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**THE LEGISLATIVE COUNCIL SELECT COMMITTEE MET ON MONDAY,
12 DECEMBER 2022**

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

Mr ERROL PHUAH NATIONAL PRESIDENT, COUNCIL OF AUSTRALIAN POSTGRADUATE ASSOCIATIONS INCORPORATED (CAPA) WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

The Committee met at 9.31 a.m.

CHAIR (Mr Valentine) - I will commence today by acknowledging the traditional people. We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and Elders past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.

I will introduce members of the inquiry who are here at the table with me. I am Rob Valentine, and we have Nick Duigan, Sarah Lovell, Meg Webb and Mike Gaffney. Jen Mannering is secretary to the inquiry, ably assisted by Allison Scott, and we have Gaye from Hansard.

You would be aware of the information for witnesses?

Mr PHUAH - Yes.

CHAIR - And you've read those? And you're well aware that if you wish to have anything treated in camera, that you can request that, and the committee will consider that.

I just need to make you aware 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's 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 already have the copy of information for witnesses and you've talked to me about that. The evidence you present is being recorded, and the *Hansard* version of that will be published on the committee website when it becomes available.

Today, we will offer you the opportunity to make some opening statements in relation to your submission, and your appearance here today before us. Then we will have some questions from members to follow your opening statement, if you wish to do that. Do you wish to make an opening statement?

Mr PHUAH - Yes, please.

CHAIR - Okay, go ahead.

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Mr PHUAH - Thank you everyone for inviting us to speak today. I am speaking here on behalf of CAPA, the Council of Australian Postgraduate Associations, which is the peak body for postgraduate students across the country.

I apologise for not being there in person. It was a miscommunication, I assumed it was online. I would have turned up in person, if I could. I only found out a little too late. I want to thank you all for inviting us to speak, but also for organising this inquiry, and the people of Tasmania as well for pushing this forward, because this is a public discussion that Australia needs to have about the purpose of universities. Tasmanians should be proud that they are, in fact, leading the entire country on that. No other state has taken this first step.

There are a lot of questions to be asked in the inquiry, and some of the questions that we wanted to focus on in our submission was what was the purpose of universities? What are their obligations to society? What is the public good? And to define what that is or whether that is being met, and whether or not providing an education to the population just to help them gain employment is sufficient, or should it be more than that?

A lot of how we responded to that submission was that, well I do not think the University of Tasmania, amongst other universities as well, has been doing that. That starts with the university governance. A big part of it is the fact that university governance favours managerial practices, or academic ones, and that changes the culture of the universities, and how they behave and how they react to the environment around them.

So, COVID-19 for example, was when things got quite volatile. In our submission, I focus more on the act itself, because we understood that the Tasmanian students would have put in their own submissions. So, we might look at it more broadly, and the structure of the UTAS act, and basically, what we looked at was the fact that the act itself states who should sit on the council and how to go about it. It actually singles out the number of people who could actually be represented from the community, staff and students.

I think there is a total of maybe 12 positions from memory, and all of these will be selected in different ways. There is actually a limit to how many can be actively engaged from the community. That is a problem itself because if you wonder, through this entire ordeal you have gone through with people reaching out saying that the university is doing many sorts of things, and they do not necessarily agree with, why is it out of touch? It is because the structure that has been put in place basically, inherently, encourages that.

This is where I recommended alternatively to look at a more sensible approach of increasing the number of local community stakeholders on the council, whether it be students, staff; it could be local people from the community. This is what European universities have. It is not uncommon for it to happen. Even in Germany, their publicly traded companies have a board structure where half of the board members are from the community and the other half are people of corporate expertise, for example.

These are realistic things that actually happen in other countries that Australia does not embrace in our public-owned universities.

The other section of our submission is basically on putting education and academic inquiries before corporate and financial interests. The reason for that was because when you have these other agendas that you have to manage and you take as high priority, you lose that

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third unbiased voice that universities are meant to be in public discourse, because there is always that conflict of interest. So, universities should ideally be as far away separated from mandrel practices, and that mandrel culture. In a sense, it should be academic because if anything anyone can disagree with, it would still be based on reason and there's a public debate that makes it non-political.

Finally, I want to stress the importance of the university in which I felt a lot has been amiss in the last couple of years, which is that the purpose of universities is not just to develop technical skills to get a job, but it is in fact to develop an individual to learn how to think, to analyse, to reason, to debate ideas and to critique and challenge different norms and ideas to move society forward.

I think all the universities right now, including UTAS, have taken a really minimalistic approach to developing people so they can get a job. This is great, but the reality is that what actually brings social mobility is actually all those things I mentioned - learning how to think - and that is where innovation really comes from. Universities need to go back to that. A first step is actually tackling it from the top from university governance because it flows all the way through the culture of the university.

Just as a final point, the consequences of not addressing this issue is you actually have a breakdown in a democracy and a rise of populism because universities actually are responsible for developing good responsible citizens. So, I believe universities are central to their democracies and that is the purpose they serve to society. Thank you.

CHAIR - Thank you, I appreciate that overview. I must say 455 000 membership is not a small membership, a significant number from obviously pretty well every university in Australia, I imagine.

Mr PHUAH - Yes.

CHAIR - Looking at a couple of those issues you have brought up. In terms of the university council, the number of elected members as opposed to those who are appointed, what is your view on that balance? Are you suggesting those elected should be in the majority on such a council? Or, how do you see that?

Mr PHUAH - I think they should at least be tied equal. As someone who has sat on - not university council - but I have sat on other high-end university committees or positions before. Often, you are outnumbered quite a bit. If you do raise concerns you can articulate them the best you can, but often, if these concerns are only agreed upon by the elected officials, you tend to just be heard and then it gets put aside. I think they do not necessarily have to be a majority but it should at least be equal, like a 50-50.

CHAIR - Thank you for that. Turning to page 4 for your submission, towards the bottom you talk about the purpose and function of universities. You touch on the responsibilities. You say:

These responsibilities should be driven by intellectual curiosity rather than "narrow, short-term economic objectives, industry goals and vocational training".

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With your knowledge of other universities across Australia, is it a tendency that vocational training is creeping into the purview of universities? Or are only some universities going down that track?

Mr PHUAH - I would say it is happening in a lot of universities. The examples I would give are IT, design, engineering, those particular areas, they are professional degrees. I have nothing against vocational education, I want to point out, very specifically. It is more the fact that when you creep vocational education into university then it makes vocational education, TAFE, a lot less valuable and for what? Universities were designed to develop ideas not technical skills. Even if you hear about the university courses, there is a lot of discussion by various people about developing technical skills in order to be employable. I believe that in the past technical colleges were responsible for that. You went to university to harness those ideas beyond the technical skills you developed. That is actually what happens in Europe, like it does in Germany, you go to technical college, you develop your skills and you decide I want to try out new ideas, I want to tweak this different ways. Then, you go to university for that. That is a normal process of going through education.

CHAIR - Looking a bit further, you talk about powers of the University of Tasmania on page 6 and right through onto page 8 you deal with some of these things. You talk about the side ventures that have led to unethical business practices in direct opposition to the public good. You make mention of that. You talk about - other examples include:

... universities exploiting their higher education provider exemptions under their respective state tenancy legislation to include hidden fees added to the accommodation cost.

Are you particularly aware of any of those sorts of exemptions that happen in Tasmania at the moment? Or is that not something you have looked at?

Mr PHUAH - I have not specifically looked at Tasmania. That requires a lot more work, to specifically talk to people there, about it. I believe they would still be capable of exploiting if they chose to. It is just something that happens in a few states. I know it happens in Western Australia, NSW, Victoria as well.

CHAIR - Is it something that could happen? One other example towards the bottom of that same page, you talk about how:

We reiterate that the sole focus of universities should purely be in the interest of the public good through teaching and research. We assert that universities cannot transparently meet their third responsibility (as stated previously) as the "rational arbitrator of public discourse" if they have a pervading and competing interest in fiscal expansion.

I look at that and I will play devil's advocate here. As we explore that statement, especially in relation to section 6(fa) of the act:

(fa) to foster or promote the commercialisation of any intellectual property;

That is what is in the act at the moment. It is one of the functions of the university. If a university's activity has the potential to capitalise on intellectual property that is generated,

effectively, it could reduce the cost of the research being undertaken and even provide an opportunity to further progress that research if they were to earn money through commercialisation of that IP. Do you feel that circumstance is not something the university should be engaged in?

Mr PHUAH - I think they should be open to engage in it but it is a case of, does the tail wag the dog? Or does the dog wag the tail? It should be secondary in a sense, because when you drive research specifically towards those ideas, you tend to actually distort that kind of curious drive because research is that you ask an open question. If you ask an open question, and then you find an answer, you can pursue that by all means, and that's where you go towards the IP. But to pursue that as a straight goal, that actually closes a lot of doors.

I can give you an example here. They say that the first moving picture, like cinema, was invented by someone just asking one simple question, which was: when a horse gallops, at any point, are all four of their feet off the ground? Because they tried to take photos of it, to see that frame by frame, that was the start of motion picture. Now, what I'm saying here is that sure, that led to cinema, and by all means, pursue it. But the reality is, it's not like someone pursued moving pictures first. It was just nascent curiosity that led to it. It's always important to maintain that level of curiosity and to value it.

CHAIR - What you're saying is, it shouldn't be the principle reason for being. The research is paramount and any commercial aspect to it is incidental to the main focus, and not to interrupt.

Mr PHUAH - Yes.

CHAIR - I think of circumstances where universities become involved in research for industry, for instance. Do you see that those collaborations are something that the universities should be involved in, whether it's forestry or in the case of Tasmania, aquaculture research? All those industrial circumstances where research might be required and the university puts its hand up, and says, 'yes, we can delve into that'. Do you see that as something that should or shouldn't be engaged in, in terms of whether it compromises the university? Is it valuable experience for people who are studying at that university to be able to have those opportunities? Do you have any comment on that?

Mr PHUAH - That can be a little tricky. There are certain cases where it can be problematic. As an example, when I was a young researcher in my undergraduate days, they would talk about how we should be sceptical about research that was funded by industry. Now we are talking about it all the time as a normal thing. The reality also is that part of being a public university, we are supporting a community, and industry is part of that community. So, to some extent, and I am just generalising here, helping out the community is important because there are small businesses that exist and there are start-up costs that are quite expensive, especially with equipment. If you want to test an idea, a university is not a bad place to go to find expertise to help learn more about how to refine an idea, to start that business.

So, I wouldn't be against engaging with industry but like all things, there is a balance. There is this big idea that research commercialisation that has been going on, where again, the cases use research commercialisation as a means of return on investment in a business sense, and not in a research sense. There is a balance with this. To some extent, there are certain

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ideas that have gone around in recent years that have tried to push it towards commercialisation - perhaps more so than it should - than letting it happen naturally.

Ms WEBB - I appreciate your thoughtful responses. I'd like to tease out some of the things that you focus on in your submission about what you describe as a disparity between UTAS responsibility to the community and UTAS council's responsibilities as council members and as a group.

I take it you are pointing to two parts of the act that frame those responsibilities, one being the functions of the university in section (6)(g):

- (g) to engage in activities which promote the social, culture and economic welfare of the community and to make available for those purposes the resources of the University.

So, that's a university responsibility overall; and then the council has the responsibility in section 9(2):

- (2) The Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University.

Can you expand on what you describe as a disparity there? I take it the solution you are proposing is this rebalancing of representation on the council. Do you think that is sufficient to address the disparity that you have identified, or are you also advocating other measures?

Mr PHUAH -I would say that having more elected individuals will go a long way in terms of representation; unless you guys are keen on having state referendums every time the university does something that is questionable to the community.

Basically, the disparity I'm referring to is that I think the university council is responsible, much like a board member, to keep the organisation afloat. A good part of that might be perceived as keeping it sustainable, making sure that it has enough funds to weather the storm, so to speak, and I understand that.

However, when the responsibility in to the council doesn't specify anything about public good and engaging with the community, I find that a little bit odd, because I feel it just means that the responsibility is to keep the organisation afloat, no matter what. That's where it's a little bit strange, because - from what I can see - the university is capable of staying afloat without necessarily fulfilling all its duties to the general public.

It is able, if it wants to - and you can see this in other countries, where they can increase the student debt, but increase the tuition fee - provide them an education, and continue to expand and have big hedge funds and all sorts of things. Is that for the public good? I don't know, but that is a very broad term. I'm sure someone could say one of these universities invented something that cured cancer, then that would be a public good; but, for the everyday person, to the community, does that still count as a public good, if the ends justify the means?

Ms WEBB - In that respect, would you advocate for more explicit articulation in the act in terms of the council having a responsibility to serve the public good, as well as to act in the best interests of the university?

Mr PHUAH - Yes, I would definitely advocate for that.

Ms WEBB - Thank you.

CHAIR - On page 8 of your submission, you say that the act perhaps needs to be changed; that it should be amended to include that the council is also responsible for ensuring UTAS meets its obligations to the community, especially the Aboriginal community.

In section 9 (2) of the act, given the way that it is stated there, it is very plain:

The Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University.

You are saying, add to that 'and meet its obligations to the community under section 6 of the act'. You are pointing back to what those obligations are.

Do you think with regard to Aboriginal and Torres Strait Islander issues it would be best achieved by having a representation on the actual council to draw attention to areas that need attention, than to leave it to chance?

Mr PHUAH - I would leave that to the community to decide on that one, if that is something that they would want. I think they have different views, but I do not know if I should comment on that one myself.

CHAIR - Okay, if you do not feel comfortable commenting, that is fine, I appreciate that.

Ms WEBB - In your submission on the final page, page 13, you talk about the fact the current provisions within the act do not adequately ensure universities operate with transparency and accountability to their stakeholders, particularly the community. Beyond that rebalancing of representation on the council that we have already spoken about, are there other measures or mechanisms of transparency and accountability you are particularly keen to see or would see as valuable to be put in place that are not there now?

Mr PHUAH - There is another element I suppose with the academic board which is involved in the governance of anything academic. Often those academic boards do not necessarily service the traditional purposes it was intended. Usually, it helps decide the quality of the education and help make the academic decisions and confirm them. However, through COVID-19 a lot of universities cut out a lot of courses or made significant changes that bypassed that governance system. It would be really good if there was a focus on that as well.

I have spoken to many colleagues and I refer to professors and other academics, that it seems as though the university moves as its own entity and what they would deem as academically sound, is actually often left out. It seems to be driven by some sort of mandrel kinds of motivations. As an example, I am a PhD student and one of the big things that has been going on is that they have been reducing the PhD scholarship down to a three-year PhD, when the average time to finish a PhD is three-and-a-half years to four years. Most academics will tell you that in order to finish a PhD and do it well, you should probably get paid that stipend for three-and-a-half years at least. What they usually do, if they pay you for three years

and then they kind of maybe give it to you for three-and-a-half years. They definitely do not give it to you for four years. A lot of supervisors will ask that questions and go how is my student supposed to finish if they are being rushed this way.

What it does, it makes the PhD program a lot more dilute because in order to finish in three years, you would run much more simplistic experiments and experimental designs. The training goes down in value and these things have been happening across the country and they bypass a lot of the academic governance at universities. They have allowed for that for various reasons, but the PhDs these days do not get the same PhD experience they did 10 or 20 years ago, for that reason.

That is just one example where the academic board or academic senate is no longer really able, or has almost been used tokenistically to approve things, but not actually to discuss these matters.

Mr DUIGAN - Given your organisation has a national sort of purview and I guess you are seeing this sort of issues pop up in other parts of the country, I am just wondering whether this question of governance is something that sits with the smaller universities around the country like UTAS, or is it something you would say is happening across this board. Are the smaller universities finding themselves needing to make more changes and to be more reactive to the community rather than some of our bigger institutions?

Mr PHUAH - They all react slightly differently, but they all seem to have the same challenges. What is happening right now with the job-ready graduates reform that has happened in 2020, a lot of the policy people - the policy circles - will agree that has caused some universities, namely the group of eight, to typically become more research-oriented. So they will take more of that funding out and put that into research. That money I am referring to, the money out, is money that was coming from Commonwealth supported places and put that more into research. Because, if they do that, then they can keep their rankings higher, and then they can attract more international students. That is what the big universities are able to do.

However, the smaller universities cannot compete that way. They react in the opposite direction and they might actually neglect their researchers and become more teacher-focused. Which is probably fine to some extent for the population, but it also actually puts the academics at a disadvantage because they are not funded nearly as well to do research. In order to teach at a university, the big distinct difference is the fact that often, teaching and research go hand in hand. Otherwise, you could think about it, if you are only just teaching and not researching at all, you are not actively researching, you might as well just teach from a textbook.

CHAIR - One last question, given we are getting close to 10.15 a.m. On page 12 of your submission, you talk about:

Australian universities' reliance on international student enrolments as an alternative source of revenue has received significant media attention.

You go on to talk about:

Vice-Chancellors are held to Key Performance-based Indicators (KPIs), which are incomplete or inaccurate performance measurements. Student

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employability or student satisfaction surveys and university rankings are unjustly weaponised to measure the quality of education and intellectual curiosity, respectively.

You go on and state other things in regard to that:

In recent years, there has been greater emphasis on gaming the performance-driven funding models than on providing quality teaching, learning, and research.

Are you saying that focusing on throughput in those KPIs is actually detrimental to academic achievement in the university and that probably casualisation is also adding to that?

Mr PHUAH - Yes. Full disclosure, for a second there you cut a section there, so I think I caught most of what you said, but if I missed anything I apologise.

CHAIR - Sorry about that.

Mr PHUAH - A lot of the policies that come through require a great deal of thought, because what we want out from the system is not necessarily what we get. Universities are incredibly good and we joke about this in policy community circles, is that universities will always find a way to game the system. To find a way to get an advantage over everyone else.

That is going back to the PhD going down the three years and my reference to that is, to use that as an example, part of the reason for that is because every time a PhD student completes, over the two years from that student's completion, the university gets money back for paying those students. Now, if you think about it, that sounds great. That is a reward or incentive to do something but it also means that, 'I want to teach and train more PhD students', regardless of whether we need it, regardless of whether we want it, regardless of whether people want to do a PhD, we will just give them enough incentive to want to do it. You have to be very careful with a lot of these KPIs and a lot of these policies because they can inherently bring quite grotesque outcomes, ones that are not necessarily true or for the public good.

CHAIR - Thank you and I appreciate that. We are drawing to a close in our session this morning with you. Is there anything you wish to make a statement on before leaving us?

Mr PHUAH - No, but I want to thank the people of Tasmania for coming together and really standing up for what they believe in. I wish the rest of the country would do the same. I am happy that the people have come together this way. I think they should all be very proud. You are representing a great group of people.

CHAIR - Just to reiterate what I said earlier, it is important to note that all the evidence that has been taken at the hearing today is protected by parliamentary privilege. 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, it will not be protected. Are you aware of that?

Mr PHUAH - Yes.

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CHAIR - Thank you for joining us today, it is always interesting to have perspectives from as many different angles as we can get. Certainly, students are really important in this whole scenario.

The Committee suspended at 10. 13. a.m.

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The Committee resumed at 10.25 a.m.

Mr FLETCHER CLARKE, PRESIDENT TASMANIAN UNIVERSITY LAW SOCIETY (TULS), WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR - I welcome Fletcher Clarke, president of the Tasmanian University Law Society to our hearings today. I will introduce the members on this inquiry. We have Nick Duigan, Sarah Lovell, Meg Webb, myself Rob Valentine, Mike Gaffney, and we have Jen Mannering as our inquiry secretary, ably supported by Allison Scott, and we have Gaye from Hansard.

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 the 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, I believe. Have you had a chance to read that?

Mr CLARKE - Yes.

