

GOVERNMENT BUSINESS ENTERPRISES ACT 1995

MINISTERIAL CHARTER

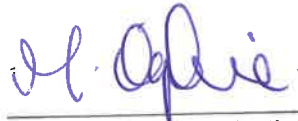
August 2024

PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY

This Ministerial Charter is jointly approved by:



Hon Michael Ferguson MP
Deputy Premier
Treasurer



Hon Madeleine Ogilvie MP
Minister for the Arts

Date: 22 August 2024

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1. INTRODUCTION

- This Ministerial Charter has been prepared by the Treasurer and the Minister for the Arts (Shareholding Ministers), following consultation with the Port Arthur Historic Site Management Authority (PAHSMA), in accordance with sections 36 and 37 of the *Government Business Enterprises Act 1995* (GBE Act).
- The Charter sets out the Government's broad policy expectations and requirements for PAHSMA.
- PAHSMA must comply with this Charter in accordance with section 38 of the GBE Act.
- The Charter should be read in conjunction with the following Acts and their respective Regulations:
 - *Port Arthur Historic Site Management Authority Act 1987*;
 - *Aboriginal Heritage Act 1975*;
 - *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
 - *Historic Cultural Heritage Act 1995*;
 - *National Parks and Reserve Management Act 2002*;
 - *Nature Conservation Act 2002*;
 - *State Service Act 2000*;
 - *Government Business Enterprises Act 1995*; and
 - any other applicable legislation.
- This Charter takes effect from the date it is signed and remains in effect until it is amended or revoked.
- The Charter will be tabled in Parliament by the Portfolio Minister and published on the website of PAHSMA.

2. PURPOSE AND STRATEGIC EXPECTATIONS

2.1 Purpose

- The principal purpose of PAHSMA is to:
 - ensure the conservation, maintenance, and interpretation¹ of the Port Arthur, Coal Mines and Cascades Female Factory historic sites in Tasmania, and as part of the Australian Convict Sites World Heritage Property; and
 - to promote these sites as tourist destinations.

¹ Terminology as defined in Article 1, of the Australia ICOMOS The Burra Charter, 2013.

2.2 Objectives

- The principal objectives of PAHSMA are defined in section 7 of the GBE Act.

2.3 Strategic Expectations

Business Specific Expectations

- In order to achieve its purpose and objectives, the Shareholding Ministers expect PAHSMA to:
 - focus on the use of best practice methods to conserve, maintain and interpret the Port Arthur, Coal Mines and Cascades Female Factory historic sites;
 - do all that is reasonably necessary to maintain the historic sites in accordance with their World Heritage values and listing;
 - meet the obligations required by the inclusion of its sites on the Australian Convict Sites World Heritage Property listing, and as outlined in the *Australian Convict Sites Strategic Management Framework* and *UNESCO Operational Guidelines for the Implementation of the World Heritage Convention*;
 - use its best endeavours to secure financial assistance, by way of grants, sponsorships, and other means, for the carrying out of its functions;
 - advance Tasmania as a premier tourist destination through the promotion of the historic sites;
 - deliver outstanding visitor experiences that further promote the Tasmanian brand and the sites' heritage values and stories;
 - ensure its commercial operations operate in an efficient manner and provide a commercial return;
 - act in a socially responsible manner and take all reasonable steps to reduce the risk of any adverse effects on the environment that may result from its activities; and
 - work collaboratively with the Tasmanian Heritage Council and Heritage Tasmania to engage with the broader heritage sector to promote positive heritage outcomes in the State.

General Expectations

- The Shareholding Ministers expect all Government businesses, including PAHSMA, to:
 - consider the important contribution PAHSMA makes to the Tasmanian economy and broader community and the impact its operations have on the Tasmanian economy and the broader community;
 - proactively engage with stakeholders;

- be a successful business, by operating in accordance with sound commercial practice and as efficiently as possible to ensure ongoing financial sustainability;
- prudently manage business risk through an effective and efficient risk management framework that reduces risks for PAHSMA and the State;
- maintain a strong understanding of the governance framework for Tasmanian Government businesses;
- understand the impact of climate change on the business, including identifying any risks and implementing risk mitigation strategies;
- manage and maintain its assets in accordance with prudent commercial practice to ensure the safety and continued operation of those assets;
- subject any material capital investment proposal to rigorous and considered analysis prior to any decision to commit resources, including cost benefit analysis where appropriate;
- consider diversity and inclusion principles in its employment and communication strategies;
- maintain a culture of continuous improvement in business operations, systems, processes and services;
- comply with any requests for information from Shareholding Ministers in an accurate and timely manner; and
- proactively seek to protect the personal information of its customers, employees and other stakeholders.

2.4 Compliance with Government Policies

- In pursuing the strategic expectations detailed in section 2.3, and undertaking its functions and exercising its powers as required by applicable legislative requirements, PAHSMA shall act in accordance with:
 - the governance framework for Government businesses;
 - Treasurer's Instructions that are applicable to PAHSMA;
 - the Guidelines for Tasmanian Government businesses; and
 - any Government policies in addition to those detailed in this Charter specifically applying to PAHSMA as advised in writing by the Shareholding Ministers.

3. NATURE AND SCOPE OF OPERATIONS

3.1 Core Business

- The core business of PAHSMA is:
 - the conservation and heritage management of the historic sites;

- interpreting and presenting PAHSMA's conservation, heritage, and historic narratives to deliver engaging experiences; and
- operating and marketing the historic sites as premier tourist destinations in Tasmania.

