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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 RECALLED AND WERE RE-EXAMINED.

CHAIR (Mr Valentine) - Welcome back to our hearings. Thank you for coming back and providing us with further information. We appreciate that.

We meet today on Tasmanian Aboriginal land, we acknowledge and pay our respects to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.

For the record, we have members of the inquiry: Nick Duigan who is on Webex today; Meg Webb; Sarah Lovell; myself, Rob Valentine; and Mike Gaffney. We also have Jenny Mannering, secretary of the inquiry, supported by Allison Scott; and we have Roey from Hansard. Welcome to anyone who may be viewing this online today, as well.

We are taking sworn evidence but we do not have to swear you in twice. So, if you have not taken that oath, although I think you all have, we don't have to do the swearing in a second time. Just to reiterate, it is important to note that all evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. A copy of the information for the witnesses is available, and you have already made yourself aware of that from the last time that you were here. The evidence you present today is being recorded, and the *Hansard* version will be published on the committee website when it becomes available.

To explain to those who may not have been tuning in to the previous session, we are continuing our previous hearing on terms of reference 4, in the first instance; then we will go on to terms of reference 5. To make people aware who may not have been tuning into the previous session, it is the hearing in relation to the provisions of the University of Tasmania Act that we are dealing with today.

I will recommence on term of reference 4, and then ask other members for anything that they may wish to raise in relation to that.

The Terms of Reference, for those who may be listening or watching online, is the appropriateness to protect and promote academic freedom, independence and/or autonomy.

With Submission number 27, which is Public Universities Australia, on page 5 they make this statement:

Public Universities Australia believes that academic freedom is of such importance to the function of the University that an additional subsection should be included in 3.9, such that Council should have obligation to appoint an Academic Freedom and Integrity Committee. The committee would be comprised of experienced senior professors who do not hold executive leadership roles, there being one representative from each faculty and all of

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whom have delegated authority from Council to act to maintain standards of academic freedom and integrity.

This structure would be capable of providing informed and direct advice on academic freedom and integrity to the Council independent of direct control by the University's executives.

Do you have any comments on that suggestion?

Prof BLACK - It is a worthy suggestion for us to reflect on. As you know, we are vigorous defenders of free speech. You may have observed last week I was very strongly in the media defending the free speech of one of our academic staff - indeed, in quite a complex but very public matter - which probably demonstrates the vigour with which the university pursues this.

Last week there was a public lecture to be given by one of our academics, reflecting on his family's experiences in Palestine as a consequence of the creation of the State of Israel. The fact we were doing this was subject to severe criticism by a particular organisation. *The Examiner* then published the accusation that this was inappropriate for us to be doing that. A very aggressive set of statements was made. *The Examiner* did not give us the opportunity to provide a defence of the university's role.

We then engaged deeply with *The Examiner* to set out very clearly: firstly, the fact that the university's freedom of speech policies meant that hosting such an event on our campus was appropriate; and secondly, that our academics would be vigorously protected in their freedom to do that. Those views were attributed - I wrote the statements that were then published in *The Examiner*. We were in touch with our staff member to assure him of the support. I was personally in touch with him to assure him of our support. Our Executive Dean, the Head of the School were informed, to ensure that the appropriate protections were in place should that be needed. In no uncertain terms did we communicate the readiness to defend this staff member's freedom of speech.

Now, he was talking in an area that is not his academic expertise, which is why it was a free speech matter. But it was a good illustration of our readiness to stand-by at the highest levels of the university and right down to those freedoms, and robustly engage with them. Those who are familiar with the freedom of speech issues in this territory know that if you choose to go into this, you can expect this to be a fairly challenging and contested territory. That did not cause us to blink for a moment in ensuring that those freedoms were clearly stated and protected. So, it is a very good example recently of when this has been a genuinely material issue and how the university has responded to it. Given that level of seriousness, we'll always consider proposals to ensure that it is maintained in the strongest possible terms.

CHAIR - Thank you. I've just been made aware that you wanted to make an opening statement and I haven't given you that opportunity. I thought you were travelling on; but please, if you wish to make a statement.

Ms WATKINS - Thank you, Chair; just a very brief statement.

I also commence by acknowledging the palawa pakana and gadigal people, the traditional custodians of the land on which members of the University of Tasmania community live and

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work. We, like you, honour their enduring culture and knowledge, as vital to the self-determination, wellbeing and resilience of their communities.

The purpose for making a very brief opening remark is primarily to update you on recent activity that we've undertaken that might be of interest; in particular, our submission in April to the Australian Universities Accord discussion, which outlines our suggestions for reform to the higher education sector. I'm sure you're well aware of this process and we see it as an extremely important opportunity for us.

Certainly, our view is that meeting the very significant adaptive challenges that we face as a nation, and globally, requires sustained and coordinated partnerships. We spoke about this last time with you. Partnerships between governments, universities, industry and the communities that we serve across our regions are vital and, in our submission, we are seeking to set out a pathway to meet those challenges.

We've identified ways in which universities can play a critical role in helping Australia make the transition to a more sustainable and a more inclusive economy and society. We've set out some policy suggestions to tackle inequality and improve productivity through increasing access and student success and to establish a mission-focused research funding system and implement initiatives to support higher education participation in regional areas. You will see that our submission really keys off our learnings as Tasmania's university and it aligns with and complements a number of others, particularly our regional university network colleagues.

We very much welcome the opportunity to engage with the Universities Accord Panel through their process, and will continue to participate in that vital reform opportunity for Australian higher education. Our interests are very much securing the best possible policy environment for our university.

Thank you for the opportunity to respond to the questions that we took on notice from our previous meetings. I think we've provided those responses and we welcome the opportunity today to round out terms of reference 4 and 5. We've got the same line-up as was here last time and we're all happy to receive questions. You can either go by me, or directly to my colleagues - Rufus, our Vice Chancellor; Natalie as Chair of Academic Senate; and Kristen as our Chief People Officer. Thank you, Chair.

CHAIR - Thank you for providing the responses. I don't think I've absorbed it from cover to cover. It's quite extensive. There will be an opportunity for us to go to some of those matters in terms of further questions that we have. I have a question on one of the responses but we won't interrupt the flow at the moment. We might do that towards the end.

With respect to the question that I just asked about the suggestion that had been put forward by Public Universities Australia, is it something that you would contemplate?

Prof BLACK - I can say that any reform like that needs to be very carefully considered in collaboration with our colleagues. These are matters that require careful thought and consideration by a range of people.

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CHAIR - It's an interesting way to deal with it - academic freedom and autonomy and the rest of it. I want to ask your opinion on that. Do other members have questions on terms of reference 4? No? Okay.

I will go to another submission which is from the Australian Association of University Professors - submission number 46 - and I point to page 4 of this submission.

Basically, they are suggesting that the University of Tasmania Act should be modified to ensure academic working conditions at UTAS reflect the professional and scholarly nature of the work. I don't think we are going to get into industrial matters here today particularly, we haven't got the time to drill down into all of that. However, they do give a significant list, A to G, of different things that should be in place. I will read out what some of the suggestions are, to get a feeling for your position on some of them:

- Casual and fixed term ongoing academic employment must be limited as much as possible. Ideally, no more than 20% of full time equivalent ongoing academic positions should be filled on a casual basis.
- Academic staff must have the opportunity to undertake a range of scholarly activities associated with both research and teaching activities and/or in support of their profession and/or discipline.

I guess that is extracurricular to the lecturing that they may or may not do.

- Academic staff have a professional obligation to undertake service duties of at least 20% of their load to support their profession discipline, colleagues and/or their institution.

Let's start with those. Are those matters that you can see merit in and should be pursued?

Prof BLACK - I think this goes to the nature of the act. Importantly, this act sets out to provide, as appropriate for such an act, the overall objectives and governance of how the university should operate for the good of Tasmania. It aims to give that kind of clear structure. All those matters that you list would be regarded as important and significant. They are, essentially, management matters for how universities are run and managed. It would not be consistent with the shape of acts in Tasmania that we are setting out in detail, how any of the institutions of the state should be run.

That doesn't undermine the fact they are all important topics that any governing and management body will think deeply about. There are also other instruments, particularly in our enterprise agreement, which is the normal place across the sector - indeed, across industry generally - where those matters are carefully and appropriately considered and where the full range of stakeholders are able to engage around them in a structured process. We need to return to the what is the nature and operation of this kind of act, and its importance in structuring overall objectives for the good of Tasmania.

CHAIR - Thank you for that response. There are about four others. You will have the opportunity to read them; if there is anything specific that you might wish to communicate to us on those? If you don't have a copy of it here today, then we certainly would be interested in response.

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Prof WATKINS - I think what Rufus is saying is that these things might be too prescriptive to contain in an act and thereby limit flexibility for the inevitable changes that occur. However, the matters they go to are very important - for example, the balance between full-time or permanent and casual staff, and a balance that our academics can spend on research and teaching activities. From a council perspective, these are things that are robustly discussed and we do see those balances being actively debated. If you want to go into the substance of those suggestions I am sure Professor Brown could provide a little bit more insight, but they are very prescriptive suggestions which perhaps sit better in other forums other than in the act.