CHAIR - Thank you, and you are well aware of what you may do if you there are any issues that wish to have covered in camera, the request that you can make. The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available if you wish to review it.

Normally, we provide the opportunity for you to make an opening statement in relation to your submission or other matters that you may wish to comment on in relation to the inquiry. Once that is done, then we'll have committee members ask you questions. You wish to make that opening statement, so over to you.

Mr CLARKE - Thank you very much. Let me begin by saying that the University of Tasmania is an important public institution in this state, and I emphasise that it is, in fact, a public institution. It is an independent organisation, a statutory corporation, but it is subject to scrutiny and oversight of parliament, which is, I think, a fundamental part of our parliamentary democracy.

While it is an important public institution, and one that I hope all Tasmanians should be proud of, it is a university that in recent times has gone from scandal to scandal, and crisis to crisis. Whether it be its approach to student accommodation, academic freedom, safe and supportive workplaces, the student and learning experience, or the university's move into the Hobart CBD, the university has acted in a way where its management is secretive, lacks accountability and is unresponsive where concerns and complaints are aired. Further problems have arisen because the university council as a body which is supposed to supervise the university's management appears at times to be, in my view, missing in action.

From the perspective of law students, I can say that the University of Tasmania's law school, after what has been a long and hard-fought battle, is now in a strong and healthy position. But this has only been the case after a concerted effort by students, staff and the legal profession to bring about changes that have placed the law school in the position it now is. It should never have come to this, and this experience has highlighted to many of us the failings

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of the university when it comes to its governance structure and how accountable and responsive - or the lack of a responsive nature - the management is, especially when it comes to dealing with a crisis of the magnitude of what the law school went through.

I will graduate from this university in five days time, not knowing whether I should be proud of the direction in which it is headed. Unfortunately, this is a view shared by a great number of students, particularly those who are leaving the institution this year. I am, as are so many others, grateful to the many brilliant academics of the university, as well as our peers, professional staff and all those who work hard in extremely difficult circumstances. But it would be remiss of me to say that students have not been the focus of the university, and that we have been let down so many times by the institution, especially law students.

In the view of TULS, that is, the law student society, there is a real opportunity to improve the university so that teaching, learning and research are core to its functions, and not simply on the periphery. We welcome the opportunity to contribute to this inquiry, and to provide our perspectives on what we hope can make changes to the University of Tasmania Act, so that it becomes an institution that we are proud of. Thank you very much.

CHAIR - Thank you, Fletcher. I'll pass to Meg Webb to commence the questioning.

Ms WEBB - Thank you, Fletcher, for being here today. It's useful to have student experience brought to us for consideration in the inquiry. There is plenty to engage with in the submission from TULS.

I would like to understand a little bit more about the statements and the claims that you have made in page 2 of the submission, which relate to what you are saying is an undermining of independent student leadership at the university and the capacity to advocate on behalf of students. It talks about the reduction of funding to the student association but you are talking about 'to the detriment of student advocacy'. I would like to understand that a little bit more. Is that student advocacy for the individual students or are you talking about student advocacy, the interests of the student group at the university, or both?

Mr CLARKE - I am talking about both. If we have a situation where we are undermining organisations that do advocate for students and that has been, in my view, quite clear, then it undermines the capacity of individual students to perhaps realise they have a voice or to exercise their voice. More fundamentally, especially where I emphasise here about the student association, I think it has undermined groups to a significant extent because if they are focused on just trying to survive, just trying to get by as an organisation because of reduced funding or whatever it might be, it is very hard for them to be able to exercise their voice and advocate for students on their behalf, if that makes sense.

Ms WEBB - Is this something that you are suggesting has changed over time? That there was a time - at some point in times past - where student leadership, student advocacy and student voice had a greater place and recognition?

Mr CLARKE - I definitely think it did have a greater place in the past, perhaps in two ways, both within the university structure itself. There was definitely a formal or more formal recognition of the role of independent student leadership. That was most principally seen with the representation of the student association or previously, the student union on the university council. I also think it did have more of a prominent role in the past when you see the student

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protests of the 1960s, the student opposition to the introduction of fees in the 1980s, whatever it might be. That is a very vocal form.

I think student voices were very much heard in a more responsive way when it came to internal changes to teaching or learning or research. I think the voices of students were much more valued in the past. It was more of a dialogue model, a two-way process, where managers - whoever would be in charge in the university - would take on board the feedback and advice of students.

Ms WEBB - Looking on page 3 of your submission, just for reference at the top there. You said:

In the experience of TULS, members of the University's management have sought to ignore our own advocacy and at times have undermined our capacity to make representations to the University

What do you mean when you say that, 'undermined your capacity'?

Mr CLARKE - Like so many academic societies at the university, those societies are attached to a particular course of study. For TULS, it is a law course, for the medical student society, it is the medical faculty and so on and so forth. Those academic societies often have a role in the formal structures of those faculties. For many years, TULS had a representative role on the law faculty's teaching and learning committee and a number of other committees as well.

It was at the start of this year where our representation from that committee was removed. We were placed on another committee which would meet about two times per year to discuss bigger picture, broader changes to the law curriculum. In our view, that change was not the appropriate change to make. We should have been represented on both bodies because we want to be able to deal with the teaching and learning matters day to day that affect us, not just the big picture ideas which might not materialise until three or five-years time over the medium to longer term. That is in terms of our capacity to advocate. If we cannot advocate in the internal university structures - and we very much appreciate the need to do that and the need for discretion and the need for those discussions behind closed doors - to reach the best possible decisions. We very much value and appreciate those opportunities. If those opportunities are taken away from us, then we have to go to alternative avenues to make our concerns known in a way that I do not think is helpful at all to the overall institution.

Ms WEBB - You might not be able to reflect on this, but if you can, are other associations in other faculties, like your student association representative groups, experiencing the same sorts of changes in terms of where they are structurally able to be represented?

Mr CLARKE - I think so. I think there are some other faculties where student societies, like us, have lost their voice or have lost their capacity to advocate. I don't want to speculate too much.

Ms WEBB - I'm not asking you to speak to something you are not familiar with; but if you were familiar with it.

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Mr CLARKE - No. There has been some overall trend to ignore the voice of student societies. But in terms of specific representation on boards or committees, I couldn't speak to the level of detail.

Ms WEBB - Following on from that, I'd like to understand more about the statement you've made about the experience of law students raising complaints that have been met with a stream of constant dismissals by the university management.

Are they individual student complaints or are they made as a student body within that faculty?

And, you have spoken there about high levels of distress caused. I'd like to understand more about that dynamic and the circumstances you are describing there.

Mr CLARKE - These are complaints or concerns raised by both individual students and also through us as their representative body. We certainly don't have the monopoly on complaints and being a representative body, but it is most effective when we are that single point of contact. But students were making their concerns known individually to a range of people in the management of the university, both at the law faculty level and above, and we were as well. They were dealt with in a way which I thought was closer to, not obfuscation, but to not quite understanding the problem, and they were trying to manage the issue away into a direction which wasn't particularly productive. Students - either individually or as a representative body - would often be met with invitations to meetings, and it would seem that we would have endless meetings and nothing would ever get done. We would be given a 30 minute time slot, maybe once a week, to work out what are pretty fundamental issues. That's all we could get - a 30 minute meeting every week. I think the results spoke for themselves as the year progressed; but that was very much an insufficient response to what we were really seeing on this magnitude.

Ms WEBB - Is that what's led to the recommendation you've made on page four, for there to be some form of a separate independent body for recourse that people can go to, if there's not been a resolution of complaints or concerns that have been raised?

Can you speak a bit more about how you see that functioning? For example, I'm aware that under the current circumstances, if someone has made a complaint through the internal processes at university, they then can escalate that to the Ombudsman if they haven't been satisfied. Are you talking about something different, above and beyond that mechanism that is already there?

Mr CLARKE - In terms of the internal structures and processes, it's a very complex and convoluted system. You have informal ways to address concerns, and you have the formal mechanisms to address those concerns. Both informal and formal mechanisms have their own deficiencies. In the submission I touched on the formal deficiencies with the Safe and Fair Communities Unit, for example. We made a range of complaints through that formal process, to then later be told that was the inappropriate avenue to make those complaints - even though it says on the university's website, 'this is where you can go to make complaints of both an academic and a behavioural nature'. We made complaints of both those natures, and then it was related that's not how it works; you need to be able to make it through a different avenue, which is not very well publicised and sits more within the academic division of the university.

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In terms of an external body and something that we are advocating for here, there is a complex arrangement with the Ombudsman but also the Integrity Commission - they can also handle complaints for breaches of policies or procedures at university. We would recommend that there be an external institution that would take over the powers of the Ombudsman and Integrity Commission - essentially, a university commissioner, I suppose; and I have some information here on the previous role of the university visitor. That role would take on that external disciplinary function but also try to resolve disputes. So, you would have a specialist public body to deal with complaints after you've gone through all those internal avenues.

We're advocating for this, because the nature of university disputes can be quite specific. We know that the regulatory regime is quite complex. We still want an appropriate level of oversight. We don't want to get rid of those measures with the Ombudsman or the Integrity Commissioner, or anything like that. But a body with specialist knowledge and understanding of the issues within the university - albeit independent - would be more advantageous to handle disputes and resolve them. So, not just make recommendations, but have the power to resolve them.

CHAIR - As you say, like an integrity commission, only within the university context.

Ms LOVELL - I have a couple of follow-ups on some of the topics that you have covered with Meg.

In your submission, you have noted that apologies have been made by some members of management about some of those dispute-handling processes. So, that would indicate that there is acknowledgement that the processes are not working, perhaps. Is that accurate, do you think?

Mr CLARKE - There was a slight acknowledgement that some processes weren't working. I did write to the chancellor of the university and I have the letter I wrote to her, asking for a public apology given the distress and upset that eventuated; and I have her response.

I was, unfortunately, unsuccessful in receiving a public apology. There have been apologies made in private forums, but not to the extent that we were hoping for.

Ms LOVELL - Do you know if there have been any moves by the university or by any of those members of management to address those inadequacies on a more ongoing basis? I'm assuming that's why you're making the recommendation about an independent body, but has there been any move from the universities end to address those, on a more permanent basis?

Mr CLARKE - There are two things that I am aware the university is doing, and they don't necessarily relate to structural changes.

They've implemented a new type of survey. That's one thing. The issue with surveys is that we often get bogged down in the detail, and the results aren't always released, so they're not the most helpful indicator.

The second thing relates to an undergraduate student forum that the Executive Dean of the College of Arts, Law and Education held in first semester this year, where complaints were raised by 350-plus students in a very public setting. There was an indication that they might be rolled out more broadly across the College of Arts, Law and Education.

But in terms of structural changes, there hasn't really been much movement. This just more points to feedback to be received, but no clear indication of how that feedback might be addressed or how we change the system itself.

Ms LOVELL - Thank you. I want to go back also to the TULS representation on the Teaching and Learning Committee being removed. You noted that that has been subsequently restored. Can you tell us a little bit more about what was involved in resolving that?

Was it just that you raised it, and they said 'yes, sorry, no worries'; or did it take a bit more than that?

Mr CLARKE - With the change in leadership of the Law Faculty - now under the leadership of an interim Dean, Professor Gino Dal Pont - he recently asked that TULS representation on that body be restored, and that was approved almost instantly. There were no issues there, at all.

Ms LOVELL - In terms of an outcome, you mentioned earlier that you thought TULS should be represented in both of those committees. Is that what has happened now?

Mr CLARKE - Yes. So, we will be represented on both, the Course Advisory Committee and the Teaching and Learning Committee.

CHAIR - Going to page 4 of the submission, you talk about learning at the university. You said:

As such, its educational offerings, and their mode of delivery, must cater to a wide range of students. However, it is concerning that pedagogy at the University is to be determined by a select few people in the upper management of the institution. It is our view that for academic freedom to be maintained at the University, academic staff must also have a degree of freedom (subject to reasonable resourcing constraints) over how they deliver learning content.

Do you want to make some further comments about that particular issue, and how you feel it ought to be done?

Mr CLARKE - It is concerning for us that the way the courses are delivered and taught is often decided in a way that it is without consultation with academic staff. So, in the experience of the law school, late in 2021, my understanding is that the academic staff who were teaching for 2022 were told that the way that we would teach courses would be changed; there would be no consultation on that matter; and that it would have to comply with the strict confines of what was the 2+1 model, which was a two-hour workshop in person every week, and then a one-hour online lecture, regardless of the difficulty of the unit, and regardless of when that unit was to be taken, whether it was first year, second, third year, et cetera.

It was worrying to see that because you would have experts in these particular areas who would have high student satisfaction rates, they might be taking a particular subject for 10 years or whatever it might be, and they would teach it in a very particular way, and it works. Then simply overnight, to then be told that the way that you're teaching that unit is somehow - how

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I guess it would be described is - that it wasn't contemporary enough. It wasn't in a way that sort of conformed to what we would expect in modern higher education, which seems a bit bizarre, given the history and tradition of higher education.

In that respect, it was concerning that pedagogy seems to be determined by a very few number of people in the university's management, and you're simply telling academic staff, no matter your expertise, you have to teach in a very particular way. Then the effect of that on students is that we have to take these strict models of learning and then work out on top of that, how do we actually succeed? Because if you take very complex areas of law, for example, and you shrink it down to a one-hour lecture, it is very hard to get that set of Tasmanian criminal law across in one week, in a one-hour lecture. Does that go to answering your question? There was a second point there, wasn't there?

CHAIR - The second point was how do you see that it should be done?

Mr CLARKE - I think we should have a faculty-by-faculty approach to pedagogy in the university. I mention in the submission that it should be subject to resourcing constraints, I'm not asking for all the resources in the world to teach a particular subject. But each faculty should be able to decide amongst themselves what suits them best. It should be a dialogue between the academic staff of the faculty and the head of school or dean of that faculty, and then that should be the approach the university adopts, because I think the people who know the content are best suited to the delivery of that unit.

CHAIR - The role the academic senate plays in that?

Mr CLARKE - I think there is a role for academic senate to play in the discussion of this. But I don't think it would be the role of academic senate, for example, to mandate a particular mode of delivery for the entire university. It should, I think, offer some constraints. It should offer a framework. I know it does offer a framework at the moment, and that framework can be useful but we shouldn't be too prescriptive at a very high level in the organisation about how teaching and learning should be done. We really need to have a decentralised focus.

CHAIR - The experts in the field, so to speak, are the ones who provide the most definitive method of being able to deliver courses. Is that what you are saying?

Mr CLARKE - I would say that that would be the case, for the most part. Of course, you have to consider the individual qualifications of these people and whether they actually have teaching expertise. You will have some academics who only focus on research, and if they haven't had teaching exposure then you wouldn't necessarily expect that they would be the authoritative voices on how best to teach a course, if that answers your question.

CHAIR - That is okay. I was just exploring that a little. Thank you for doing that.

Ms WEBB - Considering our term of reference (3), which is about appropriateness of the act to ensure accountable executive, fiscal and academic decision-making, and some areas touching in that space. I'm interested to hear from you as a student representative group, and also as an individual student.

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Clearly, and as anyone could have seen, if they looked at submissions made to this inquiry, many people have used the proposal to move the campus from Sandy Bay to the CBD as an example of decision-making, and spoken to that in many ways. I'm interested to hear more about student experience and involvement in decision-making. Given that that move would relate to both executive, or all of executive, fiscal and academic decision-making, I'm interested to understand student involvement in that decision-making process. You could perhaps speak to that for us on behalf of TULS, the group, but also potentially on behalf of yourself, because you've been a student there across the period of time that that has been playing out.

Mr CLARKE - Yes. I might speak to my personal experience first, because that predates my experience with TULS. I've been a student since 2018. In 2019 I was involved in two focus groups relating to the CBD move at that time, and to my knowledge they were the only two publicly advertised student focus groups available in the lead-up to the decision to move the campus, or whether we would stay at Sandy Bay.

My concern about that, from a very early stage, about the decision to move - and I can touch on the specifics or particulars about the move itself and how that might relate to the student experience - in the lead-up to the move those two focus groups were very useful as a format for discussion. However, we never really saw the results of our discussion or received any feedback to that extent, and my view was that there was an overwhelmingly negative response to the move and lots of concerns that had not been ironed out prior to the decision. We never saw those documents, or any of the reports related to that.

Regarding the particulars as to the move itself, and I can speak from my experience with the forestry building and the law school and the interaction there, because that includes my involvement with TULS -

Ms WEBB - I am just going to narrow you down a little bit which may not be necessary, but just to make sure. I am particularly interested in process and who is involved and how these decisions are made. So, if you can confine it to that that would be good.

Mr CLARKE - In that 2019 process, we were confined to external operators, a market research company. I cannot remember the name of the company at the time. It would have been more beneficial to have conversations with those in the university about our concerns. I think that is perhaps a better way to ensure a dialogue model.

We can have and appreciate the external contractors, whoever they might be, but we want to ensure that there is this, almost democratic process in the university. In terms of the process since then, it has to be said that students have been the ones who have been more proactive in voicing concerns, or even concerns about providing feedback.

My view is that it should not be students who have to be on the front foot here. It should be the people conducting this plan and trying to exercise it to engage with students more actively, because, to be blunt, we are not the ones who are paid to do this. The majority of us, we have full-time study, part-time working commitments to grapple with, as well as all these extra-curricular commitments.

For us to be able to provide, sometimes, hours and hours of work each week, on this, I think is really deficient in the decision-making process. We would hope that people will be

more proactive in coming to us about our needs rather than deciding on some master plan for a particular space, and saying 'this is what it is going to look like'. It would be better if we were involved with the decision-making from the beginning, rather than from a very late stage where we have now found that it has been an uphill battle to change certain things. It often takes months to get these things resolved, and if you are a student, you think of your work in terms of two 13-week semesters with exams at the end.

There is a very little capacity there for you to advocate beyond that, and you are almost forgotten after the formal teaching period. People doing a three-year degree, if you think that it takes months and months to get issues resolved, then you can get to the end of your degree and not really have achieved much.

Ms WEBB - In terms of TULS and the formal opportunities to be involved in decision-making, do you want to speak to that?

Mr CLARKE - Over the past two years now, since the beginning of 2021, we have been invited on three occasions in total to contribute to feedback on this particular plan for the university. Three opportunities over 24 months is not an adequate time at all to provide feedback on this. We would have hoped there would be more opportunities.

CHAIR - Moving to page 7 of your submission, and it is in the area, the role of the academic senate, looking at that. You recommend the academic senate be restructured so it more closely resembles the professorial board that existed in previous decades, and that the professorial board decided on all academic matters rather than merely advising the council of them and had responsibility for a significant portion of the university's budget.

Do you want to talk more about this and the impacts that you see in the student area as a result of it not behaving like the previous professorial board? In other words, some of the concerns around the academic senate?

Mr CLARKE - The concerns for an academic senate at the moment and others have touched on this, is it is more commonly viewed as a rubber stamp. I would agree with that assertion. I would also say it is worrying the majority of membership on the academic senate is not elected. While we can debate about the mix of skills we want and that is important to have, with a purely academic body we should have a majority of elected academics on that senate. From my perspective, the concerns are with a majority of ex officio members more concerned with supporting the management of the university rather than being a robust opportunity for academic debate and decision-making.

From the perspective of law students, it seemed that academic senate was very much missing in action when it came to the law school classes earlier this year. If academic senate was perhaps more broadly reflective of the institution, it would have been a place where these issues could have been debated and put forward to the university council in that advisory capacity. I never personally heard of this or came across that at all in terms of academic senates position with respect to the law school.

In the broader sense, if it has more power to decide on these academic matters, then I think we would get a better decision-making process because we would suddenly inject a greater academic voice in the university where we can have that debate with those people of

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more of a business mindset compared to an academic mindset and work out a mutually beneficial solution.

