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## THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON WEDNESDAY, 1 MARCH 2023

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

Ms ALISON WATKINS AM, CHANCELLOR, THE UNIVERSITY OF TASMANIA, PROFESSOR RUFUS BLACK, VICE-CHANCELLOR AND PRESIDENT, THE UNIVERSITY OF TASMANIA, PROFESSOR NATALIE BROWN, CHAIR, ACADEMIC SENATE, THE UNIVERSITY OF TASMANIA, Ms KRISTEN DERBYSHIRE, CHIEF PEOPLE OFFICER, THE UNIVERSITY OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

#### **The Committee met at 9.31 a.m.**

**CHAIR** (Mr Valentine) - Welcome to those who are beaming in across the skies to the Inquiry into the Provisions of the University of Tasmania Act 1992 today. Firstly, I want to start by acknowledging the traditional owners of Tasmania, the Aboriginal people and we meet today on their land and we acknowledge and pay respect to the Tasmania Aboriginal people and Elders, past and present. We recognise them as the traditional and original owners and continuing custodians of this land.

For the record, members of the inquiry are Mike Gaffney to my left, Rob Valentine as Chair, Meg Webb, Sarah Lovell and Nick Duigan and we have secretariat staff Jenny Mannering and also Allison Scott and Henry from Hansard, who is a very important aspect of this operation.

Welcome to you all and it is sworn evidence that we are taking today so I do ask each one of you to make the statutory declaration that is before you on the table.

Welcome and thank you for attending. Hearings are a very important part of any inquiry that the Legislative Council or the parliament undertakes and we do appreciate the fact you have taken time today to provide us with the information we need for our deliberations.

For the record our hearing today 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 this hearing is protected by parliamentary privilege and I remind you that any comments you make outside the hearing may not be afforded such privilege. You have a copy of the information for witnesses statement. Have you all read that?

#### **WITNESSES - Yes**

**CHAIR** - You are aware of the circumstance should you get to a point where you believe there is something you would like to be heard in camera then you can put that request to the committee and the committee can deliberate on that and we will either allow or not allow that.

Today, especially for those that are beaming in, there will be an opportunity for you to make an opening statement if you wish to do that. There is plenty of time for that to occur. We have a significant period of time, three quarters of an hour if you wish to take that but do

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not feel you have to. It is up to you and we are seeking information specifically relating to the terms of reference.

It is a public hearing and members and/or journalists may be present today.

**Ms WATKINS** - Thank you, Chair. I would like to commence by acknowledging the palawa/pakana and gadigal people, the traditional custodians of the land on which the members of the University of Tasmania community live and work. We honour their enduring culture and knowledge as vital to the self-determination, wellbeing and resilience of their communities.

Thank you for the opportunity to discuss the University of Tasmania Act and for the consideration you are giving its operation through this committee.

We have appreciated the opportunity to read all the submissions and we look forward to exploring how we respond to the concerns that have been raised.

I am going to make some initial remarks this morning about the governance architecture of the university and then I will hand over to the Vice-Chancellor to speak to the role of the University of Tasmania as an important civic institution and on academic freedom.

Professor Natalie Brown, Chair of Academic Senate will outline how the senate operates to protect academic quality and standards. Our Chief People Officer, Kristen Derbyshire, will explain how we engage and support our staff.

Our opening addresses build on our submissions to the inquiry and we look forward to responding to your questions regarding our submission and the terms of reference. Subject to your preferences, I am very happy to receive your general questions in the first instance and refer them to my colleagues as relevant. And of course, no doubt you will have questions specifically for each of Rufus, Natalie and Kristen.

Before I start to explore the terms of reference, I seek your indulgence to put on the record the privilege and gratitude I feel to be the current Chancellor of the University of Tasmania. I have always felt my Tasmanian upbringing and my University of Tasmania education was a great gift. As a country girl and the first in my family to attend university, I know I have had many opportunities as a result of my Tasmanian education. I am honoured to be able to give something back to my home state and play some role in ensuring the university continues to benefit Tasmanians as I have benefitted.

I now respond to the invitation posed by the terms of reference to consider the fundamental governance architecture of the university. It is an architecture that has evolved in response to the very substantial changes that have occurred in Australian higher education over time. Throughout this history there are of course important qualities and commitments of the university that have not changed. We remain a university committed to the dual tasks of providing a broad high-quality education for those who primarily want to understand our world more deeply and to preparing those who want to contribute to professional life as a teacher, lawyer, nurse or engineer.

Our research commitment encompasses discovery research to expand the frontiers of human knowledge, as well as research to make a practical difference to our society from

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improving health and education outcomes through to developing the technologies for a zero-carbon world.

While these high-level commitments have not changed, there is much that has changed, of course, since the university was established through the 1899 act. In particular, Australia's aspiration for who should benefit from higher education and the scale of our research to best serve the national interest has radically changed. With these shifts have come profound changes to the way higher education and research are funded and therefore, the way universities are governed and managed.

For most of their long histories, universities were by today's standards, very small places. In its first three decades, the University of Tasmania grew from having only 50 students, taught by nine staff in 1907 to around 680 students and 90 staff in 1945.

The scope and the scale of the university was modest as were the legislative requirements. So, a lot of the management work was carried out by the university's professoriate board as it evolved to become Academic Senate.

Some of the submissions to this inquiry look back to that period for inspiration when the idea of universities being run by a community of scholars was very much present.

Back in that period, however, universities played a very different role in Australian society. In 1939, for example, just 0.2 per cent of Australia's population was in higher education and just one Australian in every 2000 had a bachelor's degree. Research was also not a major focus, with very little direct funding for it.

The post-war world saw a series of fundamental changes which the university and the act have evolved to meet. These include a dramatic increase in scale, a large increase in scope, a significant change to how the systems are funded and quality is regulated. Plus, substantial growth in the legislative and regulatory requirements placed on universities.

I will briefly outline how those five changes have driven the evolution of the university's governance.

Firstly, the scale of higher education dramatically increased in the post-war period. The Commonwealth Government recognised the importance of expanding access to higher education to create opportunities, including for returned services people. The modernising economy also required a greater number of Australians with higher education, and increasingly, the outcomes of university research.

From the Whitlam Government onwards, expansion accelerated to enable more Australians to benefit from the opportunities of higher education. The sector reached its high point when the Commonwealth began to fund the places of any Australian students who were admitted to university. The result today is that 26.3 per cent of the Australian population - that is, more than one in four - has a bachelor's degree. More than 1.6 million people in Australia are in higher education in any year. Australia now has 43 universities with an average of 3700 students and about 3100 full-time in fractional staff.

The second change that I mentioned is the increase in scope of our universities, including the range of qualifications provided to meet the needs of our economy, with more jobs requiring

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tertiary level education. Australian universities also significantly increased their research output in the post-war period and as medical, scientific and engineering research grew, so too did the need for large-scale high-cost infrastructure.

The third change is that during this post-war period the funding of higher education shifted from the states to the Commonwealth. Importantly though, the Commonwealth took over funding higher education but it has not ended up providing for the full cost of it. This is unlikely to change. As a result, universities have sought other sources of income to support their teaching and research mission, including attracting international students.

The fourth change is that with the growth of the role of the Commonwealth in funding student places and research, it also expanded its regulatory role. Over the period the regulation of higher education has moved from state regulation through a cooperative approach to a single, nationally-consistent Commonwealth regulation through the Tertiary Education Quality and Standards Agencies or TEQSA.

The final post-war change I will mention is in the number of legislative instruments governing universities to ensure they meet the expected standard and values of Australian society. These range from work, health and safety legislative through to modern slavery requirements.

Today, the University of Tasmania is governed by more than 280 pieces of legislation. The consequence for universities, including our own, is that they have become very large entities. Ours needs to manage a budget of over half a billion dollars per year, as well as a balance sheet of over a billion dollars and comply with the myriad legislative and regulatory obligations.

The university sector and legislators have responded to these changes by seeking, on one hand, to retain an absolutely central governance role for academic matters within the academy, while also adding contemporary models for the governance of large organisations. The act creates a framework to enable council to be constituted with the expertise and perspectives to deal with the range of issues that our university encounters. This expertise includes academic and professional staff, as well as students.

At the same time, the act and best practice governance aim for a council size that promotes shared accountability, acting in the best interests of the university with each person able to make a meaningful contribution to all decision-making.

Matters of council membership in terms of numbers and skill sets and the shift towards a more corporate style of governance have often been raised throughout this inquiry. I would like to briefly note the history of council membership and the logic at play in relation to these two issues. As Damian Bugg AM KC, the former chancellor of the university, outlined to the inquiry, in the original 1889 act, governance consisted of a council and a senate with nine members of the council elected by the council and eight by both Houses of Parliament. The original model was one of representation and political control. The university was a creature of the state parliament and funded entirely by the parliament at that time. Until 2001 the council comprised 24 members, among them a representative from both Houses of Parliament.

By 2010 this had been reduced to a minimum operating level of 10 and a maximum of 14. At this time, it was considered that the council should adopt best practice governance

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approaches alongside its academic governance exercise through the academic senate to ensure the delivery of the academic mission of the university. The act makes it clear that 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.

So, the question of if and how to open up the council to more voices, skill sets and representation clearly needs to balance the range of responsibilities we have. We do understand the need to ensure that the right perspectives are in the room and we welcome thoughts on whether additional perspectives are required. We regularly assess the skills, experience and perspectives we have among our council members and we prioritise attributes for future council appointments. For example, our current priorities include a Tasmanian Aboriginal perspective, given our deep commitments to voice, truth and treaty.

Our mission of sustainability and tackling inequality also means that expertise in these areas needs to be included, alongside the academic human resources, financial risk, technology and other expertise needed to govern a modern university. How do we best do this without increasing the size of the council to the point where good decision-making is compromised?

Very often it is through seeking members who bring a combination of skills, experiences and attributes to our decision-making. There is also a role for other subcommittees which contain non-council members. All our subcommittees already benefit from the involvement of members beyond council and we need to challenge ourselves to use this opportunity to an even greater extent. We are also looking at ways we can more systematically incorporate a community voice into our council processes and we are interested in exploring new forms of engagement.

Let me go on to what is an important theme to mention which is prudent financial management. Prudent financial management is an important responsibility of those of us charged with university governance and I have mentioned that the Commonwealth funding model is such that universities have no alternative but to generate independent sources of funding, as well as the government funding they receive. Our council, supported by our audit and risk committee and strategic resourcing committee, needs to ensure that our university is financially sustainable and able to deliver its academic mission across our state, not only for the students of today but also the students of future generations. This is a challenging equation, and it means that we need to ensure all our resources are directed towards our core activities of high-quality learning, student support, a broad research agenda, and contemporary facilities. Underutilised land and buildings, or other assets, need to be challenged as they may represent a foregone opportunity to invest in scholarships or research or strengthening our presence across the state.

It is clear that for some, the university being involved in property and construction seems at odds with what universities are about. The reality, though, for universities across the globe, is that this has long-been a characteristic of their financial sustainability. It's not only the world-leading institutions like Oxford and Cambridge; more than 70 universities in the United States were originally founded as land grant universities, whose primary assets were the land gifted to them under the Morrill Land Grant College Act of 1862. In Australia, La Trobe University and Victoria University are just two examples of institutions that have derived greater financial sustainability through optimising their property assets.

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We do appreciate that campus transformation activities we have here in the north and in the south give rise to concerns about our focus; and for some, even our motives. We appreciate feedback about whether we are getting the balance right, and particularly how we can be more transparent.

Whatever changes might be considered to the council and its membership, it's vital that academic senate is central to our governance. Natalie will say more about its operation, but from an overall governance perspective, academic senate plays a critical role. Not only is it senate that approves what the university teaches and how it teaches it, senate has the carriage of monitoring of quality across the board under regulatory requirements established by TEQSA and a critical advisory role to council on academic matters.

The final aspect I will briefly highlight is academic freedom, not least because of the concerns that people have raised. I note that universities being able to generate their own income is one important part of how they maintain their autonomy and protect academic freedom. When universities are solely dependent on governments for their funding, they have fewer degrees of freedom to pursue the priorities that are not funded by government.

I want to reinforce in the strongest terms that the university's commitment to ensuring academic freedom and free speech begins with the council. The university's strong policies have been created by council and cannot be changed by the management team of the day. We hold the executive accountable to ensure those standards are maintained, and we certainly welcome parliament's thoughts on any ways the very strong Commonwealth framework established through the French Review could be further strengthened.

In conclusion, I have sought to outline how in the extraordinary period of change between the original act of 1889 and the act of 1992, the university's governance model has evolved to address the dramatically greater scale, scope, and complexity that Australian universities navigate today. We recognise that some of these changes have led us to evolve in ways that the community has raised concerns about, and we welcome this opportunity to explore how people think we could do better in meeting the challenges we face.

I once again thank the committee and the parliament for the opportunity to address the inquiry's terms of reference, specifically how the university's governance structures have evolved to ensure we are working to serve the best interests of the university and the Tasmanian community.

I will now hand over to Rufus to speak to the terms of reference that address the responsibilities and freedoms of the university.

**Prof BLACK** - Thank you, Alison, and thank you to this committee for the opportunity to discuss the terms of reference today. I acknowledge that we gather on the lands of the muwinina people, and I recognise the continuing sovereignty of these lands by the palawa people. As a university, we particularly honour the palawa/pakana and gadigal peoples and their wisdom. We listen to their wisdom, and we recognise that their knowledge, which has stewarded these lands from deep time, will be vital to the sustainability of this island, and the continent, and its other islands into future time.

I am grateful to the parliament and to this committee for this forum to explore perspectives and concerns about university. The work of this committee has already been an

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invitation to reflect and take action. I look forward to the committee's findings and further opportunities they will provide to strengthen the university.

The terms of reference ask us to address not only the governance of the university - as the Chancellor has done - but also the responsibilities and the freedoms the University of Tasmania has as an important civic institution. I will address each of those in turn.

Our responsibilities are to carry out the functions set out in section 6 of the act. These are the responsibilities for which the council is accountable, and in so far as the powers to pursue them in section 7, are delegated by the council under section 10 of the act, they are the responsibilities for which - in our different roles - the senate and executive of the university are accountable to the council. Given the submissions the committee has received, I will focus on four of those responsibilities and the accountabilities that go with them.

The first is the responsibility for the enduring values that constitute a university. The Chancellor has referred to them as our enduring commitments. They are to provide an education and to conduct research because of its intrinsic value, and to conduct that work in a way that reflects the collegiality of academic community and the relationality that lies at the heart of learning. When a society creates a university, it is an affirmation by that society of what they value and what kind of society they want to be. That's very true for Tasmania, and for this university. The university was created at the end of a difficult period of history; a time of invasion, war, dispossession, of being an offshore British prison and the enduring economic hardship that followed when the inhumanity of that penal system ended.

As the prospect of a new century rose, the university was created as an expression by Tasmania about what it valued and what it wanted to characterise its future. We hold to those values, but the act is silent on them. Today, where there are forces working to make university education more and more instrumental, we would welcome the act giving expression to those enduring values and setting out why Tasmania as a society has a university that carries its name.

The second responsibility is to provide the teaching and research that meets the needs of our time. There will always be a need for a broad education in the humanities, creative arts and sciences, complemented by the need to develop all the professions Tasmania needs - from nursing and social work, to engineering and agriculture. We equally need to provide the research the state's future requires. When it comes to these responsibilities, we appreciate the requests for greater transparency and accountability. Given the broad responsibilities we have under the act and our commitment to sustainability, one thought is that a good complement to the traditional annual report required by section 12 of the act would be an environment, society and governance, an ESG report, which is widely seen as good practice for creating accountability for key non-financial obligations.

A version of this reporting could be provided at a regional level to create greater transparency about our role across Tasmania. Integral to that accountability is receiving feedback on how we are delivering. There is already a range of mechanisms in place, from formal accreditation bodies that accredit our courses to industry advisory groups. We are exploring, as the Chancellor mentioned, what other community-focused models there could be and how they could work. We have had regional consultative bodies in the past and we are open to new forms of such bodies.

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The third responsibility is to promote access to higher education which we are explicitly tasked to do in paragraph (f) of section 6. We see this as a pressing task. The educational inequalities in Tasmania are severe. Currently, Tasmania has the highest proportion of adults with only a year 10 education or below. Tasmania has the lowest proportion of people with a university degree - at 21.9 per cent - compared with 26.3 per cent nationally, and only 48 per cent of adults are functionally literate.

This poor educational attainment magnifies our economic challenges, with unemployment in Tasmania consistently higher than the national average. We have the lowest level of workforce participation, at 60.6 per cent compared with a national average of over 66 per cent. Educational inequalities also underpin the broader enduring inequalities in Tasmania. We have the highest proportion of people living in disadvantaged areas - at 37 per cent - the highest rates of disability - 26.8 per cent compared with 17 per cent nationally. We have some of the poorest health outcomes in the country, and we know education is often at the heart of those.

Education is the single most powerful lever to systematically address that inequality. Enabling people to find a pathway to higher education is critical. All the studies about the future of work make it clear that most of the new jobs created will require post-secondary levels of education.

Last year the National Skills Commission projected that over the next five years, 91.7 per cent of new jobs will require post-school education and more than three-fifths of the projected total employment growth will be in high-skilled jobs.

We recognise that for all we can do, and we are doing a lot, the scale of change that Tasmania needs to address inequality requires us to work in even deeper partnership.

A most successful access initiative in recent times, the Schools Recommendation Program, was only possible because of the deep partnership of the Tasmania education department and all the school systems. It has, for example, sustained a greater than 30 per cent increase in applications from the north-west of Tasmania and other disadvantaged areas. It has demonstrated that real change is possible but it requires bold partnerships.

Given the centrality of partnerships, for us to have an impact for the good of Tasmania, it's interesting that there is no explicit enabling provision in section 6 of the act or the functions in section 7 on the powers of the university relating to partnerships.

If we, as a state, are to reach national higher education benchmarks, we need a stronger authorising environment in this act to push the envelope to make that difference.

We go back to the 1889 act: it said that the university was to hold forth to all classes of Her Majesty's subjects without any distinction whatsoever. Now, that language may be from a different time, but the values and aspirations of the original act are not. It would be great to see our contemporary act to have the courage of such forthright language.

The fourth responsibility in the words of the act, section 6, paragraph (g), is to 'promote the social, cultural and economic welfare of the community'.



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Our place-based strategy commits us to this mission, not least because of the local and global challenges we face and the role universities can play in working with communities to meet them.

The world has entered an era where the economic and social model that drove the extraordinary post-war growth is not sustainable - and it needs to be changed - and is at historically unprecedented rates. The need for that rapid and transformational change is most obvious in relation to the transition we need to make to a zero-carbon economy by 2050. But equally pressing are habitat and species loss, growing inequality and global instability.

Universities around the world have recognised these challenges and in response have begun the Civic Universities Movement, where universities explicitly work in partnership with their communities to meet the local manifestations of those challenges. Our strategy is very much in line with this movement.

However, we haven't as yet, as many universities have done, formalised these strategic commitments in a civic compact of some form such as those suggested through the UK's Civic University Agreement templates.

We would be interested in the parliament's vision on whether it would be a worthwhile step to do so as part of creating transparency and accountability for the role we play.

The Commonwealth is looking to establish a new accord with universities this year, and discussion papers were released only last week. State-based compacts designed to work with the accord may be a valuable part of a new architecture.

We would be interested in this parliament's views on the policy instruments that would promote the state's interests in higher education. If the parliament wanted to reflect the contemporary role of universities in addressing, through deep civic partnerships, the great challenges we face in Tasmania and the world, then perhaps the language of promoting the social, cultural and economic welfare of the community of section 4(g) is neither expansive or ambitious enough for our time.

If I can turn now from responsibilities to freedoms because item 4 of the committee's terms of reference asks about the appropriateness of the act to protect and promote freedom, independence and autonomy.

We see academic freedom and its companion, freedom of speech, as vital freedoms in a plural democratic society. This is why we have a strong a statement of academic freedom and free speech in our policies, as you will find anywhere in Australia.

Even before the French review, our academic freedom policies were independently rated as the second strongest in the country. We took the opportunity of the French review, which set out a model code for a strong defence of academic freedom and free speech, to further strengthen our policies. Our new policies were subject to the Walker review, which highlighted a few further opportunities to strengthen our position. We readily adopted those suggestions. The Commonwealth Department of Education rates our policies as fully compliant with the model code.

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We recognise, from the submissions made to the committee, that not all staff believe in the strength of our commitments. We are working to improve the training, induction and support we provide about these policies; again, something very much in line with the recommendations in the French review. I am keen to make sure that we find ways to provide that assurance of our commitments because the protection of these freedoms is fundamentally important.

Freedoms embedded in the university provide institutional, not just personal, protection of the importance of having a plurality of perspectives in our society. This defends one of the cornerstones of our democracy. Universities have unique responsibilities in relation to academic freedom. They protect staff and students speaking about topics for which they have expertise and whose views could be reasonably thought to have particular weight. That freedom is of great consequence in a society concerned with truth, transparency and evidence-based decisions.

Now more than ever, truth itself has come under assault. This freedom is vital. These freedoms, protected by the university, from time to time, do cause considerable discomfort for the institutions of government, as they should.

As a result, history tells us the greatest threats to academic freedom come from outside universities, not within. That is why integral to our academic freedom is the autonomy of the university itself. Our policies, in line with the Australian Government's model code, commit us to protecting that autonomy.

