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## THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON FRIDAY, 12 MAY 2023

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

**The Committee met at 10.00 a.m.**

**CHAIR** (Mr Valentine) - Welcome, everybody, to the inquiry into the provisions of the University of Tasmania Act 1992. For those who are coming in on the web, welcome to you and I also welcome the Minister for Education, Children and Youth who is before us today. Thank you for coming and being part of the inquiry.

To commence today we acknowledge that we meet on Tasmanian Aboriginal Land, acknowledge and pay respect to the Tasmanian Aboriginal people and the elders past and present. We recognise them as the traditional and original islanders and the continuing custodians of this land.

For the record, I will introduce the members of the inquiry who are here today. I'll go from my left this time. I have Mike Gaffney; myself, Rob Valentine; Meg Webb and Nick Duigan. We also have Jenny Mannering, secretary to the inquiry supported by Alison Scott; and James from Hansard - very important members of the team this morning.

I would like to have those who are with you, minister, swear in; you don't have to swear in, I believe. If you can take the oath that is before you, please.

**MR ROGER JAENSCH, MP, WAS CALLED AND EXAMINED.**

**MR BEN COATES, SENIOR ADVISOR, MR TIM BULLARD, SECRETARY, AND MS ALICE BLAKE, DIRECTOR FINANCE AND BUDGET SERVICES, DEPARTMENT OF EDUCATION, CHILDREN AND YOUTH WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

**CHAIR** - Thank you. Before we commence today, you will notice that Sarah Lovell is not here. Having just gone through an election, she is yet to be reappointed to the committee of inquiry. That will hopefully happen in due course. Apologies from Sarah this morning.

We are taking sworn evidence. To you, minister, it is nothing new, or to any on that side of the table, but you made the declaration. Our hearings today, as I said earlier, are in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992. It is important to note that all evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make outside the hearing may not be afforded such privilege. A copy of the information for witnesses is available, and you've all had an opportunity to view that. Should there be a case where you feel that there is something you wish to inform the committee of in camera, then you can put that request to the committee and the committee will deliberate on that and either accept or not that request.

We have the opportunity today for you to make an opening statement, minister. I'm aware of the amount of time that we have, so if we can keep our offerings across the board as short as we can, that would be good. Over to you, if you wish to make a statement.

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**Mr JAENSCH** - Thank you, Chair. Could I start by acknowledging your acknowledgement of country on behalf of the committee and the hearing today and pay my own respects to Tasmanian Aboriginal people and their elders and ancestors as well.

The witnesses here who made the declaration to my right are Ben Coates, my Education Advisor in my office; to my left, Tim Bullard, the Secretary of our Department for Education, Children and Young People; and Alice Blake, Deputy Director of Policy for the Department for Education, Children and Young People. Thank you for the opportunity to participate in your inquiry and for the opportunity to provide a submission.

As institutions, universities embody social, economic and intellectual resources which combine to generate benefits on a local, national and global scale. Universities have a role in securing the future labour force by fostering knowledge analytical thinking, broad capabilities and technical skills in their students.

More than 9 in 10 new jobs in Australia will require post-school qualifications and 50 per cent of new jobs in Australia are expected to require a bachelor's degree or higher in the future.

UTAS has an important role to play in the social, economic and cultural development of our state. As outlined in our submission, the Tasmanian Government has a longstanding relationship with the University of Tasmania, and successive governments have recognised its importance as the only university in and for our state. The Government continues to work closely with UTAS, and the relationship between the Government and the university provides a significant opportunity for collaboration to improve outcomes for the Tasmanian community. We are committed to ensuring that UTAS delivers positive outcomes for students and staff and the broader Tasmanian community.

Our formal partnership agreement has been updated several times, most recently in 2015 when a 10-year agreement was signed, focusing on education, innovation, quality of life and economic impact. The agreement has resulted in major initiatives, including a \$75 million investment in Tasmanian Government funding for the Northern Cities Major Development Initiative and \$96 million for The Hedberg Centre and the establishment of The Peter Underwood Centre for Educational Attainment. The Government has also supported scholarships, including the Education Inspiration Scholarship Program and the Tasmanian Honours Scholarship. I am very happy to provide further examples of collaboration and partnership between the Tasmanian Government and UTAS.

A scheduled review of our partnership agreement was put on hold as UTAS developed its new strategic directions plan and then was then delayed further as a result of COVID-19. In 2021, the final report of the Independent Review of the Tasmanian State Service recommended that the Tasmanian Government build or renew an ideas-based partnership with UTAS, focused on areas of mutual benefit with the broad objective of improving outcomes for Tasmanians.

The Department of Premier and Cabinet (DPAC) is the lead agency for the partnership agreement and I'm pleased to confirm that the Premier has asked DPAC to commence work on a new partnership agreement. The new partnership agreement will set out the principles underpinning the future relationship between the parties, and create space for the Tasmanian

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State Service and UTAS to identify focussed strategic opportunities through schedules to the agreement.

As the only university in the state, I recognise that there are strong feelings of community ownership of UTAS. Many Tasmanians have past or current connections with the university, or have it as part of their future plans.

The number of submissions made to the inquiry reflects the high level of interest in, and the significance of, this public institution and its role now and into the future, and I'm committed to ensuring that UTAS delivers positive outcomes for students and staff and the broader Tasmanian community.

As Minister for Education, Children and Youth, I support a vision of UTAS working in partnership with Government, with TAFE and other educational providers to ensure this state is well-placed to educate its people in a way that drives economic, social and cultural outcomes for the whole Tasmanian community. I'm comfortable that the UTAS Act is current and fit for purpose, and enables UTAS to meet the needs of stakeholders and the community.

The UTAS Act is similar to the governing legislation of universities in other Australian states and territories. It contains similar provisions to the legislation governing the top eight universities in Australia and universities of similar size to UTAS.

As noted in our submission, in reviewing the UTAS Act it is vital to consider it in the context of a much broader legislative and regulatory framework under which UTAS operates. As a provider of higher education qualifications, UTAS must be registered by the Tertiary Education Quality and Standards Agency (TEQSA) which Australia's independent national quality assurance and regulatory agency for higher education. The agency, TEQSA, ensures higher education providers comply with the Higher Education Standards Framework 2021 and the Education Services for Overseas Act 2000 and associated instruments. The threshold standards ensure the adequacy of facilities and staffing levels, support services, and academic and corporate governance. The University of Tasmania had its registration renewed by TESCRA on 25 September 2019. The University of Tasmania amendment acts of 2001, 2004 and 2012 have enabled the University Council to evolve and operate within a more contemporary management and governance framework, supporting UTAS to deliver on its mission to service the Tasmanian community.

Chair, I believe at this point in time it would be premature to initiate an action such as a review of, or amendments to, the UTAS act ahead of the findings of this inquiry and also the Australian Government review of Australia's higher education system, which is due to report in December this year. The terms of reference for the higher education review address many of the topics that have been raised in this local inquiry, including governance and accountability, community and quality teaching delivering quality learning.

The Tasmanian Government will, however, consider very carefully the outcomes of this inquiry and the evidence given to it, and the outcomes of the Australian Government's review of higher education to inform future options in relation to the UTAS act and the Tasmanian Government and UTAS partnership agreement. Thank you.

**CHAIR** - Thank you, minister. Can I just go to the memorandum of understanding that you referred to in your partnership agreement? Quite clearly, it was recognised back in 2015

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the need for this when an MOU was signed by the Government and UTAS to deliver on five high-level objectives, reporting annually on progress. I went searching for the reports associated with that memorandum of understanding, or partnership agreement, and I only found one. That was in 2016. Either I looked in the wrong place or its wheels fell off for a while. It is still functioning. Was there a hiatus? It is supposed to be reviewed in three years so it should have been reviewed in 2018. You say that there is a review on the cards. Was it reviewed in 2018? And is this review a second review?

**Mr JAENSCH** - Thank you, Chair. I am advised that there was a review of the agreement to commence in around 2018-19 but it was delayed. First, because UTAS was developing a new strategic direction for the university and, subsequently, there was a reset of that partnership agreement which was due to commence in 2020. Then COVID-19 events overtook and work was paused so that both the university and the Government could focus on responses to the unfolding COVID-19 pandemic.

**CHAIR** - So the annual reports for 2017 and 2018, and possibly 2019, are they available? Were they, in fact, undertaken? Were they written?

**Mr JAENSCH** - The annual reports?

**CHAIR** - The annual reports around that agreement: They are supposed to report annually and then there was to be a review every three years. I can only find 2016.

**Mr JAENSCH** - The annual reports that the university had tabled -

**CHAIR** - No, not the annual reports of the university - in relation to the agreement, just to be clear.

**Mr JAENSCH** - As the partnership agreement process falls under the Department of Premier and Cabinet, I am happy to take that question on notice and get advice from the Department of Premier and Cabinet for you.

**CHAIR** - If we can have copies of the reports reproduced, that would be interesting information to have.

**Mr JAENSCH** - So, copies of reports on the partnership agreement's progress?

**CHAIR** - Yes, progress reports.

**Mr JAENSCH** - I am happy to take that on notice.

**CHAIR** - Thank you. The three-year review that was to happen in 2018 you say was deferred? Or is it the 2020-21 review that was deferred?

