

[Note: I have redacted the names of agency officers and one paragraph containing information provided confidentially]

23 October 2025

References: R2504-004 and R2504-020

[REDACTED]

[REDACTED]

Ombudsman Tasmania

By email: RTI@ombudsman.tas.gov.au

[REDACTED]

Department of Premier and Cabinet RTI (R2504-004) and Minister Ogilvie RTI (R2504-020)

Thank you for the opportunity to provide a further submission for the external reviews of these two RTI applications.

While I appreciate that the Ombudsman's office may choose to process these two external reviews separately, I am providing information on them together, as they are closely related.

1. Background

On 20 June 2024, the Government introduced the *University of Tasmania (Protection of Land) Bill 2024* (the UTAS Bill) in the House of Assembly, in fulfilment of an election commitment made on 27 February 2024.

On the second reading of the UTAS Bill on 28 November 2024, the Government moved radical amendments to the UTAS Bill, which would have the effect of rezoning UTAS land above Churchill Avenue to allow sale of that land, without the conduct of normal rezoning processes. This was purportedly done so that UTAS could fund a contribution towards development of a new STEM precinct below Churchill Avenue for which it was, at that time, intending to seek funding from the Commonwealth Government. The amended UTAS Bill was passed on 28 November with the Labor Opposition supporting the Government. At that time it was envisaged that the amended UTAS Bill would proceed to the Legislative Council for debate in early 2025.

In December 2024, I submitted a total of seven RTI applications aimed at exploring two main issues:

- (1) How, when and why the radical (rezoning/sale) amendments to the UTAS Bill came about; and
- (2) UTAS' planning for a new STEM precinct, and the extent of Government involvement in this.

My seven RTI applications were comprised as follows.

On 4 December 2024, I submitted six RTI applications to the following:

- the Premier, the Hon. Jeremy Rockliff MP;
- the Department of Premier and Cabinet (DPAC);
- the Minister for Education, the Hon. Jo Palmer MLC;

- the Department for Education, Children and Young People (DECYP);
- the Minister for Small Business and Consumer Affairs, the Hon. Madeleine Ogilvie (via the Department of State Growth; DSG); and
- the Department of Treasury and Finance (Treasury).

On 20 December 2024, I submitted an RTI application to UTAS.

There was intentional overlap in the applications as I wished to ensure nothing fell between the gaps – a problem I have had with previous RTI applications to UTAS and Government agencies.

2. Issues with chronology and responses/decisions

I have had to deal with many issues relating to these seven applications, including unreasonable and unjustifiable delays in the acceptance of my applications and extensive delays in processing. In sections 4 and 5 below, I will provide additional chronological detail in relation to Minister Ogilvie/DSG and DPAC. However, the following chronology and points provide important context for the rest of this submission.

- On 14 January 2025, I received a decision from DECYP on behalf of Minister Palmer, providing a document schedule and 21 pages of documents.¹
- On 31 January 2025, I was advised by ██████████, an RTI officer at DPAC, that she had held a meeting with representatives of UTAS, DSG and DECYP that day. ██████████ advised that:

“At that meeting, we discussed what information had been discovered between our public authorities/Ministers and which entities’ functions the subject matter of the material related most to in order to determine which entity should take the lead on assessing and providing a decision on that information.”
- On 3 February 2025, I received Treasury’s decision, together with a document schedule and 44 pages of documents.
- On 4 February 2025, based on agreement with ██████████ that DCAP would cover elements of my RTI application to the Premier in my application to DCAP, and that the two applications would likely yield similar results, I withdrew my application to the Premier.
- On 21 February 2025, I received Part 1 of a two part decision from DECYP, with a document schedule and 247 pages of documents. (I had agreed the provision of a two part decision with DECYP).
- On 21 March 2025, I received a decision from DSG, in response to my application to Minister Ogilvie, **but not on her behalf**. This decision attached a document schedule and 31 pages of documents.

¹ After I queried, on 4 April 2025, whether consideration had been given to official WhatsApp or Text messages, I received a letter from Minister Palmer on 15 April 2025 confirming “that there were not WhatsApp or Text messages to report on”. Minister Palmer’s responsiveness stands in stark contrast to the lack of responsiveness by Minister Ogilvie and DSG.

- On 2 April 2025, after protracted delays at every stage with DPAC, and discussion with the Ombudsman’s office, I submitted a request for external review to the Ombudsman, regarding my RTI application to DPAC, under s 46(1) of the *Right to Information Act 2009* (the RTI Act) **(R2504-004)**.
- On 4 April 2025, I received a decision from UTAS, with a document schedule and some 853 pages of poorly organised documents.
- On 5 May 2025, I submitted an internal review application to UTAS, requesting that gaps in documentation be addressed and that claimed exemptions be reassessed.
- On 12 May 2025, I received Part 2 of DECYP’s two part decision, with a further 196 pages of documents.
- On 17 May 2025, as I had not received a decision on my application to Minister Ogilvie, and progress in addressing this matter with DSG had not been satisfactory, I submitted a request for external review to the Ombudsman under s 46(1) of the RTI Act **(R2504-020)**.
- On 22 May 2025, following the Ombudsman’s direction of DPAC, I received a decision from DPAC, together with a document schedule and 58 pages of documents.
- On 16 June 2025, I received UTAS’ decision on my internal review application. This reversed only a small number of redactions and provided no additional documentation.
- My seven RTI applications have so far yielded some 1,450 pages of documents. These seven applications have a close relationship with an earlier RTI application I made to UTAS, which has so far yielded around 510 pages of documentation, and which is the subject of a separate application for external review **(R2503-009)**.
- There are major gaps in the documentation provided to me.
- While the coordination activity undertaken by DPAC may have been intended to provide me with a more comprehensive response, it quite simply did not as – amongst other things - agencies have tended to ‘hide behind each other’.
- Moreover, the poor ordering of the documentation provided by UTAS, DPAC’s failure to respond until 22 May 2025 (and even then only under direction from the Ombudsman’s office), and Minister Ogilvie’s failure to respond at all has made it hard to spot the gaps in earlier responses.
- One unfortunate result of this was that by the time I was able to fully work out the gaps in documentation provided by UTAS, it was too late to seek external review of that particular application, which I would otherwise have done.

