not the main game. It's essential but it's not what you're there for.

PUBLIC

CHAIR - Turning our minds to that, the make-up of the council, what do you see as the ideal make-up of the university council?

Prof. McLEAN - It probably should be a bit larger, but especially, it should be more diverse. At present there is only one member who is drawn from the academic staff. There are other appointments and academics are precluded from being appointed. I think it should have a majority of people with an academic background who are current academics on the council and with the diversity to reflect the huge range of activities of a modern university, like UTAS.

It is not the traditional standard art subjects, it goes well beyond that to performing arts and so forth. That sort of diversity should somehow be reflected in the council membership but also council members, most of them, should have experience of working in the business end of the university, academic activities. It is not the same as being a student and getting your baccalaureate; that does not give you experience of the full range of academic activities. You would need to actually be working in the environment to get that.

CHAIR - Thank you for that. I will pass to Ms Webb, who has a question for you.

Ms WEBB - To follow up from that same area on the composition of the council. We have heard through submissions and even some evidence yesterday that when there was a higher proportion of academics on the council itself, the propensity, potentially, is that they are there to represent the interests of the groups that they are representing from their schools or from their colleges, or wherever it might be, and they are not taking an overarching governance view. That was put to us that the reduction over time of academics elected to be on the council occurred so that the group could be a governance group focused on the big picture, the strategic direction of the university and the decisions at that level. It would not be able to make decisions with the sway of academics who would be more focused in progressing their particular disciplines or their particular areas of interest. What is your response to that sort of argument for the reduction of representative academics on the council?

Prof. McLEAN - You have gone from having people who are passionate advocates for their area to people who know nothing about the business of a university. That is not a step forward. What they could have done, instead, is expand the membership so you get more different voices that comes from diversity on the university council.

It is like democracy. It is not perhaps the most efficient thing, but in the end, you get the best outcomes you would generally think by having the contest of ideas. Most academics who prioritise their discipline over everything else are selfish but they should be open to reasoned argument. If there is enough diversity there, then you will not get dominance by some of the louder voices or stronger discipline. What is the alternative? The present situation, I think, is clearly a failure. I would say that is because there is not enough knowledge of the academic business of the university on the council.

Sure, if you get a few voices and they cannot agree, that is not very satisfactory either. Oxford struggles along with 22 members out of 26 who are drawn from the academic community. They manage. It is the best university in the world, probably. Which matters in the culture.

PUBLIC

Ms WEBB - Picking up on a comment from your response just then, you said the current situation is clearly a failure. What are you pointing to when you make that comment? How are we to assess the current situation as being a failure, in your view?

Prof. McLEAN - For several years we have been trying to persuade the academic workforce and the residents of Hobart of the merits of relocating the campus, which is a big project. They have failed to do that, clearly. They lost the vote in the council election and as far as we can gauge it, the academics of the university have remained opposed to it as well. The reason is, we haven't had a clear, reasoned argument that is well articulated.

The advertisements are an insult. That's not what you expect from a university. They shouldn't have to employ advertising agencies to sell their product. It just shows that the mindset is all wrong. It is not what you want from a university, and they should start with their own staff. If they can't persuade their staff of it, then really, is it such a good idea?

CHAIR - Thank you very much. I will pass to Mike Gaffney, who has a question.

Mr GAFFNEY - Thank you, Professor McLean. My question relates to a sentence on page 3, where you have written:

Ultimately, the reputation of the university depends on its academic standards.

Prior to that statement, you said:

... Oxford University, possibly the world's best ...

I am wondering, is there a way of measuring, or a template for measuring, academic standards so that we can that make assessment? If so, are all universities measured against that standard? Are you aware of where UTAS was placed, and where it is now placed, if we think there is a decline in those academic standards? I am interested in that statement and how that is measured.

Prof. McLEAN - It is a really good question. It's really hard to answer. Let me just say that recently I was asked by *The Times Educational Supplement* in London to contribute to their ranking of the top 100 universities in the world. I have no idea about that, so I declined, but presumably a number of people go into it, so what value would there be in that? Hardly anything, I think. Everyone's going to pick the famous universities - Oxford, Harvard, et cetera - but after that, who knows?

Universities are not homogenous. You might have a university that has astounding success or a standing in a particular discipline, but is very ordinary in other areas. A lot of it probably comes down to how they promote themselves, and the reputation as well from their achievements.

The Australian National University has a Nobel Laureate as their vice-chancellor, and that's quite something; you'd think that must be good. The University of Sydney has lots of brownstone and people like that because it's traditional, and has a lot of money, too, compared to us. You'd think that would be good, but it doesn't mean that all their teaching is of a higher standard. It doesn't necessarily mean that.

PUBLIC

On the other hand, if the university has a reputation for graduates who are not particularly competent, then word would soon get around that these people aren't much good, so the university itself is not much good. That would be the inevitable outcome if you were to lower standards to keep the admissions up, and lower the standards of exams so more people pass. In the end, you're cutting your own throat, because word would get around. What is a university degree worth when you see the products, which are the graduates.

CHAIR - Professor McLean, if I can please interrupt - the audio is not the best. Is there a chance of putting your phone on loud speaker to see if that makes a difference?

Prof. McLEAN - I can turn my own volume up.

CHAIR - Just speak clearly into the microphone. Hansard has to record it, so we're trying to get it as clearly as possible. Thank you.

Mr GAFFNEY - Thank you, professor. My only other question is that, being aware of the university system in the United States, a lot of the comment is about the tenure and stability of the staff within the university and what they have to offer. Have you any comment on the turnover of staff here at UTAS, or would you like to make comment about that, and what impact that may or may not be having on the university's reputation?

Prof. McLEAN - I can't really make a good comment on current activities. From my own experience, I started off with a one-year lectureship contract at another university, and then I had the chance to come here on a three-year contract. I took that, because one year isn't long enough to establish yourself, and if you get rolling one-year contracts, it's very hard to develop your career then, because you tend to get a lot of teaching jobs, but you are expected to develop your research activities. It takes at least a year to get started on research in most disciplines, and then you are applying for your own job again. That's very unstable.

Traditionally, the idea would be a starting lecturer would have, say, a three-year contract, and in that time you're meant to establish yourself as a good teacher and starting research. If that doesn't work out, then the contract is not renewed. If it does work out, then you get more permanency. So an ongoing position was the idea. Does that sort of answer your question?

Mr GAFFNEY - Thank you, professor, that's really good.

CHAIR - Thank you, professor. It seems there are no further question. Thank you for presenting to us, even though you are unwell. We do wish you a speedy recovery.

Before you go, I remind you that it is important to note that all of the evidence taken at this hearing has been protected by parliamentary privilege. I remind you that any comments you make to the media or others outside this room, even if you are to repeat what you said here, will not be protected.

Prof. McLEAN - Thank you very much. Thank you for hearing me.

CHAIR - It's a pleasure, thank you.

Broadcast suspended until 11.55 a.m.

PUBLIC

CHAIR - Welcome to Emeritus Distinguished Professor, Jeff Malpas. For those listening in, it is submission #97 on the parliamentary website for this inquiry. The members of the inquiry here today, Professor Malpas, to my right we have Nick Duigan; Sarah Lovell; Meg Webb; and myself, Rob Valentine. We also have our secretariat, Jenny Mannering and Allison Scott in support, and Harrison from Hansard.

I ask you to make the statutory declaration please.

EMERITUS DISTINGUISHED PROFESSOR JEFFREY EDWARD MALPAS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. It is important to note that all the evidence that this hearing has today is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses has been made available to you. Have you had the chance to read that?

Prof. MALPAS - Yes, I have.

CHAIR - Okay, and in relation to in-camera evidence and the like, if it ever comes to that point, the evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. The way we will conduct today's hearing is you'll be given an opportunity to make some opening statements and remarks, brief opening statements and remarks if possible, so there's more time for questions; and then members will then move to ask questions of you, about your submission and other matters that they may wish to explore. Do you wish to make an opening statement?

Prof. MALPAS - Thank you very much. I'd like to thank the committee for allowing me to be here today.

I really just want to go over a couple of central points. At the very heart of my submission is the notion that the University Act contains an account of what a university is - its nature and functions - and that's absolutely central to what the act is about. That idea is one that I think has widespread acceptance across the Tasmanian and Australian communities. It's an idea that's part of the ethos of academic life and work. It's consistent with the nature of scientific work, and it's also an idea that's actually called upon by the university's own management in many of its own statements. It is an idea that is embedded into the *Magna Charta Universitatum* to which the university is a signatory. So, it is not in any way a controversial idea. It's a really fundamental one.

My submission essentially focuses on two central points. The specification of the nature of the university, its aims, its functions, its character that is foundational to the act is not consistent, or at least, is an account of the university that is not carried through in the act in its entirety. The governance structure that set out in the act is currently inconsistent with that foundational idea. That is the first point.

Secondly, the operation of the university is not consistent with that foundational idea, or at least the operation of the university's management. I think it's very important we distinguish between the university and its management because, as statutorily defined, the university is not identical with its management.

PUBLIC

These issues and the issues related to this, it seems to me, play out in lots of different ways. The thing that most concerned me over recent years has been clear evidence that I have seen of the university's attempt to stifle dissent and critique among its staff and even to bully staff into accepting redundancy agreements. But these are not the only issues at stake here. In fact, there are very many of them, and it seems to me that what we see now is an institution that is failing. It is failing because of a poor management structure, a poor governance structure, and a leadership that is essentially divorced from reality; divorced from the character of academic life; that has little regard for the ideals of what a university should be that are enshrined to in the act; and also has little respect for its academic staff, its students, or the wider Tasmanian community that it serves.

For me, it's not just the Sandy Bay campus that needs saving, it's not just the CBD that needs saving. It's the university itself. For me, that's what makes this review so important.

The university is not, as the premier has sometimes claimed, a private organisation. It is, in fact, a public institution accountable to the parliament. It is also a vital institution for Tasmania. My claim is that the University of Tasmania deserves better than its current management is giving it and better, I would also argue, than the current act provides for. I'm looking forward to your questions.

CHAIR - Thank you very much. We will commence with Sarah, who is to lead off with questions.

Ms LOVELL - Thank you, Professor Malpas. In your submission, you outlined in detail the makeup of the university council and inconsistencies with the act, but in particular, increasing the academic representation on the council. I wondered if you had any comment for the committee about where you might have seen an increase in numbers in academics on university councils and decision-making bodies, and how that impacts on transparency around decision-making?

Prof. MALPAS - The loss of academic representation on councils is pretty much universal across Australia. It's not necessarily common elsewhere. In Europe for instance, academics are still the ones who make the primary decisions, they are still the ones who occupy the governing bodies of institutions; even in the UK, that's also the case.

So, what difference does it make to have academics involved? I've seen universities that had a higher proportion of academics on their governing bodies because I have been in universities now for- and I am trying to think when my first academic job was, it was in 1981 I think, as a junior lecturer at the University of Auckland. My experience predates the so-called Dawkins reforms of the mid-to-late 1980s. In those days, universities were a very different place. It is because they were run by academics. The vice-chancellor was always an academic - a genuine academic, someone engaged in real teaching and research. The majority of the governing bodies were academics. That meant the whole tenor, the whole culture of the institution was different.

It meant that transparency was a real thing as well, because you had to argue for things, you had to present things to the academic community as a group - primarily to the professoriate because it was the professoriate that was generally the group that was most involved in those sorts of governance arrangements.

My own experience of greater transparency is based on my experience of universities prior to the sorts of changes that, in the University of Tasmania, didn't really occur until after much later than the 1992 act; more into the 2000s with the amendments that occurred later. There was much more open debate within the institution. Whether there was more knowledge outside of the institution is another matter, because I think very often people, parliaments for instance, have not always been terribly involved in, for instance, looking closely at annual reports and other things. Perhaps they should have been.

Certainly, the internal culture is very different when you have a predominance of academics in the governing bodies, not just the council, but also when you have genuine academics dominating senate as they ought to. In the case of the University of Tasmania, the professorial board was the primary governing body for a very long time. That was made up of the professoriate. So, I think it makes a huge difference. The culture is different. The amount of information is different. The decision-making is different.

Ms LOVELL - On page 17 of your submission, you talk about the lack of accountability in the act.

Prof. MALPAS - Yes.

Ms LOVELL - I will just flick to that:

The lack of accountability in the university's current structure and mode of operation itself reflects the lack of adequate accountability provision in the act as it now stands.

I was curious as to whether you had a view about what would be adequate in terms of accountability provisions in an act?

Prof. MALPAS - I would like to see - accountability, I think, is going to be enhanced when we have a greater diversity of representation, when we have academics and students better represented on governing bodies. But I also think you need a more diverse structure. One of the tendencies at the university, and this is true across Australian universities because it really follows from the sort of corporatisation of those institutions, is that a single body has come to be the one that has all the power and the decision-making role. It has always been important in the past that power was distributed somewhat within the university. So, the council was the ultimate body, but senate, or the professorial board, also had considerable power. And so, these bodies, to some extent, played off against one another so you get a more dispersed decision-making model.

Now, I am very much in favour of dispersed decision-making, because I think it improves accountability, but it also diminishes the likelihood of bad decisions, partly because you just have more opinions. The problem with a place like the University of Tasmania is that in the end, one person is making, or two people probably, maybe three, are making the decisions: the vice-chancellor, the COO and, to some extent, the provost. They get it wrong and you have real problems. The likelihood they will get it wrong is actually very large because they're pretty removed from the everyday operation.