While we are interested to explore any suggestions the parliament has for how academic freedom and free speech in universities could be better protected, we are equally keen to understand the safeguards to prevent those freedoms being wound back when their exercise is making life difficult for parliament or the government. Even in liberal democracies, it is really the first instinct of government to defend freedoms when they are being used against them.

Our policies make me the responsible officer for our free speech policy. It is a responsibility that I welcome because I know the power of these freedoms personally and I will defend them robustly. In a different time and place as a young academic, there was an institutional attempt to curtail my academic freedom. The defence in support of that freedom provided by my university colleagues, who equally held dear to that freedom, is one of those powerful experiences of my adult life.

In these opening remarks, I have addressed the responsibilities, accountabilities and freedoms for which the university stands. I have called attention to the opportunity to affirm the enduring values of the university in the act. I have suggested ways in which the act could more fully realise the bold intent to see the university, in partnership with others, contribute to a more equitable, sustainable and prosperous Tasmania. I proposed ways we could create transparency and accountability for those responsibilities. I have affirmed the strength of commitment to academic freedom and free speech and committed to continuing to work to ensure all our staff feel the protection of those freedoms. I thank the committee for this opportunity to address the terms of reference and the opportunity these hearings have provided for us to hear a range of perspectives about the university and the act.

**Prof BROWN** - Thank you, Rufus, and thank you to the committee. I would like to speak to you now about academic governance and specifically about the role of academic

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senate. To give you some context, I come to this role as Chair of Academic Senate through an election process with eligibility for that position open to any senior staff member.

I have been a member of university staff for more than 26 years, beginning as a casual teacher and then progressing through the academic levels as a teacher and a researcher. I continue to research in the area of educational attainment. As Chair of the Academic Senate, I would like to take this opportunity to clarify the three key roles of this governing body and how that works in the operations of the university.

The first, delegated by council, is to approve all courses and awards. The second, prescribed under the higher education standards framework is to undertake academic governance. The third, as specified under the University of Tasmania Act, is to provide advice to university council on academic matters. We agree, with other witnesses, that the academic and student voice must be central to the work of our university.

In our first role, as approver of courses and awards, academic senate sets a framework that draws on disciplinary learning and teaching and assessment expertise from across the university. Academic staff contribute at all levels of the approval process at the school, at the college and at the central level. Academic senate then draws on this expertise to inform its approval of what is taught at the university. The higher education standards framework provides us with clear direction to oversee the systems and processes that align to the higher education standards framework and you will have received those standards in our written submissions.

It is the members of academic senate who set and monitor institutional benchmarks in relation to the standards. As an example, quality standards are set in relation to teaching quality, which might include percentage retention in a course, or the performance of a course against a national average in the student experience survey. We review the analysis of the data and we discuss and give feedback on proposed action plans.

As the academic governance body, academic senate also provides advice on academic matters to council and this is done in a number of ways. Firstly, through a written and verbal report at each meeting. We have recently changed to move this report toward the beginning of the council agenda, to provide additional scene-setting for council members to inform deliberations. In addition to these reports, all council members have a standing invitation to attend senate meetings.

As an ex-officio and voting member of the council, the Chair of Academic Senate also provides advice on who and how academics should be involved in decision-making and informing decisions. As noted on Monday by Michael Wells, the Chair of Academic Senate also sits on the audit and this committee.

Academic senate has a clear role in determining and monitoring the academic delegations framework that is approved by council to define academic decision-makers across the university. This framework allows for academic decisions to be made at the most appropriate local level. It incorporates a range of decision-makers from unit coordinators through to executive deans of colleges and senate itself. For some decisions, council requires the endorsement of academic senate. For example, if we are considering third-party arrangements for teaching, senate must approve courses that are offered.

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Through this inquiry, we have heard some concerns that relate to perceptions that the membership of academic senate is not optimal to inform management decisions or to hold university executive to account on academic matters. This input, together with our existing annual review and improvement process, has informed our 2022 review of senate. We did hear there are opportunities to provide early advice on academic initiatives to management, to build our expertise on both senate subcommittees and broaden that involvement from across the university and to further communicate between staff, senate and committees.

As a result, we have adopted a refreshed three-phase approach to senate discussions and deliberations around academic strategy, policies, and initiatives. In the first phase, management seeks exploratory feedback on new academic policy or initiatives, or flags potential changes prior to any in-depth planning taking place, to allow feedback from members. As well as the diverse perspectives of staff and students on senate, elected members are also able to canvas these ideas with colleagues. Once the planning is underway, senate has an additional opportunity for feedback and depending on the initiative, it might also be discussed or shaped through one of the senate subcommittees or discussed in colleges. That includes casual staff and students, who would be involved in some of those discussions. Senate endorses final documentation and ensures that feedback has been appropriately considered and can also provide advice on implementation.

We have made a further change to increase input by academic staff who are not currently in management roles and to provide strong academic governance of more time-critical monitoring functions required under the standards framework. We have a new committee which has been created, the monitoring and assurance committee, consisting of five academic staff representatives and a student representative, all of whom will also become full academic senate members. Chairs of three of our key subcommittees have also changed so they are no longer executive portfolio leads.

Existing communication between senate and academic staff through a chair's summary and minutes is available after each meeting, together with an invitation to make contact with me as chair. To supplement these channels, I now periodically convene with relevant management colleagues Zoom drop-in sessions open to all staff around specific topics. Recently, we have had an agendaless learning and teaching conversation and I have had the Deputy Vice-Chancellor and Director of Curriculum join me in those discussions.

We are also clear that a student voice needs to be present in academic governance and more broadly in our operations. We know through this voice some of our students have had challenges during COVID-19 lockdowns and then return to study post lockdown. Some have not had the best transition into our city campuses and many more want input into learning and teaching decisions in a timely way. We fully support this and continue to work with student representatives to find the most appropriate and effective ways for this input. This includes input into course design, into learning and teaching and into broader student experience. At academic senate we have a report from our four student representatives as a standing item. Student representatives work with the senate chair and our secretariat to present strategic items for discussion as the need arises. Students are also members of the student experience, learning and teaching committee and college learning and teaching committees, as well as course advisory committees that sit in our colleges.

In 2022 our students provided key insights into development of our online teaching standards; our assessment procedure informed our support of students studying in the city, our

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regional campuses; as well as insights into our experiences, the experiences of our high degree research students. Input from all students is also critical to monitoring delivery and quality of the student experience. This includes getting feedback through end of unit surveys, a newly introduced pulse survey that gives teaching staff an opportunity to adjust teaching or further support students as needed during a unit.

Individual colleges have their own ways of encouraging feedback. They have staff/student liaison committees, regular student forums with heads of school and course coordinators. They meet with student societies and they seek external advice from graduates. Student representation also informs other areas of our work at a whole of university level. For example, we have student representation on our disability and inclusion advisory group and our sustainability committee and we value our relationships with our students very much. You have heard in these hearings about the 'students as partners' model that has been put forward by the Tasmanian University Student Association that has been presented to both council and senate. We have colleges and divisions working to further enhance the role of students as aligned to that model.

**Ms DERBYSHIRE** - Thank you, Natalie and thank you, members of the committee. The University of Tasmania is one of the largest employers in the state with a strong regional presence. Our staff are the most integral and critical contributors to enabling the university to achieve our academic and research missions which the Chancellor and Vice-Chancellor have spoken about this morning. That is why we are focused on continually enhancing their experience as employees of the university. At any given point we employ some 5000 plus Tasmanians in full-time, part-time and casual positions across the state. Our people strategy of 2019-23 outlines a series of commitments which aim to create a great working experience for these people. These commitments focus on the wellbeing and safety of all staff; diversity, inclusion and equity initiatives; building greater alignment to strategy and mission; leadership development programs; and supporting people to achieve their career goals.

A core element of our plan in 2022 included the delivery of an employee engagement survey which some 70 per cent of our people responded to. We initiated the survey to ensure we have a robust data set to identify specific opportunities we have to create an inspiring, motivating and engaging environment for our staff and to track our progress over time. The results of the survey found that most of our people feel well cared for and well supported by their line leaders. They have a strong sense of belonging and connection to their local teams. Their roles are well defined and they have a sound understanding of what is required to be successful in their roles. However, there are things at an institutional level that we can do to create a better experience for our staff, including enhancing our systems and processes to make it easier for our people to do their work, empowering our people in their local team environments and investing in leadership capability development across the institution.

The university's executive team is focused on facilitating and enabling a better experience at work for all staff in line with our objective of being a people-centric institution. We are focused on leveraging the strengths that were identified in the survey, of strong mind management and team connection. We are building connection to mission and strategy, and we are working across all levels of our institution to create solutions which enable empowered local leadership capability which is centred on humanistic attributes.

We are also focused on improving the security of the employment for our staff. We were delighted to finalise negotiations with union bargaining representatives late last year to become

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one of the few universities to have a staff agreement successfully endorsed by unions, supported by staff and approved by the Fair Work Commission in recent years. There are new elements within our agreement of which we are particularly proud; specifically, where we are focusing on our staff members who are impacted by the precarity of insecure role types at our university. We have been actively working to address the concerns raised through these hearings about the impacts of insecure employment, which is systemic across the higher education sector.

Since 2018, the percentage of casuals, which is expressed as a full-time equivalent, has reduced at our university by 3.2 per cent and is currently at 11.6 per cent. During this time, our casual head count overall has reduced by 31.8 per cent. I think it is quite helpful and useful for the committee to understand, if I can describe, the different cohorts that exist within the employment categorisation of 'casual'. For our university, we have some 51 per cent of our total casual work force performing administrative duties and those are in roles that we would typically refer to as professional staff members. 49 per cent of our people in casual roles perform duties which are academic in nature, and that is primarily in the teaching and learning space. In addition to the type of work that our people perform in these casual roles, we also know that we have different types of people who are typically employed casually at the university. These include casual academic contributors who do not rely on the university as their primary source of income - for example, a musician, who would tutor in semester 1 each year but is also a private music teacher outside of the university; or a surgeon who delivers workshops to our third-year medical students but is primarily employed by the Department of Health and also runs their own independent private practice.

That cohort of our casual staff makes up approximately 58 per cent of our total academic casual workforce. Our second cohort is our higher degree research students - HDR students - who are doing a PhD. They work with us while studying. These PhD students make up about 16 per cent of our total casual workforce, and they are employed in both academic and professional roles. The third cohort of our casual staff members is employed by the university and rely on us as their primary source of income. These academic casual staff members make up around 42 per cent of our total academic casual workforce and it is this casual community who are most impacted by the insecure nature of casual work. It is those last two categories, being the HDR students and those casual academic staff members who are employed primarily by us, where we believe we have the most opportunity to deliver improvements to their working lives and lives generally.

In recent times, we have done much to deliver real actions which we feel will help support these staff to feel more secure in their employment, including three significant changes to the new staff agreement. The first of these changes is the introduction of the graduate teaching fellowship. These roles are specifically designed for our PhD students, where they can be employed in up to a 0.2-0.5 full-time equivalent fraction. The roles enable employees to participate in teaching and learning activities throughout the semester in addition to their research obligations, and then to undertake professional development activities during semester breaks. Higher degree research students in these roles are therefore entitled to paid leave and have the security of ongoing employment.

Our second change to the agreement seeks to address our opportunity to increase our commitment to converting our academic casuals into ongoing, teaching focused positions. Our commitment, at this point, is for 25 full-time equivalent roles to be converted throughout the lifetime of the agreement. This will equate to a large number of casual role conversions,

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because many of these will be part time roles - noting that, the minimum requirement is for a 0.5 full-time equivalent role fraction. To support these conversions, we have also increased the number of disciplines where teaching-only part-time positions can occur.

The third new role type introduced into the agreement is the continuing contingent-funded employment type. This means we employ people in a continuing role where the role is contingent upon research funding to be maintained. The benefit of this is that employees who have rolled from one contract to the next for many years will be granted the appropriate recognition of service and service continuity for the purposes of entitlements, such as severance and personal leave et cetera. Importantly, we are able to genuinely recognise these wonderful contributors appropriately and respectfully for the amazing work they do with our university, as critical members of our community.

The staff agreement was approved by the Fair Work Commission earlier this year and came into effect on 6 February. The work of improving how casual staff experience their employment with the university will continue to be a focus for us in the future. I am pleased to advise that this year we will be including our casual staff in our annual employee engagement survey, which will provide us with information which helps to further inform actions and changes that we can implement to continuously improve the experience of our casual staff, which we are very much committed to.

Once again, I thank the committee for this inquiry, which gives us a chance to listen closely to our community on how we can continue to improve the way that we work, to support our staff and of course, our students. Thank you, Chair and thank you again, committee members.

**CHAIR** - Thank you. A comprehensive opening statement and interesting information. We will take a short break.

**The committee adjourned from 10.26 a.m. until 10.39 a.m.**

**CHAIR** - Welcome back, everybody. We consider that most of those things that were covered were in terms of reference anyway. So we will just go straight to the terms of reference if that is okay?

We will start with Nick Duigan on terms of reference (1): The constitution, functions and powers of the university.

**Mr DUIGAN** - Thank you very much, Chair. I will start with the constitution, that being first cab off the rank there and open to anybody who would like to have a crack at it. I am wondering how you would describe the constitution of the University of Tasmania and if it is unusual in any way or if it is in line with other constitutions of other like universities around the country. How would you describe the UTAS constitution and its make-up?

**Ms WATKINS** - I certainly do not profess to be an expert on university constitutions. From what I have heard from others who are, I understand that it is broadly in line. That does not mean that we should not challenge it. Some of my own reflections have been similar to those the Vice-Chancellor mentioned around strengthening the role that this university has as a really important institution for Tasmania and to serve Tasmania. I think that is a really important and defining aspect of what we should keep to the fore.

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Another thing I have reflected on is the students. Obviously, we are constituted and as a member, students are a really important part of the university. One of the things that has struck me, coming into this role, is from a council perspective and through the eyes of academic senate, as well as making judgments about what is best for the students of today, it is also really important there is a voice somehow for tomorrow's students for the future. Not only the students who are currently students, but the students who are not students but should be students. This harks back to educational attainment in Tasmania and the need to make sure we are really thinking about the needs of all Tasmania and all Tasmanians and being a university constituted to serve all Tasmanians who could be/should be today and in the future, students.

Those would be a couple of opening reflections. I might ask my colleagues who perhaps have a better perspective on how we sit compared with other universities. Rufus, you have obviously worked across the sector, you might like to comment on that.

**Prof BLACK-** Thank you, Alison, and thank you for your question, Nick. The fundamental architecture we have is very similar to the fundamental architecture right across the sector. As Alison outlined, the kind of changes that have occurred to the sector have really driven that common picture.

In addition, the Commonwealth setting the expectations of what good governance is has also very much contributed to that. The Tertiary Educational Quality Standards Agency role in setting a regulatory framework, which particularly establishes the role of how senates play their function, has really put a nationally consistent set of frameworks in place that drive us to have that similar kind of pattern.

There are variations across some where we have a few council members more or less, some powers may be slightly greater or smaller, but the essential architecture is remarkably similar. Australia is actually noted as having the most consistently similar higher education system in the world. Now, that delivers extraordinary outcomes for Australia. We manage to educate a very high percent of our population relative to many other countries as a result. We manage to do it, although, it creates a lot of challenges without charging private fees to two or three small private universities. However, we have managed to maintain a public system and a substantially though not wholly publicly funded system in order to do that. That governance architecture really reflects the history that has been spoken to.

**Mr DUIGAN** - Thank you, we have heard from perhaps other people giving evidence here that a preamble might be something to introduce into the act. Do you have any thoughts about something which might sit above the sort of constitution, functions and powers area?

**Ms WATKINS** - Yes, I would just comment on that initially and say I think it is a really interesting idea and thought, and something I think we'd be quite keen, and it has been instructive for me to appreciate. Coming in, I guess I found the commitment that we have to be a university for Tasmania - for all of Tasmania - really compelling and really important. However, it is clear there is a tension. Certainly, it has been a perception of some of the people who have appeared before you and made submissions that we have not always been a university truly for Tasmania, that we have been oriented to the south - too oriented to the south. I think some kind of expression in the form of a preamble of what parliament's expectations are of us in that regard, and what that means, would be extremely helpful.



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It then informs council's discussions about resource allocation and judgments about - and when I say resource I mean both our physical assets and also people and leadership - and how we think about the scope and representation, where we invest and how we invest across the state. While in one sense you may say a preamble, what does that achieve? I actually think it would be a really helpful framing and clarity of the expectations that would flow from that, which would be most helpful for council and for academic senate. That would be my view.

**Prof BROWN** - I would agree. I think the kinds of things that we are talking about that might be included in a preamble are certainly very consistent with the discussions that we have as an academic senate.

**Prof BLACK** - I would probably add, in my submission, I actually quoted the piece from the original preamble. These things have enduring power when they state it. If I go back to that original preamble, it also says that - and this goes to the reason, therefore, that it is established. Tasmania is establishing this, the reason for establishing it, is:

pursuing a regular and liberal course of Education.

We do not have a statement like that anymore, and that was the point I wanted to make - that there is a power in reminding everybody why we have these things, and having the rich debates that enable you to frame those words. People do look to them to be, if you like, the vision statement of parliament and the state for what this is about.

I certainly have found it very helpful. In fact, from time to time, I go back to the original founding words, in conversations in policy environments, to say, 'here is why we are here, and what we are about, it is all kind of here'. That is why I think there is a real power in that, and in finding those words that strike the balances that we have talked about in terms of our enduring commitments, the things that we would hold as core to what universities are about, and to get that balance of our dual tasks really right. It would be very nice to have that clear.

**Mr DUIGAN** - Thank you. To come back, I guess to some extent, to the constitution of the university, which is members of the council and members of the academic staff, and professional staff graduates, and students. Has the make-up of that changed over time? You mentioned there has been fairly profound change, certainly in the setting for the university and the environment in which it operates over time. Has there been change to what constitutes or what the university consists of?

**Ms WATKINS** - I will ask Rufus to confirm whether that is in the governance. He is more of a governance expert than I on that, on the history of it. I have noted that some submissions have referred to alumni as a class, an important class who are not explicitly mentioned as part of the constitution of the university. I think that is something that we could potentially also consider. When we think about the constitution of the make-up of the council, the university council membership, a connection with Tasmania and University of Tasmania alumni are an important part of our criteria. The vast majority of our council members are alumni of the university and the Vice-Chancellor also conducts a number of regular activities. I am involved in a number of activities where we are closely connected to alumni during the year, listening and also seeking to keep connected with our alumni. That might be something that could be more explicitly called out. I am not sure in practice that it would make a difference because we do pay a lot of attention to it. Rufus, what would be your thoughts?

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**Prof BLACK** - It is a very good question, Nick. The way the act is set up constitutes its membership as the active, living, collegial community that is engaged in the university's tasks of learning and teaching and research today. That is why it encompasses everything from the students who are doing the learning in it all the way, including our graduate students, our academic and professional staff. It is a coherent way of determining that it is that living community that holds at any one time the values of the institution who are in conversation, in relationship. I mentioned in my opening statement that a notion of relationality lies at the heart of how universities, in their deepest ways, think about what constitutes them. These are all people who are in current relationship with each other.

Alumni are an important group and community and we often refer to them as part of the university community in a broader sense. One of the things the act does is to recognise their role as a broader community because it does require that there is an alumni presence on the council. That goes on the second part of what universities can see to themselves. There are universities that the collegial community holds to a set of values through time. That is one of the features of them. It is this ability to have a conversation about an act in the 19<sup>th</sup> century where we recognise ourselves even today. Alumni represent the community of people who maintain that healthy conversation which stretches you to say, are we holding to those values of the past? Some alumni will also say, are we holding to the values needed for the future? Their involvement in that kind of dialogue is an important feature. The act does set that up and it strikes a pretty healthy balance in maintaining that.

**Ms WATKINS** - Rufus, do you know if something has been changed?

**Prof BLACK** - I don't know. We need to take that on notice.

**Ms WEBB** - We can see from the act if we look it that (c) in that list was taken out.

**Ms WATKINS** - Something has disappeared, yes.

**Prof BLACK** - I don't know what that was.

**Mr DUIGAN** - In the area of constitution I am reasonably satisfied there.

**CHAIR** - I have one question as to whether you are aware of Public University Australia's Model Act. There is a slight difference there in the way UTAS is set up but it mentions the senate as an integral part, in fact it comes first. It says:

(a) senate

and then goes on to say:

(b) the professors and members of the academic staff of the University, all professional members of staff, and such other members or classes of members of the staff of the University as the by-laws may prescribe, and

(c) the graduates and students of the University,

Do you have any comment on that?

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**Ms WATKINS** - Yes, we are aware of it. First of all, it is interesting and it is important that there is active debate and discussion about different models and these are important questions for our community and our parliaments to consider, so it is a useful thing. It seems to me from what I see that their proposal elevates the role of the academics in overall decision-making and governance.

In a sense it would seem to restore some of those earlier models where academia was pre-eminent in the broad decision-making; whereas the model, as I explained today, while not changing the centrality of academic senate and its role, has evolved much more to complement it with corporate governance to reflect the scale and the scope of the organisation and the complexity of the requirements that are now imposed on it. It seeks to reinstate that sort of approach. That's really something for the community and parliaments to consider. It has been shared and syndicated across other universities. I am not aware of it getting traction yet; but it's healthy to be considering other models.

They all have their strengths and weaknesses. The governance model we have has evolved for reasons which seem pretty sound to me.