CHAIR - Yes. The one that stands out to me, is the professional obligation to undertake service duties at least 20 per cent of their load to support their profession, discipline, colleagues and or their institution. That would seem to me to have some merit in terms of serving the community, as opposed to being an industrial issue.

Prof BROWN - And indeed that would be quite common. In fact, I consider almost all academic staff would have allocation to service. That service, as is outlined in that submission, may be to the institution, to their discipline, or to the community. In practice, it is often to all of those different elements of that work. A usual contract for an academic staff member is what we call 40, 40, 20; that is, 40 per cent research, 40 per cent learning and teaching and 20 per cent service.

That is not absolutely across the board because those percentages are negotiated with our staff, depending on the roles they are undertaking. Some of our staff, for example, might be undertaking a head of school responsibility and they have more time allocated to that service component than others, and that is negotiated. I think it is well accepted across the sector but also in our university that academics also have that element to their role where they are providing a service to the discipline, to their institution, to the community.

Ms WEBB - Would you say that there hasn't been a general shift to increasingly reduce the 20 per cent allocated to that? Not for roles such as head of school or whatever, but for your sort of coalface and general academics who are working and, as you said, would usually have the 40, 40, 20? Has there been a shift to increasingly have less than 20 per cent allocated to that space?

Prof BROWN - I am not aware of that. Certainly, that has not been raised in Senate at all as something that academic staff are concerned about.

Ms WEBB -It has not been raised in Senate; are there any other avenues through which it may have been raised?

Prof BROWN - It may have been raised through enterprise bargaining agreements, but I am not involved in those so I could not say. Certainly, where I sit on the university's Promotions Committee or the university's Probation Committee, I haven't noticed that there has been a shift in that at all.

Ms WEBB - And your colleagues?

Ms DERBYSHIRE - It is important to note through our staff agreement negotiations that we remain committed to the balanced academic 40:40:20 ratio that we have spoken about.

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Particularly, that 20 per cent service orientation is a commitment that we certainly maintain throughout negotiations. Again, and this was discussed at the last hearing, we are exploring avenues around the concept of teaching-only roles, and that was something that was discussed at length through those negotiations. Even so, those roles consist of an allocation of service, still looking to maintain that 20 per cent service allocation.

Ms WEBB - Would there be a line of sight across the whole institution about any shifts that might be occurring in terms of the allocation of that percentage of the role? Would you become aware, or is the decision-making devolved down to lower levels, so that if there was a shift, it might not be visible as a comprehensive view of the organisation?

Prof BLACK - Because it is such a given, we don't do a monitoring of it. It is given in the enterprise agreement. It's the norm, it's the foundation of how things are set. The workload model, which operate in each of our colleges, has that as a foundational starting. It's built into the system quite fundamentally and for good reason, which is why we have it in each of those, from our enterprise agreement to our workload models, to the way in which we do probation and promotions. It is just a given.

Now, maybe this submission reflects that in some other kinds of universities, this is a more complex topic. But, in that sense, we are very much like any of the other research-intense universities around the country, where maintenance of a structure that enables us to continue focus on research excellence, with appropriate levels of service and engagement, is integral to our model. If you were to group us -we highlighted to you that our research funding puts us just outside the so-called 'group of eight' - really, we belong in that group. If you are thinking about us, you are really thinking about a G9 university, of similar age, research intensity, model of delivery. This is a university in that category of excellence, where these things are foundational to how the model works.

CHAIR - It's a submission by the UTAS Chapter of the Australian Association of University Professors, this particular compartment we are talking about now. It has come directly from the state chapter of that organisation.

Ms WATKINS - If I understand the submission and, I'm sorry, I haven't read it recently, they're proposing that these sorts of matters be embedded in the act. I would absolutely endorse, from a council point of view, our commitment to the kind of balance that is espoused there. We don't feel, in our case, that it would be necessary to included it in the act. Indeed, it may be somewhat prescriptive and restrict flexibility because I do imagine they are particular cases and certain roles and preferences to accommodate. Some degree of flexibility, in these sorts of matters would be wise, in my experience. But you can take it from the responses from all of us that we are committed to the principles of this kind of balance.

CHAIR - Thank you. Any other questions on terms of reference 4? Over to Mike, to start questions on terms of reference 5.

Mr GAFFNEY - Thank you. 'Other matters incidental to': I am trying to give focus mainly on the legislation, although it is difficult because there are lots of other external ones and some of those do crossover.

One of the issues that surfaced has been the possible homogenisation of the curriculum delivery at UTAS, or the expectation that there is. We can all remember, hopefully, a primary

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school teacher, or secondary teacher, or tertiary lecturer whatever, that may have had a different style of communicating. So, it might have been the subject content or that person's unique capacity. Is there a concern that the external pressures from other places for funding, means that there is an expectation that the delivery of the curricular has to be constant across the faculty? We have heard this from staff, saying, 'I have to do this and this and this now'. Is there an expectation that subjects and faculties are homogenised in some sort of way?

Prof BROWN - No, there's not. But, in so saying, there is some sort of foundational stability that we are asking. For example, we have adopted a single learning management system and there is an expectation that all the units that we teach will have a presence on that learning management system, that there will be resources provided, there'll be messages to students so that there is consistency for students. Students like that; they like to have those certain foundations.

But, as far as individual teaching goes and the activities that are in units, no; we are very much encouraging our distinctive experiences. The way that we plan our units and our courses now are towards learning outcomes. The best way to meet those learning outcomes will differ in different disciplines and they'll differ in different years of study. So, we absolutely encourage our academic staff to think very deeply about what those learning outcomes are and how they then plan their learning and teaching activities, and the kind of resources and the kind of experiences that they're offering our students.

We still do see a range of activities; we have lectures and many of those lectures - if they're just didactic or one-way - they're often recorded or online. There's some absolutely wonderful examples of very high quality, really interesting lectures. I've been looking at some recently in translation, which is something I never really thought I'd be interested in, but the product that's been produced is really interesting and drawing on the range of resources that are now available.

We still have tutorials, we still have excursions. On Monday night I was speaking to a young woman who's moved from Victoria to come to the University of Tasmania because she felt that there's more hands-on, getting out and about into the natural environment and those experiences were much greater and happened much earlier in a degree course than perhaps what she would've experienced if she had stayed in a Melbourne university.

We are very much about helping our academic staff design those distinctive experiences. The way we do that and encourage that is through sharing of practice. We do that through our different forums - sometimes it's academic senate. Other times it's something we call 'USF' which is our University Strategic Forum, where we get together leaders - both academic staff and professional staff - where we share really good practice. There's always going to be a variety. There's a kind of minimum guarantee, if you like, that we would expect from our teaching staff, but we do encourage that kind of distinctive delivery.

Mr GAFFNEY - Thank you. That leads on to a question. We heard recently that a full-time student studying a discipline and their contact was a one three-hour block, every three weeks, and that was it. I haven't had a chance to read all of the document; I wonder is it possible to get an overview of the different faculties for a full time student and what their contact hours are, and what that imagines? The fees are quite expensive, it would be fair to say, and there's some concern that the contact hours in some areas is very minimal. Whilst for a while we could

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say COVID-19 had an impact - and it probably still has - is there any concern within the faculty that contact hours and one-to-one with students have been diminished?

Prof BROWN - It's important to have fully online units and some people do choose to study fully online. We have hybrid, where students can decide to be on campus or engage online; and we have on-campus units. For our on-campus units, we have asked all our academic staff in terms of that minimum guarantee that we have two hours of contact time face-to-face in each of those units.

If we go back to my previous answer when we thought about the different ways that learning outcomes might be met, there are some differences. In some cases, perhaps in later year subjects, students might have intensive workshops in one week and then maybe in a work integrated learning setting, or they might be working in groups or doing those other kinds of activities. But, our standard is saying we would expect that students would be having at least two hours contact time. Now of course there are so many units -

Mr GAFFNEY - Is that per week?

Prof BROWN - Per week, per unit. But again, that is a minimum; we are talking a minimum guarantee. Some of our subjects of course have practical sessions where they are there on campus for a three-hour practical; they also have tutorials. It is quite variable, and we have a lot of units that are being delivered at any one time. It is quite variable, but we have been really focusing post COVID-19 in encouraging our students to come back on campus and engage in those face-to-face activities. Our staff are preparing those face-to-face opportunities so that they have that contact time.

Mr GAFFNEY - I have other questions in other areas, but some of my colleagues might have follow-ups to this one.

Ms WEBB - From what I hear you saying there, three hours every three weeks would meet your minimum standard, because averaged out that is two hours a week contact. Correct?

Prof BROWN - Three hours every three weeks -

Ms WEBB - Would that meet your minimum standard or not?

Prof BROWN - No, that is one hour for each of those.

