

Submission to Panel Reviewing the Tasmania Law Reform Institute (TLRI) by the Board of the TLRI

Introduction

The Board welcomes the Review and the opportunity to state our concerns regarding the Institute's long-term viability relevant to the Terms of Reference. The Board has held concerns for some time and these concerns resulted in a decision by a majority of Board members to request a meeting with the Institute's founding partners, the Attorney-General, the Vice-Chancellor of the University and the President of the Law Society. The letter requesting a meeting was sent on 16 December 2021 and we are waiting for the meeting to be arranged.

Many of the concerns of the Board members regarding the Institute's long-term viability coincide with the Terms of Reference. The issues outlined in the Board's letter of 16 December included:

- The inadequate baseline annual funding currently provided to the Institute;
- The reduction in operational staff;
- The insufficiency of funding for existing operational staff and operational costs;
- The diminished funding for specific Institute projects;
- The reduction in the availability of law academics to engage in research for law reform projects;
- The Institute operating without a Director, the University's last action in this regard being to appoint Dr Brendan Gogarty as Acting Director in 2019;¹ and
- The status of the review of the institute which was announced in March 2020 - but about which the Board had received no further information concerning the process nor invitation to be involved in it.

The Vice-Chancellor responded to the Board's letter and agreed to the request for a meeting. He informed the Board of the Review, but not of the Terms of Reference or the reasons for the Review.

In order to progress the meeting and to prepare for it, Board members arranged for a Briefing Paper to be prepared which addressed matters relevant to our concerns. The Board accepts the content of the Briefing Paper and we refer to it in our response to the Terms of Reference as set out below. A copy of the document entitled *Briefing Paper for TLRI Board* is attached. This Briefing Paper was tabled at a Board meeting on 6 April. The Board endorses the contents

¹ Subsequently, on 20 December 2021, the Vice Chancellor wrote to Board member Mr Craig Mackie stating "the University has appointed Professor Stuckey as Interim Director of the TLRI until the time that the new appointee can join us".

of the Briefing Paper, and accepts that it contains appropriate criticisms of the founders' relationship with the Institute.

Terms of Reference

The Review Panel shall consider and make recommendations about the structure, form, governance and funding of the Tasmania Law Reform Institute, as the State's peak law reform body. The object of the review is to ensure the continuing success and sustainability of that Institute in the ongoing improvement of Tasmania's systems of law and justice. In particular, the Panel should consider:

1. Whether the aims and objectives of the Institute, set out in its Founding Agreement, require modernisation, clarification or amendment;
2. Whether there are sufficient provisions for the protection and promotion of the institutional integrity and independence of the Institute;
3. The position, role and relationship of the Institute to its founding members, the Government of Tasmania, and the University of Tasmania (in particular its placement within the Law Faculty of UTAS), including specifically the research capacities and priorities of the University and the Law Faculty;
4. The position, role and relationship of the Institute to the Government of Tasmania, as represented by the Attorney-General;
5. The adequacy and appropriateness of the Institute's current constitution, governance arrangements and reference process; and
6. The appropriateness and sustainability of the Institute's resourcing and staffing having regard to the size of the jurisdiction in which it operates.

1. Whether the aims and objectives of the Institute, set out in its Founding Agreement, require modernisation, clarification or amendment;

The Board is not aware of any concerns that suggest that the functions and objective of the Institute, as set out in Clause 2 of the founding agreement, require modernisation, clarification or amendment.

2. Whether there are sufficient provisions for the protection and promotion of the institutional integrity and independence of the Institute;

The Board's position is that there are insufficient provisions for the protection and promotion of the Institute's independence, and that these require improvement.

Independence of Director

The Board considers that there is potential for the role of the Director of the Institute to be compromised. The Panel is referred to the following provisions of the Agreement, that in practice may be in conflict:

- Clause 5.1 There shall be a Director of the Institute who shall be appointed by the Vice-Chancellor of the University; and
- Clause 5.2 The Director shall be responsible for:
 - • working to ensure the independence of the Institute;

Under the current Agreement, there is no requirement for the Vice-Chancellor to consult the Board or the other founding partners. It is the Board's position that the Board should at least be consulted about the selection process, and there should be involvement of each of the three founding partners and the Board in the selection of the successful applicant.

Since the Institute was established in 2001, the Directors have been eminent senior academics at the Tasmanian Law Faculty who have been highly respected within the University and externally by the legal community. Until recently, transitions from one Director to the next have proceeded seamlessly. Now, due to the existing situation within the Law Faculty there has been a loss of academics at a senior level. The recruitment of the Director is being undertaken nationally and is tied to the appointment of a Professor or Associate Professor. The situation highlights that the selection of the Director of the Institute as an independent body lies entirely with the Vice-Chancellor. There is no provision for the Board or the other founding partners to be consulted or participate in that selection process.

The Board suggests a different model which reflects the independence of the Institute and the Director and allows for representation on the selection panel by the Board, and the other founding partners, the Law Society and the Attorney-General. One suggestion is that the panel be selected by the Board and that the panel include one representative of each of the three founding partners.

The Board is concerned that over time the independence of the Institute has been eroded as follows:

Financial independence

Whilst the question of resourcing is covered in ToR 6, the Board's position is that adequate resourcing is an essential requirement for the Institute to maintain its integrity and independence.

This matter is covered in more detail in Section 1. FINANCIAL of the Board Briefing Paper (attached).

It is the Board's contention that the current inadequate baseline annual funding, frozen at the same level since the Institute's establishment in 2001, hampers independent functioning. As result of inadequate baseline annual funding, the Institute has been substantially reliant on applying to the Solicitor's Guarantee Fund and the Law Foundation of Tasmania for project-specific grants.

Success with these project-specific grant applications has diminished in recent years. A factor in the success or otherwise of these applications can be whether they relate to reference from the Attorney-General. The Institute has not received a reference from the Attorney-General since October 2018.

Position of Acting Director

Currently under the Agreement, an Acting Director can be appointed as follows:

Clause 5.5: If the Director is likely to absent for more than one month, the Board

may appoint an acting Director for the period of absence.

The most recent Acting Director was appointed by the then Law Dean, and held that position for approximately two years. (see Briefing Paper, pages 6-7 for timeline). The delay in appointing a permanent Director was not acceptable to the Board, which at all times wanted a permanent Director to be promptly appointed.

This created uncertainty and instability, which had potential to compromise the Institute's independence.

The Board's position is that the Agreement needs to be amended to ensure that an indefinite delay to the appointment of a Director cannot occur.

A timeline is included in Section 2. STAFFING of the Briefing Paper, which sets out details of how the Institute has operated without a permanent Director since November 2019.

The Board wishes to be clear that it is not in the least critical of Dr Brendan Gogarty who undertook the role of Acting Director in an exemplary fashion with extraordinary commitment. Indeed, it should be noted that he took on the role initially for a six week period and remained in the role for over two years.

In relation to clause 5.5, the Vice-Chancellor has appointed an Acting Director and more recently an Interim Director to cover the period while a permanent Director is found. The agreement only provides for the Vice-Chancellor to appoint a Director and not an Acting or Interim Director. It may be argued that the appointment of an Acting Director for two years was not within the intention of the founding partners.

In addition to the Board's concern about the situation regarding the Acting Director and its potential impact on the Institute's independence, the Board holds concerns that the response of allowing the Director's term to lapse and the position to be unfilled for so long suggests a lack of commitment by the University to ensuring optimal arrangements for the Institute.

Interaction with Media

The Board is concerned about an increasing level of intervention by the University Communications office in determining the content, timing, and distribution of the Institute's media releases.

This has the effect of compromising the Institute's ability to communicate independently and appropriately with stakeholders and the general public.

Review of the Institute

As noted, the Board welcomes the review and the terms of reference coincide with many of the Board's concerns. As would be apparent from the Briefing Paper the Board has held past concerns about the pending Review and this warrants some explanation.

As can be seen from the Briefing Paper, the Board was not informed about the reason for the review or the terms of reference. Indeed it was not until a letter was sent by the Review Panel in early March 2022 that Board members were informed of the terms of reference.

(In a letter from the Vice-Chancellor dated 20 December 2021 to Mr Mackie of the Board, he was informed that the terms of reference had been formed with direct input from the TLRI's Acting Director, Brendan Gogarty and include the concerns raised in correspondence regarding the long-term viability of the TLRI. See the Briefing Paper for a time-line with respect to information imparted with respect to the review).

It is an extraordinary situation that the Institute as an independent body was uninformed about the reason for the pending review and its ambit. The way in which this was managed and the lack of communication and collaboration with the Board gives rise to concerns about intrusions upon the independence of the Institute.

3. The position, role and relationship of the Institute to its founding members, the Government of Tasmania, and the University of Tasmania (in particular its placement within the Law Faculty of UTAS), including specifically the research capacities and priorities of the University and the Law Faculty;

The Board notes the omission of any mention of the Law Society of Tasmania as one of the founding partners in this term of reference.

It is the Board's observation that its relationship with its founders is impaired by the current *financial* situation facing the Institute, specifically:

- The inadequate baseline annual funding;
- The diminished funding for specific Institute projects;
- Insufficient funding for existing operations staff and operational costs.

We particularly refer you to the information in the Briefing Paper under the headings:

- 1. FINANCIAL
 - Inadequate baseline annual funding
 - Diminished funding for specific institute projects.

The relationship with the founding partner, the University, is impaired by the *staffing* situation, specifically:

- The reduction in operational staff;
- The reduction in the availability of law academics to engage in research for law reform projects;
- The Institute operating without a permanent Director since Assoc Prof Henning departed in November 2019.

We particularly refer you to the information in the Briefing Paper under the headings:

- 2. STAFFING
 - The reduction in operational staff;
 - Reduced availability of law academics to engage in research for law reform projects;
 - Institute operating without a permanent Director since November 2019.

The Board accepts that the Briefing Paper contains appropriate criticisms of the founders' relationship with the Institute.

Regarding the question of the Institute's placement within the Law Faculty of UTAS, it should be noted that the Tasmania Law Reform Institute is modelled on the Alberta Law Reform Institute, which has operated successfully for over fifty years. <https://www.alri.ualberta.ca/>

For a law reform body to be housed within and supported by a State's academic institution has proved until recent years to be an excellent model for the Tasmanian Institute. The Law Faculty has provided a rich resource of leading academics with deep expertise in critical thinking about the law. It offers academics who can be consulted and seconded for the work of the Institute and offers the academics opportunities for research and scholarship. PhD students have been available to undertake work for the Institute. The location offers the Institute efficiencies providing access to a broad range of leading academics who can be consulted for accuracy of content of reports. Real efficiencies have been gained through having academics on hand to support the Institute in these respects.

For a law faculty to have links to the premier law reform body is a draw card indicating that the faculty is a centre of critical and deep engagement and provides a point of difference with other law faculties, offering students the opportunity to be involved in research and law reform as undergraduate or post-graduate students. In recent years, the internship offered to recipients of the Vanessa Goodwin Scholarship has strengthened these links.

