

Professor Rufus Black
Vice-Chancellor
University of Tasmania
By email: Vice.Chancellor@utas.edu.au

Dear Professor Black

Misleading Comments on ABC Radio Interview with Mel Bush

On 14 July 2022, you were interviewed by Mel Bush on ABC radio:

<https://www.abc.net.au/hobart/programs/mornings/rufus-black/13973126?fbclid=IwAR3mDHt3ugA9nWB5iS4N9IZn1XVjl04GAsJm88XsN6fzpBGdCj68XCODsM>

Later that day, I wrote to you about misleading statements made by you in that interview ([Attachment A](#)).

On 18 July, you replied briefly to one aspect of my letter, relating to UTAS Council Minutes, stating that:

“I would like to confirm that my account [to Mel Bush] was factually correct. This is so because the University did receive your RTI application and did publish the University minutes as they relate to decision-making on the move to the city. The information that was redacted was consistent with the exemptions in the RTI Act.” ([Attachment B](#)).

This is an answer to a question that Mel Bush did not ask.

Prompted by your reply, I have listened to the interview again. Not only do I reaffirm my view that your statements relating to the UTAS Council Minutes of 4 April 2019 were misleading, but there are also a number of other issues I now wish to raise with you. I attach a partial transcript of the interview ([Attachment C](#)).

UTAS Council Minutes

At its meeting of 5 April 2019, the UTAS Council:

“approved the business case which supports the ‘City-Centric Campus’ model [over the Distributed Model, which would have retained a split campus between the CBD and Sandy Bay] as a basis for future development of the University’s southern campuses.”
https://www.utas.edu.au/_data/assets/pdf_file/0006/1591161/University-of-Tasmania-Council-minutes-extract-Hobart-City-Move.pdf

Mel Bush asked you whether the Minutes from that meeting had been published. You indicated that the Minutes had been released under the *Right to Information Act 2009* (RTI Act) and placed on UTAS' website. This was not "factually correct" as you assert. What had been released to me (as the RTI applicant), and published, in respect of the UTAS Council meeting of 5 April 2019 was a redacted extract covering only Agenda Items 6.1 to 6.6.

To make it clear, Mel Bush was asking about the Minutes, not a redacted extract of the Minutes, perhaps 10% of the Minutes, of the meeting of 5 April 2019. At the least, you should have qualified your answer to Mel Bush, if indeed you knew what had been released/published. If not, it might have been better to say this in your letter to me, rather than circumvent the issue.

Under my RTI application, what I sought from UTAS were copies of the full Council Minutes from 1 January 2015 to 24 March 2022 (the date of my application). I sought the full Minutes because, as I stated to UTAS a number of times, I believed all agenda items (such as student enrolments, staff and student attitudes and UTAS' finances) were potentially relevant to a decision to relocate UTAS' southern campus, and that the Minutes were of considerable public interest. What I received instead was someone's subjective and narrow interpretation of agenda items that were relevant to the decision to relocate (a small part of the Minutes), and that with redactions, some of which appear arbitrary.

On a related matter, I am aware that in an email to Lord Mayor Anna Reynolds of 25 March 2022, you asserted that "Specific minutes from this [the 5 April 2019 UTAS Council] meeting remain commercial in confidence as **do all** the University Council agendas and minutes". (my bolding)

I advised the UTAS Legal Office on 27 April 2022 that "given its general nature, this assertion is simply not sustainable and is thoroughly misleading." My view was reinforced when I received the redacted extract of the UTAS Council Minutes. Little of the information provided in the extract could be regarded as exempt from disclosure on any of the grounds available under the RTI Act, let alone when subjected to the public interest test. Will you be writing to Lord Mayor Reynolds to correct your assertion?

I will shortly request an external review by the Ombudsman of UTAS's decision on my RTI application.

The decision to leave the Sandy Bay campus

Mel Bush asked you whether, at its 5 April 2019 meeting, UTAS' decided to "move completely" from Sandy Bay. Your answer was "yes" and you suggested that this had been clearly set out in a number of places at the time.

UTAS' own media release *Southern campus decision* of 5 April 2019 includes the following statements:

The decision today was based on the analysis of two options: a **city-centric model** and a **distributed model**, in which the University's city operations would remain and the Sandy Bay campus redeveloped onto a smaller, more sustainable footprint.