**Prof BROWN** - Yes. The reason why this may have come about is about ensuring that universities have an emphasis on the academic mission of the university - that is, the learning and teaching and research mission of a university. That has traditionally been the role of academic senate, and I would say that continues to be the role of our academic senate.

It's also central to the considerations of council. As a council member, that is the primary guiding consideration of the academic mission. The academic senate having a voice in that is essential. That is reflected in our governance structure.

What's being proposed in that paper is a slightly different governance structure; but at the heart of it is to ensure that there is a focus on that academic mission and that the members of the academic staff at the university do have a voice in that.

The other thing that I would say is that our academic senate and way that it is constituted draws from a diversity of academic staff. There certainly are professors on our academic senate, but we also have academic members who are at different academic levels, some who are focused on teaching and some who are focused on research. This ensures we get that broad diversity of views and that those views can, and do, inform our council.

**CHAIR** - As you would be aware, we have received significant numbers of submissions that are pointing at this very issue. It is not just Tasmania. It is coming internationally as well as nationally. That is the reason for asking that question.

**Ms WEBB** - We will cover academic senate in a later term of reference in much more detail. I understand that the Public Universities Australia (PUA) Model Act, when they are referring to senate, they are talking about a governance body analogous to council. That is my reading of that; I might be wrong. They are not talking about academic senate, in that sense.

**CHAIR** - They are talking about the senate.

**Ms WEBB** - They are talking about what would be regarded here as council, being part of a constitution of the university. I stand to be corrected.

**CHAIR** - You may well be right.

**Ms WEBB** - I have questions on constitution. When I read the act, at the present time, about who constitutes the university, it lists what we would expect to see with members of council, members of academic staff, members of professional staff, graduates and students. I see alumni as being there, in graduates. It probably depends on how you define that. I suppose sometimes alumni are defined more broadly than just someone who graduated from the institution. It might not catch everyone who might regard themselves as an alumni of UTAS, but it is fairly broad. It has been pointed out to us, though - the quote I have here from one of the hearings we have already had was:

... it is important to crystallise who are the owners, who are the members, who are the directors. Who reports to who, how often and what they report. Right now, it's not clear at all. It's not specified anywhere.

For me, that points to it being important for us to have an understanding of what does it mean to be a specified member that constitutes the university. How does UTAS regard the relationship to the constituents of the university, as stated in the act? What does it mean to have that list there, when it comes to who reports to who, who is accountable to who, who should be considered, that sort of thing?

**Ms WATKINS** - It is a good question because clearly, we are a unique kind of organisation in that we don't have shareholders in the conventional sense. I can explain how I think about it, and my colleagues might like to elaborate. We will come to the operation of the council and so forth, so I won't dive into that; but clearly the way the act is set up, the council is the pre-eminent governing body in the sense that academic senate reports to the council, the vice-chancellor reports to the council and so forth. I am sure we will come to that.

The importance and significance of the description of the members who constitute the university is that, from a council perspective, those are the stakeholder groups that the university is set up to serve and is accountable to. That's how I think about it. We need to have regard to all those stakeholder groups and to be clear on how they would regard success and impact and to be sufficiently in touch with them that we can know what's on their mind, what they are concerned about, and how we are doing from their perspective. There are multiple perspectives, and even within these different groups there are many different perspectives.

Ultimately it is council, as the governing body, that has to form judgments about what is in the best interests overall of the university which is constituted of this membership. We will never make judgments that satisfy everyone or keep everyone happy; but our role is to have regard to all those stakeholders and to then form - as best we can - fact-based judgments about what is in the best interests of the university overall. That's how I think about it. I don't know, colleagues, if you want to add anything to that?

**Ms WEBB** - To follow on from that issue of accountability back to members - if we took members to be those groups constituting the university, do you feel that the provisions of the act as it stands provide sufficient accountability back to that membership when it comes to the operations and functioning of the organisation?

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**Ms WATKINS** - Again, let me offer up some thoughts. It's an important and fundamental question for us to consider. I think the act does a very good job of setting up the framework. In the history of our university and the evolution of our society, not only here in Tasmania but of our country and globally, the needs and expectations of these stakeholders continue to change and evolve. It's hard to be prescriptive about what those are, at a point in time. Clearly, some of them are reflected ultimately in changes to legislation and regulation which impose certain requirements on us, and some of them are more a softer values-based matters of judgment; but they do change over time and they are hard to be prescriptive about.

The most important thing is that we are clear and the university, at the direction of the parliament, is clear on who we are set up to serve, who we are accountable to, that we can demonstrate we are taking adequate steps through a whole host of means, including our representation on council and the way we listen and take views on board. The way we analyse. That we are understanding as best we can the needs, the current needs, of those stakeholders and making the trade-offs which inevitably we must, because they all have different views. There are many different segments and ultimately, we also have resource constraints which mean we have to make trade-offs. We have to make choices. That is our role as a council. We ought to be able to satisfy these members that we have done our very best in making those choices and trade-offs, having regard to their expectations.

**Ms WEBB** - I was interested to hear in your earlier answer to Nick you named potential students, future students possibly and the broader community as being important stakeholders not listed as part of what constitutes the university currently in the act.

Do you think there is an argument to be made to consider somehow representing that broader community within the constitution of the university? Or, potentially making some link to that, say, in a preamble, as discussed earlier, and that that might be the place, rather than in a list of constitutional members of the university?

**Ms WATKINS** - I am probably showing my lack of legal expertise, I suspect. I do think those principles around our role to be a university for Tasmania and to consider the needs of the future, to be investing appropriately in the future for Tasmania for future students is really important. I will not pretend that I would suggest how it is incorporated. I do like the idea of the preamble very much because I think Rufus used the word 'vision' and it is a really nice way of capturing what the parliament's vision is.

**CHAIR** - It sets the tone.

**Ms WATKINS** - I like that idea a lot.

**Mr DUGAN** - Alright. All done on constitution and into functions of the university, point (6), which consists of essentially eight dot points. Which, in some ways is a work of genius, to get the functions of an organisation scope and scale of UTAS down to eight dot points. How content are you with what is contained in those eight dot points?

**Ms WATKINS** - Rufus, I might take a break and let you have a go at that one.

**Prof BLACK** - In my opening statement, I observed a few things in these. One is that paragraph (g) is too narrow in scope. It does not reflect the reality or the importance of the university in its ability to work with Tasmania and Tasmanians to contribute to make a larger

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difference. There is a function we play globally which is not articulated directly. We make really important contributions on globally important topics. Climate change being perhaps one of the very pre-eminent ones. Actually, there are a wide range of other topics where it is part of Tasmania's contribution to a global world. We are very clear about that. It would be nice to see that perhaps more explicitly stated.

I also noted in my opening observations that it does not really focus on the tasks of how we work in partnership in a world where we know now that to achieve many of the things we set out here, you would want to be able to say it is a function of the university to work in partnership. We do that in a very profound way and we think of our Tasmanian Institute. We are kind of a model in Australia for how you do this. What we do with our Institute for Agriculture is an incredibly deep and significant partnership that enables agriculture in Tasmania to progress in ways other states are very envious of.

It is equally true in other areas, our fisheries area, which just renewed yesterday, a 10-year agreement which reflects two previous agreements that are important parts of how the university works in partnership to deliver. That is not framed up here. It would be useful if it was.

There are some evolutions of these functions that would bring it up-to-date. If we think about the total architecture, if the preamble has captured the notion of how the university is both defending, there for those traditional education for its own sake values and research for its own discovery purpose, and at the same time working on the things that really matter, you could easily see that then reflected in the statement of functions.

**Mr DUIGAN** - A lot of what we have heard about through the course of this inquiry are the commercial objectives and imperatives of the university which aren't mentioned in the functions of the university. Is it an omission? Is having the university on a sustainable financial footing, which is important, should that be named up as a function of the university?

**Ms WATKINS** - My first reaction - and it is an interesting question - is no. I would strongly resist that as I don't see commercial activities as being an end in themselves, a function of the university. Rather, they are a means to an end.

The university has finite resources. We have funding that we receive. We have some sources of other income each year and then we also have some assets. We have a set of resources and it is the role of council to discharge the functions of the university with those resources as best it can and unfortunately our resources are not unlimited. They are probably not sufficient to do everything as well as we would love to do them but I don't see that, balancing the budget and resource allocation, being a function of the university in and of itself, no. I don't know if other colleagues see it differently.

**Prof BLACK** - No, I see it exactly the same way. Commercial activity is not a function. It is not a purpose of the university. It may be that elements of it are necessary but that is dealt with in the powers of the act which does make an elegant way in which it says, university, be clear this is your task, but in order to do that there are some enabling things. The powers set out, they are quite clear and explicit, a range of capacities to do commercial things in order to fulfil its functions.

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Clearly, we have heard a concern in the submissions that people worry that universities - and let's be clear here, we are really clear about that - but equally the challenge of a higher education system that is systemically underfunded and has been for a very long time. As Alison outlined in her opening statement, it means that it is a significant challenge for universities around the country today, and indeed in many places in the world. To be able to fulfil their functions they need other sources of income. The act, in values terms and structure, probably sets that up right.

**CHAIR** - Yet NFA, it does cover some aspect of commercialisation, doesn't it, under functions? 'Foster or promote the commercialisation of any intellectual property', so how do you balance that?

**Prof BLACK** - The way I see that is commercialisation of universities has only ever, even in the ones who do it super well, only ever made a modest contribution to their ability to be financially sustainable. What it makes a massive contribution to is their ability to have impact. When we think about commercialisation, what we are really thinking about is, how does this knowledge that gets created have the maximum possible benefit for the community? Many of the new technologies that are created, everything from medical devices all the way through to new solutions to tackling climate change, all require to achieve scale, they require global distribution, they require deep partnerships. That really requires a commercialisation pathway.

For most universities, including our own, commercialisation would even struggle to pay for itself. It is an enormous investment of time and energy to get knowledge from its purest forms all the way through to actually it having an impact and improving our world.

For us, the key thought about this is it encourages the university to do it because it is one of the ways in an IP-rich world where that is often what makes a difference. We should have it as a function. It is something we should absolutely do for impact. Yes, if it washes its face and does a little better than that, that is helpful but we would not see that as a kind of permission or an encouragement to say that is how you should sustain yourself.

**Ms WATKINS** - I will add, having worked somewhat in industry and from that perspective, I think one of the great frustrations can be that universities and industry fail to collaborate adequately and create value for society. There is kind of a compact in my mind that universities do receive a lot of government funding doing research ultimately where it can and should be to the benefit of the society. It is only through commercialising it that that can ultimately be achieved. I think it is an important part of how we as a country and as a state can benefit from the activities of the university. It is not an end in itself for the university. It is very much about the society.

**CHAIR** - There are some that point out the dangers, of course, of getting in the way of other functions in the research space and those sorts of things.

**Ms WEBB** - I wanted to go to that, actually. I wanted to test something to get your response to it because my understanding is when we look at legislation and we look at this legislation part 6, it lists those functions and there are eight of them in a row. Legal interpretation says they are all sitting there equal, to my understanding. Yet, there is probably, as most of us could agree, a bit of a gradation.

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We have just been discussing the fact that (fa) 'to foster or promote the commercialisation of any intellectual property', probably does not sit necessarily equally to (a) in that list, which is 'to advance, transmit and preserve knowledge and learning'. To get to my question, I wondered whether an adjustment to the act, that it explicitly specifies a purpose for the university, and then a set of functions that sit under that, giving some primacy to concepts put into the purpose, which are those more essential elements, is something that you would see as being of assistance? This would tease out the purpose as opposed to how we then do those things.

**Ms WATKINS** - My thought would be that this is actually quite an impressive list and it is quite complete. I had not interpreted it as requiring equality in importance. I am not sure how I would judge that anyway. I would rather see it as a fairly complete list of the range of activities that we do. Again, it is very important that the act can endure the test of time so emphases will change.

We have been very clear, and I know that Rufus is absolutely passionate about it as is our research team, that we do a range of research. We are certainly very focused on research that is about the pursuit of knowledge for the sake of knowledge. Then there is also research that is more practically oriented and likely to deliver results in the near term. I think it is hard.

My limited knowledge of the research space says it is very hard and knowledge and research in the pursuit of furthering human endeavour is hard to quantify but it ultimately does yield a benefit probably. We would not be wanted to be discouraged from that kind of research either. I am cautious about being prescriptive.

**Ms WEBB** - To clarify, I am not suggesting taking anything away that is there. I am wondering about a slightly different structure to the act that provides for an explicit purpose which might be some of the more core fundamental things like (a) 'to advance, transmit and preserve knowledge and learning'. That is the purpose of the university. Then there would be functions, which again could in a complete way list the sorts of things that happen, but it gives a primacy to core functioning above other things. In a legal sense they are not sitting in a list equally to be interpreted equally. I was only testing that with you.

**Ms WATKINS** - I am sorry. I misinterpreted.

**Ms WEBB** - That nothing is lost.

**Ms WATKINS** - Perhaps this also goes back to the preamble and how the preamble might be framed, because I definitely agree with you on that point.

**Ms LOVELL** - I am interested in the function to promote access to higher education having regard to principles of merit and equity. Rufus, in the opening statement you spoke about being mindful particularly of inequality and inequities around access to education in Tasmania, in particular. I am wondering if you could expand a little upon how the university is fulfilling that function, specifically in Tasmania, taking into consideration those inequities that exist?

**Prof BLACK** - Thanks for the question. It is an extraordinarily important function that we have. We think about that access in a layered way. The first piece is to ensure we have a full range of ways in which any Tasmanian can find a pathway to getting an education,



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recognising that many finish school without the normal qualifications for universities. Our structure is set up to create pathways that enable essentially anyone to find a way through various pathway units and courses to be able to do whatever it is in the end they want to do. Having that structure is important. That matters to start with.

We know if it is going to work we also have to have a regional presence. For many people to access that is a physically limited reality. We need to be able to be close to their communities so that can happen. We are also aware that for a range of people, even getting to a campus is a challenge. That is where a part of our offering is an ability to have online ways in which that can happen.

Then when we get to the next stage, we have to work with schools for those who are in schools to find ways to get to university. That is where we introduced our Schools Recommendation Program that I spoke to, which has fundamentally changed. People not just in Australia but overseas are interested in that. In the space of just a few years Tasmanians have gone from relying on this rather abstract number, to over 90 per cent of them entering university as a result of a teacher's assessment of their potential. Their potential for a university education to be successful, we know now that we have had those students going through that teachers are great judges of that potential, in fact, at least as good a judge as a numerical score ever was.

What has changed is it has helped people understand what coming to university is about. Teachers in schools who have never sent someone to a university before can see because we have a description of what is involved, that their kids have those things. Their parents can see. Their students can see it. It has been a significant change. We have to open the doorways, whether it is through pathways or through schools to do that. We are doing a lot in all those areas. Our pathways programs have some of the highest student satisfaction you will get in any course anywhere in the country with well into the 90 per cent satisfaction. We have an incredibly dedicated, incredibly skillful set of staff who do that work and are amazingly passionate about it.

They are the kind of pathways, but even once you have pathways there are significant barriers and they are of many kinds. Financial barriers are serious. We offer over 1700 scholarships a year to help reduce those barriers. We know that is not nearly enough. One of our submissions into the accord process is very much about how do we get the funding for students better addressed. Currently, it is not well designed to create better access to higher education. In some ways it creates a disincentive and we are keen to see that change in order to address that.

The basic accommodation is a real challenge and how do we ensure it. We provide a lot of accommodation. It is an important part of enabling people, particularly if they have to move any distance to be able to do that. Then people come from a range of backgrounds with needs that need to be addressed. Some of our units would have over 20 per cent of people who have a declared disability. We then have to write a wide range of disability support and access services, learning access plans - a big architecture for that for which, again, the Commonwealth Government does not provide generous funding. In a state where there is a very high burden of those needs, we need to be able to address that. We have a good structure for doing it, but it would be great- and again, we are arguing in that direction- to see stronger funding to make that happen.

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One of the things that is important for the overall architecture of the university is our commitment to those things, when higher education is funded on the basis of your average metropolitan university. They do not have to do what we have to do. They do not have to provide multiple regional campuses, they are not having to provide nearly such a structured way in which the access agenda - many of them are very committed to it and do good work, but it is integral to what we do. In some ways, that is not reflected in the way we construct the act, in the way we articulate what this university's unique mission is about. I go back to that first statement in the 1889 act; it was clear the that ability to provide it for everyone was foundational.

We try to live that mission very vigorously. We are aware there is an enormous amount more that needs to happen, and we would certainly welcome any strengthening of that kind of role.

**Ms WATKINS** - This is something that Natalie is absolutely passionate about and I wondered -

**CHAIR** - Just before you do, I want to welcome Hobart College Legal Studies 3 students who have come to observe, very briefly, what an inquiry is.

**Ms WATKINS** - I was going to suggest that we ask Natalie, as Chair of Academic Senate, to comment on this aspect of equity, because I see through council, Natalie and the academic senate's absolute commitment and passion about it.

**Prof BROWN** - Obviously, educational attainment is a major strategic priority of the university and I think the committee will be aware of the Peter Underwood Centre for Educational Attainment that was set up as a partnership by the university council and the state government in conjunction with the Office of the Governor to address issues of educational attainment. One of the things we know is that we have to change our conversations about coming to university.

It is certainly about addressing some of the barriers and the challenges that the vice-chancellor has talked about; but it is also about changing conversations over dinner tables and in different areas about what opportunities might be available if people continue with education. We know that it has positive outcomes for individuals, for families and for communities.

The Schools Recommendation Program is an interesting example. That is a result of research that was undertaken to think about how we might change those conversations. We were hearing things about how numbers, ATAR numbers, those kinds of things, were creating an impression about university study that wasn't one that we wanted to have out there in the state.

From that, we looked at all of our first-year units at university and we talked to our unit coordinators about what characteristics made students successful - those were students who left year 12, but also all of our students. What attributes did those successful students have? From that, we are able to distil elements that we put into our Schools Recommendation Program that is assessed by teachers.

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We continue to monitor that, and that is a subject of our research. What it has done, it has taken the emphasis away from a number, or from having to choose particular subjects to study, to thinking about; 'what are their attributes that we need?' and 'if I have those, there is possibly a place for me?'. Then, hopefully, they see a future at the university and we can work to broaden that interest in university through that program.

**Ms LOVELL** - Can I ask about the measure of success of those actions and how that is reflected in the make-up of the student body currently?

**Prof BLACK** - It is reflected in a growing number of people for whom we are the first in the family coming to university and from lower socio-economic - both areas and communities - entering the university. For us, that is the mission. We are seeing that improvement. We have so much work to do.

Alison mentioned what levels of participation were in 1945 - we have areas in the state that have not gone very far since 1945. That is just not okay. While I am always happy to see the numbers grow, what I look at is actually where we have got to grow. That is why we have a study hub in the west coast. To work out how in some of the communities where we do not otherwise have a physical presence. That study hub is also a wonderful example of why partnership matters. The drivers of that study hub were actually a west coast community who realised that for them to be able to access their futures, we all needed to work together in some very fresh ways. The university absolutely responded and works very closely with them. There is a community there and that is why this thing is not about us fixing the world. This is about depth of partnerships and local communities and sometimes it is really micro. We do not make the gains unless we got a mechanism to do that. That kind of model I think will continue to grow. It is where we are not making enough progress, is what I watch.

**Ms LOVELL** - We have heard quite a bit of evidence from various witnesses and we also touched on it today on finding the right balance between working as a provider of higher education and being a sustainable institution. My question is specifically about the structure of the act and Nick touched on it before. Do you feel that the way the act is structured in terms of where those elements are defined and sit within the act, do you feel that that enables you to find that right balance, in terms of priorities?

**Ms WATKINS** - If I could comment on that one. I certainly do not think it inhibits us from that. The act sets out very clearly what is our job. We have spoken about the opportunities to sharpen that up with a clearer vision, particularly focused on our role as a university for the whole state of Tasmania. Then it is really council's job to discharge that as best it can to achieve those functions. To deliver on that to those various stakeholders with the resources available to it.

It is not a question of balance, in my mind, as much as it is a question of how do we use what we have, the resources we have to discharge the function and achieve our purpose overall as best we can? That involves some choices and trade-offs and it means we need to use those resources we have as effectively as we can. Having regard to, all of the ways that we judge ourselves and our success.

**Ms WEBB** - To go back to the conversation you were having with Sarah around (f), in the list of functions there which is to provide access to higher education with regard to principles of merit and equity. I am interested in a practicable application of that because in

your answer, Rufus, you mentioned provision of accommodation. For example, we have literally just seen this week in the media reporting of university accommodation in the north-west of the state increasing rents by 20-odd per cent, I believe it was. Now, I am interested to understand how this function at (f), here, flows through to decision-making on those sorts of matters, which would seem to contradict it. For example, if student accommodation is being provided at rents that actually are not attainable for students, how is that fulfilling this function? I would like to hear the explanation for how that function in the act articulates down to decisions in a practical sense such as setting rents for student accommodation.

**Prof BLACK** - Absolutely. Our task in providing accommodation is to provide the full range of accommodation to enable access. Students have a wide range of choices and we have a wide range of different types of accommodation that do come at a whole series of price points. The objective, constantly, is to be at most, at, but wherever we can be, under market rates. Our city accommodation is pegged at 20 per cent under the market rate. That is a very important part of that objective and each time we come up to the next accommodation decision, we are very much looking at what is the next area that we need to provide in order to do that. That accommodation serves a wide range of different kinds of students, and that is why it has a wide range of different kinds of offers, and of different kinds of price points.