This model is premised on a number of critical components. First, the availability of leading and senior academics to undertake research and prepare reports in their field of expertise and who can be consulted about discrete aspects of reports. Second, that the university ensures that the Director has the time required and administrative support to carry out the duties of the Director.

In both of these respects the arrangements have been deteriorating to the point where it may now be questioned whether the model is viable. We refer to the Briefing Paper to assist the Panel. With respect to the loss of leading and senior academics see page 6, for their reduced availability see pages 5 to 6, for the reduced administrative support to the Acting Director see pages 4 to 5.

4 The position, role and relationship of the Institute to the Government of Tasmania, as represented by the Attorney-General;

The Board observes that its relationship with the Attorney-General has declined with respect to funding and referrals since 2018. We refer the Panel to pages 1 to 4 of the Briefing Paper, which give more detail about both diminished funding for specific projects, and a failure to address the issue of inadequate baseline funding. It is noted that government referrals normally ebb and flow over time, but the Institute has not received a reference from the Attorney-General since October 2018, the last one being on Transgender and Intersex Law Reform (also referred to as Legal Recognition of Sex and Gender).

The Board considers that the Agreement should reflect that the Institute receive an adequate minimum annual grant to ensure its ability to effectively carry out its functions. The Board

notes that the Attorney has indicated that this Review should occur to inform any potential consideration of increased funding.

5 The adequacy and appropriateness of the Institute's current constitution, governance arrangements and reference process;

The Board refers the panel to its comments in relation to ToR 1 and reiterates that there is a need to amend the Agreement to ensure the true independence of the Institute.

The Agreement should be amended to embed both increased, adequate baseline funding and also the in-kind contribution of the University in terms of the role of the Director to ensure that the appointee has adequate time and availability to carry out the responsibilities involved. This could be embedded as a percentage of a professor or associate professor such as 0.5 -0.8 FTE. The same could be done with administrative and other roles such as Deputy Director/ Executive Officer-Research at a 0.5 FTE and Executive Officer at 0.6 FTE. See page 4 of the Briefing Paper.

Given the recent failure to acknowledge the time required for the Director to fulfil the responsibilities and the need for adequate administrative staffing levels there is now a demonstrated need in both respects.

6 The appropriateness and sustainability of the Institute's resourcing and staffing having regard to the size of the jurisdiction in which it operates.

Financial

Current baseline funding from the Tasmanian Government is \$50,000 per annum, which has remained at the same level over the 21 years of the Institute's existence. Failure to reflect CPI and other increases means that this funding has declined in real terms, and is inadequate to maintain the viability of the Institute. In addition to Government funding the University provides in-kind support, which covers the salary of the Director, office facilities, and other costs. With recent decreases in the time allocation for the Director role, this also has decreased.

These concerns have been addressed in the *Briefing Paper for TLRI Board* under the following headings:

- 1. FINANCIAL
 - Inadequate baseline annual funding
 - Diminished funding for specific institute projects.

Staffing

Staffing of the Institute has not been adequate or sustainable in recent years.

With the recent departure of Acting Director, Dr Gogarty, current staffing of the Institute consists of one part-time casual administrative officer (0.6 FTE).

When recruitment takes place for a new Director, it is understood that the University intends that this person also undertake a general leadership role within the Faculty of Law.

To ensure adequate staffing of the Institute it may be useful to attribute a percentage weighting to the role of Director and other responsibilities so there is clarity concerning the issue of how much time the successful applicant will spend on the role of Director.

The decline in operational staff began some years ago, with the position of Deputy Director/Executive Officer - Research being vacant since January 2020.

These concerns have been addressed more fully in the *Briefing Paper for TLRI Board* under the following headings:

- 2. STAFFING
 - The reduction in operational staff
 - Reduced availability of law academics to engage in research for law reform projects
 - Institute operating without a permanent Director since November 2019.

The Board notes that the population of Tasmania has grown significantly in the period since the Institute's establishment. Additionally, the need for a body examining law reform in Tasmania is more pronounced than when the Agreement was entered in 2001.

The Institute does work collaboratively with like bodies in other States, but there is nevertheless a need for an adequately resourced body concentrating on Tasmanian law reform.

Conclusion

As noted, the Board has concerns about the long-term viability of the Institute. Essential and urgent matters include the appropriate funding of the Institute and concerns regarding the unavailability of experienced and specialist academic staff to undertake lead research for the Institute. The Board would welcome the opportunity to expand on any matters or provide further detail if that would assist the review process.

Briefing Paper for TLRI Board

Meeting requested by TLRI Board members with University of Tasmania Vice-Chancellor & Provost, Attorney-General, President Law Society of Tasmania and Prof Michael Stuckey in his capacity as Dean School of Law

2022 - date to be advised

In a letter dated 16 Dec 2021 to the Attorney-General, Vice-Chancellor and President of the Law Society, the TLRI Board expressed concerns about the Institute's long term viability. This paper was requested by Board members, to provide further background information about the issues set out in the letter. The concerns can broadly be categorised as: financial, staffing and the status of a review of the Institute.

1. FINANCIAL

Inadequate baseline annual funding

Since its inception in 2001, the Institute has received \$50k pa baseline funding from the Tasmanian Government. This amount has not been indexed, despite the Institute consistently delivering high-quality law reform for Tasmania and nationally for 21 years. In addition to the Tasmanian Government funding, the Institute Agreement commits the university to provide in-kind support which includes items such as the salary of the Director, office facilities, I.T. and central administrative support etc. In 2020, in-kind support from the university was valued at \$173,760.

The latest extension to the Agreement was for three years, instead of the usual five. It is due to expire in November 2022.

Inadequate baseline funding leads to a piecemeal approach where the Institute must lodge frequent grant applications for specific projects, instead of being able to undertake longer term planning of its work program. The workload involved in preparing numerous applications, and in the management of multiple small grants is significant. It leads to inefficiencies, consuming time and resources in non-core administrative work.

This level of funding has not kept pace with increases in the CPI and is insufficient to support the Institute's advanced law reform research work plan. The Institute has made State Budget submissions across numerous years with the aim of remedying the situation.

In 2016 the Institute discussed with then Attorney-General, The Hon. Vanessa Goodwin MLC and Department of Justice Secretary, Simon Overland the need to update annual core funding in line with a growing and more complex law reform portfolio. As an interim measure, the Institute was advised to apply for additional baseline funding of \$200,000 through the Solicitor's Guarantee Fund (SGF) for 2017 and 2018.

The Solicitors' Guarantee Fund (SGF) approved the above application, effectively recognising the inadequacy of the baseline funding. It granted an additional \$100,000 pa for two years (2017 and 2018) to allow the TLRI to elevate its law reform work. This funding was not designated for specific projects, but acted as a supplement to the existing baseline funding. In 2018, a much-reduced grant of \$50,000 was provided to the TLRI on the same basis. Such additional funding has not been awarded to the TLRI since then.

Even with this augmented baseline funding, the Institute still found it necessary to apply for individual project-specific grants during this period, because the augmented baseline funding was insufficient to cover all costs of these projects. This project-specific funding enabled the employment of experienced subject matter experts, which contributed to the production of high-quality independent research and publications. Between 2015 and 2021 the TLRI obtained approximately \$800,000 for 16 individual projects. The negative implications of having to apply for and administer separate grants for references are noted above. It also indicates how seriously underfunded the TLRI has been.

The additional SGF funding received in 2017 and 2018 had allowed the Institute to engage support staff, create partnerships with researchers and law reform bodies in other jurisdictions, provide feedback on proposed government legislation, complete a series of detailed reform proposals, and to contribute to national enquiries. The funds also allowed the TLRI to modernise and diversify measures for communicating with the Tasmanian community and key stakeholders to increase awareness of the Institute's work and, importantly, to enable people who might not otherwise be able to participate in law reform activities to do so, including vulnerable people and people with intellectual and physical incapacity. For example, the TLRI began providing Easy Read versions of Issues Papers and Reports as well as short video presentations and pictorial/cartoon versions of reports.

Upon expiry of this funding, the Institute lodged a State budget submission for the 2018-19 financial year, requesting another \$100,000 per annum baseline funding. This application outlined the Institute's achievements and financial needs in detail, but was only partially successful. An additional \$50,000 was received.

The renewal of the Agreement in late 2019, provided an opportunity to revisit the terms of the agreement with a view to securing a more sustainable long-term funding base to maintain the TLRI's capacity.

In preliminary discussions between TLRI staff and the Attorney-General (AG), the latter verbally indicated that increased baseline funding would be considered under the renewed Agreement. Ms Feehely confirmed at a TLRI Board meeting on 17 July 2019, that the AG had stated at the Institute's meeting with her on 20 June 2019, that she was willing to increase baseline funding.

TLRI staff were not included in later negotiations, but provided a briefing note (**APPENDIX 1**) for use by the then Dean in negotiating the terms of the renewed agreement. The briefing note pointed out that "recurrent funding of \$50,000 per annum received from the Tasmanian Government, even when coupled with in-kind contributions from the University of Tasmania, is insufficient to enable the Institute to maintain law reform research and community consultation in pace with demand or to implement long-term strategic reform priorities".

Despite this, the final version of the renewed Agreement retained the \$50k pa baseline funding amount.

Discussions with members of Department of Justice (DoJ) in early 2020 indicated that, as an alternative, there was an expectation that funding for the TLRI would be included in the University's annual budget submission to Government.

In August 2020 the acting Director met with the University Vice Chancellor and Provost to raise the issue of underfunding of the TLRI. In the briefing notes to that meeting (**APPENDIX 2**) the acting Director presented the funding issues, and his understanding of the arrangements made on behalf of the Institute that had been represented to it. It was noted that:

"the present shortfall (*ie, level of underfunding*) is \$211,971.42 / annum

This figure has been offset by the secondment of an Acting Director from the Law Faculty academic staff at Level C to cover the (retired) Director ordinarily at 0.5-0.8 FTE at Level D/E.

- The present secondment was originally intended to be for a period of six (6) weeks until the post was advertised in early 2020. This has not occurred due to COVID19 and related staffing restrictions at the University.
- Brendan Gogarty (B.G) filled the role by returning early from study leave (which is intended to be moved to late 2020, leaving the TLRI without a Director/Acting Director).

The shortfall (budget projection) does *not* include funding to undertake a review of the structure of the TLRI and Board.

- This commitment was made by the Faculty/University to the Attorney General.
- It is understood that any increase in funding from the Government is contingent upon a review.
- Prior to COVID19 restrictions South Australia Law Reform Institute agreed to conduct a minimal cost review in 2020.”

No further meetings occurred between Institute staff and the Vice-Chancellor and Provost following this meeting. ***Later communications between the Institute, School and representatives of the Vice-Chancellor’s Office indicated that the Institute’s request for increased funding had not been included in the University’s budget submission.***

Diminished funding for specific Institute projects

Funding availability has tightened in recent years, even before the pandemic, with the Institute having less success with grant applications.