**Mr JAENSCH** - The advice I have, Chair, is that it was delayed initially due to the university resetting strategic direction. Then there was a reset in 2020, which was then deferred due to COVID-19.

**CHAIR** - Yes, okay, that was just to reiterate what you were saying. Thank you. So, what do you have specifically in place now to provide you, as minister, with effective oversight

of such a significant institution? Where is the evidence that it is being effectively monitored outside of its tabled annual report?

**Mr JAENSCH** - My responsibilities are to be the minister responsible for the act that enables the creation of the university and its overarching governance structures. I don't have a role in the day-to-day governance of the university directly. There is a high level of independence for the university's governing structure created by the act. That's consistent, as I understand and I'm advised, with the majority of other similar legislation around the country governing the operation of universities. You would have seen through the amendments to the act, over the last four since the 1990s, that there have been alterations to that governing model which have reflected, predominantly, national-level reviews and policies, codes of conduct and agreements that have been similar adopted by other jurisdictions right across the country. The advice I have is that the governance arrangements and the role of the minister and the government in the day-to-day operations and the governance of the university is similar here to what it is elsewhere. It is designed to enable the university to have a high degree of independence from the government of the day.

The act itself provides a foundation, or a chassis, for that governance. We aim to ensure that is contemporary and meeting contemporary standards. That's why we're interested in the findings of this inquiry but also the Australian Government's review of the higher education system in Australia.

What we also take note of and confidence in is the range of other forms of legislation, codes of conduct and standards, and the regulatory environment in which the university operates. This is particularly in terms of how it conducts research, how it provides for academic freedom, good governance and a range of other matters. We observe that the University of Tasmania, like the other universities, has adopted and embedded in its own policies the key elements of many of those other regulatory and code of conduct and codes of practice, if you like, that are adopted across universities nationally.

**CHAIR** - I can understand the concept that you're coming forward with. But, obviously, as minister for Education, and given the significance of that university - it's the only university in Tasmania and its impact in the state per se in terms of the areas of operation across the state. You would surely, as minister for Education, want to make sure that organisation was functioning and functioning well, and, indeed, delivering for the state. I understand about the autonomy side of it but that doesn't take away from the need to be fully aware of how well it is functioning as an entity.

So, what do you have in place that actually informs you of how it is operating? I'm talking about outside the annual report. There are those who have submitted to us saying that the annual reports are a bit thin for a start. What mechanisms do you have in place to give you comfort that this entity is operating effectively for the state?

**Mr JAENSCH** - We've spoken about the partnership agreement and its ambitions around certain areas of agreement. We will furnish you with review updates or performance updates as we are able. As I mentioned, they are managed by DPAC. We also note that the regulators that ensure that the university is meeting quality standards expected of a higher education institution and their continuing licensing of the university to operate are in place. They are a safeguard for the quality of operation of the university. Beyond that, we are involved, whilst

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the Australian Government, is by order of magnitude the predominant funding source for the university -

**CHAIR** - We provide 6 per cent as a state.

**Mr JAENSCH** - The thing is that the advice I have is that that funding is not the Tasmanian Government funding UTAS to be a university; it is through a wide array of projects and programs that we are purchasing outputs from the university on. On that level, we are also able to gauge how well the university is delivering on commissioned research; the delivery of initial teacher education; the cooperation on agriculture research; and things like that.

We set the governance framework. We rely on the regulation environment to ensure that the university is operating - similar to the way that hospitals do as well - within its regulatory obligations. Then, there are things like our partnership agreement and our program of work, worth around \$30 million, I'm advised, at any point in time which is specific work that we are undertaking with the university or that we have commissioned from the university.

**CHAIR** - Apart from the regulatory framework that the university operates within, and there are quite a significant number of acts, I understand that. As a state government, as the minister, do you have a framework that shows the connections that each of the different departments have with the university that builds up to providing you with a clear picture that this is functioning well? Do you have such an overview and a framework that you can provide us to show those connections?

**Mr JAENSCH** - I've been given some information by my department covering at a point in time. It's not entirely up to date, but it's a summary of the wide range of engagement that we have with the university on a range of specific projects and programs which have investment or payment for services tied up with them. We can look across that scope. They are arrangements that our agencies would have with other universities or other service providers as well, potentially.

**CHAIR** - Can you provide us with a diagram of the connections that you have with the various aspects or departments and their connections with the university, so that we can get a big picture as to exactly how our Government is communicating with the university and that sort of overarching framework? Can you provide that?

**Mr JAENSCH** - Given that the whole-of-government view that you sought there, and the fact that the Department of Premier and Cabinet is responsible for our partnership agreement with the university, and has overview across the portfolios, I could take that request on notice and seek their advice.

**CHAIR** - It's important as the minister for Education that you -

**Mr JAENSCH** - In that regard, I am very happy for the secretary of the Department for Education, Children and Young People to talk to the Education Department's involvement with the university and our satisfaction with that. There's some really important work in that, particularly as it relates to the education workforce challenges we have at the moment. That is an area I would like to explore with you today. Are you happy for Mr Bullard to make comment on just that?

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**CHAIR** - Yes.

**Mr BULLARD** - Just to ensure that we can see that there are a couple of things running, there's the legislation which sets up the organisation which, by the nature of the legislation, has a minister and a department responsible for ensuring that it's updated when it needs to be.

Then there's management of the relationship and oversight of that, and you've referred to both of those. So, when we come to it as an agency, we come to it as a participating partner in that relationship, the partnership, we come to it at times as a more specific partner - so, working in coalition with the university around the Underwood Centre; and at times we come to it as a partner in whole-of-state strategy, along with UTAS and the Vice-Chancellor and myself in conversations around raising attainment; and we also sometimes come to it as a purchaser. So, I wear a number of different roles when I'm working with the university.

If we talk about some of the specifics around education attainment and retention, there are two streams where we work very closely with the university. One is ensuring that we are building really strong pathways from years 11 and 12 into - it could be TAFE, it could be work, or it could be UTAS - and trying to ensure that we can harmonise the journey of the learner through years 11 and 12 and into uni. You would be aware, no doubt, of the Principal Recommendation Program which was put in place during COVID-19, under which, instead of attaining a TCE to enter you can be referred by the principal. I think it is over 90 per cent now of students seeking to enter UTAS are now going through that pathway and the remaining Tasmanian students -

**CHAIR** - I don't want to cut it off too short and I don't want to spend a long time on this, but it would be good to have some schematic that shows the different levels of communication that are happening, and how that feeds up to the minister for ministerial decision-making in relation to whatever aspect of connection there is with the university.

**Mr BULLARD** - Are you talking more broadly than education, Mr Valentine, or are you talking about whole-of-government?

**CHAIR** - Yes.

**Mr BULLARD** - That relationship is managed by the Premier and we could seek advice from Premier and Cabinet. Certainly, during the last partnership there was mapping done across the various relationships, the intersections - education to Peter Underwood Centre; primary industries into the Institute for Marine and Antarctic Studies (IMAS); agricultural matters also; creative arts through the Hedberg and the Conservatorium. There was work done around those arrangements so that would show the broader partnership but underlying that there are purchaser/provider arrangements where we commission research from different entities as well.

**CHAIR** - It's just getting an understanding of the connections that happen. There have been criticisms in submissions that point to the fact that no-one controls the university. It's interesting for us to have some understanding as to how Government does interact and to get that broad picture and that's what -

**Mr JAENSCH** - We'll take that on notice and ask the Premier's department for a response to that.

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The important thing is that is a picture of the relationship between the Government and various parts of Government with the university as an independent provider of education and research and other services - less so as the body of work, the delivery of which the Government controls. We purchase and partner with the university around a range of matters; that is slightly separate to our responsibilities to maintain the enabling legislation for there to be a university and for it to have a governance structure.

**Ms WEBB** - Can I follow up on a few of those items? Hopefully, you can move through a few things quickly just to clarify.

In the act, beside provisions of section 8 - the council appointments through the minister, and section 12 - the receiving and tabling the annual report, are there any other tangible specific actions that you take as the minister responsible for this act and for the way it relates to the university in your role?

**Mr JAENSCH** - Those are the specific roles that are outlined in the act and they are the only roles. More broadly, as the minister responsible for the act, I have responsibility to ensure that the act is fit for purpose. That is where an inquiry like this, and also the Australian Government's review of the higher education system in Australia happening over the same time frame, are matters that I pay close attention to. I will not pre-empt the outcomes of them but you will see that in the past the amendments to the legislation, which would have been the responsibility for the minister for education of the day to take through, would have responded to matters arising from those types of processes, and generally consistent with responses in other jurisdictions as well.

**Ms WEBB** - Thank you. To move on, there are some similar follow-up questions. The reports that the Chair referred to in relation to the agreement that were meant, apparently, to be annual reports, were you aware that those reports were required before hearing about it today?

**Mr JAENSCH** - The partnership agreement is an agreement between the university and the Government. It is not a legislated thing. I don't believe that it has a statutory -

**Ms WEBB** - I have asked you a really specific question, minister. I have a number of them and I would like us to move through them quickly if we could. Before hearing about it today, were you aware that there was an annual report required against the agreement between the state government and UTAS - an area which you obviously have some responsibility for?