In addition to that, we recognise that often we do need to provide scholarship support to students to access that accommodation, so that if students' financial needs do not meet the thing we are actually then able to provide the support that they need to be able to get to it.

It is important, given that accommodation is very expensive, as people know, to provide, we need to make sure that we can actually sustainably provide it, because we need to provide a lot of it. That is why we seek to find the model that enables a sensible price point with scholarship support wherever we can to do that, and we would love to provide more of that, by the way. That is something we, again, are in conversation with the Commonwealth about. We need more and better funding into that space. That is very much how we think about it. That flows all the way through.

**Ms WEBB** - What proportion of the accommodation provided by the university could be regarded as being accessible to people coming in at that lowest income level, from the communities that you are quite passionately expressing that you want to bring in?

**Prof BLACK** - I would need to come back to you with an exact properly mathematically analysed figure, but a substantial portion.

**Ms WEBB** - It would be interesting to see, I think, to have the data on that. While I appreciate you explaining that there would be a range of different price points, we know that largely, students are going to be coming with very low incomes, many supporting themselves, if not families. However, people supporting families are not going to be looking for student accommodation, probably. They are going to be looking for other sorts of accommodation. It is going to be those students, often coming from interstate and supporting themselves, who are looking to be housed in a way that is affordable and sustainable. Obviously, market rent is not in Tasmania, as we know.

**Prof BLACK** - No. The accommodation service we provide is not about making a profit. They are providing access. However, as you know, accommodation is expensive to build, and

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we do not have a source of funds to significantly cross-subsidise that from somewhere else. Scholarships represent a cross-subsidy to individual students who need to access it, but building any accommodation is a costly and complex enterprise.

We do want to make sure it is sustainable so we can have more of it, because clearly, we have a serious housing shortage in Tasmania, and a shortage of that lower-cost entry housing. We are very passionate to see that grow and expand, and we recognise we have a real role in that. That is why we have added so much accommodation across, certainly here in Hobart, in order to meet that need.

**Ms WEBB** - Just two more smaller additions to that. Where do the decisions about setting rents sit within the university management?

**Prof BLACK** - That would sit in our infrastructure division that looks after that. However, it is set within a broad policy frame of what we are trying to do, and in some cases in terms of some long-term commitments that we have in order to make that, that led to construction of that accommodation.

**Ms WATKINS** - I would add that this is a matter, accommodation is something that does come to council, particularly where we are investing in building new accommodation, we would look at a business case for that. We would challenge how we are thinking about that, what the income versus the outgoings would look like, what we are seeking to achieve, including access requirements. It is something that management would then be responsible for implementing in line with that overall business case and set of objectives, which relate to the need to have enough accommodation, where it is, how accessible it will be in an affordability sense.

Just a couple of other things, I think it has been quite interesting to me to note as a former student of Christ College and resident of Christ College, at the moment all our university accommodation is pretty much full. That does reflect, as you have alluded to, the very difficult situation that we have with housing availability. Many students are staying through for their full degree because there is not enough accommodation available externally.

The other point to mention, because I always have to remind myself, is that actually 40 per cent of our students are part-time and our average age is something like 32. Starting age is 29. We do have quite a diversity. I run the risk of thinking about, in my own frame of school leaver, but many of our students are studying part-time. They are juggling families and jobs and they are living at home as well. Equity is also about how we are an accessible university for people who are later in life and wanting to continue to learn. That is a lot of the benefit of what we see from some of our northern campuses.

**Ms WEBB** - I think part-time students are often doing that because they are having to work in order to be able to pay their rent, for example. Do you have part-time students in your accommodation as well as full-time students?

**Prof BLACK** - It is a good question, Meg. I would need to take on that notice.

**Ms WEBB** - One last question regarding point (f) in the functions of the university in the act, on the promotion of access regarding principles of merit and equity, and staying in this area of housing. Does the university monitor or assess the housing needs of its student body

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so that it has a nuanced understanding of how those are being met either by the university or perhaps elsewhere, that it can then do that planning?

**Ms WATKINS** - Yes, as I mentioned, it certainly comes to council, particularly on the need to invest and provide additional accommodation. We have been actively debating a proposal that management have put forward. Rufus, at management level I am not sure exactly what you see?

**Prof BLACK** - Yes, very much Meg, we do. We look very carefully at current students, how they are evaluating, what we currently have, where the needs are. We model forward, actually, multiple years ahead to see what is happening in the Tasmanian housing market, what is our likely student demand and for what kind of accommodation, because people are changing their mix of preferences. Part of our work is how those mix of preferences are changing, whatever we build next is both the right amount and is actually marrying up to the kind of need, the particular kind of ways in which students are looking to live.

We monitor that all really closely and have a student living team. Our accommodation is also about a lot more than just a bed. We recognise these are communities that need to have the kind of support attached to them, student living teams that support those students during that time. Again, the full range of models, from a more collegiate model, through to a more independent partner model. We are constantly looking at each of those models, how well they are serving students and what evolutions we need to keep making to those to better serve them holistically, not just in ensuring they have got somewhere, not just a bed.

**CHAIR** - When it comes to that accommodation, it has been mentioned in some submissions, one particularly from Professor Malpas, that commercialisation may distract from the main purpose of what the university is about. What is your opinion there, it is on page 10 of his submission, he says, I will just quote:

As presented in the media, the rationale for the establishment of Universities Properties Pty Ltd is that it was to allow "the university to focus on its core business of learning, teaching, and research" (Campus Morning Mail, 2021), but this suggests that the decision of the University's management to engage in the extensive property dealings that have been one of the hallmarks of its recent history does indeed represent a distraction and deviation from the University's core functions.

Obviously, that goes to other property dealings that is talking about as well. What do you say to that?

**Prof BLACK** - It goes back to observations that Alison made earlier - that universities, in order to pay their way in the world, need to find ways in which they derive other sources of income. We couldn't provide those scholarships, we couldn't fund the gap that the Commonwealth has, to enable the breadth of courses we offer. We couldn't provide multiple regional campuses unless we had other sources of income. It is a necessary task to make sure we do it. Property happens to be, as for many universities, one of the assets that the university has. To leave that not at the service of our students and of our research would seem to me to not be fulfilling our duties, and in fact to be fulfilling what the act sets out to do, which is to say, 'make sure you make good use of' and it provides all the powers to those tasks.

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Having a specific group of people who do look after that does enable you then to say the overwhelming majority of us, and the overwhelming majority of our time is spent on the core academic mission. Having a highly expert council means that you can have oversight of what are, some of them, complex commercial transactions.

I think, quite to the contrary, it enables us to better fulfil our mission without getting distracted.

**CHAIR** - We might come back to that in terms of reference (3).

**Mr DUIGAN** - Back to functions more generally, I am interested to know how the university assesses whether it's performing those functions given, at least as far as I am aware, much of the benchmarking that the university would respond to is in federal legislation. Does the state act sit on the shelf and we come back to it periodically, or are you continually assessing these functions of the university?

**Ms WATKINS** - If I could again make an overarching comment - yes, we are continually assessing our compliance with all the legislative instruments that we are governed by, and the regulation as well. We have a very rigorous compliance plan, and that certainly includes very prominently the University of Tasmania Act. Council considers its compliance against those requirements annually as well as the other regulatory requirements that we are subject to.

There are also other ways that we judge our compliance. I know the question of rankings and these metrics have been subject to your discussions and subject of a number of submissions as well, and these are other indicators. There are many indicators that we use as a council to consider how we are doing against each of these areas. We have quite a number of metrics that we see in our monthly performance reporting, and we discuss most of them.

We have views on where we would like to be. We are not always tracking where we would like to be, but we always are pushing to be improving and heading in the direction that we want to be.

**Prof BLACK** - I would only add that we look very carefully at the Tasmanian metrics. We are very concerned to see how we're going in terms of the educational participation, how we're going in terms of reaching into schools. We look very carefully at areas where we have direct impacts. We have constant conversations with the Department for Education, Children and Young People and the Department of Health, how we are going with meeting the kind of professional needs of the state. I could go on for quite some length about the breadth of ways in which we track, and it is nearly a daily piece. The fact that some of the numbers we are quoting today are so top-of-mind for all of us is because those questions, those numbers, are things that influence our daily decisions.

Health outcomes is another one that we track. We think about where we are intersecting. There are Menzies health researchers very focused on how does their research materially shift the health numbers for Tasmania. They are very much integrated into the daily work of the university. Everyone is doing somewhat different functions, which bit they are looking at, but it is really integral to how we go about our jobs.

**Mr DUIGAN** - Thank you and finally, on functions, and it has been touched on before, but the regionality of UTAS is different to other universities. We have heard from other

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witnesses here that interest in the regionality of the university waxes and wanes potentially depending on management at the time. Is there enough protection in the functions of the university regarding regionality, do you think?

**Ms WATKINS** - We have spoken about reinforcing the importance of a regional approach across Tasmania in the preamble and I think that is very important. My initial reaction, and it is a really important question to thoughtfully consider, is that we should make that overall priority very clear, as clear as we can, and be cautious about being too prescriptive about how it translates on the ground. I know that things will change and, clearly, we have invested significantly in creating a very strong, physical leadership presence which we are continuing to implement and strengthen in the north.

As I see it, there is a thoughtful conversation going on about how we, to the extent to which we can offer different qualifications, degrees, for example in multiple locations, in single locations. There are hybrid versions, for example; medicine, our year-five med students do go up north.

There are all sorts of combinations and permutations. The Tasmanian Institute of Agriculture will be based up north. I can imagine these things will continue to be challenged and changed. I think the important thing is that we have a statewide commitment and that is evidenced, both by our physical facilities and leadership presence and certainly, the ability to undertake certain qualifications. For example, in the north-west I have found a really compelling need for nurses so we have given that a very high priority to make it very easy for nurses to be trained in the north-west. That is delivering a real, tangible impact for that community, but community needs will change. I think it is wise to have flexibility against the backdrop of that overall mandate for the university, that would be my view.

**CHAIR** - On that, is there a possibility that you end up spreading things too thinly, especially if there are duplications? You are talking about nursing in the north-west and the need for nurses, but then you have other campuses that are providing exactly the same course or are they separate, different courses? How do you ensure quality in those courses? You have such a spread.

**Ms WATKINS** - This would be a good one for Natalie to comment on, but from a council perspective, yes. These are some of the tough trade-offs that we need to debate and challenge ourselves against the overall functions that we have and the obligation in (g), as we have discussed, could be elaborated about the community and different communities in the state, and against the backdrop of finite resources. There are lots of tough conversations and trade-offs.

**Prof BROWN** - This is one of the key roles that academic senate plays. If we are thinking about introducing a course to a new campus, for example, there is a whole range of decisions that happen and there is a framework for making those decisions. For academic senate to sign-off on that, we need to make sure that what we are offering at our other campuses is absolutely the highest quality that we can make. We are looking at how those programs will be staffed, what sort of support will be made available for our students, the whole gamut of what is included in offering in a course in another campus.

As a university, certainly I have noticed over the last 10 years we are a lot better at being able to work in these cross-campus teams. We are really streamlining the way that we support



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both our academic staff, who are teaching across campuses and in different campuses, and the way we create cohorts of students. That is something that is absolutely top of mind. It is something we look at in terms of assessing quality, we get annual reports by cohorts on those causes. Absolutely, we turn our mind to that. It is critically important.

Of course, the other thing we need to think about in terms of balancing and making those decisions, as our role in producing professionals for the state of Tasmania, our nurses and our teachers, our pharmacists, allied health, we know from the research if we need these professionals in our regions, it is really important we are encouraging people from the regions to consider those professions. Of course, this is not just Tasmania, it is in our national consideration. Being able to provide for quality courses in those regions is critically important for the state of Tasmania.

**CHAIR** - Further to that, in terms of the way you spread your load, some would argue that getting into the vocational education and training area might duplicate what other institutions like TAFE and the like are actually providing. Understanding that all of these moves, courses, take resources, how do you justify being in that area when there are other providers doing that?

**Ms WATKINS** - Would I be able to have some specific examples about vocational education training courses?

**CHAIR** - You have University College, don't you? You might explain what university college is.

**Ms WATKINS** - Okay. University College is actually a pathway program into our degree courses. That is helping our students, as Rufus explained before, providing a pathway for students to study in other bachelor degree courses.

The other part of University College, and there are some specialists and qualifications. I am thinking about fermentation science, for example. It is filling a gap in courses that are available to Tasmanians, but it also drawing on the research strength of the university. It is not from a foundation of vocational education and training. It is leveraging our university, its research and upskilling. Many people who are engaged in those courses already have degrees. Some of them already have higher degrees. It is not in that area.

**CHAIR** - We might come back to that in terms of reference (3).

**Ms WEBB** - I would like more clarity on the question I posed earlier as thinking on it, I do not think I am clear enough on the answer you provided. Who sets the rent on student accommodation? Where does responsibility for that decision lie? If it helps to be specific, the increase that was reported in the media this week in the north-west, who made the decision to increase that rent?

**Prof BLACK** - I will need to come back to you on who made that specific decision.

**Ms WEBB** - Would it be that sometimes the groups that manage university properties are the decision-makers on rents, rather than internally in the university itself?

**Prof BLACK** - On that specific one, I will certainly come back to you and clarify that.

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**CHAIR** - We will start with Nick straight after lunch, because it is 12 and that might give you some opportunity to delve into that question Meg has just asked you.

**The Committee suspended from 12.00 p.m. until 1.00 p.m.**

**CHAIR** - Welcome back. Just prior to our break, a question was asked by Meg and I believe we have an answer to that question.

**Prof BLACK** - Thank you very much for the question too, Meg. So, in answer to your question and in terms of who and what the policy framework is around it and also to a question earlier about the ratio of how accommodation is priced. Our director of student accommodation sets the price in the accommodation services team in our infrastructure services division, and to be clear, that is not part of university properties; that is a different world. This is a core part of the university's operations. University properties does not deal with our accommodation. The executive director of infrastructure services reviews it, the chief operating officer signs that decision off.

Now, when it comes to how we set the prices under that delegation, we control the prices of all our accommodation. We set the accommodation at 80 per cent or less to the market, that increases at 3 per cent, or CPI, a year, whichever is less. Then every five years, there is a review because, as you can imagine, over time that can lead to prices falling significantly behind the market. The Burnie situation was subject to a five-year review and that increase has taken it to be 50 per cent of the market, so it is not at our 80 per cent. It is at our 50 per cent of the market, and that rate is \$167 per week, inclusive of water, power, internet, security and pastoral support.

Regarding your question about the mix of affordability. We have 1971 rooms, 1630 of those are at or below the national rental affordability scheme rates, so that is a nationally determined way of framing up where they are at, so I hope that helps.

**Ms WEBB** - Just to clarify, in the properties that are managed by somebody else, for example, do you still have the rent set within the control of UTAS by the director of student accommodation?

**Prof. BLACK** - Yes, we control all this price setting.

**CHAIR** - Who manages the properties in that case?

**Prof BLACK** - The services side of the properties is the provision of all the student living things, that is managed by us. We provide all the human interface of how students interact with it. There are some complex contracts so I would need to seek a little further advice exactly how the ultimate infrastructure maintenance is handled contractually, as to who paints the doors and upgrades them.

**CHAIR** - Is there a third party involved?

**Prof BLACK** - There is a third party involved, but part of the key thing here is the checks and balances that we set. Let me explain why there is a third party involved, because accommodation is a huge capital requirement. What we have been able to do, as many

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universities have done, is to ensure that our capital is available for university activities, for funding our research, funding our learning and teaching spaces, that capital is provided by a mix of third parties who provide the capital for it. As part of our checks and balances in that process, we have retained control over the price setting so that we can keep those prices in the affordable range. That is why those transactions are complex, because while someone else is providing the capital, we have to have a check and balance in place to make sure that it works within our university values.

**CHAIR** - So, who are the third parties?

**Prof BLACK** - We could table a list of those because it is a complex transaction.

**CHAIR** - I would appreciate that. Thank you.

**Ms WEBB** - On that, to clarify, in terms of affordability, I understand you are using the National Rental Affordability Scheme (NRAS), which is a scheme that came from back in 2010. Affordability was deemed to be 75 odd per cent of market value, which is one way of measuring affordability. Do you know if there are any university student properties that would be deemed affordable if we measured against a study which would be more than 30 per cent of Austudy? Do you have any properties that you offer at what would be understood to be below housing stress levels to students?

**Prof BLACK** - We would need to do the maths for you on that.

**Ms WEBB** - I would be interested to know.

**CHAIR** - I will ask other questions about those property management arrangements in the terms of reference (3).

**Mr DUIGAN** - The powers set out in the act would appear to be designed to encourage the university to participate in commercial activity. Do you have a view on why those powers would be set out the way that they are, so explicitly articulated to have the university engage?

**Ms WATKINS** - In my mind, the powers of the university are set out to give the university the ability to adjust with the times and make sure its resources are deployed to best achieve the functions of the university. That is how I would see it recognises that the university has certain funding that it receives. It has certain other assets it can put to use and there is an expectation that will need to be a dynamic thing because things change over the years. The university should properly have the power to adjust and make sure its resources are deployed as it judges against those functions.

**Mr DUIGAN** - We have heard during the course of this inquiry some people would say the university exercises its powers too freely; that it is in some respects a power unto itself.

What would you say in response to that?

**Ms WATKINS** - I would say that, if I speak from the perspective of the university council, first of all as directors, our obligation conveys with it some fairly significant legal responsibilities to act in the interests of the university and its members and we take those responsibilities very seriously.

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I would also say we are a charity. We are regulated by the charity regulator and that means that we use our resources for the purpose of the organisation and not-for-profit. We are very mindful of those obligations and we approach optimisation of our assets and our funding with that to the fore. It is very much about directing our resources as best we can to achieving our academic mission - our mission on learning, teaching, research; our mission to serve the state of Tasmania and that is how we approach our decision-making.

Absolutely, we do have, from time to time, opportunities to rethink our balance sheet to challenge ourselves about how we are using the funding to consider whether we can utilise the philanthropic funding we have received over the years and the investment portfolio we have received over the years. We have the opportunity to challenge ourselves and we do regularly with the overriding objective that we want to apply those resources for our purpose - our academic purpose; our purpose of teaching and learning and research for the interests of all of Tasmania.

The way that the act has been framed has been wise because it gives council the responsibility and flexibility to do that and to achieve those functions, to achieve that purpose as best it can with constrained resources, because that is the reality that we operate in. I feel these powers are actually very important. I really want to reiterate that any activities we take, for example, around our investment portfolio or property or construction - these are not an end in themselves; these are in the interests of furthering our impact as a provider of education, learning and research for this state. That is what we are obliged to do, legally, and that is absolutely what drives us, ethically, and from a values standpoint.

**Mr GAFFNEY** - Following on from that, it has been put to us in a couple of submissions, and the question will be, does the current act, with particular attention to the 2012 amendments, provide too much flexibility and room for interpretation, especially in relation to the sale of property gifted to the university? Does it allow for the wholesale offloading of a majority of landholdings originally gifted? I am not so much concerned about the decision, but the process in making the decision. With the university being gifted some land for educational purposes, who is responsible for the decision to actually get rid of, sell or offload that land?

**Ms WATKINS** - Under the act, the way the framework is set up and the powers of the university are constituted, council is ultimately able to deal with the range of resources that it has as it judges in the best interests of the university, so that does give us that ability.

Now, it is not a decision that council takes lightly or would expect to be making on a frequent basis. These are infrequent, significant, and carefully considered judgments. They are also judgments that we recognise many people have points of view on. Therefore, the consultation that we undertake, the listening approaches that we employ are incredibly important and ultimately, as council, we have to step back and make a judgment about what it is in the best interests of the university, for the members of the university and the students of the university. Particularly, we have to look forward as best we can and make a judgment about what will be best for students of the future, not only students of today, it is the students of the future. We have sought to make the judgments over many years and I have been chancellor for not quite two years, so I stand on the shoulders of giants in many ways. I look at the wisdom of previous generations of the university council and I think they have absolutely been characterised by a thoughtful, fact-based and balanced approach to these kinds of decisions.

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It is, ultimately, the right thing that the university does have the power to deal with its assets, including its property. That is really coming back to the reality that we do not have unlimited funding, we do not have complete support from the Commonwealth to cover our operating costs, let alone to be able to discharge our Tasmania-wide mission and continue to renew and update ourselves and grow in the future.

That means that our resources are scarce and we need to make sure they are deployed to the fullest against our academic mission. Where things change over decades, I think this is an appropriate flexibility that the council has to be able to move with the times and make sure that our assets and our current year funding are working as hard as we can for our University of Tasmania and for our academic mission.

**Ms WEBB** - Just to follow up on that area, because I think it is of particular interest that prior to the 1992 act, of course, we are all aware that the sale or changed use of gifted land had to be approved by the minister or state government. That was removed in the 1992 act. It is still there in the Melbourne, Sydney, and Adelaide university acts where ministerial approval is sought for sale or long-term leasing of gifted land, not land you might acquire with your own resources, but gifted. I think there are two reasons that that was previously in our act and is in those other acts.

One is because it is gifted by the state, so there is an interest for the state broadly about what is done with that. Also, because the decisions you make which, as you say, are being done with your view of the best interest of the university, often also then have significant consequences for the broader community, particularly if there is a significant parcel of land that might be repurposed or sold.