Ms WEBB - That is only one hour each week; so, how could that be the case that there is only an offering that does not meet your minimum standard, because there is only contact hours that equate to one hour a week across a unit? Is it your assertion that is not something that would be -

Prof BROWN - It is not what I would have expected to see. But, as I said, I would be interested to have a look at what other activities are planned, because our face-to-face or our on-campus activities, it might be that there are other things that the students are expected to do in terms of working in a professional learning team for example, or working in a placement. I would need to investigate that specific case, because it is not my understanding of how we are offering courses at the moment.

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It's also important to know that sometimes there are activities offered, but students do not always attend those. We are really keen that they do, because our staff are preparing those experiences on campus and we would like our students to be there and interact with our staff, interact with their peers.

Ms WEBB - We are interested to hear about what is planned and prepared at your end, not necessarily what the students are engaging with because we do not have a way of gauging that at the moment.

To follow up further on that, because these are some changes that have come in fairly recently. We have post COVID-19 new models and new things set. There has not been a lot of time to gauge feedback from students and from staff delivering units and what their experience has been. What has been done in that space, and what are your early indications about student satisfaction with the minimum standards that you have applied to the delivery of learning?

Prof BROWN - This year, the feedback we are getting from students is really positive. We have had a really good start to the year. We do have pulse surveys and ways in which we can get student feedback more or less immediately in the way that our units are being offered.

Our indications are that students are, on the whole, are very pleased with the level of activity and the way in which the units are being delivered to students this year. Of course, we can always improve, and we are continuing to learn how we can best deliver those units. There has been a change and a lot of that change has been driven by our students. A number of our students find that, by slightly changing our timetable and having some of the, as I said, the more kind of content delivery that is in an online way is very helpful to them - particularly if they are trying to balance workload and work outside and caring responsibilities.

Also, it's assisted some of our students who have had access issues, whether that is transport or whether that is students who are unwell. There have been some advantages but we also have to recalibrate what are we doing when we bring our students on campus and what are the other activities that we are involving them in. Our students are very much partners in that, so we are working with our TUSA students, and students who sit on our learning and teaching committees and students who can give us feedback about those experiences.

Ms WEBB - In terms of gauging satisfaction levels of students who are undertaking the courses, are there instances where you have had indications from students of a significant level of dissatisfaction and then made adjustments or changes? Is there a way that you report on that or have that quantified somewhere that we can have visibility of?

Ms WATKINS - First of all, from a council perspective, student satisfaction is one of a small number of matrix that we care about and watch very closely and discuss frequently. Rufus, you might be able to provide the latest, just to illustrate the kind of feedback that we are getting and -

Ms WEBB - Chair if you don't mind, we have a limited time this morning so I'm not so much interested in lengthy descriptions of things but in processes and in quantifying things and if we can see visibility of how things are quantified. Thank you, I appreciate that you would like to give us fulsome answers, but we are also interested in progressing things. My question was about how would we see the quantification of that?

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Prof BLACK - Let's just do that, keeping very to the point. Student experience survey, which is independently done, which we now have for 2022, when these things were produced - it went up two percentage points last year. That's quite a significant rise in these things, particularly when it is now at 81 per cent; that's the highest we've had since 2017. For our commencing students it grows to 84 per cent. What I suggest we provide to you, on notice, is a picture of the architecture for how we identify and manage quality. I think we will be delighted to supply with that picture of how quality is managed and followed up.

Ms WEBB - Thank you, I appreciate that. Just quickly, is there something similar where you have assessed satisfaction with your teaching staff in the delivery of the new models and the minimum standards? Could we similarly see something that illustrated that?

Prof BROWN - We have end of unit evaluations and we also have teaching evaluations. Teaching evaluations belong to the staff members, but our unit evaluations we do see; and, in line with what Rufus was saying, we have a quality improvement cycle where we identify any units where the teaching has dipped below what we would expect.

Ms WEBB - Sorry, I think you misunderstood my question. I am talking about gauging, from your staff, their satisfaction with delivering their learning within the new model that you have developed. So, satisfaction of staff - not with staff. Is there a method that has been measured or gauged, in terms of the new models?

Prof BLACK - Back to Natalie's point earlier, the delivery models are very diverse. So, those things are managed at a school and college level, because there isn't a simple 'one size fits all' beyond these current minimum standards.

Ms WEBB - Is there an expectation that, at that college or school level, staff satisfaction with the model that they are given within that context, is measured or monitored?

Prof BLACK - It's part of the daily job of the heads of schools and disciplines to be engaging in that conversation and evolving practice, in line with their own staff feedback.

Prof BROWN - We have associate heads of learning and teaching in each of our schools, and they are the people who speak to our staff on a very regular basis and make adjustments and provide support as needed.

CHAIR - Thanks for that. From a student perspective, I'd be interested to receive further information about specific mechanisms that you have in place to assist those in the community who are wanting to study, or are currently studying, at the university to have good access. I'm talking about people with disability who might be in a regional location and find it difficult; and they may have very poor NBN or digital access.

What mechanisms do you have in place to be able to assist those sorts of students to be able to undertake courses? Is it possible to get a picture of that? I don't expect you to name it here now because I think it would be important to get a full picture of that.

Prof BLACK - Thank you. We'll certainly provide that. I encourage you to read our submission to the Accord. One of the points we are making is there is a significant national challenge in ensuring that universities are properly funded to do exactly those things. We do

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those things. We'll provide details. It's a necessarily high cost model and universities across the country, like ours, committed to those access agendas aren't properly funded to do them. There is a pressing national need in the reform agenda. I'm sure it would assist the reform agenda if the Legislative Council's view was that these kinds of matters are important to Tasmania.

Perhaps it goes back to our earlier conversation on what you're embodying in the act as the kind of things that really matter to Tasmania. That can helpfully inform a national process, so that there is proper funding for the full range of services, which we do very substantially. We can provide details for you.

CHAIR - Thank you for that. Tasmania is a small place and people would say, well, isolation - really? But, it's quite significantly isolated in certain aspects, from all sorts of perspectives, not just studying.

Prof BROWN - We do have our study hubs that we have started in the west coast and in Circular Head, so we have those things in action. The other thing that's really pertinent to that question is our School's Recommendation Program, in terms of changing the way that students can access university through an assessment of their preparedness for study. We've seen a 30 per cent uplift in students with disclosed disabilities apply to the University of Tasmania as a result of that scheme.

CHAIR - Thank you for that. In some submissions that we've received, with regard to the student experience, you mentioned Tasmanian University Law Society (TULS).

Prof BROWN - Tasmanian University Student Association (TUSA)

CHAIR - TUSA. Sorry. There's one that we've received - this submission no. 119 - from the Tasmanian University law students. Page 3 of their submission is quite clear with their concerns. It's about the experience of staff too, even though it's a student law society:

While TULS is a representative student body it would be remiss of us not to comment on the experiences of staff as it has directly affected their education as well as the morale of students. From our experience there is a general fear amongst many staff that they cannot express their opinions about the university for fear of reprisal. This view is also shared by some students.

They go on to say:

There is a general apprehension among students and staff. Any concerns they share about the university should not be discussed via university channels such as emails due to a fear that they're being monitored.

It's pretty strong stuff. Do you have any comment on that submission no. 119?

Prof BLACK - I think the submission was made last year at a time where the Law School was travelling through some difficult times. I'm naturally sympathetic to people who have had difficult or challenging experiences. A lot of water has passed under the bridge since then,

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with the good work of many people to ensure there is an environment where people are able to feel that they have a good and safe working space.

I think this reflects a very particular period, and a lot of attention given to it. The materiality, of course, is that we do not monitor emails or any of those things. That just does not happen; it is protected by people's privacy. But a lot of work has happened, and I think it would be a different picture today.

Ms WATKINS - Chair, if I could just assure you this has been a matter of concern for council and we are very pleased with the urgency and the response. Our informal monitoring I think corroborates the Vice Chancellor's sense that things are in a much better place. But, I certainly appreciate that there was a difficult period there.

Ms WEBB - It was not simply one submission that made these similar sorts of assertions. We have heard it through other than submissions as well, about a generalised fear of reprisals if speaking up occurs. That is a very difficult culture to turn around quickly.

I want to ask for more information on your suggestion that it may have been the cultural experience for some staff at the university last year, or perhaps quite a number of staff, and it has changed within the last six-month period. You spoke about informal ways you are measuring that and trying to gauge it. Perhaps you would like to elaborate, so we can understand how you might have confidence to say that sort of culture may have turned around in a short period of time?

Ms WATKINS - First of all, in relation to the Law School, there have been some pretty significant leadership changes and quite a number of other changes. I think we did touch on this during March.

Ms WEBB - Not so much the Law School, more broadly.

Ms WATKINS - More broadly. I think we also mentioned the staff engagement survey, which we conducted through the latter six-months of last year and which has had a lot of attention and consideration from council, and a lot of deep reflection and a very good program of change.

It certainly highlights some imperatives for change and does go to cultural matters. The decisiveness with which the university executive team and Academic Senate have responded to that is important and appropriate. It is something that council is continuing to pay a lot of attention to. The ability to get ongoing feedback as we implement specific initiatives and also holistically to broaden its scope - for example, to include casual staff - are all things that council regards as very important and we are watching closely.