3.The delay in making this submission

As I received DPAC’s decision on 22 May 2024, and comments from DSG relevant to my application for external review of my RTI application to Minister Ogilvie through a letter from the Ombudsman’s office on 11 July 2024 (see Section 4 below), I should explain the delay in making this submission. This is particularly the case as I will be requesting priority consideration of the external review applications for these two RTI applications (R2504-004 and R2504-020).

Two main factors were at play:

(1) The UTAS Bill lapsed when the State election was called on 11 June 2025, and I had some hope that it would not be revived, in which case I may have withdrawn the two external review applications covered by this submission. However, the Government has recently placed the amended UTAS Bill on the Notice Paper for the House of Assembly and UTAS' STEM proposal, which is closely related to the UTAS Bill, remains 'alive', flawed though it is.

The fact of the amended UTAS Bill being 'back on the agenda' gives weight and urgency to the question of how, when and why the amendments to the UTAS Bill came about. This is a matter that should concern members of the State Parliament, among others.

(2) As noted, my seven applications have so far yielded some 1,450 pages of documentation that I have needed to work through, together with other sources of information that I have obtained. This has been necessary to identify gaps in the documentation provided in response to my seven RTI applications.

4. Minister Ogilvie and DSG

No-one on the Government side has had greater involvement in the UTAS Bill, including in particular the amendments to the UTAS Bill, or UTAS' STEM plans. Yet in the absence of a response to my RTI application to Minister Ogilvie, I have received only a small handful of relevant documents from DSG and DPAC. I have obtained a much larger number of relevant documents from UTAS and other sources, which I can make available to the Ombudsman's office if required. However, I believe they represent only the 'tip of the iceberg'.

Looking back over events, I submitted an RTI application to Minister Ogilvie through DSG on 4 December 2024.

After numerous delays, and as I have already mentioned, DSG () provided a decision together with a document schedule and 31 pages of documents on 21 March 2025. However, it was clear that this decision was a decision on behalf of the Department, to which I had not made an application, and not on behalf of Minister Ogilvie:

- The decision included the sentence:

"The Department has undertaken a search of **its records** and has identified information that falls within the scope of your request." [my bolding]

- The decision also lacked wording such as DECYP had included in its response on behalf of Minister Palmer:

" I refer to your Right to Information Act 2009 (the Act) Application for Assessed Disclosure addressed to Minister Palmer, received by the Department for Education, Children and Young People (the Department) on 4 December 2024 and accepted on 5 December 2024.

I confirm that I hold a delegation from Minister Palmer to make decisions under the Act."

- Only one of the documents provided (one page) related directly to Minister Ogilvie.

Accordingly, I queried this matter with DSG, but found its responses evasive and confusing, and obviously wrong in fact. Consequently, on 17 May 2025, I submitted an application for external review under s 46(1) of the RTI Act in respect of my application to Minister Ogilvie (R2504-020).

Certain of DSG's statements prior and subsequent to my application to the Ombudsman warrant attention here.

In an email to me on 5 May 2025, [REDACTED] stated:

*"Minister Ogilvie's involvement in the Bill was **minimal**, she merely took carriage when it needed to proceed through the House of Assembly. Minister Ogilvie was supported by DPAC when progressing the amendment Bill."* [my bolding]

In further comments included in a letter to me by [REDACTED] from your office on 11 July 2025, DSG stated:

"I can confirm that the Minister's Office undertook the following searches:

- 1. Search of Content Manager (CM) for words including STEM, UTAS, Sandy Bay Campus, Rufus Black, Alison Watkins AM, Dean Winter/Opposition UTAS, Sarah Lovell MLC*
- 2. Search of the Minister's/Chief of Staff emails for STEM, UTAS, Sandy Bay Campus, Dean Winter/Opposition UTAS, Alison Watkins AM, Rufus Black, Sarah Lovell MLC*
- 3. Search of any physical material in Ministerial Office*
- 4. Searched the General Drive*
- 5. Searched Chief of Staff personal drive and that of the Minister*
- 6. Checked text messages.*

Some information was located as a result of these searches. As explained to Mr Hogan in the decision letter to him, as part of the search of the records of the Minister, documents created by the Department of Premier and Cabinet (DPAC) were located. As Mr Hogan also had a request to DPAC which captured these documents, the information was assessed by DPAC as part of their RTI. Part of the information located was from UTAS. The assessment of this information was transferred to UTAS under section 14 of the RTI Act. Mr Hogan was advised of this transfer.

As Mr Hogan had also made applications to DPAC and the Department for Education, Children and Young People (DECYP) regarding UTAS STEM and the Land Transfer Bill, this Department liaised with those Departments to confirm that any advice provided by those Departments to Minister Ogilvie (if any existed) was captured in the requests to their Departments. Each confirmed that if they had provided Minister Ogilvie with information it would be captured in their own search and assessment. On that basis State Growth is satisfied that all possible methods by which Minister Ogilvie may have received information were captured.

