

Department of Treasury and Finance

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Your reference 23/42710

Robert Hogan
3 McLachlan Crescent
WEETANGERA ACT 2614

Email: harveyr35@aol.com

Dear Mr Hogan

Right to Information application - University of Tasmania

I refer to your request dated 22 November 2022 under the *Right to Information Act 2009* seeking:

- (1) I request the following records in relation to the period 1 January 2015 to 22 November 2022:
 - (a) all briefs provided to senior officers (Executives) and Ministers in the Treasury and Finance portfolio in relation to the proposed move of UTAS into the Hobart CBD and/or redevelopment of the Sandy Bay campus;
 - (b) all analysis undertaken within the Treasury and Finance portfolio in relation to the proposed move of UTAS into the Hobart CBD and/or redevelopment of the Sandy Bay campus;
 - (c) all analysis undertaken within the Treasury and Finance portfolio of UTAS' annual reports (particularly the financial statements) for the years 2014 (published 2015) to 2021.
- (2) I have read Moody's Investor Service's (Moody's) first-time assessment of an Aa2 rating to UTAS in December 2021 and Moody's first-time provisional rating to UTAS' AUD debt issuance programme in February 2022. In light of these I request:
 - (a) any records held within the Treasury and Finance portfolio of commitments by the Tasmanian and Commonwealth Governments to provide capital funding to UTAS from Financial Year 2022-2023 on.
 - Any records of involvement by the Treasury and Finance portfolio in the process of UTAS securing a Moody's rating (including preparatory meetings with UTAS, attendance at meetings/phone calls with Moody's and provisions of letters, references or other documents relating to UTAS to Moody's).
 - (c) any records within the Treasury and Finance portfolio relating to Moody's assessment that there are "high levels of oversight by the state and Commonwealth governments" of UTAS.
 - (d) any records of any form of guarantee provided to UTAS by the Tasmanian Government.
- (3) Any records held within the Treasury and Finance portfolio of any Tasmanian Government involvement with UTAS' issue of a Green Bond in February 2022.

RTI Process undertaken

For the purposes of determining the scope of the application, the following definitions were used:

Brief - any information that is for the purpose of briefing a Treasury Executive and/or Minister, including briefs, emails and file notes

Executive - any employee of Treasury holding a position within the Executive Committee of the Department of Treasury and Finance, specifically:

- Secretary;
- Deputy Secretary, Budget and Finance;
- Deputy Secretary, Corporate and Governance;
- Deputy Secretary, Economic and Financial Policy; and
- Deputy Secretary, Revenue, Gaming and Licensing.

In terms of the RTI process undertaken, an extensive preliminary search of the Department of Treasury and Finance's (Treasury) records was initially performed to identify potential in scope information. Records found as part of this initial search were then considered individually to determine whether they were within the scope of the application.

I also consulted with relevant Treasury officers and performed my own research of internal information held by Treasury, and any publicly available information, to gain an understanding of the background and timeline relating to the application.

In scope records identified

Following my preliminary search and subsequent individual assessment of documents found, 25 records were identified as containing information relevant to your request and are listed, together with my determination, in the enclosed schedule of records (Attachment A).

Third party consultation

As advised to you on 23 December 2022 and on 10 February 2023, I have undertaken third party consultation regarding this assessment.

All third-party responses have been duly considered during the assessment process and described where applicable within the reasons for decision detailed below.

Public Interest Test

In accordance with the RTI Act, the public interest test has been applied to all information that I have considered under the exemptions contained in sections 33 through 42 of the RTI Act.

Section 33 of the RTI Act states that information is considered to be exempt information if, after taking into account all relevant matters, it is determined that it is contrary to the public interest to disclose the information.