Prof BLACK - I very much agree with that. One of the tasks that we have as the kind of leadership of the university and council is to be supporting colleagues to see that this a continual work in progress. Culture is never finished. Culture is always a work in progress, and in a large institution there would always be places of complexity and people at different spots on different journeys.

So, part of our role is to be supporting colleagues to work to make sure they create, in all parts of the university, the kind of culture that I think everyone around this meeting and, indeed,

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anywhere would want to see. But, it will always be a work in progress. I would never want to over-claim, because there is a humility you have to bring to these tasks until you really see a sustained long-term commitment. We are on a journey on this.

Ms WEBB - The staff survey that was done - who had visibility, or to what extent was a comprehensive presentation of those results made within the university? Who got to see all the results? Did heads of schools get to see the full results of that staff survey beyond their patch but more broadly? Did the Academic Senate get a chance to consider the full results of that survey? Who had visibility of that, overall?

Ms DERBYSHIRE - In a nutshell, everybody. There was a significant number of whole-of-institution university results presentations undertaken. There was a council presentation and a university executive presentation. At every single individual college and division level, a presentation of those results was made by executive deans and heads of division. We then cascaded results down to the school and discipline level as well. So, without going into the detail, the system itself allows us to drill into those results and every leader within those areas delivered the results presentation to the staff within their areas.

Ms WEBB - About their particular area? Or about the whole, so that they could see how they sit across the organisation as a whole?

Ms DERBYSHIRE - That's right. We drill down to, depending on the size of the college -

Ms WEBB - Sorry, to come back to my question. Who in the organisation would have had an organisation-wide view of the results?

Ms DERBYSHIRE - Everybody. I undertook a university-wide roadshow where I presented the whole-of-university results.

Ms WEBB - But to be able to see not just those questions that might have been a whole-of-university question but the results overall; the comprehensive nature of results across the survey, across each part. Can you point us to 'here's the full set of results that we've shared with everybody'?

Ms DERBYSHIRE - Yes, I can.

Ms WEBB - My understanding was that if you are in one part of the university, you heard about your part but you didn't necessarily hear how other parts might have compared.

Ms DERBYSHIRE - I understand your question. The whole-of-university results presentation included - I am trying to think if it included a drill down. We can certainly provide the information; but we were very transparent in sharing the results. Can one individual within a specific discipline have a look at a discipline result in another college? That is difficult data for us to be able to share because there is a lot of data in that. We were specific in the data we shared, trying to make it relevant to the areas where that was shared. But, we are also very fulsome and transparent in sharing the whole-of-institution results.

Ms WEBB - I'm most interested to see if people had a chance to see how their area compared with other areas, for example, so that they are able to see how they sat.

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Ms DERBYSHIRE - I'd have to go back to the individual presentations, but I believe we did provide sort of comparison points, if that is the question.

Ms WEBB - My understanding would be that in some instances, perhaps a number of instances, the levels of satisfaction with immediate line management and team was relatively robust and good; but, with the higher levels of management in the organisation, there was a lesser level of satisfaction. In terms of taking things forward, is that the area that you are focusing on now, having expressed the concern of the council in relation to wanting to improve things? Is that the level that the change is focused at?

Ms DERBYSHIRE - It's really important to note in response to that question, the answer is, yes. In terms of individual level of line leadership, there is a really strong sense of connection in those local team environments. What is important to note about that, is that it's the experience of people across the entire institution regardless of what level they sit at. When we start to drill into results, what we see is that, even if you are reporting in to somebody as senior as an executive dean or a head of school, your individual experience with your line leader and within that team environment is strong and has a good sense of connection.

When we start to ask questions more about the broader university direction, that's when we start to observe challenges. To answer the question, yes, our change agenda absolutely is focused on that leadership experience for our people and, as Rufus has rightly described, we are continuing to improve and identify ways that we can enhance the experience of our people in that space.

Mr GAFFNEY - I might move on to another area of 'the matters incidental to'. It's to do with sale and acquisition of property and commercial property. I would like to ask a couple questions. In 2019 we had the UPPL, so I will come back to that one. But, before that time, it's been reported that the university bought a considerable amount of property in Hobart for prices well in excess of valuation. Most recently, for example, it was reported that UTAS paid almost three times the estimated value of the former Forestry Tasmania building on Melville Street.

My question arising from that would be, prior to establishing that organisation in 2019, who acted on behalf of the university to establish the strategy of purchase of commercial properties? Secondly, can you provide, since 2003, a list of the purchase and sale of university buildings and holdings - who they went to and how much for? I suppose the other one would be which individuals and corporate entities have advised and negotiated the purchase of properties, sometimes at more than three times market value, since 2003? You may want to take that on notice, but you may also want to respond for people listening to see how that process was undertaken.

Ms WATKINS - On behalf of council, let me assure you that we have robust processes for making sure that we do not buy properties in excess of market value. I think there may be some other benchmarks that you're referring to which don't reflect market value. I can assure you that has not happened. Those purchases have been well considered, and valuations are sought from two independent sources and we've had appropriate advice in negotiation.

Overall, the university has bought very well; but if you'd like, Rufus could elaborate a little bit more on some of the specifics. You mentioned Forestry, for example, and we can

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certainly provide information regarding property purchases and what was paid and current market valuations.

Prof BLACK - We have prepared this for other purposes and we can provide you with very comprehensive lists of all that information, which I think would be very reassuring for anybody to see.

Mr GAFFNEY - Okay, that would be helpful. Following on from that, recently the university has entered into public-private partnerships and student accommodation, and that's quite well known in the sector. How does the university council use state and federal funds to purchase the property? I'm interested to see how that evolves; and how does the university report that sale and whatever to state and federal parliaments? It falls under the question of preparing for the future - there is a business and a corporate side of university, and I'm interested to know the relationship between that and the act, where academia is the focus of the act; or it was.

There's concern in the community about whether the university is focusing more on the corporate side, and how those decisions were made and balanced against the requirements of the academic holding and standing?

Ms WATKINS - Just to make an overarching comment, our focus as an institution around accommodation is very much motivated around students. We discussed at this forum last time the importance of the provision of affordable residential accommodation and a strong environment of pastoral care. That's the motivation for these sorts of arrangements that we've entered into. As you say, we've been able to learn from the experience of the sector. They are quite significant transactions and so they do come and are thoroughly considered by council with appropriate advice from external parties.

I'll ask Rufus to comment, but we are typically able to use the resources within our own balance sheet to fund these and then enter into a transaction to recapitalise effectively and enter into particular arrangements around the ongoing operation of facilities. I think we discussed and provided quite a bit of detail to the committee last time about how those operate. Rufus, is there anything relevant you wanted to add at this point?

Prof BLACK - We take very seriously this community concern about the fact the university has kind of commercially related activities, which are pretty modest, in fact. Obviously when you do a land transaction it looks very visible, and I understand that concern very much. The challenge that universities currently in Australia and in many places in the world face, is they are not funded for the tasks that they are given. It is very material to this inquiry into the act when the expectation of university is to deliver a high quality offering, across multiple locations, across a very broad range of degrees - we covered this last time - it's a very costly thing. It matters, we are completely committed to it; but we're not funded to do it and never have been.

It's why this university has always been a real challenge to make it work financially, because the funding models from its very foundation have never supported the mission. In the previous version of this act, there was recognition even back then that there was a problem and that's why the capacity to utilise its property in order to provide an income stream to enable the university to deliver its mission is a really important part of it.

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Just to give you an example, it's not limited to us. I had the good fortune to be a student at Oxford University, one of the old, medieval colleges. It looks as old and glorious as those things do, and it's completely committed to a very high quality education agenda. As an alumni, I received a note very recently inviting alumni to have a look at the science park that over 40 years the college had been investing in and co-partnering, very much the kind of things we've talked about. It highlighted to alumni that the college would not be able to be the kind of place providing the world leading excellence in education across the classic disciplines - you can do the classics there just as much as you can do more contemporary things. It's a college whose staff supported the creation of vaccine in the United Kingdom - but it was the fact that 40 years ago they were able to utilise part of their land as a college mission to create a science park that's generated income that enables them, also in a challenging funding environment, to maintain the excellence and quality they've got.

Now I understand why anyone would say you don't want that to distract from what you're doing, and we put in place structures to avoid that being a distraction. I understand in a community that where funding of higher education can be very opaque and rarely well explained, that these things can seem like a distraction. Our task is the mission, and we've got to deliver that and we've also got to find, in a very challenging funding environment, ways in which we can do that for Tasmania - because that's our absolute commitment.

I would encourage you to look at - I think we've provided it to the committee - the submission by other regionally based universities who outline a nearly identical picture and set of challenges. This is a very critical moment for higher education in Australia and for regionally based universities. Their submission talks about the risk - indeed, they believe we're already in it - with the two-tier system of the major metropolitan universities being on one track, because the funding model is built around funding them, and regionally located universities and the challenges that the model has now has now created.