State Growth also searched records for anything this Department had provided to Minister Ogilvie on the topic (ministerial tracking), and did not locate any information. This is unsurprising as the Bill sat within the portfolio responsibility of the Minister for Education.

Mr Hogan has outlined to the Department that it is his belief that Minister Ogilvie must have received substantial briefings prior to taking the Bill to Parliament. I confirm that it is usual for the relevant Minister to only receive the Parliamentary Package for the Bill (which I understand DECYP has located and assessed under the RTI request to them). It would not be

common for them to receive any additional written briefing material. The Minister may receive a verbal briefing from the Department if they request it.

Mr Hogan has also outlined to the Department that there are further documents that he believes should have been provided that were not, giving a specific example of “Premier Rockliff’s charter letter to Minister Ogilvie of 18 April 2024”, which tasked Minister Ogilvie to work with the Minister for Education to take carriage of the legislation”. I am unable to see how that letter would have been responsive to the Right to Information request submitted, so perhaps there is a difference in interpretation of scope between Mr Hogan and the Department, which may explain why some information he believes should have been located has not. I have attached his original request for your reference. The questions are quite specific and do not, in the Department’s opinion capture any information that happens to mention UTAS. Mr Hogan has stated he is aware of other information that should have been provided to him, but has not elaborated on what this is when asked. Again, this may be because of a difference in interpretation of his request for information.”

DSG’s characterisation of Minister Ogilvie’s involvement in the UTAS Bill as “minimal” would not even be true if her role had been limited to “merely [taking] carriage when [the UTAS Bill] needed to proceed through the House of Assembly”. This is self-serving wording. The introduction of legislation into the House is an important role in itself and should have generated significant documentation for, and involving, Minister Ogilvie. As it stands, I note that neither Minister Ogilvie nor any agency has provided me with her briefing package for introduction of the UTAS Bill.

However, Minister Ogilvie’s role with respect to the UTAS Bill was, anyway, much more significant than DSG asserts. From what I can tell from scattered documents obtained from other sources, Minister Ogilvie shared responsibility for the UTAS Bill with Minister Palmer from the outset and seems to have assumed the lead role even before the amendment process commenced, perhaps connected with her role in relation to STEM. Once the process leading to the amendments to the UTAS Bill commenced (I believe in August 2024), Minister Ogilvie assumed oversight and – based on documents received under RTI - Minister Palmer had totally dropped out of the legislative process, and associated policy process, by the end of September 2024, when drafting responsibility appears to have passed from DECYP to DPAC.

As evidence of Minister Ogilvie’s centrality to the legislative process, long before the amendment process for the UTAS Bill commenced, I cite the following documents.

(1) This is from a media release issued by Minister Ogilvie on 7 May 2024, provided by UTAS.

Amendments to the University of Tasmania Act (1992) will require UTAS to obtain the explicit approval of both houses of Parliament for any sale, or disposition of ownership rights, to its Sandy Bay landholdings, which were gifted by the people of Tasmania to the university in 1951.

Minister Madeleine Ogilvie, Member for Clark, will take carriage of this legislation through the House of Assembly, as well as the Tasmanian Government’s overall relationship with UTAS regarding the retention of the Sandy Bay campus.

This media release might reasonably have been expected to be provided by DSG as part of a decision on behalf of Minister Ogilvie, as might other relevant media releases by Minister Ogilvie.

(2) This is from a letter from Minister Ogilvie to UTAS in late May 2024, provided by UTAS:

Dear Vice Chancellor

Sandy Bay campus – dialogue

As you are aware, the Tasmanian Government has committed to amending the University of Tasmania Act, in relation to the Sandy Bay campus of the University of Tasmania. We have also announced our support of the University's vision for STEM.

The Premier, Jeremy Rockliff has asked me to engage with you and your team, in relation to the above and to lead from our Governments' side the engagement and dialogue with the University of Tasmania.

I will also be convening a Ministers Advisory Council for STEM sector and advanced technology industries, to guide our governments approach and seek your engagement on that if that is something you are amenable to.

I am eager to engage in a dialogue about our shared interests and the prospects of enhancing our partnership.

The letter might reasonably have been expected to be provided by DSG as part of a decision on behalf of Minister Ogilvie, as might other correspondence by Minister Ogilvie responsive to my RTI application.

(3) This is from a letter from UTAS Chancellor Watkins to Minister Palmer of 18 June 2024, provided by UTAS.:

I am advised that Minister Ogilvie has responsibility for leading the work on the proposed bill to amend the *University of Tasmania Act 1992* (the Act) to require parliamentary consent to sell the Sandy Bay Campus with the University. Accordingly, I have written to her to express my

It is clear that by 18 June 2024, UTAS was of the view that Minister Ogilvie had the lead responsibility for the UTAS Bill. This was not just a matter of perception on UTAS' part, as Minister Palmer herself confirmed Minister Ogilvie's lead role on 29 July 2024:²

² I stress that Minister Palmer is not referring in this letter to the later amendments to the UTAS Bill, but rather to the original UTAS Bill. At this time, some people believed that the substance of the original UTAS Bill may have been moved as an amendment to the *University of Tasmania Act 1992*.

Minister for Education
Minister for Disability Services
Deputy Leader in the Legislative Council

Level 1, 7 Franklin Wharf HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Phone: +61 3 6165 9420
Email: jo.palmer@dpac.tas.gov.au



29 JUL 2024

Ms Alison Watkins AM
Chancellor
University of Tasmania

Chancellor@utas.edu.au

Dear Ms Watkins

I am writing in response to your letter to me of 18 June 2024. Please accept my apologies for the delay in providing you with a reply.