After taking into account all relevant matters, I have determined that, on balance, while there is a general public need for government information to be accessible, the disclosure of internal deliberative information is contrary to the public interest because in my view it:

- may harm the business or financial interests of a public authority or any other person or organisation (Schedule 1, I(s)).
- would not contribute to debate on a matter of public interest (Schedule 1, I(b)); and
- would not provide any benefit to the public by way of additional contextual information to aid in the understanding of government decisions (Schedule 1, I(d)), especially where this is risk that the information is wrong or inaccurate due to the Record being in draft form (Schedule 1, I(u)).

Further, I have determined that the disclosure of certain personal contact details is contrary to the public interest because in my view it may:

- harm the personal interest of an individual (Schedule 1, 1(m)).

While some Government officer names and titles are publicly known through Departmental Annual Reports or Organisational Charts, other Government officer names, emails and contact phone numbers are not readily publicly available on the Tasmanian Government Directory Service in the interest of protecting officers' personal privacy.

Further, after taking into account all relevant matters, I have determined that, on balance while there is a general public need for government information to be accessible, the disclosure of information relating to the business affairs of a third party or of a public authority is contrary to the public interest because in my view it:

- would not contribute to debate on a matter of public interest (Schedule 1, 1(b)); and
- would not provide any benefit to the public by way of additional contextual information to aid in the understanding of government decisions (Schedule 1, 1(d)); and
- may harm the business or financial interests of a public authority or any other person or organisation (Schedule 1, 1(s)).

Reasons for Decision

Release in full

Record 1

Record 1 is a letter from the former Premier and Treasurer to the University of Tasmania (the University) regarding the University's request for approval to increase borrowing facility and contains information relating to the Treasurer's Guarantee.

I have determined that this record is to be released in full.

Record 2

Record 2 is a letter from the University to the former Premier and Treasurer which contains information regarding a request from the University to increase its borrowing limit.

I have determined that this record is to be released in full.

Record 3

Record 3 is a letter from the University to the former Premier and Treasurer regarding the approval of an increase to the university's borrowing limit.

I have determined that this record is to be released in full.

Record 4

Record 4 is a letter from the former Premier and Treasurer to Tasmanian Public Finance Corporation (Tascorp).

I have determined that this record is to be released in full.

Partially release

Record 5

Record 5 is a Minute to the former Treasurer regarding the University - medium term borrowing, with a draft letter to the University attached for the Treasurer to sign. The attached letter is contained in Record 20, and a separate determination is made under that heading.

I have determined that this record contains:

- some information which is exempt under section 38 as it is information relating to the business affairs of a public authority; and
- some information which is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury.

I have redacted the exempt information and determined that the remaining information be released.

Record 6

Record 6 is a letter from Treasury to the University regarding COVID-19 Borrowing Arrangements and the Treasurer's guarantee.

I have determined that this record contains some personal information which is exempt under section 36 of the RTI Act.

I have redacted the exempt information and determined that the remaining information be released.

Record 7

Record 7 is a Ministerial Briefing to the former Premier and Treasurer regarding the University's Southern Infrastructure Borrowings.

I have determined that this record contains:

- some information which is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury; and
- some information which is exempt under section 31 as it is legal advice and is of such a nature it would be privileged from production in legal proceedings on the ground of legal professional privilege; and
- some information which is exempt under section 38 as it is information relating to the business affairs of a public authority (being the University).

I have redacted the exempt information and determined that the remaining information be released.

Record 8

Record 8 is a Minute to the former Premier and Treasurer containing Treasury's analysis of the University's Southern Infrastructure Project borrowing request.

I have determined that this record contains:

- some information which is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury; and
- some personal information which is exempt under section 36 of the RTI Act.

I have redacted the exempt information and determined that the remaining information be released.

Record 9

Record 9 is a Ministerial Briefing to the former Premier and Treasurer regarding the University's borrowings.

I have determined that this record contains:

- some information which is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury; and
- some personal information which is exempt under section 36 of the RTI Act; and
- some information which is exempt under section 38 as it is information relating to the business affairs of a public authority (the University).

