17 April 2024

Shareholder Policy and Markets Branch
Department of Treasury and Finance

Via: governmentbusinesses@treasury.tas.gov.au

TasPorts Submission | Government Business Governance Reforms Bill – Consultation Draft

Thank you for the ongoing opportunity to engage on the proposed reform of Government businesses. TasPorts is pleased to provide the following feedback in response to the Government Business Governance Reforms Bill 2025 – Consultation Bill.

Section 4 amended (Interpretation) to insert three new definitions.

- TasPorts supports the interpretation amendments on the basis they add clarity.

Section 7 amended (Constitution of Corporation) which requires that the Corporation amend its constitution to include new provisions relating to director term limits as set out in Schedule 2, as soon as practicable after the commencement of the Bill.

- TasPorts supports the amendment on the basis the new Section 2 adds clarity.

Section 8 (Members of Corporation) which substitutes a new section to ensure there are always two individual members of the Corporation.

- TasPorts supports the amendment on the basis it adds clarity to both the determination and the process.

Directions: five new sections in the Principal Act to provide for the issuing of directions and the Statement of Corporate Intent.

- TasPorts agrees with amendments 13B, 13C and 13D in principle noting Article 24.4 of TasPorts' Constitution already states that Directors must comply with any lawful directions given in writing by the Members. In addition, the timeframes are confusing and as such, do not add clarity to the issuing of directions and should be clarified.

- On amendment 13E (duty to notify members of compliance with directions) TasPorts supports the amendment noting it paves the way for additional clarity on reporting obligations within the direction itself. Note that Government Business Enterprises have a requirement to report against the details of ministerial direction in Treasury Instructions – Annual Report Compliance Checklist – GBEs, and should be reflected across to Treasury Instructions | Annual Report Compliance Checklist SOCs.

- TasPorts supports amendment 13F (Statement of Corporate Intent) in principle but seeks additional clarity as to how subsidiaries are to be reported if the expectation is to be any different to the way TasPorts currently provides subsidiary Statements of Corporate intent.

- Further, and for the avoidance of doubt, 13F section (7) would make better sense if it were merged with section (8).

- In addition, Treasury guidelines state that the SOCI should cover a period of not less than four financial years commencing on the day it takes effect. It also states the Government business must publish its current financial year SOCI on its website. To meet Government's reform objectives to improve transparency, accountability and efficiency, for clarity the SOCI date and performance should reflect the same as that of the Corporate Plan.

- Finally, while Treasury guidelines (and now the amendments) make clear the deadline for SOCI submission being 31 March (in the financial year immediately preceding the relevant financial year), there is no provision for a deadline for members to approve the SOCI.

Further amendments cover the insertion of three new sections in the Principal Act after section 14.

14A requires the preparation of a half-yearly progress report on the performance of the Corporation and its subsidiaries for submission to Members before 28 February each year, and also the publication of that content.

- TasPorts supports the amendment with changes. Sub-section 4 should explicitly spell out 'competition issues' as one reason to prevent publication of part or all information relating to subsidiaries like Bass Island Line.

14B requires the Board to notify members in writing as soon as possible after becoming aware of any development affecting the Corporation or its subsidiaries.

- TasPorts supports the amendment 14B.

14C requires the preparation of a framework specifying sponsorship principles and practices, and for that to be published on the government business website.

- TasPorts supports amendment 14C.

Director term limits insert Schedule 2 in the Principal Act to establish a two-term limit for directors. It also provides that a person that previously held the position of chief executive officer of the Corporation cannot be appointed as director.

- While TasPorts supports the amendment in principle, the exclusion of a chief executive officer from appointment as a director would limit the pool of possible future ports experts who are also possibly Tasmanian. TasPorts proposes revisions so the exclusion of a chief executive officer from potential director appointment occur only until such time that a reasonable period has elapsed, for example three years post-employment.

In addition, TasPorts notes the transitional provisions in particular that amendments limiting the term of office do not apply to current State-owned Company directors while they hold office under their

existing terms and conditions, and that this is to ensure that a director that has already served two or more terms, can remain in office until their current term expires.

Thank you again for the opportunity to continue engaging on the matter of reforms. If you would like to discuss further any part of this submission, please contact our Company Secretary, [redacted].

Yours sincerely

Phil Hoggett
Acting Chief Executive Officer

Tasmanian Ports Corporation Pty Ltd ABN 82 114 161 938 I T: 1300 366 742 I www.tasports.com.au