As you note in your letter, Minister Ogilvie has responsibility for leading the work on the proposed bill to amend the *University of Tasmania Act (1992)*, and she will be the Minister taking the proposed legislation through the House of Assembly.

As such, I have forwarded your letter to Minister Ogilvie's office for her direct response to the matters you raise.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Jo Palmer".

Hon Jo Palmer MLC
Minister for Education

So much for Minister Ogilvie's "minimal" involvement.

In case it should be suggested that Minister Ogilvie or DSG or DPAC could have relied on UTAS to respond on behalf of Minister Ogilvie, I stress that UTAS did not purport to do so and that it would have been entirely inappropriate to do so, given that my application to Minister Ogilvie was directed through DSG and UTAS is not a State Government agency. I also stress that UTAS' file holdings for documents responsive to my request to Minister Ogilvie were undoubtedly relatively slight and that UTAS was, anyway, under no obligation to provide me with documents that were clearly the responsibility of other parties, under the terms of the coordination agreement overseen by DPAC on 29 January 2024. **I would expect all relevant documents responsive to the terms of my RTI**

application to Minister Ogilvie to have been held, and to be held, in (well-ordered) Ministerial and/or departmental files.

The point I am making about Minister Ogilvie's involvement in the UTAS legislation applies equally to her involvement in the STEM issue. I have enough records for both issues obtained from other sources to indicate a total insufficiency in searching on the part of Minister Ogilvie, her office and DSG, and DPAC for that matter. If the Minister's Office undertook the searches claimed by DSG to [REDACTED], they were demonstrably incomplete. I can provide documentation obtained from UTAS and other sources relating to Minister Ogilvie and Tristan Bick, who was I believe Minister Ogilvie's Chief of Staff, to show this. This documentation is suggestive of the existence of much other relevant documentation. I produce one example on the next page (Figure 1).

- I also believe that even as a departmental response, DSG's decision and the documents provided represented an insufficiency in searching.

I will provide more detail on gaps in the documents provided to me by Minister Ogilvie, DSG and DPAC (generally) against the specific terms of my RTI applications in section 6 below.

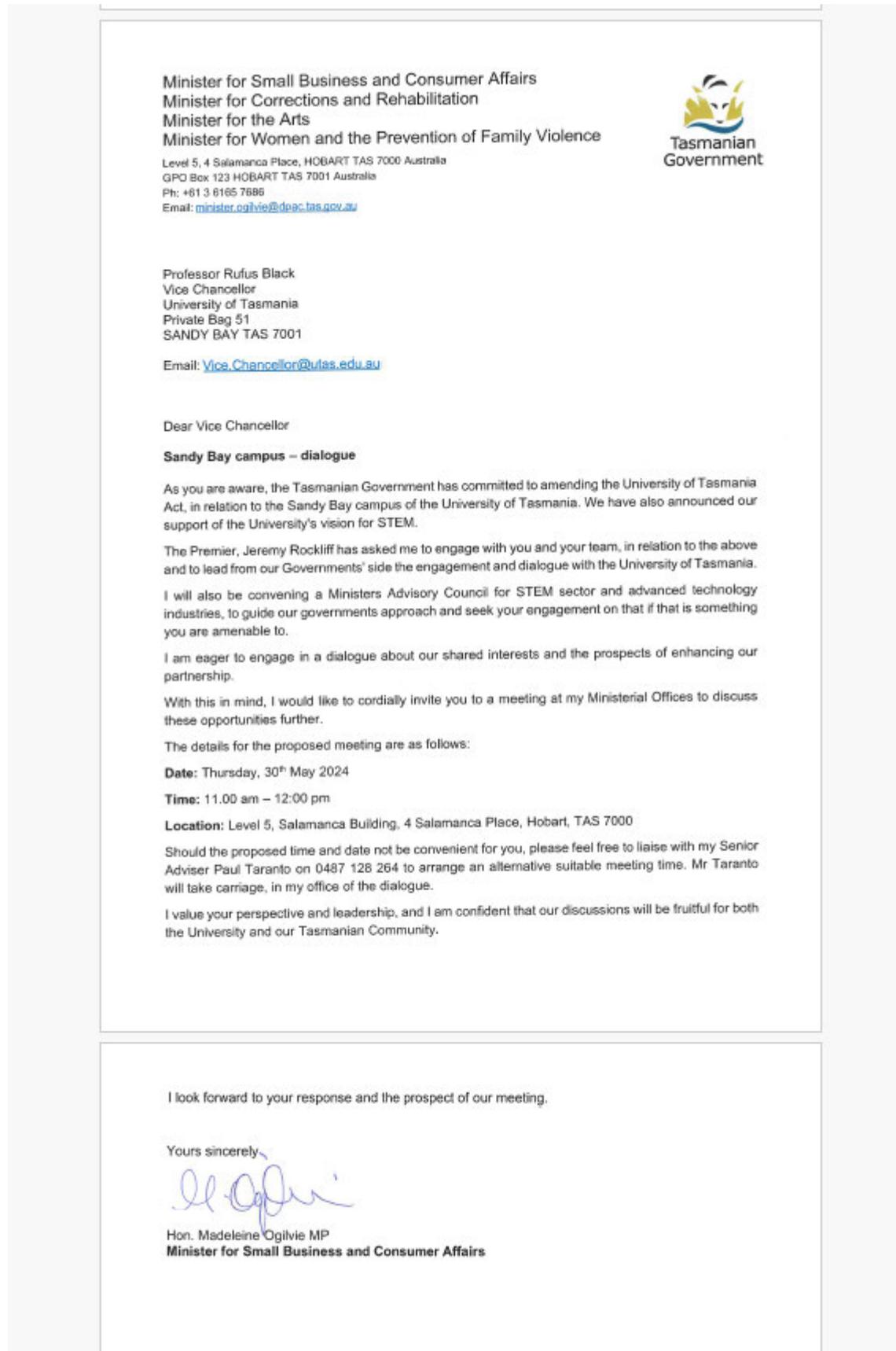
Turning to other claims made by DSG to [REDACTED], I do not know what information the statement "*Some information was located as a result of these searches*" refers. If this is new information, it has yet to be provided to me. If it was the information provided to me with the DSG's decision, as I have already indicated it is extraordinarily scant, and it clearly did not constitute a response to my RTI application to Minister Ogilvie.