**Mr JAENSCH** - I am aware that the 10-year agreement included scheduled reviews which were unable to -

**Ms WEBB** - You were not aware that there was a reporting required? I am going to take it as a 'no', perhaps.

**Mr JAENSCH** - I don't think I have received specific advice that there was annual reporting required.

**Ms WEBB** - You mentioned you do receive some briefings from your department on other elements related to the university and activities and interactions. How often do you get those reports and are they formalised?



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**Mr JAENSCH** - When I ask for them because they relate to my broader interest in the university and as minister responsible for the act, and in preparation for things like this inquiry.

**Ms WEBB** - How often have you received those reports?

**Mr JAENSCH** - I don't receive them on a routine basis because, as the minister for Education, I am responsible for the act. It's the Premier and the Department of Premier and Cabinet who are responsible for the broader partnership agreement. That's why I am not as versed in, potentially, the reporting schedules for that as the minister responsible will be.

**Ms WEBB** - In your time as minister, how many times have you been formally briefed about matters to do with UTAS in the way that you described?

**Mr JAENSCH** - When I have sought them.

**Ms WEBB** - How many times - I have asked you in relation to your time as minister, have you received those sorts of briefings?

**Mr JAENSCH** - I have been minister for Education for just over a year and there would have been a handful of occasions over that time where I have engaged with the university where I have asked for updates on information generally.

But I am not on a regular reporting schedule on all matters to do with the university. The broader engagement, that partnership level is a whole-of-government matter and falls under the Premier and the Department of Premier and Cabinet.

**Ms WEBB** - When you look backwards, what I am interested to reflect - potentially, you might need some assistance from the department to provide the information, but in terms of prior to your time, prior to a year ago, under previous ministers in the role, was there a regular schedule of briefings? If so, how often would they happen?

**Mr JAENSCH** - I will need to ask the secretary to comment on that, if you can.

**Mr BULLARD** - The briefings that have been through to this minister and previous ministers are subject-related, not governance-related. They would occur - for example, an area of particular interest to the minister is workforce. So, we provide updates, the minister actually attends the workforce round table once every six months, where we are with the university to receive an update on the work that is ongoing, the milestones, et cetera, and what is being achieved.

Certainly in that area, if we are working with UTAS through the Peter Underwood Centre around particular reports to do with literacy, et cetera, we have briefed the ministers past on those and also to ad hoc updates on general discussions but not a formal briefing regime, and those matters are to do with subject matter.

**CHAIR** - Just to follow up on that, do you get briefings from the two positions that the minister appoints, and I do not know whether you have in your time, minister? The two positions that the minister appoints to the council, do you get briefings from those people from time to time?

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**Mr JAENSCH** - The answer is no. I have met them and I am due to meet them again in relation to their terms and their interest in continuing. But the act is very specific that the members of the council have obligations to the council, rather than those who nominate them.

**CHAIR** - I understand that. They are not there as a representative in that sense. I understand, under 11B of the act, it says exercise their powers and discharge their duties in good faith in the best interests of the university. I understand that. However, with respect to a lot of the noise that is going on at the moment with regard to, say, the CBD move and those sorts of things, surely there must be an opportunity there to be talking to those members to be able to get an understanding as to what is driving the university, the concerns that they may or may not have. Surely, they would be feeding back to you?

**Mr JAENSCH** - To be clear on that, when I have had discussions about those matters with the university, it has been through the vice-chancellor and the chancellor.

The University Council, my understanding of the intent of the governance model is that it operates more like a board. It is a skills-based board. It is not a representative college-based board. It is not reporting back to different areas of constituency, including myself.

**Ms WEBB** - Can we come back to that? I have a lot of questions on that, potentially. I just wanted to follow up some more on those areas, particularly around clarifying the sort of institution that UTAS is, in particular from a legal perspective.

We've heard you today describing relationships between the state government and the university as collaborative, as partnerships and that sort of language. However, there's also a formal relationship there because it's established under state legislation. In fact, even last year I heard Premier Rockliff describing UTAS as a private company, which is clearly not the case. I think he might have backtracked on that comment since making it.

In our hearing on 4 May, Professor Black, the VC, told us UTAS was an institution of the state. I'm interested to hear from you, minister, can you set out clearly the exact legal status of UTAS, particularly its legal status and relationship to the state? Can you describe that for us in your understanding?

**Mr JAENSCH** - There may be a reference that the secretary can bring or a technical terminology that captures precisely. But my working understanding, in plain English, is that the Government is responsible for there being legislation that allows the formation of a university that can provide for the education, research and other needs of Tasmania as an independent body that operates in accordance with federal regulation of higher education bodies and various standards and codes, licences and other rules of operation that surround it. But that it is independent in its decision making, in its academic freedom to make decisions and its operations day-to-day.

So, we enable there to be, as Government through our legislation, a university entity but it has as much freedom, autonomy and independence as can be to conduct its business.

**Ms WEBB** - So in terms, for example, if the university was to have to wind up, something catastrophic occurs, who owns the assets of the university? What is the legal relationship there between, say, the state and the university?

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**Mr JAENSCH** - I have sought some advice on this and I can't see in the legislation where there is provision for winding up of the university. I'll take some more advice on that matter specifically because I don't have a full answer for you.

**Ms WEBB** - Perhaps we could provide you a question on notice about that legal status and matters like that-

**Mr JAENSCH** - Yes, I'm happy to take that.

**Ms WEBB** - If you look at comparisons to the other sorts of entities that are established under legislation and have a relationship with the state government as well - if we compare UTAS to say something like a state-owned company or a GBE - we see it's quite different in terms of accountability and oversight from the state government.

Those other entities not only have to submit annual reports - which is something UTAS does - but they have to submit annual corporate plans. There's some requirements about having to seek approval for certain projects of certain size. Why do you think the state government's oversight of UTAS is as hands off as you've described it, compared to those sorts of other entities? Are the current mechanisms for oversight - which, by the look of it, is only the annual report provision - adequate, considering the relationship between the state government and the university?

**Mr JAENSCH** - Two answers to that. Things like GBEs are companies that the government owns for a purpose, including the provision of specific services and the distribution of dividends. The government has a stake and an ownership of the company itself, and it has various other roles in terms of the appointment of its board and those sorts of things. So, that's a bit different.

The other thing is that the University of Tasmania, as a university, its governance model reflects that a university is different from a GBE or a business. It's a similar governance framework and legislative framework here as applies to other universities right around Australia. I believe that also reflects that there is an expectation that the teaching and research roles of the university need to be more distant from the influences of government and politics and ministers than, say, businesses owned by government.

**Ms WEBB** - You'd appreciate, minister, that there is a difference between oversight and intrusive management, and that oversight functions are separate and distinct from management?

**Mr JAENSCH** - Where I was going next is that the university, as I understand it - and you mentioned you've received a paper from the university regarding the regulatory environment that they operate in -

**CHAIR** - We know about that.

**Ms WEBB** - I'm interested in the state government oversight.

**Mr JAENSCH** - which includes not only the same accounting, integrity, safety recording obligations that any public institution or government-owned company would have, for

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example, but also a raft of regulations that are specifically about the quality of the higher education system and the integrity of the research that's provided.

There is a lot of structure that provides confidence to the government that the independent university can operate independently within that regulatory environment.

**Ms WEBB** - Minister, do you have the 2022 UTAS annual report at this stage?

**Mr JAENSCH** - I have tabled the 2021 annual report -

**Ms WEBB** - I'm interested in the 2022 report; have you received it?

**Mr JAENSCH** - I don't believe that I have but I will take advice from my adviser; no, we haven't seen that yet.

**Ms WEBB** - When do you expect to receive it?

**Mr JAENSCH** - I expect to receive it within the required time frame.

**Ms WEBB** - We've heard a lot from submissions and in the hearings, quite generalised agreement - even potentially agreement from UTAS itself - about the opportunity to have reporting tabled and in the public domain earlier, because it's very out of date by the time it comes through you and is tabled in the parliament. It is often eight months out of date. Do you think there's an opportunity for more prompt public visibility and tabling in parliament of that report?

**Mr JAENSCH** - I'd be quite prepared to receive that advice.

**CHAIR** - It's produced in February, I believe, and doesn't get tabled till August or September.

**Ms WEBB** - Later even sometimes.

**Mr JAENSCH** - I'm not opposed to making improvements where there is a good evidence base for that. I will take close interest in what your inquiry finds, what evidence you receive, but also what comes out of the national review regarding contemporary good governance for the university. We will act on anything which has a strong case for improvement.

**Ms WEBB** - Do you see, minister, in your portfolio area of Education, that it implicitly or explicitly includes portfolio responsibility for higher education in the state, in terms in of an area of oversight or responsibility of some sort?

**Mr JAENSCH** - We operate in an education system, in a continuing way. We are preparing a lot of Tasmania's young people for further and higher education. We work with the university on those pathways and those links, wherever possible. We are in the same business as the university when it comes to education. But, my responsibilities as minister are limited to the act and the roles for me in the act and maintenance of the act - not broader governance of the higher education system, which is the federal minister's responsibility before its mine.

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**Ms WEBB** - Some other states have higher education as a portfolio responsibility at a state level, and there might be an argument that they do that because there are multiple university acts that govern those. However, there is also the situation where in Tasmania, with a single university, that single university holds great consequence for our state - through the revenue it provides; assets it holds; it is a major employer; it is a provider of important skills to our job market; a driver of local research and innovation; things you have mentioned, minister; it has great consequence. It would appear from your answer that we don't have a portfolio responsibility as such, either explicitly or implicitly, allocated within our state Cabinet. Would that be a fair enough characterisation?