The Institute has not received any references from the Attorney-General since October 2018, the last one being on Transgender & Intersex Law Reform (aka Legal Recognition of Sex & Gender).

Diminished funding caused by the cessation of references from the AG has been exacerbated by effects of the COVID-19 pandemic. Understandably this public health emergency meant that government funding streams were diverted to deal with the health, economic and social consequences. In particular, the Solicitor’s Guarantee Fund (SGF), the primary funding stream for the Institute, was not issued for 2020 or 2021. This has resulted in little grant funding being available for priority work.

Additionally, since the loss of the Deputy Director/Executive Officer-Research position, it has become more challenging to lodge grant applications. Applying for grants involves significant volumes of work and with the Institute’s reduced staffing levels it has become difficult to resource this work.

- 2018 applications (for projects to start 2019):
Conversion practices (SGF, unsuccessful), Elder Abuse complaints process (SGF, unsuccessful), Insanity & Fitness to Plead additional empirical research (SGF, unsuccessful), Development of a Recidivist Drink Driving Individual Risk Evaluation (SGF, unsuccessful), Special Hearings (SGF, successful), Transgender & Intersex Law Reform (SGF, at AG’s request - successful)
- 2019 applications (for projects to start 2020):
No references from the AG. Conversion practices (LFT, unsuccessful), Court Delays (SGF, unsuccessful), Elder Abuse complaints procedure (SGF, unsuccessful), Conversion practices (Vice Chancellor, partially successful. Requested \$62,340. Granted \$42,000 + \$4,537 supplementation in late 2020 to allow extension of researcher’s contract), Privacy Laws (SGF, partially successful. Requested \$122,040. Granted \$76,354), Human Rights Act (LFT, successful)
- 2020 applications (for projects to start 2021):
No references from the AG. No SGF grants were offered. Whistleblowing (LFT, unsuccessful, joint application with Ombudsman Tasmania and Integrity Commission), Conversion practices (TCF, unsuccessful), Minimum Age of Criminal Responsibility (LFT, successful).

In October 2020, TLRI staff met with the Attorney-General and asked her to consider giving the Institute a reference or references, because her referral would increase the likelihood of success of an application to the Law Foundation of Tasmania (LFT).

The Attorney agreed to consider suggestions from the Institute, and staff prepared proposals for four potential references:

- Land title (subdivision and shared title) system (proposal suggested by Law Society Property and Commercial Law Committee)

- Powers of Attorney Act
- Review of the Minimum Age of Criminal Responsibility
- Retail leases in Tasmania

No response or reference was received from the Attorney.

Despite this, after a request from the Commissioner for Children and Young People (CCYP), the Institute applied for LFT funds towards a small, targeted project to assist the Commissioner with her work on the Minimum Age of Criminal Responsibility. This was successful.

- 2021 (for projects to start 2022):
No references from the AG. SGF and LFT did not offer grant rounds, but surplus funds from the 2021-22 State Budget allocation to the Tasmanian legal assistance sector were made available to fund innovative projects that would improve Tasmanians' access to justice. The surplus was to be allocated by way of an expression of interest (EOI) process.

In October 2021, the TLRI lodged an EOI under the above scheme for a project entitled "Review of land title (subdivision and shared title) system". The proposal had been suggested to the AG in October 2020 and was supported by the Law Society Property and Commercial Law Committee. As at early Mar 2022, the Institute has no record of having received an acknowledgement, but upon following up with the DoJ were told that the AG had not yet decided which projects would be funded.

Insufficient funding for existing operational staff and operational costs

This is implicit in "Inadequate baseline annual funding" above, and "The reduction in operational staff" below.

2. STAFFING

The Board has raised concerns about three main issues relating to staffing in the TLRI.

The reduction in operational staff

The Institute has been operating with no Deputy Director/Executive Officer-Research since Jan 2020.

Lack of permanent researchers and administrative staff hampers the TLRI's capacity to plan long-term in relation to large and complex projects and to respond in a timely manner to emerging or controversial issues. Reduced staffing levels have made it difficult to apply for grants. The grant application process involves significant volumes of work, and it has been challenging to resource this work within current staffing levels.

In 2017 and 2018, the Institute was granted an additional \$100,000 pa from the Solicitors' Guarantee Fund (SGF). This allowed the appointment of a **Deputy Director/Executive Officer-Research** (limited term contract 0.5 FTE), and a part-time **Executive Officer (Administration)** (casual 0.6 FTE).

The benefits of these roles have been outlined in numerous funding applications and briefing notes as part of negotiations for the extension of the Institute's agreement, however successive applications for sustainable staff funding for these operational staff have been unsuccessful.

Given funding arrangements, the Institute has only been able to offer part-time limited term contracts for the Deputy Director/Executive Officer-Research position. The insecure employment has led to incumbents resigning before the end of their contracts to pursue other more secure opportunities.

With careful budgeting and with salary savings from the hiatuses between appointments, the Deputy Director/Executive Officer-Research position was filled until January 2020, using funds from both the TLRI's annual \$50k allocation, and the remaining balance of the additional 2017-2018 SGF allocation. Incumbents were Rikki Mawad (Jan 2016-May 2018), Jessica Feehely (Sep 2018 - Jul 2019), then Jemma Holt & Dylan Richards on casual job-share basis (Jul 2019-Jan 2020).

Assoc Prof Henning attempted to have the position advertised after Jess Feehely left, but was told this would not proceed until a new Director had been appointed (following her own retirement in Nov-Dec 2019).

This position has been vacant since Jan 2020. The casual Executive Officer (Administration), Kira White has covered a portion of the duties of the role, but others have been left undone.

Reduced availability of law academics to engage in research for law reform projects

In the past, as part of their normal workload allocation, academic staff from the Law School could sometimes undertake projects for the Institute, or provide supervision of less experienced researchers. For example, Helen Cockburn completed the *Consensual Assault* Issues Paper No. 24 in 2017 and Lynden Griggs supervised researchers for the Issues Paper and Final Report on *Problem Trees and Hedges* in 2016. This capacity was limited, but was a resource that the Institute could draw on at times.

The last TLRI publication written by a Law School academic as part of their normal workload was released in June 2017.

By 2019, when the Vice-Chancellor requested that Prof McCormack allocate existing Faculty staff to undertake the *Conversion Practices* project, Prof McCormack had to explain to him that no staff had spare capacity to do that.

Similarly, when the TLRI received a reference in late 2020 to produce a paper on the Minimum Age of Criminal Responsibility (MACR) to assist the Commissioner for Children and Young People (CCYP) with her work on reducing the prevalence of childhood incarceration, the Acting Director approached each of the criminal law team to ask for assistance with the work. Namely, Assoc Prof Jeremy Prichard (no capacity) Dr Helen Cockburn (already dedicated to another research project, no capacity), Dr Caroline Spiranovic (dedicated to intensive teaching duties), Dr Kate Cashman, and Dr Charlotte Hunn (on reduced hours and unable to take on research). None were able to do the work. Subsequently, Drs Cockburn, Spiranovic, Cashman and Hunn have left the Law School and Assoc Prof Prichard has reduced to a fractional loading. In the absence of any staff help, the Director was required to prepare the report himself.

Changes that have reduced the capacity of Law School academics to undertake or assist with TLRI research are:

- Revised implementation of the academic workload model. Academics were historically provided allocations of 40% research: 40% teaching: 20% service (divided into 15% community engagement/5% administration). From the start of 2021 this service category of the workload model was changed to remove the 15% community engagement component and allocate it to teaching duties instead. Staff could previously use that allocation to do work for the TLRI that did not directly result in a publication. Examples might include engaging with the community, media or legal profession in relation to TLRI projects, promoting the work of the TLRI, and encouraging stakeholders to respond to issues papers. For example, staff gave talks at schools as part of encouraging their staff and students to contribute to the Bullying project in 2015. Preparatory work that sits behind a project does not always count as 'research' but forms an important underpinning to it. This sort of work might previously have been done under a Law School staff member's time allocation for community engagement.

Commenting on proposed legislation is another of the Institute's important activities that does not count as research but constitutes community engagement. The TLRI's feedback can have a significant impact, and is highly valued by staff in the Department of Justice, MPs and other stakeholders. Formerly, the TLRI received input from Law School academics with expertise in the areas under consideration. However, in recent years, there has been no capacity for these academics to respond, leaving Institute staff to either write responses themselves, or in times of high workloads to ignore requests for comment altogether.

- Staff leaving the Law School or reducing their time fractions. The departure of academics has been at all levels, but especially in the tenured, senior / professorial space, which has led to a loss of important, foundational knowledge about Tasmanian law and practice. This trend has been occurring over the last five years, but accelerated significantly in the last year. Some departures have involved voluntary redundancies or voluntary early retirement - some several years early, meaning those positions have not been filled.

Where positions have been replaced it has not been with research academics who have a strong knowledge of Tasmanian law. New appointments have tended to be teaching-only positions, or academics with little knowledge of Tasmanian law.

The Institute does not have access to all staffing information, but in addition to departures, the Law School has seen a number of staff reducing their time fractions to below 0.5, some as low as 0.1 (which allows time for them to complete responsibilities such as PhD candidate supervision and nothing else). Only a portion of the remaining staff have expertise in areas relevant to the TLRI (domestic / state law) and they are fully committed to separate research projects.

- Academic career progression and employability predominantly centres around an academic’s research and engagement record. TLRI publications are classified by the University as “contract publications”. These are ranked below other publication categories, such as journal articles or book chapters. The low ranking of TLRI publications means that academics have historically been reluctant to use their allocated research time to prepare TLRI reports, and will prioritise the writing of A1 ranked journal articles. The time taken to complete a TLRI research project is significantly more than for a journal article, and TLRI projects are not recognised as peer-reviewed, despite being reviewed by the Board, expert reference groups and other stakeholders. The high impact of TLRI publications is given little recognition, although they may be widely quoted and affect law reforms in Tasmania and other jurisdictions. As in the first dot point of this section above, the alternative of using the 15% community service loading was removed for remaining law staff from 2021.

Institute operating without a permanent Director since November 2019

Date	Action
Mid-2019	Assoc Prof Henning notified the University in mid-2019 that she would be departing at the end of that year.
24 Sep 2019	Board meeting: Prof McCormack reported that he would discuss the TLRI, including the Director’s replacement, at a meeting with VC next Tuesday. He had received a document about the role and responsibilities of Institute Director, which he would forward to DoJ, subject to VC’s approval.
13 Nov 2019	Board meeting: Prof McCormack informed Board that the VC had indicated intention to advertise the position externally for the first time. PD currently being finalised. Normally position would require PhD or US SJD, plus demonstrated ability in research and teaching. Prof McCormack happy to distribute the PD to Board when finalised. Term of agreement to be 3 years, during which time a benchmarking exercise to be undertaken to determine structures of comparable law reform bodies, including whether they split Director and Chair roles. Transitional staffing arrangements - will need interim Acting Director. Due to budget constraints will probably need to be existing member of staff.
Late 2019	Appointment of Brendan Gogarty as Acting Director. This was intended to be for one semester only whilst recruitment took place.

