

# PUBLIC

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET ON TUESDAY,  
13 DECEMBER 2022**

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

**ASSOCIATE PROFESSOR TERESE HENNING, WAS CALLED, MADE THE  
STATUTORY DECLARATION, AND WAS EXAMINED VIA WEBEX.**

**The Committee met at 9.30 a.m.**

**CHAIR** (Mr Valentine) - Before we commence our hearings today I acknowledge that we meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian people and Elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.

Welcome to those who are tuning in online. This is the last day of hearings for this year. There will be other hearings next year to follow and you will be able to find information on the website as and when it becomes available.

As a heads-up for those who have been listening in, our 10.30 a.m. witness is unavailable so there will be a break in broadcast from 10.30 a.m. to around 11.20 a.m. this morning.

I would like to welcome Associate Professor Terese Henning. Her submission is submission no. 89 on the parliamentary website for the inquiry. Welcome, Terese. It's nice to have you with us.

I would like to introduce the members of the inquiry: to my right, Nick Duigan, Sarah Lovell, Meg Webb, myself, Rob Valentine; Mike Gaffney, and we have Ms Jenny Mannering, the inquiry secretary, supported by Allison Scott and Gaye on *Hansard* today.

Our hearings today are in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992.

It is important to note that all evidence 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 has been made available to you. Have you read that?

**Assoc Prof HENNING** - Yes.

**CHAIR** - And you are aware of the circumstances should you wish to go in camera for some aspect of your evidence - that can be considered by the committee if you raise that?

**Assoc Prof HENNING** - Yes, I am.

**CHAIR** - Thank you. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available and you can review it then if you wish.

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We provide the opportunity for you to make an opening statement to your submission and your presence here today. Members will ask questions following that. Do you wish to make an opening statement?

**Assoc Prof HENNING** - No, I think that everything contained in the two written submissions I made would probably serve pretty well as what I would canvass in an opening statement so I won't take up time with making an opening statement. I'm probably more helpful answering any questions you have about my submission.

**CHAIR** - Thank you very much for that. And may we call you Terese?

**Assoc Prof HENNING** - Of course.

**CHAIR** - Thank you. I will hand to Sarah Lovell to commence the questioning today.

**Ms LOVELL** - Thank you, Chair. Thank you so much for your submission and for making the time to be here with us today. I have a number of questions. I will probably work through them in order through the submission, so there might be some that a bit more specific and some broader, as we go.

On page 2 of your submission you have talked about the decision to move the university to the Hobart CBD and one of the justifications for this decision being around access to higher education. You mention there that this claim is contradicted by UTAS-commissioned research. I have not had a chance to look at that data from the university's student travel behaviour surveys but I wondered if there was any comment you might like to add in terms of what that data shows.

**Assoc Prof HENNING** - That data shows, basically, what I have said there: that the university's own commissioned research suggests pretty strongly that the situation for university students being able to access higher education is not going to be improved to any great degree by the move to the city; that the move to the city is more likely to be disruptive for the CBD community in terms of parking and for people coming into the city. Access to parking isn't going to be improved. Travel arrangements are not really going to be ameliorated to any great degree.

I think there are simpler solutions to giving students in the northern suburbs greater access to the university than moving the university to the CBD. If the university itself ran, for example, it seems to me to be quite a simple solution, transport from those northern suburbs on a regular basis during the day to the university, that would ameliorate the problem much better than moving the university to the CBD.

I don't know that there is any coherence in the campus when it is relocated to the CBD. I cannot see that there is any real ability for students to study across degrees in the way that they can for law, for example, where there is a unified campus. I don't think you could say that the CBD campus is a unified campus.

It seems to me that it is going to silo to a larger extent the different schools and faculties than happens at the Sandy Bay campus. That is of some concern to me because I know that a lot of research done at the university, for example, is done across disciplines. My own research was done across disciplines with people from other faculties. Being able to talk to them very

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easily face to face, in person, you find triggers a lot of ideas and enables you to identify a lot of issues arising from your own research, et cetera.

For students, I can't see where the heart is to the university in the CBD. I don't think it is sufficient to say, 'well, the heart is in the students'. If they can't meet in a way that enables them to discuss their studies with each other, to discuss issues with each other, not only within their own disciplines but more broadly, then I think you can't claim to have really a strong academic or education heart to the facility.

Some of the spaces that have been allocated don't seem to me to encourage students to mingle with each other or to meet easily face to face with staff and I think that is a problem. I think a lot of students' education is really unravelled if they can't meet with members of staff to discuss problems they have. Face to face is not really replaced by being able to talk to somebody as I am talking to you now. You can't have that spontaneous question, you can't have that thing that has been troubling you that you can't quite nail. Then you have to set up a particular time, go online to discuss it with a member of the teaching staff.

I used to have groups of students and individual students coming to see me when I was still teaching undergraduate students. They would work out precisely what their problem was with me, in a face-to-face situation, sometimes joined by other students. They would learn a lot in that kind of teaching environment, where one student would ask me a question. It might have been something like, I know what the hearsay rule is, but I really have trouble working out how to apply it. Right, we would say, let's wrestle this one to the ground. Then other students in the room would say, I've always thought about it like this, does that work? Am I thinking about that correctly? And they can spark off each other in a way that you just do not get online.

I have had experience in both forms of teaching, and experience in both forms of learning - and the face-to-face learning is hugely enriching. It really expands understanding of what you're studying. Online does not cut it.

**Ms LOVELL** - Can I ask a follow-on question relating to the terms of reference, particularly around governance and decision-making. In a state like Tasmania, where we have one university, what are the best governance models, or the make-up of those decision-making bodies and processes, in terms of finding the right balance between making higher education accessible to a broad demographic of students across a range of geographical areas, and that face-to-face learning, and providing that access on a campus? How do we find that right balance, in your view?

**Assoc Prof HENNING** - Well, there has to be a great deal more representation, on the governance bodies of the university, of the people who are actually doing the work. The academics who do the teaching and research have to be much more significantly represented on council, and even on senate, where they have a greater representation than they have on council. They have virtually no representation on council at all.

I think that is a shame, because we are not seeing people on council with that deeply embedded knowledge of university study, how to approach university problems - a qua university, not as some kind of different institution.

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The university is set up to do research. It exists to teach at a higher tertiary level. The people who know what and how that needs to be done are the people who do it.

We have a bare shaving of representation on the governance bodies of the university: one member of academic staff, one member of professional staff and one student - and that student is really appointed by council. That is not satisfactory. You are not getting the voice of those who know how things should be done, and who have to wear and implement the decisions made by council. You are not getting their voice nearly adequately enough from the representation of one person.

We need to shift the balance completely back to where it used to be, way back. I am not really sure why this change has occurred. It seems to have been driven by a disregard of the real functions of the university. Where the benefit of the university to the community comes from are its teaching functions, its research functions.

If you do not have the people who conduct that research, that teaching, making the decisions about how and where it is to be done, then you won't get good decisions, because they are the people who know. They are highly qualified people, really experienced people, and we have gradually expunged their voice from the governance of the university. That cannot work. It cannot. And we have seen that it does not, because we have seen decisions being made - not only by this executive but by previous executives - which do not take account of the real functions of the university.

If you compare the functions of the university to the powers of the university under the University Act, there seems to be some kind of strange mismatch. Functions of the university are research and teaching, but the powers of the university are pretty odd in that context. They don't focus on research. They don't focus on teaching. They focus on something that you would expect in a major corporation, fine - but the functions of this body are to research and teach.

**Ms WEBB** - Can I follow up on that with a question, please? Terese, I noted in your submission that you talked about the disjunct between section 6, the functions, and section 7, the powers. Now, section 7 does acknowledge that the university has the power to do all things necessary or convenient for the performance of its functions. Essentially, it has a broad statement about powers being linked to functions - but then only specifies ones that are essentially the financial functions and powers that the university has.

Are you saying there should be a more explicit articulation of powers that directly go back to the functions in section 6? If so, can you give some examples of what that could look like?

**Assoc Prof HENNING** - Yes, absolutely. When you have that very general statement as an open statement, and then a number of enumerated powers that relate to something that doesn't actually specifically take into account the functions of the university, then what happens is - and we see this in law a lot, that the reading of that general statement tends to be governed by and interpreted in accordance with the specified powers. That's why you need to have a great deal more detail and a great deal more prescription around the powers of the university being targeted to those specific functions. It must be made a great deal more explicit.

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At the moment, it sits there as one general statement that is not inclusive of the functions. Therefore, you tend to put those functions to one side, and to look at the specific powers and read all of the powers in light of the specific ones. That's actually often used by judges as an interpretative device when interpreting legislation. So, it is a mistake not to require and not to be explicit in the powers and link them directly to particular functions. Does that make sense?

**Ms WEBB** - Yes, thank you. That helps to flesh out the point you've made in your submission. I appreciate that.

**Ms LOVELL** - Thank you, Terese. You've probably addressed some of this already in the answers you've given. In your submission under term of reference two, you talk about the council being essentially a self-perpetuating body in terms of its make-up, that the process for appointments to council lacks transparency and accountability, and that this is unhealthy, essentially. I wonder if you want to elaborate on that, particularly what that means for transparency around decision-making processes?

**Assoc Prof HENNING** - It's a really surprising thing, isn't it, to see that a body can keep appointing itself. That's what we see in these provisions, in relation to council. I don't mean that council says, 'I want to serve for another 20 years, therefore I'm going to appoint me'. I don't think that at all. Or, 'I want the other members of council to appoint me'. I don't mean that at all. What I mean is that a majority of people who are on council are appointed by council. The next largest number are appointed by the Government.

Council doesn't open up appointments in the way that we might expect for an institution that is there to serve the community. I have never seen an advertisement, for example, except for academic appointments and professional staff appointments. They're the only ones I've ever seen where the positions have been notified to staff and the election process opened up. Other than that, I have never seen during my 30 years as an academic at the university any notification, any broadly accessible and available notification that positions are available on council and you may apply.

It is council that in the end determines who is going to be the majority membership of council. Inevitably it appoints people who look like it. There are no legislated guidelines about whom it should appoint. In any event, I find it difficult to accept that it is appropriate that the majority of the members on council should be people who are not going to have to implement its decisions. Those people don't even have any real advisory function, or consultative function in relation to council. Council doesn't need to consult anybody in making its decisions. It is not accountable to anybody in making its decisions.

The act specifically provides that. The act says that members of council are not there as representatives of anybody, so they are not answerable to anybody, or any group from whom they may have been selected. Any group within the community, be they farmers, be they people involved in business, people involved in finance, or whatever realm they come from, as a council member you're not accountable to that group of people, you're not accountable to the community. You sit there as an individual person making decisions.

**Ms LOVELL** - You have said in your submission, Terese, that this is a significant hole in the act and should be remedied. What in your view is the remedy, what's the best solution, how would you address that?

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**Assoc Prof HENNING** - I think what we need to do is to drive a coach and four through the university act. I don't think it's fit for purpose anymore as a governance document for the university. We need to start from scratch. That means we need to be talking to people about what we want this act to look like. We need to be talking broadly to people about what we want this act to look like. We need to be talking to members of the community, we need to be talking to members of the Government, and we need, in particular, to be talking to the members of the university. We need to be talking to the academics, we need to be talking to the students, we need to be talking to the professional staff.

This is not a document that is fit for purpose anymore. I think it was a document that at the time was implemented to meet particular circumstances. It has thrown up in the interim between then and now a number of real problems, where we see the community is worried about decisions being made by the university, worried about the way the university is functioning. We really shouldn't have that kind of anxiety between the university and the community. We shouldn't have that kind of anxiety between the university and the students. We shouldn't have that kind of anxiety between the university and the members of the professions whose degrees they teach.

We shouldn't have that kind of anxiety -

**CHAIR** - Sorry, Terese, we lost you.

**Assoc Prof HENNING** - No, it's fine. I think you only lost a word. These problems have been snowballing over the years. We had an inquiry some years ago, before the present executive was appointed, examining why the morale at the university was so low. A number of recommendations were made but then it began to look like it was an inquiry for the sake of having an inquiry and stopped there. The recommendations of that inquiry weren't further implemented. Instead what would happen is we got more of the same, with a centralising of power in a number of people in the executive and a disregard and a downgrading of the people who do the work. That's really not satisfactory in this kind of institution. It's just not.

**CHAIR** - Terese, I have a supplementary to that. Public Universities Australia has a model act. Have you had a chance to review that?

**Assoc Prof HENNING** - No, I haven't seen that.

**CHAIR** - The other question is if there were more elected individuals to the council, as you're basically proposing, would you see their terms being staggered? So there might be terms of two years and part of the council gets elected for a two-year period and then the next year another part of the council gets elected for a two-year period. Have you contemplated something like that as being a way forward?

**Assoc Prof HENNING** - You're dealing with a population in the university that is really very clever. Very experienced and really good at their jobs. I think you need to take advantage of that. You also need to build up in the governance bodies, whatever they be, a history. So short-termism is probably not a good idea. Two years is probably not sufficient. I'd push it out a bit further than that for people to be working on council.