Both those reasons would then point to value in a recourse back to the state government, back to the minister for approval. What that would give is one measure of accountability around the decision-making that is not there now. Do you see that as being a valid expectation on gifted land and that the situation we are in now sort of highlights that for us?

**Ms WATKINS** - I can definitely understand that view. I also point out that over that time frame and context when that land was given, the funding landscape has changed. Now our university is funded to the extent we receive government funding by the Commonwealth and in practice, we receive very little net support from state government these days.

If we were to have that requirement, I think the consideration for the decision-makers for the parliament in deciding whether to approve such a power if they held it, would be to then consider how a decision to restrain the university from using resources at its disposal in a way that the council judged fit might impact the financial viability of the university and the ability to discharge its mission to be a university for Tasmania.

Those parliamentary decision-makers hypothetically might need to decide whether they would rather see the university preserve an asset base here in Hobart, for example and invest less in the north or have fewer scholarships available or pursue less research in a particular area.

I understand that view and I want to make it clear there will be trade offs that go with that, just as the university council has had to consider those trade offs. The university council has judged that we want to be a university for Tasmania, we do want to have a strong northern

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presence. We do want to, to the best of our ability, provide access to disadvantaged students who might not otherwise be able to study and in our judgment, we have viewed the totality of the resources we have and we have made some judgments having regarded the views of the members who we have consulted to the best of our ability about what that trade off looks like. Hence, it has led to the decisions we have made around our property and other assets.

**Ms WEBB** - To clarify that a little bit more and tease it out; for a start, it is not parliament that I am suggesting, because previously, it is ministerial approval. Yet those other jurisdictions have ministerial approval, so it is not a parliamentary decision, it is a government of the day decision. You are right, it would entail an interaction, which potentially could put a curtailment of some sort on a decision. However, do you see the value that the necessity to have that interaction to make the case that you have full confidence in, from what I hear, to the elected representative in the government, the minister, is that additional level of accountability many out there, certainly, from what we have seen in the evidence presented, would feel is not there at the moment for the university council?

In terms of another step of accountability in the decision-making process, there is certainly no expectation that the minister of the day wouldn't sign off on it. However, it would be a level of external accountability for a potentially incredibly consequential decision being taken by a small group of people within the university. Do you see that from a public point of view there might be an appropriateness to that sort of accountability?

**Ms WATKINS** - I struggle somewhat to be comfortable with it and it may be that I haven't thought about it enough. I have concerns about two things: one is the perception that it could have for political power over our academic freedom and an ability to exert some sort of influence. That troubles me slightly. The other is regarding the overall viability of the university and the possibility that it could impact that. As a council member, trying to make decisions about the long-run future of the university and where we invest being vulnerable to a decision outside of our control would add a layer of risk to your ability to be able to invest in the future with confidence because we would not be sure that we had complete control over the resources needed to sustain that investment.

**Ms WEBB** - Would it not be your expectation that the government of the day, the minister of the day, would not also be equally invested in the idea of the viability of the university and the consequences for the university and the state in ensuring its viability?

**Ms WATKINS** - I would certainly hope that would be the case. However, as a director with legal responsibilities, I could not be assured of that.

**Ms WEBB** - That's interesting, because the decisions of the council, what you're pointing to is, you're more that the council is that decision-maker unto itself when making these decisions, and yet the decisions can also have incredibly significant consequence for the broader community in a place-shaping way. There are no decision-makers who are representatives of the broader community who then get a chance to be part of or be an accountability measure within that decision-making process without, for example, ministerial approval for instance.

**Ms WATKINS** - I can't agree with your characterisation of the council as a sort of entity unto itself that is not representative of the community. I think if you look at the composition of our council, it is very representative.

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**Ms WEBB** - Sorry, just to clarify. I just meant you're not elected representatives of the broader community, and you don't have accountability to the broader community in that representative way. That's what I meant. I wasn't reflecting on the council as being appropriate for what it is.

**Ms WATKINS** - That is true, and I'm sure we'll come and we'll talk about the composition of council and what that looks like, and how we go about our role. However, I come back to our obligation to the members of the university, and we spent some time describing various members of the university and the functions of the university which include our responsibility to the community. Therefore, as council members, we are actually obliged as directors to have regard to the interests of members and to discharge those functions.

We are accountable. We are accountable, very clearly, to the members of the university. To add a political veto to such critical decisions I think adds a very different dynamic into the decision-making of council.

**Ms WEBB** - To clarify, you're not accountable as a council to the broader community, because the broader community isn't a constituent member of the university. Elected representatives in the state government are accountable to the broader community as elected representatives. So rather than a veto, it's a check and balance, isn't it, to ensure that the interests of the broader community are represented.

I've probably badgered that point, I apologise. I am interested to really test whether you see the interests of the broader community as a check and balance in the decision-making process as great consequence as being valid.

**Ms WATKINS** - With respect, I think that I have been very clear. If I could go back to the membership. There's a strong intersection, first of all with the membership of the university and the broader community. There is also a clear obligation on us to engage in activities which promote the social, cultural and economic welfare of the community. Those words are explicitly used in our function. If you look to our strategy and the way we think about ourselves, there could be nothing more community oriented than your University of Tasmania and the way its council and executive and academic senate approach their work.

**Ms WEBB** - Yes; it is a different thing to accountability but I accept all those things you have just said as being true. It doesn't function in terms of accountability, though.

**CHAIR** - When the university makes a decision that so impacts on other aspects of the community that are outside the sphere of education for which you have your reason for existence, is that not a very good reason to have some form of ministerial sign-off on those sorts of projects, if I can put it that way? If it's a far-reaching impact, it has been put to us in submissions that the university recognises its unique role, well expressed by the university's own statement of values:

We are a Tasmanian institution. We work in a unique setting and actively partner with the communities in which we live, in support of a healthy, civil and sustainable society. At the same time, we are outwardly focussed and part of a global community, engaging with the rest of Australia and the world.

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The observation they then go on to make is:

Despite its Statements of Values, the university's decision-making and management processes in relation to its proposal [in this case to relocate Sandy Bay, it could be any project] has demonstrated it does not consider itself bound by an obligation to take the interests of the community into account or to be straightforward and honest with the public.

Clearly, there are those in the community who would not see your capacity to be able to do with your assets as you will for the purposes of education, if it has such a broad impact on the community and other places. Do you have any comment on that?

**Ms WATKINS** - Certainly, we recognise that there are concerns from some in the community. That is very clear. We want to learn from that and do better; there is no doubt about that. I feel, and I can ask the vice-chancellor to recap, certainly there was a lot of community consultation undertaken. When I came to this role I was at pains to understand that for such a significant decision there was not only an appropriately rigorous business case but there was also extensive consultation and thought given to the change management approach. We hear loud and clear that we haven't done well enough on that, and that's why these concerns are there.

However, I'm not sure whether ministerial approval would have been the answer to that or would have changed that. The reality is that there are many different people with many different views and interests. Ultimately, I want to assure you that in my view we have a university council that has weighed up those many different considerations and made a judgment that not everyone will agree with, but a judgment that I believe is in the best interests of the university and for our students in the discharge of our academic mission.

**CHAIR** - The two questions that are raised in that particular instance, the fact that the university is refusing:

- to conduct a community consultation process on the relocation proposal, as requested by the HCC
- the stated determination of UTAS to continue with its relocation plan whatever the outcome of a public plebiscite conducted by the HCC.

Now, without looking at the move specifically, the process of community consultation: is there a reason why you did not want to go down that track and if you had your time again, would you go down that track and have that proper community consultation?

**Prof BLACK** - I am happy to answer that question. I actually disagree with the premise of the question. If we go back to when this was originally done and we set out the case for and against the move, which then had substantial room with a lot of documentation. It had over a thousand people visit it and make their observations about it. That led and informed a council decision around the idea - the highest level of concept. There was then a three-day summit that involved people from right across Hobart. It was a major event. It had everyone from school kids - which is our thing, we want to make sure that the people of the future were there - all the



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way through to a range of different members of the public and different interest groups there. They then significantly evolved the thinking about what the shape of that could be, a very significant evolution about how that would come, it came out of that process, it went back to our council, they liked that direction.

Then they said, okay, the next step of this is to take that broad direction and do another round of discussion about what would be the urban design principles that would sit in there. We took that and created a set of design principles, which again, we consulted widely on, put those draft ones out for further consultation, took the feedback on them, and put that into the evolution of the process.

The decisions were made on the back of that about where we would actually start the work. That is after a very extensive process. The current objection to it arose when decisions about the future of Sandy Bay were under consideration. That is when, in fact, another public process was underway. That process, we have provided details and information on it. Externally reviewed, that is seen as a very good process. Now not everyone agrees with the outcome and that is absolutely clear.

The other piece is that there is a substantial process of it, all those documents are available, and have been for a long period of time. The piece that I think this intersects with, which is an important part of the overall framing, is that our decisions all have to be made within the appropriate planning and other laws that govern what we can and cannot do with what we have.

In working out what the right framework for this is and what the right point of consultation and deliberation is, anything we were to do in any of our property spaces actually has to go through the proper planning authority. The appropriate thing of a planning process, as compared to a ministerial decision, is that is a very public process. What we sought to do last year was actually just to initiate the very process of enabling a public discussion through a proper planning vehicle for all of that deliberation to occur.

Now, it seems to me that it is in almost every area of the university's operation that there are substantial other regulatory frameworks that mean we have to make our decisions within them. When we make them, we have to engage in the proper public process that goes around the shape and nature of those, which is the case with planning.

When we look at Launceston, we had to do exactly that. In the Burnie decisions the planning process was properly structured, where council members - who are elected representatives - get to carefully interrogate; they get professional advice from their planning teams, who are able to inform them to engage in that in a substantial and deeply-informed way, and that leads to a very good outcome. Here, we've not been able to even get to the first stage of that process which would put a decision we're making inside a process which will, in the end, determine if we can go ahead with any of that - and in what way we could go ahead with it.

**CHAIR** - The nub of my question is, if you had ministerial input right at the beginning of the process, it may assist with a lot of that. In terms of process, having that ministerial sign-off or tick-off gives you a level of power, if you like, from the community.

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**Prof BLACK** - I can see the value of the idea. Absolutely. It is an idea we should explore. I think it's a really worthwhile topic, and I absolutely understand where you're coming from.

If I can, though, because it's worth teasing out a little bit - if we're heading in that direction, it would be important to say, you're kind of putting the ministerial discretion on gifted land, because it's community - because it's consequential - the question then becomes, why -

**CHAIR** - Not only consequential for the land, but consequential for the community in which it sits.

**Prof BLACK** - I understand that. As I said, we have to work out a better mechanism. I completely agree with that. I've described a mechanism that anyone who's externally reviewed it from a kind of independent perspective said, 'that looks like a good process'. We're all aware that process hasn't ended up in a happy outcome. That's ended up in the outcome where we have a community where this is a point of tension and conversation. We have to work out how this is going to work, how we can evolve a better process, as a total Tasmanian community.

Because this is a total Tasmanian community question that we need to work our way through. What are the other things that you might reserve to a minister? As soon as you open this door, you then have to ask, what are the other consequential things that you might reserve to a minister? That starts to change the character of the way the university relates to government. I'm really interested. Absolutely we could explore that.

It's also probably worthwhile exploring what are the other policy or planning frameworks that should be engaged? Like on this one, one might say maybe this was not a planning decision for the Hobart City Council. Maybe this was a sufficiently consequential decision for the whole of Hobart. We think it is consequential to the whole of Tasmania. However, in fact, for decisions like that, a different planning mechanism would be more suitable. In other cities that have city councils that cover a much greater area, this is a lot more straightforward, because the interests of the citizens of Glenorchy, of all our other councils, are just as consequential, and from our view, at least as consequential, because there are so many people we want to reach in those communities.

If we're looking for a better process, I think we should be expansive in our thinking, and ask, what are the other ways in which we could construct this, so that the full set of relevant voices is engaged in it, and they're engaged in a public process? I'm familiar, having operated in Victoria where these kinds of ministerial decisions are made, that I do not think that you get anything like the transparency that the community is looking for. They are decisions which, unless you engage in administrative review of them, do not necessarily have to be made in a kind of deep public explanation. Ministerial decisions can be even more opaque than university council mechanisms.

I want to take the spirit of the question as, how do we, as a community, do this better and perhaps open it up? I know you've had those suggestions about how it could happen, but I would be very keen to explore a wider set of options about how you might do it better.

**Ms WEBB** - That's quite interesting. I have a question in a moment that relates to another area where the minister of the day or the treasurer of the day has some power in the act. It does

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raise questions about what other aspects might be well-equipped to have that check and balance from a state government level.

I have questions about consultations and things flagged for other terms of reference. I will not delve into the same area too much now, but I cannot let it go past without picking you up on pointing to the planning system as a method for appropriate community consultation and input and say when it comes to what is proposed about the campus move to the city because, as you well know, that can only deal with individual elements of that move, one at a time. It cannot, in any sense, deal with the overarching core decision. It is very limited in terms of what those elected members on council can actually consider because they must comply with the planning scheme. So, that is not something to point to as an appropriate level of community input in terms of the larger prospect of a campus move of the sort that we are looking at here. I think that is misleading of you to say that, I must say.

**Prof BLACK** - If I may, I think the way it might more fairly be characterised is that the council actually establishes each of those layers of planning within which we operate. They establish a scheme which would make it a decision possible or not possible at all. Many cities have well-evolved planning schemes that really enable you to decide the shape of the city, whether you do want educational entities in a city or not in the city. Our planning scheme covers those issues, it enables that to occur.

The city council also has precinct plans. These are all decisions made as an integral part of the planning process. So, the council is not just making one-by-one decisions; the council also makes the overall planning decisions about the shape within which any decision can be made. It is entirely open to a council to make an overall planning decision that says, 'we do not want educational facilities in the city, that is part of our city design', or to make an overall planning decision to say, 'we will enable a decision-by-decision basis or that we will be actively driving and supporting it'.

They are all within the appropriate responsibilities of a council, to be making those decisions and engaging with the broader community. Indeed, last year the council engaged in a greater Hobart planning process and also precinct level planning discussions, all of which involved public input on these very questions. The concern for the community is, what does this do to the character of two important areas of the city, the city area and the Sandy Bay area? They are planning matters and they should be dealt with by the well-established mechanisms by which cities determine what is the character and coherence that they are looking for in their cities and we, as a good citizen of those cities, that is what we look to.

**Ms WEBB** - Absolutely, the council should do its job in all of those ways you have just described, but you slid into describing that from the perspective of saying, that is how the community can have their say about the overarching project. This is obviously not the case. The things you described - and I would like to come back to that at a later term of reference, rather than labour it here - the consultations during which the community could have had a say potentially in that core, initial stage of early decision-making about a whole of campus move were limited, potentially. We can go over it later - I know you started laying it out for us - and did not allow the community to have a form of definitive say in how that might be conceived as a whole-of-project decision. I will come back to that. That decision is entirely separate to planning decisions for particular aspects of it down the track, which as you say, come under planning in the city council.

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I just had one specific one in relation to under the powers of the university in the act to section 7(2), where it says:

(2) Notwithstanding subsection (1)(f),

which is to do with the power to borrow money, it says:

the University is not to exercise its power to borrow money unless it has first obtained the written approval of the Treasurer.

So, again, that is a check and balance at a state government level that was similar to the one that used to be there, in terms of sale and use of gifted land.

I have a straightforward question there. If we were to ask, since 2015, how many times has UTAS obtained the approval of the Treasurer to borrow money, as per the act?

**Prof BLACK** - Since when?

**Ms WEBB** - 2015. I'm just plucking that. We could say the last 10 years, but -

**Prof BLACK** - I would need to get that on notice, because it is before my time.

**Ms WEBB** - Excellent.

**Prof BLACK** - However, we have, at least in my time, certainly gone to the Treasurer for that permission.

**Ms WEBB** - Okay. Is it detailed in your annual reporting, the instances and the details of written approval sought, and what that relates to?

**Prof BLACK** - I do not believe it's included in our annual report. The conditions and requirements for it are well established, not least because they are visible in the act. It is not part of standard annual reporting.

**Ms WATKINS** - Certainly, we have recently raised money through the issue of green bonds and that has been something we have been very proud and public about.

**Ms WEBB** - That required the approval of the Treasurer?

**Ms WATKINS** - Yes.

**Prof BLACK** - Well, not the green bond bit, but the borrowing requires approval of the Treasury, for the very good reason that our kind of balance sheet affects the state's balance sheet. That makes a great deal of good sense given that would be the case. That is why I am very comfortable that one explores where are the appropriate boundaries and what are the appropriate mechanisms by which decisions are of consequences to other parts get decided? My invitation is for us to look to the mechanisms we have that enable those things to be done well, when we are exploring them.

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**CHAIR** - Further to that question, and it could exist in other terms of reference but seeing as it has been raised, with your third-party arrangements for accommodation and the like, when it comes to monies being borrowed to provide for those sorts of projects, they do not go to the Treasurer, do they? Is that not maybe stepping away from that or providing a bit of a - ?

**Prof BLACK** - We do not borrow those - well, they create a liability, because student income is what actually then goes back to those. However, I will need to check whether they triggered the actual borrowing requirements. The first of those was done before my time. They affect the balance sheet, but because they come with a source of an income along with it. The model is that those folks invest in it and then they get access to the student income stream that repays it over the life of it. We retain the actual underlying asset, though, so the property remains.

**CHAIR** - It is still a liability though, isn't it?

**Prof BLACK** - It does create a form of liability, but it is one that is matched off against the student income stream.

**CHAIR** - I would be interested if you could provide some further detail on that if you would not mind, for our information and who knows, we might have further questions that arise from that. That would be appreciated.

One question that comes up or has been brought to us in terms of the powers of the university was raised in the Save UTAS Campus, obviously, a lot of aspects have been looked at in this. That is on page 11 and page 12. One of the six outcomes wanted, I will read the paragraphs that puts it in context:

Even in its briefing paper to the Legislative Council, UTAS offered no clear and persuasive rationale. In March 2022 the UTAS Vice Chancellor and UTAS Council member, Professor Natalie Brown briefed Legislative Council of Tasmanian representatives on their intended outcomes for relocation. The six outcomes it wanted are:

(a) **Improved access to higher education for more young Tasmanians ...**

...

(b) **Stimulate small business in quiet parts of Hobart's CBD ...**

It goes on and does a number of others. However, this one of the ones they were focusing on, they raised the issue:

That small business is seen by UTAS as a responsibility of UTAS demonstrates a failure of the 1992 Act to require the university to focus on the delivery of higher education.

Do you have a comment on that?

**Prof BLACK** - I don't think it accurately characterises the way we have seen those benefits. We characterise the primary benefits of why you would make the move as, number

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one, overwhelmingly, to create better access to higher education for those future students; to be able to improve the quality of student experience by enabling all of our students to operate within a given area; the ability to increase our ability to engage in interdisciplinary work because all of our people are able to be together in one place.

We did also recognise - and we talked about it earlier in my opening statement - the importance of partnerships, and the ability to continue to deepen our partnerships by being more proximate to those we partner most closely with. Now, we did recognise that a secondary benefit of the university being there is that it does bring life to cities. That is a well-known, very well-established phenomena that where universities are in cities, they bring life. We recognise that was a secondary benefit - not the primary reason you would do it, but a secondary benefit that would flow from doing it.

So, I think that statement quite seriously mischaracterises the way in which we have described why we do it. The primary purpose is wholly educational and research linked, and impact linked; secondary benefits are for the city. We could enumerate any number of those secondary benefits, but it isn't the 'why we do it'.

**CHAIR** - The main point that I was wanting you to address was the fact that it stimulates small business in quiet parts of Hobart CBD. That was the thing that stood out to me as one of the things that they saw as not really being the business of UTAS.

**Prof BLACK** - That is where I think one is distinguished clearly in sophisticated decision-making between what your primary purpose is and recognising there are a series of secondary things that will flow from it, which are of some consequence and are important to weigh in on any decision, and our logic on that is crystal clear.

**CHAIR** - Okay. Thank you for that. We will move on to terms of reference (2) and we go to Sarah, who has some questions to start on that. We are nearly an hour behind, but that is okay, we take the time. It is needed.

**Ms LOVELL** - Thank you. I want to start with a fairly broad question and I am looking in particular at part four of your submission, in relation to the university council. In the introduction, it says quite clearly that the submission is outlining how:

... Council, fulfils its responsibilities and exercises its powers in line with the Act ...

It talks about formation of council under the act and the responsibilities of council under the act.

Starting with a fairly broad question, we can see the submission is addressing the act currently. Are there any overarching, initial changes that you think the act could undergo that would strengthen the functions of the council, or make any improvements in that area?

**Ms WATKINS** - My overall view would be the way the act is constructed does not constrain us in any way from being a highly effective governing body for this university. That's not to say that there couldn't be changes - for example, we could work with a slightly larger council, with a slightly different constituted council. There could definitely be changes that would, in my view, be quite workable, but as the act is constituted, as you have heard,

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it has changed, particularly over the last couple of decades.

It is very much in line with accepted university best practice. In my experience it's very much in line with accepted corporate best practice. It achieves a group, I think, that is big enough to be diverse and cover the range of skills and experience and perspectives that we need, complemented by our committees, which can have non-council members on them, which I think is a very useful thing. However, not so big that you end up with a body that can't operate a shared accountability, a genuine shared accountability for the success for the institution.

