

## UTAS' Accountability to the Government, Parliament and People of Tasmania under the *University of Tasmania Act 1992*

### Current Accountability Arrangements

Apart from being established as a statutory corporation under the *University of Tasmania Act 1992* (UTAS Act) there are a number of direct accountability links between UTAS and the Tasmanian Government, including:

- The UTAS Act is administered by the Minister for Education and the Department of Education (section 28 of the UTAS Act). Roger Jaensch is the current Minister for Education. Jeremy Rockliff was Minister for Education from 2014 to 2021.
- UTAS is required to seek the written approval of the Treasurer to borrow money (section 7(2) of the UTAS Act).
- UTAS is required to provide an annual report to the Minister for Education, for tabling in Parliament (section 12 of the UTAS Act).
- The Minister for Education is responsible for appointing two members (out of 13 or 14) to the UTAS Council, the governing body of UTAS (section 8(1)(d) of the UTAS Act).
- UTAS is covered by relevant state legislation including: the *Right to Information (RTI) Act 2009*, the *Integrity Commission Act 2009* and the *Public Interest Disclosures Act 2001*.

In addition:

- UTAS receives grant funding from the Tasmanian Government (and local government) (\$24 million in 2021).
- UTAS has been able to borrow money on favourable terms through TASCORP.

### Statements on Accountability

**In his second reading speech for the UTAS Bill in 1992, John Beswick, Minister for Education, made the following statement in the House of Assembly:**

*“This bill does not set out to regulate in detail every aspect of the administration of the University of Tasmania. That would be a major mistake. There is considerable dynamism in the Australian higher education scene. Universities are expected to find an increasing share of their budget from non-government sources, and to be much more entrepreneurial than before. In order to compete in this rapidly changing scene, **the University Council will need a degree of flexibility in marshalling its resources to respond to new challenges. The bill provides the university with that flexibility but also ensures its basic accountability to the Government and the people of Tasmania, particularly through a significant***

**government, parliamentary and community representation on the council of the university.”** [my bolding]

The composition of the UTAS Council has changed significantly, partly in response to national reform initiatives, through amendments to the UTAS Act between 2001 and 2012.

However, the following comments were made in the House of Assembly debate of the 2012 amendment, which made the most significant changes to the UTAS Council.

#### **Michael Ferguson – then Shadow Minister for Education**

*“This move [the decrease in the number of UTAS Councillors appointed by the Minister for Education from four to two] in itself represents a reduction in the real role and relevance of this parliament to guide the future development of the university it creates through this act. Let us not forget that if we are able to make any comparisons to private corporate structures, **then this parliament represents the equivalent role of shareholder in trust for Tasmanians.** That status ordinarily attracts the responsibility to elect its directors. However partisan the decisions of responsible ministers inevitably appear to the opposition at times or the public, I take this opportunity to make the point that the responsibility of a minister to make decisions such as **appointments to university council are made only because of the implicit trust vested in that minister on behalf of the people of this state and this parliament.** Despite the fact that I sit in opposition and our political opponents are in government, I nevertheless express a reservation that the bill diminishes the real role and relevance of this House of parliament to guide and support the future development of the university that it creates.”* [my bolding]

#### **Jeremy Rockliff – then Deputy Leader of the Opposition**

*“Our shadow spokesperson for education, Mr Ferguson, has very eloquently put our view on the matter.”*

*“...There are a lot of organisations that I am aware of in the not-for-profit sector, for example, that continually have to evolve their governance structures to keep up with the times, reflecting community attitudes, **greater accountability and transparency....**As the governing body for UTas, it is **particularly important that the relationship between state government and the university remain very strong and relevant,** and any assurances the minister can give in this area would be appreciated. **Of course, I speak about the relevance of parliament with respect to this act** and I know the shadow minister for education raised that issue with you, minister...”* [my bolding]

Further information of the 2012 amendment and debate in both in the House of Assembly and the Legislative Council, with page references, is set out at:

<https://theutaspapers.com/how-utas-got-out-of-control-part-3-accountability-lost/>