I think we need to create a council that is really consultative. I think we need to create a council that is really transparent. That needs to be set up in the university act, so that we have

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a lot more discussion, a lot more communication, a lot more consultation and a great deal more transparency. It's really easy not to consult. It's really easy not to be transparent. There's a lot of hard work in being consultative, in communicating and in being transparent. It also becomes a habit, it becomes a habit that you don't, that you only consult one or two or three people. That's the people around you, or maybe one or two or three people in the Government or in the community and to feel that that's enough and to get used to doing that. If your decisions aren't questioned, because it might not be comfortable to question decisions, then that becomes the norm and harder and harder to shift. We need a council that relies on the expertise of the really dedicated people who are academics and professional staff.

Working at the university for 30 years, I know how dedicated they are, I know what their expertise is like. It's fantastic. We should be relying on that.

**CHAIR** - I am aware we only have 15 minutes.

**Ms LOVELL** - There is only 15 minutes left in the hearing. I am happy to pass over to others so that others have a chance to ask questions too.

**Ms WEBB** - Terese, I am just going to ask you some specific questions and we will try to get through a few of them in the remaining time.

I am interested to hear more specifically in terms of the lack of accountability you speak about and the lack of transparency in the functioning of the senior executive. In terms of remedying that in the act, what do you see as specific ways that could be addressed in the act?

**Assoc Prof HENNING** - I think, as I said before, we need to just drive a coach-and-four through this act, set fire to it. It's not fit for purpose, it is not going to achieve by twiddling with it and reshaping it around the edges.

**Mr WEBB** - Given that, if you were to contemplate measures in a new act that would better ensure accountability of decision-making of, say, the council and senior executive, what sort of mechanisms would be in there, or what sort of requirements?

**Assoc Prof HENNING** - Well, for a start you would remove the removal of accountability from members of council. As it is under the act, the members of council make decisions qua members of councils. They don't make decisions as representatives of anybody. That has to change because, by making them not accountable to the people they represent and only having to make decisions as members of council, qua members of council - for their individuality, if you like, then you are removing accountability. That effectively says that you do not have any accountability to anybody; you are just there to make a decision in your own right, on your own behalf, for what you think is best. And that's the minimum guidance you get under the act, not representing anybody, so you're not accountable to anybody. You are just there as you.

That alone says you don't have to converse with anybody, you don't have to communicate with anybody, because you have got no requirement to do so. You are not there representing anybody, so why would you?

**Ms WEBB** - Sure. I am going to skip to later in your submission where you talk about aspects around senior executives and money spent, the top-heavy nature of things. You say

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that this aspect of university administration warrants scrutiny and should be subject to controls and accountability measures set down in the act. I am just looking for more specificity around what that could look like. You sent a supplementary submission which dealt with this a little bit more, too, around flaws in the remunerations and nominations committee arrangements. Can you speak a little more about what you would like to see in an act that would provide accountability around this area of executive appointments and remunerations?

**Assoc Prof HENNING** - When I first started teaching at the university, the senior executive was actually quite small. It has blown out, it's now huge in comparison to what it was. I don't really understand why. I don't really understand what has been achieved. The senior executive is paid very highly, very highly indeed, and I have never seen any evaluation done of the restructuring.

**Ms WEBB** - Is that what you mean when you talk about accountability, that there should be more visibility around a rationale for the model?

**Assoc Prof HENNING** - With the growth of the senior executive, you would expect there to be some kind of purpose behind it then some kind of analysis behind that of working out, okay, you've got a purpose: how do we evaluate whether we're actually achieving that purpose in appointing and top-loading the senior executive in this way? Well, that doesn't happen.

The appointment of those senior executives is by council. Again, that's not a representative body and it's not an accountable body. So, if those senior executives are appointed by a non-accountable and non-representative body, you have all the way through the chain a process of non-accountability, non-transparency and non-inclusiveness.

**Ms WEBB** - Thank you.

**CHAIR** - If I can go to the academic senate, you make some statements on page 5 of your submission in relation to the academic senate. You make a comment there that, basically, the constitution, function, powers and proceedings of the senate are not prescribed by the act but, rather, by an ordinance. Your fundamental concern there is the fact that it is council that is making those and, therefore, not prescribed. Can you cover that a little bit, please?

**Assoc Prof HENNING** - Council has the power to make ordinances and by-laws for the university. No other body. So it can prescribe how senate looks, it can prescribe what the functions of senate are going to be, et cetera, and its make-up, so you're locked in, aren't you? You're really locked in.

Senate only performs an advisory function. Council is not required to even take account of the advice given by senate, let alone to actually implement it. In any event, it basically controls senate. So, I don't see that the senate is really able to perform its academic functions in the free way and in the strong way that we would hope it would be able to.

**CHAIR** - Okay, thank you for that. When it comes to the council looking at the decisions of the academic senate, are you saying that it should be mandated that the council follow the decisions of academic senate? Or are you saying that they simply need to definitely take that into account when making decisions?

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It might be that academic senate wants to go down a certain path but, for whatever reasons, budget or otherwise, it might not be something that they can do straight away. So, the council would need to be able to make certain decisions that might not necessarily implement the full desire of the academic senate. Do you have a comment on that?

**Assoc Prof HENNING** - Well, there's no dialogue at the moment that I can see. I think a dialogue model is the very least that we could set up between council and academic senate.

But just to take into account and then ignore, I don't think is appropriate either. I think we need to have some measure of 'alright, you need to explain and you need to explain in a way that senate can accept and the university more broadly can accept why you're not going to follow the recommendations of council'. Maybe it would be in exceptional circumstances that they don't follow the recommendations of senate and those exceptional circumstances should be prescribed quite narrowly. That's my view.

**CHAIR** - And decisions recorded so that -

**Assoc Prof HENNING** - And decisions recorded and communicated and able to be reviewed.

**CHAIR** - Okay, thank you. Meg, you had one more.

**Ms WEBB** - I'd like to talk a little bit about the area covered by our term of reference 4 - the appropriateness of the act to protect and promote academic freedom, independence and autonomy. In your submission you provided some thoughts on that. You utilised the example of the situation of what transpired at the law school to make, I guess, the assertion that the act is deficient in protecting and promoting academic freedom, independence and autonomy. I'm interested in that.

The university does, of course, have policies relating to those matters. Do you believe that belongs squarely in the act, in terms of a protection there? If so, how would you see that as changing the way things work now? What would we see if it were in the act that would be demonstrating the better protection of those things?

**Assoc Prof HENNING** - I think it needs to be set down in the act. It needs to be legislated, because that's the best way to protect it. At the moment, what happened at the law school is a paradigm example of how not to do things. We had a loss of control in the law faculty of its own degree. We have to remember that the law degree is a professional degree. It doesn't only belong to the university. It belongs to the profession as well. There is a method for consultation with the profession about the way that the degree is taught and the makeup of the degree. The law faculty has a deep responsibility right across Australia to all Australians to create law degrees that meet the standard requirements for law degrees. The way the degree is taught has to meet those requirements as well.

If you have decisions being made about the law degree outside the Faculty of Law and outside the profession there is a real danger that you're going to lose sight of those two things - that it is a law degree that belongs to the community via the profession and that it has to meet certain requirements right across Australia. You can lose sight of that because your priorities might be to try to create standardised degrees within one school for example or within

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one body, like the College of Arts, Law and Education. That might miss the temper of what the law degree is supposed to be.

If you become domineering about that and dictatorial about what you want to achieve then you start losing the members of faculty because they can't do what you are asking them to do.

**Ms WEBB** - What I would like to pick on, Terese, is around how inclusion in the act would function to better protect against that situation arising?

**Assoc Prof HENNING** - Because then it's in the law.

**Ms WEBB** - Therefore there is some accountability there?

**Assoc Prof HENNING** - There is a requirement to see that the act is complied with.

**Ms WEBB** - On a similar area around academic freedom, independence and autonomy and concepts of free speech, which is also covered by university policy, we have heard through many submissions and in some hearings that people are feeling concerned or worried about speaking up and it having a chilling effect on internal criticism within the university. You've mentioned that in your submission and mentioned academics who have left and the use of non-disclosure agreements. I wanted to get your perception in real terms of what academic freedom and free speech look like at the University of Tasmania under the current policy and the remedies available within that?

**Assoc Prof HENNING** - From those submissions you've received that talk about a feeling abroad of threat to your position or a threat to your work, you'll have to take account of them to a great extent and talk to the people who made those submissions. My own experience is that a lot of the concern, the anxiety about speaking out is also perpetuated by the casualisation of university academics. Junior academics, in particular, worry about their contracts not being renewed. They worry about not being included and enabled to go on with their work. They worry about being seen as a loudmouth and their contracts not being renewed.

I know there is that fear abroad because young academics have expressed that fear to me. You can't say to them, 'Oh no, speak up, nothing's going to happen'. That fear is there and it's real for them. It comes from somewhere. That is something I think you should explore with the people who have made much deeper and longer submissions in that regard. It is, as you know, a feeling that is abroad and has been abroad. The non-disclosure agreements for departing staff are one instance of that. I know of academic staff who have departed the university who feel very constrained and that if they speak up they will lose their payout and be forced to return any remuneration received under an agreement to depart. They're called departure agreements. It needs to be legislated. That would prevent that.

**CHAIR** - Thank you, Terese. Unfortunately we have run out of time. We thank you for bringing your perspectives to the inquiry and for your submissions. There are some matters there for good consideration. Before you go, I want to reiterate it is important to understand that all evidence taken at this hearing is protected by parliamentary privilege. Any comments you make to the media or others outside of this hearing, even if you are to repeat what you have said here, will not be protected.

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**Assoc Prof HENNING** - Yes, certainly.

**CHAIR** - We wish you a happy and peaceful festive season.

**Assoc Prof HENNING** - And to all of you as well.

**THE WITNESS WITHDREW.**

**CHAIR** - For those who are listening online, our next witness is unable to appear so the broadcast will cease until 11.20 a.m.

**The Committee suspended at 10.17 a.m.**

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**The Committee resumed at 11.22 a.m.**

**Dr RICHARD HERR OAM** WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

**CHAIR** - Welcome back to those who are watching online. We will hear now from Dr Richard Herr OAM, submission 127 on the parliamentary website for this inquiry.

Welcome, Richard, if I may call you Richard?

**Dr HERR** - Yes, certainly - better than most of what my students call me, so that's good.

**CHAIR** - Welcome and I'll introduce members of the inquiry to you. On my right, Nick Duigan, Sarah Lovell, Meg Webb, myself Rob Valentine and Mike Gaffney. We have Jenny Mannering as the inquiry secretary and Allison Scott in support; and we have Liam on *Hansard* today.

Our hearings today are in relation to the Legislative Council's 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. You have received a copy of the information for witnesses, I believe, and you are aware of what you need to do if there is anything you wish to take in camera.

The evidence you present is being recorded. The *Hansard* version will be published on the committee website when it becomes available, and you can review it there, if you wish.

We will offer you the opportunity to make an opening statement, and then members will question you on your submission to us today.

Do you wish to make an opening statement?

**Dr HERR** - As you will have seen, my submission is very brief, so I'm not sure I need to make much of an opening statement. I have just come back from your twin parliament in Samoa only two days ago. They send all their best wishes to Tasmania, and now that the borders are open they look forward to seeing you. That's unrelated, of course, to the events of this morning.

My reason for writing the submission, and also keeping it narrow, is that I really wanted to focus on what is, to me, one of the tragedies of the way things have occurred: that the division between 'town' and 'gown' has been exacerbated for some time now, and that tension has given rise to some of the other tensions that I am sure you've seen in your submissions and so forth.

I don't intend to add to any of those at all. My submission is really to chastise both the parliament and the university for losing touch with each other. That was really my concern.

In the course of some of the discussions with friends in the community, I discovered that the university council did not value the input from the two members of the parliament who had previously been on university council. When they described why, I could see why they did not

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value them. The members often expressed a view that they didn't know why they were there. It was as if they had drawn the short straw in some sort of lottery, and all they could do was sit there and then go away.

I think that was wrong, on the part of the parliament, not to prepare people. I think also, as you've discovered in the course of your own inquiry, a lot of people had absolutely no idea why this parliament should actually be involved with the university at all, and that was interesting.

I did have to point out to some people that there is actually a University Act, and the University Act makes the university a responsible creature, if you like, of the state parliament - and, therefore, there should be the usual kind of arrangements of accountability and responsibility.

I didn't think that was occurring, partly because, as I understand it - and I'm certainly happy if you could correct me, but I've talked to a lot of people about it - there just wasn't any sense that people were going from the parliament into the university council meetings prepared to listen or to speak. They didn't know what they were going to listen for, and they didn't know what they should say. I think that created some of the problems we have today.

Equally, I don't think the university valued its relationship with the parliament. I think the university assumed that the better the hands-off, the better for the university - forgetting that the university is part of the life of the state. It is part of the life of the city of Hobart particularly, but also now through other parts of the state, in other communities, and it's a major employer. It has responsibilities for its land. It has responsibilities to its staff, and the way the staff interact with the community.

All these things don't need to be micromanaged. They certainly don't need to be subject to constant review, but they do need to be maintained. The avenues of communication have to be there, so that people feel comfortable when they do want to raise issues of substance.

So, as I've said in my submission, my intention was to draw attention to this mutual fault, if you like, and to suggest that it ought to be addressed. I would be very disappointed at the end of the day if you took the view that you did not want to sit with the university council in some capacity, whether it's one or two houses. I don't think bi-cameralism enforces you to have two, but if you do, you can rotate it between the houses over time.