CHAIR - You are saying all non-academic staff members, excluding a reasonable of ex officio members and the current number of student reps, should be restricted to holding non-voting observer positions. What you just said then, I think, is they still need to feed into that decision-making process. Are they just observer positions? Or, are you saying there is value having them on the academic senate, it is just that they should not be able to vote the final way forward on academic matters?

Mr CLARKE - There can be some value in having a limited number of those people of the more business mindset. I would perhaps clarify in saying that academic senate should be chiefly composed of academic members. Then their university council, for example, who might have more people with a business skill set or whatever it might be is where perhaps interaction could occur or perhaps it would occur between academic senate and those with a business mindset outside in the division of the chief operating officer, rather than having this sort of corporate model purveyed throughout all aspects of the university. That be clearly defined where it should belong and where it should end and not having any academics in it is the way to go and why I sort of limited it, if that clarifies the position.

CHAIR - I think it does. I will review that.

Ms WEBB - I was going to return to what I was speaking about earlier in relation to student involvement in decision-making and I am interested in that internal process. I would like to dig into it a bit more.

I am particularly interested in to using it as an illustration in relation to the proposed move of the Sandy Bay campus into the CBD. There is quite an extensive list of student organisations, including Tasmanian University Law Society, signed a public letter put into the public domain in recent months, putting forwards concerns or objections to that proposed move. Presumably they are all things that were raised internally through decision-making or consultation processes.

What response did those groups receive internally from the university prior to and after putting that public statement out? When I look at page six of your submission and you comment on the fact the university spent vast sums of money to convince the electors of Hobart to vote 'yes'. I am interested in what level of effort or investment the university made to convince students internally of the decisions being made and the value of them and the efficacy of them?

Mr CLARKE - In terms of prior to the public statement, I will begin with that.

Across the board, we made our concerns known through the student association at the time, but also to members of our leadership of faculties and schools. I definitely made my concerns known to my faculty leadership and had made concerns known about particulars and specifics to people heading up the southern transformation process previously, and my predecessors last year did the same.

In terms of after our public statement was released, we had not received any acknowledgment from the university about it. Nobody had contacted me about the public

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statement at all. As far as I know, nobody had, in a formal way, contacted any of the other signatories about it. It was definitely a topic of conversation in university, but there were no listed actionables, if you will, from the public statement.

Ms WEBB - Right. So then, could you comment about what sort of effort and investment was made by the university management and council into communicating with and convincing and consulting with students about the value of the move?

Mr CLARKE - In my view, that has been very little in terms of conversations between management and university to students about the value for the move. I cannot really think of any specific instances where there has been communication, except for maybe a couple of mass emails, the bulk emails the university sends to students. I think most of the focus has been on that public advertising campaign, as far as I can tell. Most of the communication between management and students has gone to the design of spaces into potential plans for the city, which have been, in my view, mostly unsatisfactory. Although there have been a couple of wins in recent months. But in terms of convincing students about the value of the move, there has been very little conversation to students about it.

Mr DUIGAN - Just to take you back to comments you made about academic senate, where you were saying, it is a bit of a rubber stamp, which I suspect academic senate would take umbrage to. Where do you get that information? Where does that come from, to be able to make that statement?

Mr CLARKE - My view about it being a rubber stamp comes from my conversations with people who have been on academic senate in the past. It also comes from my conversations with people who are on academic senate at the moment, who talk about the complexity in the processes and how hard it is to get an issue onto academic senate for the various committee or subcommittee mechanisms.

But also, my understanding is that academic senate does not take votes. It simply, I think, just passes measures, to my understanding. Because there is not that sort of voting aspect, I guess, that sort of democratic aspect within academic senate as a decision-making body, not democratic but a voting aspect, then it is very difficult to see it as a deliberative body and more of a body which just sort of carries through proposals. That is how I have come to the view it is a rubber stamp, if that answers your question.

Mr DUIGAN - That answers that question. One other question I have is just on the funding and the defunding of various student bodies. Does TULS receive any funding from the university?

Mr CLARKE - Yes, we receive funding from the Faculty of Law and that funding is mainly for social networking and professional opportunities for students. We run a very important program for the faculty when it comes from mooting, mock court exercises, and skills negotiations, those sorts of developments. We run competitions internally, but also facilitate the competitions on a national and international scale. We would receive, in the past, upward of \$30 000 from the law faculty. But over the years, that funding has been cut due to budget constraints, which has definitely had an effect on our operations and will have an effect on our operations.

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Mr DUIGAN - Over the time, are you able to give us an indication of what it looked like 10 years ago to what it looks like now?

Mr CLARKE - I could not speak about 10 years ago, but perhaps five years ago funding was very much in the \$35 000 to maybe \$40 000 mark. This year we received about \$20 000. Sort of bit by bit over time, while costs have increased, particularly because what we run is very much cost-intensive, particularly if you are travelling nationally or internationally, there has been a reduction in funding. Which means we have to find alternative sources for funding and that takes up more of our time; and we are solely a volunteer organisation. None of us receives a salary.

Ms WEBB - This is within the frame of our term of reference (4), which is about the appropriateness of the act to protect and promote academic freedom, independence and autonomy. I wanted to touch on some comments made in your submission that probably fit within that area.

I read it as a fairly anecdotal description of a sense of apprehension that students and certain staff have about the ability to speak out, and have frank discussions within the university. You speak about this on page three of your submission. It's not necessarily appropriate for you to speak about the experience of staff. I presume, when you make assertions about staff you are doing so from an anecdotal perspective. Would you like to clarify that for us?

Then, I'm interested in this suggestion that people fear being monitored and fear reprisals. Can you elaborate on that for us, so that we can understand where those assertions are coming from?

Mr CLARKE - Certainly. In terms of the methodology behind this, it is very much anecdotal evidence. It comes from a wide range of conversations that we've had with members of our own staff. Ever since we engaged in this public advocacy campaign, I began to receive communication from academics from a range of other areas of the university saying that their experiences were not too dissimilar to the experiences of law school staff. That would have been in the number of maybe four or five academics across different pockets. It is very much anecdotal evidence. In terms of the second part of your question around reprisals and fear, as I take it, how we have come to that -

Ms WEBB - I am interested to hear more about the basis on which you are making those assertions. What is this sense of apprehension that you are describing?

Mr CLARKE - Based on our dealings with staff. There would always be this idea that people were fearful that they would be sought out or that they would face reprisals for speaking out against plans in the university. There were some documented cases in the law school itself. There were issues.

I have to be careful with the degree of which I speak about it; but if law school staff were not particularly happy with what was happening then they were more or less told that they could leave because there were forty thousand or so unemployed academics on the mainland that could be hired. That was put in an open letter through the student media, *Togatus*, earlier this year. There were anecdotal cases where staff would tell us about how they were treated, if they had concerns.

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While it could never be proved that staff were being monitored, the fact that staff were saying to us, 'don't talk to us about this on our university email accounts', I think is damning in and of itself of the university. I don't think you'd ever be able to approve if there is any monitoring that is going on. It is very much the conversations that staff were having with us, that they were fearful.

The degree of resignations from the law faculty over the past two years definitely indicated that there was a problem with the leadership of the faculty, and the broader university, about how these concerns were being dealt with. Does that help to answer your question? I could elaborate further if you would like.

Ms WEBB - Your direct experience is within the law school. Through your interactions with other student leaders in other faculties, is it your sense that there is something of that sense of apprehension in other areas of the university, or is it something that is confined to the law school and the things that have occurred there over recent times?

Mr CLARKE - It definitely has been the most problematic in the law school. My conversations with other student leaders seem to indicate there have been similar sorts of attitudes about apprehension and fear in other parts of the university. I perhaps wouldn't say it was on the same severity, given my conversations with these student leaders. I think there has been fear, given their interactions with staff. It has also been very difficult, I think, over the past few years because of the degree of staff departures in the university, particularly some senior academics, who may be able to have provided these conversations with the students, and I definitely found that to be the case. There has been a reluctance to definitely talk about it.

CHAIR - One last question from Mike.

Mr GAFFNEY - Thank you. Congratulations on coming to the end of your university career and starting your political career or legal career.

We've heard anecdotally about students now not looking to UTAS for their future legal studies and their university degree, and looking elsewhere, because of what's been occurring at the university. Would you feel comfortable making a comment about whether you've had similar conversations or are knowledgeable of that concern that's out in the public arena?

Mr CLARKE - I'm happy to make a comment on that. In terms of the law school specifically, there would have been about a dozen students during the midst of this crisis earlier this year, who were either considering leaving the university entirely, or deferring for a year to wait things out. I know a couple of other people keen to come back on board now in the university.

I'm originally from the north-west coast of Tasmania, and I occasionally still speak to students up there. I spoke to a couple of students the other day about what their plans were. One is planning to come down to Hobart to study law, which is great news. But, on the north-west coast, in particular, there seems to be this idea that perhaps - and I speak only anecdotally - that maybe there's not a lot of value in coming down here. I think that did begin around the time that I was looking at studying in 2017-18, in that earlier stage, even before people get to university, people were reluctant to consider studying in Hobart.

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Definitely, in the student body at the moment, there is a range of people who do feel very unsure about the future of their education. From a student leadership perspective, if you don't have the students there, it is very difficult to be a leader because you have no-one to represent.

Mr GAFFNEY - The splitting up of the faculties into all parts of Hobart takes away from the critical relationship that is important between the different mixes of students and staff. Is that a concern for the future of the university?

Mr CLARKE - I think it is a great concern for the future of the university. We're told that this move into the Hobart CBD will bring about greater interaction, but I think what we will see is that we'll be siloed off into these very discrete, individual buildings that don't allow for that expansive, cross-faculty collaboration. Not even collaboration; just the enjoyment of relationships with other people across the university.

It's much easier when it's in a central position. I know there are lots of issues about how students interact and how they spend their time now, because of their various commitments, but if you take away the ease of doing that in one central location, and split it up an ultra-urban environment in the CBD, then I think it makes it much more difficult to have those cross faculty relationships. I also think it is so important to the university experience.

Mr GAFFNEY - And the understanding of young people about other careers and opportunities out there.

Mr CLARKE - Yes, we don't want to put the blinkers up. These moves into the city definitely allow people to be placed in those silos and perhaps become a bit more ignorant to each other, and that's not what we want. We want people to be exposed to a diversity of viewpoints, and a diversity of other ways of thinking.

CHAIR - Thank you . We'll have the opportunity to put some of these arguments to the university itself, and we'll hear their responses to those sorts of things, as well.

Thank you very much for coming to present to us today, Fletcher. It's really important, as Meg said, to get the perspective of as many as we can. Students are certainly an important part.

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

Mr CLARKE - Yes.

CHAIR - Thank you, and thank very much for coming. We will halt the broadcast until 11.30.

THE WITNESS WITHDREW

The Committee suspended at 11.15 a.m.

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The Committee resumed at 11.29 a.m.

Ms AMANDA WOJTOWICZ APPEARED VIA WEBEX, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR (Mr Valentine) - For the record, we have Amanda Wojtowicz via Webex, regarding submission 60. Amanda, welcome. Thank you for taking the time to present to the committee. We have at the table Nick Duigan, Sarah Lovell, Meg Webb, Mike Gaffney and myself Rob Valentine. We have Jenny Mannering as the secretary to the inquiry, assisted by Allison Scott and we also have Gaye from Hansard.

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 all evidence taken at this hearing is protected by parliamentary privilege and I will 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 sent to you. Do you have that?

Ms WOJTOWICZ - Yes, I do.

CHAIR - Have you read that? Are you aware of what you are able to do there in relation to in-camera evidence if you are wishing to give it?

Ms WOJTOWICZ - 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. What we would normally do at this point is offer you the opportunity to make a statement prior to questions from the Committee. Are you interested in making a statement?

Ms WOJTOWICZ - Yes, I will make a brief statement at the beginning. First of all, I want observe that this is in no way intended to be critical of any of the current staff members working in the areas I talk about, because they are doing their best under the circumstances. My objective with the submission was simply to provide some evidence the university has shown a lack of respect for its community and of the historical relationship it has with alumni, donors, other philanthropists and the wider community.

I have tried to address the two sections of the act: section 6(a), which is the advancement, transmission and preservation of knowledge and learning; and section 6(g), which is about engaging in activities which promote the social, cultural and economic welfare of the community and to make available the resources of the university for those purposes. I simply used some case studies, including the foundation, the alumni relations, the Alumni Advisory Committee, cultural activities, including that collections are more generally community engagement. I simply used TAS2010, which is now a very distant memory, as an example. I have been mainly exercised by the lack of visibility of these aspects of UTAS and by the recognition and acknowledgement of people involved.

I believe the current makeup of the university council is not at all conducive to the place and role of UTAS in Tasmania, nationally and globally. Therefore, the loss of social license, which is immediately apparent in the current controversy, but it is more apparent in this disdain for the heritage of the university. Any respect for corporate history seems to be disregarded.

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I have got evidence on a regular basis of the loss of information and history. I am frequently asked about events, people or for information or where information can be found and I retired in 2013. The recording of its history is an essential part of the fabric of an organisation. Fortunately, there are some permanent records but equally there are big gaps, particularly in the more recent past.

Ms LOVELL - Thank you for your submission, we have had a couple of conversations here about how it has offered a really different perspective to a lot of the submissions we have received. I appreciate that. I wanted to explore with you what you have talked about there in terms of the lack of respect for and recognition of the history, heritage and significance of the institution as the only university in the state. We have heard a lot about the university council and how the makeup of the council could be changed to address governance and issues on transparency. Would you like to elaborate for us a little on that perspective you've brought in your submission and particularly the impact you think that is having on the university and the decision-making processes?

Ms WOJTOWICZ - The management culture of an organisation comes down from its board, the council in this case. In relation to all the little case studies I gave, there is evidence to suggest those things are being disregarded, and therefore I think that is a lack of respect and a bit of a disdain for the history of the university. There is not evidence, to me, that the university is really engaging with its community in a way which enables council, at least, to understand how people in Tasmania particularly, but also alumni nationally and internationally feel about the university, about its history, about the heritage.

The heritage, for example, is eminently recognising quite simply its art collections. Or in the Conservatorium of Music. The Conservatorium of Music has effectively disappeared from the university. The name is no longer used. You cannot find it on the web. People are disappointed by that. You cannot even find the Conservatorium of Music physically, actually, because there is no signage. If you do not know where it is, you could be wandering out in Collins Street for a long time. The impact that those things have had on the community of Tasmania has been significant in the past. In Launceston, the Academy Gallery, which does not exist at the moment, had a group of 60 to 80 volunteers who provided assistance at exhibitions. Those people have simply been let go. They have no longer any trust in the university to provide evidence of how significant the culture of the institution is.

I think the fact the alumni advisory committee has disappeared as well, I must say in parentheses I believe they are going to reconstitute it, but since 2017 that has not met. Where is the capability for advice from that organisation to council?

Ms LOVELL - Thank you. Just out of curiosity, really if they are not using the conservatorium name anymore, what is that called?

Ms WOJTOWICZ - The Hedburg.

Ms LOVELL - Oh, so they are just referring to it as the Hedburg?

Ms WOJTOWICZ - Yes. Well, that is the building. That is the physical part of it. But it is part of a broader school of - look, I am going to be really bad here, because I can't remember the exact name. It is something like - thingos and media and whatever.

PUBLIC

Ms LOVELL - Yes. I think you have got it - the School of Creative Arts and Media.

Ms WOJTOWICZ - Yes, that is it.

Ms LOVELL - Thanks for that, Amanda. You talked about the alumni and the alumni advisory committee. Can you just explain for the committee what the impact that is having on the university and the direction and decision-making processes not having that alumni advisory committee meeting regularly as it used to?

Ms WOJTOWICZ - Well, that means that there is no conduit for information and for ideas and sensitivities of alumni to be demonstrated anywhere. The alumni activity at the university appears to be pretty full-on. If you look at the alumni events overseas, if you look at what is happening on the internet, there is a lot of activity by the alumni. The alumni, particularly distinguished alumni or alumni who are doing particularly significant things, are in fact making an impact. However, the general sense of alumni is that there is not a sense from the general alumni that the university really cares terribly much about how they feel. Where are they in consultation in relation to the current situation? Where are the alumni in relation to any consultations about, for example, scholarship programs or stuff like that?

I believe it is true to say, I have some evidence of this, that people are simply not wishing anymore, alumni particularly, to contribute financially to the university because they do not trust it.

Ms LOVELL - So, it is fair to say that the alumni are still active in various ways, but there is a disconnect, perhaps, between alumni and the university as it operates today?

Ms WOJTOWICZ - Yes, the alumni office, the Office of Advancement, and the group of people who are responsible for the alumni are working really really hard. No question about that. In fact, I talk to them on a regular basis.

But, this broader community of alumni, the wider community of alumni, should be there supporting the university now. It needs support. It needs people backing it.

Now, leave aside what I feel about a particular situation. What is needed is support from the general community, and the alumni makes up an enormous portion of that community.

Ms LOVELL - Just to go back to something that you mentioned before regarding volunteers. You said there have been some 60 to 80 volunteers who had been regularly volunteering for events and had been essentially let go, or not engaged with anymore.

Are those events still happening? Or what has happened there?

Ms WOJTOWICZ - No, that is, in particular relation to the Academy Gallery in Launceston. The Academy Gallery, which was in the stone building, has disappeared.

The university has, I believe, said that it will be able to restore the gallery in 2025. But the people who were involved, a large number of volunteers who ran the exhibitions and indeed, a large number of smaller sponsors who enabled the exhibitions, have just not been able to do anything because there is nothing to do.

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Indeed, the staff member who runs the gallery in the north is not doing anything, not able to do anything.

Ms LOVELL - Thank you. You mentioned in your concluding paragraphs at the beginning:

The University Council is a body which should preserve and properly respect the staff, students, alumni and community of individuals as stakeholders in the academic enterprise rather than acting as a controlling corporation.

We have heard from other witnesses with varying views about the role of the university council in terms of that corporate management side of operations of the university. Do you see that there is a role for the university council in that side of things? If so, how do we go about finding the right balance between that aspect and the other parts of the role that you talked about in your submission?

Ms WOJTOWICZ - Are you referring to the academic enterprise or the community relations enterprise?

Ms LOVELL - Well, both I suppose. I guess there is a view that has come across in hearings and in submissions that there has been a shift towards a corporatisation of the role of the university council.

Ms WOJTOWICZ - That is clear, absolutely clear. In fact, in the past, members of the university council were certainly happy to be involved in university activities. Many of the public activities that we had, that would constitute community engagement, and in that way, they would have been in a position to understand the community's involvement and in a position for that to help them in their decisions in relation to the corporate management activity of the university.

The fact that there is no alumni representation on the council, that the foundation has in fact, as an incorporated association, as an independent fundraising organisation, has disappeared and that has become part of university council, there is no particular representation there, other than through financial notions.

I think that's difficult for the university council because philanthropy, a capacity for people to give to the university, let alone the capacity for people to be supportive of the university's enterprises, of the university in general, of its role and place in Tasmania, is simply not there.

Ms LOVELL - You mentioned that in your submission as well. You spoke about an apparent unwillingness to consider philanthropic donations. Can you speak a bit more to that and where you have seen that or where that conclusion has come from?

Ms WOJTOWICZ - In the past philanthropic donations to the university were celebrated, however big they were. The university in most of its philanthropic arm, hasn't had the benefit of many large million-dollar donations because the community is not yet as wealthy as some of the other parts of the country and certainly not America. However, we had some very major donations in the early stages of this. I mentioned that the \$7 million for the Menzies

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building, the \$1 million from Ethel M. Young who simply bequeathed that money from her estate to the Menzies. They are significant donations.