Mr GAFFNEY - Thank you.

CHAIR - Further to that, picking up on a statement you made about 'it's rather modest'. Arguably, the university could be seen as the most significant developer in Tasmania at the moment. It's a significant amount of money that's being poured into infrastructure by the university. It's not modest, is it?

Prof BLACK - For a university that has a set of facilities as large as ours -

CHAIR - In the context of Tasmania, though?

Prof BLACK - In the context of Tasmania, if you look at all the building projects around the state, we are progressively going through it over more than a 10-year period. If you look around the state in any one of the cities - Launceston or in Hobart - there's a very wide range of other activity going on. From the university's perspective, yes; but a building project - most of them are somewhere in the \$30 million to \$60 million kind of range. Over time, when you've got a capital base of close to a \$1 billion, if you don't do that kind of renewal you end up with seriously outdated facilities that don't provide the quality of student experience, the ability to deliver the research Tasmania needs.

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If you look right around the country, the rate of ensuring campuses are properly maintained is a very critical thing, and this university has never been properly funded to do it. That's why we find ourselves in the circumstance.

In the north of the state, if it wasn't for Commonwealth, state and local government commitment there, the facilities had reached such a state there; and the question is, why? Because the university has always put its academic mission first. It's always taught and researched, and let its buildings run down. That was true when we were on the Domain. The reason we had to move off the Domain was those facilities had run down and become too small for the university. The only way out of that problem was for the Commonwealth to provide a very large amount of money to build the campus at Sandy Bay. What you're really looking at here is - and this I think is a matter of Tasmanian stewardship - we don't have a higher education funding model to support the kind of university that the University of Tasmania is. We are doing the responsible thing of ensuring that we find a pathway to maintain the quality of the university, in all of its dimensions, that is critical to serving Tasmania.

CHAIR - Some of the issues that have been raised in submissions that are coming forward to us is the amount of money that's being spent. We can't go into the local government aspects, because that's a planning aspect. We're not talking about that. We're talking about the decision making.

With the buildings that are on site at Sandy Bay, it's been put to us that you can invest the money that you're investing at the moment in the CBD into the buildings that are currently there and not have the complications of having to deal with all of the different aspects of each of the faculties that are very difficult to move and find a new location for them. Playing devil's advocate, why hasn't the university looked at refurbishing the buildings on site, or is this all about raising funds to be able to survive, if I could put it that way?

Prof BLACK - Let's remember that most of the expenditure to date has been in the north and the north-west, thanks to Commonwealth and state expenditure with a modest contribution from the university. We are very grateful to the Commonwealth and the state for supporting and ensuring we have good quality facilities in Burnie and very good quality facilities in Launceston to deliver our mission for Tasmania.

Of course, on Sandy Bay, consideration is given to can you repurpose buildings and what would it cost to do that and, indeed, how practically or technically feasible it is. That was all part of the original careful consideration of where you locate facilities. It's important to remember these buildings on Sandy Bay were mostly built in the 1950s, to 1950s standards, in terms of their environment, their access, the degree to which very large fixed structures were put into them, which are effectively very difficult to remove. These are buildings that belong to a very different age. Therefore, to do anything to them, particularly if you're trying to meet contemporary standards on all those things - which we are very committed to - it is not a 'you take a floor and refit a lab'.

This is ensuring that those facilities meet all the contemporary standards, and they were carefully weighed up when the university made its decision. That said, as we evolve, how those buildings are retrofitted and for what purposes and whether there are particular things that make very good sense to stay there, is obviously a matter of ongoing consideration. The guiding principle will always be what serves our students, what serves Tasmania best.

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CHAIR - The observation that's made in submissions to us is that where the university is moving - for instance, the Forestry building - is actually older than the buildings on campus. I hear what you're saying, but there is that tension there.

Prof BLACK - They are different kinds of buildings. The Forestry building is actually two buildings put together: one an old building - small part; the other part is the kind of building that is much easier to retrofit because it is large, long open floor plates with a very regular and simple structure to it. That's a very good building for retrofitting. We're not seeking to retrofit it with science equipment. We're seeking to retrofit it for classroom teaching and for staff offices.

That kind of building is very suitable for a university retrofit, whereas the Sandy Bay buildings represented a very different kind of challenge. The way in which buildings are constructed is of the essence as to what you can do. That said, even with that building, it is still a costly exercise to bring such a building up to modern and contemporary environment standards.

The difference between retrofitting an existing building to meet modern standards and building a completely new building can be very close to neutral, and sometimes significantly more expensive, because you have to deal with very complex fabric that requires really significant and costly ways of intervening with it. These things are very carefully worked through.

CHAIR - There are other questions on this, but I am conscious that we've been going for a while and we need a bit of a break. I suggest that we have 5 minutes to have a comfort stop for those that need it and/or to make phone calls or whatever people might want to do.

Thank you.

The Committee suspended from 10.46 a.m. to 10.51 a.m.

CHAIR - Just to go a little bit further on this decision for the move. I was talking earlier about some of the major collections that exist on site at the moment. There's the major geological collection of some 130 000 objects housed in Sandy Bay in the Geology building. Physics collection. There are fossil collections and all sorts of engineering equipment on site down there at the moment. How do you see all of those collections and facilities - very important for the delivery of courses - being reshaped to deliver to courses in the CBD?

Prof BLACK - They all require a very careful strategy as to how they are used. Object-based learning is significantly important way in which learning can happen. Each of those collections need to be found an appropriate, well-managed home. The ways in which they are integrated into learning, would be an integral part of the design of any future facility.

CHAIR - Including things like the seismic measuring equipment? These are the concerns coming forward in submissions.

Prof BLACK - Appropriately in any design process, those staff who directly use and engage with those, they work through those with the architects and designers of the building. If it is there to enhance and enrich student learning, then buildings need to be designed to support that.

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CHAIR - Just the specifics on, say, that seismic measuring equipment. Obviously, there are records that go back since that site began. Is there a consequent impact on the continuity of measurements if you are going to be moving that facility to some other location? I know the world is a small place and moving from Sandy Bay to the CBD might not be a great distance but there could be some interruption to those sorts of measurements over time.

Prof BLACK - It's a technical question. People who are deeply expert in those matters would be deeply involved in any design process around them.

CHAIR - How much consultation has there been with the higher-level management of the various faculties that are involved with the CBD move? How much consultation has taken place in terms of ensuring they have sufficient space to be able to conduct their teaching and their activities?

Prof BLACK - The process for designing any of those buildings has not begun. Those are things that require detailed attention as you go through the design process. If you look at what has happened in the north, where we have gone through that process, we had technical working groups assemble with key staff at all levels, not just senior levels - because it is often people in technical roles who have the best knowledge about what is required.

For the new buildings in the north, which I think is a fair test - how did that go? Technical working groups across all aspects of those buildings were created, they were run carefully. That information fed up as an integral part of the process. There were then larger staff consultations around the buildings those staff would live in. But the important thing is there were those technical working groups that enabled all the kind of issues you have talked about to be carefully worked through.

CHAIR - Or the submissions talk about.

Prof BLACK - Good point that you have raised. We are a long way from that world in here at the moment.

CHAIR - The Forestry building, for instance?

Prof BLACK - The Forestry building is not a science building. Its technical requirements are very different from the requirements of science buildings where they are a very complex set of technical issues that require careful attention.

As we have highlighted, there are always questions as to what is appropriate. We have always maintained that there will be key things that make sense to keep on Sandy Bay if they are what is essential to student or research activity. We have always maintained that we need to have the right experience for students and the right research things in the right places.

CHAIR - The heads of departments and faculties and the like, are you saying that they have been consulted in relation to the move into, say, the Forestry building at this point? Or are you about to undertake that?

Prof BLACK - No, those key staff - our Business and Economics staff and our Law staff - were integrally involved in the consultation around those buildings. The leaders of those

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groups were integral to the consultation on those buildings, as were some of our experts in contemporary teaching spaces and equipping those. This all happens in the detailed design process that you go through for any particular building.

CHAIR - Okay. I suppose the fundamental question that seems to be coming through the submissions is the funding. You mentioned yourself, you are not funded for the move. Is the move just a way of being able to continue university activity, given the amount of refurbishment you say was needed at Sandy Bay? Is it fundamental that, if this move does not go ahead that the university can survive? Can you just deal with that?

Prof BLACK - What is fundamental is that we have renewed facilities. That is the fundamental question. That is the front and centre question of the university - to ensure that we have the teaching, learning and research spaces that are needed to deliver our mission to Tasmania. That is critical.

CHAIR - Okay. One other thing that is brought out in the submissions is about the university because of the amount of property development that's happening in the CBD. Basically, the university is controlling, if you like, the space of the CBD and how those buildings, and the university's activities, is shaping the life of the city. How many conversations have you had with the Hobart City Council, for instance, in relation to their strategic direction before decisions are being made to do this? Can you cover that? Some would say that the university is basically behaving like the city planner, by forcing this.