It ought to be somebody who actually is there long enough to understand how the university works and get a sense of priorities and future directions. Also, you ought to have a mechanism for reporting this back to the parliament in a useful way. Whether it's a report from the member to council, privileged or open, it's up to you - but something that makes the parliament feel that it knows what the university is about, and what it's doing, and indeed, what it can do to support the university in new ventures, and what it needs to address and redress, within the powers of parliament. Equally, as I say, I think the university should value that connection.

I think if that connection had been clearer, some of the issues you're dealing with would have either been avoided, or at least been flagged far enough in time to avoid such dramatic blow-ups. Is that close enough to an opening statement?

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**CHAIR** - That's fine. I will hand to Meg Webb to have the opening questions and then over to the others.

**Ms WEBB** - This gives us plenty to think about. The focus of your submission is different to all others we have received. This angle is an important one for us to explore as a committee of parliament.

There's a lot to pick apart. I am interested to talk about that prospect of renewing a direct connection through university council. I also hope we'll have time to talk about other ways parliament can be intersecting or having an accountability relationship to the university in the absence of a direct connection. Regarding the opportunity to revisit a direct parliamentary representative on university council, what the act says is that when individuals are sitting on council, even if they have been elected from a staff group, they sit not as a representative reportable back to that group but as a member of council, loyal to council. How would that work for a parliamentary representative to function in the way you're suggesting where there'd be some communicating back and reporting back to parliament and still be in compliance with the act? Should that be something that is addressed or changed?

**Dr HERR** - That is something you would probably want to work out with the university. You don't want it to be a source of contention, something where you stake a claim to something that might require a statutory change. You have to remember everybody who sits on council sits there to help the university do its job. Representatives from various areas are supposed to give an input relevant to their participation. That's what it's there for. It's not there to be some sort of vacuum, nothing goes in and nothing goes out. It would be preposterous. The university council is there to make decisions and make informed decisions.

I wouldn't expect if you or Rob were on university council that you would go in with a directive from parliament as to what to achieve. You should be there to be aware of what the state's priorities are in broad terms. You're the ear of the Government and the people. That's what parliament does. It listens to the people and it translates out through your question time and inquiries and so forth into advice to government.

That whole range of things is part of what you do and you should be aware of what the university is planning to do and whether or not it would impact on you. It would only be in the usual way that other representatives on council make their understanding of what university is doing available to the interests they represent, not in a discrete way, not in an advocacy way necessarily, but keeping the channels of communication open.

**Ms WEBB** - There's also a direct relationship between the Minister for Education and the university because that is the minister responsible for the act and for appointing some members to council. We have connection between the government of the day and the university and then you are proposing the resumption of a direct parliamentary connection. How do those two channels of interaction and potential communication and consideration of interests work alongside each other? What if they are at odds with each other?

**Dr HERR** - If the communication between the minister and the university is inadequate or too cosy, it's the job of the parliament to get around it. That's why you have the Estimates and accountability mechanisms of the government businesses. The university isn't formally a government business but in a lot of ways it serves a similar kind of relationship, especially

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because of the size of its employment, the impact of its spending, and as we have seen its need to grow and development. These all impact in broader ways.

I don't want to suggest I'm accusing anybody of being asleep at the wheel, but it does seem that the two have drifted apart. It got to the stage where the council said, 'We need to be in a tighter focused group and we don't need the parliamentary representation'. Anytime groups tend to be a little bit more exclusionary I think you should take a look at why it is that they think that. The parliament said, 'Yeah, that's fine, we didn't like it anyway'. I think that was symptomatic of this sense that the two were too separate. You're not. The parliament is the institution that is responsible for the act. The government isn't responsible for the act, the minister isn't, you are, the parliament.

The minister is responsible for the act to explain it to parliament and to deal with those sorts of things but he is not responsible for the parliament's understanding of the broader social and economic impact of the university in the community. That's you.

**CHAIR** - A supplementary, in regard to having politicians sitting on the council.

**Dr HERR** - Can I correct you, sir, parliamentarians.

**CHAIR** - Parliamentarians. Yes, that is fine, I get the distinction.

**Ms WEBB** - That could be the gist of your question?

**CHAIR** - That could be because what I am getting to is about the autonomy of the university. If you have parliamentarians sitting on the council, making decisions, being part of that decision-making process, does that interfere with the autonomy of the university? How do you see autonomy in that sense?

**Dr HERR** - Not especially. This committee is a good example. Whatever you find you can't decide, you have to refer it back to your Chamber for resolution. A representative of the parliament in university council would not be able to decide on fundamental things that would put it in conflict either with responsibilities to the parliament or to the university. It would be essentially advisory.

I don't see it as a serious issue. I know that council has to make decisions. I'd expect that if there were conflicts of interest, you would be worried as to why was there a conflict of interest. Why wasn't it possible to have a relatively supportive collegial affair? It comes back to what I said before. Any representative or representatives in council ought to be prepared, they have to do their homework, they have to read the papers, possibly discuss appropriately with other colleagues the issues that they might want to flag.

**CHAIR** - If you have people on the council making decisions which might significantly change the strategic direction of the university, those people who are parliamentarians aren't going to be going back to seek direction. They're going to be making the decision on the day. Depending on how that vote goes, it may make significant changes in the direction of the university. Unless they are there as observers.

**Dr HERR** - No, if they are there for every council meeting that sort of vote shouldn't come up without the flag being hoisted. You're presuming that all of a sudden they're

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represented with a significant choice and they didn't even see it coming. They didn't have the time to warn ... Take the legislation you send up to the Governor to sign. There are informal consultations that allow the Governor to say, 'This concerns me'. This comes in the weekly meetings. It doesn't necessarily affect the drafting of the bills directly but it is a chance to say that this is something that is of concern and, in your case, that concern might be something, through the minister, to the university, saying: 'This has been flagged with us as something that people might be concerned about. We would appreciate you following it up.'

**CHAIR** - I am playing devil's advocate, of course, and I hope you realise that, so I am just keen to explore that.

**Dr HERR** - No, of course, I am just responding as best I can.

**CHAIR** - That is fine. Yes, it is an interesting concept.

**Mr DUIGAN** - Thank you, Richard. Exploring that point, the council of the university and point 3, which I guess is what we are talking about here, where it has been inserted into the act that a member of the council is responsible and accountable to the council, rather than to any constituent body. That clause is in there. Noting that it presumably needs to be there that people serve the university if they are on the council, how would you deal with that?

**Dr HERR** - Well, again, I guess the question would be: under what circumstance would it become a problem? It would become a problem if the parliamentary representative on council threatened to put a spanner in the works or something like that. That would come across very badly as interfering in the autonomy of the university. If the university were to insist that the representative take a message back to the parliament to change an act, that would be inappropriate. We should go through the minister, not through the representative on council.

I see this relationship, I agree with you. At some points, the council is going to make a decision, and that decision is going to impact on people, whether it is the salary structure, where they are going, what the benefits of employment are, how research funds are - and so forth. I would not expect parliament, on the whole, to be an active participant in any of those sorts of internal issues. But I think being in the council as a right, with the right to listen and potentially speak without necessarily deciding would have been a great advantage to both the community and the university prior to the current events.

Again, a lot of parliament is run by conventions, we know that. The conventions interpret either what the constitution means or what practices are consistent with statute, and so forth. You do not necessarily dot all the i's and cross all the t's to have an effective relationship. I think that what I would be suggesting here is that university should willingly reach out to the parliament and ask the parliament to at least resume the kind of relationship it once had. It worked well to the extent that it didn't cause problems. It didn't work so well that neither side was listening or talking to each other, that it was too much pro-forma.

**Mr DUIGAN** - If it worked well, why was it abandoned?

**Dr HERR** - Well, it didn't work well. What I am saying is that it worked well since there were no problems. It did not work well in that it did not achieve the kind of objectives that were set for it because neither side was committed to making it work.

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**Mr DUIGAN** - Clearly, point 3 is to address that very issue.

**Dr HERR** - Yes. The reason why this existed was when the council was, I think, 17 or something, there was a very large group. Over a period of time, it seems to have eroded. I will plead the fifth here: I am a political scientist, not a historian, so I did not try to backtrack to where it all started to go off the rails. But what I am saying is that that was there because it was seen to be a useful way of the parliament being engaged with the institution it was creating by an act of parliament. I'm arguing today that I still think it has that potential role but, of course, it has been broken. It's an opportunity to remake it as you and the university would wish. All I am doing is doing the part to make both of you wish.

**Ms WEBB** - Following on that same line, clearly, as it is under the act currently, a person who is perhaps a representative of the parliament who was placed onto that council would be there accountable to and responsible to the council.

However, what you're highlighting is that what they bring into that space to become part of discussions within council is experience of the parliament and experience of the view of the Tasmanian community and the current priorities, current actions being taken. All of that sort of thing is taken into the discussion space within council then, uniquely, by a representative of the parliament. I can see an argument for why that could be valuable as a voice within council.

My question is about what weight that puts onto a single individual, if it is a single individual, to fulfil that role as the parliamentary representative on council. And does it matter, to come back to that political question a little bit, whether that representative is of the government of the day, of the opposition of the day, of the upper House or of the lower House? Are those factors relevant to the potential value and outcomes from that position?

**Dr HERR** - Again, it depends a lot on what is wanted. But the point is, you heard people coming to you and saying, 'we've got a complaint; we have an issue'. You looked around and you said, 'well, we're not actually sure quite what we're supposed to do with this', and decided to have an inquiry, not just to find out what you should do with it but how others could use this inquiry to achieve some of the concerns they have had.

To me, that tells me enough - that when you're listening to the community and you find that the community is concerned that a campus in Launceston or elsewhere is not meeting community needs, those are your constituents; those are the people who come to you and say 'I'd like to see some sort of change'. What are you supposed to do? Ignore that opinion?

If you only go through the minister of the day, yes, you will run into those political issues that a government may choose to bury an issue because it would be embarrassing to raise it and Opposition might like to raise it because it will be embarrassing - these sorts of things.

That's why you need a continuing and respectful relationship and also, frankly, the role of the parliament in appreciating what that involves. As I said, it seemed to me as I listened to people explaining how the divorce occurred, it wasn't even a contested divorce. Nobody really cared. And to me that was really said because, as I said, we see the consequences now.

**Ms WEBB** - Do you think that's potentially because under those previous arrangements, when there were appointed members from parliament on council, there hadn't been maintained a clear articulation of the rationale for that and what outcomes were sought to be achieved?

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**Dr HERR** - That was my understanding: it was Muggins' turn and 'don't worry about it, you just have to do it for an hour or two'.

**Ms WEBB** - I'm interested in what you suggested a moment ago and talked through, as in if, for example, there had been a parliamentary representative on council across recent years, then issues raised either directly by community members or via one of us as parliamentarians, if an issue was raised with me as a parliamentarian about UTAS in some function, I could have potentially then taken that issue, for awareness-raising purposes, to the parliamentarian who sits on council.

**Dr HERR** - Yes.

**Ms WEBB** - Not to seek a particular remedy to it but to add that community voice into council conversation, so that becomes an avenue of representation in that way into council.

**Dr HERR** - That's precisely right.

**Ms WEBB** - I understand that's a good way of describing what value could be achieved through such representation. I appreciate that, but again, would it need protection against the potential political corruption of its value and intent, in terms of Government member, Opposition member, upper House, lower House?

**Dr HERR** - Well, as you are aware, we've spent a lot of effort developing integrity mechanisms and responsibilities for declaring conflicts of interest and all sorts of things, precisely to manage the broader or major ones. I would hope, as I said, one of the ones that would have occurred is the flip side of what you just said, which is, if the parliament was aware of the extent to which just the fundamental building, and architecture, of the university was going to change relative to the city, that should have engaged a more effective discussion.

After all, you are responsible for guaranteeing the loans that the university engages in. You're responsible for setting the obligations and the responsibilities of the parliament for its students, staff and the rest of it. How can you do that if you have no understanding of the basic operation of it? That's all.

I wouldn't expect, as I said, you to do something like this inquiry every year, just to keep on top of it. My hope was you would have confidence that the relationship was now at a level that you could feel, going forward, that you would understand each other.

**CHAIR** - Can I go to a slightly different angle, on parliamentary oversight? We have two administration committees in the upper House, and they take half the portfolios each. Of course, committee B has the education minister, and also has the opportunity, I suppose, to bring the university in. Would that be a more apolitical way of overseeing what the university does, without necessarily having a direct input into the direction it might take?

**Dr HERR** - No, I don't think so. I think that actually is part of the problem here. I'm going to be a little controversial, but I don't mean it to be controversial. It's part of the 'bean counter' mentality, that economics mean success or failure, whichever way you want to look at it. I don't believe that is the nature of the relationship the university has with the

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community. Yes, it's an employer. Yes, it has an impact on the way it spends its money, allocates its resources more broadly -

**CHAIR** - Sorry, the inference wasn't just to look at its financials.

**Dr HERR** - No, but you have to understand what you're being presented. How do you understand it if you're not engaged with it? That's my point. You just have a feel of what questions to ask, and what the implications of the answers are.

I think one of your members in the other place raised this in the newspaper a couple of days ago, that government business enterprise reviews didn't always achieve the - again, I'm not arguing for perfection. I'm simply arguing for a kind of relationship that possibly could have headed off some of the issues. The university is the only think tank that the state has, really. You have an interest in encouraging the university to adopt issues that are important to the state.