19 May 2020	Board meeting: Prof McCormack apologised to the Board for not consulting or informing them that Brendan Gogarty had been appointed as Acting Director after the last meeting. He explained that originally the acting appointment was planned for semester 1 only, until a new Director could be appointed. However, because of COVID-related financial issues there was a freeze on new appointments, and he had asked Brendan to stay on in the position. Board members indicated approval.
Jun 2020	Prof McCormack resigned as Dean of Law School. Prof Gary O'Donovan appointed as Acting Dean whilst a replacement was recruited.
Oct 2021	Dr Gogarty was informed by Prof Stuckey that he would no longer be seconded to the Institute in 2022.
14 Dec 2021	Dr Gogarty resigned from the University.
20 Dec 2021	VC's letter to Board indicated that UTas has plans to "attract a senior academic as Director of the TLRI next year" and that Prof Stuckey, Dean of the School of Law, would act as Interim Director after the departure of Dr Gogarty. Note that under the Institute Agreement it is within the Board's remit to appoint the acting Director. "5.5. If the Director is likely to absent for more than one month, the Board may appoint an acting Director for the period of absence".
Mar 2022	Recruitment not yet commenced for TLRI Director, and Dr Gogarty still acting in the role. His resignation will take effect in mid-March at which point Prof Michael Stuckey will step in as interim Director.

3. REVIEW OF THE TLRI

As part of negotiations for the extension of the TLRI Agreement in November 2019, it was agreed between the University and the Attorney-General that a benchmarking exercise would be undertaken.

The purpose of the Review has not been made clear, and its scope appears to have changed considerably since it was originally mooted. Initially, the advice was that it would look solely at whether the Director and Chair of the Board roles should be separated.

Until early March 2022, the University had not provided information about this exercise to the Board, nor invited them to be involved in it. The call for submissions, which was issued to Board members and key stakeholders on 3-4 March indicated a much broader scope than previously advised. It should be noted, however that Dr Gogarty had some input to the Terms of Reference.

The call for submissions states that "the review has been commissioned by Professor Rufus Black, the Vice-Chancellor and President of the University of Tasmania". Under the Institute's Agreement, there does not appear to be any authority vested in an organisation or individual to commission reviews.

Nevertheless, if it is to be presumed that the University is directing this review, then the University appears not to have complied with its own procedure for reviewing Institutes (**APPENDIX 3**). The Procedure requires that the Institute (which includes its Board) is given the opportunity to conduct a "rigorous self-assessment prior to the review as well as structured evaluation after the review period." There is a significant procedure for self-assessment, including drawing together appropriate comparative data, frank evidence-based analysis, staffing profile etc. This has not been implemented.

The University Procedure also requires that "Four weeks prior to the review, a University-wide announcement will be made by the Provost, inviting written submissions in response to the review terms of reference." This appears not to have been done, and (as at 17 March 2022) the only review listed on the University's 'Current Reviews' web page is that of the Menzies Institute for Medical Research.

Timeline

Date	Action
26 Mar 2019	With the previous renewal agreement due to expire on 23 Nov 2019, TLRI staff finalised a briefing paper for use by the University in its negotiations with the other two partners – the Law Society and the Attorney-General – in negotiations to renew the Deed supporting the independent body.
Apr – Sep 2019	TLRI staff were not included in renewal discussions, but it is presumed there were communications between the parties
24 Sep 2019	<p>At a TLRI Board meeting on this date, Prof McCormack informed Board that he would discuss the renewal at a meeting with VC next Tuesday. There was in-principle agreement for a 3-year extension to the TLRI agreement, instead of the usual 5 years. A benchmarking exercise was to be undertaken to look at governance structures of comparable law reform bodies.</p> <p>The AG favoured a revised structure with Chair of the Board being a position separate from Director role, to provide independent oversight. Ms Henning’s view was that this would be cumbersome and inefficient, and a threat to the Institute’s independence. Also, there were cost implications of paying the Chair. The process for selection of Chair would need to be transparent and open. It was important to cement the Institute’s independence.</p>
15 Nov 2019	<p>The Attorney wrote to Prof McCormack expressing a desire for the undertaking of “a benchmarking exercise regarding the TLRI’s governance structure”. In particular, she had raised the possibility of separating the positions of Director and Chair of the Board.</p> <p>Her letter also stated that “the question of the benchmarking exercise...is best referred to in a covering letter, and that the question of funding is something for the Government and the University to discuss separately to the terms of the new agreement”.</p>
24 Dec 2019	The Agreement was signed by all parties, with funding held at the same level (\$50k). There was no mention of the review/benchmarking exercise in the Agreement itself, but it was indicated to both previous and current Directors that future increases in funding would be contingent upon the completion of the benchmarking exercise. However, no parties committed to increased funding or scoping at that time.
Sometime between Nov 2019 & Feb 2020	TLRI staff were not included in the discussions, but sometime between the AG’s letter of 15 Nov and 13 Feb 2020, there appears to have been an agreement made between the Attorney-General and then Dean of Law (acting as the representative of the Vice-Chancellor) about extending the scope of the benchmarking exercise. Neither the then Director nor present Director were provided with a clear indication of what was expected.
13 Feb 2020	<p>Representatives of the TLRI, University (Vice Chancellor’s Office & Law Faculty), Law Society (Executive Officer), and Department of Justice (Dep Sec) met to discuss the potential benchmarking exercise. At this meeting TLRI staff were first informed that a commitment had been made to undertake an expanded review.</p> <p>It was agreed that, subject to the Attorney’s approval, and to avoid any potential conflict of interest, the University would contact the Director of the South Australian Law Reform Institute (SALRI) to “write a short review of TLRI” comparing its governance and funding with other like bodies around Australia (commissions and institutes).</p>
19 May 2020	At its first meeting for the year, Prof McCormack informed the Board and TLRI staff that the plan for the benchmarking exercise/review was to develop material about the efficacy of the TLRI and its impact, and to compare it with the South Australian Law Reform Institute (SALRI) and the Alberta Law Reform Institute on their funding and

	<p>governance. (The TLRI was modelled on the Alberta Law Reform Institute).</p> <p>This was a considerable expansion on the scope previously indicated for the review.</p> <p>The Dean indicated that he wanted to prioritise this work in the next few months. This material was to be used by the Attorney in making a case to cabinet for additional TLRI funding.</p> <p>Kirsty Bourne, (Board member and DoJ Dep Sec), confirmed that the Attorney had agreed to this approach and to SALRI undertaking the review/exercise.</p>
Jun 2020	Prof McCormack resigned from the role of Dean.
28 Jul 2020	Board meeting was informed that initial contact had been made with South Australian Law Reform Institute (SALRI) staff regarding the review/benchmarking exercise, but COVID travel restrictions had delayed progress because SALRI staff would not be able to come to Tasmania until Oct at the earliest.
Aug 2020	<p>Acting TLRI Director met with the University Vice Chancellor and Provost to raise the issue of underfunding. His briefing paper noted that the Agreement did <i>not</i> include a commitment to undertake a review of the structure of the TLRI and Board.</p> <ul style="list-style-type: none"> • This commitment was made by the Faculty/University to the Attorney General; • It was understood that any increase in funding from the Government was contingent upon a review; • Prior to COVID19 restrictions South Australia Law Reform Institute had agreed to conduct a minimal cost review in 2020. <p>No further meetings occurred between TLRI staff and the Vice-Chancellor and Provost following this meeting.</p>
5 Oct 2020	During a bi-annual meeting between TLRI staff, the Acting Head of School (Law) and the Attorney General, the AG made no mention of a benchmark/review of TLRI. This fact was noted to the University. There appeared to be confusion about the level of expectation or content of any benchmark review.
Early Nov 2020	<p>Due to the resignation of the Law Dean in 2020, the COVID-19 lockdown, and the lack of funding for the exercise, no progress was made on a review during 2020.</p> <p>Concerned about the effect on staffing and budgets, the acting TLRI Director wrote to the acting Head of School (Law), Prof O'Donovan, requesting a small financial contribution to pay an undergraduate law student to collect some preliminary data comparing the TLRI with some law reform institutes/commissions in other states, and Alberta, upon which the TLRI is based. This was to include their independence and funding. The aim was to facilitate the benchmarking exercise by SALRI, in the hope that the process could be accelerated.</p> <p>This funding was approved but still no indication had been given as to a date or form of review.</p>
17 Nov 2020	Members were advised at a Board meeting that SALRI staff would visit UTas to commence the review in Feb 2021. They were reminded that until the review was completed the TLRI would stay on the same \$50k annual funding.
Abt 18-19 Feb 2021	Members of SALRI visited Tasmania. They met with the College Executive Dean and separately with the Acting TLRI Director. It is understood that the SALRI Director, Professor John Williams, agreed with University management to a mutual benchmarking review. However, the Institute was not formally notified of this.
1 Mar 2021	<p>New Law Dean, Prof Michael Stuckey, commenced. Soon after his commencement, the acting TLRI Director reported to him about the ongoing issues relating to funding and uncertainty about the review of the Institute.</p> <p>Further conversations occurred between that date and July 2021, indicating that a review</p>

	<p>was being overseen at arm’s length from the TLRI led by the Office of the UTas Provost, and that there had been delays ‘on the Government side’.</p> <p>The acting Director noted that, as there was a tripartite agreement it was essential that the Law Society also be included.</p>
Jul 2021	<p>The acting Director requested an update of progress from the Dean of Law. He was provided a draft letter which was to “ultimately go from the Provost/VC’s office”. It contained draft terms of reference, and the proposal that Professor Williams would conduct the review. However, the acting Director was notified that the letter was a draft by the School and may ultimately be amended by the Office of the Provost. No further information was provided.</p> <p>The TLRI Board and staff were not notified of the finally agreed terms of reference or proposed review structure. As the acting Director had been informed the review was to be conducted at arm’s length he was unable to notify the board and remained unaware of the final contents of any proposal.</p>
Aug-Sep 2021	<p>The acting Director was informed that the Terms of Reference were in the process of being amended, and that there were blockages ‘on the government side’. At the same time representatives of the Government and Attorney General indicated they had not been notified of a final review process or terms of reference.</p> <p>At no time was the Board (or the Chairman of the Board) of the TLRI informed of these matters. The TLRI itself was not invited to conduct a self- review, in advance of external review, which would be consistent with the University’s policies on the review of Schools and Institutes.</p>
Oct 2021	<p>The acting Director was informally told that Prof Kate Warner, previous Governor of Tasmania and former TLRI Director may also be involved in the review of the Institute. This was not officially confirmed until early 2022. The acting Director also contacted the Law Society to confirm they had been included in discussions about any review. This was confirmed.</p> <p>Later that month, the acting Director was informed that he would no longer be seconded to the Institute in 2022. During discussions around his re-characterised role with the school he requested clarification about the TLRI review.</p>
Nov 2021	<p>In November 2021 the Acting Director was informed that the review would be conducted in Dec 2021 or Jan 2022, and that he would be retained to participate in that process. However, no information about the process, final terms of reference, constitution of the review panel, role of the TLRI, or role of the Board was provided.</p> <p>This status was conveyed to the Board at its meeting on 9 Nov. The TLRI Board was also briefed on the comparison data collected by the student. Members resolved to write to the Vice Chancellor, AG and President of the LST expressing concern that they had not received any information about the process, nor an invitation to be involved in the review.</p>
16-20 Dec 2021	<p>By mid-December 2021, the Board had still not received further information concerning the process for the review, nor an invitation to be involved in it. A letter was drafted and agreed to by the Board and sent by member Craig Mackie on 16 Dec. Board members received a response from the Vice Chancellor on 20 Dec 2021, agreeing to arrange a meeting “in 2022”, advising the membership of the independent review panel and indicating that the key investigations would take place in the first half of 2022.</p>
9 Mar 2022	<p>The Review panel forwarded letters to key stakeholders on 3 March, seeking their submissions, and to TLRI Board members on 4 March.</p> <p>The promised meeting between the TLRI Board, VC, AG and LST President has not yet been arranged by the Vice Chancellor’s office</p>