Prof BLACK - It would be probably very useful to provide to you the long history, and I'm happy to provide that on notice, on the way in which the city council has provided a framework at different points over time that has been central to why the university's done these things.

We can table for you the multiple resolutions by council supporting developments over quite a number of years. What we are doing at the moment, the city council, I'm delighted to see, is developing a sophisticated precinct plan, as good cities would have, to guide the evolution of the city.

As I flagged last year, we had paused our developments, because this is much-needed for Hobart, to have this kind of careful plan that enables the range of things in the city to be well-integrated. We have very much to be guided by them. They are going to do a similar process for the whole of Sandy Bay. Again, we need to wait for them. These are the planning needs that Hobart certainly has and the city council is setting out to do in a very rigorous way. We will be guided by and work within those plans which are widely publicly consulted on, have gone through an extensive process, so that anything we do fits into a strategy that the city has created. We're not there to create a strategy for the city.

CHAIR - The concern that's coming through is that by replacing university buildings with 2700 homes, you can see why people would be thinking that the university is city-shaping without due regard for the impact that it might have on traffic congestion and those sorts of things.

Prof BLACK - At all times, we worked within the planning documents that have been provided by the city. We are happy to see that the nature of the planning documents that the council is now doing has evolved very significantly, and they will provide the kind of much

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more concrete set of parameters for each of the different precincts and what the city would like to see in the CBD area and in Sandy Bay. That creates a very good planning framework for anybody who seeks to do it, and it is a community-created process.

One of the points that I was keen to make last year was that it is the city council's responsibility to provide the planning frameworks, the values, the character that they were looking for in each of these areas. We need them to do that so that we can be a responsible citizen working within what has been through a public community good planning process of the framework. That's really what we need to do. It has been difficult that Hobart, until this point, has not had those quality of plans and it's a credit to this council and to its professional team that they are putting in place all of those requirements for good and better planning in the city.

CHAIR - The last thing that I'll say before I throw to Meg, who has questions as well, with respect to the fact that the referendum - what do you call it - at the time of the council elections -

Ms WEBB - The Elector Poll.

CHAIR - The Elector Poll, that's the one I'm trying to think of, was that 70 per cent or thereabouts didn't want to see this move go ahead. What's your response to that?

Prof BLACK - We need to be guided by public process, which is why we paused it and said we will wait until we have clear planning guidance from the city, from the elected officials of the city, whose responsibility is, as elected officials, to steward the development of the city. We respectfully pause, wait till we have that guidance and then we will work very carefully in however we involve Sandy Bay or the city. We have been very clear about that key moment of ensuring that whatever we do fits within a good public process where elected officials have provided guidance in the city as to what they are looking for in the city, and we will work with that.

Ms WEBB - I'll just follow up with a few of those points. I find it interesting to hear you describe that, because clearly the council made a decision, if not quite a bit earlier, certainly in 2019, in quite a public way, that the move to the CBD would occur. They have put out extensive proposals and visions about what that looks like, and have engaged in some forms of consultation on that well before there were these Hobart City Council mechanisms in place that you are pointing to now as being essential for you to fit with and work within.

How is it that the university and the council were quite happy to progress plans to make firm decisions for the future, to publicly consult to some extent and develop those plans, prior to having that appropriate framework within which to work?

Prof BLACK - I think what it highlights is that we have always worked within the planning approach that the city has provided. Now, that planning approach has evolved, and we welcome its evolution. But, at each point, we have worked within whatever planning approach the city was taking. That's evolved, and it has evolved in ways we think are good. Clearly, the city needed it to evolve so that it could more deeply work through, at a precinct level, the resolution of these questions about what is the future character and shape of the different parts of the city. But at each point, we have been working within the framework the council has provided. Now, that is improving framework in order to deal with the issues that

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the council has experienced of the need for greater definition about a range of planning issues that Hobart faces. It's faced them for a while; but clearly quite critically faces about how is housing managed in the city.

There are very low levels of housing in the CBD compared to other cities around the country; that's a real challenge; the way in which retail and other activities are working. They are working through the critical issues for the future of Hobart and we will work with that. We always have.

Ms WEBB - You've just described that those mechanisms that Hobart City Council is working on and developing are improving the situation from previously. So, is it the case that UTAS had engaged with the Hobart City Council to express that perhaps there was room for improvement, or a necessity to have more robust, more well-developed, arrangements within which the university could be undertaking its planning and processes?

Prof BLACK - We have always had a very good dialogue with the council and its officers around planning matters. That's been a healthy peace for a long time. They are always keen to be, we have to take the lead that is set by elected officials, whose job it is to provide the planning direction for the city. That is what we have consistently done, and we are doing again. They're job is to represent the community's values in plans that guide the city. That's their task and we respect that.

Ms WEBB - Can I follow up with a question around social licence, because I think it ties in to the questions the member for Hobart was asking connected to the Elector Poll that was held, which had in excess of 70 per cent, I think it's more of 74 or 75 per cent of people voting 'no' in that elected poll. I am interested to hear at what point in the decision-making process around the CBD move, looking back, did the council and the executive, first officially discuss the concept of a social licence for that potential move. Did that, and at what point was that first explicitly discussed by the council, as to contemplate whether it was required and if so, how it might be gained - a social licence?

Ms WATKINS - On behalf of council - and I joined in mid-2021 - so I -

Ms WEBB - I am asking about prior to your time obviously here, but perhaps you can reflect -

Ms WATKINS - I would say I certainly asked that same question and took the opportunity to scrutinise the decision process, the business case and particularly the consultation, which I think goes to social licence. Was there extensive consultation and was there generally supportive feedback? The Vice Chancellor might care to comment because he has more of the perspective on the overall process. I would say that shifted over time, and it seemed to me that 2022 was a particular confluence of new information for the community, and the Hobart City Council elections and other activities created a shift in some segments of the community.

It's still hard to generalise about social licence and to generalise about an overall sort of point of view from the community. That's a very hard thing to do but that would be my take on it, from my limited involvement.

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Ms WEBB - I'm particularly interested in the question I posed which was: at what point did the council, in consideration of the potential move, first explicitly consider a social licence and the need for it and how it might be gained? I'm interested off the back of the answer you've just provided, Chancellor, to hear is it the university's assertion that a social licence has been held for this move at any point; much that it may have shifted. Do you think you've ever held a social licence for this?

Ms WATKINS - Yes, I wish somebody could issue a piece of paper that says 'you have a social licence to do this' or 'you don't'. Of course it's not a black and white concept that you're referring to. A social licence, to me, and from what I see of the council's decision making processes, flows first of all from a consideration of all stakeholders - effectively the members of the university and the broader community - and it flows from a good and thorough and thoughtful level of consultation which includes genuine listening, not only going through the motions. On all of those facts, when I look at the decision criteria which considered all the range of relevant considerations plus the consultation, that the council was absolutely justified in its decision that yes, it did have a social licence.

However I do think that in 2022 there was a number of developments which meant that certain quarters of the community - I couldn't even say a quarter - small but significant segments of the community I think felt that the social licence was not issued by them. It's hard to judge overall; but I think the university has responded appropriately by withdrawing the planning scheme amendment and by engaging with the Hobart City Council. We will work collaboratively and certainly heed. But, ultimately as a council it is a balance, it's not a black and white thing and we need to make judgments about what we believe and the facts support in the long-run interests of the sustainability of our university and we need to bring the community with us. It's not a scientific or exact art.

Ms WEBB - From what I hear in your answer there, you're fairly firmly characterising opposition as being minimal. I think a quarter of the community is what you're suggesting; a sort of small slice of the community in opposition. Yet the Elector Poll had three in four Hobart voters saying 'no', and that was after a fairly extensive campaign - from both sides, but certainly from the university - to try to inform and convince the community.

So, is it the council's view that there is only marginal opposition to the idea of the move and, therefore, the Elector Poll is somehow not a reflection of community sentiment?

Ms WATKINS - Clearly, by the actions we've taken in withdrawing the planning scheme amendment and very significantly changing our engagement process, we've shown through our actions that we don't minimise the opposition.

My comment references the fact that we are a university for Tasmania. We represent a very important opportunity and institution for the whole state and for the students of the future as well as the students of today and the students of the past.

We have many different stakeholders who take a vital interest in us and, certainly through the Elector Poll, around about 50 000 people, I think, in the electorate who voted and not all of those voted on that question. The 25 000 or 30 000 people who did - primarily residents of the inner city, Sandy Bay and Taroona - spoke very strongly. The opportunity for us is to better understand their concerns. I think their concerns are very much, from the qualitative input that

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we've had, about the future of Sandy Bay as a suburb and the future of the city. Hence their concern about the future of our campus being a big part of Sandy Bay.

The process that we now have in place with the Hobart City Council - the process that they've put in place - to develop a much greater level of clarity around what that suburb seeks to be and the needs it seeks to serve, are all very positive things.

That is how I would summarise it. To emphasise, we definitely do not see the voices that spoke through that Elector Poll as minimal objection. However, we do have regard to our responsibilities as a council to make the best decisions in the long run interest of this university, which is the university for Tasmania.