Now, the university has the right to say no, put this priority lower down the pecking order, but at least you're having the discussion as to how we use the intellectual strength of the university to help meet state objectives in areas where industry isn't doing it, or won't do it, or where you need basic work that has no economic perceived outcome when you started. It's a resource that would be better utilised if there was a better understanding between the parliament and what the university does and how it does it.

**Ms WEBB** - I am interested whether there is another example of this situation where a parliament representative sits in some fashion in a governance body, or a reference body, and has this conduit function of being able to take information in from the parliamentary space - and therefore the community representation space - but also then communicate back to the parliament, so that the parliament is well informed to undertake its functions in relation to that body. Can you think of another example where that sort of situation is in place?

**Dr HERR** - I can only say that, anecdotally, I was told when inquiring with some Victorian colleagues, that they do have a relationship between the parliament and the universities - multiple ones - but I don't know what it was. I didn't explore it beyond the surprise that we didn't have one.

It may not be the same as direct representation. I don't know. You can imagine in Victoria and New South Wales, there are so many universities, and so much economic activity surrounding them, that it would be even more surprising if there wasn't some kind of oversight accountability mechanism that allowed the autonomy of the university, while engaging with the community at large.

I will take that one on notice, Meg, and find out if I can.

**CHAIR** - A question with the way ministerial appointments happen now. Are you aware of how those appointments happen? Is it that the university council recommend individuals who the minister might appoint? Are you aware of the connection there?

**Dr HERR** - I haven't been on professorial board since before it was disbanded, so I honestly don't, really.

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**CHAIR** - You are not aware of that. That's okay.

**Ms WEBB** - One more thing. I am interested in other avenues for the parliament as a whole to be more actively engaging in scrutiny and oversight of the university. It isn't dealt with like, say, a GBE or other entities where we have formal Estimates each year, and things like that. Some people would propose that having some more structured scrutiny opportunities like that could be beneficial. Is that something you have turned your mind to?

Another interesting one put to us was that significant spending and infrastructure projects and the like could go through something similar to a Public Works scrutiny process.

**Dr HERR** - To the extent that the state is financially obligated, such as with a loan or other areas that might create a liability to the state, I would hope they would be scrutinised with the same degree of care. Everything doesn't have to be in public, necessarily, to be transparent. It is simply necessary that people have confidence that the mechanisms for knowing what is happening are adequate for the requirements of it. Clearly, as I say, the community reaction has not been any confidence in that at all. You can see that in the public campaign.

My initial reaction to the GBE kind of scrutiny is that it can have an element of partisanship about it.

This one, the way it has developed over the last year and half or so, would be clearly something - although, I have to say, the parliament as a whole and the Government have been a bit anxious not get in the middle of the bun fight. Again, that probably was a default of the parliament's obligation to ensure that the community is happy with the way the community's travelling. It shouldn't come to that. I'm repeating myself but my hope is that what I have seen as the separation of interest suddenly colliding because they're brought back together, not occur in the future. My offering is that we used to have a way of doing. We didn't do it well in the final years before it was abandoned but it ought to be given another chance. It ought to be something that at least you can discuss with the university.

I'm sure the VC and the administration of the university have views on how they would like to see their relationship with you. If you get together and decide on something that works for both of you, that would be a good thing. It doesn't have to be my idea, it can be one that works for both of you. I start with the idea that unless you're talking to each other and listening to each other you're really not in the same room, even if you are in the same room.

**CHAIR** - We have a few minutes left. Can I go to an entirely different area, something you haven't put in a submission on but you might wish to comment on? That is the idea of universities entering the vocational education space. Do you have a view as to whether that is a good thing or a bad thing for Tasmania?

**Dr HERR** - I only have the personal experience of my first wife who was teaching librarianship at the CAE. That was brought from there into the university when the CAE on Mt Nelson was closed. I was very happy to have my wife next door. I noticed that the focus on an academic stream rather than a professional development stream changed the way they taught and what they did. At the CAE it wasn't necessary to publish or perish, it was necessary to turn out librarians who were professionally trained enough to find employment.

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There are horses for courses. Years ago, I tried to promote cooperation between TAFE and the university in an area I was interested in to try to get the best of both worlds. You need electricians who can change a light bulb, but you need electricians who make sure the electric supply is safe and efficient in much more detail. There is room for cooperation and I would like to see it.

**CHAIR** - An overlap in jurisdiction?

**Dr HERR** - I think that has to be worked out. Maybe you do the professional course and if there is more required you can use part of that professional course in entering the academic stream. That would make sense to me because most people won't want to. I think that if a plumber knew that by ceasing to be a plumber and being an academic their pay would drop by 50 per cent or more, they'd probably be less interested in the academic stream.

**CHAIR** - Unless there are any burning questions that brings us to an end. Do you wish to make a further statement?

**Dr HERR** - It's a concluding comment. I would like to thank the parliament for the 27- plus years you have supported the internship with the university. It has been a huge benefit to our students. We hope it has been of benefit to you. You keep telling us it is. That's a sign of a good cooperative relationship. I'll pick on the bean counters because everybody does. We never have what would qualify to the bean counters as a sustainable course because you can't take 20 interns every semester and we can't deliver that many.

The agreement between the parliament and the university at the highest level - between the vice-chancellor and the Presiding Officers has protected it so we can continue to offer it. Your support for it is important.

**CHAIR** - Thank you for placing it on the record. Before you go I reiterate that all the evidence taken at the hearing is protected by parliamentary privilege. Any comments you make to the media or others outside this room, even if you were to repeat what you said here, will not be protected.

**Dr HERR** - I definitely wouldn't repeat the bean counter remarks. Thank you for giving me the opportunity.

**THE WITNESS WITHDREW.**

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

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**The Committee resumed at 1 p.m.**

**Professor PETER TREGEAR OAM** WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED VIA WEBEX.

**CHAIR** (Mr Valentine) - We welcome to the inquiry Professor Peter Tregear OAM. Thank you for attending, Peter, if I might call you that.

**Prof. TREGEAR** - Indeed.

**CHAIR** - It is submission number 18 on the parliamentary website for this inquiry.

I'll introduce the members of the inquiry to you. We have Nick Duigan, Sarah Lovell, Meg Webb and myself, Rob Valentine, and we will have Mike Gaffney, I'm sure. We also have Jenny Mannering, the inquiry secretary, ably assisted by Allison Scott, and we have Gaye on *Hansard*, doing the all-important recording.

I advise you that our hearings today are in relation to the Legislative Council Select Committee Inquiry into the Provisions of the University of Tasmania Act 1992, for the record.

It is important to note that all evidence taken at this hearing is protected by parliamentary privilege, and I remind you that any comments you make outside the hearing may not be afforded such privilege. You do have a copy of the information for witnesses. Have you read those?

**Prof. TREGEAR** - Yes, I have.

**CHAIR** - And you are aware what the process is, if you wish to go into camera for any reason. Thank you. The evidence you present is being recorded. The *Hansard* version will be published on the committee website when it becomes available, if you wish to review it.

We will provide you now the opportunity to make an opening statement, then members will ask questions following that. Do you wish to make an opening statement?

**Prof. TREGEAR** - Yes, I do. I hope this will be no more than five minutes, but I have a few comments to make. Although I have no sustained employment history with University of Tasmania, I do have a long professional - and indeed, personal - interest in issues of academic governance and accountability.

I should say to the committee that I hold no naive belief that academics, as a body, should be considered some prelapsarian body corporate, able to operate effectively without oversight or accountability - if only people like yourselves would let them.

Indeed, a few years ago I wrote a little book called *Enlightenment or Entitlement*, which examined, among other things, the potential for academics - just like any other group of public servants, I guess - to misdirect their interests and attentions, and to confuse their own interests with the common good.

I also argued in that book that the best corrective to this all-too-human tendency was secure, self-competent academic leadership that upheld and expressed fundamental

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institutional and disciplinary values. Above all, that means understanding that their ultimate purpose was the open and accountable pursuit of truth through the application of disinterested reason.

I was motivated to make my submission because I believe the University of Tasmania Act, like other foundational statutory instruments around the country, has arguably failed to protect and uphold those values. Therefore, I argue there needs to be a tightening of compliance and accountability measures in the act.

My submission focuses on the so-called 'gagging clauses' and other direct and indirect practices, such as failing to provide robust independent avenues and protections for whistleblowers, that can - and do - serve to silence legitimate dissent on campus. That is because as the University of Tasmania's own submission to this inquiry asserts:

It is impossible for a university to truly contribute new knowledge to complex problems of the day without both academic freedom and institutional independence and autonomy.

I would agree, but as the recently amended Higher Education Support Act 2003 - a Commonwealth statute - also states, academic freedom must include:

The freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are involved.

Yet I note that only three weeks ago, *The Weekend Australian* reported that it was aware of nine UTAS staff who:

Believe they were unfairly treated or forced out, but who had signed gagging clauses, or wished to move on into new jobs.

I suggest a particular statutory reform to include the banning of such gagging clauses, the mandatory reporting also of extra-contractual payouts to staff and the creation of a truly independent auditing and whistleblowing process for universities.

But I do think this committee has a tremendous opportunity to consider the deeper causes of why we are in this position in the first place. I think it is because the very public values in which an academic might seek routinely to profess or uphold in their work, such as commitment to reason, objectivity, public responsibility and the disinterested pursuit of knowledge, are now, in many academics' eyes, routinely compromised, thwarted, trivialised or dismissed by the behaviour of the institution itself.

Or, I should say more accurately, by the leaders of that institution. I think that is a slippery slope we should be very careful of. The spokespeople for the university and the university itself, by its own statutory formulation, are not necessarily the same thing. Indeed, I would argue that management is committing the very error I talked about earlier, which is to confuse their own interests with this idea of servicing a public good. It is no surprise that staff who reasonably question leadership decisions can find themselves bullied or worse. I should say that I have experienced this culture myself during my three years' tenure at the ANU School of Music -

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**CHAIR** - Sorry, did you say you had or you had not?

**Prof. TREGEAR** - Yes, I have. And I should say I am far from alone in this, an experience I would summarise as a centralised and relentlessly opaque system of budgetary and human resources control managed by an equally entrenched broader corporate culture that eschews criticism, let alone genuine accountability, of senior management decisions.

There was a rigidly institutionalised lack of transparency about both the case for strategic decisions, such as changed management, and more fundamentally about how the university's money is distributed and spent, that very much from the top level to the coalface of teaching and research.

There was a related tendency to shoot the messenger, including, if I may stretch the analogy, with silencers, rather than to deal with genuine problems as they arose. This is a sector-wide problem and it opens universities to be highly susceptible to corruption as it also allows a culture of patronage, compliance, favouritism and uncritical acquiescence to prosper.

Again, while I cannot speak here directly of UTAS, I can attest that allegations of nepotism, secret favours and blatant fraud, amongst other potential criminal activity, were rife in the ANU while I was there during the entire period of my employment. But these stories and rumours were always contained within corridors and backrooms. I never saw any lead to fair and open investigations, let alone negative consequences for the alleged wrongdoers. That's because there was simply no safe mechanism for academics or professional staff to report, let alone an individual body within the university willing to hold wrongdoers to account. Councils, in particular, saw their role as supporting the vice-chancellor's strategy, not holding the vice-chancellor to account. They actively suppressed academics making direct approaches to raise serious issues with them.

The Peter Ridd case at James Cook University in 2020, which you well may know went to the High Court, that demonstrated the fact that academics feel more and more fearful about asking questions, let alone speaking openly, about the workings of their own institutions, serves to make the broader work of academics themselves less trustworthy and less effective in the promotion of truth claims and, indeed, of the claims to expertise that supports them in wider society.

So, all of us, not just academics (inaudible) have a stake in our universities being places of true, open and free discourse. Or, to put it another way; a university's lauded foundational commitment for honest discourse needs, like charity, to begin at home, that is, on the campus itself.

**CHAIR** - Thank you. I would like to hand over to Nick Duigan for questions.

**Mr DUIGAN** - Thanks, Chair, and thanks, Peter, for making your submission and making yourself available for us today. I will start with the non-disclosure agreements and make the point that these things are increasingly common in industry and places that deal with trade secrets and universities constantly dealing with intellectual property. It would seem to me to be entirely appropriate that universities treat their secrets, their IP, with the respect it deserves. Sometimes that might spill into agreements they have with their staff. What would you say to that assertion that NDAs are entirely appropriate instruments for universities to be using?

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**Prof. TREGEAR** - That they should be the exception and not the rule. Again, the reason why I am here, I guess, is that I picked up that there had been numerous media reports of their use in relation to UTAS that seemed to be far from the idea that they are protecting the trade or commercial interests of the university. If I may be slightly blunt, my feeling is that they protect senior managers, not even the university - that they are protecting senior managers from accountability.

I think their use should always be an exception and not standard practice. To me, one of the myths about them is that they protect both parties to an agreement. That is not my experience and it is not the experience of many people I have talked to. They are almost singularly there to protect the interest of - I won't say the university because I think we do need to avoid that slippage of language - I mean the managers of the university and, in many cases, the individuals themselves, not some corporate interest in the best sense of 'corporate'.