....

A city-centric model would see the University remain involved with Sandy Bay as a home to some recreation facilities and specialist research and teaching spaces, along with student accommodation.

I will shortly lodge a RTI application seeking a copy of the relevant UTAS Council agenda paper that details the two options fully, along with other agenda papers relevant to relocation. These papers are essential to inform community debate and I look forward to UTAS being as responsive and transparent as possible.

If, on reflection, you believe the UTAS Council did not decide to “move completely” from Sandy Bay at its 5 April 2019 meeting, can you please point me to the entry in the redacted extract of the UTAS Council Minutes where this decision was made.

Consultation

Mel Bush asked you about consultation undertaken by UTAS prior to the 5 April 2019 decision. She also asked you about a survey undertaken by the National Tertiary Education Union (NTEU) about relocation. You indicated that the NTEU survey was “small” and compared it unfavourably to UTAS’ own consultation, which you had described earlier in the interview as very substantial. You also indicated that details of UTAS’ consultation process were “all in the public information that we’ve got there on our website.”

My understanding is that the NTEU survey involved around 200 members of UTAS’ southern staff, with a 48% response rate. This is not a small survey; and the response rate was good. I attach a copy of the results of this survey, published in March 2019 (Attachment D).

With regard to UTAS’ consultation prior to the 5 April 2019 decision, I have been informed by participants that it was presented in a one-sided way, a view echoed in Attachment D. I have also been informed by participants in the UTAS focus groups (a total of 72 people) that the focus groups were hostile to relocation. I do not accept these views unquestioningly. In order to inform community debate, I have been seeking details, including consultants’ reports, of the consultation process under the RTI Act since 12 April 2022. Following UTAS’ repeated refusals of my RTI application, I have sought external review by the Ombudsman.

I have read the material on consultation on the website thoroughly and it is either very general or refers to periods other than that immediately before the decision of 5 April 2019. UTAS provided me with a summary of the consultation undertaken in in late 2018/early 2019, after refusing my request for internal review of my RTI application (Attachment E). My RTI application seeks the detailed documentation that sits behind this and I consider that the integrity of UTAS’ consultation processes will be in question until such documentation is freely available.

Planning processes for Sandy Bay

Mel Bush asked you whether the UTAS Council has authorised the building of private residences on the Sandy Bay campus site. In your response, you indicated that the UTAS Council “had to respect the city process”, which required a planning scheme amendment first. This is somewhat

ambiguous. I seek your confirmation that the UTAS Council has indeed given in principle authorisation for the building of private residences, subject to amendment approval processes.

Oberon Court

In your interview with Mel Bush you indicated that Oberon Court was 90% occupied. I am attaching photos of Oberon Court taken by Judy Tierney around the time of your interview with Mel Bush (Attachment F). Can you please provide the occupancy rate for Oberon Court and the two residences in the Hobart CBD, as at 18 July 2022?

The Rathjen Plan

I wish to raise a matter with you that was not part of the Mel Bush interview. For its meeting of 30 May 2022, the Hobart City Council released a package of papers that make it clear that your predecessor – Vice-Chancellor Rathjen – was committed to moving the UTAS into the city by late 2016. It is equally clear from reading the redacted extract of the UTAS Council Minutes, that by its meeting of 11 August 2017, the process leading to the decision of April 2019 was well in train. At its meeting of 10 November 2017, the UTAS Council:

“approved the development of a masterplan business case for a Hobart CBD campus and the future use of the Sandy Bay campus, so an informed decision can be made about the future of the southern campus.”

And

“approved the development of a detailed financial and socio-economic analysis as part of the masterplan business case for a Hobart CBD campus and the future use of the Sandy Bay campus, with the analysis to include a comparison against a realistic alternative.”

I note that you succeeded Vice-Chancellor Rathjen in office on 1 March 2018, but that thereafter the process towards the decision of April 2019 seems to have proceeded rapidly, and without interruption. I would have thought that for such a major decision for UTAS, Hobart and, indeed, Tasmania, you might have undertaken your own appraisal of the Rathjen plan. Can you please inform me whether this was the case and, if so, did you submit any documents, as a consequence, to the UTAS Council?

I look forward to your response.

Yours sincerely



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Canberra

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9 August 2022