Accountability is partly a matter of getting greater diversity, because you get better decision-making, but you also get more people involved in the decision-making process so

PUBLIC

more people can question. There is more opportunity for critique, for dissent. I think dissent is vital in organisations. I would like to see - and I say some of this in my submission - senate, for instance, given a properly-constituted role in the act rather than being subject to ordinance[?]. I would like to see the powers of senate better defined and the constitution of senate better defined. I would like to see changes to the constitution of council. I would also like to see more oversight, though obviously this has to be dealt with carefully by parliament. I don't think it is enough for the annual report to simply go to parliament, much-delayed as it is, and then simply going through as a matter of course.

We also need better structures around the positions of vice-chancellor and chancellor. In the past, the chancellor and council have supposed to be to operate as a certain sort of braking mechanism, if you like, on the vice-chancellor and some of the internal mechanisms. That no longer happens. The view that prevails on council is that the council's role is to support the VC. Now, that is a complete misunderstanding of the role of council. We have the sight of the chancellor appearing on television to spruik the university management's plans for the city move. Again, that's inappropriate. The chancellor really needs to adopt a much more neutral role.

So, we need changes to the specified roles of chancellor. We need changes to the composition of council. We need changes to the way in which senate is constituted.

I would also argue we need changes internally to the way in which heads of school, deans, and so on, the roles that they have. I would really like to see the re-institution of the older decision-making bodies that used to operate at faculty level, in particular. We used to have faculty boards composed of academics. They dealt with decisions about examinations and marking, but they also dealt with a whole host of other things to do with the administration of degrees and the operation of the structure internally of the faculties. All that's gone.

We have lost a diversified structure of governance that's not only operating across the university, but also within the schools and faculties. In my view, the governance structure has fallen into complete decay as a result of a centralisation, a centralised approach, that concentrates effectively all power in the vice-chancellor and that's a sure-fire recipe for disaster.

Ms LOVELL - Just going back to something you said at the beginning of that answer, is it your view that if there was better representation of students and academics on those decision-making bodies that some of that increased accountability would happen almost organically as a result of having that broader representation?

Prof. MALPAS - When I think about organisational structure and organisational welfare, I divide it into three things: structural, cultural and behavioural. The behavioural is the behaviours inculcated in individuals. The structural is the structures of the organisation, the bodies that govern it, and also much of its documentation. The cultural is always difficult to define, but it's the hardest to get right. What we tend to think is that if we get the structural and the behavioural stuff right, we'll get everything right, so we change the structures, or we get rid of the people. They are important but on their own they won't achieve everything. The culture is really important.

I would say, yes, you do need to get the right people onto these governing bodies and you need a more diverse governance structure, but you also need to get the culture right. If you

PUBLIC

don't get the culture right, then people are too readily intimidated, they are too easily bullied, they too easily fall into the trap of simply doing what they think people want them to do. The culture has to be one that's based in the cultivation of what I've elsewhere called the culture of limited dissent. You have to encourage people to ask questions. You have to encourage people to take independent views. You have to encourage people to use the powers that they have to make sure that information gets out and decisions are better. So, there is a lot of work to do on culture.

In the end that's the role of people like vice-chancellors and chancellors to make sure that those sorts of values regarding dissent and the importance of questioning and participation are prevalent throughout the organisation. We need a lot more work than just changing who's on our bodies. We also need to rebuild an academic culture.

We used to have that culture, we've lost it. It won't just happen organically. It will happen if you're also rebuilding the values of the institution. I would argue those values are really the values that have always been part of a genuinely collegial structure of the sort that universities had in the past, but that takes work. It's not going to happen overnight and it's often quite fragile so it needs sustenance and support.

Ms LOVELL - Thank you. I've got some questions on a different topic but I wonder if anyone else might have a follow-up?

Ms WEBB - On some matters that have just been discussed?

Ms LOVELL - Yes, just before we move onto something else.

Ms WEBB - I'm interested to delve a little bit more into what you've just described as that centralisation of power and decision-making into the VC, the COO, and the provost, and the fact as you've described it, the council essentially being a support body to that decision-making core that is in the executive. Where has the tipping point been to that coming about in your view? Why is it the council - as currently configured - has become that in your view?

Prof. MALPAS - You've got to remember that a lot of the changes we are seeing are not peculiar to the university but are a consequence of changes that have been developing over the last 30 years. The University of Tasmania though, was fairly late to a lot of these changes. When I arrived at this institution in 1999, it still looked like the sort of institutions that I'd grown up in, as it were. It still had many of its old academic structures. We still had faculty boards. We had an academic dean as well as an executive dean. We still had properly functioning schools. As head of school, I controlled my own budget. I made my own decisions about the dispersal of monies within my budget. I didn't have control over appointments, but I had a fair amount of discretional funding. That made all sorts of differences.

By about 10 years after I arrived - by about 2009-10 - things were already starting to change and they had changed a little bit under Daryl Le Grew. But it was still the case that as a professor I could intervene in processes. I still had the capacity to directly engage with the vice-chancellor and the DVC if there was a problem. I remember on one occasion the Dean and I were talking about an issue. We were very unhappy about things and the Dean suggested ringing the DVC. I rang the DVC. I put the problem to them; we sorted it out there and then. No head could do that now. I could ring the vice-chancellor and get a meeting with the vice-chancellor within a few days. No head of school could do that now.

PUBLIC

The changes really began for me under Peter Rathjen. Peter, in many ways, was a better vice-chancellor than Rufus, because he was much more committed to a set of academic values. He had other shortcomings, but it was Peter who really pushed for a centralisation of control. I discussed this with Peter. I remember him saying at one meeting that, when he arrived at the University of Tasmania, the university was an old-fashioned institution that had too many different people making decisions and it needed to be modernised. He needed authority and control in his hands. I have had similar discussions with David Clarke in the past. Not recently, because we have not talked much recently.

I think it was really under Peter that changes started to become much more radical and extreme. I think that was true across a number of institutions. I do not think it was peculiar to Peter, but it was certainly under Peter that it happened here.

Rufus has taken that to an even more extreme level. You can see in terms of the amendments to the act - the 2013 amendment and so on. These amendments have very often been focused on the composition of council. Peter was very concerned about the composition of council.

I would argue that it was under Peter Rathjen, with respect to some of those more recent amendments - and then particularly under Rufus, who has really tried to bring in what I think of as McKinsey-like model into the university. It has happened gradually, but you can identify certain points at which it has occurred.

If you went back and compared the amendments to the 1992 Act, you would see how the changes have occurred - particularly in relation to council. Also, if you look at the changes in ordinances within the institution, you will see changes to the ordinances around the senate, and around the heads of school positions, and around the creation of the colleges - which has been a really important element to this, because it has added to centralisation, the amalgamation of the previous schools into the large schools. Philosophy no longer exists as part of Humanities. These changes have all occurred in probably the last 10 to 13 years when Rufus Black and Peter Rathjen have been vice-chancellors.

Ms WEBB - What I believe would be put forward - and certainly what we have heard through submissions and even some evidence already in hearings - is that this process has been a purposeful one to adapt the university to contemporary governance models, to meet the challenges of a modern university, in terms of delivering its core mission and being viable financially. That would be the line of argument for the trajectory. There would be those that we have heard from who claim it is entirely appropriate and effective to have gone down that path.

How do you respond to that claim - that the university council, as it has been changed over time to a more corporate governance model - with the outside largely populated by external-to-the-university folk, and then the academic senate internally advising on academic matters - is the right model for a modern university?

Prof. MALPAS - Look at the results. They are the best indication of whether or not this has been the right path to follow. We now have a university that is in crisis. I do not think anybody who looks at this genuinely will not recognise that we have an institution in crisis.

PUBLIC

We have been talking about a crisis in higher education ever since the Dawkins reforms began. They are one reason we've had a system in crisis. I work in organisational ethics, organisational governance; I look at the whole issue of public administration. The universal view, academically, amongst those who work in this sector, is that over the last 30 to 40 years, with the rise of new public management, 'value for money' and all the other corporatised approaches to public institutions - of which universities are one example, but not the only example - what we have seen has not been improved service delivery.

What we have not seen is more effective use of money. What we have seen is not a better education system, a better health system, a better defence system - but a worsening across all of these areas.

Ms WEBB - Point us to some metrics, some specifics, for how we would assess the trajectory of the university across this time.

Prof. MALPUS - You would expect improvement in terms of, let's say, scientific outcomes. It's very clear that the evidence is that we're actually getting reduced scientific outcomes. We're producing poorer-quality papers. We're producing fewer innovations. That's true for the University of Tasmania; it's true for universities across Australia.

There are metrics that say we're doing better, if you look at them quantitatively. Those metrics are not supported by any qualitative analysis, or by any qualitative outcomes.

Again, I can point you to academic volumes and articles that talk about this. It's a well-recognised phenomenon, so that's one thing.

We're seeing hugely reduced morale among academic staff members. We're seeing academics leaving the profession. We're seeing academics no longer able to produce the sort of stuff that they were producing before. For me, what's really important are the academic outcomes - and they're going down.

We're seeing also, I think, a loss of confidence and trust in our universities. I note in my submission the results of one poll that talks about the decline of public trust in universities. I think that's another interesting indication.

I would argue, though, that this is not just peculiar to universities. The corporate so-called 'business model', that I think is poorly understood and poorly defined, has been beneficial for only one group, and that's managers and consultants who have benefited enormously from this. But the real outcomes for our universities? The educational outcomes are not better. The scientific outcomes are not better.

We face a skills crisis today that can't be solely tied back to our higher education system, but partly it certainly is - so we have no good outcomes at all.

Ms WEBB - It is an interesting time. I am mindful others will have questions, but if I may have one more?

We're talking about UTAS. There are going to be many people in the state - through evidence we have received, and from UTAS statements - who will point to success and effective operating and good outcomes that are being delivered by UTAS. Your assertion of a

PUBLIC

'crisis' is potentially a subjective one. What I'm looking for you to more tangibly point us to are metrics for us to assess that, and to understand how we are to interpret -

Prof. MALPUS - Have a look at publications. Have a look at the university's own figures on publication.

The university's results for grant income and publication haven't been too bad up until now. The publication levels are certainly falling off. Look at the number of academy members within the university, particularly in an area like humanities. Look at the h-indices for the academic staff. An h-index is a measure of academic impact. It is the number of publications you have, set against the number of citations that each publication has. If someone has an h-index of 3, that means they have three publications that are cited at least three times. You might have an h-index of 30: that means 30 publications with a citation rate, each of them, for at least 30. The average rate for most scientific publications is around one or two.

At UTAS we're seeing a reduction in the quality of the academics. I would argue that fewer and fewer people have lower and lower h-indices, and those indices vary across disciplines as well. We have fewer publications. We are probably seeing a reduction in the level of grants - though that's not affected yet, I think, because it takes a while for some of these things to go through the system.

If you look at the sorts of people who are occupying professorial positions, fewer and fewer of those people have significant qualifications or international reputations, and that's what really matters.

If you look at the number of PhD students in departments - which is a good indication of international reputation, and the quality of an institution seen externally - in many of the disciplines in humanities there are almost none. When I was head of philosophy we had 40 masters and PhD students. I suspect we may have one or two in philosophy, if that. That's a really devastating criticism of an institution. We are seeing students who are actively looking at the mainland rather than Tasmania.

I am a fellow at Jane Franklin. I talk regularly to students there, and many of them are seeing the University of Tasmania as a first-stop shop in terms of gaining entry to university, but only for first year. They are looking to get results that will get them a place somewhere else. The university is becoming a second-rate institution, a doorway for students who might find it difficult to get in otherwise, but they're not going to stay here.

Look at the enrolment levels. Look at enrolments from international students. Look at how the university is performing in rankings. Rankings are problematic. Rufus Black does not particularly - he thinks rankings are irrelevant, but they tell you something about academic standing. The University of Tasmania is doing less and less well in those sorts of rankings. Who assesses those rankings? People like me: academics do. We give our opinions on what quality we think universities present and the University of Tasmania is now looking like a third, or fourth rate institution internationally.

Ms WEBB - Somebody else can have a go.

CHAIR - I am aware that Sarah - as an aside from Sarah's continuing questioning, it's in relation to this serving of the community. That is something that the university is there to do,

PUBLIC

to serve the community. Obviously, there is a desire to see more students coming from Tasmania to increase that. You mention it being a doorway for students who would not get in otherwise.

Do we have this tension that we've got the university that used to be very academically focused but is now becoming more, in its corporatisation, amorphous, if you like, in its standing, with less standing in the general university communities across Australia in an effort to be able to attract local students? Are we making it something less than what it ought to be, or should be?

Prof. MALPAS - No, not in an effort to attract local students because the one thing that attracts students is a high-quality institution. Diminish the university's reputation, diminish the quality of the academics and you will attract fewer local, mainland and overseas students.

There is certainly a rhetoric that the university uses about chasing domestic Tasmanian enrolments. I think that's confused, but it is a rhetoric that's been around for a long time. It's a rhetoric that comes from the observation that Tasmania has a relatively low rate of higher education participation. In Tasmania, I think there's a bigger issue here about how well the system of higher education we have is actually serving the state. I think a big mistake was to shift to a unified system with the university doing everything from the more diversified system we had. If it were me, I would like to go back to a more diversified system in which we have a strong TAFE system, we have some of the old colleges that we used to have, because the university cannot do everything. When it tries to do everything, it does nothing very well.

It's certainly true that part of the problem has been that in terms of the way the university has been positioning itself is that it's been trying to operate in a way that's inconsistent with strong academic reputation, but I don't think this has been well worked out internally.

CHAIR - Are you suggesting it's creeping into areas that say TAFE would have traditionally been in -

Prof. MALPAS - The university is seeing itself as a competitor to TAFE and it should not be. We need a more diversified system. You need to think what post-tertiary education in Tasmania should be like.

CHAIR - So, do some of those boundaries need to be in the act?