Certainly, the Atlantic Philanthropies don't need to be recognised, but they are important. The fundraising that took place to build the Bisdee Tier Observatory, some of the other elements, bigger philanthropic elements. I think the relationship between those people or those philanthropic activities and the university council have been lost. In the day, there would be large university foundation dinners at which members of council, members of the community, donors, students, scholars were really celebrated, publicly celebrated.

Yes, I believe they still do have some dinners but they are not of the same significance and I think that the council's relationship with those parts of the university isn't there, they're not sliding around going to these functions. You don't see them at the 40+ Alumni Club lunch. You see the chancellor there, of course, as a guest and speaker, I think in this case, but you don't have that same public relationship.

In the north-west of the state, the north-west bursary scheme began quite simply, in a philanthropic sense, in a very small way. The donors were asked simply for \$2500 for one student. It was in cash. It wasn't a bequest. It wasn't anything other than an assistance package for a student. The reason they were prepared to donate was because they understood this was not money that was going into that University of Tasmania's coffers; this was money that was going to a student. That was an incredibly successful program and we had the student meet the donor. Some of those students were the first to go to university from their family. That was very significant relationship building and philanthropically, sensible building of support for the university. That takes time, effort and work. It takes recognition for those donors that the university believes in this and thinks that this is important that they are prepared to have a cup of tea with them or go to a dinner.

Ms LOVELL - Thank you, Amanda.

CHAIR - To explore that a little more, Amanda. With respect to the alumni versus the foundation. How do you see the university foundation operating at the moment under the current managerial processes and procedures that happen? Is that still effective? Are the alumni connected to that intrinsically or are they separate?

Ms WOJTOWICZ - They're quite separate, Rob. Right from the inception of the foundation and the alumni, they were two separate organisations. The foundation now is not operating on a basis other than a financial funnelling basis, is how I would describe it. It's a bit crude, but it means that there isn't a whole set of foundation meetings with foundation directors coming along and saying 'yes, this is what we should do', and 'guess who I met', 'I think this is the way to go', 'we could do x'. That's just a function of council now.

The alumni is operated out of the advancement office, and has a set of staff that work to it. That's how I would characterise the relationships.

CHAIR - The number of alumni that would be on the university foundation, is that significant?

Ms WOJTOWICZ - The foundation is a committee, I think, of council. They could all be alumni, for that matter. But they're not as representatives. Some of them possibly are. I'm

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sorry I don't have that on hand amidst all these papers. I don't think I've got the names of the foundation committee at the moment.

CHAIR - That's okay. I just wanted to explore that slightly to see how strong the connection was between the two.

Ms WOJTOWICZ - I think it's not strong. The foundation used to have a board of governors and a board of directors, and also had broad representation but now it doesn't.

CHAIR - You also mentioned under university foundation on page three, about named public lectures, and example of both the transmission and preservation of the history of ideas and of significant people or events. How important is maintaining that connection of history, as you see it?

Ms WOJTOWICZ - I think it's terribly important. The most recent example was the Cobbold lecture. Arthur Cobbold set up the school of medicine, and his widow, Elizabeth, funded an annual lecture to be called the Arthur Cobold Lecture. There is a committee that oversees that, and suggests people who could speak. It's a significant recognition in the medical community, of the university setting up a medical school. Mostly, the people who speak at that are, in fact, alumni of the medical school and many of them knew Arthur. Many of them were taught by Arthur or were well aware of him.

This year, simply because of a loss of corporate history, the Cobbold Lecture was set up, and I, as a member of the committee, and the others, received an email saying, 'The Cobbold Lecture is coming up in two weeks, sorry you didn't get any advance notice, this is the lecturer, see you there'. Now, I thought, that was disdain for the role of the people who had been very close to Elizabeth. Elizabeth has now died; and in fact, at the end of the day, the people from the medical school were sorry that they hadn't realised this connection and that they hadn't realised there was a significant group of people who had set up the lecture with Elizabeth, as it happens.

I thought that was a significant example, and I think the same is true for many of the other public lectures that are named. They need to be seen as examples of the heritage of the university. There are some in philosophy. There was a James McAuley lecture. There was a James Martineau lecture. The significance of the people for whom they are in memoriam is important to the university, because it shows the depth of its relationship going back into the history of the institution.

CHAIR - You're saying it helps to profile it?

Ms WOJTOWICZ - Absolutely. Yes, I am.

Ms WEBB - I'd like to pick up on that sense of disdain that you spoke about. That's how you interpret this. How has this come about? From what you described in your submission, we've got a couple of things occurring across a similar time period. We have a narrowing of the definition of alumni, to some extent, in recent times. We have the university foundation being subsumed into the more general functioning of council; and we have an alumni advisory committee which, presumably, still exists under ordinance but doesn't meet, or doesn't exist, in practice now.

Ms WOJTOWICZ - Correct.

Ms WEBB - What's your interpretation? To your understanding, have those things all been occurring over a period of time by some form of design, or by neglect, or not paying attention? What has driven that?

Ms WOJTOWICZ - I don't necessarily think it's design; although in relation to the foundation, it was design - the council decided the foundation was not going to be an independent incorporated association anymore. That was by fiat. I think it's by neglect, because it's not seen as contributing to the bigger picture in terms of either money, finance, or in terms of a contribution to the university's plans and strategies. The university's own statement of values includes the importance and significance of alumni. Celebrating alumni - there is no doubt about it - through stuff on the internet and through distinguished alumni is a significant thing. Those people feel that, very keenly. It's a question of how that is seen by council to be a very important element of the university. It can't be its entire community engagement profile, but it's incredibly important. There is an enormous number of alumni. I logged into the alumni annual general meeting - which was last week or the week before. It was online and was a presentation by Rufus Black, the vice-chancellor and a presentation by the new alumni manager. The new alumni manager got in touch with me afterwards and said he'd love to meet up and could we talk about some stuff. He had no serious background in relation to how the alumni had begun, how it had worked in the past, how significant it was. He understands how significant it is, because he is an alumni manager; but in terms of the individuals and ways to engage them.

Ms WEBB - You may or may not be able to answer this, but are you aware of whether there were voices raised at decision points that have progressed this trajectory? From your submission, in May, 2018 when the university foundation ordinance took effect, is that when it was subsumed into committee of the council? Were there voices raised as part of that?

Ms WOJTOWICZ - Yes, by the foundation board.

Ms WEBB - Obviously, to no avail.

Ms WOJTOWICZ - Correct.

Ms WEBB - Are you aware of whether there continue to be voices raised or champions within the university, or people with a focus on this, who would be part of internal discussions currently and going forward?

Ms WOJTOWICZ - No. I think not in relation the foundation. In relation to the alumni, certainly; but not in relation to the foundation, that's a done deal. Those funds are, presumably, sequestered; one can't easily see the information. But there is a group of ex-governors or other people from the foundation who do receive a report annually.

Ms WEBB - In terms of the alumni advisory committee not meeting since 2017, is there a public explanation provided as to why that has been the case?

Ms WOJTOWICZ - No, there has not been a public explanation and it is just very sad. I think there would be more commentary from the alumni in relation to that kind of thing than in relation to the foundation, in fact, I know there is.

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Ms WEBB - Whose decision is it to convene a meeting of that committee?

Ms WOJTOWICZ - The alumni manager.

Ms WEBB - There has been somebody in that position across the time since 2017, presumably?

Ms WOJTOWICZ - Not recently, but yes.

Ms WEBB - They just haven't convened a meeting?

Ms WOJTOWICZ - Correct. It has not been seen as important by the university. You need management to be supportive of you. If they are not, why would you do it?

Ms WEBB - Is there anyone currently in the position of being responsible for the collections side of things and keeping track of the collections and what is required in terms of their maintenance and what the future planning around them could be? Is there somebody who is sitting in that role now? In your submission you talked about having held that sort of role and somebody like Professor Jeff Malpas having held that role at times.

Ms WOJTOWICZ - Yes there is a person whose role it is to look after the cultural collections and activities, but the number of staff that are involved in relation, for example, to the art collection generally, is only one person. And, that person has to not only manage the whole of the collection but also the Tyler collection which is a substantive portion of the collection with separate funding. As I said, the staff member in the north is still employed at the university but not able to function in relation to the collection, not able to do any little exhibitions or to put some artwork into another room at Newham or something like that.

The other problem is there is now no longer proper storage for the collections, the material that is not out on the walls. In general, it is a pretty grim situation. I think the person who is in the role is working really hard to try to develop stuff like that, but it is not a priority for the university.

I have no doubt they would be happy to sell off some of the collection to make more money. The art collection is incredibly valuable. I think Rosanna Cameron mentioned that in her submission and that includes the whole of the state. The Classics Museum is also incredibly valuable. They are things that ought to be shared.

The reason the Geoffrey Tyler collection came to the University of Tasmania is because he was aware we had the collection out on walls that people could see it, not just in exhibition but around the university. Our collection hangs in offices and corridors. He was also an alumnus of Melbourne. He chose us instead of Ian Potter because of that particular significant feature. Now, the Tyler collection is not able to be fully displayed. There is a tiny tiny room, which was the school of art, that is set aside for the Tyler collection but it cannot hold much of the collection on its walls. That is a token to the Tyler collection. Frances Tyler, the widow, is still alive and comes to Tasmania on a regular basis.

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Ms WEBB - Where in the management structure are these decisions being made about the resourcing and the staffing, given that you talked about the fact that has been reduced over time? Where does decision making for that sit?

Ms WOJTOWICZ - Under the library.

Ms WEBB - Has it been that there have been changes in that decision-making function that have led to -?

Ms WOJTOWICZ - No, I think it is just that the funding has not changed. The funding provided for the collection and the staff has not changed for years and years.

Ms WEBB - So, no sort of ongoing investment in recognition of current requirements?

Ms WOJTOWICZ - No, and a lack of other input. There was a committee, a cultural collection advisory committee. I mentioned that in the -

Ms WEBB - Yes. I was about to ask you about that. Thank you.

Ms WOJTOWICZ - Well, that disappeared without a trace and without telling those people it was going to disappear. That just sort of demised. Like the alumni committee, it just did not meet any more.

Ms WEBB - Where would that decision have been made? Either as an active decision to say, right, we will not be meeting anymore? Or, as a passive decision to not convene meetings anymore?

Ms WOJTOWICZ - I suspect that decision was made at the management of the university level. I hesitate to suggest the vice-chancellor, but it could have been, at that time, because it was the previous vice-chancellor.

I mean, that is significant. The people on that committee were important folk in relation to the arts, certainly in Hobart and some in Launceston. They were really significant people in the art world.

Ms WEBB - These sorts of committees would be, I would have thought, quite valuable and active ways for the university to be connecting to the broader community in that sense.

Ms WOJTOWICZ - Totally. It is like I say, the disdain for the contribution, the voluntary contribution of those people must do enormous things in relation to generic support for the university, which it needs right now.

Mr GAFFNEY - I was interested in the comment you made regarding the scholarships for the north-west coast particularly. In my previous life as mayor of Latrobe, those scholarships are really great as they were finite, they were going to the student, but more so, they would actually give the university a greater presence within the north-west coast.

Ms WOJTOWICZ - Absolutely, Mike. I recall the time, as you do. We had a good time.

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Mr GAFFNEY - Do you have any records of the numbers of scholarships at any particular year and when they start to peter out?

Ms WOJTOWICZ - No, I have not.

Mr GAFFNEY - Are you able to get that information?

Ms WOJTOWICZ - I am sure that would be available from the advancement office. It should be.

I could probably ferret it out, but I mean, I do not work there anymore and I would be just using my connections, which I do frequently.

Mr GAFFNEY - Do you know when it sort of petered out? Have you any idea?

Ms WOJTOWICZ - No. I cannot give you a year. I am sorry. I should have researched that more fully.

Mr GAFFNEY - That is okay.

To me that was a bit of bread and butter. Good for the student, the community and the university.

Ms WOJTOWICZ - Absolutely. Think of those early sponsors, Mike. Websters, Devonport Courts, Burnie Courts, Fairbrother. The first seven. I could just about do the first seven. I am missing two.

They were really significant.

Mr GAFFNEY - Thank you for that.

CHAIR - Any other members? We are nearly to our stopping point there Amanda. 12.15 p.m. we have until.

Thank you for providing the submission. It is really important getting some perspectives.

You do not have the page numbers actually numbered, but further in.

Ms WOJTOWICZ - Sorry.

CHAIR - You talk further about collections. The John Elliott Classics Museum and other collections.

Apart from just providing a history and some level of connection to the community, do you see any other role for these collections to play, like in an academic sense?

Ms WOJTOWICZ - They are very significant in an academic sense. The John Elliott Classics Museum is a case in point, Rob.

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That was, in fact, a collection that was almost entirely used for teaching purposes. When I came to my role, it was then that it was possible to make a more open gallery. When some money went past, I grabbed it and we set up the Classics Museum, vis-a-vis Lazenbys underneath, so you could have even catering up there. So that became much more public. It's not a good spot for a public museum but it's got good access.

Those things ought to be out. They ought to be out and being seen by people in the community so that they can understand that once there was a classics department that had people who had been travelling around the world who had access to these kinds of artefacts. The things in the classics museum, the artefacts in the classics museum, are really beautiful, significant and important. It's widely recognised as a very good little collection.

The same is true of the art collection. Some of the works in that art collection are of major international significance. There are some portraits in Launceston that belong to the art collection. There are some portraits of Wik elders made by Ricky Maynard which are absolutely, undeniably, stunning. Photographic portraits. These things need to be seen by people. These things need to be obvious to people because they show the depth of cultural understanding within the university.

CHAIR - I asked the question because I want to understand whether the collections side of things is simply profile-building or whether it actually is a value to those who are undertaking study within the university itself. I can see obviously -

Ms WOJTOWICZ - Just lost you.

CHAIR - Sorry, I was focusing on the value of those collections to people undertaking study as opposed to simply building the profile of the university. That's what I was getting at.

Ms WOJTOWICZ - Yes. Sorry, I understand that.

CHAIR - I can see the major geological collection of 130 000 objects as being something that would be somewhat of a reference, would it be?

Ms WOJTOWICZ - Absolutely. It's constantly used and it's constantly supported. The same was true of the physics collection, but that's now been split up a lot. The water work collection would be of major significance to students. The zoology collection, the crayfish collection went to the Tasmanian Museum and Art Gallery, but there are other elements of the zoology collection that are up there in the building, being referenced all the time.

CHAIR - That's okay. We'll get an opportunity to quiz UTAS themselves, of course, as to why things are being handled the way they are.

I think that probably brings us to the end of our questioning. Is there anything you would like to say in closing today?

Ms WOJTOWICZ - I simply would like to emphasise that the management culture of the university is directly related to its council, as with the board of an organisation. It's in this way that the issues that I've described are a product of this culture, and it's obvious that there is no significant contribution by council to making this stuff more available and more valuable. The responsibility for culture and management practices lies ultimately with the council.

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CHAIR - Thank you. Amanda, I want to remind you as we leave this session today that it is important to note that all the evidence taken at this hearing is protected by parliamentary privilege. I simply 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. Do you understand that?

Ms WOJTOWICZ - Yes, I do.

CHAIR - Thank you for appearing today.

Ms WOJTOWICZ - Thank you all very much.

The Committee suspended at 12.14 p.m.

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The Committee resumed at 12.19 p.m.

Mr JOHN LAWRENCE, WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR (Mr Valentine) - We have appearing before us now Mr John Lawrence, submission number 93 on the parliamentary UTAS inquiry website. I thank you for appearing today providing information for us in relation to this inquiry. I will introduce the members on this inquiry. We have Nick Duigan, Sarah Lovell, Meg Webb, myself, Rob Valentine, and Mike Gaffney. We have Jenny Mannerling as the secretariat, ably supported by Allison Scott, and we have Gaye on *Hansard*.

I will cover off on a couple of things. 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 and I will 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 and I believe you read that. Is that correct? So you are aware of circumstances if you wish to go into camera, et cetera.

The evidence you present is being recorded and the *Hansard* version will be published on the committee website when it becomes available if you wish to review it. We give you the opportunity now to make some opening comments and then I will be handing over to Meg Webb to commence the questions. Thank you.

Mr LAWRENCE - Thanks, Chair. I am a graduate of UTAS. I attended in the 1960s. I majored in both economics and accounting, and I have worked in both areas. Lately I have been involved in the public policy areas as a writer, researcher and blogger. That is basically my background.

To start off, many people have mentioned it already, so I will not dwell on that too much, but the delayed tabling of the annual report has been mentioned a few times. Listed public companies are required to lodge audited financials two months after year's end. I cannot see any reason why a body like UTAS should be any different.

Now the question of to whom is the university required to report? Section 12 requires it to report to the minister; the minister for Education is usually the responsible minister.

Usually, directors of companies report to members, shareholders. UTAS's members are defined by the rather quaint section 5; subsection 2 of that section introduces the term 'member'.

Members consist of the council - the directors, in other words - full-time staff, current students and those past students who successfully completed a course.

UTAS's audit report is not addressed to UTAS members, rather to members of parliament, similar to audit reports for the GBEs. As you probably know, there are six of them, the older government businesses. GBEs do not have members. They are legal entities like companies in most respect, but without members.

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They are administered under the GBE Act. In that sense, by having its own act, UTAS is like a GBE. More recent government businesses are companies, just like thousands of other entities used to run businesses, administered under the Corporations Law.

With a company, the auditor reports to members who receive it with the annual report from directors. With state-owned companies, the Auditor-General reports to the two shareholder ministers who hold the shares in trust for us, the people of Tasmania. Not so with UTAS. Its members are defined for another age. Not that it matters, as they are mostly ignored anyway, they serve no purpose.

UTAS's audited accounts are given to parliament as late as possible before being allocated to the bin. There is no public scrutiny. Public reporting and scrutiny provisions need a major overhaul. Scrutiny should also extend to future plans.

How members of council are appointed is set out in section 8 of the act. The effect is that council itself largely determines who sits on council. A fifth column takeover by managers is not the unsurprising result of section 8. Without a feedback mechanism from members, say, as may occur under Corporations Law, what's to stop council from alienating staff, students, and the community, as has happened? You wouldn't set up a body to run the public health system where members comprise the current board of management, staff and the patients, plus those ex-patients who have been treated successfully - where those who make it to the governing board have a substantial say as to who else is appointed, who then become responsible to no-one but themselves, with wide powers to sell public assets that have been gifted to them. Why do we choose to run a public education body in that manner?

What should UTAS be disclosing each year? The functions outlined in section 6 of the act include both teaching and research. UTAS also has a substantial investment portfolio, including land and buildings, some used for teaching and research, some to be redeveloped, some to provide for student housing. We don't know the breakup. The breakup of UTAS profits between core functions of teaching and research and the other non-core function rates no more than a footnote. It should be clear to a reader the revenue and costs of each segment: teaching, research, investment property, as well as the administrative overheads imposed by the current model.

Assets and liabilities in each sector should also be revealed. There should be data tables which support quantity figures, staff and student numbers, for example, to support the corresponding financial segment information. Only then can the broader community, the full spectrum of people who should be regarded as UTAS members, only then could they be properly informed.

Just to comment on the effects of UTAS's tax-free status, which is often overlooked. The core activities of teaching and research appear to break even. But it's the non-core activities, investments and property development, which are also tax-free, which gives UTAS a huge leg-up alongside others in that part of the economy. It distorts economic activity. When coupled with a balance sheet that's full of revenue paid in advance, UTAS has considerable clout which it is using to pursue property development. The prospect of tax-free capital gains will always attract a bevy of consultants, and other ticket-givers, happy to convert public gains into private windfalls.