TASMANIA
LAW REFORM
INSTITUTE

BRIEFING NOTES FOR UTAS MANAGEMENT - 2019 RENEWAL OF TLRI AGREEMENT

Background

The Institute was established in 2001 by tripartite agreement between the University of Tasmania, the Tasmanian government and the Law Society of Tasmania.

The Institute operates as a Research Centre with the key objective of conducting reviews and research with a view to -

- modernising Tasmania's laws;
- eliminating defects in the law;
- simplifying the law;
- consolidating laws and repealing those that are obsolete or unnecessary;
- achieving greater uniformity with laws of other States and the Commonwealth.

The Institute's founding agreement has been rolled over and renewed on a 5-yearly basis since 2001. The current renewal agreement expires in **November 2019**.

Since its inception, the Institute has received \$50,000pa baseline funding from the Tasmanian Government. The level of government funding has not kept pace with increases in the CPI and is insufficient to support the Institute's advanced law reform research work plan. In 2017, the Solicitors' Guarantee Fund granted an additional \$100,000 per annum for two years (2017 and 2018) to allow TLRI to elevate its law reform work.

The Institute also receives in-kind support from the University (including the salary of the Director, academic support, office facilities, administrative support etc). While the Agreement commits the university to provide "up to \$80,000" in in-kind support, the contribution is significantly higher. In 2018, in-kind support from the university was valued at \$112,500.

The renewal of the current Agreement provides an opportunity to revisit the terms of the agreement with a view to securing a more sustainable long-term funding base to expand TLRI's capacity.

Current staffing

The Director is engaged directly by the University.

Funding under the Agreement part funds the employment of an Executive Officer (Research) and an Administrative Officer, with the shortfall made up in 2017-2018 from additional funding from the Solicitors' Guarantee Fund.

The Institute engages part-time researchers on limited term contracts to work on references, generally funded from individual grants, with all work overseen by the Director. The Institute employed seven researchers throughout 2018.

Lack of permanent researchers and administrative staff hampers the TLRI's capacity to plan long-term in relation to large and complex projects and to respond in a timely manner to emerging or controversial issues.

Benefits of increased funding

Institute staff spend a significant amount of time seeking funding and reporting to funders. With limited resources, our work is often reactive and directed by the reform / research priorities of the State government.

Over the course of the current 5-year agreement, approximately \$350,000 has been provided through the Solicitors' Guarantee Fund for government-initiated references, with an additional \$89,000 for references initiated by the profession or community.

There are obvious operational and strategic efficiencies arising from consolidated, rather than modular, funding. In particular, sustainable core funding would relieve the Institute of the burden of seeking ad hoc funding, facilitate longer-term work planning and coordination of research efforts with partner organisations, and allow the Institute to retain dedicated research staff to work across different references to implement our work plan.

Importantly, it would also allow the Institute to be more responsive to emerging law reform issues. Some unanticipated referrals will be enabled through associated funding, while some referrals made by the community or legal profession may raise significant issues that the Board is satisfied warrant attention but have no dedicated source of funding (for example, our completed review of the law relating to Consensual Assault and the proposed review of conversion therapy practices).

Increased core funding would facilitate efficient oversight and delivery of key projects, but would also enhance the TLRI's capacity to retain staff researchers able to work on additional matters, including:

- Reviewing and responding to a wider range of legislative proposals, providing government with expert commentary on proposed laws or amendments and implications for the operation of the justice system
- Undertaking more empirical research to inform our reform recommendations (for example, the rigorous analysis undertaken in support of the Recidivist Drink Drivers reference and the Insanity and Fitness to Plead references provided invaluable data to guide policy responses)
- Strengthening partnerships with researchers and law reform bodies in other jurisdictions
- Contributing to national enquiries like the Royal Commission into Aged Care and any future Royal Commission into Disability
- Developing and implementing a communication strategy to increase the reach and impact of our work, including more accessible publications, community engagement, and trialling innovative consultation methodologies
- Monitoring implementation of Institute reform recommendations
- Strengthening opportunities for students to gain practical law reform experience (for example, progressing efforts to embed law reform projects in core and elective units within the LLB degree, building philanthropic support for a law reform scholarship programme)

The work carried out with the additional \$100,000 granted to the Institute in 2017 and 2018 demonstrates the benefits of a more sustainable funding base. That funding enabled the Institute to engage support staff, formalise partnerships with researchers and law reform bodies in other jurisdictions, contribute to the Royal Commission into Institutional Responses to Child Sexual Abuse, and modernise communication approaches (Easy Read, videos, social media) to enable people who might not otherwise have been able to participate in law reform activities to do so.

Summary

The recurrent funding of \$50,000 per annum received from the Tasmanian Government, even when coupled with in-kind contributions from the University of Tasmania, is insufficient to enable the Institute to maintain law reform research and community consultation in pace with demand or to implement long-term strategic reform priorities.

Increasing recurrent funding to \$170,000 per annum (that is, an additional \$120,000) would allow the Institute to maintain a steady complement of research and administrative staff, undertake more complex projects, and to respond in a timely manner to emerging or controversial issues. It would also allow the Institute to respond to complex government-initiated references without reliance on Solicitors' Guarantee Funding.

BUDGET FIGURES:

General operating expenses 2018 (i.e excluding project specific expenses)

Expenditure

Salary (including superannuation, payroll tax and workers' compensation insurance)	110,815.18
Subscriptions	14.09
Travel	1,054.66
Printing	7,112.00
Other	1,795.61
	120,791.54

* This included a 6-month period between the resignation of the Assistant Director and the appointment of the Executive Officer (Research). Staffing interruptions resulted in lower than expected salary expenses.

* Printing expenses relate to the printing of Issues Papers and Final Reports for publication. Project specific grants are rarely sufficient to cover editing and printing expenses, so these are generally met from general funds.

Project specific expenses for 2018: \$135,778.53 (as outlined in Annual Report 2018, attached).

Project specific income received during current 5-year agreement:

- **Court intermediaries** - \$21,482 from the Solicitors' Guarantee Fund
- **Responding to the Problem of Recidivist Drink Drivers** - \$16,482 from the Solicitors' Guarantee Fund, \$15,635.20 from the MAIB
- **Review of the Guardianship and Administration Act 1995** - \$120,000 from the Solicitors' Guarantee Fund.
- **Review of the Judicial Review Act 2000** - \$21,345 from the Law Foundation
- **Insanity and Fitness to Plead** - \$87,171 from the Solicitors' Guarantee Fund
- **Notional Estates Legislation for Tasmania** - \$65,022 from the Solicitors' Guarantee Fund
- **Review of the Tasmanian Constitution Act 1934** - \$40,449 from the Law Foundation
- **Social Media, Jurors and Fair Trials** - \$46,000 from the Law Foundation
- **Sex, Gender and Medical Treatment** - \$77,000 from the Solicitors' Guarantee Fund
- **Operation of the Special Hearing Scheme** - \$20,000 from the University of Tasmania (Deputy Vice Chancellor, Research), \$50,870 from the Solicitors' Guarantee Fund

TOTAL FROM SGF (which is allocated by the Attorney-General): \$438,027*

* The Guardianship review, Insanity & Fitness to Plead, Notional Estates and Sex and Gender references were initiated by the Government – contributions for those total **\$349,193**.

General costing for complex reference

Item	Unit cost (ex GST)	Total cost (ex GST)
Research officer	\$88,100pa ¹	\$62,000 ²
Supervision and oversight (Institute Director / Executive Officer (Research))	\$145,000pa \$88,100pa	\$0 (in kind)
Editing	\$47.20 / hr	\$2,500 ³
Video production		\$3,000 ⁴
Easy Read summary		\$3,500
Printing (Issues Paper and Final Report)	\$1,000	\$2,000
TOTAL		\$73,000

1. Salary based on the University Academic, CRA3, including on-costs
2. Full time for 9 months, part time for 12-18 months
3. Estimate based on similar projects, casual rates based on University Professional CRA2
4. Video explanations will not be appropriate for all references

TLRI 2020-2021 shortfall/underfunding

Attached here are budget projections for the Tasmania Law Reform Institute based on current staffing arrangements , identified sources of financial shortfall or shortage against existing priorities and justifications. The estimates are based on a review of the Institute’s activities between 2018-2020, using a 2020-2021 costing tool provided by UTAS.¹

In summary, the present shortfall (*ie. level of underfunding*) is \$211,971.42 / annum

This figure has been offset by the secondment of an Acting Director from the Law Faculty academic staff at Level C to cover the (retired) Director ordinarily at 0.5-0.8 FTE at Level D/E.

- The present secondment was originally intended to be for a period of six (6) weeks until the post was advertised in early 2020. This has not occurred due to COVID19 and related staffing restrictions at the University.
- Brendan Gogarty (B.G) filled the role by returning early from study leave (which is intended to be moved to late 2020, leaving the TLRI without a Director/Acting Director).

The shortfall (budget projection) *does not include* funding to undertake a review of the structure of the TLRI and Board.

- This commitment was made by the Faculty/University to the Attorney General.
- It is understood that any increase in funding from the Government is contingent upon a review.
- Prior to COVID19 restrictions South Australia Law Reform Institute agreed to conduct a minimal cost review in 2020.

The Institute applied for funding from the Solicitor Guarantee Fund in the 2019/2020 grant round.

- This application was *unsuccessful*.
- Discussions with members of Department of Justice in early 2020 indicated that there was an expectation that funding for the TLRI should, as an alternative, be included in the University’s annual budget to Government.

BG. 5 August 2020.