I don't think there would be anyone in this room and not many out of it who would disagree with your premise that there are, of course, appropriate uses of various forms of IP protections and legitimate corporate protections in the use of such clauses. But that is not the experience I certainly have and I know many others have of their use. They are actually much more what we might say, to use the term, the base HR context arising at universities. They are there to silence criticism, not to protect financial or intellectual interest.

**Mr DUIGAN** - I will point to a letter I read on my colleague Meg Webb's website about the point you make about the exception, not the rule, in response to a question asked about this point in parliament. The response from UTAS was that 6 per cent of staff turnover in recent times, so 20 cases out of a head count of 6000. Does that meet your test for the exception and not the rule - that 6 per cent of staff turnover were subject to confidentiality agreements?

**Prof. TREGEAR** - I would have to know more about the circumstances of those 6 per cent and why. There are legitimate, although awkward, questions about whether those stats are robust. Again, I can't speak for UTAS but I can certainly speak for around the country that HR stats in universities are notoriously opaque. On related issues, around the casualisation of staff, it is almost impossible to find out accurate head counts in universities.

I take your point. I guess this comes back to the problem I know of - I have been listening to some of the other verbal submissions - that we have about the contract of trust that has to exist somewhere in the governance of the university so that we can have some good faith that they are being used in the circumstances that I think you and I will probably agree are appropriate. And not being used simply to avoid proper, healthy and appropriate scrutiny and criticism of senior management decisions. I can just point to the fact that we have numerous statements out in the press that suggest otherwise. In my wider work with Public Universities Australia, we have numerous examples of these being applied in inappropriate circumstances. I would suggest that, regardless, we appear to have a problem.

**Ms WEBB** - I would like to put on the record, in relation to the letter that you are quoting from my website, which was a response from the university in answer to questions on this earlier in the year: they do back up to some extent what Peter has just said in that they say in that letter in relation to the confidentiality deeds:

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As these deeds are developed on a bespoke basis to address the needs of complex cases we have not historically kept a central register of these deeds, although we will now move to improve our data collection.

We have undertaken a review of our available data and found that these deeds have been applied in approximately six per cent of turnover from the university in the previous year, so around 20 cases, against our staff population of over 6000 head count.

If 20 cases represent six per cent of turnover, that turnover means probably about 330 turnover.

**Prof. TREGGAR** - Can I make one other comment? I'd like to see the wording of these documents. The wording is not commercially sensitive. When we're talking about gagging clauses, we are not talking about protecting IP or protecting corporate decisions. I can't see why those terms being used would be commercial-in-confidence. We should know what the language is. It's one thing to protect commercial interests, it's quite another to use terms like 'non-disparagement'.

I have a couple thoughts about that, and I'll do this very quickly. I'm not a lawyer, but I do remember when I was subject to one of these that I did some work to see if there was any case law on what 'non-disparagement' actually means in law. There basically isn't. I'll come to why that in itself is quite a telling fact.

As a matter of principle, I don't think universities can be disparaged, in the way we say corporations can't be libelled. If the university is a place for the robust pursuit of truth, then there should be no need for such a clause. Why are they frightened of staff who criticise them? If the criticism is illegitimate, demonstrate it. Why are they even popping up in HR clauses? The fact that there is no case law, and therefore you might say they are potentially meaningless, points to a deeper truth - they're there as a bullying tactic, they're there to silence people.

I am not a lawyer so I can't claim this beyond an empirical view, that there is no case law on this. In other words, nobody has tried to challenge the extent of meaning of this, means they're doing their job, which is a form of procedural bullying. It's not necessarily that the word or phrase is effective it's, 'You challenge us, we will put you through a legal process that will be extremely costly, extremely risky and reputationally damaging'. It's a silencing tactic. It's a form of procedural bullying. I can't honestly see a case for where or why that sort of clause would ever be legitimate to be used in a university context.

**Mr DUIGAN** - I think you mentioned in your book that academics and faculty are not a law unto themselves. Why then would we make the distinction between private enterprise, where these clauses might be common place, and the university setting where you would contend that we should ban them.

**Prof. TREGGAR** - I don't want to sound hopelessly idealistic and I guess academics run that risk, but I would say as an aside that's our job. We are privileged people. We are paid to think outside the day-to-day rigours of cut-and-thrust capitalism. I think the answer to that starts with a broad statement of principle. We are responsible to the wider public. That's the answer to this. We are not the same as a private corporation. We are, in the best sense of the word, public servants.

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Where academics, self-management or universities, in my view, go wrong and where they drift is when that duty, obligation, sense of wider purpose, drifts. Gets lost. One of the reasons why faculties fundamentally are better to manage themselves is because it is faculties and disciplinary units that ultimately are invested, almost in a very personal sense, as a vocational calling, to protect the values of their discipline. They understand them, they're there to protect them.

It's very easy to say it because Australian academics are well paid. Our basic terms and conditions are pretty damn good. That's not the reason we should be here. I don't want to drift further off again but it's why issues like vice-chancellors and senior management pay is significant beyond some kind of corporate envy or personal envy. It's because it sends a very powerful cultural signal about who they're ultimately serving.

I would come back to say because if we - and I mean the corporate Australian 'we' restricted down to the Tasmanian parliament - are going to support - you may not be the major funder of the university but you're a significant one - the university, then you're going to do that fundamentally, I would hope, because you're asserting and valuing its public function, its public purpose. Otherwise, you would simply privatise them all. I have no problem with the question, by the way. I'm not one of these academics who's frightened by the idea that there is a wider business world and we should be accountable to the values of that, but I think we're only here, I'm only addressing the Legislative Council committee, because in the end universities are different.

**Mr DUIGAN** - I'll just take you back to your submission again regarding NDAs, gag clauses. You've quoted an ABC report and I think you mentioned an article in *The Australian*. Have you had any personal contact with academics from UTAS about these sorts of circumstances?

**Prof. TREGEAR** - Yes, I have. I am in direct contact with two. Through them, indirectly with many others. I would stress I'm not presenting my submission as some forensic investigation from outside into the inner workings of the University of Tasmania. I'm here to speak on principle but I certainly picked up enough of significance and substance to know that this is not some media beat-up. There is a real problem there.

**Mr DUIGAN** - You mentioned that you had also signed a confidentiality agreement. How long ago was that? Was it commonplace at the time and were you represented? Did you seek representation? What was that experience like for you?

**Prof. TREGEAR** - Pretty dismal. It was in 2015. I realise this is underhand, so I'm not going to speak loosely. If I do use fairly loaded language it's with substance. I believed, and I would still argue, that I was in a form of constructed dismissal. The university had basically made my - in fact, this has been agitated and dealt with in the Administrative Appeals Tribunal, which found essentially that I was not in a safe workplace and able to return to my job. I was in a position where I had nowhere to go. I was being advised for my own mental health that I needed to get out. At that point I had to leave my employment, which was a deeply upsetting period and process that I experienced. That's partly why I mentioned earlier that generally when these things are signed, these sorts of agreements, you're not dealing with two equal parties. Arguably, you never are in a contractual arrangement anyway, but at this point you are dealing with a staff member who is probably in a position where they are wondering about the

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future of their career, their livelihood, their general wellbeing and so forth, and just being advised - as I was being advised - to sign and get the hell out of there.

What I then found was that the university had continued to fail to deal with the fundamental problems there - and certainly I am happy to state that they were not related to myself or what I was doing. They were absolutely, fundamentally, much more substantive. They were not being dealt with, so I ended up putting in a public interest disclosure under the PID act, the ANU being a Commonwealth entity. That - and perhaps I do not need to say to this the committee - is a very flawed and rather anaemic process, but it does have one powerful thing, which is that if your public interest disclosure is mishandled - which it was by the ANU - you are then released from any contractual obligations around the ability to speak.

I can assure you that, what I have said to this committee under parliamentary privilege, I happily can and do say outside, so I am not using this process to agitate old issues - but to answer your question, yes, I found the process really dismal. I certainly did not feel that clause was in there to protect me or to help me.

Indeed, this is where I come back to. I know what I speak of. I am a vocational academic. I actually care about the direction of my discipline. I care about my students and about my staff - and to walk away and see that they were still being mistreated and abused meant that I could not stay silent,

To me, in the end, the non-statement clause would never have held me anyway. Part of me would have loved to have created some case law on that, because as I said earlier, I do not think you can disparage university. Fundamentally, if the university is about the rational and disinterested pursuit of truth, then how they can suppress criticism if that criticism is legitimate?

**Mr DUIGAN** - Do you remember having that clause in that contract being unusual at the time, or was it commonplace?

**Prof. TREGEAR** - It was commonplace. Absolutely commonplace, standard practice. I had many colleagues who signed the same thing. It was an exit clause. In fact it was a standard exit clause for anyone who was leaving and they thought was liable to criticise the place.

**Ms LOVELL** - Thank you, Peter. You mentioned the financial cost to the institution of having these types of clauses. Can you elaborate a little on this, for the benefit of the committee and those who are listening? I am assuming this is where you are talking about termination payments?

**Prof. TREGEAR** - Yes. Where people are probably in a stronger position to negotiate than I was, these can be - particularly if you have a negotiator with you - grounds for increasing the payout. There is a kind of way universities can buy that silence.

Again, I would go back to the original proposition that these are protecting trade secrets and so on. I do not think that would ever be appropriate. The moment you are in that kind of discussion, you have to say, who is being protected and why?

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There is, if you like, the dubious sort of ethical proposition around a university and the pursuit of truth, and so on - but then we get to the misuse of public money, or indeed, the use of public money that is inscrutable or opaque. I would struggle to find an annual report of the university where you can find how much is spent on staff payouts. I think we should know.

I should say, when I put that in, I was not suggesting that the individual staff and amounts would be named, but, broadly speaking, the public has a right to know. As I think I quoted from the NSW court case, the public has a right to know how much is being spent.

Being a little bit more awkward about this, if you accept - at least in part - my proposition that by and large these are not protecting the interests of the university, writ large, but protecting the interests of senior managers in the university, then we should be particularly sceptical about why and how these sorts of sums of money are being spent. And this is before we go into particular areas where universities - like any other corporate entity - have some pretty awkward track records. For instance, in dealing with sexual harassment, or specific issues where the buying out or silencing of alleged victims has actually, in some ways, enabled a perpetrator to continue.

Arguably, that is something UTAS has some rather direct recent history in as well.

So yes, it is hard to see why we wouldn't mandate the reporting of extra contractual payments to staff.

**CHAIR** - Peter, to add an extra bit of information on that. With respect to how much the university may also be outlaying in terms of fighting these clauses, are you suggesting that should be made known, as well as the payouts?

**Prof. TREGEAR** - Yes, absolutely right. I will go back to my point about the idea that a non-disparagement clause is a form of procedural bullying. The thing you are intensely aware of as an individual, when you are in - and God help anyone who gets into this situation - in a fight with your employer, the university essentially has infinitely deep pockets. That should not be allowed.

This is before we even talk about model litigant principles - which, I can tell you now, in my experience with the ANU, they were far from being model litigants. Maybe some of the language that is applied in the public service more generally needs to be involved in the way that universities behave - so they shouldn't be acting or threatening or using their financial heft to simply silence by procedure.

That means, yes, we should know what they are spending. I also think there should be a mandated responsibility around limits on that, and they should be open to mediation and other forms of dispute resolution if they are in that situation.

**CHAIR** - I presume you have not turned your mind to our act, as to where those sorts of strictures ought to be applied?

**Prof. TREGEAR** - No, I have not, partly because I do not want to pretend I am a statutory draftsman. I'm a musicologist.

**CHAIR** - That is alright, just thought I would ask.

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**Prof. TREGEAR** - That may be something that public universities of Australia that I am involved in may do. We just need to come up with a model act, and that may be something that we look into. To be honest, it is only recently I had even thought about actually including some model litigant principles.

**CHAIR** - So, it is not in the current model act that you have?

**Prof. TREGEAR** - No.

**CHAIR** - Okay, thank you.

**Ms WEBB** - The use of these types of gagging clauses, as you have said, has become commonplace throughout the sector - not just at the University of Tasmania, as asserted by some of the submissions. Can you lay out a time frame for that? Has that always been so, or is it something that has developed in recent times? From your observation, when would that have been?

**Prof. TREGEAR** - Honestly, I would be guessing, I will confess now. I do not have any empirical stats or research on this, although it would be interesting to do it. Again, you'd be struggling to find out how you are going to get the data.

My academic career has been, in a geographical sense, bifocal. I spent half of it in the UK and half of it here. I was more aware of this occurring in Australia, but it has crept into the UK, too. I quoted from Tim Farron's report on the Liberal Democrats, from 2016 I think, on this particular issue, so it has crept in there.

My feeling is that it has happened in the last 20 years. I do not remember it being such an issue 20 years ago. I know you have had this pop up again in submission after submission. I think what you are hearing from academics - and hopefully not just academics who are mid-career or getting towards the end of their career, like myself, but also from younger ones - that we have seen a dramatic change in corporate culture on campus. Regardless of our own opinion, including the committee's, on whether that's largely a good thing or largely a bad thing, what I think we haven't done is stopped and paused and said, 'Are there things evolving through this that are not healthy', regardless of one's fundamental view on the relationship between the university and the state and its funders, and so on? I don't think we have.