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Not having to pay tax on investment income has also allowed inflated salaries to an expanded managerial staff, further cementing their control of UTAS. Opaque general-purpose accounts help keep their activities well-hidden.

Just a brief comment on large public CAPEX projects, seeing the issue of redeveloping the Sandy Bay campus is very much an issue. Special report number 80, a May 2009 report by the Auditor-General, which investigated the Basslink deal - that was probably a little bit before your time - recommended enhanced reporting for major projects from the date of commencement, including six-monthly progress reports to parliament.

Now, just to give you some idea of what is possible, I would just like to give you a few thoughts on a possible restructure. UTAS's archaic structure is clearly no longer fit for purpose. The structure needs a major fix. If you were to set up UTAS afresh, it's likely you would start with an SOC, a state-owned company, with an accompanying portfolio which included the relevant provisions of what's in the UTAS act plus whatever refinements were needed. We, the community, would be the beneficial owners of UTAS. The minister could own at least one share on our behalf, perhaps the academic staff could own another. Perhaps you might even have classes of shares where it's shared between the community and staff, for instance. Like I say, there could be classes of shares.

Specifying who are the members establishes a reporting path, unlike say, recently-established bodies like TasTAFE and Homes Tasmania which you're all probably familiar with, which are just state instrumentalities without members. They're like GBEs in that respect. What I'm suggesting is that we do have members, and that's important to establish a reporting bar. Who should become board members is a separate issue, but this would be outlined in the portfolio act. The roles and duties of shareholders would also be prescribed and/or contained in the shareholder agreement. Arguably, board members should be a mixture of independents appointed by the government on our behalf, plus some academics and some executives. To allow the latter to dominate is normally considered an undesirable governance arrangement.

'The transition would be too difficult', is going to be the obvious retort. In that case, just leave the current UTAS intact; simply amend section 5 of the current UTAS act to make the community the members and section 8 to make members of the council the same as the directors of the new state-owned corporation. That then becomes, in effect, UTAS ultimate holding company. You start with a brand new structure sitting on top.

It is a simple and easy way to get a fit-for-purpose structure. Set up a new company to take over the running. Clearer lines of reporting and enhanced standards when, and to whom, but also form part of the governing act. If the Government makes major decisions which affect UTAS, they should also be reported. For example, the Treasurer's permission to allow UTAS to issue \$350 million of bonds - which presumably includes UTAS paying Moody's and receiving a credit rating identical to the Tasmanian Government - and then raising its own funds for property development, rather than borrow through TASCORP. This is a very important issue that should have been clearly and publicly explained. We should aim for a structure that is flexible enough to face future challenges and able to withstand capture by management and consultants. These are the issues I would like you all to think about.

Ms WEBB - Thank you for that, John. That ticks off pretty much all the areas of questions I was going to ask.

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Mr LAWRENCE - I thought I would do a 'Kevin Rudd' and pose the question which I turned around.

Ms WEBB - Excellent. I like that you proposed possible restructure suggestions. One's quite radical, in terms of a state-owned company and the things you describe there. The other is more amending what we have got and retrofitting a more accountable model onto what we have got.

Mr LAWRENCE - They are one and the same.

Ms WEBB - They are achieved through different avenues.

Mr LAWRENCE - Leave UTAS intact, but just amend section 8 to replace the council with this new, state-owned company. I call it a state-owned company; it might not be.

Ms WEBB - The equivalent of.

Mr LAWRENCE - The equivalent of, yes.

Ms WEBB - It would be useful for you to explain, so that we have a record of it. What would that mean in terms of scrutiny opportunities, different to what is available to us now? As you and others have raised, there is very little in the way of scrutiny opportunity in a meaningful way now. What would those changes deliver to us?

Mr LAWRENCE - I think it is important to crystallise who are the owners, who are the members, who are the directors. Who reports to who, how often and what they report. Right now, it's not clear at all. It's not specified anywhere. You could do that in a portfolio act; there's a portfolio act that supports all state-owned businesses, the GBEs. You could do it in a shareholder agreement. The major shareholders could come together - let's say it was the academic staff and the Government and other stakeholders - and agree on what they're going to report, and do it that way. It might be over and above accounting standards. The reason they don't report all of these segments is because they are not required to by accounting standards.

Ms WEBB - It is very basic, what the requirements are.

Mr LAWRENCE - It is very basic. You don't get much segment reporting in state government businesses. Hydro reports a few segments. They report their electricity business, their gas business and their retail electricity business, for instance. Most other government businesses are not required by accounting standards to do that, nor is UTAS. I'm not an accounting standard expert, but I think they'd argue that it's all just one business, it's all education and research, and the property and investments, it's all one business.

Ms WEBB - UTAS has purposefully set up a separate property entity to deal with that side of its operations.

Mr LAWRENCE - Yes; but it doesn't report separately. As this stage, UTAS Properties is a tiny company, it hardly has anything in it all. It all reports as a consolidated group anyway.

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Even if you set a separate company, if you're reporting as the consolidated entity, you're not necessarily required to report segments, so, you don't get any real idea.

Ms WEBB - What you are suggesting is that if there was to be a restructure along these lines, there could be a higher standard of reporting required, by agreement, that would provide greater public information to the shareholders and to the general public.

Are there any instances where you're aware that's been the case for other state-owned companies, or similar?

Mr LAWRENCE - No.

Ms WEBB - You mentioned during your opening statements, and it's been mentioned to us through another witness as well, that scrutiny could also be applied in a forward-looking way to a publicly presented annual plan or the like.

What would you usefully expect to see in what's provided for that function, to allow effective scrutiny in a forward-looking way?

Mr LAWRENCE - The same part of the corporate plan that each company gives Treasury just before budget time.

Ms WEBB - That's common for those entities to do that?

Mr LAWRENCE - Yes. At budget time you always concentrate just on the government sector, they also can tell you what's happening over the entire state sector, because forward Estimates include the whole state sector as well. They must give that information, and you could give a redacted version to the public at that time.

Ms WEBB - Where would that fit into a time line of reporting? Is that prior to the period being presented in the plan? Do you make the plan public prior to that period beginning?

Mr LAWRENCE - Yes. Take GBEs, for instance - they report late October and you have your GBE hearings in late November. That can all be shifted forward probably two months and the plans for next year could occur six months later. So, one could be forward looking.

The Auditor-General, when he looked at the Hydro deal back in 2009, recommended six months reporting.

Ms WEBB - One of the other things we've heard, and it was not drawn from your submission but it was a suggestion put to us by Peter Bicevskis in his submission and his evidence, which you may have heard from last week's hearing. This is the idea that proposal for developments or projects above a certain amount of money, could go through a process similar to a Public Works Committee process - either Commonwealth or state level - for an entity like the university, so there is that opportunity for open consultation and scrutiny and discussion and examination. Is that something you've turned your mind to?

Mr LAWRENCE - That's what the Auditor-General is basically saying.

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Ms WEBB - So, that examination is made in a proactive way, ahead of these projects being undertaken? That was the suggestion to us.

Mr LAWRENCE - Yes. Above a certain limit, for sure.

Ms WEBB - At the present time there's no requirement that there is a form of open and community-involved consultation.

Mr LAWRENCE - No, and you don't want to end up with these fait accompli. Dare I say it - Basslink was a form of a fait accompli and we seem to be heading towards another fait accompli in the case of Marinus.

CHAIR - A component of that, in the sense you talk about the state-owned corporation and the place in the council. I think that is what you were saying.

In relation to the developments Meg was talking about, the state only funds about six percent of the university through grants. The majority, obviously, would come through its own revenues and from the Commonwealth.

Do you see how such a state-owned corporation would be able to be run, given that it is really not largely funded by the state? Is there a complexity there? Would that get in the way, do you see?

Mr LAWRENCE - No. I used the term 'state-owned company' a little bit loosely. It is basically a company, just like everywhere else. I called it a state-owned company just for convenience while talking to you people. It will not necessarily be a state-owned company because it might be owned by community or it might be slightly -

Ms WEBB - Depends on the shareholders defined.

Mr LAWRENCE - Yes. It depends who are the shareholders.

Now, what was the other part of your question?

TasNetworks for instance. It does not rely on government grants. It is no different. It is out there in the commercial world.

CHAIR - The main thing is that it is a state act that underpins it and creates the reason for being. Therefore, such a state-owned corporation is appropriate because it has the state act.

Mr LAWRENCE - After all, UTAS is a state-owned entity.

Ms WEBB - A couple of other things, from items you raised in your opening statements. One was on the comments you made about the charity status of UTAS.

Mr LAWRENCE - The tax-free status?

Ms WEBB - Yes. Then potential providing distortion into the market because of the advantage that provides, around activities that are not core UTAS activities of teaching and research et cetera, but are the non-core activities.

Could you just talk a bit more about that, please, to explain the distortion effect?

Mr LAWRENCE - UTAS, if they go off into the property business, are competing with other people who are trying to buy properties and develop it further. It might not be identical, but they are still in that same property development business.

If they have property that has been gifted to them, they do not have to pay tax on any gains that are made. They have a big advantage. As well, they have a big reserve of money sitting there. That was the point I made, they have a balance sheet full of revenue in advance.

When you look at their balance sheet, there are a whole heap of what they call contract liabilities and that is just money they have received in advance, from grants and from student fees and so on. They have all this money sitting in the bank. It is to be used to render services in the next year or further down the track.

They have also got this whole bank of money which is all the revenue they have received in advance. They have received 30 years' revenue as a lump sum, on some of those student housing deals.

They have an incredibly strong position. They have tax-free status, plus all this money they have received in advance. It gives them advantage over everybody else in the market and they can go out into market, and they can arguably pay higher prices for property than other people.

Ms WEBB - We have had it put to us in some submissions from others that UTAS, for example, in its purchase of property in the CBD here in Hobart, have paid what some regard as over-market prices. Is that the sort of effect you are thinking of and have you had a look at those figures provided through submissions on those property purchases?

Mr LAWRENCE - I have had lots of information sent to me hoping I would write something for them, but I have not got around to it.

Ms WEBB - But that general effect potentially is what you are talking about, the ability to pay overmarket price in a competitive environment.

Mr LAWRENCE - Yes. Tax-free status is fine for education to kids. All people in that education area are tax-free. There is no competitive advantage. But all of a sudden, if they are off doing something else, they can use their tax-free status. It gives them a big advantage.

CHAIR - Obviously, there is this third-party company that is actually providing the student accommodation, as far as UTAS is concerned. They are receiving the income.

Mr LAWRENCE - UTAS still owns the property.

CHAIR - They still own the property.

Mr LAWRENCE - The property is still sitting on their balance sheet. It is called a concession asset or something. Like I said in my submission, it is like Housing Tasmania, for instance, when you look at their balance sheet. They have \$800 million of concession assets,

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which previously used to be public housing, now it is called a concession asset. They still own it. It has been transferred to the four big -

Ms WEBB - To be managed by some not-for-profit.

CHAIR - Yes, managed by others.

Mr LAWRENCE - UTAS is the same. It still owns the properties, but they have now been transferred to a concession asset.

CHAIR - My question was who is actually receiving the benefit, is it the third-party company actually receiving the benefit rather than UTAS itself?

Mr LAWRENCE - UTAS has received a lump sum for the rights to receive rent over the next 30 years. But it would have guaranteed that so, the third-party company would be making their eight per cent or ten per cent, whatever we do. It is just a straight investment deal for these third-party companies.

CHAIR - Okay. And its tax-free status gives it that edge?

Mr LAWRENCE - Yes.

Mr GAFFNEY - I know you are drawing on your experience with the nature of competition. It was put to us by another briefing that whilst UTAS is the only university in Tasmania, he suggested another option would be to have another university in Tasmania for an option. At the moment our only option is for our students to go the mainland or elsewhere. As a competitive, do you see some advantages of that or do you think it would just be confusing the issue?

Mr LAWRENCE - I do not think we should necessarily cater for that. If another university wants to come in, by all means, but I do not think we should actively go out there to try to encourage a separate entity. You can look at the THS, the health service where we set up three entities. It was a little bit of competition between them. That was just ludicrous. And we have had other examples, say, in the airline business, where people think it is a good idea to get in new entrants, but they end up blowing up and ruining the market anyway. I do not really see competition can be beneficial, but I think the government prescribing it is a bit of a problem.

Ms WEBB - You mentioned in your opening comments executive salaries. It has been raised with us in a number of submissions and a number of hearings that we have seen an escalation in executive salaries at UTAS, partly because there is no accountability to that just within the council itself. Is that your observation that is being driven by the fact there is no external shareholder group that would in the same way in a private board, hold that to account?

Mr LAWRENCE - Yes, I think that is part of the problem. But the whole executive remuneration question is also driven by these remuneration consultants. They exist throughout the economy. They have managed to get a foot in the door and everybody follows them and they seem to have a lot of power. It is not market-based.

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Ms WEBB - We see some pretty high salaries within some GBEs and SSCs also. Do you see that this is just a way of the world now, higher executive salaries? Or is this something to be thought of as necessary to constrain?

Mr LAWRENCE - I think it is necessary to constrain, yes. It is like the remuneration consultants are like a boys' club. Everyone thinks that is the way to do things. It is just another layer of consultants that have taken over the world.

Ms WEBB - Do you think that within the proposed, the things you suggest as restructure options, more along the state-owned company kind of model, achieving it either way? Does that provide more opportunity for there to be appropriate consideration?

Mr LAWRENCE - Yes, because it will be set by a board that was not dominated by either party, not dominated by managers, not dominated by the community members. It would not be dominated by the academic staff. You would ensure that there was balance, I hate that word, but you would ensure that.

CHAIR - One question on the second last page of your submission. You talk about the fact that the '\$37 billion export figure does neither of these things and wrongly includes expenditure funded by paid work in Australia, means exports are grossly exaggerated'.

Do you want to expand on this for those who might be listening in today as to what the main issue is here with regard to the so-called exports?

Mr LAWRENCE - Part of the university's PR campaign centres on this concept that it is a valuable export industry. Now to me, that is vastly overstated. That is not what happens. There are some export activities when students bring in fees, but there is also a lot of, most of what gets included as export income, is actually income that is earned here locally by students taking up jobs. There are lots and lots of students who may have some fees paid for them, but they have to work here in order to pay their way.

The university lobby picks up the whole lot. They pick up like \$60 000 as being export income generated by a particular student, whereas his fees might only be \$10 000. In some cases, they work here and then send money back home anyway, and that is never counted. So, the whole idea that universities are an important export industry is grossly overstated.

CHAIR - So, it is not conjured out as it should be because it is actually providing an income while they are here? Is that what you're saying?

Mr LAWRENCE - Yes. It is not an export industry. They have come here and they have worked. It is built on this old-fashioned belief that we have to generate more export dollars in order to pay our way. That is a nonsense concept. We have a floating exchange rate, we do not do that anymore.

CHAIR - Paul Keating days.

Mr LAWRENCE - That is right, since the mid-1980s. We do not earn export dollars and put them in a vault and then tap into the vault when we want to buy. That is not the way a floating dollar works. It is just absurd. People still have these old-fashioned notions, and the

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university lobby keeps telling us that they are a valuable industry because they produce all these exports. Well, no, they do not.

CHAIR - But they do produce a lot of income for the university itself.

Mr LAWRENCE - Yes, the fees obviously.

CHAIR - You are talking about the broader picture.

Mr LAWRENCE -Yes, the contribution to the macro economy often is vastly overstated.

Ms WEBB - I wanted to pick up on a point that you make in your submission about the assertion you make that it is time to make UTAS reportable to parliament, instead of the perfunctory reporting that occurs now. Parliament has been fairly hands-off and passive in terms of any oversight of UTAS. Under the model that you are proposing or the changes that you are suggesting could be made, what would the role of parliament look like in terms of a more active oversight role?

Mr LAWRENCE - My preliminary comments, half an hour ago, were a slight update on what I have written in the submission. I modified it slightly to take in who should be members. When I originally wrote the submission, I spoke in terms of the community being the only members and they would report to parliament on their behalf. Then, reporting would follow similar lines to a GBE or other state-owned companies. Now, if we have academics involved, there might be a mechanism whereby you report to them as well. There may be an annual general meeting, where -

Ms WEBB - Questions can be put?

Mr LAWRENCE - Yes. Where questions are put to them, you see. The broader community has a say. It is not just parliament -

Ms WEBB - Under the model that you are suggesting, a state-owned company type model, then parliament would have a more active scrutiny through mechanisms like GBE-style scrutinies? Or during the state budget process?

Mr LAWRENCE - Yes. It could be. I think you have to refine the whole scrutiny process for government businesses. It ought to be six-monthly. I think all you people need support from something like, a parliamentary budget office.

Ms WEBB - Hear, hear. You could say that again.

Mr LAWRENCE - Scrutinising government businesses is terribly difficult. There are some that I have been looking at for 10 years, like Hydro, where I am still bewildered trying to make sense of some of their numbers. I do not know how you do it.

Ms WEBB - I feel better, actually.

Mr LAWRENCE - Hydro is a particularly difficult example. You all need assistance.

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Mr DUIGAN - John, surely the act is written as it is written in order to keep government at arm's length from the university for those very important ideals of academic freedom. How do you balance that out?

Mr LAWRENCE - Academic freedom is a separate issue, Nick. I do not see -

Mr DUIGAN - If you have the university coming in every six months to be examined by government, the parliament, it seems to me to have been written very deliberately as it is. It establishes the university; the Commonwealth oversees it.

Mr LAWRENCE - I do not see it that way. I know where you are coming from. It has to be independent but it also has to report. There always has to be some sort of trade-off. I do think academic freedom is a separate thing to what we were talking about.

Mr DUIGAN - I suspect that when the act was devised, academic freedom was principal.

Mr LAWRENCE - The act was devised back in the days of Charles Dickens, though.

Mr DUIGAN - Quite possibly, but that was still a thing then, as it remains today.

Ms WEBB - The function of a greater reporting regime, of some sort, is primarily what? What is the function of that? To direct the activities of the university? Please explain the function.

Mr LAWRENCE - Not to direct them but to explain them. To allow feedback. Not to direct, 'do it'.

Ms WEBB - It is a visibility issue and a scrutiny issue?

Mr LAWRENCE - Yes. If we own the body, surely, we are entitled to it.

Ms WEBB - Does that occur from a Commonwealth level? As we are given to understand, there is quite a significant regulatory regime in a range of ways involving higher education and the university at a Commonwealth level. Does that occur through those regimes that you are aware of?

Mr LAWRENCE - No. I am not sure about that. As far as the Commonwealth goes, you have to report the use of the funds, how funds have been expended. Whether it is broader than that, I do not think -

Ms WEBB - We can dig into that through other methods. -

CHAIR - To be clear, then, going to Nick's point - the reporting wouldn't be there in any way to provide direction to what they might do in an academic sense, in terms of the focus they might have; it would be simply to explain the books of account, is that what you're saying?

Mr LAWRENCE - Yes. Any feedback would go back through the directors and then they'd take it back to board level. Right now, feedback is impossible because we don't know what's happening. The community is entitled to the information.

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CHAIR - It's just that tension of what the reporting is primarily for, in terms of the content of its business, or in terms of making it more transparent from an accounting perspective.

Mr LAWRENCE - Yes.

Ms WEBB - I wanted to pick up on a statement you made in your submission, John, it's about four pages from the end. I will read it:

It is unacceptable for a public body to be allowed to operate within its own bubble and be so willfully blind to the flow-on effects its policies are having.

Could you speak to that a bit more?

Mr LAWRENCE - I had in mind a property development thing, when I said that.

Ms WEBB - Right. In terms of the flow-on effects its policies are having - what were you talking about in relation to that?