**Mr JAENSCH** - We have responsibility in me for the enabling infrastructure, or the enabling legislation, for there to be a university and then the Department of Premier and Cabinet and through them the Premier has a responsibility for those that whole-of-government engagement and what our Government and our state seeks from our university in terms of their partnership agreement.

**Ms WEBB** - So, even though we have allocated that within the Department of Premier and Cabinet -

**Mr JAENSCH** - It has an across-agency remit. So, the Department of Premier and Cabinet, the Premier, is placed to oversee that.

**Ms WEBB** - So it would sit within the Premier's responsibility? We know other ministers have relationships into DPAC and State Growth. There are many ministers who have relationships into the spaces they cover. But it is not your relationship into DPAC for that area of responsibility?

**Mr JAENSCH** - No. As you would have seen with our submission, with the development of the partnership agreement - even the submissions that our Government would be making to the Australian Government review - the leadership there is from the Department of Premier and Cabinet, and the Premier as signatory, just because of the whole-of-government nature of them.

**CHAIR** - Hence the reason for my earlier question about getting some understanding about how it all works across government, in terms of the connection with the university.

Can I come back to the two members of University Council who are appointed by the minister? Now, you may not have appointed people to those particular positions, but can you outline the process the minister would follow to do that? It might be something Mr Bullard would need to help with if you have not done it before. Can you outline the process of how you go about selecting the people to fill those two positions?

**Mr JAENSCH** - The act does provide a guidance that the minister and the council need to advertise for members of the council. You're right, I have not been directly involved in that process previously. Mr Bullard might be able to reflect on how that has been conducted in the past.

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**Mr BULLARD** - I only have two in my mind, minister: the last process which was directly between the university and the minister. As set out by the act, it can involve the department in terms of the administration of that process.

**CHAIR** - Just to clarify, are you saying that the university runs the process and then they provide a recommendation to the minister to sign off on? Or does the minister communicate with the university to find out what sort of skills are needed and then direct who will be appointed?

**Mr BULLARD** - I think the process, as long as it sits within the legislation, can be the process determined between the minister and the university. I can't speak to what the last process was because the department was not involved in that. It was an agreement that was made between the university and the then minister.

**Ms WEBB** - Are you saying then, minister, that there would likely be no record within the department or the office of the previous minister as to how that process was undertaken and the decision-making occurred?

**Mr JAENSCH** - I wouldn't say there's no record. I understand that there is a requirement in the act for the minister and the council to advertise the positions. There is a range of requirements of a member of the council, which would need to be part of any of package of information that was put out. I believe that the advertisement process last time, and I'm -

**CHAIR** - This is a UTAS advertisement process?

**Mr JAENSCH** - Yes. The university has had a role in that advertisement process - and I will correct this if I receive further advice that I am wrong - but a range of names were put forward and the minister was able to nominate people based on their background and suitability and their own view.

**CHAIR** - Can we get information or documentation surrounding that last appointment? I am not talking about the individuals concerned; that's not why we are here today. We are here to look at the process. Can we get some documentation associated with the last appointments?

**Ms WEBB** - Can I clarify this, Chair. We are not asking for it to be described to us in the document. We are asking for any documentation within the records of the department or the previous minister's office around the decision-making, interactions with UTAS, in relation to the appointment of those last two spots.

**Mr JAENSCH** - The process followed?

**Ms WEBB** - Yes. Any documentation that is available that is related to that decision-making process, that would show us how it occurred.

**CHAIR** - That specific decision-making to that appointment.

**Ms WEBB** - Two fairly recent ones that would be the relevant ones, I think.

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**Mr JAENSCH** - I am happy to take that on notice and see what information can be provided.

**CHAIR** - It's of interest to us because of the way council positions are filled. It is important for us to have that understanding.

**Ms WEBB** - Minister, I am interested because clearly the act does specifically provide for the minister of the day to appoint two positions to the council. What's your understanding of the function of having that provision in the act, of making those two appointments to council? From the state government's perspective, why does it have that legislated responsibility? What function does it serve?

**Mr JAENSCH** - As I understand the governance structure that has been adopted in our legislation has been reviewed a number of times over the years and is broadly consistent with that sort of college structure or skills and representation structure that other universities around Australia have. It is to ensure that the council has a range, a cross-section, of interests, I suppose, of the individuals involved reflected by how they are, where they come from, how they are nominated.

**Ms WEBB** - My question to you, minister, was your understanding of the function of having the minister of the day provided with the power to make two appointments to that council. What's the function of having that included in the act? The reason I am asking that is that to all intents and purposes it sounds like the process described for those appointments - certainly, the recent ones - was largely driven by the university, advertised by the university, and options put forward by the university. The minister ticks them off. That is not dissimilar to the way the council appointments to the council are done. Yet, the act tasks the minister of the day to appoint two members. From the state government's point of view, why do you think that is? What is the function of having the minister as part of that appointment process for two positions?

**Mr JAENSCH** - In my view, being the minister, and what I would intend to exercise through those decisions, is to ensure that there were people who I had confidence in, that their background and their track record, their experience of working and operating in Tasmania added value and credibility to the operations of the council.

Without talking in detail about individuals here, the two people who are minister's nominees at the moment includes someone who has had a long career of study at university but has also been a very successful and senior principal who has worked in education -

**Ms WEBB** - Minister, we don't need you to defend those appointments. We are looking at process. The question I am putting to you is that the appointments made, for example, that you are describing could well have come about in exactly the same way if the council itself were making those appointments, as they have the power to do for a number of other appointments.

But, in the act, the minister of the day is given the power and the responsibility, is tasked with appointing two positions to the council. What is the function of that from the state government's point of view? What does that deliver from the state government's point of view that is different from what would be done through a selection process that the council engaged

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in by itself? Because what you describe in terms of skill mix or whatever, the council does that itself with the appointments it makes. What is the function for the state government?

**Mr JAENSCH** - It might well be that the government of the day, which is, contra-accountable to the interests and priorities of Tasmanians more broadly, might have a different view to what the council might have on who should be on the board.

**Ms WEBB** - That is what I am getting at. Can you describe, then, what you see is that responsibility, that consideration that has been brought by the minister in undertaking the responsibility in the act? What function does it have for the minister of the day?

**Mr JAENSCH** - To ensure, as far as the governance structure allows and the decisions that are to be made, that there are people on the University Council who the government has confidence would be working for the best interests of Tasmania as a whole as part of the University Council.

**Ms WEBB** - Where in the selection process for those two positions does consideration or criteria about that element, that function for the state government, come into play?

**Mr JAENSCH** - Having not gone through that process myself, my expectation would be that there would be an advertisement for parties who are interested in taking a role on the University Council. That there would be lots of information about what that role is. As minister, I would not expect the university to be recommending a shortlist to me. I would like to, I would expect to be able to see, of the available interested participants, who was there and be given the opportunity to choose from them and to ask questions about them.

**Ms WEBB** - Hearing you describe what you see as that function, bringing that element of consideration of the broader interests of the state and the Tasmanian community as something that they bring to the role, above and beyond an appropriate skill mix on that council entity: is that something that you believe is built into the selection process from the minister's point of view and has been built in in the past to ensure that that consideration of public interest, I guess, is what you are talking about, comes into play?

**Mr JAENSCH** - I'm not aware of a prescribed process which ensures any particular type of outcome. The merit of having positions appointed by the minister who is part of the government is that the minister can then apply judgment as to how those appointments can best serve the interests of the people of Tasmania.

**Ms WEBB** - Can I ask a question in terms of that? In times past, my understanding is it was pretty common practice that the appointments from the state government, from the minister of the day, were typically, at least one of them was made to someone who held a senior position in the State Service. Either the head of the Education Department or the secretary of DPAC - someone of that level within the State Service.

That appears to have changed as a practice in recent years, given that neither of the recent appointments fulfil that. When did that practice of appointing a senior state servant to the council in those roles cease? Why did it cease, I am interested to know? I am interested if it was a deliberate decision to stop appointing senior state servants into that role, given their easy ability to bring that public interest to bear and to bring that connection from the state government into the role on council.



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**Mr JAENSCH** - The way that the act is set up, that decision is made by the minister of the day, each time as a separate decision. I'm not aware of any policy that's changed over time. You may have researched the history of the individuals appointed. As far as I see the act and my role in it, that's a decision for the minister each time as a stand-alone decision.

**Ms WEBB** - So, you're not aware that that was a decision taken to no longer appoint senior state servants to those roles?

**Mr JAENSCH** - I haven't been advised on that, no.

**Ms WEBB** - Would the department have details about that and whether there has been a decision along those lines taken?

**Mr JAENSCH** - The act says that it's the minister's decision.

**Ms WEBB** - Indeed. I'm interested in the change of practice. It was my understanding that it was standard and common practice that at least one of those appointments at any given time is a senior state servant. Then in the not-too-distant past that changed. I am interested in the change and wondering if there is documentation that a firm decision was taken at some point around that.

**Mr JAENSCH** - I'm not aware of a firm decision or a policy but the act is very clear: it's the minister's decision. I think it's very important that at any time a government and a minister wouldn't seek to fetter their decision-making on a matter that's laid out in legislation.

