

Ms Jenny Gale
Secretary, Department of Premier and Cabinet
Head of the State Service
By email: secretary@dpac.tas.gov.au

Dear Ms Gale

Thank you for your letter to me 5 January 2023, regarding various issues I raised about the University of Tasmania (UTAS). There are some issues on which I would welcome clarification.

First, you indicate that:

“Analysis [by the Tasmanian Government] has been undertaken, some of which has been provided to you by the Department of State Growth [DSG] as part of the RTI assessment process. Where some documents are assessed as exempt under the legislation this has been highlighted in the response provided to you.”

I have carefully re-examined the documents provided by DSG and the descriptions of the exempted documents noted in DSG’s document schedule. None of these documents – provided or exempted – constitute analysis by government agencies of UTAS’ proposed move to the CBD. If you have a different view, can you please tell me which documents you believe do constitute analysis. I am attaching a copy of DSG’s schedule for ease of reference ([Attachment A](#)).

Second, I note your comment:

“that [UTAS] has the power to make decisions in relation to the educational and strategic directions of the University, independent of the Tasmanian Government.”

I am unsure what point you are trying to make here, as I did not raise UTAS’ educational role in my letter to you of 27 September 2022.

My main argument in that letter was that for the Government to merely accept UTAS’ proposal to move into the Hobart CBD and redevelop the Sandy Bay campus as a new suburb, without any serious analysis of its own, was a total abrogation of the Government’s responsibilities. UTAS’ proposed CBD obviously goes well beyond education and the strategic directions of the University, to have a potentially far-reaching impact on the future of Hobart and, indeed, Tasmania.

In the absence of any evidence to the contrary, the argument in my letter of 27 September about the approach of agencies and Ministers to UTAS’ proposed CBD move, can only that be taken as a fact, including that:

“the overall approach of departmental officers and Ministers to UTAS’ proposed relocation to the Hobart CBD has been one of totally unquestioning acceptance of every claim UTAS has made, including UTAS’ assertions regarding student accessibility, financial viability, traffic and parking impacts, the state of buildings at Sandy Bay and consultation...”

Your comment can also be read as suggesting that UTAS is largely accountable to itself. I fully recognise that UTAS is a self-governing body, but this does not mean it should be allowed free rein to do anything that it wants.

In this respect, I note that notwithstanding the amendments made to the *University of Tasmania Act 1992* (the UTAS Act,) in the period 2001 to 2012, the fundamental accountability of UTAS to the Government, the Parliament and the people of Tasmania is undiminished. I have provided an attachment (Attachment B), which itemises the current legislative links between UTAS and the Government/Parliament. The attachment also provides a pertinent quote on accountability from Minister for Education Beswick's second reading speech for the UTAS Act in 1992. As it might be argued that Minister Beswick's statement is now redundant in the light of the later amendments, I have also included the similar views of Premier Rockliff and Treasurer Ferguson on accountability, expressed in the debate about the 2012 amendment to the UTAS Act, when they were in opposition. It is to the marked discredit of the Government and, indeed, the Parliament that this understanding of accountability appears to have been lost in recent years.

If UTAS, as a statutory corporation, was acting questionably in the educational field for which the UTAS Act gives it a remit, there would be a reasonable expectation in the Parliament – if it was true to its role - and among the people of Tasmania, that the Government should intervene. When UTAS can independently act in areas well beyond its remit, in historically significant city and state changing ways, with the Government and Parliament acting, at best, as acquiescent spectators, there is clearly something wrong and the accountability mechanisms in the UTAS Act need to be strengthened.

Third, I am not quite sure what point you are trying to make when referring to the Hobart City Deal, but presumably it is that the process for inclusion of the STEM facility in the Hobart City Deal somehow validates the inclusion of UTAS' proposed move to the Hobart CBD in the Hobart City Deal – with perhaps an assumption that the Hobart City Deal represents a robust evidence-based process.

Having read documents I recently obtained from Infrastructure Australia (IA) under Freedom of Information relating to the STEM facility, and having re-read the material provided to me by DSG and DPAC, I make the following points:

- The inclusion of the STEM facility in the Hobart City Deal seems to have been very largely, if not totally, politically motivated. There is evidence that the STEM facility proposal had been shortlisted by IA “under the *National Priority List* in early 2016”, long before the submission of significant information on the project.
- Neither DSG nor IA analysed or assessed the subsequent STEM Business Case in a meaningful way, although IA worked with UTAS to put UTAS' Business Case into shape.
- The role of the various committees operating in relation to the Hobart City Deal seems, as I earlier indicated, to have been to uncritically accept everything UTAS said and proposed, even as the proposal segued from the STEM facility to campus relocation;
 - I note apparent gaps in the documentation I obtained under the *Right to Information (RTI) Act 2009* in respect to this 'segue'.
- The recent review of IA was, by bureaucratic standards, scathing of IA' recent performance, eg:

“Infrastructure Australia has, in the past few years, been undervalued, poorly tasked and directed by government”

- Accordingly, a number of major reforms to IA have been initiated. Under the new model for IA, if the STEM proposal were in future to progress to IA (not possible within IA’s revised mandate anyway), it would first be subject to assessment by a state body/framework accredited by IA.
 - I would argue that IA accreditation of a Tasmanian agency/framework should be in doubt without significant changes, given the passive role DSG and other state government agencies played in relation to UTAS’ STEM proposal.
- As someone with significant experience in assessing benefit-cost analyses, I believe a number of the assumptions in the STEM Business Case, as put forward to IA, would not withstand meaningful analysis/scrutiny. This may also be the case in regard to the Deloitte Access Economics research recently commissioned by UTAS.
- This reinforces the need for the Tasmanian Government to do its own analysis of UTAS’ proposed move to the Hobart CBD - in all its various dimensions (such as a cost-benefit analysis and up-to-date traffic assessment) - and not merely to accept UTAS’ own research, or commissioned research, at face value.

Fourth, while you mention UTAS “feedback” mechanisms no-one, who has looked at these seriously, views them as being anything but window dressing. Having taken the matter to the Ombudsman, due to obstruction by UTAS, I am still seeking primary documentation in relation to UTAS’ consultation processes prior to the 5 April 2019 UTAS Council decision to move to the Hobart CBD. I have good reason to believe that this consultation was largely hostile to the CBD move, rather than being relatively neutral as presented to the UTAS Council. The recent Shake Up process has also been thoroughly discredited. See:

- My blog post at: <https://theutaspapers.com/a-black-day-for-the-truth/>
- Peter Bicevskis’ comments on Shake Up at Attachment C.

It seems likely that if UTAS’ very expensive participation in the recent Hobart Elector’s Poll had yielded a victory, it would have used this to say that it had a social licence to move to the Hobart CBD (otherwise why make the investment?). Instead, as UTAS was roundly defeated, it has claimed that the Poll had no meaning and continued its move into the CBD, hoping to reach a point where it can claim that the move is irreversible.

There are a number of other points in your letter that I have issues with, but I will address these separately, as I am awaiting the results of RTI applications and Ombudsman proceedings.

I look forward to your response.

Yours sincerely



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30 January 2023

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