One of the things that I think many people outside Tasmania have been struck by with this process that you're doing is that it's one of the first, perhaps in 30 years, that I'm aware of where there's been a remit that has allowed some of this stuff to be aired. And that's not healthy.

Sure, we could all agree with that - whether we ultimately think these are good things or not. I think the fact that they're not being aired and there isn't a discussion, that it's considered second nature that these things are appropriate, is not good. Sorry, long-winded answer. But I am almost certain you will find it for the last 20 to 30 years that they've popped up.

By the way, I might just say again, I didn't get the sense 30 years ago that universities were so brand-conscious. I mean that in a narrow corporate sense, that they had brand managers who were reading the media reports and saying: 'Oh, someone said something negative about us, we need to suppress or counter it.' I think a healthy university says: 'Yeah,

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great, we're a university; we have active commentary, including within. That's why we're a great university.' What would happen in that sense, the wrong kind of brand management culture has - it is a rather loaded term - infested itself into senior management. I found that certainly at the ANU, that they couldn't recognise that not all criticism in an institution was a bad thing, even if you disagreed with it, because actually you could celebrate it. But that doesn't happen any more.

**Ms WEBB** - I think that's an interesting observation. It is interesting to think about the context of brand management, too, in a single-university state like ours, where there is not actually competition amongst universities, so brand is not necessary in that sense for those competitive arrangements.

I have another question. In your submission, you make a link between the use of these sorts of clauses for gagging purposes and suppressing criticism. But you make a link then across to academic freedom and the way that may impinge on academic freedom. That is something I would like to hear a little bit more about because I can see that a gagging clause that has non-disparagement elements to it means that you're not going to be criticising in the public domain. It might be shutting down your free speech, as such. But what is the link to academic freedom that you're noting there?

**Prof. TREGEAR** - Because of the process we're seeing at the exit of what management calls 'difficult staff' - staff who have complaints about anything from disciplinary management to they've fallen out with their boss, or whatever. That bad blood, if you like, is impaled into the whole culture so that if you're in a staff meeting and you see a disciplinary direction being changed, the culture of silence or the culture of fear works back from those exit processes through into the broader culture of the institution. If you're in a department where you can't legitimately, or fear that you can't legitimately, question disciplinary direction, research interests and so on and so forth, you're not free. It's fundamental.

Obviously, I'm here in a rhetorical sense to give what might sound something like a [inaudible 1:39:32] down to you saying it's not that bad. I wish I were. I wish I could say to myself, well, I had to give a few rhetorical flourishes into how difficult and bad it is in some departments. But it's true. And I'm not just speaking of my own lived experience but I'm in communication with dozens of academics who report the same. I've certainly been listening in to this and you're hearing it time and time again.

One of the reasons why I focused on gagging clauses is, sure, it may not be the main issue here. But I would also stress that solving this or eliminating their use will have, in the reverse sense, a very positive impact right through back into the main body and corporate culture of the campus itself.

**Ms WEBB** - The University of Tasmania Act doesn't have exclusive protections for academic freedom in the act. The university has policies that go to that. Some other universities in other parts of the country have more explicit articulation in their act.

Is it your observation that the presence of something tangible in the act to protect academic freedom is more effective in actually seeing that play out within the university environment? Or are you contending, as in your submission, that there is an additional level of protection needed through, say, the banning of gagging clauses or some such element?

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**Prof. TREGEAR** - I think we are at the point where we have to single this stuff out, the specific legislative attention. I am not a jurist and I would not want to speak to the experts on the panel. This is your day job.

One thing I picked up from the submissions too, and I can't remember who said it, and I wouldn't want to strengthen the committee's enthusiasm for contemplating change to the UTAS Act against the idea while some of this is being dealt with. Why? For instance, I mentioned the Higher Education Support Act. The fact that the Commonwealth is the major funder and has, therefore, become de facto one of the powerful regulators. As it feels on campus, and I am now back in a state university which is ultimately an act of a state parliament, is that academics feel that no-one is really - there are too many legislative instruments all scattered through the state and federal system that, rather than actually strengthening regulatory access to regulatory control and accountability processes, it has done the opposite. It has become so confusing.

I do think you have a moment here to reassert that, foundationally and fundamentally, universities are acts of state parliament, regardless that most of the money is coming through the Commonwealth. As far as I can remember, historically that has come about through the fact that they took over taxation.

But the UTAS Act is a place where you would want to strengthen this because I think universities have to have a sense of where they are owned and where they are home and where the staff of them can seek redress. Because, at the moment, there is a clause in the Higher Education Support Act about academic freedom. What does an academic do with that? What is the redress? Where does one go if one has a real, visceral issue to deal with to seek some form of independent investigation of that?

**CHAIR** - Unfortunately, we are running out of time. We have had submissions that have talked about an integrity body of some sort within the university to deal with what you are talking about. But that is something else again.

We are out of time and I thank you for taking the time to present to us today. It is always interesting to hear the different perspectives.

It is important to note that all the evidence taken at this hearing is protected by parliamentary privilege but I remind you that any comments you make to the media or others outside of this hearing, even if you were to repeat what you have said here, will not be protected. Are you aware of that?

**Prof. TREGEAR** - Understood, yes.

**CHAIR** - Thank you. We very much appreciate your attendance.

**Prof. TREGEAR** - Can I wish you all a very merry Christmas, too.

**CHAIR** - I was about to say exactly the same thing, to wish you all the best in the festive season and a safe 2023 when it comes.

**Prof. TREGEAR** - Thank you again for the invitation.

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**THE WITNESS WITHDREW**

**The Committee suspended at 1.45 p.m.**

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**The Committee resumed at 1.50 p.m.**

**Ms SOPHIE CROTHERS**, PRESIDENT, TASMANIAN UNIVERSITY STUDENT ASSOCIATION, WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

**CHAIR** - Thank you and I introduce you to members of the inquiry. At the table we have Nick Duigan, Sarah Lovell, Meg Webb, myself, Rob Valentine and Mike Gaffney. Ms Jenny Mannering is the inquiry committee secretary supported by Allison Scott, and Liam from Hansard. 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. There is a copy of the information for witnesses that's been made available. Have you had a chance to read that?

**Ms CROTHERS** - Yes.

**CHAIR** - You have and you're aware what you need to do if you wish to go in camera for any reason?

**Ms CROTHERS** - Yes.

**CHAIR** - The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available if you wish to review that. We will now give you the opportunity to make an opening statement before members ask questions. Do you wish to make an opening statement?

**Ms CROTHERS** - Yes, please. Thank you for having me here today. I'm here on behalf of the Tasmanian University Student Association or TUSA for short, less of a mouthful. I've actually concluded my term as state president now but I've been given permission from the incoming state president to speak to this today. I'm very grateful for that.

I'll try to keep this brief but there are a few points I wanted to cover regarding how we've got to where we are today. As has been raised by other submissions, I think it's really important to note the context of universities across Australia. Federal funding has been progressively slashed in recent decades. Universities in response have really started to form more characteristics of private businesses rather than public institutions.

We've seen this in an over-reliance on international students for their fees pre-pandemic. We've also seen an increase in the casualisation of staff and the centralisation of resources and decision-making at the university, among a variety of other issues.

The caveat I wanted to open with is that UTAS doesn't exist in a vacuum and that a lot of the issues that have been discussed so far in this inquiry have been the result of financial, political and social influence, both at a state and federal level since long before I started studying in 2018. That's why I think this inquiry is so essential because it's a real opportunity to look at some of those influences and potentially address them through legislative reforms. I really appreciate that.

As an additional piece of background context, I wanted to mention how the student voice has been undermined in recent decades. It started with the introduction of voluntary student

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unionism by the federal government in 2006. Prior to that legislation, student associations and unions across the country were able to receive a mandatory fee from all enrolled students. That allowed them the financial autonomy to decide what was best for students.

Since that was abolished, the financial autonomy of organisations such as ours was taken away and centralised into the university. Since then SSAF, which stands for Student Services Amenities Fees, was introduced. That was introduced in 2011 to allow universities to reintroduce some of those really essential programs. The problem from our perspective is that that money, instead of going directly to student unions and student associations for us to decide where it is spent, goes directly to the university and the university decides whether or not any of those funds will go to the student association.

In the context of TUSA, that has meant that we've been slowly defunded over the past 10 years or so. In 2013 we received 40 per cent of the SSAF funds available. At our lowest point in 2020 we only received eight per cent of the SSAF funds available. It's something that has had quite a tangible impact on our ability to advocate for students and our independence as an organisation to be able to rely on other sources of funding.

More recently the student member on the university council is now an appointed member and no longer an elected member. I know that some other submissions have touched on this. My understanding is that it was a result of low voter engagement and a perceived conflict of interest between the elected student advocating for student interests rather than the broader interests of the university. I note that it is already protected by the legislation.

These issues have led to students feeling as though they are just a figure or a dollar value to the university. While COVID-19 has had a hand in this, this sentiment of separation has been present for at least the last five years of my study. From speaking to alumni it has existed for quite a few years before that as well. My observation is that students have taken real notice of the stress that has been inflicted on both professional and academic staff as the university has taken on an increasingly corporate approach. I know that's been discussed as well so far.

I wanted to close by saying that for us as students the face of the university isn't university council and it is not academic senate or any of the names that float above all of us. For us, the faces of the university are the lecturers and the tutors and the staff we get to see on the ground every day. Ultimately they are the ones who know us best. They are the ones who often are putting their necks on the line to advocate for us in many ways. I'll leave it there.

**Ms LOVELL** - Thanks for your submission and for that opening statement, Sophie. I wanted to touch on some of the detail of your submission. In part A on the second page you talk about the fact that postgraduate students are often neglected in university decision-making. Could you elaborate on how you are seeing that happen and what impact that is having on students and on the university's operations generally?

**Ms CROTHERS** - I'm not a postgraduate student so I won't speak from any direct personal experiences. Starting at the highest level, many other university councils across Australia tend to have two student representatives. Often it is a postgraduate student and an undergraduate student. That is not the case at UTAS. We have just a student. There is no prescription of whether or not it has to be a postgraduate or an undergraduate. Historically there has been a fairly even mix of the two. That's probably the first place that it's noticeable that HDR or research and postgraduate students are missing.

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In other spaces it tends to be that there are lots of formal mechanisms put in place for undergraduate students to have input into decision-making. There are lots of forums. All of the events tend to be targeted in language towards undergraduate students. There's a grey area where postgraduate students are not staff but they're not students either, so they're not afforded the supports of staff or the wage of staff in many cases, which is another issue, but they're also not given any of the extra support that undergraduates are given acknowledging that they're beginning their university journeys there. I hope that answers your question?

**Ms LOVELL** - Yes, thank you. You also talk about HDR stipends. I wanted to touch on your point that the university offers no extensions on stipends. Can you give us some examples of when that would be required or useful? Is that, to your knowledge, consistent or inconsistent with what happens in other universities?

**Ms CROTHERS** - Stipends tends to be an issue across all of Australia, tying back to that federal funding issue. As funding has been progressively cut, research tends to be an area that suffers unless you are in a niche area which has the government's interest at the time.

Sorry, could you repeat the second part of your question?

**Ms LOVELL** - You have kind of answered it. My question was an example of where an extension might be required or sought.

**Ms CROTHERS** - The university has increased their stipend as a result of student feedback from our organisation and many other students as well. They've increased it by \$1000, I believe, for next year, but I don't know of any examples where it has been extended.

They do have extra funding available for students who are in dire financial need. I know of students who have young children and they've become homeless, especially international students coming to Tasmania, not realising how terrible the housing market is before they get here.

There are ways for students to access that money, but I think one of the problems is that it's not a super formal process. From my experience, it's been me tapping individual staff on the shoulder saying, I've got this student in a terrible situation, can you please help? It's often been that staff member personally going out of their way to address that for that particular student.

**Ms LOVELL** - Thank you, that's helpful. You've also said - and this may have been updated, since they have increased the stipend - that:

Rather than increasing HDR stipends, the University prefers to fund the maximum number of offers rather than fewer stipends of higher value.

When you say that's a preference of the university, is that an assumption that TUSA are making? Have they indicated that, or is it because of how you see it operating?

**Ms CROTHERS** - I would probably categorise it as an assumption. I've had many conversations with the HDR staff at the university on this particular issue. I also think that, again, the research funding ties back federally, so they have to meet this kind of algorithm to

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make sure they're still bringing in enough students to meet their kind of business needs. Our concern as an organisation is that it jeopardises student experience, and that if you're bringing in lots of people with the aim of getting over a threshold to get the funding, you might not be putting in the resources that students need to actually have a good student experience while they're studying.

**Ms LOVELL** - Thank you. I will move on to another topic, unless anyone has a follow-up on this line?

**CHAIR** - Keep going.

**Ms LOVELL** - Thank you. Over the page, you talk about providing opportunities for students and staff to develop and apply their knowledge and skills, particularly around face-to-face learning, and the typical university student making sure that learning delivery is flexible and makes education as accessible as possible. I want to touch on the caveat you've provided there, that learning delivery must be flexible without compromising the student experience.

Do you have a view on how that is achieved? What are the ways in which an institution like the university can land on that best way of delivering?