Prof. MALPAS - Possibly, yes. One of the problems for universities in both Australia and the UK over the last 30 years has been the abolition of the distinctions between different sorts of institutions. That's had all sorts of implications. It's led, for instance, to the PhD becoming a much-devalued degree, because essentially, it's not operating in the way it was before, as a research degree. So, yes, some of that probably should be in the act. We need a clearer focus on what the university should be as opposed to other sorts of higher education institutions.

CHAIR - I pose that; I'm not saying it should be, but I'm just posing the question.

Prof. MALPAS - I think it probably should, but then we would need to rethink what a properly diversified and appropriate system would be in Tasmania, because we don't have that at the moment.

CHAIR - Okay, I'm going to hand back to Sarah now, to give her the opportunity to complete her question.

Ms LOVELL - Well, it is actually related to the questions you were asking then. I wondered if you had any comment, or any view on the student cohort and how that might have changed, and whether there are any implications on that in terms of the facilities that need to be offered in the way teaching is offered?

Prof. MALPAS - One of the things that you will hear is that our universities are not what they were; students are in a very different position now than they were; most of them are working, and so on, so forth. There are a whole lot of issues tangled up in that. It is certainly true that university campuses are now very different. They were pretty dead even before they became even more dead under COVID-19. The reason they have become dead, and one of the reasons - and this is seldom discussed, but I think it should be discussed - is tied up with the increasing fees burden that students bear.

If you look at universities in Germany, Sweden, Norway, Finland, one of the characteristic features that changes the culture of the institution is free entry. If it were up to me, I would make two changes to the Australian system of higher education: I would abolish HECs, I would make entry free, and there are well-established ways of funding the system without HECs. We do not need HECs to fund the system, and I would return decision-making to academics, which is what we were talking about before.

Changing the fee structure is really important because what people need at university is the freedom to study, not the need to study and hold down a job at the same time. That means changing our conception of what higher education is, so it is a public good, rather than simply a private good. That is fundamental and if we do not go back and rethink that, then we are missing something fundamental. It is no good saying, 'Oh, but things have changed'. We changed things, they did not just change as a function of laws of nature. We changed things and we have to ask whether that is appropriate.

There is certainly an issue regarding the fee burden that students have and notice too, that that fee burden is not always equitable because the changes that were brought in a couple of years ago - which our current vice-chancellor supported - imposed a very hefty burden on humanity students for instance. So, there are all sorts of issues there.

One of the things that is also not discussed or paid attention to has been the shift on the part of university management to target younger students and to actively discourage older students. Our universities are now guilty of age discrimination across the board. They discriminate amongst their staff on the basis of age, they discriminate amongst their students on the basis of age. It is very hard for a mature age student to get into a PhD or master's program, let alone be able to actually get through that program.

Ms LOVELL - Is that something that is consistent across the country? Is that a pattern?

Prof. MALPAS - To some extent it has happened across the country. In UTAS it has been particularly noticeable because 15 years ago, for mature age students, life-long learning was a really important part of what we did. We had a much more active involvement in things like adult education. We are doing a disservice to the Tasmanian community by not doing that

PUBLIC

and we are not enabling the resources of the community as well, because older people are interested and often need university education as much as younger people. We are not catering to those people any more because our focus is on what we think is the quick buck that we get from high volume numbers coming through in our large courses.

If you are going to have mature age students, you also have to change the focus in terms of the size of courses, because it means you have to be willing to maintain smaller courses in areas like languages. Languages are a really good example because there is enormous dissatisfaction amongst language students in the University of Tasmania because the university essentially does not teach languages any more. Instead, it lets Macquarie University or an institution on the mainland do that. That is not optimal for language learning and it is not appropriate for the students, as they themselves see.

There are a whole lot of issues around that question, which we probably do not have time to go into, but I emphasise that we should not simply assume that the way things are now is the way they have to be. The way things are now is the result of decisions that we and the Government have made. Whether those decisions are the right decisions is a really important question.

Mr DUIGAN - Thank you. You talk about decisions the Government has made and, typically, it is the federal government that has made those decisions that have led universities to go where they have gone in Australia. The federal government has committed to the university as a core, looking at the delivery of higher education in Australia. A lot of this stuff, notwithstanding the makeup of the university council, you are talking about here today presumably lives in the realm of the federal framework?

Prof. MALPAS - Yes, but it's complicated. I say in this my submission: the changes that occurred in the 1980s under a Labor Government, and the changes that have occurred since at the federal level, have played an enormous part in effectively destroying Australian higher education. When I say that, I am expressing a view that is pretty much universal across the academic sector. This is what most academics think. It's not what university managers or consultants think. They have a different view; but then, they also have a different sort of interest.

The role of the federal government has been very important. But what was never really come to grips with under Dawkins is the fact that universities remain state institutions. They have always been state institutions. It is one thing to say yes, the federal government has had a role; but it's another thing to ignore the responsibilities that state governments still have. Universities are state institutions. They are constituted under state legislation. State governments are not impotent in terms of being able to have input to federal government decisions either.

I would like to see the Tasmanian parliament take its responsibility for the institution that is the only institution of this sort in the state, and start to take seriously the question as to what sort of university we need and want. I don't think we've done that. I think the precedent that was set under Dawkins, in which we effectively ignore the state character of institutions, establish a unified national system - which operates through federal regulation and some federal legislation, but is completely separate from the university acts - needs to be revisited and considered, because the university acts are what constitute the institutions. They specify their nature. Dawkins at no point took issue directly with the specification of the nature of the

universities in the act. He just ignored it, and tried to re-establish universities using federal mechanisms in a very different fashion, as very different sorts of institutions. That, in a way, has been the whole problem. The sort of pointy end of that is what you get in a place in a place like the University of Tasmania. But it remains a state institution. It remains the responsibility of the state parliament.

We could do something different in Tasmania. The problem is, we've never been brave enough to do that. And we've had a succession of vice-chancellors who have looked to try to model the University of Tasmania on whatever they thought was the latest thing on the mainland, and whatever they thought the minister in Canberra wanted. So we have constant changes, we have fragmented governance, we have poor decision-making, and we have an institution that has lost its direction.

Although you will have plenty of people who will talk about modern models of governance and so on, you really do have to look at the concrete outcomes, and you really do have to look at, who is making those claims. Is it the managers and consultants? Or is it really backed up by the concrete, both empirical evidence, the metrics as you call them, but also by the sorts of values that those models instantiate? And that mustn't be left out of account. The question of the values of an institution is central to the sort of institution we have; and again, those values, that orientation for an institution, is something that the state parliament, can have a direct input into.

So, yes, federal government policy is important, but it's not the only thing that matters here.

Mr DUIGAN - Presumably you don't want too much of an influence of the state parliament into the university.

Prof. MALPAS - The premier is correct insofar as universities need to be autonomous.

Mr DUIGAN - Just on your comment that he said it was private, I think he did clarify that statement to some extent.

Prof. MALPAS - Partly as a result of several letters that we sent, he did start talking about it slightly differently. But it's worrying that he talked about it in that way to begin with. Where did he get the idea that it was a private organisation? Because it's not. There are only two private universities: there's Bond University and there's Notre Dame. Australian universities are public institutions. That should be clear from the very start. For a premier to say that, even if it is a statement he walks away from, is worrying.

Mr DUIGAN - Clarify -

Ms WEBB - I don't know that it was corrected on the record either, to be clear. The statement was made in parliament, and I am not sure that he has corrected it on the parliamentary record.

Prof. MALPAS - I'm hopeful that the premier will engage more with these issues, so I don't want to be critical there. It was unfortunate that he said that, and it created a false impression. It just does feed into the sort of rhetoric that we find coming out of the vice-chancellor's office and from the sort of statements its COO has tended to make.

PUBLIC

CHAIR - I'm sorry, but we're going to have to call it there, because we've run out of time. Thank you to the members for all the questions. I'm sure that there are many more that we could have asked, and that's something for us to think about. Just before you go, I want to reiterate as I said at the beginning, that all of the evidence taken at this hearing is protected by parliamentary privilege and I remind you that any comments you make to the media or others outside of this room - even if you were to repeat what you've said here - will not be protected.

Thank you for coming and presenting to us and for your comprehensive submission.

Prof. MAPLAS - Thank you very much.

THE WITNESS WITHDREW.

The Committee suspended at 12.40 p.m.

PUBLIC

The Committee resumed at 1.49 p.m.

CHAIR - We have via telephone Professor James Kirkpatrick, who is submission number 19 on the list of submissions on the parliamentary webpage.

Professor Kirkpatrick, we have the members of the inquiry here. I will name them, as you are unable to see us. We have Mike Gaffney; myself, Rob Valentine; Meg Webb; Sarah Lovell; and Nick Duigan. You have been sent a statutory declaration. Are you able to make that statutory declaration, please?

PROFESSOR JAMES KIRKPATRICK AM WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED VIA WEBEX.

CHAIR - Thank you very much. I would firstly like to thank you for attending the hearing. Apologies again for the difficulties that we have had.

Our hearing today, just for confirmation, is in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992. It is important to note that all evidence taken at the hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. You have had a copy of the information for witnesses emailed to you, I believe?

Prof. KIRKPATRICK - Yes, I have read it twice.

CHAIR - Thank you. So, you are well aware of the opportunities for in camera, should we get to that point. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available. Your opportunity here is to make an opening statement, and then for members to ask questions of you in relation to that or other matters. Do you wish to make an opening statement?

Prof. KIRKPATRICK - Yes. I will make a very brief opening statement, because my submission is in some detail, and it won't be appropriate to work through it in that detail.

My statement is that the university is defined under the act as 'its staff, students and alumni'. Successive changes to the act have reduced the members on council that represent these major groups. For the last six years, I have been on university council as the sole elected academic, apart from the chair of the academic senate.

So, the decisions made by members that are essentially appointed by the council itself have tended - as a result of the movement of the composition of the council away from representing its members to some degree - to result in what seem to be a few bad decisions - or decisions that have not been accepted by either the populace in general and the members of the university. The move to the city and the move away from face-to-face lectures have both been received rather badly by the public, and the university has lost a lot of its social licence as a result of these things.

I would argue that if the university council was restored to its past situation of representing alumni, students and staff at a reasonable level, then these decisions would not have been made in those sorts of circumstances.

PUBLIC

My submission actually suggests specific changes to the act that would mitigate the chances of bad decisions being made in relation to the university and its members in the future.

In a way it is 'back to the future', but it is a detailed plan - one detailed plan - for the way in which this could be done, and the actual changes to the act that would be needed, which are very minor - as they were, indeed, to remove the influence of members within the university in the past. Thank you.

CHAIR - Thank you very much for your opening statement, and for its brevity. So, you have been on council with a number of vice-chancellors. You mentioned Don McNicol and Daryl Le Grew and the like. When you look at the earlier experience that you had, what is fundamentally the difference? Is it the exercise of power that is coming from individuals in particular? How do you describe that difference? You say here in your submission that the executive didn't always get its way, and the academic senate and a strong majority of the academics who were teaching were undertaking research rather than administering.

What is fundamentally the problem? Is it the way the council is run? Is it the fact that you previously had different levels of expertise from a wider area of the university, if I can put it that way? It doesn't always necessarily mean that it would make a significant difference to go back to that.

Can you give us your experience with respect to how it was run and why it would necessarily change if you were to change some of the membership?

Prof. KIRKPATRICK - On any board - and the university council is apparently regarded as a board by the Australian Taxation Office - there is a danger of group-think. If you only have a very small minority of people who are reflecting the experience at the coalface - where you actually do the teaching and research in the university - on the governing body, then the group-think can drift with the executive preference.

My experience in my earlier years on the council was that there was quite a bit of resistance and a lot more argument than has been my experience in the latter years of the council, because the executive has really strong influence on what goes on, and the non-university members tend to have to rely on the executive for information in relation to teaching and research - the core functions. They tend to trust them; they haven't got any other choice. The people on the council are very nice and very dedicated, there's no problem with that. It's just that the level of knowledge that would allow reasonable discussion of the problems attached to any proposal is just not there.

CHAIR - Is it the lines of control within the broader university structure - department heads, VC, et cetera, going down - that are the issue? Even though you might have a broader representation, you still might have subordinate individuals who are there and afraid to speak out, because they feel it might have a detrimental effect on their career or something?

Prof. KIRKPATRICK - I see what you are getting at, but I've worked in the university for a bit over 50 years now. In the first half of my career, the decisions came up largely from below. Sometimes there would be a little bit of decision-making from above, and then it was a two-way process. Now it's very much a top-down process, which has been partly reversed by the present vice-chancellor at the moment. It's a situation where the commands come from above, and don't necessarily suit the needs of the individual departments that get the commands,

PUBLIC

because they're coming from a centralised source. That mightn't happen if you had a good representation of academics and students and alumni on the council. The tendency to do that might be removed.

I think it's a governance problem, and the governance problem has resulted in a problem of top-down direction in an institution that's really not suited to top-down direction.

CHAIR - Thanks for that. I've got other areas I could go to, but I'll hand to Meg Webb.

Ms WEBB - Hi there, professor. I'm going to expand on that same line of questioning a little. What we are given to understand through submissions made, and comments UTAS would make in its submission, is that the governance requirements for a contemporary university - given the complexity of its operations, and the environment it is operating in - required a different skill set on the governing body, the council, which is now being given effect through the changes to the act over time, where you've removed some of that representation of the academic side of the university. They would say that that was appropriate and necessary to achieve the right sort of modern governance. Did you have a response to those sorts of arguments put forward that what's happened is to position the university to be more functional and viable in a modern environment?

Prof. KIRKPATRICK - My response to that is that the skill set that we need on a university council, university board is available within the staff of the university. If, as the council has done in the past, you earmark the sort of skills that we need in various areas - legal, financial, commercial and whatever - a lot of those can be very readily provided through elected members from the academic staff who would also know how the institution works, as well as having the skills to be able to provide that overall management for it.