Mr LAWRENCE - Still in that market. Also, broadly speaking, the way that management has taken over the company and tendered away some of their staff, by what I gather.

Mr DUIGAN - Given the core nature of the university's operations, its teaching and its research business looks to be a break-even proposition; with some head winds, it would have to be said, in the demographic outlook for Tasmania and so on. What do you do, then, if you're not doing property deals and so on, to put the institution on a sustainable financial footing?

Mr LAWRENCE - It is like a lot of our problems, they're problems with the federation. I don't want to pass the buck but I don't agree with the way research is funded. I don't think that you should have to go out there and round up all these overseas students in order to fund research. I think that's a ludicrous example that you should have to do those sorts of things. I think it's abominable, the way higher education is funded. I agree with comments that Jeff Malpas said. I agree we should go back to, maybe not completely free, but certainly, say, a three-year free education. We can fund that sort of thing. The pandemic has showed that there is money there if we want to do it, it's just having the will to do it.

It's difficult to answer your questions because I believe the way we fund education needs a review.

Mr DUIGAN - That's not the paradigm we are living in, for UTAS at the moment.

Mr LAWRENCE - No, that's why it's a cop-out. You're quite right, that leaves UTAS with a very good excuse to be able to say, 'given the cards that we've been dealt, we've had to do this'. I can appreciate that.

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

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Mr LAWRENCE - Yes.

THE WITNESS WITHDREW.

The Committee suspended at 1.05 p.m.

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The Committee resumed at 1.59 p.m.

Professor AYNLEY KELLOW, UTAS ACADEMIC STAFF JOINT SUBMISSION, WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED

CHAIR (Mr Valentine) - Welcome to Professor Aynsley Kellow who is here in relation to submission number 143. It is a UTAS academic staff joint submission. Thank you for taking the time to come and join us today and provide your group's perception of matters.

Prof. KELLOW - Thank you for your interest.

CHAIR - I will introduce the honourable members of the inquiry. We have Nick Duigan, Sarah Lovell, Meg Webb, Rob Valentine and Mike Gaffney. We also have Jen Mannering, who is the secretariat, ably assisted by Allison Scott, and we have Gaye on *Hansard*.

CHAIR - Welcome, as I say. Thank you for attending. 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, and I remind you that any comments you make outside the hearing might not be afforded such privilege.

You have a copy of the information for witnesses, which I note you have just read, so you are quite aware of process and procedures in relation to any in camera evidence that you feel that you may wish to go to, should that ever occur. 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 allow an opportunity for you to make an opening statement and then we'll go to the committee members for questions. Do you wish to make an opening statement?

Prof. KELLOW - Not much to add to the submission that we've made - a number of us collectively, and personal submissions as well on a number of points. Perhaps I need to emphasise that it's interesting that since I made my submission, I have been the victim of a false Twitter account established in my name, which commented on aspects of the university's relocation, and seemed to access some of the material that I have given in my submission on my background, which is not widely known, including my period as an acting dean of the Faculty of Arts, for example, which is not out there widely in the community. It also used a copy of the photograph which I provided the university for my ID card a couple of years ago. Twitter has had its own chaos in recent times and, fortunately, cancelled that account. I'm still waiting to hear back from the university's cybersecurity officer, to whom I notified this a month ago, and have received not so much as an acknowledgement. But, perhaps it gives some indication of the strength of feeling that some of these issues seem to have stimulated.

I'd rather allow the committee, I think, to raise questions in relation to the submission. I know you have limited time and you need to keep to that period. I'd rather elaborate in response to questions. Other than to add to my point about the rankings of the university and particularly the school of law, because *The Time's* higher education supplement rankings for 2023 have now been published. The fate of the school of law this year is really quite important and really quite disappointing. The law school's rankings have gone from 61 to 84, and for 2023 to the band of 150 to 175. I understand that Ms Webb was asking Jeff Malpas last week

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for quantitative data on performance, and he has provided a number of indicators of declining institutional rank, research productivity. I think the secretary has probably received that.

CHAIR - Do you wish to table that as part of the submission?

Prof. KELLOW - Happy to do so.

CHAIR - Thank you.

Prof. KELLOW - But other than those points, I'm happy to respond to questions from members of the committee.

Mr DUIGAN - We have heard in the course of the inquiry in the last week or so that there has been a substantial change to the delivery of higher education and the complexity of that task stretching all the way back to Dawkins reforms and noting the federal government has committed to a Universities Accord.

I am interested to hear from your perspective and the academics at UTAS what you think those most current set of reforms might look like here in Tasmania?

Prof. KELLOW - I must confess I have not looked at those in detail, so it is difficult for me to comment on those. I will say there seems to have been in the past few years an emphasis on electronic learning rather than face to face learning and seems to be embedded in the proposed move from Sandy Bay to the city. That seems to me to be missing much of what is important about university and valued university experience, particularly for its students.

For staff, I used to joke when I was at Griffith University in the 90s where we had an inter-disciplinary organisation which was particularly valuable. I wrote a book on toxic risk management, published shortly after I came back to UTAS. I was here for four years in the early 80s and that was really facilitated by being able to discuss the scientific part of that with Des Connell, who was probably Australia's eco toxicologist. There were four of us who were professors who were political scientists, but were scattered in different faculties and I used to joke we did not have a common watering hole because there were no staff clubs as it was established in the 70s, when universities were trying to be non-elitist and so on. But, what that meant was that you never got together in a casual sense with the other four political science professors.

That social aspect of the university, which I think is fundamental, both at the staff level and then of course for the students to hang around after classes, between classes, go to the Ref or to Lazenby's in recent times, talk with their peers, their teachers even with the vice-chancellor. I remember when Darryl LaGrew was vice-chancellor, he would frequently go down to Lazenby's and have a coffee and interact with students.

When I was head of school 15 or so years ago, I had a student say he was glad he came to UTAS. He had friends who had gone to Melbourne but they never got to see the staff who were teaching them. Whereas, at UTAS you could wander the corridor, people were there and it was expected you would go to university and you would turn up as much as possible.

I remember being at a conference in New Zealand early on when my dean phoned me and said I have just been in your school and the place looked deserted, there was no one about,

do something about it. It wasn't readily possible for me to know that it was deserted or to instantly do anything about it, but it was an encouragement to do that.

I think part of the problem with the proposed move is that will be lost. The proposal for the forestry building for the law school, I know is not to have dedicated offices but to have hot desks and lockers where academics can put a few of their books. I understand you have heard the evidence about the dangers of books falling from a height reported in the media and I think that has all sorts of problems with it, not the least of which academics need their books. They will come to the university less often, less frequently. They will come in, do their classes and then go home and you will not have that same social interaction between staff and between staff and students. I think that is unfortunate, we are already there. I know people in IMAS where, for many of them, it is more open plan. The level of chatter means that it is hard to have a serious conversation and so a lot of people do not go in. Of course, they have to pay for parking when they do come in. It systematically destroys that basis for interaction that should be at the heart of any university.

Mr DUIGAN - To take you to your submission, particularly, point 3 where you talk about the loss of many senior and qualified staff. I am wondering whether the departure of those staff is a process of natural attrition, noting also, that nationally there is a labour shortage and a skills shortage. I am sure university teaching staff are no different to almost every other industry and enterprise in the country. Are those factors playing into the loss of those critical staff?

Prof. KELLOW - The way I read it and if you look at the signatories to the submission, a large number of them are fellows of learned societies, learned academies and so on. There are some who are still there, giving the lie to the former chancellor, Michael Field's statement that we are a bunch of old 'has-beens' who are concerned about these things.

Many of them have retired before their time because they have been lured out with offers of packages and redundancies. I cannot speak for the individual circumstances of them all but I became somewhat unpopular. I eventually took a package when I got off-side with the then head of school. I put myself forward to be discipline head and she appointed someone who was technically not qualified to be discipline head who was a lecturer rather than a senior lecturer as the ordinances required. Then I found that with the then dean, it was indicated that my research productivity was not up to scratch and that I would be denied study leave. If you look at my publication record since I retired, there are at least three authored books and there are several others. There was a kind of pressure. I think it was part of managing the budget of the university. Professors are more expensive. We cost the institution a lot more than a level A or a level B but we should be bringing expertise, research productivity and kudos to the place.

If you look at the document I just tabled, the research productivity and measured and research outputs has halved, which is pretty substantial. With a footnote that the number of books, for example, last year, 14 books on the entire institution, includes at least one of mine. Another one was published and appeared late 2021, but the official date of publication is 2022. Those of us who are emeritus, who provide our publications for the university to claim credit for research productivity, are included in these figures. The decline is quite marked.

This is despite the fact, as I say, that staff numbers reflected per standardised equivalence full-time student unit have declined from - I cannot remember the exact figures - 14 or 22, but non-academic staff have declined nowhere near to that extent, which indicates to me that the

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resources of the university are not going - I think it is just something like a 60 or 62 per cent increase in student load, but the resources that generates are not going to academic purposes. They are going to professional staff, as we call them. If that trend were to continue, it might be like the hospital in *Yes Minister* -the perfect hospital that was full of administrators but had no patients and no medical staff.

It will not get that far. This committee inquiry, one would hope, would be one measure that might prevent that from happening.

Ms WEBB - Just to clarify that a little bit further, because I was also interested to hear about bit more about that.

On page two of the submission, point (3), as Nick had said and raised as a concern says:

3. The declining academic quality of the institution as a result of the loss of many of the most senior and best-qualified staff, and the appointment and promotion of staff to senior positions who often lack real academic credentials or have only mediocre records.

You just described that.

I have heard you basically assert that is potentially a budgetary money saving issue. Is there any other explanation you and the group, who put the submission forward, are suggesting as a reason for that trajectory, or that observation you have made?

Prof. KELLOW - Well it is a bit hard to see otherwise. I mean, you have, for example, many of us who have left have not been replaced.

The school I once headed, which in the time I was head, was ranked in a survey from some people based in the London School of Economics. I think it was 167th globally in political science.

We had about 14 staff. There are now seven staff in the discipline of politics and international relations, including two who were moved across from Asian Studies, when Asian Studies was closed. So, no consideration to the strategic direction of the program at all.

They are perfectly good scholars but they are not. I mean, one of the things I first had to do when I came in as head in 1999, was manage the aftermath of the Asian financial crisis where the school I inherited was over-exposed to Asia and Asia politics. Interest in Asian politics declined rapidly as a result of the Asian financial crisis.

It is a bit hard to see another reason. Why have staff left and not been replaced? But now, as I said to a colleague I had a coffee with the other day, they are still trying to run two separate majors in public policy and politics and international relations and you cannot do that. As I said, you cannot do that with only seven staff.

Staff have to go on study leave, they get sick, they have babies. How do you do that? It is really stretching resources.

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Mr DUIGAN - I quickly reference the 2019 UTAS strategy document which speaks to your number two point there on top-down decision-making that says:

Our policies are too numerous, too complex, too dated, too many processes, create complexity, duplication, ...

and so on. The university's response to that was the lean initiative:

Lean initiatives by their very nature are almost universally unpopular where they are implemented on the people who are used to doing things their own way.

and you have been reasonably scathing of it here. I am just wondering how much of that is potentially resistance to change, or is their evidence you could present that would demonstrate it is particularly onerous.

Prof. KELLOW - I cannot really elaborate on that. I mean, as you would appreciate, with the number of people who assemble, and put their names to this, my knowledge of particular points is limited.

What I will say, though, is that in the time that I've been teaching in universities, we've gone from the days of typewriters to word processors and electronic systems. When I was a graduate student and part-time staff member, I had to wait for the department secretary to type up my handwritten draft to give to my supervisors.

We've seen a revolution in the work in universities, to the point where most academics now do their own keyboarding. They even do their own photocopying and printing, which is probably not the case in many public service departments. Paying someone a professorial salary to stand there and photocopy is not really a good use of resources, in my view. You would expect ordinarily that with those innovations in information systems, that you would see improvements in productivity and a decline in the need for administrative support. If you look at the data, we've seen the opposite. We've seen in an increase in non-academic staff.

Part of the problem is the budgeting model, because really, as I've said, certainly in my personal submission as well, making senate merely academic senate compared with the old prof. board, and I was a victim of the professorial board. I came here from New Zealand initially in 1981 on a one-year contract and had to wait with bated breath to see whether prof. board would improve the continuation of the position. I had an offer of employment from a university in Papua New Guinea I was desperate not to accept. Eventually it decided. So the professoriate had strong control over budgetary matters. Then I got a three-year contract. Got into the last year and wasn't prepared to wait until the end of that and accepted a tenure track position elsewhere.

You would expect economies of scale as an institution grows. But where are the economies of scale in UTAS? It's got larger. It's got more automated. It's got innovations like 'lean' which I can't speak to particularly; I am speaking in a more general sense. You would expect to see economies of scale. It's the academics who teach the students and do the research that attract the budget.

I have been in another university, in Griffith, in the 1990s, where there was a different budget model. Here, the administration takes what it needs, reports to senate, but senate doesn't really have any power over those decisions. I always used to ask what's the percentage going to academic purposes of the total budget? But at Griffith, all the basic administrative functions were performed in the faculties. So the faculties had business managers, student admin, HR, research administration. And the central administration, or the Kremlin as we liked to call it, had people operating at a strategic level. In that way, the faculties decided whether or not you need another HR person, or you could do without them, or you could do without additional student admin. There are other ways of doing these things, and countering those sorts of tendencies towards -

Mr DUIGAN - Do you think it's possible to do those things, perform those functions properly, without an overall view of the financial sustainability of the entity as a whole?

Prof. KELLOW - I think so, and that's why at Griffith that was a role of the central administration, to set those parameters. But decision-making was closer to the academics.

CHAIR - Just on that, central administration setting those parameters, as you say, were they doing that, at Griffith I think you were mentioning, as a result of information coming down from academic senate in relation to how the academic focus needed to be pursued? What was the mechanism there? How did that work? How is it different here?

Prof. KELLOW - At Griffith, the allocations were to the faculties. I was on the faculty executive and, at one stage, head of the Graduate School of Environmental Science and Engineering, for example. We were parsimonious with our budget and with our budget bids, because if we could put more money in to basic research - a little bit of research money allows you to do a lot. When I left UTAS, there was not much of an annual allocation that would allow you to conduct a little bit of research.

A medical academic at Monash some years ago did an estimate of the cost of preparing an ARC application.

CHAIR - ARC being Australian Research Council.

Prof. KELLOW - Australian Research Council Discovery Application. Sorry. He came up with a figure of about \$18 000. For \$18 000, I could probably do all the research I ever wanted to do; but, to in order to maintain the reputation of the university, you needed to bring treasure, to go out and get grants, because the universities are rewarded by the Commonwealth for the grants and research income they bring in and so on.

It got to the stage where there was nothing, no annual allocation. We used to have a couple of thousand dollars for PhD students to put towards their research, and that disappeared. Colleagues used to be given about \$5000 to do some research, go to a conference and so on. If you're not able to do those sorts of things then you've got the sort of decline that I think we've seen at UTAS.

I do a little bit of consulting and advising at other universities on productivity and research applications and most of them still have a flag fall, a certain sum for pass and go, and that's important.

Mr DUIGAN - Thank you. I'll take you to the list of metrics that was supplied as a supplement to the submission today.

Prof. KELLOW - I don't have a copy.

Mr DUIGAN - If you haven't seen them, it will be difficult to comment in detail and, taken in isolation, they are fairly problematic. The ranking ones, I would concede, are difficult to argue with. But, some of the ones that are just a hard number - like, research numbers and things of that nature, publications, grants, those sorts of things - COVID-19 presumably is a massive determinant on those numbers in the last three years?

Prof. KELLOW - Particularly you might say in conference proceedings, but it doesn't explain productivity in terms of books.

Mr DUIGAN - If you take all the rest of the Australian universities, I would contend that there would be a reasonable drop-off in the last three years in publications of books.

Prof. KELLOW - That's an interesting question. On the other hand, relative to other universities, UTAS has declined quite precipitously in rankings and it's almost embarrassing to see some of the universities, and where they used to be, in relation to UTAS. We could provide more information or you or the secretary could have a look at those in the *Times Higher Education Supplement*; but UTAS has been passed by, by what used to be regarded as universities not of the first rank. We started off in 2015 and that was the case all through the early 2000s that we were sitting just outside the rankings of the group of eight universities. I was on the Research College Board in the early 2000s and so on and we had frequent discussions about should we claim or should we try to get entry into the group of eight and make it a group of nine or 10 or so on. We have no chance now, we are 27 out of 39. That is a really significant drop in rankings.

There is no reason why you should have that decline in productivity between 2018 and 2021. There is a lag in publication time. It would usually take a year or so for a book or an article to wend its way through the peer review process, the publication process and so on. You might expect some lag but much of the 2020 or 2021 ones were probably submitted very early on and represent research work that was done before COVID-19 really hit, but it is hard to say. Your point is a valid one and it needs checking against -

Ms WEBB - We can use the same data source, can we, to see if there has been a decline in other universities nationally, in a similar pattern? It would be interesting to know.

Prof. KELLOW - The source of that data is the UTAS research page. The sources are all given, certainly in terms of -

Ms WEBB - We might have a chance to look into that later.

Prof. KELLOW - You will also note, it is fairly general of me, the student applications data, the student offers data. It is all not good. The student completions and attritions has caused the quality agency to impose a student performance monitoring condition on the renewal of the university's registration. These are not good metrics. Yes, you can point to reasons why it might have been impacted and look to other institutions as well but if you look at things like staff numbers and student to staff ratios, it is hard to imagine why you would be

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putting more resources into non-academic staff than you are into academic staff; why the growth in student numbers was leading to a growth in non-academic staff who are the ones who are not earning the income. It does not strike me as a formula for success.

Ms LOVELL - I had a question about point 5 in your submission, where you talk about a seeming contempt for academic staff and a tendency on the part of the university management to view any staff who challenge managerial decisions or express dissenting opinions as problems or hindrances to be dealt with accordingly. Are you able to provide the committee with any examples of this or elaborate on how you are seeing that and how that is being demonstrated?

Prof. KELLOW - Again, it is difficult for me to speak to all of the points that are made. Let me give you one anecdote in relation to the vice-chancellor where he simply dismissed a point that I thought was quite valid that I raised with him. Amongst other things, I was an expert reviewer for the Intergovernmental Panel on Climate Change. When the sixth assessment report of the IPCC came out last year, which led the UN Secretary-General Guterres to go all apocalyptic and say that it was a red flag for humanity, Professor Black leapt in and made a statement along similar lines. I emailed him and I pointed out the problem with those pronouncements, and that was that that projection was based upon something called a 'representative concentration of pathway 8.5', which was so extreme that even the modellers who feed into the IPCC had disowned and it said this is completely unbelievable. Therefore, we need to actually tone down our language. We're not all about to go to hell in a handcart, the oceans aren't about to boil and the baby animals die. And Rufus's response was simply to say, 'well, there's a consensus'.

My expertise as someone with a history of writing on risk assessment amongst other things and a history of participating in the IPCC process and writing, publishing books on climate change policy and politics, and one on the science and public policy and so on, was just brushed aside. Consensus is a nice thing, but it's not a way in which we judge the strength of propositions.

Agreeing with people is not the test. As Sir Karl Popper, the great philosopher of science, once put it:

Knowledge advances by disagreement.

Unless you take onboard and listen to disagreement and dissident voices, then knowledge doesn't progress.

Ms WEBB - I think it probably picks up from an earlier question from Mr Duigan, and again it's really just to test this, I suppose. You also mentioned assertions potentially made in the public domain about, this is just grey-haired old fuddy-duddy academics being fussed about change. I do want to test that a bit with you, given that I think we could pick any moment in time, in any significant institution, and you are going to find that there's a level of staff and stakeholder dissatisfaction with how things might be tracking. When processes of change are being brought in, or restructuring, or different slight adjustments to trajectories, people are fussed. Can you describe how this is different to that, if it is? How would we understand that this is something beyond that normal state of affairs that we could expect within an institution?

