

(2) Under subsection (1), a Government Business Enterprise may pay or agree to pay a premium in relation to a liability for costs and expenses incurred by a person in defending proceedings, whether civil or criminal, and whatever their outcome regardless of whether those costs are incurred in respect of conduct referred to in subsection (1)(b).

(2A) This section applies to a premium whether it is paid directly or through an interposed person.

(3) An instrument is void so far as it insures a person against a liability in contravention of subsection (1).

PART 6 - Charters and plans

Division 1 - Ministerial charter

36. Ministerial charter

(1) Within 3 months after a statutory authority becomes a Government Business Enterprise, the Portfolio Minister and Treasurer, jointly, must provide the Government Business Enterprise with a ministerial charter.

(2) The Portfolio Minister and Treasurer, jointly, may at any time at their own discretion or on receipt of an application of a Government Business Enterprise—

(a) amend a ministerial charter; or

(b) revoke a ministerial charter and substitute another ministerial charter.

(3) Before or while preparing a ministerial charter or an amendment to a ministerial charter, the Portfolio Minister and

Treasurer, jointly, must consult with the Government Business Enterprise.

(4) A ministerial charter and any amendment to a ministerial charter is to be in writing and signed by the Portfolio Minister and Treasurer.

(5)

(6) A ministerial charter or any amendment to a ministerial charter takes effect on a day specified in it, being a day not earlier than the day on which it is provided to the Government Business Enterprise.

(7) The Portfolio Minister must cause a copy of a ministerial charter and any amendment to it to be laid before each House of Parliament within 10 sitting days after it has been signed as required by subsection (4).

37. Contents of ministerial charter

(1) A ministerial charter is to specify the broad policy expectations of the Portfolio Minister and Treasurer for the Government Business Enterprise and its subsidiaries.

(2) A ministerial charter may limit the functions and powers of the Government Business Enterprise and the performance and exercise of those functions and powers, but –

(a) may not prevent the Government Business Enterprise from performing a function it is required to perform or otherwise complying with any Act; and

(b) may not extend the functions and powers of the Government Business Enterprise.

38. Compliance with ministerial charter

The Board must ensure that the business and affairs of the Government Business Enterprise and its subsidiaries are conducted in a manner that is consistent with the ministerial charter.

Division 2 - Plans of a Government Business Enterprise

39. Corporate plan

(1) In each financial year, the Board must prepare a corporate plan for the Government Business Enterprise and its subsidiaries.

(2) The corporate plan is to –

(a) cover the period specified in the Treasurer's Instructions; and

(b) be in a form and contain the information specified in the Treasurer's Instructions; and

(c) be consistent with the ministerial charter for the Government Business Enterprise.

(3) The Board must provide a draft of the corporate plan to the Portfolio Minister and Treasurer not later than 60 days before the day on which the corporate plan will take effect.

(3A) The Portfolio Minister or the Treasurer may authorise the Board to provide the draft of a corporate plan under subsection (3) by a day that is later than the day specified in that subsection.

(4) When a draft corporate plan is approved by both the Portfolio Minister and Treasurer it becomes the corporate plan of the Government Business Enterprise.

(5) The Portfolio Minister and Treasurer, jointly, must approve a corporate plan, prepared in accordance with this section and section 40.

(6) A corporate plan takes effect on the first day of the financial year next commencing after its approval by the Portfolio Minister and Treasurer or, if a day for its commencement is specified in that approval, on that day.

(7) A Board may prepare an amendment of its corporate plan at any time.

(7A) An amendment to a corporate plan may be in the form of a new corporate plan that replaces the existing corporate plan.

(8) An amendment of a corporate plan takes effect –

(a) when it has been approved by both the Portfolio Minister and Treasurer; or

(b) if a day for its commencement is specified in the approval of the Portfolio Minister and Treasurer, on that day.

(9) The approval of an amendment of a corporate plan may specify that the amendment is to take effect on –

(a) the day when it has been approved by both the Portfolio Minister and Treasurer; or

(b) a later day; or

(c) an earlier day.

(10) Except where the Portfolio Minister and Treasurer jointly approve otherwise, a Government Business Enterprise must act in accordance with its corporate plan or amended corporate plan and ensure that a subsidiary acts in accordance with that corporate plan or amended corporate plan.

40. Consultation with Portfolio Minister and Treasurer

(1) In the course of preparing a draft corporate plan, the Board must consult –

(a) in relation to the interests of the State as a whole and the long term objectives of the Government Business Enterprise and its subsidiaries, jointly with the Portfolio Minister and Treasurer; and

(b) in relation to the financial performance objectives of the Government Business Enterprise and its subsidiaries, jointly with the Portfolio Minister and the Treasurer.

(2) The Portfolio Minister and Treasurer, jointly, may give a direction to the Board–

(a) in relation to a long term objective of the Government Business Enterprise and its subsidiaries; or

(b) if the Portfolio Minister and Treasurer consider the draft corporate plan to be inconsistent with the ministerial charter, in relation to that inconsistency.

(3) The Portfolio Minister and the Treasurer jointly may give a direction to the Board in relation to the financial

performance objectives of the Government Business Enterprise and its subsidiaries.

(4) Subject to subsection (5), the Board must comply with a direction given under this section if it is in writing and is signed by both the Portfolio Minister and Treasurer.

(5) A direction has no effect in respect of a contract entered into by the Government Business Enterprise before the direction was given if compliance with the direction would result in the Government Business Enterprise failing to perform the contract.

(6) The recommendation of a dividend under section 83 is a financial performance objective for the purposes of this section.

41. Statement of corporate intent

(1) The statement of corporate intent of a Government Business Enterprise is a summary of its corporate plan.

(2) The statement of corporate intent of a Government Business Enterprise must not disclose any information which the Portfolio Minister and Treasurer, jointly, consider may, if disclosed—

(a) disadvantage or cause damage to the Government Business Enterprise or any subsidiary, directly or indirectly; or

(b) enable another person, directly or indirectly, to gain an advantage.

(3) The statement of corporate intent is to be in a form and contain the information specified in the Treasurer's Instructions.

42. Validity of actions, &c.

Anything done by or in relation to a Government Business Enterprise or subsidiary is not void or unenforceable only because the Government Business Enterprise has contravened this Part.

PART 7 - Financial affairs of Government Business Enterprise generally

43. Authorised deposit-taking institution accounts

A Government Business Enterprise may open and operate such authorised deposit-taking institution accounts as it considers necessary.

44. Investment

Subject to section 16 of the *Tasmanian Public Finance Corporation Act 1985*, a Government Business Enterprise may invest any funds held by it and any interest accumulated in respect of those funds in any manner which is consistent with –

- (a) sound commercial practice; and
- (b) the Treasurer's Instructions.

45. Borrowing from Treasurer

(1) The Treasurer may lend to a Government Business Enterprise, out of money provided by Parliament for the purpose, such money as the Treasurer considers appropriate.

(2) Before making a loan to a Government Business Enterprise, the Treasurer must consult with the Portfolio Minister.