CHAIR - Further to that, yes, you've pulled back on the development application but you're still going ahead with the move, it seems - in terms of planning other than the 2700 homes that are happening on that site.

Prof BLACK - We have development clearly going on in the Forestry building. We have development going on the Domain -

CHAIR - That's what I'm saying.

Prof BLACK - Those activities make deeply good sense for the delivery of the best possible education for our students. They were well-progressed beforehand. In all other matters, we are awaiting the appropriate structures within which to have those conversations. We will, in making those, be always guided by what the council wants and, equally, by what our students' needs are and what will best deliver the research for Tasmania.

CHAIR - Still on the CBD move, and it's about decision-making more particularly; the National Tertiary Education Union, submission 123, had a survey of members on the southern campus move, which you'd most definitely be aware of, I imagine. The results asked to choose between the city centric and the distributed model and the outcome, they say, was stark: 75 per cent wanted the distributed model, 16 per cent city centric and 9 per cent were undecided. That's a very significant figure. Has that not caused you to rethink the decision to do the move?

Prof BLACK - When that was done we also did a much larger survey of staff inviting them to consider each of the different criteria upon which you'd make the decision. That's an important piece of data. The decision that we set out to do was to look at a whole series of criteria by which you would make that decision, because there are different kinds of criteria.

It was on those criteria that we had a very significant and much larger sample that reflected quite a different picture. If you went criteria by criteria there was, in fact, a recognition that those criteria justified a move quite significantly. Interestingly in that, we did look at Sandy Bay versus city. Those staff who lived in the city had a stronger view that the city was a good idea. Those in Sandy Bay somewhat were, on the whole, oriented slightly towards the other end.

It's a complex picture of data, and all of that fed into the council's decision making process. All of that data was there and was carefully considered and weighed, including this much larger sample of staff views. We're happy to provide you with all of that information.

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CHAIR - This decision to move to the CBD started back with Vice Chancellor Rathjen, during his time, is it fair to say?

Prof BLACK - I would say significantly earlier than that. Vice Chancellor Le Grew outlined a very visionary kind of plan for how it could look.

CHAIR - At that particular point in time, it seems what we're being told is that the council hadn't made a decision of its own. You can correct me if I'm wrong there or the information is incorrect, but it points up the Vice Chancellor's role - not just your role - but the Vice Chancellor's role, whoever it may be at the time, almost has the authority of a chief executive officer. Is that a fair comment, or not?

Ms WATKINS - Yes. In fact, I think that's a good characterisation of the role of the Vice Chancellor. The Vice Chancellor is equivalent to a chief executive officer and, as Chancellor, I'm equivalent, I would say, to the chair and council is equivalent to the board.

In line with that sort of framework, our expectation as council would be that the Vice Chancellor does put forward a vision, a strategy, options for debate and discussion at council. In line with the governance requirements that we have, it is ultimately the responsibility of council to endorse the strategy, approve the strategy, the financials that go with implementing that and then to sign off material decisions, individual decisions, such as the purchase of buildings or major shifts that typically involve senior people or resources.

It is exactly what we would expect; though the role of council to challenge, debate alternatives, to test and probe and ultimately to sign those off and be accountable is integral and would have been the case in those earlier times too.

CHAIR - What's being pointed up is that the Vice Chancellor at the time, made the decision to move without the direction from the council. If I go to the submission by Max Atkinson, submission no. 5, on the page 2. He says - in relation to the Vice Chancellor basically being a chief executive officer, having that authority - the question then arises and this goes to the act, is whether his power to guide the council exceeds its ability to supervise his management?

I'm talking generally about the VC. I'm not talking about the present VC, although I suppose it could apply. Who is directing who? Is it the Vice Chancellor that's directing the council, or is it the council that's directing the Vice Chancellor? It would seem under the act this should be the case, but I'm interested in your view on that.

Ms WATIKNS - I can't speak to the specifics and to the past. However, I would be confident that a similar governance framework as we have today and is set out in the highest level in the act would have certainly been in place. That framework makes it very clear that ultimately that it is the council, chaired by the Chancellor, who is responsible for those decisions around major directions -strategy, vision and then the resources, both financial and people that flow from that. I, on behalf of the council, have the power to hire and fire the Vice Chancellor, and I think that says it all.

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CHAIR - Thank you for that. It also points out that the Academic Senate did not seem to make any statements on the wisdom or otherwise of the move. Is there a reason why the Academic Senate was silent on that? Can you give us an understanding?

Prof BROWN - As you've pointed out, this movement of part of the university into the city has occurred over a significant period of time. At each of those junctures, where moves were occurring, that has been discussed at Academic Senate. I haven't been the chair of Academic Senate for a prolonged period of time, but looking back through the minutes I know that the idea of a substantial move of the university into city-based sites has been discussed at Senate a number of times prior to my being on Senate. It certainly had been discussed, had been raised but previous vice chancellors as part of their performance reports, their raising of issues but also as part of the Academic Senate looking at budgets and, of course, university strategy.

Yes, the Academic Senate will have interacted with that decision over a period of time. Late last year, as a result of the feedback that we had broadly in the community, we had a very in-depth discussion around particular aspects of the current presence on the Sandy Bay campus and what Academic Senate members thought were really important if we were thinking about some of those elements remaining on the campus. It was a very enlightening discussion for me. There were very strong feelings by the Academic Senate that we needed to provide the very best facilities for our students, the very best contemporary learning and teaching facilities for our students, and very strong support for the direction that the council was taking in terms of moving the teaching and learning into the new buildings in the CBD.

CHAIR - Are you able to provide us with the minutes of the Academic Senate in relation to the CBD move from the commencement of its deliberations on the CBD move?

Prof BROWN - We could provide excerpts of minutes or minutes where that had been discussed. I will certainly provide you with the minutes of the meetings where we discussed that last year, which I think is probably really pertinent to the question.

CHAIR - I think going back as far as Vice Chancellor Rathjen, when the decision was made to do this.

Prof BROWN - Yes, certainly.

Ms WEBB - I am interested to ask some questions around UTAS borrowings, in particular how it intersects with section 7(2) of the act which is the part that requires the university not to exercise its power to borrow money unless it is first obtained recent approval of the Treasurer. I want to understand that a little more in practice, with how things are currently configured. When we spoke last time in our hearings with you, we heard from the Vice Chancellor that, and I will just quote a bit from the transcript of *Hansard*:

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.

When I read that again and thought about it more, I was interested to hear what you meant by that statement. UTAS is not included in the state government's financial statements as per the Treasurer's annual financial statements. It is clear it is not actually true that UTAS's

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borrowings are included in the state's balance sheet, as such. Were you suggesting that the borrowings may be contingent liabilities somehow for the state government? Has the state government had to guarantee borrowings, for instance, which would then need to be disclosed in the state government's accounts? Can you explain to me what you meant by that statement?

Prof BLACK - Certainly. Because it is an institution of the state - and in the end, this will come to the kind of view of ratings agencies - there has always been an implicit assumption that should the university ultimately be in financial trouble, that would come to be a liability of the state's credit under the state act. In a university of our scale that could be a material matter for the state, so it is the kind of thing that ratings agencies give consideration to when they are evaluating states as to what their potential exposure to liabilities would be. The technical ways in which that is done are complex, but that is why it does matter, because in the end we are an entity of the state.

Ms WEBB - To understand that a bit more - obviously Moody's Rating Agency does give, I believe, the same credit rating to the state government as it does to UTAS - what you are saying there is that it would be imputed at least that the government is guarantor to borrowings that the university has undertaken. Is that tangibly, formally true?

Prof BLACK - You would need to ask the rating agency.

Ms WEBB - Right; but it is your understanding that they would be regarding the state government as having some liability in terms of UTAS borrowings?

Prof BLACK - I think you need to ask the ratings agency.

Ms WEBB - Clearly, you have made the statement that UTAS's balance sheet is significant for the state government. You said that to us last time, and you made that on the basis that your understanding is that it might be understood that way by a ratings agency.

Prof BLACK - It might be understood that way by a ratings agency rating the state government.

Ms WEBB - Right. I am interested to know more formally, has the state government given guarantees of any description in support of any UTAS borrowings, say, just even in the last five years? Perhaps you can go back further than that. But is that something that has formally occurred?

Prof BLACK - No.

Ms WEBB - I am interested in the borrowing-like activities that UTAS has engaged in, specifically around the student accommodation arrangement with Spark Living and then also separately the issuing of the green bonds. Both those activities could be regarded as borrowing-like activities, if not technically you are going to borrow, but in effect they have the same result for the organisation. Did either of those require under section 7(2) of the act, the approval of the Treasurer?

Prof BLACK - Green bond is borrowing, and our ability to do that was based on 3 March 2021, then Treasurer Peter Gutwein issued a letter to the university granting approval for a \$200 million increase in our borrowing limits subject to the following conditions:

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- (1) Obtaining and maintaining an investment grade credit rating.
- (2) The increase is approved solely for the purpose of the construction of the southern infrastructure project.
- (3) The \$200 million borrowing facility limit will be reduced over time consistent with the maturity profile requested by the university.