If it is material held on DPAC's files that DSG assumed would be provided, I received only a small amount of documentation from DPAC on 22 May 2025 – an issue in itself that I will come to in the next section. Further, at the time DSG made that statement to [REDACTED] it would have had an opportunity to apprise itself of what material DPAC was either about to provide, or had provided to me, and to have known that it was extremely limited.

- I also note that DPAC's decision letter does not purport to be a response on behalf of Minister Ogilvie and included only a few documents relating to Minister Ogilvie.

DECYP has not provided me with any briefing - including briefing for taking the original UTAS Bill to Parliament - that it provided to Minister Ogilvie. It has provided me with copies of briefing to Minister Palmer and DECYP emails relating to the organisation of briefing sessions with Minister Ogilvie.

Figure 1: Example of Minister Ogilvie's involvement in the STEM planning, provided by UTAS. (It suggests the existence of a considerable amount of related material).



DSG claims my “questions are quite specific”. This is a highly disingenuous reading of the ‘details of information sought’ in my RTI application to Minister Ogilvie, the opening of which was:

“I request copies of all records, from 1 January 2024 to 4 December 2024, regarding the University of Tasmania (Protection of Land) Bill 2024 (31 of 2024) [the Bill] and related matters, including, but not limited to...[there followed 11 specific dot points; my bolding]”

This was a deliberately broad request, with the 11 dot points representing examples of specific matters on which information was being sought rather than an exclusive list, as should have been totally clear from the wording.

I believe that it is incontestable that Premier Rockliff’s charter letter to Minister Ogilvie of 18 April 2024 was captured by the terms of my request, and I do not see how this could possibly be put down to differences of interpretation.

Moreover, at the level of the 11 specific matters I identified, it is clear that neither DSG nor Minister Ogilvie/her office made a serious effort to come to terms with what was being sought or to search for it (for further detail see Section 6).

There has been a total “insufficiency in searching.”

5. DPAC and the Premier

Chronology

I found my dealings with DPAC regarding my RTI application to DPAC extremely frustrating. While I can see a case for DPAC undertaking a coordination role (even though I believe it failed), I submitted my application on 4 December 2024, whereas DPAC’s coordination meeting did not take place until 29 January 2025, and my application to DPAC was only accepted by ██████████ on 5 February 2025.

- I appreciate that some processing delay over the Christmas holiday period is reasonable and to be expected, but consider the delays by DPAC, and indeed by other agencies and UTAS, excessive.
- For information, I agreed to amendments to the detailed scope of my original RTI application to DPAC (reproduced in Section 6), which for ease of reference ██████████ summarised as “*all information relating to the drafting and amendment of the University of Tasmania (Protection of Land) Bill 2024.*”

██
██
██
██

As I had heard nothing further from DPAC by 1 April 2025, I spoke to ██████████ in the Ombudsman’s office. He suggested I submit an application for external review to the Ombudsman under s 46(1) of the RTI Act, as this would enable the office to direct DPAC to issue a decision to me.

I submitted my application for external review on 2 April 2025 and on 15 April I was advised by [REDACTED] that DPAC had been “directed...to release a decision to you as soon as is practicable and no later than 5 May 2025.”

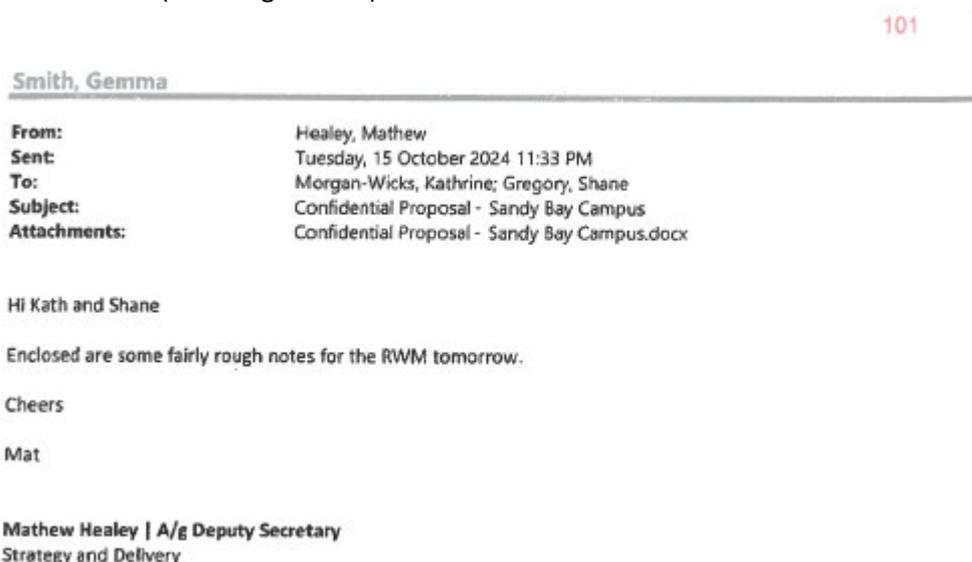
As I had not received a response from DPAC by 17 May 2025, I sought an update from the Ombudsman’s office. Following communication between [REDACTED] and DPAC, I received DPAC’s decision, with a schedule of documents and 58 pages of documentation on 22 May 2025 – some six and half months after I submitted my RTI application. (DPAC issued a revised decision letter and revised schedule of documents on 5 June 2025, but I do not consider this of material significance).

