

Mr Robert Hogan
Address deleted

By email: harveyr35@aol.com

20 September 2022

Dear Mr Hogan

Right to Information – UTAS Hobart CBD Relocation

I refer to the application for assessed disclosure of information made by you under the *Right to Information Act 2009* (Tas) (RTI Act) dated and received on 23 August 2022.

I am a delegated officer of the University of Tasmania (the University) with power to make decisions in relation to applications for assessed disclosure under the RTI Act. I have now come to my decision and outline it below.

1. Background

On 1 September 2022, I wrote to you confirming I had been appointed to review your application and advised that the information you requested appeared to be publicly available and I provided the relevant links.

On 2 September you responded with your view that this was incorrect and provided further information on the scope of information you were requesting in your application.

On 2 September I advised that I would make further enquiries.

On 8 September you responded with respect to your scope.

On 14 September I confirmed acceptance of your application and confirm the scope of your request as follows:

- *Copies of documentation related to the proposed relocation of UTAS into the Hobart CBD.*
- *(1) The Hobart STEM Precinct Business Case as submitted to Infrastructure Australia and (2) agenda paper as presented to the UTAS Council for item 5.3 at its meeting of 23 September 2016.*
- *All research and reports on which UTAS' STEM Business Case presented, to the UTAS Council on 23 September 2016, was based.*
- *The business case presented to UTAS Council for agenda item 6.1 of the UTAS meeting of 5 April 2019.*

2. Scope of the request

In order to define the scope of your request, I have considered the nature of the information requested, the relevant material that may fall within the scope of the request, as well as taking into account the following information in making my decision:

- The nature of the content of the documents that may fall within the scope of your request;
- The RTI Act and in particular Section 35 and Schedule 1 (see Annexure A);
- The guidelines and manual issued by the Tasmanian Ombudsman under section 49 of the RTI Act; and
- Correspondences provided to you dated 27 June 2022 and 18 July 2022 from University General Counsel, Jane Beaumont.

3. Decision

This section outlines my decision and the reasons for my decision in relation to the accepted part of your request for information.

I have considered your request and the information referred above. This letter outlined the information that falls within the scope of your application and confirms what is made available, what information is exempt, and the relevant section from the RTI Act (if applicable). At Schedule 1 I have identified all information located through my investigations.

In my correspondence dated 1 September I provided information directly relevant to your application that has previously been made publicly available by routine disclosure as follows:

- Minutes of Council meetings for the period 1 January 2014 to 22 March 2022 relevant to the Hobart CBD move - https://www.utas.edu.au/_data/assets/pdf_file/0006/1591161/University-of-Tasmania-Council-minutes-extract-Hobart-City-Move.pdf
- STEM Precinct Business Case submission to Infrastructure Australia - [UTAS-STEM-summary_0.pdf \(infrastructureaustralia.gov.au\)](https://www.utas.edu.au/_data/assets/pdf_file/0004/1589377/Report-Potential-Socio-Economic-Impacts-Southern-Campus-Relocation-May-2018.pdf)
- Socio-economic impacts of the proposed location (prepared by Lisa Denny and Michael Guerzoni dated May 2018) https://www.utas.edu.au/_data/assets/pdf_file/0004/1589377/Report-Potential-Socio-Economic-Impacts-Southern-Campus-Relocation-May-2018.pdf

Information that I consider is within your scope, but I have determined may not be released, has been outlined at Schedule 1.

I am also not able to accept your request for further research from Lisa Denny. Lisa Denny will hold copyright and moral rights with regard to her reports. It is my view that the routine disclosure provides copies of relevant documentation used to make the decisions relating to the relocation of the University into the Hobart CBD.

RTI Act Section 35

Section 35 of the RTI Act states information is exempt information if it consists of an opinion, advice or recommendation, a record of consultations or deliberations, in the course of, or for the purposes of deliberative processes and does not include purely factual information, a final decision or a reason which explains a decision, order or ruling.

I have determined that material you have sought, other than as disclosed, is a draft business case and recommendations prepared by University officers and employees for consideration by University Committees and therefore the very nature of this information was deliberative, opinion based, advice and consultative. It is not a final decision nor contain purely factual information and not in the public's interest for it to be released.

The final decisions and reports with respect to the STEM Business case and the Southern campus relocation was, in this instance, the information as has been released by routine disclosure and that information has been communicated to you.

If the University is unable to deliberate and include those deliberations in written communication, which includes consideration of recommendations from University employees, it will inhibit and harm the ability of the University to function effectively. It is therefore not in the public interest to release information used for internal deliberation as the University moved towards making a decision and/or embarking upon a course of action.

Schedule 1 - Public interest

In making my determination I have considered the relevant matters which must be taken into account which are set out in Schedule 1 of the RTI Act, noting that I was not limited in taking only those matters into account. Schedule 2 sets out those matters which I should not take into account.