We met all three of those conditions. We have a public credit rating of 882, and we got that on 14 December 2021. The additional borrowing is being used for solely for the purpose of southern infrastructure. That's the green bond, and the borrowing facility term that we've got through the green bond is appropriate to align with the long-term nature of the project as per our request. So, it's all occurred in a very carefully sequenced set of steps consistent with the formal letter of approval from the Treasurer.

Ms WEBB - So, the extent to which that sort of borrowing activity or, indeed, the Spark arrangement which is effectively a borrowing activity too, to provide you with a capital amount that you can use in the short-term - how do they compare to the option that UTAS would have had to borrow from TasCorp, for example? Is UTAS in a better financial position to undertake those sorts of borrowing activities as opposed to what conditions would have been under from TasCorp

Prof BLACK - Yes, significantly. We went through an extensive process with TasCorp to see if they were the appropriate entity for making those borrowings. The green bond was a much better facility for the university to be able to pursue its objectives.

Ms WEBB - In some questions I noticed you provided from last session we asked you how many times in the last 10 years has the university sought written approval from the Treasurer for borrowing and how many times has approval been granted, and we got those basic numbers. You've mentioned three requested borrowing limit changes from the Treasurer. I'm interested to have more detail around the conditions attached to them and any description of what that might have meant in terms of state government or UTAS.

CHAIR - And the amounts?

Ms WEBB - Well, generally it's related to changing the borrowing facility, I think that was that the case? You've directed us to ask a credit agency how they might assess the government's liability in relation to guaranteeing UTAS borrowings. Is it something that UTAS and the state government have discussed in terms of the arrangements under section 7(2) of the act - whether there's an implication, just by virtue of having that clause in the act, that the state government is potentially held liable in that way?

Prof BLACK - I've never had such a discussion.

Ms WEBB - Do you know if it's been held before your time?

Prof BLACK - I wouldn't know before my time.

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Ms WEBB - So, your understanding is there's not a record within UTAS that that's been something that's been discussed or clarified?

Prof BLACK - I've never sought to see if there was such a record.

Ms WEBB - What would be your understanding of the function of section 7(2) in the act as it is currently in there, the purpose of that clause, and the degree to which it's delivering on the purpose you interpret it to have?

Prof BLACK - What's the question?

Ms WEBB - First of all, what is your interpretation of the function of that clause? Why is it in there? What is it aiming to do?

Prof BLACK - Because the university's borrowings are of sufficient size that it would be of significance to the prudent financial management of the state to ensure that entities it has created are not generating liabilities that could be a problem to it. That's a sensible, prudent thing that is present in various other statutory entity arrangements precisely for the same reason.

Ms WEBB - And is that your view that the way its configured currently in the act is sufficient to deliver on that intended purpose?

Prof BLACK - Very much so. If you can take the example I just cited where the Treasurer provided very direct and specific conditions in which any loan could be obtained, you could see the good sense of it. By requiring an investment grade credit rating that's a very good way of insuring that any liability to the state would be very minimal, because investment grade credit ratings means this is an entity in which there can be investment level confidence that it will be able to continue and make good on the loan.

The second piece, which was very much about the purpose of it, was the state again forming a view that there was a good logic for why you would want and need to be able to do that, but it wasn't a general 'for whatever you like'.

The third piece is to say once you've done that, then it ratchets back. That seems to me a very good example of a principles-based way in which a state Treasurer has put an appropriate framework in place to ensure the state's interests are well managed, while giving the university the appropriate scope of operation to deliver on the objective which the borrowings are being set out.

I think that's a very good example of this power being appropriately used in the interests of Tasmania.

Ms WEBB - When I asked earlier about whether those other borrowings models were covered by section 7(2), you spoke about the green bond required approval and that came with conditions; but I don't think you mentioned the Spark living arrangement - a borrowing-like arrangement. Is that captured under section 7(2)?

Prof BLACK - I wasn't here at the time so we'd need to provide you with an answer to that, as to how that operated. It's not a straightforward transaction because it's netted off against

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the income stream of that particular asset. It is quite a complex financial structure so we'll need to provide it on notice.

Ms WEBB - I'd like to understand whether it is and was captured under section 7(2) at the time that it occurred.

Prof BLACK - We can provide that on notice.

Ms WEBB - If it wasn't, I'd be interested in your reflections on why it wouldn't have been, given the intention of section 7(2) that you've expressed here.

Prof BLACK - We could offer a view but I think it's a question for the government, not for us.

Ms WEBB - I certainly would be asking it of government also.

Prof BLACK - We will always be guided by government; but we'll look into it and provide you with a good written answer.

Ms WEBB - Thank you, I'm happy to move on from there. I'm mindful of the time.

Mr GAFFNEY - I said I'd come back to the University Properties Pty Ltd. Where does the UPPL sit in the grand scheme of things? Who does it report to, is my first question?

Prof BLACK - It ultimately reports through to the council via me.

Mr GAFFNEY - Okay. It's my understanding that it's listed as a charity for educational purposes, and there's a chair and five directors. If UPPL directors can borrow money, who carries the risk? For example, the financial liability of UPPL as it undertakes property development - who carries the risk?

Prof BLACK - It's a subsidiary of the university so it's governed by all of the same requirements of the university.

Mr GAFFNEY - Okay. In 2019 when it was registered as a charity, it was all volunteers but in 2021 four employees are listed with employees' expenses of \$1 315 000 or 28 per cent of total expenses. Where are those expenses and how was the remuneration of executive and non-executive directors decided and applied?

Prof BLACK - Remuneration in both cases is benchmarked against the nature of those roles. That's how it is decided. That was a period of very intensive activity for that group as they set out to create the master plan. It is really quite a small team relative to the scale of the project.

Mr GAFFNEY - Interestingly, in 2021 it spent \$4 565 000. Where is that reported and what is the breakdown of those costs? I couldn't find it.

Prof BLACK - That is reported to the Charities Commission, but we can provide you with further details.

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CHAIR - You don't put it into the annual report?

Prof BLACK - Yes, it is part of our consolidated accounts.

CHAIR - But it's not specifically split out?

Prof BLACK - I would need to have a look at which of those years and how we've done that. I don't recall.

Mr GAFFNEY - Two other questions. Does the company operate as a charity and therefore exempt from paying, from my understanding, local and state taxes? Does that meet expectations of an ethical corporate entity? That relationship is interesting.

Prof BLACK - The purpose of it was to create a vehicle for the university to derive the income to meet its educational purposes. To be clear, however, if it developed any property, those properties would pay tax, just as any other entity would be.

Once that property is there, they pay rates; so that the proposed number of houses in Sandy Bay would have given an enormous rate boost to Hobart City Council. Once they move from being a charitable thing to being something outside that, then all the normal tax operations apply. A number of these developments would see substantial income streams for local and state governments.

Mr GAFFNEY - When the directors were selected in 2019, were those roles advertised? What was the selection process for the directors in 2019?

Prof BLACK - Our nominations and remunerations committee had the task of selecting those directors.

Mr GAFFNEY - So, they were advertised?

Prof BLACK - Nope.

Mr GAFFNEY - They weren't advertised?

Prof BLACK - Nope.

Mr GAFFNEY - Is that not unusual? For an entity of that magnitude to look after that amount of holdings, they were selected internally?

Prof BLACK - Yes, subsidiary entities for appointments for our various other subsidiary boards do operate in that way.

Mr GAFFNEY - Of the six that are there now, what relationship do they have to other parts of the university? Are they six independent members?

Prof BLACK - Of the current six, one of them now sits on the university council; two of them are wholly independent; and the others are members of the university's executive.

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Ms WEBB - Can I follow up on that. If they weren't advertised, was there an expression of interest process? How were those people identified and then appointed?

Prof BLACK - These were requirements for the directors to have very particular technical expertise in large-scale, complex, property development. The search process is engaged in to find people who would have the appropriate, highly technical skills needed to provide the expertise needed to conduct those properly.

Ms WEBB - Was that a paid recruitment process through a recruitment entity of some sort?

Prof BLACK - I would need to look to the records for the exact details of how that was done.

Ms WEBB - Thank you. I think we'd be interested to hear about that and to understand the nature of the six positions that are now there, and the remuneration that goes alongside them.

CHAIR - We are out of time, unfortunately. We will probably have to forward other questions to you - questions on notice, in our terminology - to round out the information that we are asking for.

Just a very quick question in finishing, on this area, how much does the university expect to make out of the 2700 homes development should it go ahead?

Prof BLACK - That's a complex question. We can provide that to you on notice.

CHAIR - Thank you. Thank you for coming and presenting to us again. I know it's been a pretty intense time for you. Just to reiterate that all evidence taken at the hearing is protected by parliamentary privilege. However, as soon as you step out that door, should you mention anything or even repeat what you have said here, it will not be protected. Are you all aware of that? Thank you. Thank you for your time.

THE WITNESSES WITHDREW.