Documents provided by DPAC

After waiting six and a half months for DPAC’s decision, the 58 pages of documents provided barely touched the surface of my RTI application to the Department, even in the amended form I had agreed with [REDACTED].

I will deal with specific gaps in the 58 pages of documents provided by DPAC in Section 6 below, but for now note that:

- Some 37 pages of the documents relate to the period up to 8 August 2024 and deal with the UTAS Bill as it was originally tabled in the House of Assembly on 20 June 2024. This was a period when DECYP had primary responsibility for the UTAS Bill.
- 20 pages of documents (nine of which were redacted and two which were publicly available) deal with the amendments to the UTAS Bill, however these documents only begin on 14 November 2024 and are themselves fragmentary.
- There is thus a period of over three months between 8 August 2024 and 14 November 2024 for which DPAC has provided one page of documentation – a document that raises more questions than it answers (see image below).



I am aware from other sources that the period between 8 August 2024 and 14 November 2024, in particular, was one of intense activity on the UTAS Bill, and perhaps also the STEM issue, within DCAP. It was the period in which the amendments to the UTAS Bill were developed and drafting responsibility was assigned away from DECYP to DCAP, and placed under the oversight of Minister Ogilvie. Documents provided by UTAS show Ms Morgan-Wicks, Acting DCAP Deputy Secretary

Matthew Healey and other DCAP staff extensively involved, as well as Minister Ogilvie and Mr Bick, but these documents are themselves full of large gaps and are mainly focused on the UTAS side of the picture. The fact of UTAS providing such documents suggests the existence of a large volume of material relevant to my request that has been neither provided nor even identified by DPAC. DPAC's failures extend to a failure to even identify the drafting instructions for the amendments to the UTAS Bill – one of the most relevant and important documents captured by the terms of my RTI application.

In light of the chronology I have set out above, and the relative paucity of documentation provided by DPAC, I am concerned that DPAC has deliberately withheld documents covered by my RTI application. On the kindest interpretation there has been an “insufficiency in searching” such as to indicate that DPAC as an institution had little or no interest in identifying relevant material

I note that as well as the gaps on which I have commented, the documents provided by DCAP included major redactions (exemptions). **I request that the Ombudsman consider whether these redactions were warranted, noting in particular that factual material should not have been redacted.**

My RTI application to the Premier

As I have previously mentioned, on 4 February 2025, based on agreement with ██████ that DCAP would cover elements of my RTI application to the Premier in my application to DCAP, and that the two applications would likely yield similar results, I withdrew my application to the Premier. This is an act that I now regret, as documents obtained from other sources show that the Premier and Prue Gusmerini, a senior member of the Premier's staff, had major involvement with the UTAS Bill/STEM not represented in the documents I obtained from DPAC - an involvement of which ██████ may not have been aware.

For example, this document – obtained from UTAS – suggests, when read in the context of other documents, that the Premier/his office set the process in train that led to the amendment of the UTAS Bill:

The Honourable Madeleine Ogilvie
Liberal Member for Clark
119 Sandy Bay Road
Sandy Bay TAS 7005

Via email - minister.ogilvie@dpac.tas.gov.au

Dear Minister Ogilvie,

Thank you for writing to me on 30 July 2024 regarding the proposed University of Tasmania (Protection of Land) Bill 2024 in response to my letter of 18 June 2024.

I am advised that the Premier's office has since contacted the Vice-Chancellor's office and suggested that the concerns raised in my letter about the proposed legislation be discussed at a meeting between the Premier and the Vice-Chancellor scheduled for Friday, 23 August 2024. I understand that you and the Minister for Education will be invited to attend that meeting. I consider that to be an appropriate way forward on these matters and look forward to hearing the outcome of that discussion.

In relation to your observation that similar provisions to those in the proposed legislation exist in New South Wales and Victorian legislation, I am advised that the University's General Counsel has provided you with a document setting out a jurisdictional comparison. I note that the Ministerial approval required for land sales and leases in those jurisdictions is quite a different provision to the proposed Tasmanian legislative approach of requiring the approval of both houses of Parliament. I am also advised that in Victoria, relevant legislation incorporates compensation from the Victorian Government as part of their approval provisions.

I welcome your ongoing commitment to working with the University on pursuing funding for new STEM facilities in Southern Tasmania and look forward to hearing more about the path forward following the aforementioned meeting with the Premier and Vice-Chancellor later this month.

Yours sincerely



Alison Watkins AM
Chancellor

2 August 2024

The documents involving the Premier and his office, to which I have referred above, are suggestive of the existence of a large number of other relevant documents held in the office of the Premier, and perhaps also in DPAC.

6. Gaps and issues in the documents provided

In the bolded, italicised font below, I quote the details of the information I sought from Minister Ogilvie and DPAC in my RTI applications to them. As I negotiated the scope of my request to DPAC, as well as making annotations, with [REDACTED], the variations from my application to Minister Ogilvie are clearly shown.