¹ As staffing arrangements – most notably Executive (Research) Officer (previously ‘Deputy Director’) – and award levels changed during this period some position descriptions have been merged to reflect the primary duties of each office over that period, with an appropriate award level being allocated that is an average between the higher and lower salaries awarded for each consecutive officer (i.e. the Executive (Research) Officer was at HEO9 .5 fraction , the most recent equivalent Acting Exec Research Officer was at HEO5 .08 fraction) .

TLRI Budget Projections 2020 -2021

Item	Fraction	Total cost (ex GST). ²	Current funder	Shortfall
Director (LvD4 or above) [duties p 4]	50.00%	100,251.77	UTAS* [Acting Director @ LvD * .05]	100,251.77
Executive Officer (Research / Grants) HE07-1 [duties p 5]	80%	85,104.24	?	85,104.24
Executive Officer (Administration) HEO5 [duties p 6]	Casual – pro-rata 1050hr/year (inc on costs)	55,915.14	Govt	5,915.41
Annual staff training (including accommodation / inc travel) ³		\$5700	?	5700
General community & stakeholder engagement costs (non-project related). ⁴		\$5000	?	5000
Contingency fund. [justification p 2]			?	10,000
Review of TLRI structure and board.		?	?	??
Board member (Law)	2.17%	5,060.89	UTAS	
Board member (Law)	2.60%	5,213.09	UTAS	
Board member (Health Science)	2.60%	2,264.46	UTAS	
Board member (DoJ)			Govt	
Board member (SCT)			Govt	
Board member (LST)			LST	
HDR + Hons supervisor	6.50%	11,390.25	UTAS	
Research – reports ^{1&5}	7.80%	13,668.31	UTAS	

² Calculated on University 2020-2021 rates, exclusive of GST. Salaries include on-costs.

³ \$1400k for permanent staff; \$500 contract.

⁴ Includes general promotion of institute in the community / catering etc.

⁵ Annual average calculated from Faculty staff research on issues papers and reports over life of Institute.

Law School Manager	1.73%	2,503.82	UTAS	
Law School Administrative Officer	2.17%	1,889.95	UTAS	
Law School Administrative Assistant	0.87%	757.72	UTAS	
Law social media	0.29%	430.36	UTAS	
IT support	4.34%	5,409.91	UTAS	
Web management (CG04)	Casual (40 hours)	1,969.00	UTAS	
Consumables & equipment depreciation. ⁶ ***		10,224.00	UTAS	
Indirect labour costs (i.e. central services / facilities / support / utilities / HR)	@35%	50,053.94	UTAS	
Indirect non-labour costs	@35%	3,578.00	UTAS	
Total				211,971.42

Contingency Fund

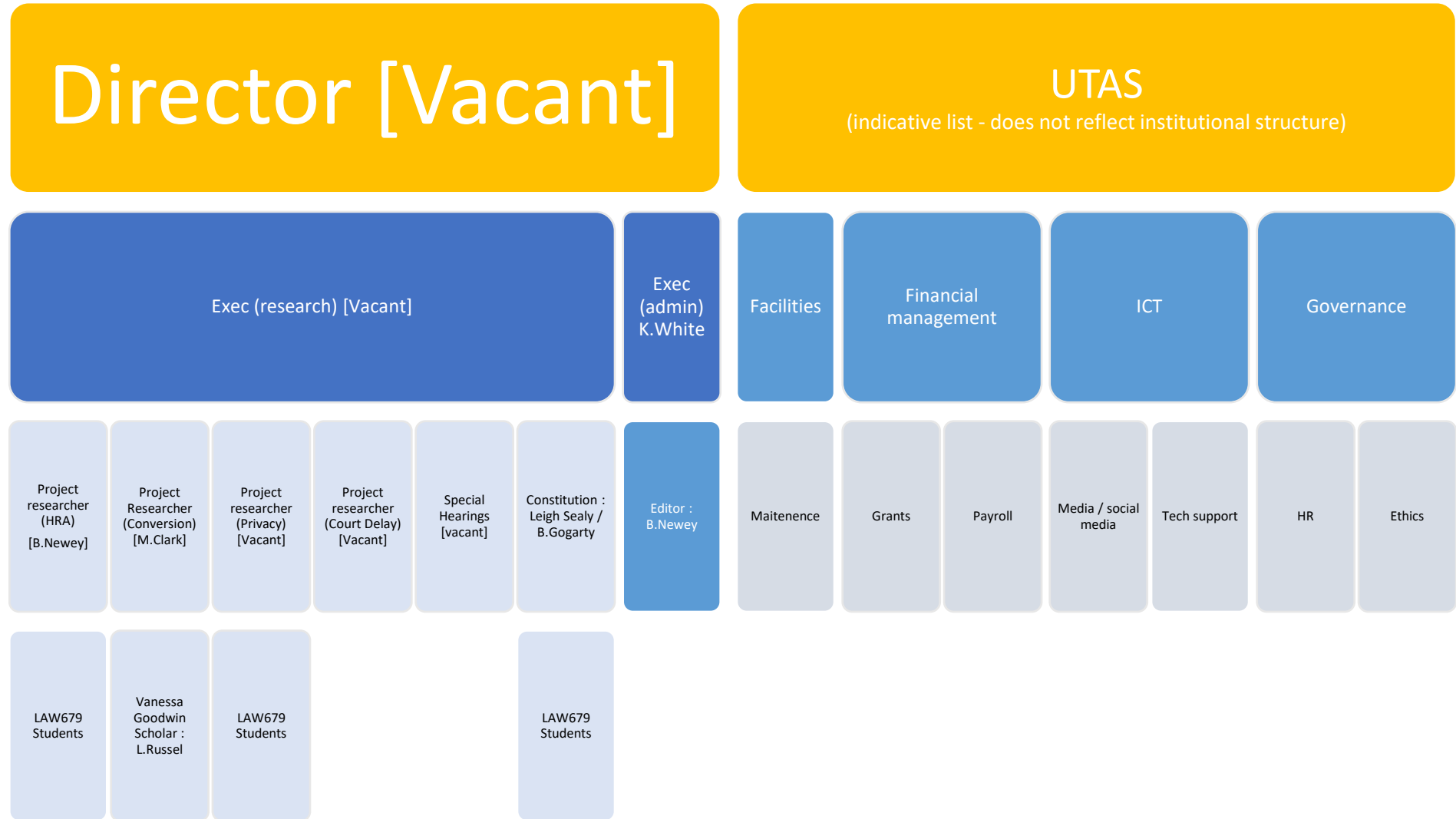
At present the Institute's primary source of funding is from project grants. In the main these grants must predict all project related costs in advance (sometimes over a year in advance). Furthermore grant monies rarely are able to be directed to general expenditure. This often results in unavoidable shortfalls in the general and project specific work of the Institute.

A contingency fund would cover any variance / unforeseen increases in costs for specific projects – which has been a consistent issue for the Institute. These include inflation, provider delay, and variation between quotes (used for grants) and final invoices. For instance:

- The closure of UniPrint resulted in much higher printing costs not budgeted for in various project plans.
- Travel costs also regularly vary from original budget estimates, especially when planned more than a 3 months away.
- Various projects have uncovered issues which require further investigation, or expert advice that was not considered by the referee, reference group or Institute at the outset of the project; and consultants / experts must be brought in to provide necessary advice.
- Some projects also garner higher levels of public interest and community feedback, which must be sensitively and appropriately handled, incorporated and responded to outside of original budget predictions. consultancy & expert advice required after project start / higher levels of community feedback than predicted / printing / travel etc.

It is intended the Contingency fund should accrue over three years with any excess to be put into an Attorney General's Bursary to fund honours students to conduct summer work at the Institute.

⁶ Includes computer depreciation, furniture depreciation, postage, stationery, and photocopier and printer costs.



Director

The role of the Director is set out in the TLRI Founding Agreement to provide leadership, strategic direction and oversight of the work of the Institute, including to:

- Work to ensure the independence of the Institute;
- Speak publicly on behalf of the Institute and providing leadership and guidance on law reform and the work of the Institute to the Tasmanian community;
- Provide advice on draft bills and legislation;
- Communicate with key stake holders, the Government, the University, the Law Society of Tasmania and the Tasmanian Community, including leading community consultation and engagement in law reform, to advance the work of the Institute ;
- Disseminate the work of the TLRI at the local, national and international levels and to encourage participation in and engagement with law reform work generally and more specifically the work of the TLRI at these levels;
- Collaborate with national and international bodies in promulgating law reform and supporting law reform and reform projects elsewhere that are consistent with the objectives of the TLRI;
- The day to day administration of the Institute including the selection and appointment of researchers and administrative staff of the Institute and management of researchers and administrative staff in connection with the research, drafting and settling of Issues Papers and Final Reports;
- Negotiate all agreements and funding grants as and where necessary; The Director shall chair the meetings of the Board, seek the advice of the members of the Board and report on Institute activities at each meeting of the Board.
- Manage all staff and projects at the Institute.
- Take responsibility and where necessary directly contribute to research, writing, and review of all papers, reports and other outputs.

Exec (Research)

The Executive Officer undertakes a research support role for the Director across the Institute work program. In particular the Executive Officer is responsible for ensuring there is continuity and standardisation of research design, implementation engagement and dissemination activities. The role involves assists volunteers, staff, and students engaged in TLRI activity, as well as direct research contributions to each project, especially those with funding shortfalls or for which no specific researcher is allocated.

From 2020 onwards the Executive Officer will be required to actively seek out and apply for research grants and other funding streams alongside or in support of the Director as a primary part of her or his role.

In addition the Executive Officer (Research) will:

- Induct and orientate new academic and professional staff engaged by and associated with the Institute.
- With the director develop research protocols;
- Assist and direct volunteers, staff, and students engaged in TLRI activity in research, ethics and project management.
- Monitor and maintain specialist knowledge of law reform issues nationally and internationally;
- Direct and design stakeholder consultation plans, activities and events;
- Assist the Director in identifying and seconding expert researchers and practitioners to the Institute.
- Work with the media office, designers and artists to create accessible materials and explainers of TLRI work;
- Organise and liase with media for outreach and dissemination of research;
- Develop and direct scholarships and bursaries for the Institute through the University Foundation; and
- Provide support to TLRI staff engaged in executive tasks such as for meetings and activities of the Institute and partner bodies, including the TLRI Board and reference groups.