In my experience, larger bodies tend to fragment, and it's hard to have a really good quality debate and discussion and end up with a genuinely owned decision that everybody will take mutual accountability for and everybody feels they've been able to contribute to and own. I think as it is, it works well, and the onus is on us as a council to make sure that the way we bring it to life, the way we conduct our discussions, the quality of our papers, the way we review our performance, the way we use our committees, the way we ensure our agendas reflect what's important, all of these things are of much greater significance than would be changes to the constitution of the council itself.

**Ms LOVELL** - We've heard some other witnesses about the size of the council and that it's at the smaller end of the scale in terms of the size of those bodies of that nature. What I'm hearing from you, just to recap, is that it works well at the moment, but a change in size might not be detrimental if it wasn't complete, a significant increase, I suppose.

**Ms WATKINS** - We are currently 12 members. We can be up to 14. We intend to be up to 14 and we will initiate the process to appoint two more council members. I hope that will happen in relatively short order. Generally speaking, we were wise to use the 14. It's good I think to have the flexibility, because sometimes there are reasons why somebody might need to leave at short notice or we may take some extra time to find the right appointment. I think that's a good number.

Yes, I am certainly saying, if you asked, would 16 work? I would not be concerned about that working at all. If you asked, would 20 work? I would start to be more concerned that we would get that fragmentation. I think the rationale for the changes to reduce the size and to really promote a focus on decision-making in the interests of the organisation overall is absolutely the right direction.

**Ms LOVELL** - Alison, rather than thinking about it in numbers terms, in terms of the representation, and the make-up of council, do you feel or have any thoughts on the provisions of the act currently and whether that's adequate, or whether there could be improvements in that area?

**Ms WATKINS** - Again, I would say in what the act prescribes, it's quite a sensible and logical make-up that it proposes. For example, we have one member of academic staff. We also - and I want to focus on the academic, because it's the heart of what we do, it is our academic mission. You could take issue and say perhaps we should have two members of academic staff, or perhaps more.

I think the real question is, first of all, when we constitute council overall, do we make sure that we have an adequate number of people who understand the academic perspective? Our elected academic staff member is very important. Of course, Natalie, as our chair of

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academic senate is very important. Rufus, who brings a deep understanding of the academic pursuit and university governance is very important. Professor Peter Dawkins, who is a former vice-chancellor of Victoria University, is very important. Sheree Vertigan, who is one of our ministerial appointments, who brings a deep understanding of the education system and north-west is very important.

It is not only about the strict, literal constitution, it is about how we step back more broadly and say, what is really important for us to have on council as far as skills, expertise, and experience, and how do we make sure we have a sufficient mix of all of those? It is very workable in enabling that as it stands. As I say, having one member of the academic staff does not mean we only have one person who understands and cares about the academic mission completely, far from it.

**Ms LOVELL** - Okay, thank you. I am interested in your submission on gender balance. The council works to safeguard gender balance and strives for diverse membership. Can you expand a bit on how you do that and what does council do to ensure there is a diversity in gender, but also in other areas?

**Ms WATKINS** - Yes, we have what we call a skills and attributes matrix. We have a subcommittee called the remuneration and nominations committee, which currently includes three outside members. We go through a process under a stewardship of that committee of saying, okay, what are the range of skills and attributes where attributes include diversity of a number of different kinds? Gender diversity would certainly be one, regional representation would be another, Aboriginal understanding and representation would be another. Then we have a bunch of other skills we think are important: the academic perspective, finance, people in culture, technology, there are a whole bunch of things we would want to have covered in the composition of council.

Then we form a view on what the top priorities are for our next appointment. If we were light on gender representation, that would be a priority. We currently want to have Aboriginal representation. We will be looking for someone who brings other characteristics with that and typically, council members might have four or five different skills, experiences and attributes they bring that are relevant and valuable and that is how we do it. I think currently half of our council is female.

**Ms LOVELL** - In relation to Aboriginal representation, you also spoke to this in your opening remarks and the desire for more engagement. Can you expand on your opening remarks that your council is considering how council might incorporate an Aboriginal perspective? Can you expand for us on what that consideration looks like, what steps are being taken in regard to that?

**Ms WATKINS** - Yes, and I will ask Rufus to elaborate, but the University of Tasmania, under Rufus's leadership, has really demonstrated a tremendous commitment to understanding, acknowledging, respecting Tasmanian Aboriginal heritage and traditions and built those into the fabric of the university in many ways which I think are really positive and distinctive for the character of our university. We would like to have somebody who identifies as Aboriginal and is part of the Aboriginal community on council to strengthen and give weight to our decision-making from that perspective. Through our council appointment processes, we are advertising and also proactively identifying suitable candidates who we think would bring that,



and a number of other valuable qualities to council. That's how we are going about it, and I'm optimistic that we'll make progress very soon on that.

Is there anything you'd want to add, Rufus?

**Prof BLACK** - Probably the key thing to add is that this is a staged journey where it's not for us to say what the exact character of that should be. The important thing is actually to strengthen the Aboriginal voice inside our conversations so that the right kind of, so that voice is there when we even think through a co-design process for how we get that right, we've got that input right now. It's actually quite - I am very conscious of the careful steps one needs to go in making these journeys.

**Ms LOVELL** - How is that happening?

**Prof BLACK** - That is where, as Alison has pointed out, we use the process we have to find someone with the right qualities who can be inside the council process and help work with the council, to design the next step of the process to ensure that that happens well. It seems to me that should be done in a consultative way from the beginning. However, we have to get it started in order to make that happen.

I think as a nation clearly, we're reflecting deeply about the principle of having an Aboriginal voice. The most important conversation now, the nation should be about that principle being embedded in the constitution. I think once you do that, it raises a question for every civic institution as to how and what does that principle mean for good decision-making? If it's good enough for our federal parliament, surely that has implications everywhere if that principle holds true? Certainly, speaking personally, I think that principle is fundamental to, should be fundamental to, the shape of our constitution, and I think it has big implications.

**Ms LOVELL** - Thank you. I also wanted to go back to some comments from your opening remarks regarding the council finding ways to systematically engage a community voice. Can you elaborate on how that's happening and what steps are being taken there?

**Ms WATKINS** - Thank you for the question. I think one of the important things that any governing body should do, and I certainly have seen our council being very diligent, is to reflect and learn and keep improving. That happens through a formal process of reviewing our performance where we might bring in an external party to review performance, or it may be an informal process on a more frequent basis where I am leading a conversation with individual council members and also collectively to reflect and learn and challenge ourselves on what is working well, and what can work better.

It's very clear that when we reflect on our performance over the last year or so, there's been a very evident concern from parts of the community that we haven't engaged well enough with them, that we haven't been listening well enough, and perhaps that we haven't been explaining ourselves. We haven't been transparent in explaining the rationale for some of our decisions. As a council, we've reflected on our role in that. As a council, our role is a governance role. We expect Rufus and the leadership team to run the university, to implement strategy, and to be involved very much in all of our stakeholder relationships, including our community relationships. However, one of the things that, as council, we reflected on, was whether we could do more on that front. Not to duplicate or override the proper executive role, but to complement and strengthen that, and to improve the sense of accountability to the

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community and transparency, and make it very clear that council - which is ultimately responsible for the strategy for the university - is more visible in these activities.

We are working through a good process, in fact we've just had a terrific workshop last week as a council where we've made a very good start on what that process could look like. At this stage, it could take a number of forms. However, I would say it will definitely include a clearer set of accountabilities for us as council around different community stakeholder groups that we would interact with regularly, and be about both listening and explaining, and just doing a better job of communicating. Those might be regionally denominated sort of groups; or student groups, from time to time; or mayors or councils; or just interested parents.

We need to be realistic because council members are part-time, and they have a certain amount of time that they can commit to the university. So, we need to be thoughtful about what the highest impact activities are. As council, we meet around the state quite regularly. We're in Burnie, in Launceston, as well in here in Hobart. There are quite a number of opportunities to construct interactions with those different stakeholders in a more systematic way. I think that will assist with the transparency that the community sees from us and just getting to know us; not that we are some sort of invisible faces behind the scene, but we do stand there and we believe in and are committed to our academic mission, and the strategy of the university.

**Ms LOVELL** - I had some other questions, but did anyone else have questions on the makeup of council?

**CHAIR** - I do. Some of the submissions point to a number of things - their words, not mine:

Unaccountable and inexperienced University Council members have contributed to significant problems in the higher education sector, many of which are evident at UTAS. These include executive salaries which are well beyond community expectations or reasonable in relation to the UTAS workforce; extraordinarily authority delegated to executives, with little or no obligation to consult, explain or justify their decisions; a lack of transparency in strategic decisions which bear on the broader community; and university operations and activities which do not clearly align with its core goals of education and research.

And:

... the changes to the constitution of the university councils basically centralised the power of the executives, especially the Vice-Chancellor and Chief Operating Officer, to the extent that almost all power and authority in the university is effectively vested in the Vice-Chancellor and Chancellor, and for the most part in the Vice-Chancellor.

They are the things that have been told to us. How do you respond to that?

**Ms WATKINS** - First all, I think those are just sweeping statements that are incorrect. I would be very happy to take issue with any of them if you want to focus on anything specific, but to the broader point, I think it is very clear in the act, under the higher education standards

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framework, under the universities best practice code that the council is responsible and is the governing body of the university. Certainly, as a large organisation, for that to be workable we have two main streams of delegations - to academic senate and then we have a general delegation, where we delegate many operational matters and, for example, financial authority limits and so forth to the vice-chancellor.

I would say as a council, the appointment of the vice-chancellor is probably the single most important decision that we make. In choosing that leader, we then hold them to account. We do place a high level of trust in them, certainly, but our governance framework means that they are held to a high level of account, as is the academic senate. Ultimately, the council is responsible for the appointment for the vice-chancellor, performance and evaluation of the vice-chancellor, and all of those decisions, and we are responsible for the overall strategy for the organisation, the financial budgets of the organisation and major decisions about financial and commercial matters. Those things that we have reserved are the most significant decisions of the university. We expect the vice-chancellor and his team to execute against that overall direction to implement and we have many different mechanisms, a framework of agreed metrics, which he reports on monthly to us and provides a full narrative with it to ensure that he is discharging his obligations in line with the authority that the council has given and in line with our expectations.

I think that this - and Rufus might want to comment on this question of centralisation, and in many organisations - it always sort of ebbs and flows. However, as far as the relationship between the university council and the executive, and the university council and the academic senate, I feel, as someone who has had exposure to a number of large, relatively complex organisations, the level of delegation, the level of oversight, strikes a pretty good balance.

**Prof BLACK** - I am happy to add some commentary to it. I think perhaps what it reflects to someone who may be unfamiliar with actually how our authorities and delegations in fact work, I appreciate that from a distance this can look hard to see. I would say that our delegations and other things are public; there are documents you can find on our website.

**CHAIR** - I have one of them here in your submission.

**Prof BLACK** - Yes, and so, to give you a sense of how it actually works, my ability to execute (inaudible) is dependent on council approval of a strategy and a budget. It is council's decision to make those things. I only have a delegation for \$3 million outside the operating budget, so a \$600 million budget, I can only personally authorise \$3 million outside that.

That is a very small delegation outside a budget. That reflects the fact that we collectively commit to those budgets in a very serious way. Equally, the council agrees that at the end of what is actually a long strategy process, which runs for three to four months of the year, builds up, starts in our colleges and divisions, builds up the set of goals, objectives, missions.

A very wide group of people are involved in that, right down to head of school level who build that up. We have a week where those people convene. We have a broad set of conversations to form that up.

I am a voice in that process, but it is a very broad process that brings that up and finally then presents that to council. Council interrogate that. Council sign it off with the task back to me to execute against a set of KPIs that they check I am working. Importantly, if you then

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go through our table of delegations, the delegated powers to exercise that are then delegated quite deep into the organisation. There is a whole set of important powers. Natalie might helpfully speak to them and she mentioned them before, which belong to senate alone. A vice-chancellor cannot approve a degree. They cannot approve a third-party arrangement. There is a whole set of things that go to the very heart of our mission serving students that the vice-chancellor does not approve. In fact, you operate within a constrained - appropriately so - framework that is built collectively and executed collectively.

My job is to maintain the architecture by which that happens and to try to make sure as best we can that the plan is executed using the same kind of architecture. It is worth getting into the actual delegated details here. When we make internal decisions, if there is a decision that requires the use of my delegation of substance, I receive a briefing. It sets out the clear context for it, the rationale for the decision, the basis upon which the delegation can be made and who is then consulted in the process. It is really rigorous. They come. They are recorded. They are tracked for each one of those decisions. Some of those then are decisions that may be going on to our council, which again these are good practice ways in which those things. There are not decisions that are a significant exercise of any of these delegations that do not go through a well-managed process by which they occur.

The idea of it is centralised is factually wrong. The public evidence available for that is substantial. Of course, an architect is influential and my job is to make that work, but it is a modest role in that sense in the bigger scheme and the chief operating officer operates in a similar but even further delegated way. What it points to is the need for greater understanding of how these things work. We are happy to as I mentioned in my opening submission, this question about how do we create better and further levels of transparency. This good internal process has a greater relevant external visibility which we are comfortable to figure out what the best way in which that happens is.

**CHAIR** - Looking at it from the perspective of transparency, would it be better there were more elected people on council rather than appointed? That goes to the nub of some of the concerns, that there are too many appointed people on council versus elected. It might be that in that if there were appointments happening that they might have personal connections with you in some way, shape or form. You can understand that people think to themselves, what are the connections, where are the personal connections, where are the professional connections between these people if they are being appointed as opposed to being elected?

**Prof BLACK** - It is a chancellor question but I am happy to add to it.

**Ms WATKINS** - It is incumbent on us as a council to make sure we are using transparent processes to appoint council members. The composition where we have a mix of elected and appointed members is a good thing in that it gives us the flexibility to make sure we can cover all of the skills and experiences needed to make good decisions in a complex organisation. The important thing is that we do use a rigorous process, particularly concerning those council-appointed decisions.

The things that we've sought to do are, first of all, to be clear about what we need to solve. What are the skills, experiences, attributes, we are trying to cover on council? Then, to have a rigorous and transparent process for those appointments; advertising and inviting people to apply; and being clear about the particular attributes that we're seeking to emphasise; and using our remuneration and nominations committee with independent members. We've sought

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to have a member representing the Department for Education, Children and Youth, to have industry representation and people of general community standing who are independent thinkers and are prepared to put the time in to interview and to help us reach a judgment about the best fit for the next appointment. That process, in my experience, has been quite seriously followed and has yielded some good results.

I would say that the overall constitution of our council - we do have people who are of very high calibre, and who are very committed and very diligent, and who all bring a lot of value. I can see that might be a concern. However, I think with an understanding of how that process works, and our commitment to that, I see that as an absolutely critical governance responsibility of us to make sure that we do, and are seen to, make the best calibre appointments to fit the needs of the council to enable the best governance decisions possible.

**CHAIR** - The last question then, in terms of demonstrating transparency: would you be prepared to table the personal and professional connections that the members have with the vice-chancellor and the chancellor?

**Ms WEBB** - And the senior executive.

**CHAIR** - Senior executive, yes.

**Ms WATKINS** - Are you alluding to the fact that we have both worked for the same firm? I would certainly be very willing, yes.

**CHAIR** - I am not aware of a lot of this, but I am just saying in terms of transparency, if you would table the personal and professional connections that there are across the executive and the council committees.

**Ms WATKINS** - Oh, I see what you're saying. Certainly. Table those externally?

**CHAIR** - They can be tabled with us. Sent to us.

**Ms WATKINS** - Certainly. Could I just for the record, as I've noticed there's this sort of -

**CHAIR** - Undercurrent?

**Ms WATKINS** - ...sense that Rufus and I are old mates from way back. Rufus and I have never worked together. Rufus worked for McKinsey and Company, a firm that I also worked for. I left McKinsey 24 years ago. I never worked with Rufus. I'm not even sure if you were there, you might have been there - but we never worked together.

I would say, though, through my career, I've heard about Rufus and was very pleased to have the opportunity to work with him, because he does have an outstanding reputation, justifiably so.

I want to put that on the record, because I know there's that sort of -

**CHAIR** - No, that's right. If you transparently table that, that gives us information to be able to consider in conjunction with what people might be saying in terms of our submissions.

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**Ms WATKINS** - Can I clarify the exact request so we can action that as exactly as you would like? You would like all council members -

**CHAIR** - Personal or professional connections that the vice-chancellor, chief operations officer have with members of the executive and its committees and bodies. We'll put it in writing to you.

**Ms WATKINS** - Okay, certainly we can do that.

**CHAIR** - We really appreciate that. It is 2.30 p.m. and it is break time so we are going to take a 15-minute break.

**The committee suspended from 2.30 p.m. until 2.45 p.m.**

**CHAIR** - Okay, it was Meg first.

**Ms WEBB** - This one follows on to some extent on those matters around of appointments and things to the council and appointment of the chancellor role. It is obviously a very substantial, important one. In the submission you have made in part three on page six, it says:

... a Chancellor symbolises and embodies the values and educational purpose of the university. A Chancellor seeks to exemplify the high standards of the university within the wider community.

Really important role. I know technically they are elected by the council, but obviously there is a process that brings someone to be considered for election. Can you describe what that process is?

**Ms WATKINS** - Rufus, perhaps you will address this since I have been a candidate in it -

**CHAIR** - Quite obviously.

**Ms WATKINS** - ... but haven't carried it out. You might want to describe how it works, Rufus.

**Prof BLACK** - It maybe best that Natalie does that, given her independent role on the council.

**Prof BROWN** - The chancellor is obviously a very important role and the way that is done is we do have a committee. Our reg and noms committee is one that looks at appointments. For the chancellor, it is actually extended and we draw in members of the community to be part of a committee that also includes the chair of academic senate and includes other council members. For example, the deputy chancellor would be involved in that. There is a call for expressions of interest that goes out. There is also in my experience a search where an independent search company looks across Australia knowing the kind of calibre of person and their connections to Tasmania, and all of those kinds of things we deem as a council should be in candidates and then proposes candidates for that consideration of that committee.

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I guess I should have probably gone back a little step before that to say prior to that process taking place, individual members of the member and the council as a whole have input into the sorts of attributes we would be looking for as a council in a chancellor to lead the council.

**Ms WEBB** - In that sense then, it is good to understand that process. Given the way it is expressed in the UTAS submission, that Chancellors exemplifying the high standards of the university within the wider community, and I ask this with absolutely no personal reflection whatsoever, Alison, but I would like to understand what consideration was given to any challenges presented by having a chancellor elected who was not resident in Tasmania. I believe it is the first time.

**Prof BROWN** - I guess where somebody lives substantially is one attribute. When we considered what kind of person we wanted for our next chancellor, we saw it was very important that they were deeply connected to Tasmania and to the University of Tasmania. Our current chancellor has obviously deep connections to Tasmania. She is a distinguished alumnus of our university and continues to have connections in Tasmania and is often in Tasmania. At that stage we were aware Alison had family and remained very closely connected to Tasmania.

As we are talking through, or, I was not privy to those conversations, but in speaking with potential candidates, that is something we absolutely would explore to make sure we were comfortable with that. The overriding opinion of the committee was that having somebody of Alison's calibre, who had such a strong and deep connection and a continued connection of Tasmania was the most important thing.

**Ms WEBB** - Just to be clear, knowing that this appointment was going to be coming into play at a time of such significant change and interesting challenges of change for the university, was there extra consideration given to the challenge that might be represented by an offsite chancellor in that sense?

**Prof BROWN** - I think more consideration was given to what sorts of skills and experience do we need in a chancellor to be able to lead us through this period of change.

**Ms WEBB** - One of the things I wanted to pick up on and it probably connects to some answers you were providing earlier, Alison, on looking for opportunities for the council to connect in more structured ways with community. You described some plans or intended ways to start escalating that. It has been suggested to us in some submissions and in particular the hearing that it would be beneficial for council members to have more direct interactions with people in academic roles in the university, not in formal ways through committee involvement and things like that. The term used in the hearing was 'unchaperoned ways'. The suggestion was put to us that this is something that occurred a little more organically in past times, but had ceased to occur to any great degree in more recent times.

I wonder if you can talk to me about what that currently looks like for members of council and if council, especially given what you have observed through the committee process and seen in submissions, given thought to the value of perhaps pursuing that more purposefully?

**Ms WATKINS** - It is a good theme and it is something that, as a council, one of the most important challenges we give ourselves is, are we doing everything to make that our academic

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mission is front and centre of everything we do and all of the decisions that we make? As council members, particularly those of us - and I mentioned there a number of people who understand what it is to be an academic, and for those of us who do not such as myself - the opportunity to learn and understand a range of perspectives is important and it does best occur through both formal and informal opportunity.

As far as the formal opportunities go -

**Ms WEBB** - You have outlined those fairly significantly already and we have them in the submission that UTAS made. My question is focused on the less formal opportunities that might be termed unchaperoned, opportunities that are not within the context of a meeting with an agenda and a particular representation, but indirect interactions and unchaperoned interactions for council?

**Ms WATKINS** - Yes, and I have not outlined in the submission but I did want to mention that I do and have learnt from sitting in on academic senate meetings so I am not sure if you would say that is formal or informal?

**Ms WEBB** - That is formal. I am asking about things that are different to that.

**Ms WATKINS** - I am just an observer in that capacity. Informal, certainly wandering around, having a cup of tea, going along as I did the other day to our university medalist presentations, having a chat to their supervisors, having an informal chat when I go up to the Launceston or the Burnie campuses with academics who happen to be there. It is valuable. I would say as soon as you say you are the chancellor, I am not 100 per cent sure I am having a normal interaction. That is just the truth of it but I do reflect on very many different perspectives and the range of different academics that we have.