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Prof. KELLOW - I think it's supported by the metrics. Yes, for all of my time at UTAS and before at other universities, Griffith in the 1990s, Deakin before that, UTAS before that, and Otago before that, of course, people were always grumbling. But that's good to have to have that conversation, to have people point out what might have been missed. This is why we have legislative councils, Houses of review because governments, for example, and public services occasionally make mistakes. There are things that they don't consider.

A healthy level of dissidence bubbling away in an institution is a good thing. It's where you get a failure to ask awkward questions that you get disasters. If you look at the classic, which of course was Richard Feynman, the Nobel Prize-winning physicist who I think did the inquiry into the Challenger disaster. Nobody had thought to ask or answer a difficult question about whether the O-rings sealing the rockets would be serviceable if there was a sub-zero temperature because everyone says it is Florida. It doesn't get cold here. Ordinarily, different views should be encouraged and a bit of grumbling here and there is not a bad thing, in fact it is a good thing. I used in a journal article once which as much as anything was accepted for publication because the editor was Glenn Davis who is now assisting the Prime Minister run the country. He was a colleague at Griffith and he liked the Aesop's fable I put at the start of it. It is a fable called The Mice in Council and it goes that the mice were concerned because the farmer's cat was knocking off their numbers and eating them. They met together, discussed the problem and all decided the thing to do was to put a bell around the neck of the cat so they could hear the cat coming and take evasive action. They all agree this is a wonderful thing and they should do it and then one curmudgeonly old mouse said, 'I have just one question, who will bell the cat?' Those curmudgeonly questions are not something we should be -

Ms WEBB - No, but to zero in a bit, given if we take it as read that some amount of grumbling and curmudgeonly questioning is a good thing and will be present regardless, what assertions are the submitters here making in terms of how now is different, extraordinary or in some way notable and needing to be addressed compared to business as usual?

Prof. KELLOW - As a member and I took part in a senior executive team meeting when I was acting dean so I have seen a lot of levels of governance. There were always people grumbling about any change and so on but we had to justify that. The forums for expressing those views has now been quite severely restricted and there are no longer departments and department meetings. We used to have a monthly department meeting. They are gone. The meetings at college level that now occur, people attend them say are quite restricted. They get talked out. They do not get much of a chance for participation and so.

The contrast between the opinion survey of Your Voice that are shown in the data compared with the most recent one which does not turn out too well for the administration, so has not been released. I heard someone suggest it is probably a breach of the research ethics under which the permission was granted to conduct the survey, because you cannot conduct surveys and then not release the results. Then of course, it was leaked to the media which is even more embarrassing for the university administration.

Again, the results show this closing off of dissent and we still speak to colleagues who are working there, many of them relatively junior, who are afraid and bite their tongues and get on with work and many of them leave. This is where it comes back to institutional arrangements as well. The senate is relatively junior in composition. Many of the people sitting around the table are either representatives of particular university academic units or relatively junior staff who do not want to rock the boat. They are ticking a box for service so

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they can be promoted in future, so they do not want to make waves. It is as much the closing off of avenues for vigorous discussion that is a worry.

The worst example is probably the degree for new teaching models. It was not left up to the academics and the law school is the worst example of this. It was not left up to the academics to say we think we can teach our disciplines in this way. They were told how they had to design their courses, which is not the way university should operate. I have considerable experience in my time at Deakin in running distance education. I developed the first under the Dawkin's proposals, the first distance course work master on public policy. But no one has ever asked me from UTAS how we might do it.

CHAIR - We are just about out of time.

Mr GAFFNEY - I will also ask UTAS, looking at the enrolment figures, talking to a couple of younger people who are doing work. They did some units through UTAS on line. I asked what are you doing this year? They said we have gone away from UTAS because it is too expensive and we don't get to see the staff anyway, so may as well do it on line, because they were getting a diploma or a piece of paper at the end. Have you any comment on that? I was quite surprised because they said we may as well do it through some other company to satisfy whatever, because we don't see staff anyway anymore.

Prof. KELLOW - That is a good observation. As I said earlier, that social interaction between the staff and staff, students and students and students and staff is what is missing. If you are Zooming, you can do a lot with Zoom. Peter Carroll and I wrote an entire book on the OECD and published it last year, entirely based on Zoon interviews with members of the secretariat, ambassadors and so on.

I would much rather do that doing interviews in Paris, believe me. I am not so anti Zoom, but we were able to do that because we had the connections, we have been to Paris numerous times for a couple of other books. That is exactly what is missing. If you can do a cheaper degree somewhere else, why not.

My daughter who is finishing her Arts/Law degree this year, is a bit dirty on me because when she started, I talked her into staying here. She could have gone to Melbourne and done Arts, I said you would have to do well in Arts to get into the graduate law program. That was when UTAS was a top 100 global law school, it was 61 then, and now it is 150-175. The quality of her qualification and the reputation of the university has suffered. So, the standing of every degree that is taken out from the university has been diminished. Fortunately, in the case of the law school, Professor Dal Pont, Professor MacCormack are working very hard to restore a situation that should never have happened.

CHAIR - Thank you for that. We have run out of time but we do appreciate coming and giving your perspective of your group.

Just to remind you it is important to note the evidence taken at this hearing is protected by parliamentary privilege, but I remind you any comments you make to the media or otherwise outside of this room, even if you were to repeat what you have said here, will not be protected. Are you aware of that? Thank you and thank you for coming.

THE WITNESS WITHDREW.

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The Committee continued from 2.49 p.m.

EMERITUS DISTINGUISHED PROFESSOR JAMES REID WAS CALLED, MADE THE STATUTORY DECLARATION, AND WAS EXAMINED.

CHAIR - Professor Reid is providing in relation to submission number 22 for those who are watching online and he is here in his own capacity and is one of the signatories.

Professor Reid is providing in relation to submission number 22 for those who are watching online and he is here in his own capacity and is one of the signatories.

Professor Reid, to introduce the members to you, we have Nick Duigan; Sarah Lovell, who will be back shortly; Meg Webb; myself, Rob Valentine; Mike Gaffney. We have Jenny Mannering, the inquiry secretary, and Allison Scott, who is assisting there; and Gaye from Hansard is recording today's proceedings.

You are aware of the information for witnesses? You've read that? You aware what happens if we get to a point where you wish to cover something in camera?

Prof. REID - Yes.

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

You've already read the information for witnesses. 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.

We will give you an opportunity to make an opening statement, and then members will ask questions of you. Do you wish to make an opening statement?

Prof. REID - Yes, briefly. The first thing to say is that the submission is from a broad group of readers across the science disciplines. In fact, they are five distinguished professors from within the five disciplines of the old faculty of Science, Engineering, and Technology.

CHAIR - Page 4 of the submission, in fact.

Prof. REID - All are still actively engaged in research, supervising teaching, or mentoring at the university, although only one is currently employed; the others are emeritus. That's the first point I'd like to make.

The second point I'd like to make is that, in our submission we talk a little bit about what the definition of the university is, and discuss the reasons for that, and it's contained section 5 of the act. The definition in section 5 of the act is one we accord with; it's an entirely appropriate definition of a university. A university is made up of a council, the staff, the

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students, the alumni. It's a collegial body, a collegial organisation. That's an entirely appropriate definition. That's what's in the act.

However, the intent of what's in the act, I don't think is being realised in the current situation. That's the point that we are making in our submission. We don't believe the intent of the act in relation to what the university is, is being delivered at the moment.

There's been a gradual erosion of collegiality, academic freedom, and morale over the last 15 years due to changes made through the management and the governance regimes that are currently in place. We think these have weakened councils, academic senates, the schools, and even the disciplines' ability to meet the stated purposes of the university, which is covered in section 6 of the act.

They've restricted debate about matters affecting the academic wellbeing of the university and, if unchecked, will result in diminishing UTAS' rank as a university of international quality, operating out of Tasmania for the benefit of the Tasmanian community.

I was sitting in, during the last few minutes of your last presentation. The question that you were dealing with was some of those rankings. We put one set of ranking figures in there, something that is based upon research - it's not a subjective judgment like the Times one; it's much more based upon actual outcomes, and there has been a substantial diminution over the last 12 months. This is something that is slow to happen, but is very hard to turn around and bring back. We spent a long time in the institution, getting up into that 200, 300 ranking, and we're now dropping back. We're also dropping in terms of the Australian university sector.

We would contend that the act needs to be altered to provide some mechanism to make council more accountable for its actions, and confirm that the academic senate can provide advice to council on matters affecting the academic wellbeing of the university. That's something that is in the act, but has been narrowed down very substantially over the last few years.

We also believe that discipline experts should be able to contribute in detail to how teaching and research goes on in their areas of expertise.

They are the people who have the national and international expertise in their disciplines, and they know how those disciplines are taught nationally and internationally. We believe that they must have control over how those disciplines are taught, and what is taught. Again, this shouldn't be imposed by people with limited expertise - in some cases, no expertise - in those disciplines, from outside the discipline areas.

I think that's probably enough as an introduction.

Mr GAFFNEY - It's interesting, your definition of what makes a university. I was pleased with the comment about:

It is the quality of the students that attract inspirational staff that make those institutions great.

But then it is interesting, you said:

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There has been diminution over the last 15 years.

Now, the rubber is hitting the road at the moment, I think, with lots of different things at the same point. Can you expand on the 15 years and what you mean by that? I want to make that clear for listeners and for ourselves.

Prof. REID - It is hitting the road at the present time, the last two or three years; but the changes in the 1992 Act changed the structure of council. Again, in 2004, I think, the council was further reduced in size, and the VC was given only ceremonial duties, no real power to act. That change was made at the Government's request.

These things have gradually meant that council has become less responsive to the organisation and the institution. There are fewer elected members on it now, substantially less. There's not even an elected student representative; somebody chooses that person.

There is one member of academic staff. When I was first on council, there were three academic staff members who were elected, who usually came from a range of different areas, given the way the electoral system worked, and could bring balancing arguments to what is happening in council.

So, the changes to council, over 15 years ago now, have gradually fed through to the fact that the council has become more distant from the community - the university, as it's defined in the act. It has also meant that there has been a capturing of 'group think' by the council, in the sense that they appoint half a dozen members themselves. They have discussions with the minister about appointing another two. There's only one academic-elected representative. There's not an elected student representative. There is one professional staff member.

So, you've got to the situation where the wheels just spin. They are answerable to nobody. They make the appointments. They talk to people who they think will agree with them. Once upon a time, we had chancellors who were very independent of the vice-chancellors, when I think back to some of the very independent-minded chancellors we had. We've now got a situation where we have a chancellor and a vice-chancellor who seem to have worked for the same institution. I am not aware of having a chancellor who wasn't resident in Tasmania.

So, all of these things have gradually built on each other, to the situation that has developed over the last three or four years, where it's got to a critical threshold, if you like. It is long-term changes and a gradual erosion that these things seem to have come to a head in the last three or four years.

Mr GAFFNEY - Okay; and magnified by certain other things happening at the moment as well.

Prof. REID - Yes. There are other things happening; most importantly, in relation to teaching. I know everybody else seems to be talking about UTAS moves, and I'm concerned about that as well; but I think it's the teaching of the undergraduates, and the quality of the degrees, and the recognition of our degrees, that is really going to be the important thing long-term for Tasmania.

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If this state does not have a well-credentialed university, producing graduates who have national stature, then in about 10- or 15 years time, the state itself will suffer. We have a good international university operating out of Tasmania now. That's what we need to maintain.

Mr GAFFNEY - I still have four questions, but usually I will ask the first one, and then my colleagues will jump in, and then I will come to this question two; that's just what happens.

You've just touched on it, where on page 2 you have written:

To achieve its purpose, university staff and students from various disciplines need to interact and see things from alternative viewpoints. This cannot be achieved if we locate them separately, grouping them only with others of the same ilk.

I know you did not want to go there, but you have highlighted that in your submission and I would like you to expand on that a little bit further.

Prof. REID - As we said in the submission, if people go through an elite school, if they manage to qualify for what is deemed to be an elite professional degree, they go along with all their mates. They go through that training system and they come out at the end of that training system and move into a professional sphere, whether that be in the law or in engineering or in medicine, where ever it might be, where they are talking to the same group of people and then go out into the community to practice they have had a very narrow experience. They do not have a wide life-experience.

They may not necessarily have been in contact or met up with 70 or 80 per cent of the population. A student coming out of university who we have tried to develop their critical thinking, we want them to have heard other points of view. It is very hard to have a sense of critical thinking if you have not heard other people's points of view and bounced those ideas off them. Now, they might be quite heated debates at times but hopefully people can accept other people's points of view and move forward. What I am suggesting there is that we run the risk of entrenching a circular model where people come through with a particular set of views, they are reinforced and then they go out and practice those in the community and they have never been exposed to other groups. That to me, potentially, leads to divisions within the community where you have different subgroups who are isolated or not in contact with each other. I actually do not think that is good for society.

Mr GAFFNEY - The next one. You have alluded to it. Our current VC is the first since 1980 to not have a traditional strong academic background but rather having been a management consultant with an international firm. That is how it is. Is that widespread? Is that happening in other universities where people in those positions have more of a business background or a more consultancy background than an academic one?

Prof. REID - There has been a tendency across the system for that to occur. It is by no means universal, but there has certainly been more of that in the last 5-10 years than there was in the preceding 10-20 years. There has been a tendency in that direction, but you have to remember that most universities went through changes to their councils in the early 2000s, as we did.

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There has been suggestion of a model of what a council should be. That is, it should be more of a board of directors in a corporate mode. Now, that is fine and that was a prevailing view. Around 2000, I was on council at the time and while I raised some concerns about the issue, it was not alarming to me. I could see the rationale that you wanted people on council who had expertise across the breadth of the areas that the university needed to address. You wanted to get away from the point of view that you had the idea that members were on council representing particular groups, which is decidedly unhelpful in a complex organisation like a university.

In effect, it happened in other universities. There is a tendency for us to have accepted that model. The difference is that universities do not have a group of stakeholders who - in the case of the company - have shares and can vote or senior executives who fall on their sword if they made very bad decisions and they are removed quick smart by the shareholders and another group of people come in. We have no body like that, it is not the alumni. As a university, we are even more remote from the government - even though we report to parliament - we are more remote than most other government business enterprises or things like TMAG, where the minister makes direct appointments to the board and so on. There is nobody that the council is accountable to, apart from themselves. That can lead to potential conflicts of interest, as I noted. I have thought hard and long about how we put in place, because I don't think the university should be answerable on a day-to-day basis to government or to parliament.

I was on council when we had parliamentary representatives, one from the Legislative Council and one from the House of Assembly, and while they were good members of council and did contribute constructively, occasionally political issues would arise and that would impact on council and it wasn't particularly helpful. I am not quite sure what the right model is and I have thought long and hard about it over the last week since you started having your discussions. Just like yourselves, at the end of the day, you have to be responsible to somebody or accountable to somebody and probably therefore you have to have more elected members.

If we went down that track we would have to be very careful to make sure that those people who were elected saw themselves as members of the university council first and foremost and were part of that body and not representatives to bring to the table some particular point of view of whether it was the alumni or whether it was the union or whatever it might be. We would need to construct it in such a way that at the end of the day, council has to be accountable to somebody and I can't think of anybody that it can be accountable to except for some form of electorate.

You would not make all members elected because then again you could end up with issues. You don't need to increase its size back to 24 as it was when I first became a member of it but you do need to get more elected staff members. You do probably need to get representatives from the alumni. I know there are a lot of alumni on council but they are not appointed or required to have it.

You also need to make sure that the members of council - at least a significant number of them - have some understanding of the core business of a university. Who would run a \$500 million a year business and not put on the board at least a few people who came from a research, higher education background?

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Mr GAFFNEY - James, I might just stop there because I can feel the member for Nelson channelling me that she has some other questions to ask so I will defer to her experience.

Ms WEBB - If that was the way to insert accountability, to increase the number of elected members on council, would you see that it would require that there be a majority of elected members on council in order to function as a mechanism of accountability, knowing that less than a majority doesn't necessarily allow for accountability to occur?

Prof. REID - I think it was. There was never an elected majority on council and I must admit it did aggrieve me at times, having been on council for about 15 years over various iterations. I am not saying there has to be a majority but I think there has to be a majority that is not nominated by and controlled directly by the chancellor/vice-chancellor. In other words, there has to be sufficient members who are independent of the 'group think' that you can have a broad discussion and if an issue comes forward it can be debated and a consensus come to rather than the end result being put on the table and somebody in the chair tolerating a little bit of discussion about it but then the thing that is tabled going through unquestioned.

Does that get to the point of it? There is a balance. It is a difficult thing to do, I agree.

Ms WEBB - You are suggesting that there be a majority of positions that are other than appointed directly by the council itself or those in control of the council?

Prof. REID - Or in control of the council.

Ms WEBB - Is that still a sufficient level of accountability then, given that it doesn't then have any articulation to external groups necessarily or the broader Tasmanian community?

Prof. REID - I would then go back to the discussion I had about what a university is. It is a collegial group. It is a knowledge guild made up of staff, students, alumni and, in some cases, a governing body. The best universities in northern Europe, in the UK, usually have that sort of model where the majority of people are coming with expertise in the research, higher education sector and they come onto that body for a period of time. In many of the best universities, the people come in and take a five-year stint and then quite often go back to the disciplines. In fact, if you look at the people who put in this submission, amongst the five of us, we have all either been on university council, been deans, been acting vice-chancellors to research or roles of that type.

What is unusual perhaps in this day and age is that we have all gone back to our disciplines after serving that time to inspire the next generation. It is that need to come onto it, provide ideas, innovation, ways to move forward, ways to change the institution and then go back. Rather than a managerial class developing and their main aim is to get into that role. Then they want to stay there and that is where they see their career heading into the future. I think that is a way to making sure you get people who have new ideas, who are in tune with what's happening, making a contribution without getting embedded in group think and locked into a long-term professional role.

For example, I do not know much about it but I have seen reports in the newspaper that we now have a vice-chancellor who does not have a fixed term contract. That is staggering. How can council go to that particular situation? We have had people on contract at least for the last 30-40 years since I have been engaged.

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Ms WEBB - There may well be a good rationale for it, it is a matter of whether it is in the public domain or not.

Mr DUIGAN - If you could cast your mind back, given your 15 years on council and so on. Given the evolution of the Tasmanian act, the shrinking of council over time and the less academic representation on council over time, I wonder at the time those changes were made, you were working in academia and presumably had some leadership role, how were you able to either process through and give yourself the comfort that we were not going to see what you would say now has manifested itself, this managerial take over?

Prof. REID - I was certainly involved, originally at 24 I was on council at that time. I certainly supported the reduction to 17-18 at that time in the late 1990s. I supported the idea that the parliamentary people were not on it any longer. I was not quite so convinced about losing the secretary of the Education department who was on it in those earlier days. I was certainly happy to come down to that size, I thought it was a workable size and I thought the council of 17-18 people worked well.

I heard all the governance experts telling us what good governance was in the early 2000s and was prepared to accept the notion, the coming down to a smaller size still, 12-13 sort of size was a reasonable way to go. I was not comfortable about the reduction in numbers of elected representatives at that time. I thought there should have been and I argued for at least a second academic collected member at that time. I certainly was not comfortable with moving to a student representative who was not elected. I sat on council with probably half a dozen different presidents of the TEU, as it was then and they were superb, they were very good. Some of them had political agendas, but they were really good. They were engaged, contributed, they made a difference to council. I think the loss of that person, there were two of them, one from the north and one from the south originally, was a real loss. That was a real pity.