**Ms WEBB** - Would there be records somewhere within the department that you could provide to us about if there was an indication that there was a decision made that reflected the circumstances of that decision?

**Mr JAENSCH** - We're referring here to a decision of a minister. Ministers may take a range of advice in making their decisions. Advice provided by a department to a decision is not something that is freely shared. A minister needs to be able to take advice from wherever in order to make a good decision. As I said, I'm not aware of there being a prescribed policy or process and whether that's changed or not. As the minister responsible for this decision, I have, under law, a requirement to make a decision and I wouldn't do anything to limit my decision-making under this legislation. In fact, I think it would be very problematic if a minister's decision-making processes were predetermined.

**CHAIR** - By the same token, you would want to have the capacity to be able to appoint who you wanted to appoint, rather than just people who might be put forward by the university itself.

**Mr JAENSCH** - My understanding of what's provided for in the act is that the minister and the council have to advertise. Someone will pull up the relevant note on this.

**CHAIR** - The section 8(1)(d) says:

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2 persons appointed by the Minister, each of whom must not be a student or member of the academic staff or professional staff and of whom at least one must be a graduate of the University;

So, it's prescriptive in that.

**Ms WEBB** - There's some fettering there already.

**Mr JAENSCH** - My reading of it has been that the limitation is to reduce the likelihood of the council being made up entirely of people with the same background and relationship to the university.

**CHAIR** - It may be; but if, for instance, the minister was taking advice from the University Council itself, or from the university, then it could well be that the council has been set up for a specific purpose to make sure that people of a certain mind are on there and are making decisions that are in line with the powers that be of the day, rather than people being appointed by the minister to specifically make sure that Tasmania's interests are at least taken into account.

**Mr JAENSCH** - The act provides for the minister to make that decision. The act has some basic requirements regarding ensuring that there's not great overlap in terms of the names put forward. But, as the minister likely responsible for the decision for the next appointments, my expectation would be that I will have the opportunity to make that decision myself as the minister on behalf of the government. This is not done on the advice or the recommendation of the university, but there needs to be a process -

**CHAIR** - Nor a joint expression of interest process that the university might run.

**Mr JAENSCH** - Perhaps but there does need to be a process of advertising for a position like that, that is able to fairly explain what the role is and how it's going to work. I have no problem with the university having a role in making sure that is done thoroughly and appropriately.

**Ms WEBB** - I have one tiny last one on that, if that's okay. You were asked earlier by the Chair about interactions you may subsequently have with appointees to the council that were ministerial appointees, and whether there's any sort of reporting back or ongoing interaction. I'm particularly interested to hear more about that. I know you answered it briefly before. Given that you've identified that a key function of a ministerial appointment to the council is to make sure that the public interest of the state and the community can be brought to bear in that arena, how do you satisfy yourself that that is indeed what's occurring?

**Mr JAENSCH** - I didn't appoint the two members who are there. I know one of them better than the other. I consider that it's part of my job to know who they are, and so I have introduced myself to both of them and I do intend to meet them again.

On the other hand I'm also very clear that they have an obligation to the university and to the council. They have no reporting obligation to me and they don't take any direction from me. But, as the result of the decisions that have been made by my predecessors as minister, I have responsibility to know who those people are, what their background is, and be familiar

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with them - not least because they may be eligible for reappointment at the end of their terms and it's important that I've satisfied myself with as to their suitability.

**Ms WEBB** - Is that something where you would have a way that you determine the degree to which they are fulfilling that function, as a ministerial appointment, of bringing consideration of public interest and the Tasmanian community interest to bear in that arena of the University Council?

**Mr JAENSCH** - Yes, I'd need to satisfy myself that they were making a contribution, that they were still the right people to be the government's appointments to the council.

**Ms WEBB** - Fulfilling that function that you've identified of public interest?

**Mr JAENSCH** - It's in the public's interest that we've got good people around the council with a diversity of views.

**Ms WEBB** - I know; but I want to specifically ask you about why have a ministerial appointment -

**Mr JAENSCH** - I can't ask those two appointments to personally carry the responsibility for reflecting the views of all Tasmanians. What I need to do is make sure we don't have a University Council entirely appointed by the university council, of people from the same background - because that way we don't have diversity, we don't adequately reflect the stakeholders for the university.

**Ms WEBB** - So, without ongoing regular points of connection with those ministerial appointments, how do you satisfy yourself that they are fulfilling that function of not being -

**Mr JAENSCH** - We get really good people and we let them get on with their job.

**Ms WEBB** - Right; so there is no accountability back in terms of monitoring -

**Mr JAENSCH** - Under the act, similar to the board of a company, the obligations of those members are to the best interests of the university - which include its relationships with external stakeholders, with government, as a corporate citizen, as well.

**Ms WEBB** - Distinct from the board of a private company, there is no accountability of the University Council back to a broad membership or stakeholder group, which is something we have discussed in this inquiry quite a bit. The function of ministerial appointments into the council as representative and as bringing the public interest into that decision-making space helps, to some extent, to offset the fact that there isn't a group of stakeholders to which the council is accountable; unlike a corporate board. How do you satisfy yourself that role is being undertaken by those ministerial appointments?

**Mr JAENSCH** - Ms Webb, the opportunity is there for the government to ensure, for the positions that it has the ability to appoint, that there are good people in those roles, whose motives for being there and qualifications and life experience help to ensure that the council can work in the best interests of the university and Tasmania.

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**CHAIR** - Can I just go to this point, as an example, given the quite significant public concern that's been displayed about the move of the campus to the CBD. Why can't you direct those people to vote in the way that you might see that they should? Surely, there must be an opportunity for you as minister to be able to receive a briefing from them on the issues about that particular aspect of university operations. Who else are you going to get information from, in terms of how the university is performing and aspects around this decision-making, if you can't go to the people that you appoint to the board?

**Mr JAENSCH** - The act is quite clear, and we need to be very clear, what the rules of engagement are when we are appointing private citizens to important, responsible roles like sitting on the University Council. The rules of engagement are laid out in the act - those people have a responsibility to a collective decision-making process on the council within its guidelines. I can't then go and seek to influence them on the side; I think that would be in breach -

**CHAIR** - No, I am not suggesting you influence. I am just saying getting a briefing as to some of the issues -

**Mr JAENSCH** - In terms of matters to do with the public's interest in the decisions and actions of the university, I directly receive the view of the public. I have had numerous meetings with groups of stakeholders who have opinions about the university's operations. I have had meetings with the university's Vice-Chancellor and the Chancellor and discussed those matters directly with them. The two people on the University Council board are not my way in to that decision-making process or to hold to account.

**CHAIR** - Taking that point, with the latest disquiet that has been quite prevalent in relation to the CBD move, have you had conversations with the Vice-Chancellor in relation to that? Can you give us a good understanding as to the sort of issues that might have been talked about? Was there an agreement at certain points in time that the university was going down the right track, or did you discuss your disquiet at what was happening?

**Mr JAENSCH** - I don't intend to try to re-create for you all the discussions that I've had with the Vice-Chancellor or the Chancellor on a range of matters but I've relayed concerns that have been raised with me. I've listened to the university's responses on that. I'm aware that the university's position is also influenced by concerns that have been raised and their pause and resetting that they're in process of. I'm very interested to see how they handle that.

You and I have had discussions about the matters that have been raised and the creation of this inquiry, which we have not opposed because it's important that matters are heard.

**CHAIR** - Thank you for that. It's good to see the engagement.

**Mr JAENSCH** - I watch with interest the matters that are being raised. I don't want to pre-empt any response of the Government to any of the matters. You haven't finished your deliberations yet.

**CHAIR** - No.

**Mr JAENSCH** - But we are observing the matters that are coming up in submissions and through your witnesses. We will watch with interest what findings you come forward with

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and any recommendations for change. We'll do so alongside a similar process that's effectively happening nationally, which has been the source of the last few amendments to the act. These national reviews of how the higher education system in Australia is run have been the source of most of the recent changes that we've seen to the act. I should imagine we'll continue to do that and take that level of advice as well.

**CHAIR** - One quick question: in your opening statements you talked about 'your submission'. We do not have a submission from you, as far as I'm aware. There was correspondence from the Premier but we don't have a submission from you.

**Ms WEBB** - There are lots of pages from the Premier, along with correspondence.

**Mr JAENSCH** - The Government's submission - that's what I'm referring to, not one from me directly so there'll be one submission from the Tasmanian Government.

**CHAIR** - So, you're correcting the record? It was a two-pager from the Premier?

**Mr JAENSCH** - Yes, that's the Government's submission to the inquiry.

**Ms WEBB** - Can I follow up on the questions you were asking a moment ago around those interactions to do with the proposed move to the CBD in Hobart? In terms of the state Government, has there been any analysis done within the state Government in any areas, to your knowledge, say, around the business case that's been now made public around that proposed relocation from Sandy Bay into the CBD?

**Mr JAENSCH** - As the minister responsible for the act, I haven't had direct involvement in a business case analysis by the Government of the university's proposals. I can't speak for other areas of government. That would be a question I could refer to the Department of Premier and Cabinet.

