

ACT NOW TO DO WHAT'S BEST FOR ALL TASMANIANS

THERE NEEDS TO BE A COMPREHENSIVE PUBLIC INQUIRY INTO THE WHOLE UNIVERSITY RELOCATION PLAN, WRITES MICHAEL FOSTER

WHEN the Tasmanian government gifted the Sandy Bay campus land to UTAS about 70 years ago it passed a law, the Tasmanian University Act 1951, requiring UTAS to give the land back if it wasn't used for higher education.

In 1992, the government undertook a major review of the university, including its governance, and the 1951 Act was replaced by the University of Tasmania Act. Somehow any government control of the Sandy Bay land was omitted completely.

There is no evidence that this was a conscious decision, after careful debate and consideration, by the parliament. It seems to have been simply overlooked. An explanation may have been that parliament did not expect the university to do anything that didn't have the strong support of the community, much less to dispose of its entire campus.

However, the omission is still surprising. Australian universities commonly operate on land gifted by government on behalf of the community. As a result it is common that legislation prevents those universities from getting rid of land without government approval.

For example, the laws governing the universities of Melbourne, Sydney and of South Australia all require ministerial approval for the sale or long-leasing of land.

UTAS's plan is to dispose of the Sandy Bay campus by selling long apartment leases to buyers.

There is a second loophole in the law that has helped UTAS. It has a governing board, called the council, but no actual shareholders. In a real sense the Tasmanian people, represented by their government, are the university's notional shareholders.

Other Tasmanian institutions, created by the public for public purposes with public money, such as Hydro Tasmania, are subject to the Tasmanian Government Business Enterprises Act, which requires them to prepare an annual "corporate plan" for approval by the minister. This ensures that their planned activities are approved in advance.

UTAS has none of these controls. It can sell its entire campus without asking the shareholders, and its reporting to Tasmania consists of an annual retrospective financial report to the minister, who may discover too late that the university has done something against the public interest.

Tasmanians might hope that their interests are protected by the university's Statement of Values, in which UTAS claims: "We are a Tasmanian institution. We work in a unique setting and actively partner with the communities in which we live, in support of a healthy, civil and sustainable society."

However, the university's decision-making process for relocation has shown that it doesn't see its partnership with Tasmanians as requiring it to obtain a social licence for its plans. In fact, it is comfortable pushing on against strong community and academic opposition.

Yet all is not lost. Fortunately the Legislative Council, with the support of Labor and the government, is presently conducting an inquiry into the University Act, and if it recommends that the law in Tasmania be brought into line with other universities then UTAS will need ministerial approval to dispose of its magnificent campus and finally there will be a comprehensive public inquiry into the whole relocation plan.

Michael Foster is a Hobart lawyer and a UTAS graduate.