3.2 Non-commercial Activities

- PAHSMA's non-commercial activities are:
 - any activity that has been declared a community service obligation by the Treasurer; and
 - any activity that the Shareholding Ministers advise in writing is a non-commercial activity.
- The non-commercial activities of PAHSMA, agreed as at the date of this Charter, are listed in Schedule 1.

3.3 Other Activities

- The Shareholding Ministers may request PAHSMA to prepare and submit for approval an exit strategy for an agreed other activity it is undertaking. Once approved by the Shareholding Ministers, PAHSMA must implement the exit strategy within the timeframe approved in the strategy.
- The Shareholding Ministers may allow PAHSMA to conduct additional activities that are consistent with its core business and legislation on a case-by-case basis. Written approval of the Shareholding Ministers must be obtained before undertaking any such activities.

3.4 Business Presence Outside the State

- PAHSMA is not expected to operate outside Tasmania.
- PAHSMA must seek the written approval of the Shareholding Ministers before establishing any new business presence outside Tasmania. Any request must be accompanied with a compelling business case.

4. PERFORMANCE, OPERATING AND REPORTING EXPECTATIONS

4.1 Financial Performance Expectations

- The Shareholding Ministers expect PAHSMA to:
 - meet its key performance targets as set out in the annual Statement of Corporate Intent;
 - implement the business strategies contained in the Corporate Plan, which has been approved by the Shareholding Ministers, in order to meet the agreed long term performance targets for the business, consistent with the Government's expectations;
 - be proactive in identifying and implementing operational efficiencies and productivity measures to enhance financial performance; and

- keep the Shareholding Ministers, along with the Department of Treasury and Finance (Treasury), as principal financial advisor to the Treasurer, informed of any significant issues that may impact on the business' ability to meet its financial performance targets.

4.2 Service Delivery Expectations

- In delivering its services, the Shareholding Ministers expect PAHSMA to take account of contemporary practice and other management developments in the industry in which it operates and the commercial sector generally.
- PAHSMA is to have in place and follow a customer service charter which is to be publicly available.

4.3 Public Reporting and Transparency

- The Shareholding Ministers expect PAHSMA to proactively keep the Tasmanian community and stakeholders informed of its activities, major projects and performance (including financial and service delivery against the Key Performance Indicators articulated in the annual Statement of Corporate Intent approved by the Shareholding Ministers).

4.4 Pricing

- The Shareholding Ministers expect PAHSMA to set prices, fees and charges which:
 - support the entity's ongoing financial sustainability;
 - comply with all legislative and regulatory instruments;
 - take into consideration any relevant Government policies; and
 - represent fair value to its customers.

4.5 Borrowing and Investment Activities

- The Shareholding Ministers expect PAHSMA's borrowings to be consistent with any direction given under the Tasmanian Public Finance Corporation Act 1985 and remain within the maximum borrowing limit determined for PAHSMA under this Act.
- When investing any surplus funds, PAHSMA should provide the Tasmanian Public Finance Corporation with the opportunity to offer its services.
- Capital structure and debt levels should be maintained at a level that is consistent with the long-term sustainability of PAHSMA.

5. OTHER EXPECTATIONS

5.1 Employee and Industrial Relations

- The Shareholding Ministers expect PAHSMA to:

- adhere to any Government policy and relevant Guidelines in regard to senior executive remuneration including performance pay or other forms of rewards;
 - be cognisant of any Government policy or other advice in regard to employee remuneration, consistent with contemporary public sector wages policy;
 - support diverse workforce participation and appropriate skills and training; and
 - provide a work environment that supports high levels of safety and wellbeing throughout the organisation, taking all practical steps to provide its employees and its contractors with safe working conditions.
- The Shareholding Ministers are to be notified prior to any significant changes to the employee relations policy of PAHSMA, including the finalisation of any workplace or enterprise agreements.

5.2 Integrity and Ethics

- The Shareholding Ministers expect the Board, management and employees of PAHSMA to exhibit the highest level of integrity and professionalism in undertaking their duties.
- The Shareholding Ministers also expect the Board and senior management within PAHSMA to instil and continually reinforce a culture across the organisation of acting lawfully, ethically, and responsibly.

5.3 Significant Developments

- The Shareholding Ministers are to be kept informed immediately in writing of any matters of significance. Specifically, the Shareholding Ministers expect to be notified of any adverse developments that may:
 - prevent the achievement of financial performance objectives;
 - significantly affect prices or outcomes to customers;
 - significantly affect the financial viability or operating ability of PAHSMA; or
 - significantly impact on Government policy, stakeholder relations or environmental issues or that have a wider public interest.
- The Shareholding Ministers also expect to be kept informed immediately in writing of:
 - any potential material transactions not in the ordinary course of business before they take place;
 - any other significant developments that relate to an issue, financial or otherwise, on which the government may be required to comment; and
 - any other significant developments that represent a departure from the expectations outlined in this Ministerial Charter.

SCHEDULE 1

NON-COMMERCIAL ACTIVITIES

The following non-commercial activities, as defined under Clause 3.2, shall be performed by PAHSMA:

- The conservation, preservation, maintenance and interpretation of the historic sites known as:
 - Port Arthur Historic Site;
 - Coal Mines Historic Site; and
 - Cascades Female Factory Historic Site.