Ms WEBB - Thank you.

CHAIR - Going to one other part of your submission, you make some suggestions, or recommendations, I guess you would say, as to revising certain parts of the act. You mentioned adding an (h) and an (i) to clause 6. Do you want to expand a little bit on why you see that as really essential at the act level, as opposed to perhaps introducing it in some other way into the university's structure?

Prof. KIRKPATRICK - I don't think there's a necessity for - I think the basic governance problem is a lack of responsiveness to the members of the university [inaudible]. If we were a company, shareholders could hold us to account. The shareholders don't have influence. So, the other suggestions were just to reinforce the idea that the university needs to reflect the opinions of its members, not the opinions of its executive. The executive should be helping the university interact with the rest of the world rather than imposing any sort of vision on the university as a whole.

CHAIR - You do mention though, for instance, adding in:

To engage in activities that promote the ecological sustainability of the university and broader community and to promote participatory democracy in the university and wider community.

PUBLIC

You touched a bit on the participatory democracy, I suppose. Are you just simply wanting to make sure that ecological sustainability becomes a 'thing,' rather than something that's less mainstream?

Prof. KIRKPATRICK - Yes, I suggest that it goes in. That's one of the great triumphs of the present university: its record in sustainability and improving sustainability and it's a really good thing. It would be nice to be reflected in the act, but it's not vital.

CHAIR - Further down you go to how you would see the council being made up and you talk about, six members of the academic staff, including at least one palawa. That's an interesting observation that you make there, or revision. Do you want to expand on that? It says:

No more than three persons of any gender identity, and up to two people who provide pre-defined expertise.

I'm just wondering with that palawa person, are you expecting that that position be elected by palawa academics, or is that something that hasn't been considered at this point, or it would be the broader body that elects that individual?

Prof. KIRKPATRICK - I was expecting that that would be the case, yes.

CHAIR - What, that the broader body elect them?

Prof. KIRKPATRICK AM - No, no, the palawa academics elect them.

CHAIR - Fair enough, thank you. Then you go on to say 'and up to two people who provide predefined expertise'. Presumably, until you have the others elected, it is very difficult or could be difficult, to be able to decide what other expertise you need.

Prof. KIRKPATRICK - That is right. You could have staggered elections to deal with that.

CHAIR - That was your intent, was it?

Prof. KIRKPATRICK - Yes.

CHAIR - Thank you for that.

Ms WEBB - I wanted to move on to ask you another question, in terms of your experiences. You are the only elected academic member there on the council presently. I am keen to understand how the council, as it is configured now, with primarily people who are not intrinsically working in the university - either as academics or otherwise - how the council understands what the sentiment is and what the culture is within the university and is able at that governance level, to make an assessment of its health or otherwise?

I am asking this because, on the one hand, through some submissions, we would be given to understand that things are rosy at the university and there are successful outcomes occurring and that important progress is being made. Then through other submissions we are given to understand that the university is in crisis. I am interested to know how would council members

PUBLIC

be in a position to understand and assess this? How do they receive information about those internal culture matters?

Prof. KIRKPATRICK - Just recently there has been a cultural survey of the university as a whole, which had a very high response rate. That was nine years since the last one.

Ms WEBB - Is that an unusually long time? Would there have been more regular surveys of that kind?

Prof. KIRKPATRICK - Yes, there would but the previous vice-chancellor did not like the results of the last survey that was done and it was just stuck in a drawer somewhere and never released.

Ms WEBB - Right, so we have had a recent one?

Prof. KIRKPATRICK - We have had a recent one that shines a lot of light on the way that people feel in the university.

Ms WEBB - Is that provided directly to the council members?

Prof. KIRKPATRICK - That is provided directly to the council with the results of it and any interpretation which is provided to the council have been released to all members of the university.

Ms WEBB - Right.

Prof. KIRKPATRICK - Yes. There is a disjunction between the people who work and the people doing research and teaching and the people who are at the top, a very strong one in the results.

Ms WEBB - Those results have shown that there might be something of a dichotomy in terms of the experiences of the people within the university at the moment?

Prof. KIRKPATRICK - Yes, that is right. It is good that we have this and it enables actions to be taken to improve things. I think they will be taken.

Ms WEBB - Apart from that culture survey that has just occurred, the first one in nine years, from what you describe, apart from that in a more ongoing way, how does the council understand what is going on at a more coalface level within the university? Not in order to interfere with it, just to be informed as the governance body.

Prof. KIRKPATRICK - There is excellent reporting to the council of all aspects of the university, from the financial to changes in courses and so forth. For a council meeting you might read 400 or 500 pages of material but there is not much interaction between the council and the people who are actually doing the teaching and research. It is all curated on the way through.

Ms WEBB - Right, so the material provided does not provide that sort of representation you feel would be provided by members on the council?

Prof. KIRKPATRICK - No, it does not. There is such a mass of material, it all has to be digested and worked with and it's all important but that feeling of how things are actually going hasn't been translated through from the bottom to the top; not while I've been on council in the last six years, anyway, until very recently.

CHAIR - It's Rob again, Prof. Kirkpatrick. In relation to statements you've made on the third page of your submission, where you're talking about the revised terms and conditions:

... subject to which a person is appointed to the office of vice-chancellor are as determined by council, except that the remuneration package cannot exceed that of a minister of the Crown responsible for education in the Tasmanian Government.

We had an earlier submission where we talked about this. I was thinking about the public service as we know it at the moment. Heads of departments are, as far as I'm aware, paid quite a degree more than the minister who may oversee them or oversee that department, due to their specific area of expertise. They're there to advise ministers.

Wouldn't the same apply to a VC? Have you considered other scenarios?

Prof. KIRKPATRICK - I've considered a wide range of scenarios. The situation at the moment in Australia is that VCs have average salaries and add-ons of about \$1 million a year which, I believe, is much higher than anywhere else in the world, comparatively. It reinforces a corporation-type of model for a university. A university is a wide collection of people with a universe of knowledge. It is not appropriate to be run like a company; it just doesn't work that way. I think it's part of the problem. You'll probably get other submissions that suggest something similar. It wouldn't really worry me whether it was pegged to the minister or to the head of public service or whatever; but it just needs to be pegged in some way.

CHAIR - Or twice the salary of a university position that you would think of - are you suggesting something like that?

Prof. KIRKPATRICK - Yes, it just needs to be pegged as well below the million dollar level. Doing a comparison between that and something else that's commensurate might be the way to go.

CHAIR - Thank you for that.

Further down in your submission, you talk about the basic problem with the executive-controlled model of university governance is that it promotes behaviour that deviates from the best interests for the university. As I read it, this basically promotes turnover where staff are less dedicated to the gain of the institution. Is that what you're saying, rather than their own career?

Prof. KIRKPATRICK - Yes, because most of the upper level executives have, in the past, been appointed on five-year contracts. The university world in Australia is relatively smaller than New Zealand and other English-speaking countries, so they have to make their reputation by doing something for the institution that they're at because they can't be certain of staying on at that institution. That doesn't necessarily work for the benefit of the institution they're in. We've had examples - for instance, our previous vice-chancellor and the Deputy

PUBLIC

Vice-Chancellor Teaching and the previous executive initiated a new way of delivering teaching that only lasted two years. It was so unfit for purpose that the particular executives involved all went on to better jobs elsewhere.

CHAIR - Hence a turnover in staff.

Prof. KIRKPATRICK - Yes.

CHAIR - It is interesting you mention that in your submission about the many thousands of new northern Tasmanian students being promised in exchange for Government money for buildings, and you're saying that those students haven't eventuated.

Prof. KIRKPATRICK - No. The university is in a terrible situation at the moment, because the government doesn't provide any money for the buildings, for the infrastructure. There's not enough money that is paid for students, to cover infrastructure needs. So, it's not surprising that they work the politics of things - and, very effectively, in the case of northern Tasmania. In the case of southern Tasmania, it didn't work, because of the political situation down here.

CHAIR - That brings me to think about the earlier days of the university, and my own experience there. The previous setup, and the way council was run too, doesn't necessarily mean that you don't get strong-minded characters. There is that opportunity for things to get skewed.

Prof. KIRKPATRICK - Oh yes, it was definitely a lesser opportunity. But it was still there, yes.

CHAIR - Any other questions?

Ms WEBB - It's Meg Webb here again, professor. I wanted to move to a different matter and ask you for some responses in relation to academic freedom and free speech policies. We know that in some other universities interstate, like Melbourne University or Monash, they have some sort of explicit protections of academic freedom in their acts. Ours doesn't, but UTAS has an academic freedom and free speech policy which makes some pretty forthright statements about protection and promotion of academic freedom and the rights of scholars. I noted in the UTAS submission, it says 'the appropriate exercise of academic freedom and freedom of speech will not constitute misconduct'.

We've heard mixed views on the veracity of that, and the current situation in the university. Can you reflect on the adequacy of protection and promotion of academic free speech or academic freedoms and free speech at the university?

Prof. KIRKPATRICK - My impression is that the policy is really clear, and does provide academic freedom under the policy. But, of course, policies can be changed. Some of my colleagues are reluctant to speak up, start anything, because of the top-down nature of university, the way the university's working, a very top-down nature over the last few years to a decade. Even though the policy is good, there's still a bit of a feeling of fear amongst some academics.

Ms WEBB - One of the things that's been commented on in media earlier this year and in some submissions made to us here is the use of tools -such as, non-disclosure agreements or non-disparagement clauses - and whether that's becoming more widespread within the university and built into employment contracts. Is that something you're able to shed any light on?

Prof. KIRKPATRICK - Not really, because how would I know? Not from personal experience or from anything else, really. I don't know whether that's an increasing tendency or a decreasing tendency. I do know that that does occur. But I don't know what the tendency and that is.

Ms WEBB - To turn to another topic, you mention the academic senate in your submission. I'm interested in the configuration and the functionality of the academic senate as it is now, given that that's pointed to as the opportunity for academics to be able to be involved in and provide input into decision-making, provide advice, provide some oversight or regulatory sort of functions.

In your view of the governance sort of mix with council, on the one hand, and then academic senate fulfilling its roles, is there improvement to be made there or things that need to be considered around the functioning of the academic senate?

Prof. KIRKPATRICK - Very much so. The academic senate, they have the majority of people as head of school and upwards. Most heads of school spend most of their time administering because we have very large schools now. In fact, the majority of people on the academic senate are in upper-level management positions, and the minority are elected from the academics, so it is not really giving an academic perspective on the courses and the teaching and learning programs and so forth. It is a perspective that is dominated by the people who are managing the university, rather than those who are creating the knowledge and disseminating the knowledge.

Ms WEBB - Can I ask you for a bit more on that? At the present time, people are on the academic senate by virtue of their position. Is one of the things you are suggesting that there be a more democratic approach to positions on the academic senate - that they be elected from amongst the academic staff, rather than just on the senate by virtue of a position they hold?

Prof. KIRKPATRICK - Well, a proportion of the senate at the moment is elected in that way. I am just suggesting that it should be put in the act that the majority of people on the academic senate should be. I think there is a place to have practicality brought up in the academic senate, but it should not be a situation where the managers have the majority of votes on the senate.

Ms WEBB - I see. Thank you.

CHAIR - Just to wrap up, and to make sure we're on the same page here, I think there's a small typo in your submission. You mentioned a revision of B(1)(i) and B(1)(j). I am assuming you mean section 8(1)(i) and 8(1)(j), 8(1)(f). That is just a typo, I think?

Prof. KIRKPATRICK - Yes. I think so.

PUBLIC

CHAIR - That's fine. You talk about another revision - a minimum of one student elected by the students. I am assuming you are saying that election is from the student body as a whole, not particularly a union or otherwise?

Prof. KIRKPATRICK - Yes, from the student body as whole. At the moment, people apply, and then there is a selection process.

CHAIR - Okay. Thank you very much for attending. We apologise again for the difficulties we had connecting. To remind you, it is important to note that all the evidence taken at this hearing is protected by parliamentary privilege. Any comments you make to the media or otherwise outside of this hearing, even if you were to repeat what you have said here, will not be protected. You are aware of that?

Prof. KIRKPATRICK - I am aware of that.

CHAIR - Thank you and thank you for attending.

The Committee suspended from 2.24 p.m. to 2.30 p.m.

PUBLIC

CHAIR - I like to welcome Mr Peter Bicevskis. For those who are on the internet, it is submission number 114 on the parliamentary website.

We wish to welcome you and thank you for coming to provide further information to your submission, Mr Bicevskis. I will introduce members of the committee starting with the honourable Nick Duigan, the honourable Meg Webb, Rob Valentine, the honourable Mike Gaffney, Jenny Mannering, from the secretariat, in support Allison Scott, and Harrison from Hansard.

Before you give evidence, it is sworn evidence so I'd ask you to make the statutory declaration please.

Mr PETER BICEVSKIS WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

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

We have provided a copy of the Information for Witnesses. I believe you've read that?

Mr BICEVSKIS - I have indeed.

CHAIR - The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available if you wish to review it. We offer you the opportunity to make a brief opening statement and then for members to question you or your submission. Do you wish to make a statement?

Mr BICEVSKIS - I do. Circumstances have changed a fair bit since I made my submission in August so there's a few pages for me to go through. If that's okay I'll go through that.

CHAIR - We can. Are you wanting to table something different?

Mr BICEVSKIS - There's just some additional comments, yes.

CHAIR - Let's get started. Given we've only a certain amount of time we've got to be careful we don't take it all up with you reading your document.

Ms WEBB - You can also choose to table it.

CHAIR - Yes, you can. You could table it if you wish.

Mr BICEVSKIS - Some of the things I will be reading out relate to things like the shake-up panel and things which have occurred since the submission was made.