**Ms WEBB** - We could potentially put that forward separately then. It's interesting because we've heard from UTAS that there's an implicit understanding that the state government is guarantor to UTAS loans and borrowings. I'd be particularly interested to hear, given that understanding, whether there has been analysis by the state government, given that the proposed move does involve significant borrowings, whether that analysis has been done. We'll give that to you on notice for the area that's most relevant.

Therefore, you wouldn't necessarily be aware of other sorts of analysis done about flow-on impact, not just the business case but other aspects of that proposed move around the property development aspects of it; traffic aspects of it; the impact on heritage sites; on native habitats? Those sorts of things that would touch into spaces that state government has responsibility for and portfolios that the state government manages. Are you aware of others sorts of analysis or examination that's been done by the state government?

**Mr JAENSCH** - I've not been involved in any government-driven analysis of those matters you referred to you as yet. Whether other agencies have at different times, that would be a matter for them.

When you refer to heritage and traffic and -

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**Ms WEBB** - Native habitat.

**Mr JAENSCH** - design and any of those sorts of things, there is a range of different regulators and legislative processes that any development would have to address concerning those matters. The planning scheme, heritage assessments, environmental impacts, traffic management study - they are part of any development assessment and approval process conducted by different parts of government in their different requirements. I wouldn't have expected that our Government would have been conducting any assessments of those sorts of proposals outside of a development assessment process. Whether council would be, I think the direct level of government to be involved -

**Ms WEBB** - The reason I'm interested in trying to get a picture of whether there has been analysis or examination by state government is because of the sheer magnitude of what is proposed in that relocation effort, both the shaping it does of Hobart CBD and the impact in a range of areas there, and the significant change it is proposing to an inner city suburb in Sandy Bay. It's hard to imagine another property developer that wasn't UTAS coming forward to propose such a magnitude of change and place-shaping of our capital city occurring in a way that the state government didn't take an interest in and take a good clear look at.

I find it hard to imagine that the state government wouldn't at least have the curiosity to interact with that and assess for itself, not just through its regulatory mechanisms in a planning scheme but in a sense of being the state government, this is the capital city, this will be a place-shaping effort of great magnitude. I would have thought a state government would have some way of taking a totality look at that and the elements within it that cross into areas it is responsible for. But that's not something you're aware of having occurred at any stage?

**Mr JAENSCH** - The Government has clearly been briefed on the evolution of the university's plans and ideas for relocation of various of its operations from one site to another over the years. And they have changed during that time and other things have changed, like their operating environment, their international student markets and the personnel running the university. These have changed through those processes - as they have at Launceston, at Inveresk, at Burnie and West Park. The Government has had different levels of involvement and partnering in those projects at all of those sites because they do change the shape of the city.

Is there a separate formal process of assessment for that growing project? Not that I've been involved with or aware of as minister for Education.

Certainly, there has been consideration of the university's plans in things like the City Deals and in the Greater Hobart Plan, those processes that are looking at the development of the precincts of the CBD, the Greater Hobart Plan and everything that comes with that in terms of transport, moving people in and out of the city, their flows. There are other fora that have had the benefit of these briefings and they have partners and signatories who have their job to do in how the strategic planning for the City of Hobart takes account of these plans and how it feeds back to the university on its plan.

We trust that we have a range of mechanisms to provide that interaction between planning, strategic planning, land use planning and decision-making from the relevant regulators and the university.

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**CHAIR** - I understand the distinction between the planning environment and the university as an entity and the interest that the Government has. Have you had conversations with the Treasurer, for instance, about the sorts of assets that are involved in this whole project? Have you had conversations with the Treasurer on whether or not those assets have been dealt with properly, for instance? Is that something you have done as a minister, or do you not see that as something you can do?

**Mr JAENSCH** - I can't recall that I have had conversations with Treasurers about the specific matters that you raise. Under the act, the Treasurer does have a role in terms of approval of the borrowings of the university. My expectation is that it is probably more about an investigation of the university's capacity to borrow and meet repayment obligations rather than what they are spending money, on or those sorts of matters. The university will also be subject to normal audit and accounting regulators, and it provides an annual report where it has a declaration of its interests and its financial affairs and liabilities.

**CHAIR** - It comes back to an earlier question that I think Meg raised, about who owns the assets. It has been pointed out in submissions that the buildings that are currently on the Sandy Bay site, for instance, have been allowed to be degraded and they are not fit for purpose and all those sorts of things, and the age of them; yet in the move, older buildings are being purchased in the city which need refurbishment. I am interested to know whether there have been any discussions minister to minister, or within Government, about whether what the university is doing with those assets is fair and reasonable; and any attempt to be able to communicate that to the university. It would be interesting to understand that space.

**Mr JAENSCH** - I am not aware of any of those assessments that have been made or communicated. I do note that the act provides for the university to be able to buy and sell and build -

**CHAIR** - That is something that really comes forward in these submissions as well - that is something that should not happen. Of course, it is in the act, and we know that. Not all organisations have that capacity. I think TAFE, for instance, cannot deal with real estate without getting ministerial approval -

**Ms WEBB** - Interstate universities have to get ministerial approval.

**CHAIR** - I was interested to know if those sorts of conversations had happened.

**Mr JAENSCH** - I have not been involved in any of those types of conversations.

**Ms WEBB** - To follow up on that; the approval for borrowing that is in the act is, no doubt, to do with financial probity and some oversight of that. But, as we have heard from UTAS, there are also conditions put in place by the Treasurer in granting approval for borrowing. In recent times, on 3 March 2021, approval was given from the Treasurer for \$200 million - I think - to increase UTAS borrowing limit. It was conditional on a range of things. One of them was that the whole amount was going to be spent on the move to the Hobart CBD. In that sense, the state Government - through providing approvals for borrowings - quite readily sets quite specific conditions or directions for where that is to be utilised.

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Do you see that sort of condition applied to that recent borrowing in 2021 as being an expression of formal Government position or policy on the move to the CBD?

**Mr JAENSCH** - That is a matter for the Treasurer. I cannot account for the Treasurer's decisions. They are very clearly marked out as being a role for the Treasurer.

**Ms WEBB** - So, you are not aware that's a reflection of a formal Government policy, in which you are a Cabinet member?

**Mr JAENSCH** - The Government has been supportive of the university's visions. The vision has changed over time. That does not also mean that the Government does not expect the university to manage its stakeholder relations, listen to people, is clear and transparent and can explain what it is doing. The university has had many sites throughout greater Hobart for a very long time. It has not been a 'one campus only' operation. Every site that the university has around the state has a different configuration, and it has evolved over time. We expect that continues to happen. The university has to make those decisions and explain them to anyone who it wants to have come on the ride with them. That's part of it being a good corporate citizen.

**CHAIR** - Can I ask a question then with respect to projects like the CBD move or, indeed, the northern campus or the north-west campus moves? Is that something that the university comes to you to get approval? I don't mean planning approval; I'm talking about at a ministerial level. Does the university explain exactly what it is trying to do and seek your approval in those circumstances?

**Mr JAENSCH** - Not to me in my capacity as the minister for Education responsible for the act. This is more about the context of, say, a partnership agreement and our continuing, rolling, frequent conversations with the university. Also, when you look at Inveresk and when you look at Burnie - West Park - they are also slightly different because they have been collaborations with other levels of government -

**CHAIR** - Local government.

**Mr JAENSCH** - with land arrangements, with co-investment in change around specific projects under the northern cities' initiative, and others. In each case it is different; but it's sensible, and I think people would expect that the government and the university talk. From time to time, that is formalised, or certain aspects of that is formalised in something like our partnership agreement. Other times they are on stand-alone projects. Sometimes it is just an informal briefing process.

**CHAIR** - With respect to this rather huge project, given the dollars involved and the whole upheaval of the campus to move it, did the university come to the Government - not you as minister for Education - to gain the Government's support and imprimatur for that move?

**Mr JAENSCH** - I understand that there is not one project. There is a range of components of this, and it is staged and it has changed overtime. To my understanding and in my experience, the university has briefed the Government regularly and sought feedback but it has not been a formal transaction of seeking support -

**CHAIR** - Nothing signed on the dotted line saying 'we support this'?



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**Mr JAENSCH** - There have been elements that have been referred to in, say, city deals, over time -

**CHAIR** - I understand that.

**Mr JAENSCH** - So, there are those aspects; but to my knowledge, there's not a single document recording support or agreement at a point in time. There is a rolling discussion with the university.

**Mr DUIGAN** - There was an MOU in 2009 with the Hobart City Council, wasn't there?

**CHAIR** - That wasn't for a full campus move.

**Ms WEBB** - Can I follow up to that question?

**Mr GAFFNEY** - I want to understand the relationship between ministerial responsibility for the act, and the borrowing power of the university with the Treasurer. It clearly states under the act what your functions and powers are, and it says:

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

In that case, does the Treasurer talk to you as minister responsible for the act, to ask if that borrowing that they've requested impinges or impacts negatively on your role as minister? Yes, the university can ask for funding through the Treasurer, but is the Treasurer then required to speak to you as minister to make certain that the functions and the powers of the act are not being negatively impacted by that request? What relationship is there between the Treasurer and you when funding has been sought by the university?

**Mr JAENSCH** - I haven't been through a cycle of that decision-making that's involved me since I've been minister. In my view, the provision is made in the act for the Treasurer to have a decision regarding approval of borrowings. How the Treasurer makes that and on what grounds, they are matters that you would need to ask the Treasurer. I haven't had engagement as minister responsible for the act in that decision-making process.