I have redacted the exempt information and determined that the remaining information be released.

Record 10

Record 10 is a letter from the former Premier and Treasurer to the University regarding the Southern Infrastructure Project Borrowing Limit Increase and contains information regarding the Government Guarantee.

I have determined that Record 10 contains some personal information.

I have redacted the exempt information and determined that the remaining information be released.

Record 11

Record 11 is a Minute to the former Premier and Treasurer providing an update on the University's Southern Infrastructure Borrowing request.

Attached to the Minute is two letters for signing, one to the University and one to Tascorp. The letter to the University is contained in Record 10, and a determination is made under that heading. The letter to Tascorp is contained in Record 13 and a determination is made under that heading.

I have determined that some of the information contained in Record 11 is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury.

I have redacted the exempt information and determined that the remaining information be released.

Record 12

Record 12 is a PowerPoint presentation by the Deputy Secretary - Economic and Financial Policy Division containing information about Government Business - Major Projects, including a slide on the University, which is in scope, along with information which is not in scope.

Accordingly, I have redacted out of scope information and I have determined that the remaining information be released.

Record 13

Record 13 is a Briefing Note to Treasury's Secretary and Deputy Secretary (Economic and Financial Policy) in preparation for a meeting with Moody's.

The briefing contains some information which is in scope, along with information which is not in scope and information which is exempt under section 38 as it is information relating to the business affairs of a public authority (the University).

I have redacted the out of scope and exempt information and determined that the remaining information be released.

Record 14

Record 14 is a letter from former Premier and Treasurer to the Chair of Tascorp regarding a borrowing increase limit for the University.

I have determined that some of the information contained in Record 14 is exempt under section 27 as it contains advice prepared by a public authority (being Tascorp) for the purpose of providing a Minister with a briefing in connection with its official business.

I have redacted the exempt information and determined that the remaining information be released.

Record 15

Record 15 is an internal working document prepared by Treasury officers which sets out a correspondence history with the University specifically relating to the University obtaining a credit rating and contains links to other records.

I have determined that this record contains:

- information which is exempt under section 35(1)(b) as it constitutes internal deliberative information, being records of consultations or deliberations between officers of public authorities (Treasury and the University); and
- information which is exempt under section 38 as it is information relating to the business affairs of a public authority (the University).

I have redacted the exempt information and determined that the remaining information be released.

Attachments

I have also considered each of the attachments referred to in this document and make a determination as follows:

1. *CM ref 19/170498 Letter from Treasurer to the University dated 23 October 2019;*

This record is a letter from the former Premier and Treasurer to the University requesting information for the Treasurer to assess its request for funding.

I have determined this document as being outside the scope of this RTI application.

2. *CM ref 19/189986 Letter from the University to the Treasurer dated 30 October 2019;*

This record is a letter from the University to the former Premier and Treasurer regarding approval for borrowing.

I have determined this document as being outside the scope of this RTI application.

3. *CM ref 19/225307 Letter from the University to the Treasurer dated 19 December 2019;*

This record is a letter from the University to the former Premier and Treasurer regarding borrowing approval.

I have determined this document as being outside the scope of this RTI application.

4. *CM ref 20/6053 Letter from the Treasurer Premier to the University dated 6 February 2020;*

This record is a letter from the former Premier and Treasurer to the University regarding borrowing approval.

I have determined this document as being outside the scope of this RTI application.

CM ref 20/166713

This record is a duplicate of Record 21.

5. *CM ref 20/189005 Letter from the University to the Premier Treasurer dated 6 October 2020;*

This record is a letter from the former Premier and Treasurer to the University regarding the University's borrowings.

I have determined this document as being outside the scope of this RTI application.

6. *CM ref 20/189855*

This record is a duplicate of Record 20.

7. *CM ref 20/212899 Letter from the University to the Premier Treasurer dated 5 November 2020;*

This record is a letter from the University to the former Premier and Treasurer regarding a borrowing limit increase.