CHAIR - Okay, well let's hear.

PUBLIC

Mr BICEVSKIS - I'm here as a retired architect and concerned individual, although, I have assisted the Save UTAS Campus group with analysis of the proposed campus relocation. I'm not an alumnus of the university, nor do I have any sentimental attachment to the Sandy Bay campus.

I am a realist and understand there may be valid reasons for the move, but as the process has evolved I've had to question why there is so much secrecy and lack of transparency, why are staff scared to speak up, why aren't staff and students being consulted, and why won't UTAS release background information?

I believe that the current university act has not responded to the changing role of the university. I acknowledge that the way universities now have to operate is different to the way they operated previously, that funding is more difficult to obtain, and that all universities now also have to consider the business side of their operations and need to be run in a business-like fashion.

This also means that university executive and management have to acknowledge that as a business, they will need to be open to greater independent scrutiny, and they will have to accept the need for demonstrable accountability and expertise in the way they run their business. That is why the act needs to be reassessed to enshrine the need for academic freedom while acknowledging the need for independent scrutiny of the university as a business.

At the same time, UTAS must acknowledge that it is a government-funded public institution serving the people of Tasmania and not a private corporation whose main aim is to make a profit. This changing paradigm is not just restricted to UTAS, but is common to all universities around Australia, but no other university is proposing to sell off its entire campus and prioritise its business side over its academic role.

I understand that the validity of the move from Sandy Bay to the CBD is not the subject of this inquiry and I'm not qualified to discuss the detailed wording of the act. Rather, my submission looks at what UTAS can do under the current act, and uses the proposed campus relocation as an example of how the university's actions do not respond to the governance issues associated with this new imbalance of the university as a business versus the university as an academic institution.

The University of Tasmania is proposing to spend, what will be ultimately close to \$1 billion on the campus relocation. There is no mechanism under the current act to monitor and assess this expenditure. Compare this with both the state and the Commonwealth where expenditure on capital works above a certain threshold is subject to parliamentary scrutiny and approval. In Tasmania's case I believe this threshold to be \$8 million and the Commonwealth it's \$15 million. In the private sector any such expenditure is subject to the scrutiny of a company's board and shareholders and also independent financial regulators. I believe that UTAS has not demonstrated proper governance, with the management-dominated proposal to relocate the campus from Sandy Bay to the Hobart CBD.

In February 2019, as justification for relocating the university, UTAS claimed that two-thirds of the Sandy Bay buildings were due for replacement and that a move to the CBD would cost \$445 million. This compared with \$570 million to retain the existing campus. Yet, this is directly contradicted by a leaked confidential 2018 UTAS report, which identified that more than 60 per cent of the buildings were actually in relatively good condition. The remainder

PUBLIC

could easily be refurbished and the cost of refurbishment was significantly less than building new facilities.

The background to this information has never been made public and no details have been released as to how these costings were arrived at. Just a month later, UTAS increased its cost estimate of new construction by \$155 million, to more than \$600 million. So, one has to question the validity of these figures and also UTAS's ability to competently manage such an enormous project.

The report also said the university had not properly maintained its Sandy Bay buildings, with the maintenance backlog in excess of \$100 million. It also identified the fact that the Sandy Bay facilities are under-utilised. UTAS has recently revealed on its website that it uses only 17 per cent of its Sandy Bay learning and teaching facilities, yet it leases office space for teaching purposes in the CBD. The report also identifies a number of significant buildings on the Sandy Bay campus that are in good condition, yet the university's Sandy Bay masterplan proposes that two-thirds of these buildings would be demolished.

Conversely, of the buildings that the report identifies as being in 'poor condition,' the masterplan shows two-thirds of these would be retained and refurbished. There appears to be no economic or functional logic in UTAS's justification of the move. The university's recent purchases of CBD properties at well above market price; renting CBD space for teaching, when the fit-for-purpose facilities sit vacant in Sandy Bay; committing funds to planning buildings that may not proceed and expensive marketing and public relations campaigns only highlight its inability to manage its finances in an appropriate and accountable manner.

Since I made my original submission there have been a number of significant developments, including the recent elector poll; significant advertising of UTAS claims, and the establishment of the Shake Up panel by UTAS to demonstrate its commitment to community engagement with the design.

UTAS claims that it has extensively consulted with the community, yet the only measurable surveys carried out, the NET staff and student survey and the recent poll, reveal ongoing, strong opposition to the relocation.

This so-called 'community consultation,' is also deeply flawed. For example, the UTAS reports which summarise the outcomes of various UTAS engagement and workshops with the community have the following qualifying footnote:

It is important to note that a significant proportion of participants expressed their concerns regarding the campus's relocation to the CBD. Comments relating to the campus relocation have been omitted from the following engagement summary, as this decision remains out of the scope of this work.

Similarly, with the Shake Up panel, which UTAS has put forward as another example of its consultation process, the stated terms of reference for this panel expressly stated that there was to be no discussion of the need for the relocation, nor with what's to happen to the Sandy Bay campus. I was a member of the Shake Up panel, hoping that my experience with designing and planning university projects would be of use, but resigned when it became obvious it was just a public relations exercise. I know of at least three others who have resigned from the

PUBLIC

panel and two others who are on the panel who disagree with its outcomes, and no doubt there are more.

UTAS also stated one of the aims of the panel was to provide input into the CBD master plan and design of the facilities, but the design for the forestry building is already finished and I believe the design of other buildings is well underway. So, how can you do a master plan after you've designed the buildings? It's back to front.

A brief for a facility is not prepared by administration and management and the community. You prepare a brief by consultation with the users. It would be like asking the general public to design a hospital without getting input from the doctors, nurses and other hospital staff.

The Shake Up Community Panel recommendations as outlined in its final report are of little use. They are of a generic nature, with broad aims such as 'design for sustainability', 'creating a vibrant campus culture', 'establishing identity and sense of place', 'greening the city', 'connecting with the community', things which one should achieve with any good design.

Many of the panel's recommendations are actually not the responsibility of UTAS, but rather the Hobart City Council and the state government, such as the creation of green links, pedestrianisation, provision of better public transport, et cetera.

UTAS has also recently claimed that the community has the opportunity for input during the planning approval process. This is totally incorrect. Development applications can only be assessed against the requirements of the Hobart Interim Planning Scheme which looks at issues such as, 'does the proposed use fit with those proposed for the zone', building setback, height and density limits, and so on. The Hobart City Council can only assess each individual application, rather than the project as a whole.

Again, as an example of this, an appeal was put in against the forestry building, identifying that it did not comply with the requirement for disabled access. This was rejected; as assessment of disabled access is not a part of the planning scheme. Other aspects of the design were also appealed, but the advice from the UTAS legal team was that they considered these not relevant to the planning approval, and if the appeal were to proceed, we would be liable for paying all legal costs.

In summary, UTAS management has shown they are not capable of balancing the university's role as a public institution with a need to generate funds. It has become dominated by a management team that is focused on profit at the expense of its role as an educational institution. It has shown little evidence that it is capable of making rational, logical business and financial decisions.

The act needs to allow for greater scrutiny of the university's actions, ensure that these actions are transparent, there is greater accountability for these actions, and above all, the act must ensure that the primary role of the university as an education and research institution is maintained. Thanks for your tolerance.

CHAIR - Thank you. Over to Mr Gaffney.

PUBLIC

Mr GAFFNEY - Thanks, Peter. I really appreciated your submission because it was quite varied in addressing different aspects. I will start with the first part, because other people might want to come in. You also note that you've had knowledge of other universities, you are aware of other universities Australia wide, in the work you've being doing.

Mr BICEVSKIS - Correct. I've worked for over eight different universities.

Mr GAFFNEY - That's fine, but some of the comments here are quite damning of what's happening here in Tasmania.

Mr BICEVSKIS - Correct.

Mr GAFFNEY - We've heard that there are other trends Australia-wide with governance structures and board numbers and that sort of thing. Are any of the other universities you've worked with facing similar concerns and issues that they we are having here, or does this one stick out for you?

Mr BICEVSKIS - I think all universities are going through similar concerns, as I mentioned in my talk just now. But other universities have dedicated facilities management groups which look after the logical approach to designing and constructing their facilities. They are much more accountable internally to the academic section of the university than at UTAS. Also, none of them have actually proposed selling off the complete university and constructing new universities.

The other thing that is to me unique about UTAS is that it has failed to consult with the staff and the students and the broader community in terms of what the designs actually should be. I know from talking with various staff members that they have not been consulted to any great degree, or in fact, in some cases not at all with regard to the planning and design of, say, the forestry building, the STEM building, which was initially looked at a number of years ago. There was virtually no input from the staff. Considering that it is such a technically complicated building and there were so many detailed issues which need a lot of quite detailed knowledge of how the building operates, the fact that these weren't included also really brings into doubt the competency of the estimates that they have made for relocating the building.

Again, from talking with past and present staff, they believe that a lot of the issues with the STEM building just have not been addressed and are very expensive. There is equipment that cannot be moved. There are collections that cannot be moved. There are environmental implications which have not been considered. To me, UTAS seems to have lost its ability to actually assess a project in terms of its technical requirements, and has not considered the needs of the users in determining what briefs occur.

Further to this, I believe that up until 2020, the university had its own dedicated building and environment committee. It also had a separate finance committee. These were then merged into the Chief Operating Officer's section, so that facility for virtually independent oversight to be done within UTAS itself was essentially removed.

I have not practised in architecture for probably about 10 years now, but in my 40-plus years of experience, I have never come across a project like this where so much money is involved, and so little attention is being given to what is needed in terms of the facilities.

PUBLIC

Mr GAFFNEY - I am interested in the comment you made regarding the facilities management committee in other universities and the governance structure. I get the impression that here they have been subsumed together, and it is the facilities that are driving this approach to what is happening, the change, instead of the governance of academic standards and academic rigour. Would you be able to comment on that, perhaps an umbrella comment?

Mr BICEVSKIS - The fact that staff have not been consulted in the actual design of the facilities speaks for itself. The way management has approached this project is to look at some kind of ballpark figure, without looking at the details of what is required. The actual responsibility to respond to the needs of the university and its staff has not been addressed. In terms of the governance under the act, unfortunately, that is what they are allowed to do. That is all I can say there.

Mr GAFFNEY - A question there, then I will open up for others, and come back to the campus sell-off. Interestingly, you said the university council only meets six times per year and appears to be a rubber stamp for decisions made by the UTAS executive. Can you expand, please, about the executive and the 'rubber stamp' mentality that you seem to be implying?

Mr BICEVSKIS - I have no personal knowledge of what the university council discusses and how it arrives at its decisions, but the impression I get from talking with others - and even with some of the activities that have occurred - is that the executive seems to make decisions, which are then followed up or endorsed by the council.

An example of this is the Hobart City Council Planning Committee meeting for the Forestry building. The UTAS representative was asked how the university could overcome the potential parking problem, and he said UTAS can provide 1600 underground car parks. I thought, well, what is going on here, because that is a commitment of up to \$100 million, and I do not think a person in an administrative position should be able to make that commitment without consulting with the council first. He qualified that by saying that they wouldn't or couldn't actually commit to it at that stage, but it would be discussed. He also followed up by saying that if they were not required, they could easily be converted into teaching and staff offices - which again I found quite bizarre.

CHAIR - For clarity, when you say they should consult with council, you mean the university council, not the Hobart City Council, in terms of planning?

Mr BICEVSKIS - Correct, yes. The university council should be dictating how funding is spent. Another example of that - which relates more, I suppose, to the academic senate - is that at the same planning committee meeting, concern was expressed about the effect of increased traffic during peak hours in the CBD. The response was that the university would look at adjusting its timetable so the classes did not occur during peak hours. Again, I found it quite surprising that a statement like that could be made without consulting with the academics first.

Mr DUIGAN - I was interested in a comment you made when you were talking about differences between UTAS and other universities that you have worked at around the country. You made the comment that other universities were more accountable to their academic staff. Could you expand on how that was the case, and whether that was an act of governance, or was that the feeling, or anecdotal?

PUBLIC

Mr BICEVSKIS - Well, in my case it is more anecdotal, because I was not aware at the time of the actual specific governance procedures and the requirements of the act in each particular case. Certainly there was the feeling that the universities I dealt with placed a lot more emphasis on what the staff needed, rather than what the students needed. There was a lot more discussion with the community. It was a much more balanced approach, and one that I think responded to the actual needs of the university - but in terms of the response to the governance, I am not familiar with exactly what the governance was in that particular instance.

Mr DUIGAN - Where are you getting those signals from. Where is that information getting to you from?

Mr BICEVSKIS - When I was working with those projects, I was dealing directly with staff and students who were involved in those projects. They were all under the aegis of usually the facilities management committees. Also I was dealing with senior academics from each department, and in some cases, with the vice-chancellors responsible for the universities, but all of those discussions were done in conjunction with the actual users of the facility themselves.

Obviously, with any project, the users are going for wants, rather than needs. It was the role of the facilities management committees to actually control that aspect of the design process, but the design was actually driven - to use the terms that have been used here before - from the bottom up. First of all, the university would establish a need for a particular facility or project, then it would go to the staff and the students to prepare a detailed brief. This would be fed back into the system. It would be analysed in terms of how it related to the costings, and the budget for the project would be adjusted accordingly. It was very much a hand-in-glove process with the users and the university executive.

Mr DUIGAN - Can I ask what period of time your involvement was in those projects?

Mr BICEVSKIS - My first involvement would have been about 1975. My final project would have been around about 2010.

Mr DUIGAN - Did you see a change in that process over time?

Mr BICEVSKIS - There was more concern about the restrictions of government funding for facilities, but generally, in the overall approach to the design of facilities, no. It was all based on integrating the needs of the users with the requirements of the executive.

Mr DUIGAN - And the delivery and decision-making around that?