In standard font, I make comment on what has been provided to me and provide specific instances of missing documentation

I request that Minister Ogilvie and DPAC be required to conduct appropriate searches and provide the missing documents.

[Minister Ogilvie and DPAC] ***I request copies of all records, from 1 January 2024 to 4 December 2024, regarding the University of Tasmania (Protection of Land) Bill 2024 (31 of 2024) [the Bill] and related matters, including, but not limited to:***

I note my request for all records. I will first comment on my specific (dot pointed) requests and then consider this broad request and residual issues under a separate heading.

- [Minister Ogilvie] ***All records pertaining to the future of STEM.***

[DPAC; with the following added to the above] ***These records will be provided by UTAS. As a general point, UTAS records that will be provided by UTAS are excluded from this request.***

In its very limited response, DSG provided/identified a number of documents relating to the future of STEM, including documents involving the Premier. However, those documents appear incomplete, even as they narrowly relate to DSG. There is for example, little evidence of UTAS' STEM proposal being weighed against other projects or of information being sought from UTAS. Even if exempt, such material should have been identified.

As previously indicated, Minister Ogilvie took a very active role on the future of STEM, but – as I have previously indicated - most of the documents I have obtained on this were provided by UTAS, for example the document reproduced on page 10 above. I would expect my RTI application to Minister Ogilvie to elicit many more documents - including media releases, briefs and records of meetings - relating to Minister Ogilvie's involvement in STEM.

As a subset of these documents, and in line with the example provided on page 10, I believe there was considerable communication between UTAS and Minister Ogilvie on STEM, but am far from confident that even this documentation has been provided to me in full by UTAS.

- [Minister Ogilvie] ***All analyses of future STEM options undertaken by Ministers, Ministers' offices or government agencies, or any individuals or bodies acting on their behalf.***

[DPAC; with the following added to the above] ***DPAC will respond only on behalf of DPAC and the Premier, but there may little to provide. Other agencies will respond as appropriate.***

Neither DECYP, Treasury, DPAC nor DSG has provided any analyses. From this I take it that UTAS' work on its STEM options had not been subject to meaningful scrutiny by Government at the time of my application on 4 December 2024. DSG did provide me with a copy of a project

description sent under cover of a letter by the Premier to Infrastructure Australia, but (1) this was seriously outdated; and (2) it appears to have been written by UTAS, although this is not indicated in the documents provided.

- [Minister Ogilvie] ***All analyses of funding options for STEM, including options for federal funding and potential funding by UTAS and the Tasmanian Government, undertaken by Ministers, Ministers' offices or government agencies, or any individuals or bodies acting on their behalf.***

[DPAC; with the following added to the above] ***UTAS will provide UTAS documents. These are excluded from this request. In respect of other documents, DPAC will respond only on behalf of DPAC and the Premier, but there may little to provide. Other agencies will respond as appropriate. I noted that Commonwealth Minister King had written to VC Black [in June 2024] indicating that she expected a funding proposal to come from the State Government.***

During the period covered by my RTI applications, consideration of funding for UTAS' STEM proposal covered a range of options and permutations, including seeking the (notional) full amount of \$500 million from the Commonwealth, the possibility of a State funding contribution and the mechanism envisaged in the amendments to the UTAS Bill, whereby the Sandy Bay campus above Churchill Avenue would be rezoned to enable a sale (in the STEM Business Case eventually submitted to the Commonwealth in March 2025, UTAS envisaged sale or transfer of the land to the State Government for \$100 million).

Neither Treasury, DPAC nor DSG has provided any documents with analyses of funding options. I find this implausible and suggest DPAC and Minister Ogilvie search their records. I am aware that then Treasurer Ferguson ruled out a State funding contribution on 25 June 2024, while Minister Ogilvie took a similar line in debate over the UTAS Bill in the House of Assembly on 28 November 2024, in response to questioning on the matter. I assume Minister Ogilvie was provided with briefing on this issue, just as I assume she was provided with briefing on the amendments to the UTAS Bill generally, by DPAC. This briefing should have been identified, and provided to me, by DPAC.

- [Minister Ogilvie] ***All analyses of UTAS' financial viability and plans, including relocation options (for its southern campus) by Ministers, Ministers' offices or government agencies, or any individuals or bodies acting on their behalf.***

[DPAC; with the following added to the above] ***DPAC will respond only on behalf of DPAC and the Premier, but there may little to provide. Other agencies will respond as appropriate.***

As I have not received anything directly bearing on this request from either Minister Palmer, Treasury, DECYP, DSG or DPAC, I take it that the Government has not undertaken any analyses of this kind at all. However, I await Minister Ogilvie's response on this issue.

- [Minister Ogilvie] ***All records relating to the formulation of the amendment to the Bill (that is, 7. Rezoning of certain land and related provisions).***

[DPAC; above deleted with following note] ***This is covered by the broad request.***

In line with DPAC's comment, I will deal with this issue and my broad request relating to the UTAS Bill, in so far as it has not been dealt with, under the separate heading below.

- [Minister Ogilvie] **All records regarding the appropriateness of rezoning land currently vested in UTAS and avoiding normal regulatory processes associated with rezoning.**

[DPAC; with the following added to the above] **UTAS will provide UTAS records. DPAC will respond only on behalf of DPAC and the Premier. Other agencies will respond as appropriate.**

DPAC did not provide, nor even identify, records relevant to this matter. The matter is intimately bound up with the amendments to the UTAS Bill for which DPAC and Minister Ogilvie had responsibility. The use of legislation to rezone land would also have raised profound policy issues for the Government. It is totally implausible that the matter was not considered within Government. I request that DPAC conduct a thorough search of its records on this matter. I also await Minister Ogilvie's response to my RTI application.