Also, in research, IMAS, I do not know if you would call this formal or informal, but I was invited to be a guest lecturer at one of the events where I had a chat with a couple of our academics. All those things I enjoy and learn from. I learn about what it is to be a university and what it is to be an academic. However, I would say all those interactions are so different and maybe that is the learning in itself.

I cannot generalise about what it is to be an academic. I see the importance and the diversity of what it is to be an academic and the many different things that can mean.

**Ms WEBB** - That is what I was asking about: opportunities to do that and whether there is actually even a kind of discussed and purposeful approach, not just for you as chancellor, but for council members to be able to have those opportunities in those more informal settings. Not within your structured meeting arrangements and representations. Is there are a discussed and decided approach to that?

**Ms WATKINS** - It is something we are definitely considering. The ability to be purposeful and be informal can be a little at odds. We would definitely encourage council members to have informal interactions and many of them do, of course, because we have so many academics that we employ. That is quite a normal thing. Sometimes they seek them out.



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It is something that we really want to encourage. How they bring back the insights from that is also an important aspect. That is why we do think there is benefit in putting some formality so we as council can take the learnings from it.

**Prof BLACK** - I think the implication there is that the kind of executive or vice-chancellor somehow orchestrates so council members only hear what we want them to hear, is the implication of that kind of observation.

**Ms WEBB** - I was not explicitly making that implication. I do not think the person who made the positive suggestion in a hearing was necessarily making that implication.

**Prof BLACK** - It has certainly been made by others. To be really clear, I am very supportive and encouraging of council members to do exactly that for the very reasons that person suggested. That was obviously somewhat constrained in the COVID-19 period where it was a real challenge. However, as we are happily moving out of that world, as the university executive team, we are very relaxed about that. We see a lot of gain and benefit from it, because the more people come to understand the rich complexities of running a university, the better from a council perspective.

Part of that conversation actually, in planning with our university secretary council's engagement this year, was this very question as to how do we create opportunities for that to happen, so that people can have a good, broad set of experiences. My particular concern was to make sure they could see student experiences and form their own views about where we are at with student experience. We have to keep this stark need of putting students right at the centre of our conversations and experiences. That is one of my real concerns. Equally, to have that free exploration of researchers around how they experience the kind of issues and challenges of it.

Very relaxed about it and see it as a really important piece we need to enable particularly, in this post-COVID-19 world.

**CHAIR** - Alison, you made the comment about sitting in on academic senate meetings and those sorts of things. In fact, I think in your submission, correct me if I am wrong, any council member can do that. Is that correct?

**Ms WATKINS** - That is right.

**CHAIR** - With the capacity to do that, is that something that is requested or is that something that council members can do off the cuff? Because, it may well be as you were saying earlier about, as soon as you tell them you are the chancellor, there is this expectation built up or concern depending on who they are. Is it possible if the committees and subcommittees are meeting and they were to have chancellor or the vice-chancellor, or council members sitting in, that might actually constrain the way they handle the agenda? Is there a mechanism there that says well, you actually ask permission before you go, or can you just turn up?

**Prof BROWN** - As a chair of academic senate, I am quite inclusive and if people have particular interest, often have observers who may be other academic staff, or maybe people with other responsibilities within the university. There is a standing invitation to all council members to attend academic senate. I do remind and encourage council members if they are

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available to attend some or all of the meetings. In some ways, that's a little easier if we are doing it through Zoom because people can pop in and pop out. It's much better, coming to your point, Meg, about if it can be face-to-face and you are there and you are having a cup of tea and lunch and everything; it allows for those other opportunities.

To your question as to whether that would change the agenda? No. Would it change the conversation? I haven't noticed that. Reflecting on a couple of the meetings that Alison has attended where we've had strategic sessions - one on universal design for learning and inclusive teaching practices, that's involved some presentations and discussions with academic staff. Alison has joined the table and has been able to discuss that, as would normally happen. I haven't noticed any of that and it hasn't changed the tenor.

**CHAIR** - It hasn't been expressed to you?

**Prof BROWN** - No, academic staff generally love having members of council. They like meeting the members of council. They greatly appreciate it when the chancellor is able to attend. It's a big expectation - every meeting or for so many hours, particularly if council members have other commitments - but it's highly regarded by academic senate members.

**CHAIR** - A question with regard to agendas and council, seeing as we are on council. Is there enough time given for members of the council to fully consider the agenda that's before them, or is it a frantic 'we have 25 items to get through and only 15 minutes to do it in' or something ridiculous - do you know what I'm saying?

**Prof BROWN** - Yes.

**CHAIR** - Are council meetings effectively run, in the sense that people do have time to fully consider and assess what is before them - rather than perhaps rubber stamping?

**Prof BROWN** - Yes. The business of council and the business of senate - there is a broad spectrum of business. Those agendas are cleverly crafted and mindful of exactly that tension you are describing.

**CHAIR** - Because they are not insignificant decisions, are they, I imagine?

**Prof BROWN** - That's correct. If we lift it up a bit there. Where significant decisions are being made, it would be very unusual in my experience that you would only see that matter once. I am reflecting how we are approaching decision-making in senate. We like to get an early temperature check on some of these things that are likely to come down the line. Then, as things shape, you start to see that more formalised and data and other supporting documentation that assists in making a decision. There is that sort of cadence of how those decisions are made.

In terms of agendas, at senate we have been working on this. We have lots of feedback over the years I have been chair, about how that works well. It is balancing what the strategic discussion should be; how long you are going to spend on them; how they are ordered in the agenda so that things can naturally flow on from each other. That is definitely thought about. We also have systems of circulating papers, so papers are circulated in advance. Members are clear on what all those time frames are, so they are aware of that. It is not suddenly announced without them knowing about that. There are ways in which our information is presented. We

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have guidelines - clear briefing notes so that members can concentrate and make sure they have the background to have those discussions.

The other thing is that because we have those papers in advance and we know who has put those papers together, there are opportunities for members - be they council members or senate members - to make contact with those people for clarifying questions or to give questions that they would like further on.

It is a balance. We're always trying to make sure we're getting that right. But it is critically important that sufficient time is given to decisions. I will speak for senate: if there does need to be a further discussion about an issue, or if we've identified something that needs some further work, we will hold that decision over. We would, perhaps, have a separate sort of out-of-session opportunity for people to give feedback and then look at that decision later. There's a degree of agility in some of our decision-making, but we make sure that we are gathering all of the information that we need.

**CHAIR** - Thank you for that. Some of the submissions point to a more rushed circumstance than what you've described. Thank you for your viewpoint on that.

**Ms WEBB** - I come back to the question that touches on the make-up of the council and appointment of council. We already went here a little bit; I want to come at it from a slightly different angle, to look at it structurally. As has been put to us, what we have now - with the changes made over time to the make-up of the council in size and method of appointment and/or election - with no reflection on anybody who's there presently or may be there in the future - but from a structural point of view, we have a council that can effectively be self-perpetuating, because the council is effectively appointing, or having a big say in the appointment of, the majority of members.

Again, completely depersonalising it from any individuals involved, that clearly puts a flag up that there's a risk. That, through its self-perpetuating nature, it potentially becomes a body that begins to keep looking more like itself, and risking groupthink - that is one of the terms that's been put to us - and having a homogeneity of view in it. That's the risk that's there structurally, through what we have now in the act. Would you agree that risk exists because of the structures?

I can't see a check and balance, or a mechanism by which that risk can get disrupted. Can you?

**Ms WATKINS** - First of all, yes, in theory, we could sit around, make a mockery of the REM and NOMS process that I've described, make a mockery of the advertising process that I've described, have scant regard to the skills matrix and the requisite attributes that we as a council have agreed are important and just appoint a bunch of mates. I guess we could do that.

We certainly don't. If we were to do that, I would suggest we would be derelict with our duty as directors and our legal obligations, because we ultimately have a well-prescribed legal obligation to act in the interest of the university, to make decisions in the best interest of the university. It's impossible for us to discharge that duty without proper representation of skills, experiences, and attributes on council that would lead to good decision-making. I think we would be robustly criticised and legally exposed, to be honest, if we were to take that approach.

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All of us are professionals. We take our obligations very seriously. That is clearly not how we approach it. We have those various mechanisms that I've described to make sure that we do end up with a council that's properly constituted and able to make good decisions in the interests of the university. That is something that all of us respect as fundamental, and none of the people who are on council at the moment I think would want to be part of a council that does anything else.

**Prof BLACK** - The other piece which is important is the current constitution is trying to strike a balance of providing fresh input and renewal that isn't self-replicating, with maintaining a capacity to have the set of skills needed to do the job. There are two ministerial appointments over which the council has no control, and elected staff - professional and academic - who change around. They bring fresh voices and perspectives. Equally, you get two ministerial appointments who the government can, and does, take a view about what kind of perspectives they think might be important to have in the university and people who might bring those at the moment. The government has, for example, made it clear those two appointments represent someone from the north-west and someone from the north, so that those perspectives are there.

It goes back to, how do you tweak and adjust this? So you say, 'we want an extra one', to get that balance of renewal and ensuring you get the range of professional skills. I have seen contexts where, without the ability to balance professional skills, you can end up with serious gaps in a council. That can be serious, because the best means of keeping executive accountable is deep expertise. It is people sitting on the council who are able to ask the deeply probing questions because they are areas they profoundly know. That's the thing that keeps executives most on their toes and makes sure they are performing and doing their job, so you want to make sure you have that. I welcome the fact that we do get that renewal, and so if there are adjustments to the balance and you get that right, it is a healthy thing.

**Ms WEBB** - My question isn't about renewal because they are two quite separate issues. It's about accountability and whether there is a mechanism that is a check and balance on the risk of a self-perpetuating internal circle.

A number of the acts in other jurisdictions have a clause that says there can't be appointed members outnumbering elected members, for example - in recognition of the risk that potentially comes with appointment. I don't think that the risk arises through utter negligence and people disregarding everything that is there for them to do and the proper way to do it. It is potentially a much more nuanced and subtler risk than that. You can have a self-replicating homogenous body keep making itself more and more closely aligned and still fulfil your skills matrix, and still have gone through a particular process that looks okay on paper - but if that number of people on the council who are appointed that way outnumbers elected members, they will always have the vote. They will always be able to outweigh.

I don't think either of you have pointed me to where a check and balance is. Again, I don't want to talk about it as a personal matter to do with council as it currently sits. I'm talking about the on-paper risk there, and therefore a structural check or balance to this.

**Prof BLACK** - What would you suggest, in addition to independent ministerial appointments and elected people, if they constitute - ?

**Ms WEBB** - I know with independent ministerial appointments the process is facilitated through the university. There's a lot of discussion about that. They are still appointed members

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and there is still the potential for elected members and ministerial appointments to be outweighed by council appointed members, currently.

**Prof BLACK** - Yes; the balance here is what we think ministers do, because earlier on we were concerned -

**Ms WEBB** - Even if you put them on the side of elected?

**Prof BLACK** - Yes. Before, you were very keen that ministers might sign things off; so, if ministers are good for signing things off they need to be good for appointed people. If they are not good for that, then they shouldn't be appointing people. They are either independent or they're not.

**Ms WEBB** - I am not suggesting that.

**Prof BLACK** - That gives us four. It's an open conversation. Do you have more than four? What's the threshold number? What I observe in the dynamics, and I have been involved in multiple university council settings, is that how you came to be there rarely determined how people lined up on things. It is rare that is just the people who came by election or came by an external appointment end up all holding consistently different views to the people currently on there. That's an unusual dynamic. The thing that gets you the best diversity, is ensuring you have genuine diversity - which is people with skills and backgrounds that are genuinely different. You can easily get elected people who look very similar and bring very similar mindsets. That's why I think it is an artful balance to use that, but to be aware that true diversity of perspectives often requires active choices to ensure that happens.

We talked before about the importance for us of having our Aboriginal voice and an appropriate gender balance. We would not achieve that if we just went from the old, elected methods. That needs to be actively chosen and designed. Diversity is achieved by a more sophisticated set of mechanisms than just independent appointments.

**Ms WEBB** - Again, my question wasn't about diversity, it was about accountability. I appreciate the point you are making about diversity, and there would be mechanisms to ensure diversity while also addressing the issue of accountability. Yes, an elected member may well fall into a line of thinking or acting on council that the people who elected them felt was not good, and they can elect somebody else the next time around.

For someone appointed to council, there is nowhere that group of people can be held to account for their performance, is there? Therefore, the risk is that the rest of the council becomes self-perpetuating, in that way.

**Prof BLACK** - Well, if they fail to perform, they don't get re-elected and the minister does not re-appoint them.

**Ms WEBB** - I am talking about the appointments, the majority of which could be council appointed.

**Prof BLACK** - Yes. This is where part of the mechanisms that we have had is to get an independent review about council and of the performance of council members, so that is a

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transparent council process. It is a performance review mechanism that even the council has, which is exercised periodically, by someone entirely external who does that review.

I have experienced that in other board settings and that robust process is really worthwhile. Whoever is chair gets a very clear view about how that performance is going. You have to have a different set of mechanisms to achieve that for the different groups of it. That's the artful balance that we look for with some of the committee to help us get that balance right. It could be drawn in any number of ways. I don't think there is a perfect answer. I look forward to your thoughts on it.

**Ms WEBB** - My initial response would be to say, is there a point of accountability, particularly back to members, thinking about who constitutes the university? Maybe it is the review process that is accountable back to members. Is it directly accountable back to members when the board is reviewed, when we look at the list of who is a member?

**Prof BLACK** - Not presently.

**Ms WEBB** - So, the review no doubt functions well to inform the council and for managing issues that might need to be addressed within council, but if it's not accountable back to members, then it's not a form of accountability for performance.

**Prof BLACK** - I am interested - what do you mean by accountability?

**Ms WEBB** - Well, someone who is elected has to face re-election. So, to some extent, they are accountable back to their point of origin. We certainly are, when we sit in parliament. Boards in a private company are accountable to their shareholders. Boards who are appointed to a GBE will be accountable back to the authorising minister and the government of the day.

The council, that has a majority of self-appointed members, has no external accountability to the members of the university or any other external point that I can see. I am looking to see whether that can be achieved.

**Ms WATKINS** - I agree with you; we are definitely a particular type of organisation. If accountability means the ability to be ejected by an outside stakeholder, then the appointed members of council are not of that ilk. You are correct.

Hypothetically, the risk you describe of a self-perpetuating board is possible, I agree. I don't know what a better solution for our kind of organisation is. There are different alternatives. You mentioned one, such that perhaps the elected members could outnumber the appointed members. The elected members could and the ministerial appointees be included in that. We could end up going back to a more representative model.

Fundamentally, it is paramount we have a council that makes decisions in the interest of the university overall. That is paramount. Any increase in elected members would need to have regard to that, because we do not want to compromise, we do not want to end up, as I think you are bound to represent your constituency, I think it is paramount that the council decisions that are in the interest of the university overall, rather than constituencies. Of course, we have elected members now, who clearly understand and they are able to do that. That is an absolutely paramount thing to maintain.

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I would, though, come back to how I think about accountability and maybe this is where we differ. I feel very accountable. I feel very accountable to the university, to the members. I feel very accountable as a director, legally obliged to make decisions in the best interests of this organisation. I feel that this role is one I feel confident in because I am confident in my colleagues around the table. I am confident we have all of the relevant skills and perspectives, and we have committees that support us, and we have a functioning academic senate. That gives me a lot of confidence. I think I and other council members, no doubt, would feel the same if we ended up with a council that maybe had greater representativeness, but had gaps in our skills and experiences. That would be a difficult thing to really be confident that we were making decisions in the interests of the organisation overall and discharging our duty as directors.

**Prof BROWN** - Can I just say, a level of comfort might come from our submission number three, which describes our accountability under our texts of legislation. Clause 6.1 under corporate governance, and that includes that we do need to have an external review at least every seven years of our council and our corporate governance. That should be give you a level of comfort on that layer of accountability.

**Ms WEBB** - Thank you for pointing to that, because we had someone with a lot of expertise in TEQSA speaking to us earlier in the week. What was clear is that within, in meeting the TEQSA requirements on governance, there is quite a bit of leeway. You could meet those standards with the council configured as it now with appointment methods. You could add in a larger proportion of elected representation and meet those standards also.

TEQSA is a foundational level of comfort, but it does not address what I am asking about in terms of accountability. I think it is interesting. I am going to push back on the idea that elected members cannot also act in the best interests of their university when they are there making decisions on council. It is something that we as elected members do all the time. Certainly, you could go out and survey the people of Nelson and find that a great deal of them did not agree with decisions I was making here, because I have to act in the best interest of the state when I am in my role making decisions in the upper House, not just in the best interests of the people of Nelson.

**CHAIR** - Difference between the Legislative Council and the lower House.

**Ms WEBB** - Sure. It is not an unremarkable challenge to be both an elected representative of a constituency, and when you are in a role, be acting in the greater interest of whatever the body is, the larger body.

**CHAIR** - We might not get through everything today and tomorrow. Would you be so willing to come back and finish off at another point if we needed to do that? Would you be happy to do that?

**Prof Brown** - Of course.

**CHAIR** - Thank you.

**Ms LOVELL** - I do not have a lot on senate that is particularly pressing, but I will ask one question on the model. We have had some evidence from various witnesses on the model of governance and the academic senate acting as advisory body, rather than a governing body

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as such and whether an alternative model would be to have either a shared governance or a dual governance. I was interested in your thoughts on how that might work and whether that would be of benefit or otherwise.

**Prof BROWN** - Just returning to our three main functions. We have got very clear responsibility on making decisions about our courses and awards. That is very clearly delegated by council to academic senate. In order to make those decisions, we draw on expertise throughout the institution, the schools, the college level, and so on, in order to do that.

The second is under the higher education standards framework and that covers the whole life cycle of academic activity within the university. There are a number of decisions that fall under that. Everything from admissions, enrolments, credit into courses, assessment, results, misconduct, scholarships, prizes, all those things are academic decisions. Now, academic senate does not itself make all those decisions. Nor does council. It is what academic senate does - to set the processes and then set the academic delegations to allow those decisions to be made.

That academic delegation framework is actually owned by council, but it is on the advice of academic senate. It is endorsed by academic senate, but this is the way that these academic decisions should be made throughout the university. That makes a lot of sense. Decisions should be made at the most appropriate local level, but within a framework. We have a very comprehensive and extremely well-structured set of governance instruments, policies and procedures, aligned with our higher education standards framework, that sets the parameters for those decisions. The important element I am talking about now on decision-making is that delegation's framework which tells all our colleagues throughout the university where those academic decisions are being made.

The other aspect is advice. How is that advice taken into account at council level? That is obviously a very important of the role of academic senate. We do that through upward communication to council about the things that are of concern to academic senate, which might be strategic learning and teaching or research decisions at the university, or it might be obligations under the standards. For example, things about academic integrity. We would be able to give that advice. We can also, and I as a chair of academic senate sit on the audit risk committee, so we are able to in be in discussions to see whether there are areas of academic risk, for example and how they might be being dealt with or mitigated. There is a very robust process for providing that advice.

The other aspect, of course, with me sitting as an ex-officio and voting member on council, is that as decisions are being made, I have an eye to where is the academic voice, is that being appropriately considered in those decisions?

**Ms LOVELL** - Thank you. I am not sure if anyone had any follow-ons from that.

**CHAIR** - I probably do. With respect to academic decisions being delegated through the academic delegations ordinance. We had a submission, someone from Sweden actually. Uppsala University made the statement:

The problem with line-management as a governance structure, in contrast, is that it is, by design, inclined to overreach. You cannot be accountable for something about which you cannot give an account. If you don't know what



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"excellence" in hydrology is, your decisions about who to hire to teach it, or how to improve the curriculum, will not be based on relevant knowledge, but on something else. If, on the other hand, the manager delegates responsibility to the appropriate collegial body to ensure quality, but deprives them of the mandate to make decisions regarding resources and strategy, s/he is incoherently expecting that they take responsibility for something over which they defacto exercise no control.

You have told us that the academic senate makes a lot of these decisions but are there occasions where they endorse but it then has to go higher to the council for the council to sign off. How often does that happen?

**Prof BROWN** - For academic decisions?

**CHAIR** - Yes.

**Prof BROWN** - The council will own the academic delegation framework, so in some ways that is an academic decision. In my experience, the council will take the strong endorsement of the academic senate on academic decision-making. This is actually at quite a high level. The example that has been given by the witness you refer to is an interesting one. I do think that the way our university is structured through having colleges with executive deans that oversee the colleges does allow for a lot of those decisions to actually be made where they should be made. Where that expertise lies, but mindful of that broader strategy. Another pertinent point is how the vice-chancellor described earlier around the strategy setting process. That is not something that is done only by the council or only by the academic senate. It is a very participatory process.

**CHAIR** - A broader thing.

**Prof BROWN** - Yes. Those four days or five days when we sit together, we hear from the colleges, it is not only executive deans, it is heads of school. It is associate deans' learning and teaching performance, associate deans' research and other key people within those colleges who all feed into that broader university strategy that then of course cascades down to inform that decision-making.

**CHAIR** - If we had a circumstance where the faculty decided that they needed another unit to round out a particular course. Would that faculty have the power to tick off on that and go ahead and do it or would they have to go to council for that decision to be made?