**Mr GAFFNEY** - Thank you. That's something we can ask of the Treasurer. I want to understand what the process is here. When a request goes through, is the Treasurer then required to ask the minister: 'Does this impact negatively on the functions and the powers of the act which you are responsible for?'

**Mr JAENSCH** - That would be a question for the Treasurer.

**Ms WEBB** - We need a follow-up in that area.

You mentioned before, minister, and I think that you're absolutely right, that the situation in the developments in the Launceston CBD and the developments in the north-west in Burnie are different in character from the Hobart proposed developments. The state Government has different roles in those areas and funding has come from different sources. There is a City Deal that was involved in the Launceston one, for example, so, as you say, cross-government.

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You've described the state Government's interactions with those north and north-west scenarios as more of a partnership and a collaboration.

I am interested, given that the proposed Hobart shift to the CBD hasn't been funded through a City Deal and I don't believe it has been subject to substantial funding from the state Government, although it has been enabled through the borrowings that have been approved by the Treasurer, quite specifically with a condition related to being spent on it: how would you categorise the relationship the state Government has with that proposed plan for the move to help us understand how it's regarded by the state Government? As opposed to the relationship that you might have had as a state Government to the north and north-west, which was that partnership, collaborative and, indeed, direct funding in some instances? How would you categorise the Hobart relationship?

**Mr JAENSCH** - I think the relationship with the university is good.

**Ms WEBB** - No, I am interested in the state Government relationship to the proposed project of moving the campus to the CBD.

**Mr JAENSCH** - The Government has been supportive of the university having a strategy for growth, change and evolution of its operations. As I said, that plan has changed. We have been kept briefed. I think that the Government has not been a formal partner and co-proponent of that development. There has been a range of other matters that the university will have to satisfy in terms of delivering what it's proposed to do in planning and those other sorts of matters. In the north and the north-west there have been some other elements as well in terms of ownership of land and what happens on the Newnham site, and its relationship to some Crown land arrangements, and all those sorts of things. Whereas, it's slightly different down here -

**Ms WEBB** - That's what I am interested to hear about.

**Mr JAENSCH** - because we're talking about land that's owned by the university and properties that they're purchasing or investing in in different parts of the city. A lot of that is just a series of transactions.

What its intentions are and how these moves add value to what the university does for Tasmania - that's a matter for them to explain and I think they've made some compelling arguments in the past but they need to get it right and they need to communicate what they're doing.

**Ms WEBB** - How, then, do you see the role of the state Government? What you've described is fairly passive in terms of the state Government role. Not collaborator or partner in the same terminology you've used for those other areas you've described. Receiving information and receiving updates, which sounds like a fairly passive role. Yet you've said that you want to make sure, of course, that the outcomes for the state are going to be delivered. So, how do you describe the way the state Government would ensure that that is occurring and ensure that aspect of its role in regards to the proposed plan is delivered on for the community?

**Mr JAENSCH** - We have to let the university be the university and make its own decisions. We need to trust and encourage them to get it right. Sometimes that is ensured by the regulatory environment that it operates in as a university and the regulatory environment it

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operates in as a property developer or occupant as well. We do not need to come in over the top of existing regulators that are set up specifically to deal with the questions that arise.

What we do want is for the university to have a clear and compelling narrative about what it is doing. But we are not going to tell them what that should be.

**Ms WEBB** - Interestingly, though, given the significant place-shaping that would result from the planned move to the CBD in Hobart, the totality of considering that and how it is placed against public interest, broadly, for the state and locally for the Hobart community - that is not dealt with by the regulatory environment for the university as it undertakes its role delivering education. It is not covered by the planning system because that tends to deal with things in separate parcels. It does not consider the totality of that, certainly not from a statewide public interest perspective. The only entity that could do that is the state Government.

Are you saying to us that the state Government is hands-off in terms of its responsibility to undertake that role and the university is free to do as it wishes?

**Mr JAENSCH** - It would help me if you could identify some of the things that you think are going to make a significant difference, that in their totality, as you said, would warrant a state government intervening that are not taken into account when there is a change of use of building, or a change of traffic flows, which are taken into account of through existing infrastructure and DA processes.

**Ms WEBB** - Only in very siloed packaged-up pieces. For example, the Forestry building gets dealt with and then this other development in another area gets dealt with and another one somewhere else gets dealt with. No-one is looking at that from a totality of public interest.

**Mr JAENSCH** - If it was not the university, it may be somebody else who is occupying and repurposing buildings. Where those create changes in the city and where we have planning and assessment processes that are responsible for those, that is where they get dealt with.

**Ms WEBB** - It is hard to imagine another potential property developer coming in and proposing an overarching plan of many elements that affected the number of areas in the CBD and entirely proposed to reshape an inner city suburb. It is hard to imagine the state government not taking an interest in having an overarching conversation and taking an overarching role in interacting with the entity about that.

You used the words 'inserting into the decision-making'. I am not talking about that. I am talking about a degree of oversight, of interaction, and of a role to play in terms of public interest. I am interested to hear from you about the role you see the state government playing in that way. Certainly, if it helps, imagine that it was a different developer proposing the same thing and it was not the university.

**CHAIR** - It is a process we are talking about, is it not?

**Ms WEBB** - What would be the appropriate role for the state government?

**Mr JAENSCH** - I think you would probably need to be asking these questions of the Planning minister.

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**Ms WEBB** - Right. We will take that on notice to take to the Planning minister.

**Mr JAENSCH** - Or the Minister for State Growth. These are not aspects to do with the administration of the act. They may be issues that your submitters are keenly interested in but I do not think they interact with the legislation that creates the act.

**Ms WEBB** - I am interested in how they do that around the relationship between state government and the University of Tasmania, and the act is the foundation and basis of that relationship. Matters to do with accountability are captured in the act.

**Mr JAENSCH** - It establishes the governance structure for the university.

**Ms WEBB** - It does establish a relationship between the state government and the University of Tasmania. It does that through the range of ways that ministerial responsibility is dealt with, Treasurer responsibility is dealt with. There is a range of ways that the state government relationship is set in the act and accountability is applied -

**Mr JAENSCH** - No, I am sorry; I think that the responsibility of the government under the act is to provide for there to be an act that enables there to be a university with a governance structure; to appoint two members to a council of 14 or 16 members; and to table an annual report and to approve borrowings.

**Ms WEBB** - It is a significant relationship there, amongst those things -

**Mr JAENSCH** - But it is not an operational decision-making or strategic or -

**Ms WEBB** - I am not suggesting that it's operational. I am suggesting that it is a relationship that is outlined and laid in an act. It is a relationship for state government. By virtue of the responsibilities conveyed in the act to the state government, there is a reason those responsibilities have been given to the state government that can be tracked back to what the relationship and the accountability should look like; what broader public interest, and how broader public interest, is brought to bear within interactions and governance of the university. I find it hard to imagine that you are saying there is not a relationship there -

**Mr JAENSCH** - There is a relationship. But the act provides - to the greatest extent possible - for the sound governance and independent operation of the university. Now, you have spent a lot of time here talking about some proposed real estate moves and developments, and the need for the Government to take an active interest in how that works. You haven't talked about what the university is teaching our young people and our future leaders about climate change. If it was that, I would expect you would be asking for Government to be as far away as possible from the university's decisions about who it listened to; what it taught; what priorities; in what order; and who it consulted with on all those matters, because that is a matter for them, and their academic independence and their ability to pursue a line of teaching.

I think the act is set up so that the university makes decisions about the university and there is a robust, contemporary, governance structure within which it does that, amongst federal legislation and regulation of the higher education sector, which are safeguards and quality assurance for how it operates. Government needs to stay outside of that.

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**Ms WEBB** - Can I just follow up on that specifically, sorry Chair. The act could be established such that all of those things you have just described could be delivered, in terms of an appropriate governance structure for the university to function appropriately. The act could be established like that with no presence or role at all in it for the government of the day. Why do you think the government of the day has a role in the act?

**Mr JAENSCH** - Because there needs to be an act. Only the government can create one.

**Ms WEBB** - Yes; but the act could describe a governance arrangement that didn't specify a role for ministers or the Treasurer. We could establish an act through our parliament that was a robust and appropriate governance structure for the university to establish itself and go on with its business, with no role for the government of the day in it. Why do we have a role for the government of the day in the act?

**Mr JAENSCH** - Every piece of legislation that involves the government establishing entities - be they local governments or GBEs or the university - has been designed at a point in time and amended over time, debated through Houses of parliament, in order to establish a sound governance structure. Ours has been amended at least three times that I can see, maybe four times. A lot of the adjustments that have been made here have had to do with how many members on the council, how many of those are appointed by the government and those sorts of things. I expect this would continue to be fluid. I think there is merit in the government having a role in appointing at least some members of the council. I think there is an important role for the government to ensure there is annual reporting and that is made publicly available.

The issue of borrowings is another one that the Treasurer has a role in. I don't think it is a probity role - I think you used the word 'probity'. I consider this is more about a risk management -

**CHAIR** - I think I used that word -

**Ms WEBB** - I don't think it is either.

**Mr JAENSCH** - role. As I understand it, it is most importantly ensuring that the university doesn't get itself in a position where it can't meet its obligation regarding financing.