I have determined this document as being outside the scope of this RTI application.

8. *CM ref 21/87*

This record is a duplicate of Record 25.

9. *CM ref 21/45691 letter from Premier Treasurer to the University dated 3 March 2021.*

This is a duplicate of Record 10.

Record 16

Record 16 is an email from the former Premier and Treasurer's office requesting a response to correspondence from Tascorp to the Treasurer. It contains an attachment which is a letter from the Chair of Tascorp to the Treasurer regarding a borrowing request from the University.

The email itself is out of scope, as it is an email to Treasury officers and does not relate to the scope of the RTI request.

The attachment to the email, being the letter to the Treasurer, contains information relating to the funding of the Southern Infrastructure Project and is in scope.

I have determined that some information in Record 16 (attachment) is exempt under section 27 as it is internal briefing information of a Minister provided by an officer of a public authority, being Tony Ferrall in his capacity as Chair of Tascorp.

I have redacted the exempt information and determined that the remaining information be released.

Record 17

Record 17 is a letter from Tascorp to the former Premier and Treasurer relating to Tascorp consent provided for the University to borrow from the market.

I have determined that some information in Record 92 is exempt under section 27 as it is internal briefing information of a Minister provided by an officer of a public authority, being Tony Ferrall in his capacity as Chair of Tascorp.

I have redacted the exempt information and determined that the remaining information be released.

Exempt

Record 18

Record 18 is a draft excel spreadsheet with internal workings relating to an estimated Moody's assessment for the University prepared 18 July 2019.

I have determined that this Record is exempt under section 35 (1)(b), as it is internal deliberative information prepared for the purposes of assessing potential borrowing limits for the University.

Record 19 and 20

Record 19 is an incomplete draft briefing note prepared by Treasury officers for the Treasurer in preparation for a meeting with the University regarding a "framework for borrowings".

Record 20 is draft advice and analysis relating to the University's Southern Infrastructure Proposal prepared by Treasury officers for the Treasurer.

I have determined that the information contained in both Record 19 and Record 20 is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury.

I have also determined that the information contained in both Record 19 and Record 20 is exempt under section 35 (1)(a) as it is advice prepared by a Treasury officer as part of deliberative processes related to the official business of Treasury.

Record 21

Record 21 is a brief to the Treasury Secretary for a meeting with the University. The Briefing Note has not been finalised and is in draft form.

I have determined that the information contained in this Record is exempt under section 35(1)(a) as it is advice prepared by a Treasury officer as part of deliberative processes related to the official business of Treasury.

Record 22

Record 22 is a Minute to the former Premier and Treasurer on the subject "University of Tasmania Southern Infrastructure Project (SIP) Borrowing Request". Record 22 is in draft form and is incomplete.

I have determined that the information contained in Record 22 is exempt under section 27 as it is advice prepared by an officer of Treasury for the purpose of providing a Minister with a briefing in connection with the official business of Treasury.

I have also determined that the information contained in Record 22 is exempt under section 35 (1)(a) as it is advice prepared by a Treasury officer as part of deliberative processes related to the official business of Treasury.

Record 23

Records 23 contains legal advice and is of such a nature that the whole record would be privileged from production in legal proceedings on the ground of legal professional privilege.

I have determined that Record 23 be exempt under section 31.

Record 24

Record 24 contains legal advice attached to the email referred to in Record 24 and is of such a nature that the whole record would be privileged from production in legal proceedings on the ground of legal professional privilege.

I have determined that Record 24 be exempt under section 31.

Record 25

Record 25 is an email from the University to Treasury regarding the University's request for approval to increase borrowing facility and contains information relating to the financial affairs of the University.

I have determined that all the information contained in Record 25 is exempt under section 38 as it is sensitive information that would, if disclosed, be likely to expose the University to a competitive disadvantage.