With respect to Schedule 1, it is my view that:

- You have been provided the information you seek in this application either through your previous applications or by routine disclosure. In particular, the information with respect to the relocation of the University into the Hobart CBD. Therefore, the information for decision making on this matter has been met and the public interest test is satisfied.
- The information of earlier versions of the STEM Business Case and Committee considerations is not in the public interest as it is deliberative information and therefore does not provide contextual information that is capable of aiding understanding in decision making.
- You have also been provided opportunities to consult with senior University representatives and I note that these offers have been refused. This has shown the University has been accessible to you and would have contributed to debate on a matter of public interest.

Given this background, and the routine disclosure of information with respect to the University move from Sandy Bay to the Hobart CBD, I am of the view that the objectives of the RTI Act have been met.

5. Conclusion

In making each of these decisions, I am exercising powers delegated to me by the Vice-Chancellor of the University under section 24 of the RTI Act.

Under sections 43 and 44 of the RTI Act, you have the right to seek a review of my decision. Under section 43, you have the right to seek an internal review within 20 working days from the date this notice is given. The request for such a review should be sent in the first instance to the Vice-Chancellor, as Principal Officer of the University. This may be done by sending your application to Vice.Chancellor@utas.edu.au.

Under section 44 of the RTI Act you may, following the completion of an internal review, seek a review of the decision by the Ombudsman. The Ombudsman may be contacted on:

Phone: 1800 001 170

Email: ombudsman@ombudsman.tas.gov.au

Yours faithfully

A handwritten signature in dark ink, appearing to be 'BP', written in a cursive style.

Brendan Parnell

Right to Information Officer

ANNEXURE A – factors as listed in Schedule 1 of the RTI Act that must be taken into account in assessing the public interest test

- (a) the general public need for government information to be accessible;
- (b) whether the disclosure would contribute to or hinder debate on a matter of public interest;
- (c) whether the disclosure would inform a person about the reasons for a decision;
- (d) whether the disclosure would provide the contextual information to aid in the understanding of government decisions;
- (e) whether the disclosure would inform the public about the rules and practices of government in dealing with the public;
- (f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation;
- (g) whether the disclosure would enhance scrutiny of government administrative processes;
- (h) whether the disclosure would promote or hinder equity and fair treatment of persons or corporations in their dealings with government;
- (i) whether the disclosure would promote or harm public health or safety or both public health and safety;
- (j) whether the disclosure would promote or harm the administration of justice, including affording procedural fairness and the enforcement of the law;
- (k) whether the disclosure would promote or harm the economic development of the State;
- (l) whether the disclosure would promote or harm the environment and or ecology of the State;
- (m) whether the disclosure would promote or harm the interests of an individual or group of individuals;
- (n) whether the disclosure would prejudice the ability to obtain similar information in the future;
- (o) whether the disclosure would prejudice the objects of, or effectiveness of a method or procedure of, tests, examinations, assessments or audits conducted by or for a public authority;
- (p) whether the disclosure would have a substantial adverse effect on the management or performance assessment by a public authority of the public authority's staff;
- (q) whether the disclosure would have a substantial adverse effect on the industrial relations of a public authority;
- (r) whether the disclosure would be contrary to the security or good order of a prison or detention facility;
- (s) whether the disclosure would harm the business or financial interests of a public authority or any other person or organisation;
- (t) whether the applicant is resident in Australia;
- (u) whether the information is wrong or inaccurate;
- (v) whether the information is extraneous or additional information provided by an external party that was not required to be provided;
- (w) whether the information is information related to the business affairs of a person which if released would cause harm to the competitive position of that person;
- (x) whether the information is information related to the business affairs of a person which is generally available to the competitors of that person;
- (y) whether the information is information related to the business affairs of a person, other than a public authority, which if it were information of a public authority would be exempt information.

SCHEDULE 1 – information located within scope of the application

Document/Information	Released – Yes/No	Applicable Section of RTI Act
1. Minutes of Council meetings for the period 1 January 2014 to 22 March 2022 relevant to the Hobart CBD move	Yes	Schedule 1
2. STEM Precinct Business Case submission to Infrastructure Australia	Yes	Schedule 1
3. Socio-economic impacts of the proposed location (prepared by Lisa Denny and Michael Guerzoni dated May 2018)	Yes	Schedule 1
4. Finance Committee Report dated 21 September 2016 - considerations regarding the draft Hobart STEM Precinct Business Case for submission to Infrastructure Australia and estimated funding requirements.	No	Section 35
5. Executive Summary of BEIC and Finance Committee joint meeting dated 22 March 2019.	No	Section 35
6. Southern Future Report of Feedback dated 15 March 2019.	No	Section 35
7. Finance Committee and Built Infrastructure Committee Paper dated 22 March 2019.	No	Section 35
8. Southern Infrastructure Plan Timeline of Events dated 27 March 2019.	No	Section 35
9. Draft Southern Futures Business Case dated approx. March 2019.	No	Section 35