**Ms CROTHERS** - Tasmania is in a really unique position, being the only university in the state. There is a perception from some people - and this isn't necessarily my view - that the university stretches itself because it has campuses across the whole state, acknowledging that many students who attend UTAS are first in the family. They have no one with any background in higher education; we've got an increasing number of Aboriginal and Torres Strait Islander students coming through.

There is a real mission from the university to reach those groups, which I think is really admirable - but by extension, when it comes to learning and teaching, studying entirely online is not a good student experience. I think everyone has become quite aware of that over the last 12 months. I think the problem has been more to do with communication than anything else, and this was something that I was hoping to speak to a little bit later.

The directives that come from upper management are not necessarily bad directives. I think a lot of them have really good intent. They're founded on really interesting academic principles. They've been very well researched. But the way they're communicated down to the lower ground - especially through middle management, would be my observation - somewhere along the line, the message and intent gets absolutely lost and mistranslated into something else, and that causes huge amounts of stress for staff and students on the ground.

**Ms LOVELL** - If you have more you want to say to that, I am happy for you to speak to it now, if you would like.

**Ms CROTHERS** - Yes, thank you. One of my most notable observations over the course of my term this year is that there is lots of good intent, lots of really innovative thinking - and this perhaps ties into academic senate as a forum as well, where there are lots of policies and strategies and discussions being had, but they are not necessarily being debated at that level. There seems to be this understanding that by the time it comes to academics, it is a bit of a fait accompli. There is no need to thoroughly investigate what is being put before you, because

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often the agendas are hundreds of pages long. You have many, many staff - often ex officio staff - who are sitting in on those and, in the COVID-19 world, we have been online and you can see people typing on their emails and things off the side of the call. There are some really important decisions coming through and you do have to question, do staff have the capacity to be able to go through it in detail?

For me it would take, on average, two hours to go through the agenda and list out the questions, and I am sure most staff do not have the capability to do that. So when that is happening at the highest level before university council, I can only imagine what it looks like as it gets further down the rungs and people have more responsibilities and less time to really critically evaluate some of the decisions being made.

**Ms LOVELL** - What do you think is causing that - and is that something you have seen change over recent years, or not?

**Ms CROTHERS** - It is not something I have seen change. For context, I have been with TUSA as an organisation for three years, but this has been my only year as state president.

I'm not sure if I would say it has changed necessarily, but I think the problem - or what I have observed - is that there has been a conflict between centralising things at the university, but also wanting to keep the local feel. As a result, that kind of autonomy and budgeting and all of that has become a wrestle between levels of management, I would probably propose.

When there is a small group of people at the highest level making suggestions or directives down, they do not tend to be operationalised, so it is the responsibility of middle management to translate that into how they think it should look in their particular school or faculty.

That has resulted in some pretty wild inconsistencies in how they have been implemented - some in a really fantastic, brilliant way, and others, such as in the law school, have been really quite detrimental.

**Ms WEBB** - In the final page of your submission, third last paragraph, you comment:

Students are inconsistently supported to give feedback into their Schools and Colleges Learning and Teaching Committees and Course Advisory Committees.

I am interested to hear more about the opportunities students have for feeding into decision-making processes and the like. This sounds like a diminution of that. Is that connected to what you are saying now?

**Ms CROTHERS** - Yes. I would say there is very little formal opportunity for the average student to have input into their courses. There are standard surveys and things that go out about whether or not you enjoyed your unit, whether you feel the content was quality enough. There are those standard 'pulse checks', I would describe them as - but beyond that, unless you are an elected student representative, you do really struggle to get that level of access - and even then, we have 140 youth societies affiliated with us as an organisation, and many of those are academic societies, so they will map back specifically to a course.

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Those societies are all elected students, elected by their peers, and often they advocate on academic issues for their peers. In some schools, those societies are really respected and they are really given a foot up. They are invited to the table, and they do sit on these learning and teaching committees. They can raise issues before they even happen, and it is a really efficient way of bringing student voice.

Unfortunately, that is not the perspective of all staff at the university - that student societies have the capacity to do that. There is probably quite a bit of bureaucracy that happens in the background, I would imagine. As a result, we do see that some schools have not even had a student sit on one of their learning and teaching committees for the last five to six years.

I would say, as well, that is something TUSA is very actively working on. We have developed a Students as Partners program and we have lots of enthusiasm from some areas of the university to start rolling that out in their schools, which we're really grateful for. We've by no means reached everyone.

**Ms WEBB** - We'll follow up on that. Given that you've just described developing this Students as Partners program, which sounds really interesting, are you supported from university management levels to be promoting that and to be having that well accepted across the university?

**Ms CROTHERS** - Yes, we've had a really great reception of that particular program. I presented it to academic senate. I'm one of the student members who sits on it, or was. As a concept I think no one disagrees that it's a bad idea. Again it comes down to implementation on the ground where there are lots of different ideas about where it would be best. I think it's the position of some areas of the university that maybe they're not ready for that level of student input because by the nature of having students at the table, we're the ones who raise the issues. We do create more work for people, unfortunately, so I can understand a bit of reluctance from that perspective.

**Ms WEBB** - Create more accountability is another way of looking at it.

**Ms CROTHERS** - Yes.

**CHAIR** - Looking at the statement on your last page and running further down, you give an example here. You say:

Student-run societies who live in UTAS accommodation have repeatedly had their leadership undermined through the attempted dissolution of committees in 2019, through to the duplication of student leadership in the Residential Leadership program.

Can you cover that? I don't think you've covered it today.

**Ms CROTHERS** - In what particular context, sorry?

**CHAIR** - Well, I'm just interested to know what the circumstances were here.

**Ms CROTHERS** - Yes, I can speak about it personally because I was the president of the student accommodation at the time. It was a very stressful period. At the time, I was the

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president of St John Fisher College, which is one of the residential buildings in Sandy Bay. We had a 70-odd year-long history of supporting students when they lived there. Our committee and our society had existed for that entire period of time. We were very proud of our history and how we could support students. That year was also the year that students who had lived in student accommodation the year previously received an email from the university saying that they were no longer going to be offered a place to return to live in the following year, 2019. They were given a link to Gumtree to look for rentals. That was the context at the time. Following that, we were advised by the university that our committee was dissolved and that they would be introducing a new leadership program that we would be welcome to apply for.

**CHAIR** - Any reasons given?

**Ms CROTHERS** - More consistency, I think, was the position at the time. By being autonomous, student groups again can be a bit unpredictable. They choose the social events that they think are most appropriate; the kind of fundraising events that they think are most appropriate and supports that they offer to their students. I think the university was attempting to roll out something a bit more uniform across all of its accommodations, as opposed to having a few accommodations with a very strong culture and others with none at all.

Luckily for us, we were not affiliated directly with the university, we were affiliated with TUSA as an association. The university didn't have the power to dissolve those committees, but that was the impression that we were given at the time. It took quite a few months of back and forth to reach the point where the university said, 'Yes, the committee still exists and you're welcome to resume your activities'.

**CHAIR** - Okay. And the impact from that? Obviously, some angst from the students and anxiety, I presume. Did anyone leave their course and not continue that you're aware of?

**Ms CROTHERS** - I very nearly left the university after that. I considered moving to Melbourne. I had the support of my parents to do that because I didn't feel as though I was at an institution that was supporting student leadership. I think student accommodation has come a long way since then. There have been some really significant developments in the training of staff to make sure that students are being supported in an appropriate way. There does seem to be persistent tension between students advocating for themselves and wanting to self-mobilise and have the autonomy to choose what they want to do and the university wanting to have a bit more conformity, probably for ease of budget - this is an assumption - and planning as well.

**Ms LOVELL** - I wanted to go to the part of your submission about the university council. You described the process of appointing one student through a panel which includes the state president of TUSA and that the act prescribes consultation with relevant student associations but that didn't happen in 2021. Can you explain why?

**Ms CROTHERS** - I can't speak directly to this because I wasn't the student president at the time but I did speak to my predecessor just to confirm that detail before I put it in this submission. The student member can be reappointed for a following year but it has to be in consultation with the student association. My understanding is they were just reappointed and it was only after the fact that the state president at the time became aware. In that case, they reached out to the university and rightfully pointed out that there might have been a small

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oversight. That was rectified and they had a conversation about it but it is coming back to the accountability aspect.

It is really hard without any level of external oversight to keep a check on all of those things. As a student I was studying full time as well as doing about 30 hours a week in my role as state president. That is a monumental amount of time for student representatives to give up for not very much money in order to advocate. When we're seeking to hold the university accountable to changes like that, you can imagine what would happen if you didn't have a state president with the capacity to call the university out on some issues like that.

**Ms WEBB** - It's interesting that the student representative didn't identify that that was an inappropriate way of appointment under the act.

**Ms CROTHERS** - Yes. If I can speak about the university council a bit more broadly. I don't doubt the capacity of the student members, I think they all do a brilliant job being on university council in reviewing the documents and leading the decision-making. By moving it away from being an elected role I don't think the student members who are being appointed necessarily understand the gravity of the university as a public institution. I think it tends to be viewed now more as an opportunity for a bit of career development. You get board experience, you get financial experience but it really removes that entire aspect of accountability and transparency.

Unfortunately, in the past few years the student member has only met with our state president once. That was myself. The student member of university council never met with my predecessor.

**Ms LOVELL** - My next question is around that, for whatever reason those meetings weren't happening. In the submission you say that academic and professional elected staff had the network of their colleagues to support and inform their decision-making that the student member does not. I understand the position you're in, and I am certainly not wanting you to reflect on any individual, but is that something that's happened by desire of those student members? Is it the link between the lack of accountability because it is not an elected position? What's causing that failure to engage with the student body and the student representatives?

**Ms CROTHERS** - I don't think I could point to anything in particular. If I had to again make an assumption, I think it would come down to lack of information and lack of awareness about what the role could be and not what the role currently is. I sat on the panel to appoint the most recently appointed student member. Questions I asked on that panel were, 'What connections do you have to students?' 'How are you going to be able to demonstrate that you can maintain those connections once you are on university council?', which is a good interim, but ultimately it doesn't replace the networks that if you are an elected student representative, those clauses in the legislation which say you are not representing your constituent body. So I don't think that should be of concern, but there is a real distinction between representing people and raising the issues they are raising to you. You can still act in the university's best interests but also bring more diversity to the table and to the decision-making.

**Ms LOVELL** - Do you think having an elected position would go some way to remedying that?

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**Ms CROTHERS** - Absolutely. Previously it was the state president of TUSA who ex officio was the university council student member and so by merit of that they had access to 140 societies to speak to those students about issues happening to them on the ground. They had the capacity in terms of transparency for a two-way feedback, both taking issues that had been discussed at university council, confidentiality allowing, they could take that and discuss it with students and vice versa. That extra step in transparency and allowing that communication back to the student body about what is happening at university council is something that is missing at the moment.

**Mr GAFFNEY** - What is the process for the appointment of the student? You mentioned that there and I am interested to know. Has that shown a certain pattern over the last three or four years where that appointment person may come from?

**Ms CROTHERS** - I can't speak to previous years because I only sat on it for this year, but for this year it was a standard job application is how I would describe it. You have your cover letter and a few questions you answer. Based off those responses we would short-list them and I was involved in all of the short-listing, we would decide who to interview and then we would interview several students. There was a panel of myself, being the only student there, and then it was four members of the university from a variety of different portfolios who were there to also ask questions, more so in that kind of strategy and business side of things rather than decision-making I suppose.

**Ms WEBB** - On this and I am quite fascinated, because as the act says 'that the student member is to be appointed after consultation with the relevant student associations', who gets to decide what is included in that plural?

**Ms CROTHERS** - I am not sure if I 100 per cent understand the question. We are currently the only student association that exists across the entirety of the university. The AMC (Australian Maritime College) also has their own student association directly affiliated with the university as of this year but they tend to focus more on their school as opposed to the whole of the university. It is there to allow that expansion should there be another student union or student association.

**Ms WEBB** - Who gets to decide who might fall into that category? I am wondering about the situation hasn't arisen but potentially it could, where the consultation occurs with the relevant student association and the relevant student association objected to the final decision of the council in terms of the student representative. There is no way in this act to resolve that in terms of, presumably, if that is overridden and the council gets to decide. Is it your understanding that there's concern about that or that eventuality playing out?

**Ms CROTHERS** - I might be careful how I answer that question because again it is not my personal experience.

**Ms WEBB** - If you look forward, we are not looking back at any particular appointments, we are looking forward to say that could eventuate under the act.

**Ms CROTHERS** - It could eventuate. It happens not just at a university council level but at a variety of levels across the university, university decision-making, and this becomes a bit contentious where the word 'consultation' is talked about at the university and it is talked about a lot with students. There has been a bit of an outcry especially with the move into the

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city, as I am sure you have heard in the last couple of weeks. But for me, 'consultation' has almost lost all meaning as a word, where it seems to be more of a bit of a checkbox of: 'We've spoken to a student. Whether or not we take on board the feedback and the concerns that you have and whether or not we action them is a whole other issue.

**Ms WEBB** - Or if they need to justify a decision back to you as a participant in consultation.

**Ms CROTHERS** - Yes.

**Ms WEBB** - Can I ask also in this same space, under the appointment to council of a student representative, of course, part 3 of section 8 of the act comes into play where it says:

- (3) A member of the Council is responsible and accountable to the Council rather than to any constituent body by which he or she was appointed or elected.