The email contains the following attachments:

- University of Tasmania Annual Financial Statements - 31 December 2019.
- Extract from UTAS University Council meeting papers 4 December 2020.

I have considered these separately and found both attachments to be outside of the scope of this RTI application.

Summary of determination

It is recommended that:

- 4 records are released in full;
- 12 records are to be partially released with exemptions; and
- 9 records are exempt from release:

Review

Should you wish to lodge an application for an internal review of my decision, you may do so under section 43 of the RTI Act. An application for review must be made in writing within 20 working days of receipt of this letter. You will be taken to have received this letter via email on the date of this letter.

Should you have any queries or require any further information regarding this matter, please contact me on (03) 6145 5882 or email rti@treasury.tas.gov.au.

Yours sincerely



Jane Cameron
Delegated RTI Officer

10 March 2023

Attachment A

Record	Record Number	Title	Determination
1	23/16108	20201012 - Letter from Premier to Professor Rufus Black - State Government Guarantee Increase	Release in full
2	23/16110	MIN21/16493 - UTAS - Meeting with Premier - Request for briefing note - PDF Attachment	Release in full
3	23/16142	MIN20/37091/23 - Further letter from Professor Rufus Black - University of Tasmania regarding Southern Infrastructure Project - PDF Attachment	Release in full
4	23/21429	20210709 Letter from Treasurer to Tascorp - UTAS Guarantee	Release
5	23/16105	20190923 Minute to Treasurer - University of Tasmania - medium term borrowing	Partial release - s27 & s38
6	23/16539	20200728 Letter to University of Tasmania - COVID-19 Borrowing Arrangements	Partially release s36
7	23/16540	University of Tasmania - Southern Infrastructure Borrowings - Briefing for Premier	Exempt - s27, 31 and 38
8	23/16542	20210129 Minute to Treasurer - UTAS SIP Borrowing Request	Partially release - S27 & 36
9	23/16543	20211027 Ministerial Briefing - University of Tasmania's Borrowings with Tascorp	Partially release - S27, 36 & 38
10	23/16545	20210221 letter from Treasurer to UTAS - SIP Borrowing approval	Partially release - s36
11	23/21326	20210224 Minute to Treasurer - UTAS SIP Borrowing request - update	Partially release - S27
12	23/16144	SPM Ratings Presentation 2021	Partially release - S18
13	23/16156	Briefing note - Moody's meeting 12 May 2021	Partially release - S18 & s38
14	23/21391	20210221 letter from Treasurer to Tascorp - SIP Borrowing Outcome	Partially release
15	23/16160	Credit rating correspondence timeline	Partially release - S35(1)(b) & s38
16	23/21428	MIN21/19658 - Due 12/07 - Tascorp - University of Tasmania Borrowing Request	Partially release - S27
17	23/16163	Attachment to MIN22/2332 - Letter from Tascorp re: University of Tasmania - TASCORP Consent provided for UTAS to Borrow from the Market	Partially release - S27
18	23/15995	20190718 UTAS estimated Moody's credit rating	Exempt S35 (1) (b)
19	23/15996	20191105 Briefing note for Treasurer meeting with UTAS	Exempt S27 and S35(1)
20	23/15998	Treasury advice - UTAS SIP Proposal	Exempt S27 and S35(1)
21	23/16008	Briefing note for Secretary - meeting with the University of Tasmania 14 September 2020 - Government guarantee and borrowing limits	Exempt S35(1)

Record	Record Number	Title	Determination
22	23/16081	SPM Draft Analysis and Minute	Exempt S27 & S35
23	23/16083	20210223 - Email from Sarah Kay to Secretariat - SG Advice 20802-21 - UTAS Borrowing	Exempt - S31
24	23/16084	20210223 SG to SPM - # ADVICE - UTAS Borrowings	Exempt - S31
25	23/16139	20201218 UTAS to SPM - Re: Utas Borrowings and extra info	Exempt - S38 and Not in scope