**Prof BROWN** - All decisions around courses are actually signed off by academic senate. Depending on what that decision is sometimes it does not reach academic senate, sometimes those decisions are actually made at school or college level. Academic senate continues to review this. We will say we are always trying to improve, but we are always looking to make sure that our decisions are made at the right level. The people who are making those decisions have the right information so they are making those decisions in accordance to our framework. We have made significant progress over the last few years on being very clear as to what can be made at school and college level and where that then comes up at a higher level. Yes, all courses and awards that is in the remit of academic senate, we make those decisions.

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**Ms WEBB** - I was interested in external assessments of the effectiveness of academic senate, given that through evidence presented there are clearly some within the university who have concerns about the way it functions. I believe in the submission from UTAS, I think it is on page eight in part five, it talks about an external review of academic senate, most recently in 2017 and prior to that in 2009. I am interested to know about that sort of review process. Presumably, that is gauging effectiveness and looking at opportunities for improvement. Does that engage fully with the academic complement across UTAS to get a view, not just internally within the senate itself, but to review from all who would be considered stakeholders or people of interest around the senate?

The next thing I'm going to ask after is, what was done as a result of the review in 2017 with the recommendations that were acted on? Firstly, what is involved in the review process?

**Prof BROWN** - I can speak to you about what is generally involved in the external review process, but the 2017 was prior to my time and I might need to take that question on notice.

**Ms WEBB** - Can I just check, was it prior to your time on the senate or prior to your time at UTAS?

**Prof BROWN** - Prior to my time as chair of academic senate.

**Ms Webb** - Were you involved as external academic in the review?

**Prof BROWN** - I was actually involved in that review and my involvement, I believe at the time, was due to my position which was in academic quality and standards. Obviously, academic quality and standards are very integral to senate.

Where we do conduct an external review, it is not unlike other external reviews we do perhaps for a course, where we get expertise from outside the University of Tasmania, expertise across the sector, to come in, have a look, do a desktop audit, have a look at what we do, what they can find, our ordinance, our membership, all of those things and then they speak to people. There are opportunities to speak to members of senate. There are opportunities to speak to other members of the university community about how that is working. That would be the process. In doing that, there is very much bringing that perspective of how other academic senates are working across the sector.

**Ms WEBB** - In terms of those who were involved in the review who are not in academic senate themselves, so reaching to out to others, how broadly does that happen? Does that happen through invitation or through a broad-based surveying?

**Prof BROWN** - In my experience, these sorts of reviews, there are broad invitations, usually sent out via email to academic staff. We know that in order to make sure that those messages reach everybody, because people are very busy and they receive lots of emails, we also, where there are reviews or input, we communicate those to our college leadership team, there are other avenues. Our intranet use those kinds of things to make sure people are aware that there are opportunities to have input.

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I can briefly go to the internal review that we did of academic senate last year. We had Zoom sessions where academic senate members and others could come in, speak to us about things that were working well, things that they might want to change.

**Ms WEBB** - To be honest, I am mainly interested in the external review. What I am interested in is that accountability back to your external constituency, which would be the broader academic community in that way. That is where we are hearing the criticisms in the evidence coming to us. Have those people, for example, had an opportunity to participate in an external review process so they could share those concerns and criticisms in a purposeful way?

From 2009 to 2017 is a big gap. Is there a particular cycle of external review that is in place for academic senate?

**Prof BROWN** - Usually we work in that TEQSA cycle. That would be at least every seven years. It would also probably depend on senate itself, whether there was a feeling amongst members that we should seek an external review. We do undertake continual internal reviews, but I take your point that is drawing on senate members. However, not only senate members, because if you think we have a large number of elected members who comprise senate and part of that responsibility is for them to speak to their colleges, or the people that they're representing to ensure those views are brought forward; or, if we do have drop-in sessions, that they are able to fully participate.

**Ms WEBB** - From the 2017 external review, was there a series of recommendations that have been acted upon?

**Prof BROWN** - I'd like to be able to answer that question on notice, thanks Meg.

**Ms WEBB** - Sure. We'll add that to some things to send through.

**CHAIR** - An observation was made in a submission:

The membership of the Senate

and I'm sure this means academic senate - we have to be careful, you know, we're fallible -

(which is not specified in the Act, but is also made entirely subject to the Council Ordinance - again, see Division 4 S13[3]) has itself been heavily juniorised with only a small proportion of the professoriate represented and only a small proportion of the Senate being made up of senior staff who are actively engaged in significant teaching and research.

They go on to say:

Much of the Senate membership is comprised of individuals who occupy managerial positions with direct lines of reporting (and so also of supervisory oversight) through to the Directors, Deans, Pro-Vice-Chancellors, Executive Deans, Deputy Vice-Chancellors, Provost, Chief Operating Officer, and Vice-Chancellor, many of whom are themselves members of Academic Senate. Whilst this creates a very particular problem in relation to Senate

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(which was previously composed largely of senior academics - professors and heads of school), it is also indicative of a more general problem within the institution, namely the way many of the institution's decision-making bodies are composed of managers who are directly subordinate to (and whose positions are therefore dependent on the favour of) more senior managers who sit on those same committees.

That's a concern that has been brought forward. Do you have a comment on that? Is there anything in place that prevents what they would see as a problem?

**Prof BROWN** - We have, I think, at last count 72 members of academic senate, and a number of those members are there by virtue of their position. It's important to say overall that 89 per cent of members of academic senate are academics, and they bring that academic expertise and their connections to disciplines and disciplinary colleagues. There's obviously a range of levels of academic staff, a range of roles. However, 89 per cent are academics. Of those who are not, we have four members of professional staff who have particular focuses that are to do with our academic mission -for example, our executive director of student life and enrichment - and we have four student representatives.

Our heads of schools are academics and there are 24 of them. A large number of ex-officio members of senate are heads of school. The majority are at professorial level, and they are senior members of the university community. They are also academics who are definitely at the coal face, as they are running their schools and the teaching and research programs within their schools.

We have elected representatives from each of our colleges, from the university college, and we also have an elected representative from our central division, as are our research fellows. Those elected positions are open to any member of the academic community, the academic staff, to apply for. Given that they are elected, there isn't any centralised control over what level of academic staff member puts themselves forward for election. Being elected, we wait and see how the colleges vote for those people.

I have just had a look at that list and there are not very many professors on that list. That is interesting, but that's a process of the election. It is a result of the election process. If we think about academic senate as a whole, we have 31 members of the professoriates. That includes two elected members, and the remainder are ex-officio members. We have a diversity. Given our functions to provide that level of advice on academic matters, that diversity of representation across all levels of the academic community is very important.

**CHAIR** - So, the suggestion that the academic senate membership be included in the act as opposed to in an ordinance?

**Prof BROWN** - It is very interesting, because in preparing for today, I've looked at the make-up of academic senate a number of times, and it does change. For example, we have just introduced a new committee, the monitoring and assurance committee. We think it's very important to get timely eyes on key issues that we want to monitor - such as teaching quality and student satisfaction. We can have a group of five academic staff and a student representative to look at that in-depth and be able to inform both senate and the senate subcommittee. We think that is important. Those five members have very recently been added to academic senate.

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We also have a call out for additional members through expression of interest, to ensure that we have diversity of representation. Much like council have their REMS and NOMS committee, we have a small subcommittee of senate that is looking to see where we might need some additional representation to make sure those views are there.

To answer your question, that flexibility for the senate to examine itself and to think where we might need some additional members, or where we might add some diversity, or what sort of representation, is better and more agile if it is held in an ordinance rather than in the act itself - which prevents some of that flexibility and ability to respond to changes and the sorts of things that we want to do as an academic senate to further our academic mission.

**CHAIR** - The inferences coming through are that it is an academic institution and yet, the academic side of it is not even mentioned in the act. That's one of the concerns. I imagine that you would not be putting absolutely every position in the act, but you might have some statements that acknowledge that it exists, it has these functions, and is made up of broad membership.

**Prof BROWN** - I can see that is something that we would consider. My reservation is about some of that flexibility in terms of prescription of functions. The act at the moment provides a good foundation for us to perform our functions, which are described in the act. If we read it in conjunction with the higher education standards framework, particularly 6.3 about academic governance, it's very clear about what those functions might be.

A question could legitimately be asked, does it need to be in the act? It may be that it is a duplication of what is in other places, like the higher education standards framework. I guess the trade-off would be, might that cause any tension if we want to respond in a more robust way or in a different way? They're the sort of tensions that I would be thinking of. The act, as it stands, enables us to function well, and to discharge our responsibilities both under the act and under the higher education standards.

**CHAIR** - Thank you for that. I will go to one issue, which is in part four of your submission, about the obligations of the council. This is on page eight of your submission. 'The university's annual report contains a full account of the income and expenditure' et cetera, you get a description. That is produced at the end of the financial year, which is 31 December for you; correct? It's produced by February, I think. Yet it doesn't arrive here until October or, November, when it's tabled?

**Prof BROWN** - We would welcome that change.

**CHAIR** - You would have no problem with that being tabled earlier?

**Prof BLACK** - We are keen for it to be tabled earlier. It's a problem for us, that it's tabled so late.

**CHAIR** - That's a simple one then, isn't it? I think we can say that we've done term of reference two. There are probably lots of other questions that we could ferret out, but we've taken a fair bit of time.

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I will pass to Meg for term of reference three. We'll see how we go by 4.15 p.m. We may need to come back tomorrow morning on some of that. Let's commence and see where we get to.

**Ms WEBB** - Term of reference three is about the appropriateness of the act to ensure accountable executive, physical, and academic decision-making. We can capture a lot in this one, so we'll just step our way through it.

One question, and we've probably gone there a bit already on some of the things we've discussed, but it's an accountability question about decision-making. How is it monitored and reported that the decisions of the UTAS council and management are in keeping with the act? How would somebody who thought that it wasn't look to address that?

**Ms WATKINS** - The act asks council to act in all matters concerning the university in the way it considers to best advance the interests of the university. In a situation where somebody considered that wasn't the case, that might indicate on our part an opportunity to have been more transparent about how we weighed those various considerations to reach a decision that was, in our view, in the best interests of the university. Alternatively, it would be open to that person - if we hadn't provided that transparency - to reasonably seek that transparency through the RTI processes, for example; or through approaching, depending on who it is, of course, myself, the vice-chancellor; or perhaps, if it's a student, using our processes that we've set up for questions and complaints to be escalated.

We need to reflect on both the level of transparency that we're providing around decisions, so that somebody who was uncomfortable could access the information and at least understand that rationale. We also need to make sure that we are sufficiently responsive when people raise genuine concerns and have a requirement for further information. Those are the important approaches, in my mind.

**Ms WEBB** - What is your assessment of how well you are currently doing as a council, with that transparency?

**Ms WATKINS** - Our assessment as a council is that we can do better, very much so. We've undertaken a review of other universities and what their practice is, and where we sit on that spectrum. We can definitely see opportunities to do more and we are working through those. That might include, for example, releasing more information. Importantly, it's not only putting it out there but it's making sure there is good communication and discussion. The council processes that I spoke about earlier would be an example of that. We definitely think we can do more on that front.

**Ms WEBB** - In terms of the visibility of the work of council for members of the university as it is constituted in the act, or even the general public, what does that look like? How transparent are you?

**Ms WATKINS** - The kinds of things that we're considering, I think we can do better.

**Ms WEBB** - Currently, how transparent are you and how could you do better?

**Ms WATKINS** - Currently, we have released - reactively - all our minutes since 2015. We have released all the council minutes. We've released a 90-page business case that went to

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council concerning the southern campus transformation. There's quite a bit of information around. There is a special website committed to the southern campus transformation which includes a lot of the primary research, and so forth. We have made quite a bit of information available. However, as I said, not all of it - but certainly the minutes and the business case - was a reactive thing, where we reflected and said we need to do this. We have done that.

We would like to get to a point where we are proactively releasing that kind of information. We are just debating at the moment whether we will, for example, release minutes. We could provide agendas. Clearly, there are sensitive matters that we discuss concerning people, for example, or commercial matters that we might need to redact. Alternatively, we are considering whether it might be more useful to provide an easier to read report of what we are doing. Those are the sorts of things that we are considering at the moment.

**Ms WEBB** - Can I ask what the threshold moment was, in leading to the council deciding to release minutes from 2015 onwards?

**Ms WATKINS** - It was clearly in relation to RTI requests for minutes, and people wanting to understand the logic of the decisions that we have made around the southern campus transformation.

**Ms WEBB** - The interest in that has been there for a while now. Was it the RTI requests that pushed it, because that was going to put them in the public domain anyway?

**Ms WATKINS** - Certainly, that was a catalyst. However, as I say, it has caused us to reflect and say perhaps we should be doing this as a matter of course.

**Ms WEBB** - I have noted, from reviewing submissions and things we have heard in hearings so far are comments to the effect that there is not a healthy culture of discussion and debate about significant decisions in the university. It was even put to us that there would be few examples where the initial view of the vice-chancellor is allowed to be challenged or indeed, overturned. That is a quite strong sentiment for us to be hearing in evidence. I am interested in your reflections on that in terms of accuracy and where that might be coming from.

**Ms WATKINS** - Can I clarify if that is in relation to in the university, in the council specifically? Is it a sense that council is not challenging the - ?

**Ms WEBB** - I think it is to do with executive management and decisions because the part that I am paraphrasing relates to views of the vice-chancellor not being challenged or rarely being different to what they might have been at the outset. What the vice-chancellor wants, the vice-chancellor gets.

**Ms WATKINS** - Specifically not being challenged by council or not being open to challenge by their team and so forth?

**Ms WEBB** - Not having the opportunity to be challenged or not having an avenue for challenge, I suppose, from within the university, but also then not being necessarily challenged by council either. I think the implication is both.

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**Ms WATKINS** - Perhaps we could touch on both of those. I might ask Kristen to step into the frame on the first one. The tone, the culture, the opportunity for healthy and robust debate, the direction-setting processes and so forth in the university. You might just provide a bit of the colour of that and then I can come back to the question on how council and the vice-chancellor engage.

**Ms DERBYSHIRE** - Thank you for the question, Meg, and thank you Alison. The first thing that I will say is that from a cultural perspective, we are very much committed to creating a very safe environment where people feel confident to bring a broad range of perspectives and to have those perspectives heard, for rich debate to occur, which informs really good decision-making practices. There are a number of different avenues available for that discussion and debate to occur. Certainly, from my experience, having recently joined the university executive team, I have personally observed that opportunity through regular university executive meetings, where perspectives are discussed and robustly debated, where alternative views are welcome. From my perspective and through that decision-making forum, which is regularly escalated up through to council, it is not a personal experience I have had.

In the broader context of how we create safety for our people and ensuring that in other forums such as the senate, college leadership team sessions, where other decisions are discussed and debated, again from a cultural perspective that is very much something that is encouraged and enabled and that we welcome. However, we also have robust mechanisms in place to ensure that where people do not feel that they have been given an appropriate opportunity to be heard, where there are concerns, disputes, grievances, et cetera, there are really clear and robust processes available to ensure those people have the appropriate protections and can go through those avenues to have those concerns heard, escalated and responded to appropriately.

**Ms WEBB** - We will probably come back to that at a later stage. The question I am asking though, or the things I was asking you to reflect on, were not so much those aspects. It was a healthy culture of discussion and debate at a senior level that could be fed into perhaps also from lower levels. Where there is a sense that decisions or outcomes can actually be influenced when the vice-chancellor has made a decision. I am quoting from that thing:

There would be few examples where the initial view of the Vice-Chancellor is allowed to be challenged, or indeed overturned.

That is the element I am focusing in on. It is not about staff phrasing complaints at lower levels, it is about significant decisions. I am just asking for a response on that, really. Your response that might be 'that's not our experience', which is fine.

**Ms WATKINS** - I find our vice-chancellor to have an open and collaborative style. As chancellor, he and I have set up a number of mechanisms to make sure we are regularly discussing and debating things. We have a one-on-one forum regularly. We have a smaller forum typically that CFO would join as well as Rufus and our deputy chancellors would join. We have our committee forums, our strategic resourcing committee where we are often discussing matters of strategy and resourcing decisions. Then, of course, we have council. The combination of that is that Rufus is regularly sharing thinking and emerging thoughts and themes and we are actively pushing them around and asking and probing so by the time something arrives at council it has been fairly well pushed around and developed. We had a council meeting and an audit committee last week and I can think of about three examples



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where Rufus and the team took council feedback, took audit committee feedback on board and are going away to refine a proposal.

In the examples I am thinking of which I will not be specific about, I would say the overall direction that Rufus, in consultation with his team, have arrived at council were comfortable with. Council wanted to be assured that adequate thought had been given, more about the how this particular direction was going to be implemented. We may well end up with the executive team's original proposed approach, but we agreed we are not going ahead until Rufus and the team have come back to us with a little bit more detail on the how and a little bit more of the specifics we want to see. I find that kind of approach where there is a fairly continuous dialogue, an open approach where we are sort of kicking things around.

We, as council, or me as chancellor or individual council members are quite regularly raising matters of concern we are hearing from our contacts. The Law School, obviously the southern campus transformation and the concerns around that. These are matters we would be very much asking what is going on, what is your read on this? What are you doing about this? Have you thought about this? What are the options? That is kind of the process we have.

I have worked with a lot of different leaders and I would categorise Rufus' style as a very collaborative and transparent one. At the same time, I think he has a very strong and rigorous approach to decision-making and he is willing to put forward a point of view and recommendations. That is actually what we want and expect because we as council endorse an overall direction and we hold management to account for implementing that. We need a management team that do put forward specific proposals on how they are going to implement that we can then comment on, react to, build on. It would be not a good place if Rufus and the executive team took all their direction from us. It really is a partnership approach. As a result, we usually end up with well-considered decisions.

**Prof BLACK** - Perhaps I can offer an observation as to how our structure works, it might suggest that perspective may not be accurate. We have - and I talked a bit before about the strategy process - which is really in terms of decisions that impact what people are doing. While we have created an overall university architecture - which, was created through a highly collaborative open process back in 2018-19 - that architecture has set a broad framework, but it was created in a very sustained dialogue over quite a considerable period of time. That architecture then has provided - I think it has done quite a good job of it - it has provided a capacity for our colleges and divisions to then work out what that means in their world. They have all developed and owned their strategic plans and they create them and they bring them and they get debated and discussed on the way through. An awful lot of that get formed there, there is not my direction, my formation, it is not the way we have the university organised.

Those are really important forums. At our senior level, our university executive team actually devolves a series of its tasks to a set of working groups. I do not even chair those working groups. I may be a member of them, but that means that the person who has the relevant expertise for those working groups is chairing them and shaping the conversation, the dialogue. I may voice in that conversation. Those frame up clearly and come with good papers that say here's the information or decision, or whatever. Everybody gets that in those working groups ahead of time. They do not necessarily only have the university executive members on it. They have the mix of expertise that we need to be making good decisions around those whole sets of areas.

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The structure just works very differently to that picture that somebody outside-in may be painting. It just works very differently. Perhaps, because I do like to run a world where we are having sustained conversations to try to build a kind of consensus about what we are doing, that should not be mistaken for direction. Consensus is about actually building a shared understanding within a good strategic framework and a clear set of directions; how do we best get there? A lot of work and thinking goes on to achieve that. That is structurally how we set it up.

I will ask for alternatives. If I have not heard sufficient alternative views in discussions, I will actively ask for them. People I know who are very ready often to offer an alternative view, I will ask them to offer it. Indeed, in senate I have prompted and asked directly for alternative views to what might have been the prevailing norm in a conversation, because I want to hear and do not want a groupthink, I want to make sure we have actually teased that out.

However, it would only be someone who was actually able to see that world at work that would be conscious or aware of that.

**Ms WEBB** - To clarify, the person I was referring, the quote in hearings, was not from someone external to UTAS, but someone from well and truly internal to UTAS. However, everyone might not have full visibility, even if they are internal to the organisation. I accept that.

**CHAIR** - Conflict of interest policy. Do you have one?

**Prof BLACK** - Yes.

**CHAIR** - Thank you. It was pointed out as something that did not exist and does not today, but I just wanted to ask that question to see whether in fact it did. How long has it existed for?

**Prof BLACK** - I will need to look it up for you.

**Ms WATKINS** - Perhaps, I can just talk to council's requirements on conflict of interest. We are required to disclose our interests and as a matter of course, we provide a complete list of every council member's interests, listed interests, at each meeting, at each committee meeting. We always have an agenda item to check if there are any other interests, specific interests, that members might want to disclose. Typically, members would disclose all of the organisations that they are involved in.

**CHAIR** - They leave the room if there is a significant conflict?

**Ms WATKINS** - Yes, they would leave the room.

**Prof BROWN** - We have had training in that. This has been rolled out more broadly across the university.

**Ms WEBB** - At what point?

**Prof BROWN** - Did we have training in the conflict of interest?

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**Ms WEBB** - When did the policy first get put in place?

**CHAIR** - That is coming, I think.

**Prof BROWN** - I definitely had a conflict interest professional learning. It was during COVID-19, so I would say 2020. Yes. Recently we have rolled that out more broadly.

**CHAIR** - We will call it quits for today. If you can come back with that tomorrow morning, that would be good.

Thank you for what has been a pretty rigorous day, I think we would all agree. You are probably wanting a coffee by now or something else. Nevertheless, thank you again for taking the time and all the information that has been provided. It is absolutely essential for us to be able to assess submissions coming in and also from the university itself. Thank you.

**The committee adjourned at 4.15 p.m.**