Is there somewhere a documented understanding of what it means to be responsible and accountable? I am asking that because you could read that to mean you shouldn't be, then, directly interacting with the constituent group from which you've been drawn about your place on the council. Or you could read it to mean you're free to be interacting with and bringing forward matters, communicating back in some sense without a sense of accountability or responsibility in just answering to them. Is that taken to mean that you're not to be interacting with them?

**Ms CROTHERS** - I'm not sure. The university council has a number of extra rules that they're subject to that are just internal, within the university. I have never seen them. I'm not sure what they list and maybe that might be a question for the university directly.

But I am ideating the latter you proposed about how it's not representing but it is still using them as a feedback forum and almost like sounding boards. For me, that is the ideal situation. I think it's really interesting that the professional and academic staff have the benefit of having access to that but students, for some reason, don't. I'm not quite sure where the skills divide maybe happens there - that there's this perception that students aren't capable of withholding themselves from representing their constituent body but a professional staff member or academic staff member is capable of doing that by merit of allowing them to be elected. I think it is an interesting comparison.

**Mr GAFFNEY** - Something a little bit different. You mentioned that there was a stage where you felt like transferring to Melbourne for a reason.

**Ms CROTHERS** - Yes.

**Mr GAFFNEY** - We're a bit concerned. If we go back 10 to 15 years, on the north-west coast there were scholarships and stuff, studentships that would help students go on to UTAS. Any thoughts around the traps about how people are now feeling about UTAS or whether they're looking elsewhere for their university degrees that has anecdotally come up in conversation? You are within the student age group and you may have more information about that.

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**Ms CROTHERS** - I don't want to speculate on it and I probably don't want to comment on it my official role with TUSA. But as a graduating student in a couple of days, it's a really big concern for keeping students at the University of Tasmania. School leavers I know have been much more actively seeking out what university on the mainland would look like in comparison to UTAS. I don't think that means that UTAS has been ruled out entirely but the nature of the discussions that have happened in the public forum over the course of the last 12 months has been massively damaging to the reputation of the university. I'm quite concerned that, even if there were to be a variety of changes, that reputation may not be able to be recovered in time for the next couple of years of commencing students. That is enough to severely impact the enrolment numbers of the university, which in turn affects the Student Services and Amenities Fees (SSAF) that keep organisations such as mine functioning. It affects all areas of the university.

Anecdotally, there has been a noticeable increase in students discussing going to universities other than Tasmania. The extension of that is that there are really severe financial implications on students if they choose to do that because it is so much more expensive to move away from home.

**Mr GAFFNEY** - Does TUSA keep any tracking on their students, like maybe a second, third year may transfer - or is that mainly done through the university itself?

**Ms CROTHERS** - Yes. We do not have access to any data about student enrolments. If we want access to it, we request it from the university. Students don't have to apply to be a member with TUSA. By being a student at the university, you are automatically considered a part of the student association, but we don't charge any fees or anything.

**Mr GAFFNEY** - You do not have access to that information?

**Ms CROTHERS** - No. We can have some information provided to us on request. For example, we received some of the demographic data that I listed in our submission from the university. We find that really useful to help us plan our operations, but beyond that -

**Mr GAFFNEY** - You may not have this information, but when you mentioned that relationship change with the SSAF in 2006, do you know if the information regarding individual students was then available for the student union?

**Ms CROTHERS** - No. I do not think it ever was, but I could be incorrect on that. The most noticeable change with voluntary student unionism being introduced was more so that all the commercial operations that created a funding stream for organisations such as TUSA to remain independent of the university were all of a sudden just gone, because they were all funded out of SSAF. So, back in 2010, I think it was, our organisation had to sell all of the commercial activities that we owned - which means that we are almost entirely reliant on the university for all our funding. We do have an investment portfolio, but beyond that -

**Mr GAFFNEY** - So, when you said it was 40 per cent, I think, and now it is down to 8 per cent?

**Ms CROTHERS** - It was 8 per cent in 2020.

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**Mr GAFFNEY** - Is it able to track where that decrease has been? You said it is 8 per cent now, so was it 10 per cent last year, or 12 per cent the year before, or has there been a gradual decline?

**Ms CROTHERS** - Yes, it has been a gradual decline. I actually did have the graph and I forgot to print it out to bring it here today - but yes, it has been a gradual decline. As well as SSAF, we were also given another form of funding called baseline, for lack of a better word; it was directly out of the university's core funding.

This year, we received 17 per cent of SSAF, compared to 8 per cent in 2020.

I just want to note that previously we received baseline funding, whereas this year, that baseline funding was removed entirely, and the amount of SSAF we received was pushed up. So, in reality, we only receive about \$30 000 more, but if you look at the percentage number of SSAF, it seems like we've had a really notable increase.

**CHAIR** - With the baseline funding, you are saying the union didn't get it this year. Do you know whether it was actually handed on to students through some other mechanism?

**Ms CROTHERS** - Yes. SSAF has a series of guidelines that prescribe what it can and cannot be spent on. The university is required to publish that in their annual report, which unfortunately was not published in time before I put in this submission, so I was not able to review it. Beyond that, there is a very high-level version on the university website about where those funds have been allocated. It is a very high-level summary of the breakdown of those figures. The only students who are privy to a more detailed breakdown are students such as myself who sit on the consultation group.

**CHAIR** - What sort of strictures does the university place on the union in terms of where it spends the university's money?

**Ms CROTHERS** - We don't have any restrictions explicitly put on us. SSAF money, once it is given to us - and this is testament to the university, they stand by their promised allocation. In times of financial difficulty, where the forecast has not been the actual amount the university has received, and has been quite substantially under, the university has never tried to take that money back off the student association. I do think that is worth noting.

Once the money is with the student association, it is for us to spend as we choose, within the legislative guidelines. I also think every year we have to go to the university, to the budget table, and have to advocate for both student interests more broadly, and where we think the entirety of the SSAF pool should be spent. We also have to justify why we should receive the amount of money that we do.

In that capacity, some people might view us as just another department of the university, because we're being characterised in that way by being brought to the strategy in the budget table, rather than being recognised as an independent organisation.

**CHAIR** - In your submission you talk about significant work since 2019 to transform the organisation, in response to indications from the university that the partnership agreement would be jeopardised if significant actions were not taken to address several perceived shortcomings. Are you happy to share those shortcomings? I'm interested to know whether

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they're reasonable or otherwise. It's hard to know if we don't hear about them, but if you don't wish to, I can also understand that.

**Ms CROTHERS** - Yes. This was just before my time at TUSA. Again, I can't speak to it personally, but at the time, funding had been gradually reduced year on year for TUSA - or for the TUU, as we were then known, the Tasmanian University Union. Without commercial services, our relevancy was declining massively. We were no longer visible on campus due to the funding reducing. Our advocacy services had reduced and so we were no longer visible, is how I would describe it.

As a bit of a feedback loop, some of the issues that were arising were, are the student representatives truly representative of the students, if there's only 1-2 per cent voting in their elections - which are all very valid questions to ask.

My understanding is that the report that was commissioned into the TUU at the time was basically saying if you can't identify why that's gone wrong, and how to address it, then we will cease - or will potentially cease - funding you altogether when your funding agreement concludes. Luckily a few new staff members were brought on board at the time, who did some fantastic work in strategy and really turned the organisation around.

We've since rebuilt a lot of the relationships with the university, which we're very grateful for. We now no longer feel that same looming sense of dread for the future of the organisation, but I also don't think we're necessarily out of the woods.

With any student group, there is always going to be that conflict. Standing up for ourselves and advocating for our interests will sometimes unfortunately conflict with what the university considers to be their best interests.

**CHAIR** - Thank you.

**Ms WEBB** - That whole bugbear of biting the hand that feeds you, and how awkward that can be at times. I'd like to be really clear about the SSAF funding and the totality of resourcing available for TUSA.

In 2013, you received 43 per cent of the SSAF funding. It diminishes over time. By 2019 you were getting 15 per cent of the SSAF funding, which dropped in 2020 to the lowest point of 8 per cent. It's come back up in 2021 to 17 per cent - but at the same time, baseline funding was removed.

In quantum, is your funding for 2021 baseline and SSAF together greater or less?

**Ms CROTHERS** - Greater by a very small amount, about \$30 000.

**Ms WEBB** - So, the increase back up to 17 per cent of SSAF has, in some sense, masked the removal of the baseline funding - and left you in the same position at that lowest point that you had in 2020 of only 8 per cent of SSAF funding?

**Ms CROTHERS** - Yes.

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**Ms WEBB** - Does TUSA have a say in how the remainder of SSAF funding is spent, allocated?

**Ms CROTHERS** - Up until this year, student representatives sat on a decision-making group - or at least that was what the terms of reference described it as, which was members of the university higher management and their relevant portfolios - to discuss what the student priority areas were. That's funding other things like learning and teaching support, counselling - all of those kinds of bigger programs that are really essential for students.

We have ability to give feedback into what we think are the priority areas for students - but as of this year, those terms of reference were amended. We are now a group that is consulted with, but we don't ultimately get any say. So, the incoming or current state president will not know what the SSAF allocation is until it's published by the university.

**Ms WEBB** - What rationale was provided to TUSA for that change in removing you from that decision-making group, to being a group consulted by that group?

**Ms CROTHERS** - I suppose, in reality, maybe it was never a decision-making group to begin with, and that it always was a form of consultation anyway. The university is many moving parts. Its finance team has to be consulted. All the different departments are all vying for the same bag of money, the same piece of pie. By keeping it outside of those portfolios you're minimising the risk of people fighting over the money.

**Ms WEBB** - Were other groups removed from that group as well? Was that group disbanded in its entirety?

**Ms CROTHERS** - It wasn't disbanded. It was a slight shift in the purpose for why we were meeting. We never decided on quantum anyway. It was only ever those broader areas, broad categories.

**Ms WEBB** - Setting priorities.

**Ms CROTHERS** - Yes.

**Ms WEBB** - But still there is a sense of diminution in your ability to have a say in that space?

**Ms CROTHERS** - Yes.

**Ms WEBB** - It sits alongside the other areas you identified in the submission where that same dynamic seems to have been playing out in recent years?

**Ms CROTHERS** - Yes.

**CHAIR** - We have three minutes left.

**Ms WEBB** - I am interested in part C, where you propose an interesting idea that we haven't heard from any other submitters. TUSA believes that a minister for higher education and/or an independent statutory body should be created to administer the University of Tasmania Act. We have a Minister for Education who is responsible for the act now. Explain

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in more detail why TUSA is putting forward the concept of a minister for higher education and what that would provide beyond what is provided under the current arrangements.

**Ms CROTHERS** - The Minister for Education has a significant portfolio. Acknowledging the socio-economic status of most of Tasmania shows why education is so important. Half our population is functionally illiterate, I believe. That portfolio historically has had much more focus on primary and secondary education, rather than higher education. My personal perspective is that the extent the Minister for Education interacts with the university is more in a check-box kind of capacity when it comes to appointing members to university council, for example. There is very little interaction from that point onward beyond funding.

By having a minister for higher education more specifically, as many other states do across Australia, although we only have one university and those other states have many, to create such a portfolio would be recognising the importance higher education has in creating a pathway for Tasmanians to be able to stay in Tasmania. As well as an accountability mechanism it would also be a statement to the Tasmanian people about how seriously the government takes higher education and research in Tasmania.

**Ms WEBB** - It is interesting that we have a minister for skills and training, which effectively carves out some of those other tertiary education areas and gives them portfolio prominence, but not, as you say, higher education. It's an interesting idea.

**CHAIR** - One small component of that is how such a minister might interact with the university. There have been observations made in certain submissions that it needs to be autonomous and have free reign. Do you have a comment on that?

**Ms CROTHERS** - I don't think the minister should have control over the university. This comes back to academic freedom. Universities need to have the ability to be reflexive and identify the areas that may not necessarily align with political objectives. The nature of being a public institution is that we are always risking being defunded if you are not looking into the areas that the government of the day thinks is most appropriate. There's capacity for such a role to hold the university accountable by things like attending university council meetings, not as a voting member but to be there and report back to the Tasmanian public about where that money is being spent, what kind of decisions are being made and being able to call out issues when they arise earlier and bring it up in parliament if need be, creating a closer relationship between parliament and the university. This has been lacking.

**CHAIR** - Thank you for that. It was a very interesting last comment for us to reflect on. Thank you for coming before us today. It is important that we hear different perspectives. I would like to remind you that it is important to note that all the evidence taken at this hearing is protected by parliamentary privilege and remind you that any comments that you make to the media or others outside this room, even if you were to repeat what you have said, will not be protected. You're aware of that?

**Ms CROTHERS** - Yes.

**CHAIR** - Thank you. We wish you a very happy and safe festive season. Thank you for presenting to us today.

## **PUBLIC**

For those who are online, we wish you all a safe and happy festive season. I do hope that 2023 brings us all a year of, I won't say rest because some of us won't get the rest, but 'prosperous' is maybe the term, and a year when we can have plenty of enjoyment with family and friends.

That ends our broadcasts for this year. There will be others coming forward in the new year, possibly February and March. Keep your eyes on the website if you are interested in catching up with further hearings that we will have in relation to the inquiry into the University of Tasmania Act. All the best. Thank you.

**THE WITNESS WITHDREW.**

**The Committee adjourned at 2.47 p.m.**