Mr BICEVSKIS - It was fairly constant over that period of time. I understand from just reading other examples - particularly in the last 10 years - that there have been additional requirements placed on universities.

I mentioned in the talk I just gave that there is much more emphasis on universities acting in a business-like manner and trying to find additional funding, which is obviously a huge issue. I think the way UTAS has approached it has been very much top-down. Certainly, from the discussions that I have had, even the briefing that has occurred with staff has been carried out by the UTAS management, rather than the architects and designers who are supposedly designing the facilities.

The most obvious example is the Forestry building where, from my discussions with some of the law students and their reports of what the staff have experienced, is that there were virtually no discussions about their needs or requirements. They actually had to fight to get information about the building design. They complained bitterly about the fact there were no lecture theatres, no individual offices.

Apparently they were promised that these would be looked at, but it has not changed - and even accessing plans for those buildings has been incredibly difficult. They were originally posted on the UTAS website, but there were issues with non-compliance with disabled access. They were removed from the university website and have not been restored, so it is a case of a real lack of transparency of what is being provided.

Ms WEBB - To pick up on this idea that you are suggesting that there has not been sufficient bottom-up involvement in the design of the new proposed spaces in the CBD for teaching and learning, there is quite a clear line from UTAS - including in its submission made to this inquiry, that it's to do with changes in approaches to learning and teaching and more contemporary pedagogy that is driving a different design of those spaces. That it is related to less of a lecture style, more a small group face-to-face and online needing rooms that have the technological capacity to do a mixture of face-to-face and online at the same time. Their suggestion quite distinctly in the submission to us is that it's apparently easier for them to put these facilities in place in the CBD buildings proposed than it is to retrofit Sandy Bay ones. That's what I have taken explicitly from the submission made. It seems like they have a narrative and a clear rationale for the design that they're moving towards.

In your experience then through the Shake Up panel and through what you've been engaging with, how do you assess that assertion?

Mr BICEVSKIS - All I can say is that it's complete nonsense. The design of the university facilities is changing; the pedagogy is changing. There is still a requirement for face-to-face learning and the university has stated this; they still intend applying that. But there are other aspects of the design, for instance, with the law school, they need seminar rooms; they need at least a minimum number of lecture spaces. University staff, in my experience, generally need office spaces. They have large book collections. Often, they have confidential research. They need to engage in interviews with students.

It's something which has been a constant bugbear of universities but this difference in the way they operate to, say, an open-plan office is just not recognised.

There are also technical aspects, particularly, say, with the STEM building where the knowledge of the equipment and the scientific processes are absolutely critical to the design. Even in a case where there is more online learning, there is still a complete involvement with the staff and the students to make sure that they're all heading in the same direction.

Possibly, one of the more recent projects I worked on was the new STEM facility at the Queensland University of Technology at Gardens Point in Brisbane where there were similar changes occurring - not to the extent that they are now - but the staff were heavily engaged in seeing which of these changes could be adapted in the design of the facility. They had a very big input into that.

The other point to consider with that is that pedagogy changes. Who knows in the near future or in the distant future there might be a trend back towards more face-to-face teaching. Funding might change in terms of support from the Commonwealth, for instance. So, any building has to be able to adapt to future changes. That's what we call futureproofing a building. The approach that UTAS has taken by putting facilities in the CBD essentially means that they can't change these buildings in the future. It also means that they have no potential for expansion.

Again, with universities that I've worked with, and also I've done a lot of work with Defence and Foreign Affairs and overseas work, one has to allow for future expansion because you never know what's going to happen in the future. The decision to move to the CBD means there is absolutely no chance of doing that unless they pay exorbitant prices to buy adjacent properties.

Ms WEBB - I have other areas -

CHAIR - Yes, that's fine.

Ms WEBB - If I can turn to your submission on page 4 where you talk about the appropriateness of the act to ensure accountable executive, fiscal and academic decision-making and you run through a list of five different dot points there. Is it the lack of direction in the act or is it simply the way the act has been interpreted, do you think? What comment would you make on that?

Mr BICEVSKIS - As I said previously, I don't think the act really allows for assessment of those points and that's something that I think needs to go into the act.

The financial decisions, I suppose, are there in general terms but there's no actual specific mechanism to assess that or to control that or to ensure transparency and accountability.

The waste and extravagance and overspending on property - again, I don't there's an appropriate mechanism for controlling that. Those decisions are made essentially by the executive, presumably in consultation with the council, and so if they're approved under those governance issues then there's no real way of challenging those. The expenditure on public relations marketing and external consultants, again, that's something that the act doesn't address. It's how the university chooses to spend its money and there's no mechanism for assessing those things.

CHAIR - So, if you were to make some of these things more explicit in the act could that end up being more of a straightjacket, and not allowing enough flexibility, for instance? I'm playing the devil's advocate here, so, quite clearly -

Mr BICEVSKIS - I think it really is a balancing act. The whole essence of universities and the way that they have been structured under governance situations to date has been the need to maintain their academic freedom and their freedom from political interference. Given the fact that circumstances are changing, they're not getting the support that they need, in terms of funding, from the government, either state or federal. They have to adapt their processes and become more businesslike and indulge more in managing their funds.

PUBLIC

Associated with that there needs to be a mechanism for actually controlling and independently assessing the way they're managing their funds. It really is a fine balancing act at the moment, and I don't think it becomes a straightjacket. The thing that is becoming apparent with the UTAS move is that the approach that they're taking to using funds is actually becoming a straightjacket to academic freedom.

The need to spend the money in a way that the executive feels appropriate has been rejected by most of the academic staff. In fact, the academic freedom has been minimised in the current approach. I think that any governance measure which actually looks at independently evaluating the accountability and the transparency of the UTAS actions doesn't actually limit what happens in terms of the academic side of the university life.

CHAIR - Okay, thank you for that.

Ms WEBB - I have a follow on from that, if that's okay? I'm interested in that too, because you're pointing to a lack of accountability mechanisms there, either in the act, or external to the act. You're also pointing in your submission, quite explicitly, to a situation I find quite extraordinary and that's where our public institution, such as UTAS, can be accused of misleading the public, essentially.

Mr BICEVSKIS - Correct, yes.

Ms WEBB - Which is what you've quite explicitly put there in your submission, and others have put to us as well. In the absence of appropriate and effective accountability mechanisms, such assertions and criticism can be levied at a public institution and we don't have any way to test that necessarily because of the lack of accountability mechanisms there.

Do you have a suggestion as to what specific accountability mechanisms could be built in, either to the act, or relating the act, to allow us a situation where we can have confidence that there's accountability for a public institution like UTAS?

Mr BICEVSKIS - I can't really speak in terms of the more general philosophical aspects of the way the university is run. I can speak to the way it spends its money on capital works projects and I think, what I suggested in my submission, as an example, was the Public Works Committee acts, which are incredibly specific, incredibly detailed, very thorough, very effective but they don't restrict what groups can do.

Essentially, they involve a group having to justify what it wants to spend the money on. It looks at the whole project, rather than just individual components. For instance, this potentially billion-dollar spend we're talking about over 10 years, currently the only way that can be assessed by the Hobart City Council, is on a piecemeal basis, project-by-project. They can't look at the overall totality of what's proposed.

The Public Works Committee looks at the total project. It looks at what options have been considered. In this case, they would need detailed facts and figures as to whether refurbishment was looked at. They would need actual costings. They would need details of what was costed, both for refurbishing existing and constructing new. From my point of view, the thing that has really annoyed me is that these claims have been made and these costings have been put forward but nobody has any idea as to what they actually are. The fact that costing of \$455 million in the space of one month can be suddenly increased to

PUBLIC

\$600 million-plus, is very telling about the lack of thought or accountability or transparency in how these figures were arrived at.

Ms WEBB - What you're pointing to there, is a parliamentary process, because the Public Works Committee - either at a Commonwealth level or a state level - is a parliamentary committee that looks at government department spending. This is not a government department, and I don't think there are other examples where any other entity, even a GBE, would have to go through a Public Works Committee process.

CHAIR - No, I can speak as its Chair. That is correct, we don't look at Hydro developments or those sorts of things.

Ms WEBB - I do understand the information because it does provide transparency and accountability to a disinterested formal body outside of the entity that's proposing to spend the money.

Mr BICEVSKIS - I can only make a conjecture over that. But I think there probably would be a way of setting up a group up like that, even internally within the universities where there are specific criteria which have to be addressed. Things like disclosing all options have been considered, disclosing the costings for the various options, justifying the whole project and looking at it in its totality.

Ms WEBB - Perhaps it's an Infrastructure Australia-type body you're thinking of.

Mr BICEVSKIS - Possibly.

Ms WEBB - That's an independent body that assesses infrastructure projects at a national level, isn't it? I find it an interesting concept because of that external, disinterested accountability that it could provide.

Mr BICEVSKIS - I must confess, it's a pain in the arse when you're working as a designer to supply all the information; but it's an incredibly effective process. The public is allowed to take part in it. Any development is advertised and open to public scrutiny, so they have a chance to make submissions at the hearings themselves. The hearing participants are under oath and there are severe penalties if they lie under oath. They can't put off making responses to queries; they have a certain time limit to do so. I'm sure there would be ways to do that away from the overall parliamentary process. Again, I'm hoping that there is; but there needs to be a process like that.

CHAIR - Regarding the Public Works Committee processes and procedures, we can only look at the reference that is actually presented to us rather than the project as a whole; different, maybe, from the Commonwealth Public Works Committee. Nevertheless, it's not for me to sit here and provide evidence on that.

Are you aware that there aren't committees within the university that deal with these sorts of things?

Mr BICEVSKIS - I really don't know. I'm not familiar enough with the university. The only thing that I can comment on is that the committee which might have dealt with this - the

PUBLIC

Environment Building Committee - is one of the ones which was disbanded and merged into the Chief Operating Officer's -

CHAIR - You're talking about two being disbanded.

Mr BICEVSKIS - Yes, there was the Finance Committee as well. Obviously, they are the two key aspects of this particular project.

Ms WEBB - Clearly, those internal committees are not parliamentary committees in terms of transparency.

CHAIR - They're not the same. I was just interested to know whether any others existed.

Mr BICEVSKIS - Their equivalent in other universities would be facilities management, and building sections. I know that those committees or departments in other universities also look after things such as maintenance, parking, and other day-to-day issues. They certainly have a section which looks after major projects.

Mr GAFFNEY - Thanks, Peter. I'm aware that you've only got four or five minutes to go, but your submission was one of the ones that went into the masterplan and capital works, as we've just mentioned. It's been brought to our attention that the campus was granted to the university, and has been maintained by the Australian taxpayers. A lot of taxpayer money has been put into the university and now it seems that the university has the capacity to sell off some of that, which flies in the face of seeking commercial advantage using the history of heavy taxpayer funding. Have you any thoughts on that side of it? Your submission goes into that building area.

Mr BICEVSKIS - Again, it refers to my experience with other universities. Griffith University is one example where they have faced similar fiscal problems, and they have encouraged industry to come on the campus. They've built a hospital on their campus so that is the Gold Coast. They've got a technology precinct where outside business enterprises establish offices so that they can team up with the university staff. They have established processes for start-ups companies where graduates can use university facilities or work close to the university and have the benefit of accessing that experience. I think others have suggested that the campus itself can be used for other purposes, which complement the academic side of things. By selling it off, it completely eliminates the future-proofing of what the campus can do.

The other thing that needs to be recognised is that on the campus, the university can dictate what it wants to do. It doesn't have to go through the planning processes. By choosing to move to the CBD, every single project will have to go through the Hobart City Council planning approval process, will have to get a DA, will have to look at other government requirements, which they don't need to do on the campus. The approvals process extends the time a project needs to take to go through design and approvals. It also takes a lot of the freedom of the university to decide where it wants to put facilities and how it's going to develop that campus. To me, it's crazy, that the university is throwing away that freedom that it currently has.

Mr GAFFNEY - Thank you.

PUBLIC

CHAIR - In your submission, at page 5, under examples of misleading or inaccurate public statements made by UTAS, you say that details of these can be provided to the inquiry. Are you able to provide those?

Mr BICEVSKIS - Well, I've got a lot there.

Ms WEBB - Not necessarily right now, but if you -

Mr BICEVSKIS - One that I can particularly mention is disabled access. The university claims that one of the driving reasons for relocating the university is access and the double bus syndrome. But access is also disabled access. The move to the CBD would mean that disabled access would be much more difficult. The actual design for the forestry building did not comply with access requirements, even though the UTAS representative at the planning committee meeting said it did comply. I understand there are still issues with that in the approval process in the Hobart City Council. There's a lot more information I can provide on that; but to me, that is a classic example.

CHAIR - Okay. Are you wishing to provide further detail or not?

Mr BICEVSKIS - I certainly can, yes.

CHAIR - Okay, thank you. If you would forward that to the committee secretary.

Thank you for meeting with us today, and for your submission. I remind you, as we draw to a close, it is important to note that all the evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make to the media or others outside of this room, even if you were to repeat what you have said here, will not be protected. Do you understand that?

Mr BICEVSKIS - Completely, yes.

CHAIR - Thank you for appearing.

THE WITNESS WITHDREW.

The committee suspended at 3.13 p.m.

PUBLIC

The committee resumed at 3.30 p.m.

CHAIR - I welcome Emeritus Professor Brian Yates to this inquiry hearing in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992.

Thank you very much, Professor Yates, for coming and being with us here today. I ask you to take the statutory declaration that is in front of you?

EMERITUS PROFESSOR BRIAN YATES WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

CHAIR - Thank you for that. I will introduce the honourable members on this side of the table to you: Nick Duigan; Meg Webb, myself, Rob Valentine; and Mike Gaffney. Jenny Mannering is secretary of the inquiry, with Allison Scott in support; and we also have Harrison from Hansard.