Exec (Admin)

The Executive Officer (Administration) is the main professional support officer for the institute and is responsible for the conduct of the day to day administrative and financial affairs of the office. Namely the Executive Officer will:

- Act as Secretary to the TLRI Board, preparing agendas, minutes, and other documents;
- Work with Director and Executive Officer (Research) to prepare project plans and grant application documentation, including budgets;
- Liaise with Research Office to establish new projects, and prepare progress reports on ongoing projects for funding bodies;
- Monitor and record submissions received for projects, including ensuring compliance with ethics requirements;
- Manage the proof-reading and printing process ;
- Compile and maintain distribution lists for Institute publications;
- Distribute publications to stakeholders, other law reform bodies and libraries, complying with legal deposit requirements;
- Liaise with CALE media staff in the preparation of media releases; and
- Liaise with CALE web services officer regarding updates to TLRI website.
- Assist Director and Executive Officer (Research) in the preparation of the Institute's annual reports
- Respond to email and phone enquiries for the Institute; and
- Maintain digital and hard copy files

Reviews of Schools and Institutes Procedure

Version 1 – Reapproved 21 February 2022

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Purpose

The purpose of this Procedure is to outline the processes for formal quality and strategic review of the University’s academic Schools and other academic units.

A reference to ‘School’ in this Procedure also applies to ‘Institute’.

This Procedure reflects the University's commitment to systematic review and evaluation of its activities.

Applicable governance instruments

Instrument	Section	Principles
Quality Assurance Policy	All	All

Procedure

1 Guiding Principles

- a) The University will conduct a program of reviews of Schools as an integral part of its strategic planning and quality assurance process and its commitment to transparency, accountability and improvement.
- b) The University is committed to a review process that involves rigorous self-assessment prior to the review as well as structured evaluation after the review period.
- c) Reviews will involve a substantial self-assessment process by the unit under review and an assessment by a panel comprising members of the University and external reviewers.

2 Governance

- A School review is formally commissioned by, and the outcomes reported to, the Provost.
- Review outcomes are reported to the Provost through Academic Quality and Standards.
- Reviews of Schools will not usually recommend on perceived accommodation or other resource issues, but reviews may draw attention to such issues where the panel judges them to be incompatible with achieving excellence in teaching and/or research or in meeting our other institutional obligations in respect of compliance with the *Higher Education Standards Framework (Threshold Standards)*, 2015 Cth.

3 Terms of Reference

- The review will provide a basis for quality assurance of a School in relation to its academic activities, organisation and management and the resourcing of these to ensure most effective alignment with the University's Strategic Plan.
- The review will consider and report on the School's progress in relation to the School's strategy (including its agreed indicators of performance).
- Reviews of Schools are to focus on:
 - a) strategic and operational planning priorities and their alignment with those of the College and the University;
 - b) the quality of teaching and learning, support for the student experience and educational outcomes;
 - c) the quality, impact and productivity of research and research training;
 - d) the management of external relations, including strategic relations with government and industry, and community engagement; and
 - e) the management of overall resources (financial and staffing).
- The review will provide an evidence-based assessment of the academic performance of a School and its contributions to the strategic objectives of both the College and University. It will generate commendations highlighting areas of exceptional progress and performance, and recommendations to guide current and future action to improve strategic alignment, performance and other relevant outcomes.
- Reviews will consider the effectiveness of the internal management and operations of the School.

- Reviews will also provide advice on the future direction of the School, including course portfolio, research development and staffing profile, noting developments within the University, relevant academic disciplines and wider industries/ professions and the community.
- Generic Terms of Reference for reviews are included in **Schedule 1**.
- The Provost will issue formal invitations to panel members and approve any customisation of the Generic Terms of Reference

4 Scheduling

- Reviews are cyclical in nature, with each School typically being reviewed once in each five-year period.
- The Provost may decide to review a School more frequently, as prompted by particular factors applying at a given time, or at the request of the Vice-Chancellor.
- A schedule of planned reviews will be published each year and may be varied at the discretion of the Provost, typically only in extraordinary circumstances.
- The timing of reviews will take account of planned professional accreditation visits and other external reviews.
- The Provost will inform the University Executive Team and the Academic Senate of any changes to the approved schedule following the review of the schedule each year in March.

5 Review Panel

5.1 Composition

- Review panels will comprise members external to the School undergoing review.
- Panel members will be requested to sign a confidentiality agreement.
- Each review panel will include:
 - a) a senior member of academic staff as Chair (typically, an Executive Dean from another College, another member of the University Executive Team, or senior role-holder);
 - b) a Head of School or discipline, from outside the School under review;
 - c) a senior professional staff member, from outside the School under review;
 - d) an academic staff member from outside the School under review;
 - e) at least one external senior academic or senior executive from another University;
 - f) one or more industry representative/s, if applicable; and
 - g) a student representative.

5.2 Appointment

- The Provost will appoint each review panel.
- The Provost may seek advice from the College Executive Dean and the Head of School under review regarding external panel membership but is not limited by any recommendations.
- The College Executive Dean and Head of School will be invited to provide comment to the Provost, in confidence, to identify any potential conflicts of interest.

- The proposed panel members will be invited to comment, in confidence, on any potential conflict of interest between themselves and the other proposed panel members.
- Academic Quality and Standards will provide support for this process.

5.3 Responsibilities

The review panel will:

- a) consider the self-assessment report prepared by the School;
- b) participate in a teleconference prior to the site-visit to identify key areas of focus;
- c) liaise and/or meet with the Director, Academic Quality and Standards throughout the review process to discuss/seek any required additional guidance;
- d) consider any additional information it may wish to request of the School;
- e) issue a general invitation to the University community to make written submissions to the panel;
- f) invite submissions from particular members of the University community and from external groups and individuals as appropriate;
- g) meet with the Provost and the Vice-Chancellor (or Provost only) at the outset of the site-visit;
- h) actively participate in a site visit (typically three days) to conduct interviews with key stakeholders including University management and School staff, students, and review relevant documentation;
- i) draft commendations and recommendations on the final day of the visit;
- j) meet with the Provost and the Vice-Chancellor (or Provost only) at the conclusion of the visit to discuss preliminary findings and recommendations; and
- k) with the assistance of the Review Executive Officer, prepare and submit a final written report to the Provost and then the Vice-Chancellor within eight weeks of the site visit.

6 Support for Reviews

6.1 Review Costs

Costs associated with the review, including the travel, accommodation (if applicable) and any other associated costs of the review panel, will be borne by the School under review.

6.2 Executive Officer

An Executive Officer is appointed to support each review. The appointed Executive Officer will be available full-time for the duration of the review, and on call for a designated period of two months both before and after the review.

Executive Officers are drawn from a pre-nominated pool of professional staff members (HEO 6/7 or above). This pool comprises:

- a) two pool members from each College (except the College of Business and Economics – one member only); and
- b) one pool member from each Division.

The Executive Officer will ensure that the Terms of Reference for the review are made available to University of Tasmania staff via the University intranet.

The Executive Officer will:

- a) throughout the review, provide professional advice to the panel to ensure the University's expectations of the process are fulfilled;
- b) support the panel in the development of an appropriate site visit schedule and liaise with the School in practical arrangements for interviews;
- c) work with the Administrative Officer identified by the School being reviewed to ensure that calendar invitations are made in accordance with the agreed site visit schedule, and that other necessary logistical arrangements (such as catering, inter campus travel (if any)) are made;
- d) ensure University of Tasmania staff are advised of the option of providing a written submission to the reviewers, and assembling and providing this material to the panel prior to the site visit;
- e) coordinate the provision of information and answers to questions that the panel may have prior to and during the site visit;
- f) participate in the site visit, taking notes of interviews and supporting the panel's work;
- g) draft the review report, taking account of panel member's feedback and noting any major dissent from any recommended actions; and
- h) finalise the review report to the satisfaction of the review panel Chair

6.3 School Administrative Officer

The Head of School will nominate a local Administrative Officer who will be allocated to work with the Executive Officer to support the logistics for the review.

The nominated School Administration Officer will work with the panel Executive Officer to make detailed arrangements for the smooth-running of the panel site visit, including calendar invitations, panel member travel and accommodation bookings (if applicable), room bookings, catering and other administrative duties as required.

6.4 Academic Quality and Standards

Academic Quality and Standards will assist by providing general advice on the requirements of the self-review report, including suggestions on the data and information which may serve as appropriate evidence for the self-review.

Academic Quality and Standards oversees the work of the Executive Officer and provides support to the Provost in all aspects of the reviews process.

6.5 Data and Analytics Team

The School will receive support from the Data and Analytics team in the provision of data to underpin the self-assessment report portfolio, including comparative data where available.

7 Self-Assessment Report Format and Contents

7.1 Format

- The self-assessment process provides an opportunity for critical self-assessment by the School, and should identify areas of achievement and success, as well as opportunities for improvement.
- Rigorous self-assessment focuses on both current and future performance and includes a critical examination of how the School can contribute most effectively to the College's and University's strategic objectives.

- The School being reviewed will prepare a self-assessment report to summarise its performance in relation to the review's Terms of Reference, drawing on appropriate comparative data.
- The self-assessment report is not a marketing document. It should provide a frank, evidence-based analysis of strengths and opportunities for improvement.
- The Head of School has overall responsibility for the preparation of the self-assessment report.
- The self-assessment report must be submitted to the panel via the Executive Officer at least 8 weeks prior to panel's site visit.
- The self-assessment report will:
 - a) address the Terms of Reference for the review;
 - b) compare the School's performance in key areas (with evidence), in line with the Terms of Reference, against national data-sets and against at least two comparable Schools at other Australian universities; and
 - c) focus on future performance through an analysis of the School's areas of strength and those requiring development.
- The self-assessment report must be no longer than 30 A4 pages, excluding appendices, and must address the Terms of Reference for the review.
- The self-assessment report allows the School to reflect upon and analyse operations in order to optimise future performance. Consequently, the focus of the submission is to identify future directions and strategic intentions for the School.
- However, to set the context for the review, it is important to briefly address the School's history and its present circumstances, with a focus on factors that have contributed to the current operating environment and potential future outlook of the School.

Contents

- The self-assessment report should include:
 - a) an Executive Summary of the submission;
 - b) the history of the School;
 - c) the present circumstances of the School;
 - d) frank self-evaluation (with supporting evidence) of the current activities and outcomes of the School and its future plans for improvement and development against each Term of Reference; and
 - e) appendices (as outlined below).
- The self-assessment report should also be used to demonstrate compliance with relevant national standards.
- Core performance data will be sourced with the support of the Data and Analytics team. Five-year trend data should be provided as a default, with relevant comparative data wherever possible.
- The following information should be included in the self-assessment report as appendices:

Core Documents

- a) Current year School Strategy and performance indicators being used to assess progress;
- b) Current year School budget;

- c) The School Safety Plan;
- d) The School People Plan;
- e) Analysis of end of year financial outcome for last three years;
- f) Most recent report against School performance indicators; and
- g) A report on the implementation of recommendations from any previous School reviews or relevant discipline reviews conducted in the past five years.

Staffing Profile

- a) Organisational chart showing key academic and administrative leadership positions in the School (with position titles and names, level and FTE);
- b) Staff demographic data showing age, gender and length of service for both academic and professional staff;
- c) For academic staff only, staff qualifications and skill-base and identifying Established Productive Researcher/Early Career Researcher status;
- d) Staff professional development/training/career development plans;
- e) Most recent Academic Workload Planning System data;
- f) Staff succession plan (where available); and
- g) Report of most recent Staff Climate Survey data and summary of actions taken.