**Ms WEBB** - Minister, why? Why do you think each and all of those things are appropriate to have in the act, as opposed to an act establishing a governing structure which could function well as a governance structure without them? Why?

**Mr JAENSCH** - I don't understand your line of questioning. If something needs to be created under legislation, only a government can legislate. There needs to be an ability for the government to manage and maintain its legislation and ensure it's fit for purpose, and we'll continue to do that.

**Ms WEBB** - But why is the government in the act? Let me put it to you this way - one reason I can imagine that might be articulated by you, me or others, would be so that the public interest is present in and represented in the fundamentals of this act in terms of a relationship between the state government and the university. You articulated that yourself, to some extent, when you talked about having the function of having a ministerial appointments to the council.

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So, when I ask you about why is the government in the act, I'm looking for that sort of answer from you: to explain what function you think it serves to have those responsibilities for government in the act when it could function really well governance-wise without it.

**Mr JAENSCH** - I've given a range of answers to this. I'm not sure I'm going to give you the answer you want but-

**Ms WEBB** - Just an answer would be good.

**CHAIR** - We are just exploring the processes, not trying to point you down a particular path.

**Mr JAENSCH** - There are terms of reference in the national review of the higher education system that go to governance and accountability as well. I expect that these sorts of matters of principle will be exercised at some length in that national discussion. We'll be listening very carefully to where it goes.

**CHAIR** - Under section 7 of the act, the powers of the university include to acquire, hold and dispose of real and personal property and to participate in the formation of companies, et cetera. A lot of people have issues with that. Do you see that there is a way of being able to make sure that the public interest is served by changing the powers? For instance, the TAFE system doesn't have the capacity to deal with real estate that they might be occupying and need to be able to perform their function.

**Mr JAENSCH** - I suppose -

**CHAIR** - But the university does. Why wouldn't that be strengthened to protect the public interest if the-

**Mr JAENSCH** - My interpretation of the legislation and how it's come to be the way it is, is that it has been built around a focus on the public interest being a robust and well-governed research and teaching institution for Tasmania; and it having academic freedom, freedom of speech - the ability to teach people without political shaping or interference or influence on what they're being taught about the world around them. I think that's what the legislation is built to ensure. That separation from the government of the day in terms of its operational decisions is to preserve the university's purity as a teaching and research body.

It's not about whether the neighbours like or don't like a change in use of a property; those matters maybe more appropriately dealt with through local government planning rules and a range of issues there. I think that we have a discussion which at one level is about the appropriateness of the act to deliver the public's interest in there being a university, and a discussion about the public's interest in specific actions that the university may or may not be taking at certain specific sites. I do not think they are the same conversation. They should not be made like they are. It twists it a little bit and for those who are -

**CHAIR** - Yet the powers here do fetter, or have the capacity to fetter, what the university does if the statements in here, in section 7 of the act. Quite clearly, it describes what the university can and cannot do, what it is allowed to do.

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**Mr JAENSCH** - Again, it goes to the autonomy and the independence of the university to do all things necessary or convenient in connection with the performance of its functions. It ensures the university has the freedom to be able to deliver being a university for Tasmania.

**CHAIR** - You do not see any issue with the powers as stipulated in the act? I suppose that is the question.

**Mr JAENSCH** - If there is an examination of that through this inquiry and there is a case made for changes to that, we will certainly look at it and we open, as I said before, to listening to the evidence that is received; to reading through the findings of this committee and to take, with an open mind, any of that advice on. As well as those broader governance and both governance of the institution and the academic governance, I suppose, of universities that comes through the federal process over this next six months or so.

**CHAIR** - I am mindful that we only have three minutes left today.

**Ms WEBB** - I have one, if we could ask a wrap up one.

**CHAIR** - A quick question, yes?

**Ms WEBB** - I am interested - I think you covered this a little in one in your earlier answers. Perhaps you could provide something to us either verbally now or in writing later that outlines for us - I am interested in, across your tenure as the minister in this space. It has been a time in which there has been considerable public discussion and airing of concerns, we are all well aware of that, across quite a range of matters not just relating to the CBD move in Hobart but things like the near implosion of the Law School, the reports of internal management culture and issues around bullying and toxicity.

We have had questions raised about financial management of property purchases and developments. We have had student dissatisfaction being expressed publicly, and falling local student enrolments. Falling in the rankings potentially, nationally and internationally. Staff survey results which are quite alarming. All these things.

I am interested in what you, as the minister who is responsible for the act and therefore has a purview that at least takes an interest in what is occurring in the public domain around the university, what you have done in relation to responding to that environment that is going on publicly through your interactions with the university or other stakeholders.

I am interested, across your tenure, if you could describe to us the actions you have been taking and interactions that you have been having in response to that. Is it something that has concerned you? I presume it is. Perhaps I need to start with that question, is it something that you have been concerned by?

**Mr JAENSCH** - I take an interest in all those matters. I would say that there would be, at any point in time, any large organisation that employs lots of people and that has lots of external stakeholders and is doing or planning any change or expansion or shift in strategic direction will always have people who have raised concerns and part -

**Ms WEBB** - I cannot think of another organisation that has had what UTAS has had over the past 18 months, minister.

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**Mr JAENSCH** - Part of the role of any public-facing organisation is to be able to answer those concerns. To listen to them, to have governance responses to communicate with its stakeholders.

**Ms WEBB** - I am interested to hear from you, minister, about your actions.

**CHAIR** - He is trying to answer.

**Mr JAENSCH** - As the minister responsible for the administration of the act, my interest is in seeing that the governance of the university is capable of responding to internal management arrangements; issues that arise from time-to-time and its relationship with its stakeholders. I have not had raised with me, in my powers, that there is some fundamental breakdown of the university's ability to fulfil its role that warrants an intervention.

We do expect the university, like any organisation, to manage these issues and concerns as they arise in a fair and transparent way. Anybody who is trying to deliver a large enterprise and lead any sort of process of change has to bring people with them. We hope that they can do a good job with that.

**Ms WEBB** - Hope is all very well but I am asking about your actions. Perhaps we can put it in writing and we can get a list of things you have done over the past year interacting with that space.

**Mr JAENSCH** - You have listed a very broad range of things, all of which are outside my direct remit. A number of them have other regulators and overseers to respond to the workplace safety, Ombudsman, Auditor-General, the planning system itself.

**CHAIR** - So, you would be happy to receive questions on notice?

**Mr JAENSCH** - I am happy to take the question. I am not confident that the question is framed in a way that I can answer it.

**Ms WEBB** - There were two parts. One is are you concerned? The second part was what actions have you taken during the past 12 months as minister to respond to that concern, if you hold it? We can frame it up that way.

**Mr JAENSCH** - Those range of general concerns that you have raised, that have come up in the committee -

**Ms WEBB** - I am asking if you are concerned about them -

**Mr JAENSCH** - including assertions around student dissatisfaction or other things, if you want me to give specific answers, you'll have to be as specific as you can and -

**Ms WEBB** - I just want to clarify that, Chair. I haven't asked you how you have addressed the concerns. I have asked you what actions you have taken if you are concerned about those issues raised. For example, it could be meetings with UTAS; it could be meetings with other ministers in areas responsible for those. I am not asking if you have fixed those



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things. I am asking what have you done if you hold a concern about those things, what actions have you taken? Which we are happy to receive in writing.

**Mr JAENSCH** - I would do my best to respond to any question.

**CHAIR** - Thank you for your time. Are there any closing statements you wish to make before we finish the broadcast?

**Mr JAENSCH** - I would like to thank my department for their assistance in preparing some information for me over the last little while in relation to these matters and for their ongoing engagement particularly in the area of interaction with the university and our education system in the state. That is an area that is a high priority for me at the moment and one where we are going to be seeking the university's involvement in helping to ensure we have the teaching workforce that we need for Tasmania. Given that we are not in a strong position to compete with other much larger jurisdictions for a limited pool of available teachers, we need to grow our own, and we need to do it in a really good way. It can't be a knee jerk and it can't result in a lower quality of product coming out. We have been encouraged so far by the responses we have had. I thank the secretary for his work on that front.

Over and above that, I will reiterate the Government's open-mindedness to listen to the matters raised and the findings of this inquiry over coming months. We note that we will be closely watching the Australian Government's review of the higher education system, which I believe is due to report in October.

**Ms WEBB** - Are you making a submission to that, minister?

**Mr JAENSCH** - Yes, the Government will be making a submission to that. In that regard, I think that the timing of this inquiry and the federal review at the same time is pretty good timing, together with us embarking on the development with a new partnership agreement with the University of Tasmania. This is a good convergence of those processes. We look forward to seeing where they are identifying common issues or elements that we can act on, and improve and safeguard the university in its role for another generation.

**CHAIR** - Thank you for attending today and for participating in the inquiry in general and being supportive of it. We appreciate it. Again, it is important to note that the evidence taken at this hearing is protected by parliamentary privilege. I remind you that any comments you make to the media or others outside of this room, even if you were to repeat what you have said here, will not be protected. You are aware of that? I am sure the minister is aware of it. Thank you. Thank you to those who are online watching. I hope you found it informative.

**THE WITNESSES WITHDREW.**

**The Committee suspended at 12.06. p.m.**