Our hearings today are in relation to the University of Tasmania Act 1992. It is important to note that all evidence taken at the hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege.

You've been provided with a copy of the information for witnesses and so, should you at any time get to a point that you feel that you want to do something in camera, you have that opportunity to ask the committee and we would consider that and go from there. The evidence you present is being recorded, and a *Hansard* version will be published on the committee website when it becomes available if you wish to review it. We offer the opportunity for an opening statement, if you wish to do so, and then members will ask questions.

Prof. YATES - Thank you very much and thank you for giving me the opportunity to talk to the inquiry. My submission relates to the period when I was head of the College of Sciences and Engineering of the University of Tasmania. That college contains the Tasmanian Institute of Agriculture; IMAS; the Australian Maritime College; the Schools of Natural Sciences, Engineering, ICT, Architecture and Design; and Geography, Planning and Spatial Sciences.

CHAIR - What did you do in your spare time?

Prof. YATES - Indeed. I was the executive dean of that college. Before that, I was the dean of the faculty of Science, Engineering, and Technology, which sort of lead into the college, and I was dean and then executive dean for a total of nearly six years. I'm saying all of that to provide context for my submission, and to explain why I had an expectation that I would be involved in decisions that affected the staff and students in that college.

I also note, by way of introduction, that I have been very fortunate in my career to have had a number of national positions as well, where I've had the opportunity to think deeply about teaching and research, but also the organisation of science in a higher education setting.

To summarise my submission, I have raised a number of issues and possible solutions; but I think they all revolve around finding a more balanced way to make decisions in the

PUBLIC

university, which essentially take account of the diversity of perspectives and requirements of the different stakeholders. I'm happy to address that and answer questions.

CHAIR - Thank you. Over to Meg.

Ms WEBB - Thank you, Chair. As a starter note in your submission, you acknowledged that a shift towards a corporate focus is there. We have heard that from many and there is probably an appropriate balance to be struck. From what you described, the pendulum has swung too far, is the phrase you use; and then you go onto say, 'It has gotten to the point where corporate rationalisation trumps any academic arguments about teaching or research'. I'm interested to understand that a bit more, and what that looks like in practice where corporate rationalisation trumps any academic arguments about teaching or research?

Prof. YATES - Thank you very much for that question. Firstly, let me say that I welcome the corporate influence and the corporate experience and so on of that decision-making process. I think it's important and that has been a change in universities. I'm quite comfortable with making business cases around various proposals and things like that. But I do feel like the business case, or the bottom line around a business case in terms of efficiency or financial considerations or so on, has become the main deciding factor about things. In my submission I say that the purposes or functions of the university 'a', 'b' and 'c'. To me, they should be the priority around making decisions. To me, in an ideal world, what would happen is that the members of the university council or other decision-making bodies would ask themselves that question when they're making a decision about something: how does this help with the advancement of knowledge and learning; how does this help encourage the research which takes place; or how does this make sure that we have excellent teaching and research in the university? To me, they are questions that everyone should be asking as they make decisions.

Ms WEBB - Your sense is that's no longer the case in many instances?

Prof. YATES - Yes. I'll give a little bit more context to that. There are some wonderful people in that more operational side of the university. When I was the dean of the faculty, we had a faculty business manager. When I was the head of the college, we had an executive director of operations; and also I think the chief operating officer of the university - all of those people I have enjoyed working with, and they're all good people. But, they will be the first ones to admit that they have very little experience around the practice of teaching and research.

We had some quite robust discussions, as you can imagine. I would want to do something and they would say, 'No, Brian, you can't do that because we don't have the money', or 'Let's find a different way of doing something', or so on. But, the conversations worked best when we complemented each other and tried to keep those goals of the excellence in teaching and research, but finding a way to operationalise that at the same time.

Ms WEBB - Which would entail having that academic perspective about teaching and research being brought into the decision-making process. You seem to point in particular that, at the governance level of the council, there's less of that actively present. You propose some solutions around that which I am interested to ask you a little bit more about. Would you like to speak to those or would you like me to ask you questions about them?

Prof. YATES - How about I speak to the first one, and then we'll see how we go?

Under that second term of reference about council - it is very interesting when you read the text of legislation or other things. They talk about skill sets. One of the skills sets is experience with higher education. I would be quite specific in talking about having experience in the practice of teaching and research in a higher education setting. That's the key bit, to me, so I think one of the solutions is to have more people on the university council with that skillset. At the moment - and other people have talked about this - there are very few people on the university council who have that deep experience of teaching and research in a higher education setting. If half the people had that skillset, that would be absolutely fantastic.

Let me clarify that and say that I'm not necessarily talking about having all those people being representatives of the University of Tasmania. That could become too inward-looking. Having representatives from other higher education institutions would bring a lot of richness to the university council discussions.

Ms WEBB - The experience could be drawn from elsewhere, but brought to the council.

Are you suggesting that allows the council at its level of governance to be able to answer the question for itself - 'are we fulfilling 'a' to 'c' of the functions in the act at each decision point?

Prof. YATES - Yes. I'm very conscious of what it is about the act that we might collectively change to make sure that things work better than they are at the moment. I think that would be one of those things; if it were possible to add something about that skillset to the requirement in terms of members of university council, then that would help us to address 'a' to 'c'

Ms WEBB - Can I continue with a couple of questions?

CHAIR - You can; of the same questions.

Ms WEBB - Your suggested solutions also relate to having university council members able to interact and intersect a little more with people in academic roles and, therefore, be able to build their understanding, I presume, through that, to then take back to their decision-making function on council. To your knowledge, does that happen to any great degree now, or in a functional way now?

Prof. YATES - No. It used to happen. Before I went to work in Canberra back in 2006 or 2007, I was head of the school of chemistry and had the opportunity and great fun working with university council in those days, with Damian Bugg and so on. That was a really great opportunity. In those days, there was more of an opportunity for university council members to interact with academic leaders in the university.

I realise it might seem a little low-level in terms of the discussions about how this might work, but I do think having structured discussions, that might be about a particular topic, allows diverse groups of staff within the colleges and schools - academic staff in particular - to meet with council members. I don't mean to be disrespectful here, but I do think it does need to be unchaperoned - to not have the presence of the executive members and supervisors of those staff.

PUBLIC

CHAIR - About being unchaperoned, would it not be an opportunity, though, to help bring executive leaders and supervisors up to speed more? Or is that something that simply would not happen because of the power that they wield? If I could put it that way.

Prof. YATES - I am thinking about it. That is a good suggestion. I think, over time, there would be a way of perhaps incorporating that, and building up the confidence and the openness to have those conversations. I don't think it would work right now, if we took that step.

CHAIR - It basically has to be a reciprocal thing, doesn't it, in that they would have to be open to doing that in order to learn, as opposed to wanting to control, in effect. Is that what you are saying?

Prof. YATES - I am. That's right, I think that reciprocal nature is important. It perhaps goes to some of the discussion around what makes a good leader. I don't really want to go too far down that path, but I think a leader who is open and wants to take people with them is an important style of leadership. You actually want to engage with people and try to - not necessarily get consensus, but at least understand the people you are leading and make sure they have that opportunity to call you to account if they do not agree where you are going and so on.

I would often do that in my own style of leadership in the college. I would ask people to call me out if they felt I was too far out of kilter, or all sorts of things that I might not have taken account of.

Ms WEBB - Staying with that point. What I imagine - and from having read the submission from UTAS - is that there is a range of ways that council would currently be informed of, or connected to, academic information and on-the-ground information from the university through reports, through advice from the academic senate, and various other things that would be pointed to as ways that the intent of what you are talking about is currently being achieved.

Could you reflect on whether the current arrangements in place provide adequate channels for the council to make those connections? Or whether addition ones need to be looked at?

Prof. YATES - I think the issue is: is it spelt out enough, or enshrined enough, in the act, in the legislation, to make sure that does take place? I think that's the issue, which I know you are grappling with. Current practice would suggest it is not. It would be entirely possible to appoint people to council who actually do have more of that higher education background - or indeed, to have the sorts of conversations you mentioned with academics and other people in the university. The fact that it's not, I think, shows there is perhaps not enough structure around the way council operates.

To your point about what other sources of information. Yes, I recognise that those reports are there. I recognise the chair of academic senate is on council - a very good person who is able to talk and represent the views. But along with James Kirkpatrick, I do feel that - what is it, two people out of 13 or something - it's not a big number to represent the academic consideration.

PUBLIC

When I say academic considerations, I am not just talking about, say, quality assurance of the teaching program, or something like that. I am actually talking about the actual practice of people carrying out the teaching and the research. For me, that is the bit which is not understood well by most members of university council. Let me say that with the deepest respect. As I've said in my submission, I think there are very good people on council.

I actually don't know the current university council very well. Most of them came in the last year, I think - but I did meet most of the previous university council and they do have a very rich set of experiences from the real world, if you like, which is really important. The bit which is missing is the understanding, when they take a decision, of the consequences for people who are actually doing the teaching and the research.

Mr DUIGAN - Brian, I know you said earlier that you welcome the influx of people with different skill sets and whatever else. I wonder if you could turn your mind back. I don't know where you were in 2012 or 2013 when the last set of amendments went through - but presumably an academic working in academia at the time - do you remember how you felt about those amendments, when cuts to the number on the council were made, and the constitution of the council was changed? Do you recall your feeling at that time?

Prof. YATES - Not really, I have to say. I understand your question. It is a very good one. At that stage, in 2012, I had a national position when they came in. But what I was going to say was that as a head of school, your interaction with university council is somewhat peripheral. You might meet university council, perhaps at a planning day or a strategy day, or something like that - but it's not a regular connection or anything. So I think some of those changes probably passed me by, to be honest.

Mr DUIGAN - I'm just interested in what was said at the time to calm you, to give you comfort, about how the academic aspects of the university would be represented on the council.

Prof. YATES - Yes, okay. I'm not sure I have an answer for that. In terms of my level of comfort or my welcoming of that corporate sector that you mentioned, I think that more came about from later on, when I was interacting as a dean and so on. As I say, I genuinely appreciate the operational expertise and cleverness of people who know how to make things work like that. That's where that came from. But no, I can't recall -

Mr DUIGAN - There wasn't particular weight given to the chair of the academic senate, or more of a role for the academic senate to be played. It seems almost as if there is a piece missing.

Prof. YATES - I was deputy chair of academic senate back in 2010 as well, and I do remember that the chair and the deputy chair would have meetings with the vice-chancellor at that point. Then I moved off into other roles.

Mr DUIGAN - Thank you.

CHAIR - Brian, back in 2010 when you were involved with the academic senate, what has changed now compared to back then in terms of the opportunities that you had to engage? Can you cover that? The way you got your point of view forward, so that it actually made a difference to the decisions that were being made - or at least had some opportunity to be taken up.

Prof. YATES - Thank you. I think this goes directly to a comment you made earlier about the reciprocal nature of the executive leadership, or just leadership in general. I think it was twofold. You would have members of the executive from within the university who perhaps would be more closely in touch with academic leaders within the whole university and staff and so on.

CHAIR - Were they elected?

Prof. YATES - No, I'm talking about the vice-chancellor, the provost, the deputy vice-chancellor, those sorts of people. Maybe it was - no, I'm not sure it was a less complex organisation. It was still very complex even in those days, but then the other bit where there is perhaps more engagement was actually with members of university council, with the chancellor, for example, with people like that, who made it their mission to actually really connect with and engage with the workforce, if you like, within the university. That was a really strong point that came through from those sessions. I can't recall, but I think the chancellor attended academic senate, not every time, but on a reasonable basis and there were opportunities to talk in that sense.

Keep in mind that I was only a head of school. There are probably several layers between me and the executive decision-making. The other point I'm saying is I don't want to overblow myself. As a head of school, you are responsible for managing a much smaller set of operations and academics and budgets and things like that. So, it was not necessarily university-wide or anything like that in terms of the decision-making.

CHAIR - Back then, I think you were saying, the opportunity for interaction with the council was not that regular.

Prof. YATES - No.

CHAIR - So, I was just going to say, with the members of council back then, were they elected and did you have the opportunity to communicate with those who were elected to be able to put your views forward?

Prof. YATES - I think so, yes. I can't recall exactly at what point things changed, but 2012 sounds about right. Yes, there were elected students and more than one elected member of academic staff and professional staff so, yes, there was a greater opportunity to interact with those people.

CHAIR - Did that interaction happen regularly with academics across the board, or was this something that you knew was available and you could go there if you wished?

Prof. YATES - No, I think it occurred and my memory is that it occurred a lot through academic senate. Not that academic senate then represented on the university council, but the fact that we knew in academic senate who were our representatives who at then went to council and so you could talk to them. You could use them in the debate and the discussion that took place in academic senate. I thought there was a stronger connection that way.

CHAIR - It's quite an interesting thing that has been brought up in some submissions, in fact in the act itself, where it talks about members of the council being there to look after the

university, if you like, rather than just representing the cohort of people who have elected them. Do you see the need for that to be the case, the way the act portrays that?

Prof. YATES - Oh yes, very definitely and perhaps it goes to my response to Meg before, that I think that having a council - I talked about understanding the consequences of their decisions and I think that is the way I'd like to phrase it. I think it is important that council members understand when a decision is made how that actually affects someone who is doing the teaching, or doing the research. As you said, caring for the university in that sense.

CHAIR - Principally they are there to make decisions for the organisation, as opposed to necessarily those who have elected them to that position. That's the point that the act seems to point out -

Prof. YATES - Yes, I think that's right. The elected members, back in those days, did work for the organisation. I wasn't directly involved with what went on at council, but certainly that was the impression I had. Just one other thing, you're probably aware that in some governing bodies, at different universities in Australia, they actually have an elected member of academic staff and they have an elected member of academic senate, in addition to the chair of academic senate. So, it's even more directed that there be another representative from academic senate on the governing body.