Course Portfolio

- a) Summary of coursework profile at sub-bachelor, bachelor and postgraduate levels, and strategy for its ongoing development, including strategy for increasing flexibility and distinctiveness of offerings;
- b) Summary analysis of recent market research into the positioning, differentiation and profile of the School's courses;
- c) Terms of Reference and membership of Course Advisory Committees operated by the School, and minutes for past three meetings;
- d) Course performance data including trends in load (all liability categories) against target, enrolments, student equity measures, student preferences, median ATAR and number of ATAR 80+, retention, all surveys which comprise the Quality Indicators for Learning and Teaching (QILT) (last three years);
- e) List of course titles of all professionally accredited courses and status of accreditation;
- f) List of low enrolment units and any current plan for consolidation;
- g) Relevant QILT data over the past five years, School targets in relation to QILT surveys and progress against those targets;
- h) Summary report of student feedback on unit results (last three semesters) and teaching improvement priorities; and
- i) List of internal and external teaching awards/grants received in the past five years showing name, purpose and amount.
- j) De-identified data relating to breaches of academic integrity in the past five years, including discipline area, student year level and level of breach.

Research and Research Training

- a) Statement of School research strengths and their relationship to University research priorities;
- b) Trends in School research income and research publications (last five years) and relevant ERA data;
- c) Performance in national competitive grant rounds including number of applications submitted, success rate and dollar value of grants secured;
- d) Trends in HDR student load against target and student satisfaction (last three years); and
- e) Number and names of staff qualified to act as principal supervisors of HDR candidates.

Engagement

- a) Summary of community engagement activities and outcomes (last three years), and their alignment to strategy.

Infrastructure

- a) Asset register including major equipment and IT infrastructure; and
- b) Space report showing floor area, space utilisation and space quality.

8 Submissions to the Review

- All written submissions to the review panel will be treated as confidential unless the author/s indicate otherwise. They will be made available to the review panel only, at least one week before the site visit.
- Four weeks prior to the review, a University-wide announcement will be made by the Provost, inviting written submissions in response to the review terms of reference.
- Respondents may seek to make an oral submission to the review panel in the course of its site visit. Intending respondents must keep in mind, however, that in view of severe time constraints, a hearing cannot be guaranteed and will be brief.
- Applicants seeking to make an oral submission will be prioritised and may be clustered in thematic groups. Any application for a confidential hearing must be made four weeks in advance to the review panel Chair via the Provost, for a determination to be made.

9 Site Visits

- The panel's site visit schedule is prepared by the Executive Officer, with input from the School under review and the review panel members. The Provost approves the final site visit schedule.
- The site visit appointments, room bookings, catering and other logistics will be coordinated by the Executive Officer and supported by the allocated School Administration Officer.

10 Review Panel Report

- Within three weeks of the site visit, the draft report and recommendations will be submitted to the Director, Academic Quality and Standards.
- The Director, Academic Quality and Standards will invite the Head of School to check the report for matters of fact and emphasis. The Director, Academic Quality and Standards may circulate the draft to other staff at their discretion, for factual checking. This process should take no longer than one week.

- Comments from the Head of School will then be referred back to the panel Chair for final consideration and amendment of the report as appropriate. This process should take no longer than two weeks.
- The panel Chair and panel will then endorse the final report and submit it to the Director, Academic Quality and Standards for transmission to the Provost, College Executive Dean and Head of School.
- The Head of School will make the report available to members of the School and consult with School staff as appropriate in the development of an Action Plan in response to the report's recommendations.

11 School Action Plan

- The School Action Plan will respond directly to the recommendations made by the panel and will be prepared in accordance with the proforma provided by Academic Quality and Standards.
- The draft School Action Plan will first be submitted by the Head of School to the Executive Dean and Provost for consideration no later than four weeks after the Head receives the final report.
- The final version of the School Action Plan, including any revisions will be submitted to the Provost within two weeks of the draft report being returned to the Head of School.
- The College Executive Dean and the Head of School under review have a responsibility to monitor the implementation of the Action Plan.
- Items in the Action Plan will be incorporated into the School Strategic Plan. Reporting on the Action Plan will be integrated into the School's annual reporting against Plan objectives.

12 Progress Reports

- The School will provide the Provost, through the Director, Academic Quality and Standards, a consolidated report of progress against each review recommendation at 12 months and 18 months and each following 12 months until such time as the School is due for another cyclical review.
- The 12 and 18 monthly Progress Reports will be provided to the University Executive Team for noting; and the Provost will provide a summary report to the Council and Academic Senate for noting.
- This process will be facilitated by Academic Quality and Standards.

13 Reporting on Review Outcomes

- The School Action Plan and the panel's Review Report will be presented to the Vice-Chancellor for approval and to the University Executive Team for information.
- The Vice-Chancellor will provide the School Action Plan and the panel's Review Report to Council, for information.
- A copy of the School Action Plan and the panel's commendations and recommendations will be provided to Academic Senate for information and discussion.

14 Record Keeping

- All confidential submissions, drafts of the review report, and notes taken during the review, will be returned by panel members to the Executive Officer upon completion of the review for confidential disposal (or confidential storage if deemed necessary).
- Records Management will retain a copy of the core self-review document and the final panel report.

Versioning

Versions	Action	Approval Authority	Responsible Officer/s	Approval Date
1	Approved	Provost	Director, Academic Quality and Standards	3 Dec 2020
1	Reapproved, unchanged	Provost	Director, Academic Quality and Standards	21 Feb 2022

Definitions

[Executive Dean](#) | [College](#) |

Schedule 1 – Generic Terms of Reference for Reviews of Schools and Institutes

Terms of Reference for the <name of School / Institute>

Purpose

A review provides an evidence-based assessment of the performance of a School or Institute and its contributions to the strategic objectives of the College and University, including an assessment of performance relative to comparable entities nationally and over time.

Reviews also consider the effectiveness of the internal management and operations of the School or Institute.

This document should be read in conjunction with the Reviews of Schools and Institutes Procedure.

The resulting recommendations from a review should provide a clear guide to future action to improve strategic alignment, performance and another relevant outcomes for the unit, while commendations should be used to highlight areas of exceptional progress and performance.

Specific Terms of Reference

For the review of the School of <insert name>, the Provost has identified the following specific terms of reference or focus areas, in addition to the generic Terms of Reference:

<Specific Term of Reference 1>

<Specific Term of Reference 2>

Generic Terms of Reference

1. SCHOOL MANAGEMENT

1.1 Management and Planning

The Panel should consider the effectiveness of the management of the School including:

- a) leadership, planning and administration within the School;
- b) extent to which the School's business plan is appropriately aligned to the College and University objectives;
- c) internal structure for management of academic and administrative functions;
- d) effectiveness of operation across the campus network (where relevant);
- e) School relationship to other organisational units within the College and within the University; and
- f) extent to which sustainability principles are embedded within planning and operations throughout the School.

1.2 Commitment to Continuous Improvement

The Panel should consider the effectiveness of practices for quality assurance and improvement across all areas of operation, including:

- a) the collection and analysis of relevant comparative data and student/stakeholder feedback; and
- b) the systems and processes to use this data to implement systemic improvements.

1.3 People Management

The Panel should consider the effective management of the School's people, including:

- a) workforce and succession planning;

- b) leadership capability building;
- c) training and professional development of academic and professional staff;
- d) School communication, consultation and decision-making mechanisms; and
- e) management of occupational health and safety.

1.4 Resources

The Panel should consider the effective management of the School's financial and capital assets including:

- a) trends in financial performance;
- b) generation of non-government income streams;
- c) the adequacy of ICT infrastructure;
- d) asset management plans;
- e) space quality and utilisation; and
- f) management of tangible assets.

2. ALIGNMENT WITH UNIVERSITY STRATEGY

2.1 Learning and Teaching

2.1.1 Course planning and the School's coursework profile including:

- a) for courses in professional areas, the professional accreditation status of courses and effectiveness of mechanisms for engagement with relevant accreditors;
- b) performance of courses including trends in student load (all liability categories) against target, enrolments, student equity measures, student preferences, median ATAR and number of ATAR 80+, assessment of the School's course profile in relation to University strengths and strategic direction, market demand and competitor behaviour;
- c) effectiveness of mechanisms for seeking and utilising advice from external course advisory boards (including industry/profession, discipline and employer input);
- d) vision for sub-bachelor, undergraduate, postgraduate coursework and non-award courses, including the mix of offerings across locations, by mode, and to various student cohorts (including domestic fee-paying and international students); and
- e) understanding of and responsiveness to current and changing trends in market demand across all cohorts.

2.1.2 The implementation and embedding of the University of Tasmania's curriculum framework:

- a) learning enrichment activities, including experiential and place-based learning;
- a) performance in blended and online delivery;
- b) demonstrated commitment to interdisciplinary and/or inter-College collaboration in learning and teaching; and
- c) relevance and outcomes of assessment practices, including approaches to authentic assessment.

2.1.3 Provision of resources and learning experiences to maximise opportunities for student participation across the academic year.

2.1.4 Provision of student support services.

2.1.5 Management and outcomes of student complaints and matters relating to academic integrity.

2.1.6 Adequacy of learning and teaching infrastructure, including staff and student access to space and equipment.

2.2 The Student Experience

The Panel should consider the School's strategies aimed at enhancing the student learning experience, and the outcomes achieved including:

- a) the appropriateness of the student engagement activities of the School, given the discipline, mode of study and other characteristics of the student cohort;
- b) patterns and trends in student retention and success, compared with national field of education benchmarks;
- c) the School's approach to the systematic analysis and use of student feedback data for improvement purposes, and the extent to which the School 'closes the loop' with students who provide feedback;
- d) patterns and trends in student feedback on Unit Evaluate and the surveys which comprise the Quality Indicators for Learning and Teaching (QILT); and
- e) responses to results from the International Student Barometer (ISB).

2.3 Research and Research Training

The Panel should consider the School's:

- a) vision for research and assessment of research strengths;
- b) research performance including income, publications and quality against appropriate national and international benchmarks;
- c) mechanisms for supporting staff in research, including profile of the Career Researchers / Established Productive Researchers within the School;
- d) assessment of 'fitness for purpose' of research infrastructure;
- e) effectiveness of partnerships with industry, government and other bodies to progress research objectives and in the commercialisation of research; and
- f) quality of research training, including provision of high-quality supervision.

2.4 Globalisation

International activities of the School including:

- a) strategy for recruitment of international students and involvement in offshore teaching partnerships;
- b) effectiveness of support services provided to international students;
- c) international study experiences provided to domestic students;
- d) status of internationalisation of the curriculum; and
- e) scope, nature and outcomes of international research collaborations.

2.5 Community Engagement

Engagement activities of the School including:

- a) scale, scope and effectiveness/impact of community engagement activities; and
- b) the School's interaction and connections with the Student Recruitment, Marketing and Advancement.