- [Minister Ogilvie] **All records relating to the Leader of the Opposition's repeated urgings that houses be built on the Sandy Bay campus, and potential government responses.**

[DPAC; with the following added to the above]. **No records had been identified as yet in this area. I raised the specific issue of question time briefs and meeting records.**³

My understanding is that the process set in train by the Premier's office to modify the original UTAS Bill referred to in Chancellor Watkin's letter of 2 August 2024 (reproduced on page 14 above) was, in part, due to pressure being mounted by UTAS and the Opposition, working in close concert, on the housing issue (R2503-009 is relevant in this regard). I am also aware of a meeting between Minister Ogilvie and Opposition members (including then Leader of the Opposition, Dean Winter) on the UTAS Bill in late August 2024. I am also aware that the amendments to the UTAS Bill on 28 November 2024 were part of a larger compromise reached between the Government and the Opposition straddling a number of issues. I request that DPAC conduct a thorough search of its records on this matter. I also await Minister Ogilvie's response to my RTI application. I would, of course, expect meeting briefs and records of meetings to be captured by this request.

- [Minister Ogilvie] **All records of communication with the Leader of the Opposition or other members of the Tasmanian Parliament regarding the rezoning of UTAS' Sandy Bay campus land.**

[DPAC; with the following added to the above] **DPAC will respond only on behalf of DPAC and the Premier. Other agencies will respond as appropriate.**

My preceding comment also applies here.

³ The words "I raised the specific issue of question time briefs and meeting records." was a reference to an interaction I had with ████████ on this issue, whereby I suggested she needed to check whether there were relevant question time briefs. ████████ subsequently confirmed that she had done this on my prompting, and there were none. Question time briefs should automatically have been considered as part of an RTI search, and I was left wondering whether Tasmanian government agencies consider the full range of records that should be considered in response to any RTI application.

- [Minister Ogilvie] **All records of communication with UTAS Council members or UTAS staff regarding the future of STEM, the future of UTAS generally, and rezoning of UTAS campus land.**

[DPAC; with the following added to the above] **DPAC will respond only on behalf of DPAC and the Premier. Other agencies will respond as appropriate.**

I am aware of numerous exchanges of correspondence and meetings between UTAS on one side and the Premier/his office, DPAC and/or Minister Ogilvie/her office on the other side on these issues. Some relevant records have been obtained from UTAS, and other sources, but they are very incomplete. I request that DPAC conduct a thorough search of its records on this matter. I also await Minister Ogilvie's response to my RTI application.

- [Minister Ogilvie] **All relevant legal advice.**

[DPAC; deleted with following words] **This is covered by the broad request.**

- In line with DPAC's comment, I will deal with this issue and my broad request relating to the UTAS Bill, in so far as it has not been dealt with, under the separate heading below.
- Minister Ogilvie] **Relevant business cases or analyses provided by UTAS.**
- [DPAC; deleted with the following words] **These will be provided by UTAS.**

I await Minister Ogilvie's response to my RTI application.

[Minister Ogilvie and DPAC] **I appreciate that some of these records involve third parties and may require consultation.**

I note that I have also made application to other Government Ministers and agencies, so that co-ordination may be desirable to minimise duplication or risk some material falling between gaps.

I expect legal advice, along with Cabinet records, to be identified in the response to this application even where that advice is exempted.

My broad request and residual issues

Some of the material I request here will be prima facie exempt, but I stress the importance of agencies at least identifying that material in schedules of documents.

I note in this regard that DECYP identified the drafting instructions for the UTAS Bill (in its original form as introduced in the House of Assembly on 20 June 2024) and claimed a partial exemption, and I accept this as totally appropriate.

I request that DCAP or, where more appropriate, Minister Ogilvie provide the following documents (none of which have so far been identified):

- Copies of all briefing provided to Minister Ogilvie in relation to the UTAS Bill, including:
 - Briefing provided for introduction of the UTAS Bill to the Tasmanian Parliament on 20 June 2024.

- Briefing provided for the motion moved by the Leader of the Opposition on the UTAS Bill and related matters on 7 August 2024.
- Briefing provided for the second reading debate on the amended UTAS Bill (and movement of amendments) in the House of Assembly on 28 November 2024, including any briefs/notes passed to Minister Ogilvie on specific issues raised during the course of debate.
- Question time and other briefs.
- Records relating to the change in ministerial responsibility for the UTAS Bill from Minister Palmer and Minister Ogilvie jointly to Minister Ogilvie.
- Drafting instructions for the amendments to the UTAS Bill tabled in the House of Assembly on 28 November 2024 – this is a crucial omission in the documents identified, let alone provided, by DCAP.
- Copies of all legal advice on the UTAS Bill, including in relation to issues raised with the Bill at any stage by UTAS or the Labor Opposition.
- All communications relating to the amendments of the UTAS Bill - as already indicated, I have received a significant number of the communications with UTAS, but these are incomplete and largely one-sided. I also note that communications between agencies and Ministers should not be considered internal working documents.
- All briefs or records of meetings relating to amendments to the Bill, or consideration of other options to address UTAS' claimed concerns regarding the UTAS Bill.

7. Conclusion

Thank you for your attention to the matters raised in this submission.

I will submit a request for priority consideration of the two RTIs covered by this submission by 27 October 2025.

Yours sincerely



Robert Hogan
Canberra

By email: harveyr35@aol.com