CHAIR - It's actually in the act - section 8(3):

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

Prof. YATES - Right, okay.

CHAIR - That's the way the act portrays it, so that was the reason I was asking the questions to see whether that needed addressing.

Ms WEBB - Can I pick up on that? Those questions just now have been asking you to reflect back in time to another time. Bringing us back to more recent times and when you've been in a more senior position within the university, can you contrast the situation in more recent times with your recollections of those opportunities for contact and interplay between academic and governance levels?

Prof. YATES - Yes. For whatever reason, and I'll be generous and say maybe I should have been more proactive in talking to council members, I don't know. In my six years that I mentioned as being dean and executive dean, I think I attended two council meetings for the whole of that time. They were fairly scripted occasions, I have to say. The dean, or executive dean, was asked to talk about a particular thing, so that's not very much engagement.

Ms WEBB - Your responsibilities were fairly broad then in terms of the academic cohorts you were responsible for?

Prof. YATES - Yes, that's right, and I make mention there somewhere about the membership of the university council is constituted in the legislation, but there are lots of other people who are present at the university council meeting, including the chief operating officer who makes a report, and the provost and various deputy vice-chancellors, and so on. There are

PUBLIC

other people from the executive there, but not the executive deans, or not the deans, or not academic leaders.

Can I just make one more suggestion about terms of reference 2? Just very quickly. You asked me, because I gave you two things, the third thing would be whether the university council meetings should have a regular spot for groups of deans or heads of schools to meet with the external members and talk about issues, that sort of thing.

Ms WEBB - That was your suggestion put forward?

Prof. YATES - Yes.

Ms WEBB - Just to come after that, in your submission at 2.3 there, in that same section you talk about the importance of the university council being more broadly accountable to staff and students at the university and external community. Did you have particular mechanisms in mind that would facilitate that accountability? I'm particularly interested in accountability to the external community and what that could look like.

Prof. YATES - I must admit I was a bit vague in my own thinking about this. Essentially, I would like to see more reporting to staff and students of the university, reporting to the community - and I'll come back and think about that - and indeed, reporting to government in some way. That probably is the way that university council can demonstrate their accountability in these ways.

To the external community, I guess this is where - and I'm not sure what it was like in the past, 10 or 12 years ago - but possibly making available summaries of the university council meetings or a regular update of what is going on at university council. There might even be, these days opportunities to have open university council sessions or meetings where they're broadcast or something like that for part of the time; trying to, as much as possible, open up the representation and the governing body to the community.

Ms WEBB - Interesting. I'm looking at the remarks in your submission about term of reference 3 which is the appropriateness of the act to ensure accountable executive, fiscal and academic decision-making. The one I would like to pick up on is where you speak in paragraph 3.3 about the fact that there's not a healthy cultural discussion and open debate about significant decisions in the university. There would be very few examples where the initial view of vice-chancellor is allowed to be challenged or, indeed, overturned. I'm interested to hear a little bit more about that; but also then pivoting to look at what could facilitate that to be different that is not currently present?

Prof. YATES - Yes. I stopped because I was thinking about the second part of your question there and that's a difficult one because, again, I am not sure how the act would enable that or would make sure that's the case.

Let me talk about the decisions and so on. I think that there does need to be healthy debate and consultation and so on about decisions. I would like to give a specific example, which is about the relocation of the Tasmanian Institute of Agriculture (TIA) to Launceston.

I was asked by the vice-chancellor in late-2018 to think about how we could strengthen the operations of TIA in the north of the state. I led a number of conversations with the successive directors of TIA and the senior members of TIA to think about that, and all sorts of options that might involve. I asked them to consider a whole range of perspectives: the student experience; how it would affect teaching or research or the engagement of industry or the whole political environment that we worked in, the facilities that we had; and, indeed, the financial sustainability. I'd have to say that it isn't a black and white answer; that there are quite a lot of shades of grey and there are some things that are better and some things that are worse. That was in 2019.

In May 2020, I was called to a meeting where the vice-chancellor told me he had decided to move TIA to Launceston. I was quite surprised at that. I don't know what the involvement of university council was in that decision and, to be fair to the vice-chancellor, he probably felt that things had gone on long enough and thought things were dragging along and he just wanted the move to take place. I think there were pros and cons to this move and I would have hoped there would have been a negotiation, a consultation about this that the staff in TIA, the Tasmanian Institute of Agriculture, and the students would have been consulted; there would have been some discussion and, in fact, a negotiated outcome that was actually the best outcome for everyone would have been determined. That was not the case.

I emphasise that this was a very, very significant decision, in the context of there being about 65 staff in Hobart and 30 staff in Burnie. The decision was to move all those staff and all the facilities to Launceston. You can imagine what that means, in terms of families and homes and kids and schools and perhaps caring for elderly folk, or their livelihood and their careers. That was the decision that was taken at that time.

I have a second part to the story which is about the deed of funding agreement, but I could proceed with that or not as you want me to.

CHAIR - It is entirely up to you, if you wish to go there.

Ms WEBB - This is about that accountability of decision-making, and the point you are making about decisions that are taken in a fairly limited way by the VC despite other considerations that were being looked at; so, if you think it adds to that.

Prof. YATES - All right. Yes, I still haven't thought about how to answer the second part of your question about what do we do to fix it; but yes, so, that was in May 2020.

In December 2020, I was surprised to learn that, in fact, had become written into the funding deed of agreement between the university and the state government - I think is called the Inveresk Deed of Funding. I'm not sure of the confidentiality, so without actually talking about the details, it talked about a certain number of staff by a certain date for a certain number of millions of dollars towards the building of the buildings in Inveresk. I was quite surprised by that, because it is presumably a deed that is signed off at the highest level within the university and within government and it became part of the financial arrangement for that. To be honest, I think there were probably other considerations about this relocation of TIA that actually aren't the ones that I talked about and they are possibly to do with the move of the Burnie Mooreville campus, and the move of the Sandy Bay campus. I'm not going to go there, because I don't actually know that; but they obviously have a big impact on those two moves that the university has undertaken.

PUBLIC

The other surprising thing to me about the funding deed when I was shown the next tract of that in December 2020, was that there were specific numbers of staff mentioned that had been agreed. Sorry, I think the funding deed was probably negotiated in about June 2020. So I found out about it six months after the negotiations had taken place. Those numbers of staff that were mentioned in the funding deed were agreed without reference to me or the director of TIA.

Let me just say again: I sit as the executive dean, TIA is within the college, and the director of TIA reports to me, so I feel that the care of the staff and students in TIA is in my responsibility. I don't think those numbers of staff that were written in to the signed-off deed are realistic. That adds to the difficulty, or the challenge, of making this transition work. I wasn't involved in that.

Ms WEBB - A decision was taken and then the impact of that decision is on you as the executive dean, and the people you are responsible for, without involvement in it.

Prof. YATES - Yes. Basically, my job was to announce the decision and implement it.

CHAIR - A fait accompli, basically.

Prof. YATES - As I say, you know, this is a really challenging decision. It's huge.

Ms WEBB - Thank you for providing that example. It's obviously a complex example, and it's interesting to hear, because there's a lot of moving parts in that.

Prof. YATES - Exactly, yes.

Ms WEBB - But it's interesting to hear that as a direct experience and illustration.

Mr GAFFNEY - I'm going to go to the 'any other matters incidental thereto', unless anyone else has other questions; because I found that really interesting.

CHAIR - We'll come back if we need to.

Mr GAFFNEY - It's the only one I think I've read in the submission. I hear what you're saying here. For those listening at home:

Perhaps one of the underlying issues is that there is only one university in Tasmania, and yet the population and needs of the State are as diverse as anywhere else in Australia. A single organisational model that attempts to fill all needs is neither sustainable nor desirable. An alternative higher education entity in Tasmania should be encouraged and supported by the Tasmanian government.

I think that's really quite bold. I did read in another submission where one person said 'it's fast becoming a dying university'. So, the issue of sustainability here is reflected in the other submissions. Could you elaborate on that need for sustainability and how you feel there is another role there, or we should be promoting something?

Prof. YATES - Okay. I will address directly then the need for sustainability that you mentioned; because, as a dean and executive dean it was always on my mind about numbers of students and budgets and facilities and things like that; how do we keep renewing that, how do we be innovative in that sort of process?

There is a diversity of needs within Tasmania, but we shouldn't kid ourselves that we are unique with that. There are many areas in Australia where there are different sectors of the population that need different aspects of higher education and so on. There are aspects around training; about, perhaps, being more focussed on research, whether it be in the medical sciences or other areas; or the engagement with the community, or the industry I mean; or about being more of a bridge with the TAFE sector or the tertiary sector in terms of where things sit - all these different aspects of higher education.

I think that we in the university perhaps have been a little bit overly confident, sometimes even a bit arrogant when there are people, other organisations that try to set up shop in Tasmania. We need to think carefully about whether or not another higher education provider could complement what the University of Tasmania stands for and does. It might mean the University of Tasmania focuses on some things but not all things. This would allow a different business model to be present. I am not a corporate person but I'm sure that there must be different business models out there that might lead to the University of Tasmania being sustainable in what it focuses on and others being in other areas.

Let me give just a quick example. I don't mean for, say, the ACT to be competitive with Tasmania but population wise, they're not too far different and Canberra has five or six very active university campuses with a population that is smaller than Tasmania. So, one can think about, is it feasible to do something different here in Tasmania? I think it is.

Mr GAFFNEY - I will explore the opportunity here, some universities pride themselves that they're excellent in one area - business or law or whatever. The University of Tasmania tends to try to be good in all areas to attract students. Can you see that there's a way of marketing our university in a way that would be attractive to people from other states or countries to come here?

Prof. YATES - The university has done a good job of that. It has thought about how to make the most of the Tasmanian environment in its broader sense, the place that we live in Tasmania. We talk about place a lot. So how can all our disciplines and our academic endeavours be connected to the place of Tasmania and how can that be attractive for students to come here? Certainly, that plays into some areas more than others. There are particular aspects of the scientific disciplines that work well with that but having that lens, that kind of shape on our teaching and research is a really important one to be attractive to other people.

Mr GAFFNEY - Are you concerned at all in recent media and discussions in the community about the impacts of what's happening at the moment, this negative dissociation from the community and the university for lots of different reasons, how that could have a detrimental effect on the university going forward? I am thinking about the move. That's come up quite often with us about the dissatisfaction within the law school, which has been quite open in the media. You may not want to comment on some of that but I'm interested to see if that's harmed the University of Tasmania's reputation internationally?

PUBLIC

Prof. YATES - I'm sorry, I don't have the knowledge to talk about that. I can speculate and I won't do too much of that. There may well be some reputational damage. My own feeling is that it will take a while to play out because reputations are built over many numbers of years and the fact that things are not going well at the moment probably will take some time to play out in both the international and the national markets.

Where I think it's having a much greater effect is on the staff of the University of Tasmania and whether or not they enjoy working for the University of Tasmania. That is certainly affecting people's decisions. If there are other opportunities, people are taking them.

Mr GAFFNEY - Based on your intimate knowledge of teaching and learning with students, the move to a more one-on-one, away from the conference that's being suggested, and I have an education background, that doesn't appeal to me very much. I wonder how you find that?

Prof. YATES - I have alluded to the fact that I have occupied some roles where I have been thinking deeply about the way that we teach and the pedagogy and the way that we educate a vast range of different types of students for a vast range of different types of jobs and things out there.

Again, without blowing any trumpets, I've worked a lot on the learning outcomes of a science degree across Australia, across every university. So, what should that look like? What do we want our students to be able to do when they come out of university, given that 50 per cent are never going to be in a science job at all or a job that has any relationship to science? They might be politicians or something like that but having that understanding of science is important in the work that they do so to your point, the thinking about what's required to achieve those outcomes, there are many ways we can achieve learning outcomes for students. Some of them may well be giving a talk to a big group of students in a lecture theatre. Some might be having much more individual engagement - or indeed, using the technology to make things available to you, no matter where you are and no matter what time of day you want to log on and do something.

I think there's a lot of good things about some of the changes in teaching methods, actually. There are many things we need to think and talk about and engage with there. I'm sorry if I'm going on too long, but the only thing I'll come back to is that I don't think it's been led enough by academics in the University of Tasmania.

Mr GAFFNEY - Yes, and I think that reinforces your point very clearly. Don't worry about going for too long, because this is the Legislative Council.

CHAIR - But I will say we've run out of time.

Mr GAFFNEY - Thank you.

CHAIR - He jokes. We have come to the end of our time. Is there anything that you may wish to offer at the end of our session today?

Prof. YATES - I did make a couple of notes in relation to the membership of council and so on. I know you've heard about the review of higher education at the moment, being chaired by Mary O'Kane. Mary was the chair of the IMAS board here for several years, so

PUBLIC

she's very familiar with aspects of the University of Tasmania. You probably know we also have the head of the Department of Prime Minister and Cabinet, who is the former vice-chancellor of the University of Melbourne, Glyn Davis.

If there was a time to actually look at the structure of the council, or the act, or both, one of Mary's considerations is governance of universities and higher education, so I think now is the perfect opportunity to actually be engaged with some of those conversations. That's all I wanted to add.

CHAIR - Thank you. We really do appreciate you coming and sharing with us.

Before you go, I need to remind you that all the evidence taken at this hearing is protected by parliamentary privilege, and that any comments you make to the media or others outside this room, even if you were to repeat what you've said here, will not be protected. Are you aware of that?

Prof. YATES - Yes, I am aware of that. Thank you very much.

CHAIR - Thank you very much for attending.

The Committee adjourned at 4.18 p.m.