I guess my views as to how good governance occurred by having experts chosen because of their area of expertise on council, I accepted to some extent to start off with, although I argued long and hard that there should be some of the external members should be appointed who had expertise within the core business. In fact, I actually won that with one person being nominated or brought onto council from the University of Melbourne Act some 10 or 12 years ago. It was the first external person who had that direct expertise.

What I guess I was not aware of was just how embedded groupthink, if you get a certain sized group of people who are appointing each other and then that group are appointing the next group and so on, how you can get a rolling situation where an embedded culture fits in. It can then grow from the point of view where the vice-chancellor and the chancellor where one has clearly a chairman's role and the other has clearly a CEO's role. To where those things are brought together to, what we have seen in the last three or four months, where the chancellor actually was brought into the public debates and having adverts on TV, telling us what we should all think.

I got a memo from somebody in admin about six weeks ago, asking me 'would I like to come along to be coached in how to elevate a talk'. To elevate a pitch I think were the words used. Would I like to come along and be trained in having an elevator pitch that I could spruik at barbeques to convince my friends and colleagues that the move to the CBD was a really

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good idea? I was horrified on multiple levels. One, that academics need to be told how to think. Two, we need to be told how to talk quickly and briefly. And thirdly, that the university would even think of trying to tell its academics what view they should have on a particular issue when they are talking to their friends at a barbeque. I mean, this is just mind boggling. I cannot believe that happening 20 or 30 years ago. In fact, 20 or 30 years ago we had vice-chancellors who robustly refused to even accept donations or funding to the university if it had any strings attached to it.

CHAIR - With respect to the council and its make-up, you have talked about the student representation and how good that was. Yet at the same time, the council is there to do the best for the university as opposed to those groups that are being represented on that council. There is a bit of a tension there, isn't there? I am wondering whether student representation, vis a vis through the president of the union, may well be better to have two students perhaps elected to the council from the body of students as opposed to from the union. Do you have a comment on that sort of scenario, and whether it is good or bad? I am not making a judgment it should be that way.

Prof. REID - You have to address the union body, the student body as a whole. In the past, when we had two elected members, one was from the TEU, which was elected by all students associated with the Sandy Bay campus, and the other was the student association in Launceston, which was associated with the old student association that grew out of the TSIT.

CHAIR - TSIT, yes.

Prof. REID - But the presidents of those student bodies were elected by the whole of the student body and one of the things that elected member did was to be a member of council. You may not like elections, I presume most of you do since you are politicians. You may think there are better ways.

CHAIR - Doesn't mean we like them.

Prof. REID - But you may think there are better ways of appointing people and finding people with the right expertise, but it does not always turn out to be the case. I think students are wise and sensible enough to actually elect sensible representatives. They have a history of having done so very effectively. In actual fact, many of the people who were student presidents and were on council went on to make political careers themselves. That in itself is part of what we should be delivering to our student body. That is, not just the lectures, sorry, we are not allowed to have lectures anymore, lectorials and whatever the term these days is.

I have always told incoming students, half of the benefit you will get from the university is what you learn outside the walls of the lab, the tutorial room, the lecture theatre. It's what you will learn by being members of societies, running societies, being members of sports clubs. Just talking to people - when we used to have the university bar, or Travs as it was when I was a student, half of the benefit you will get from a university education is that of talking to other people, running societies yourselves, running sporting clubs. You can make mistakes there. It is a student body. The stakes are not high. If the Biological Sciences Society had a deficit in a year of \$100 it wasn't going to destroy everything. People learnt a lot in that environment.

Where we have got to is the students are not being given the opportunity to get those other benefits and the move to town will dissipate that even more because they will become

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corralled in silos. I know the Hedberg and the Art School are not that far apart but I bet you not many students go between the two and probably even fewer go between the Menzies Centre and Hedberg which are even closer together. Student bodies are not going to interact across those distances when they - when we had a Ref on one campus, people went there.

Mr GAFFNEY - Interestingly enough, I was quite surprised when I saw that the student representative was nominated - not elected - appointed. I was quite amazed by that, that the student body wouldn't elect their own.

Prof. REID - It is not their choice.

Mr GAFFNEY - No, but what I am saying is the structure is so set up that they don't elect their own rep. That is nonsense. However, there are plenty of examples in recent times where a decision that may have been made 10 or 20 years ago with all the right justification, has now been changed because the proof of the pudding is in the eating. It hasn't worked, the size of parliament, for example.

Are you saying that if there was to be a change there would have to be a good debate and a discussion about what that make-up would look like? You wouldn't want to naturally go back to what was in 2012 or 2002. You would want to have a debate and a discussion about what is needed to go forward.

Prof. REID - Yes, I would go back to the sort of model we had pre-2004. We have come down from 24, we got rid of the parliamentary reps and go to that, then work from there. Then I would be making sure that somehow there was a mechanism to make sure that people who were contemporary experts in the running of universities and the teaching and learning and research university, were brought in. In other words, not just property developers or some other sort of people, but we brought in people who had real expertise in that area.

Then I would want a fairly strong debate about how you make sure that the council runs as a whole and as a body to govern the university and not end up with people who simply see themselves as representatives who report back every few weeks to the body they came from. These are elected people who then go on to the council and work for the benefit of the whole university and collaborate with the rest of the council.

CHAIR - That is the point I was trying to make before.

Prof. REID - That is a difficult thing to do but I am sure that you can, if you are careful in the debate, get to a system which would allow it to happen.

Mr GAFFNEY - So the act itself would have to reflect the academic priority or stance of that group? We heard from, I think it was Oxford, there were 22 and 26 academics. Therefore, they have a different model of management and overall governance or direction.

Prof. REID - I don't think I am suggesting that we go to an 80 or 90 per cent dominance of academics on the university council. That would probably be counterproductive as well and would certainly ensure that the organisation didn't evolve, become contemporary. It would be a logjam of status if you went to a model of that sort. That is why I wasn't even necessarily saying we need to have a majority of elected members but we do need to make sure we have a majority of independent people on council who are not responsible to somebody else.

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We don't seem to have touched on academic senate and the rest of the institution which is important.

CHAIR - To round that bit out, is it fair then to say that as long as the council is operating with an academic focus as opposed to an economic focus that would be your preferred model?

Prof. REID - It must have an economic focus as well. It has to be a good governing board. It has to be a board that is governing the university -

CHAIR - Yes, but it is a balance.

Prof. REID - and it is balancing all those issues. I do not necessarily accept that just because somebody has an academic viewpoint they are not sensible about making sure that the economics add up or vice versa. I think you need a practice of best governance and you cannot have best governance unless the board is responsible to somebody. If it is only responsible to itself, it will, in the end, somewhere get itself into trouble.

CHAIR - And a breadth of expertise.

Prof. REID - And it has to have a breadth of expertise, especially in the core business of the institution.

CHAIR - I just wanted to clarify that.

Ms WEBB - I will go to the academic senate then, on your invitation. I also want to talk about academic freedom and independence and autonomy at some point too. If we can briefly touch into academic senate and then move through, knowing our limitations of time. In the submission, you make the point that academic senate over time has had its role evolve or change from one that had more responsibility for decision-making, it sounds, in the past, to now being more of an advisory role that can be dispensed with at will.

Prof. REID - It is almost a quality assurance body to make sure that the degrees tick off all the required elements and so on. Academic senate, in the act, says it reports to council on all matters affecting the academic wellbeing of the university, or words to that effect. That is exactly how it used to operate in the late 1990s. I was chair of senate from 1994 to 2001 and it used to operate on that basis.

On that basis, the academic wellbeing of the university was broadly interpreted. It included the nature of the courses we taught, what should be in the degree programs, making sure that we met the national standards and all the other things that are required, purely at the academic quality assurance level.

It also discussed where we should be going in terms of what new programs should be put on. For example, at one stage it even approved the budget for passing on to council whereas, I think that was probably going too far and probably were the wrong words but certainly, the full budget as presented to the university council would have gone to academic senate prior to discussion at council.

The senate, therefore, would have had the opportunity to express a view as to where the money was and the resources were being spent. There was a table C in the papers, if I remember correctly, back then. A table C that was a one pager that actually divided all the expenditure across the university into where it was going to, whether it was going to academic activities, teaching and learning, research, or whether it was going into administration or whatever. The figure started off in the late 1990s, somewhere in the 60 per cent region and has declined to about 40 per cent today.

I think part of the reason the university considers it has financial problems these days is simply that if you are using 60 per cent of your budget to run the administration and the non-core parts of the business, then the business is going to struggle. We have gone from having one deputy vice-chancellor and one pro vice-chancellor research at one stage, then we had a deputy vice-chancellor and we ended up with three deputy vice-chancellors. We now have four deputy vice-chancellors and we have pro vice-chancellors. I tried to look up the number of pro vice-chancellors we had on the website on Friday. I got to five and I still had not covered - there was nowhere on the website where you could actually find how many pro vice-chancellors this university has. It is a significantly large number. It is certainly more than the academics, one in education, one in research, which is probably the three you need, plus the vice-chancellor. You have this ballooning.

Ms WEBB - I am going to rein you in for a minute, Tim. I think that is certainly an interesting observation that we can follow up when we speak to others and indeed to UTAS, ultimately, as well. That balance of things sounds like an interesting change.

Prof. REID - I would be interested in their answers.

Ms WEBB - I am interested to come back to the economic senate and to take a more practical question. Given what you have described, what is in the act really just provides a starting point to then be interpreted and expressed through ordinance about how the academic senate is configured and how it behaves and what it's responsible for. That is not captured in the act, just that broad task of advising council on all academic matters which can change over time according to what is expressed in the ordinance which is written by the council.

So, would you like to see something more specific in the act that outlines in some more detail the functioning of the senate, so that such a change in how that is interpreted can't occur?

Prof. REID - Yes. I would strongly recommend that the words in the act, while they are fine words, are not sufficiently precise to ensure that academic senate operates in the manner in which, I think, the act intended it to operate.

The ordinance has changed, and changed again. That's been one, and the advice being brought to it, of a substantive nature, has been reduced so it no longer ever sees the budget. It gets an address from the chief operating officer about the broad parameters for the university budget. You don't see the figures and where the money is coming from and where it's going to in detail any longer.

So, yes, there needs to be more prescription like that. The constitution of senate has changed, in some ways by default. It ended up with a whole lot of people who had direct responsibility to the management team ending up on senate, and a substantial reduction in the number of people who were independent of that.

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A lot of that has come about because, in the 1980s and 1990s, heads of schools were elected. Then, there was an election process but this had to be agreed to by the senior management to occur, to the point now where they are appointed.

Those people who used to be independent, or could have been seen to be independent, on academic senate - such as the heads of the schools, or heads of disciplines, or whatever they may be - are no longer independent and can express an academic freedom of speech, because their reporting line is directly to somebody.

Ms WEBB - To reverse the direction of accountability.

CHAIR - They are constrained.

Prof. REID - The accountability has been reversed. When I was first head of school, I thought my main job was to make sure that I stopped a whole lot of rubbish coming down to stop the academics in the school from doing their core business, and transmitting advice upwards as to how things could be progressed. Whereas now, I would suggest their main job is for them to tell the staff below what is coming down from above, and to do it, or else.

CHAIR - To wrap that up, specifically, more description in the act itself, as opposed to through ordinance?

Prof. REID - In relation to senate; and some way of ensuring that the majority of people on academic senate are free to express their views, without being bullied or imperilling their careers.

Ms WEBB - Because of the direct line management, the people they need to provide those views to.

That brings us round to academic freedom, independence and autonomy. That's part of our terms of reference number 4.

The appropriateness of the Act to protect and promote academic freedom, independence and autonomy

The act doesn't explicitly protect that. The University has policies in place to deal with those matters.

In the submission the group has made, I note that there are some comments about academic freedom, including in the conclusion paragraph:

This means that academic freedom must be given more than lip service, allowing more junior staff to be engaged in the debates and people with the real expertise in the disciplines that make up the university community to feel empowered to make decisions relating to them.

Would you like to provide us with some more comments about how you would like to see academic freedom and independence and autonomy promoted and protected within the university, also linking to the act?

Prof. REID - I think there's evidence in the submissions you have before you. The last group here, there were four people who were current staff members, who were not prepared for their signature to be seen.

If I look at all the submissions that you have, there's a lot from the students and the students have been quite powerful in what they have had to say; and the 'old fuddy-duddies', as one of our ex-chancellors has called us, have also been fairly forthcoming in advice.

But, you have an absolute paucity of submissions from the 35-55 year-old group -the people who have done 15 years of training, and then got a continuing appointment in the university. You have a paucity of submissions from them, except for some people who withheld their names.

The question has to be: why? Why are those people not coming forward? There was something leaked in the press about the survey of the university a couple weeks ago, and it was fairly clear that there was a fair bit of unrest amongst the academic staff and the general staff about the senior management and so on, but they haven't come forward. The question is: why? They feel that they are going to put their careers at risk, their chances of promotion at risk.

In my particular discipline area, biological sciences, when we first discussed the ideas of moving into town six or seven years ago, we were advised by our then head of school that only positive comments were welcome and would be transmitted, because if we put forward anything that was contrary to that, the discipline would suffer. We were basically told, 'unless you've got some positive comments to make about how to do this and how it can go forward, don't say anything, and we won't say anything'.

Ms WEBB - Surely that must have been in contravention of a policy that existed at that time?

Prof. REID - It certainly, to me, goes against the spirit of academic freedom. I don't want to go back to try to say whether it breached a policy or not; but the point is, you asked for some examples of things that happen that make staff unwilling to come forward in this day and age. The policies that are there, if you read them, all sound very nice, but it is how they are interpreted. You don't go to meetings these days and hear people express divergent views quite vigorously. I did do that when I was 35, 40, when I was first a professor. I did do that, and I found that it didn't hamper my career. Sometimes people didn't agree with me, but people could accept it. We seem to have gone to a managerial model where if you haven't got something positive to say about the current management team, then you are being disloyal to the institution. And that is not how a knowledge-based guild, which is what the university is basically defined as in the act, should operate.

CHAIR - Thinking back to many years ago when you were on the academic senate. Was it ever the case that you had strong characters in the academic space who would similarly constrain people from talking out?

Prof. REID - I'm not sure whether I should go there without going in camera.

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CHAIR - I don't need you to name names. I'm just saying in general terms. People say, well, look, this is managerial, there are line management situations there, and people won't talk. Wouldn't that sometimes also have occurred, way back when?

Prof. REID - How do I put this? Yes, we had controversies. At senate there were, on occasion, suggestions that there would be a motion of no confidence in the vice-chancellor over various issues. You said earlier, things bubble along. That was resolved. That was obviously of concern to council, that they heard of that. I had discussions with some very senior representatives on council. We worked out a way through the issue without the motion going to the floor of senate, which resolved the issue comfortably for the staff who were concerned, and allowed senior management to move on in a way which didn't impact on their reputations or careers or anything of that sort. I simply cannot believe that the senior members of council, in this day and age, would interact with the chair of senate in that sort of way to bring about an outcome for the university. I think the institution, as a whole, benefitted from the changes that were made as a result of that. I think a potential debate as we have had in here today and in the press over the last six months, did not ensue, it was dealt with and managed effectively, and that came about because of the independence of the chair of senate. I think the chair of senate at the moment works out of the Vice-Chancellor's office.

In those days I was a professor up in Plant Science. I was chair of senate at the same time. There was a degree of independence, there was not the group think that seems to have developed.

CHAIR - Sounds like it was not a regular occurrence.

Prof. REID - No, that was a fairly extreme case, but it was a case where there was a very major issue arising and it was nipped in the bud.

Ms WEBB - I follow on from what you described to me a moment ago, when you said it was six or seven years ago that there were first discussions in the area you worked in of a potential move to city from the campus. From what you describe, a pretty explicit instruction, do not provide negative comments and feedback, we will not be forwarding that through from this area.

Prof. REID - Yes, because that is not going to be beneficial to the area. The person who did it had the best will in the world to try to stop repercussions coming back to the group involved.

Ms WEBB - Do you think that was a decision and an approach taken by that particular person who was leading that discussion or was that a more an organisation-wide instruction to you that was provided?

Prof. REID - I was not privy to where he had come to that point of view to that discussion, but I had a clear impression this was a view being expressed to him in some body that he was a member of as head of school.

Ms WEBB - In terms of the current situation, you have already pointed out the lack of submissions from certain cohorts amongst academic staff to this inquiry and the fact that might be an indication of a reluctance to be seen to be speaking out in some sense, critically. Noting

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in the submission we have from the university, innovation to the Academic Freedom of Free Speech Policy says:

... the University is deeply committed to the promotion and protection of academic freedom, the right of all scholars at the University to engage in the pursuit of knowledge, intellectual enquiry and research, scholarly and creative endeavours, and public discourse.

It also says this:

The appropriate exercise of academic freedom and freedom of speech will not constitute misconduct.

Do you think that is the reality for staff at UTAS at this present time by that description of the policy?

Prof. REID - Misconduct has a certain specific meaning and use under the ordinance and so on. I am not suggesting for a minute that anybody, because of their exercise of academic freedom, has been accused of misconduct under the ordinances that relate to discipline.

Does it imperil your opportunity for promotion or the wellbeing of your career in the institution? I am not so sure.

Ms WEBB - Can I get your response, because I find this reading a little intriguing and just for the record, this is from the UTAS submission part 6, page 4 of that submission. This quote:

The appropriate exercise of academic freedom and freedom of speech will not constitute misconduct.

Is there a sense of an appropriate exercise of academic freedom and an inappropriate exercise of academic freedom, do you think?

Prof. REID - The question is how far can academic freedom can go? I am a plant scientist. I am absolutely sure I can speak freely about genetically modified organisms and nobody is going to come down on me. I run a forestry research centre and I can quite happily go out and talk about forestry issues in the making, the university is not going to drop me. In actual fact, if you want an example of that, I went on a government funded trip to Finland when the pulp mill debate was on in the early 2000s. There was a delegation sent, including Bob Gordon and a number of other people. I went on that as a fact-finding mission to see what was happening in relation to the pulp mills.

There were members of academic senate at the time who wanted me to be castigated for becoming part of that. I did it at the vice-chancellor's request to go, and he defended me wholeheartedly that I was entitled to go and see what the evidence was and to speak freely about that evidence.

I have benefited from a policy of academic freedom that affects me in my role as an academic in an area related to plant science. The question is whether academic freedom extends to being able to pass comment on how the university is being run, how senior

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management is interacting with other elements of the university. There are some people who would suggest that is not covered by academic freedom. I am not suggesting particularly any of the current senior management, but that is the area of debate that needs to be made sure there is academic freedom. For example, for me to be able to talk about how my discipline should be taught, even though the university has said no, you are not allowed to give lectures anymore and you will only be able to teach in this mode. These are people who have no understanding of plant science. They have no expertise in that area. They have not travelled nationally or internationally to the leading institutions in this area and know how those disciplines are being taught. Academics should be able to speak about those sorts of issues as well under our academic freedom.

CHAIR - Unfortunately, we have run out -

Prof. REID - Sorry.

CHAIR - You do not have to apologise at all. It has been fascinating. I am sure every member will say that to hear your perspective, given the longevity of your involvement with the university and presenting this particular submission from quite a number of people. We do appreciate that. We would like to make sure you are also aware as you leave today that all the evidence taken at the hearing is protected by parliamentary privilege. I remind you any comments you make to the media or others outside of this room, even if you were to repeat what you have said here today, will not be protected. Are you aware of that?

Prof. REID - Yes.

CHAIR - Thank you.

THE WITNESS WITHDREW.

The Committee suspended at 3.45 p.m.