



TASMANIA

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**TASMANIA TOGETHER PROGRESS BOARD  
ACT 2001**

**No. 50 of 2001**

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# **TASMANIA TOGETHER PROGRESS BOARD ACT 2001**

**No. 50 of 2001**

**An Act to establish a body to monitor, promote and report on the 20-year social, environmental and economic plan for the State, known as Tasmania Together**

**[Royal Assent 16 July 2001]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## **PART 1 - PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Tasmania Together Progress Board Act 2001*.

**Commencement**

2. This Act commences on a day to be proclaimed.

**Interpretation**

3. In this Act –

“**Agency**” means an Agency within the meaning of the *State Service Act 2000* and includes a Government Business Enterprise and a statutory authority;

“**benchmarks**” means the benchmarks contained in the Tasmania Together document laid before Parliament, as amended;

“**Chairperson**” means a person appointed as Chairperson under section 7;

“**employee**” has the same meaning as in the *State Service Act 2000*;

“**function**” includes duty;

“**goals**” means the goals contained in the Tasmania Together document laid before Parliament, as amended;

“**member**” means a member of the Progress Board;

“**officer**” has the same meaning as in the *State Service Act 2000*;

“**Progress Board**” means the Tasmania Together Progress Board;

“**Secretary**” means the Secretary of the responsible Department in relation to the *Constitution Act 1934*.

**Object of Act**

**4. (1)** The object of this Act is to establish the Tasmania Together Progress Board to monitor, promote and report on Tasmania Together.

**(2)** Tasmania Together is –

- (a) a long-term social, environmental and economic plan for the State's development for a period of 20 years; and
- (b) an overarching framework for planning, budgeting and policy priorities for the government and non-government sectors.

## **PART 2 – TASMANIA TOGETHER PROGRESS BOARD**

### **Tasmania Together Progress Board**

**5.** The Tasmania Together Progress Board is established.

### **Membership of Progress Board**

**6. (1)** The Progress Board is to consist of –

- (a) 7 members who collectively are broadly representative of the Tasmanian community to be appointed after seeking nominations from members of the public and taking into account an appropriate gender and regional balance; and
- (b) a person who is to be selected from a list provided by the University of Tasmania; and
- (c) a person who is appointed to an office created under section 29 of the *State Service Act 2000*.

**(2)** A member is to be appointed by the Premier, by notice published in the *Gazette*.

**(3)** Before appointing a member referred to in subsection (1)(a) and (b), the Premier is to consult with –

- (a) the President and each other member of the Legislative Council except the members who are members of the political party represented by the Leader of the Government; and
- (b) the Leader of the Opposition; and

- (c) the leader of each other political party represented in Parliament; and
- (d) each independent member of the House of Assembly.

**(4)** A notice under subsection (2) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

### **Chairperson of Progress Board**

**7.** The Premier is to appoint –

- (a) a member as Chairperson of the Progress Board; and
- (b) a member as Deputy Chairperson of the Progress Board.

### **Functions of Progress Board**

**8.** The Progress Board has the following functions:

- (a) to monitor regularly and report publicly on progress towards achieving Tasmania Together's goals and benchmarks;
- (b) to carry out research and the collection of data in respect of the goals and benchmarks;
- (c) to promote the goals and benchmarks in the broader community;
- (d) to develop coalitions of interest within and between various sectors of the community with respect to Tasmania Together;

- (e) to coordinate the process of further developing, refining and revising the goals and benchmarks.

### **Powers of Progress Board**

**9.** The Progress Board has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power to require, with the Premier's approval, an Agency to provide information that may assist the Progress Board in the development of reports under sections 10 and 11.

### **Reports of Progress Board**

**10. (1)** The Premier is to cause a report of the Progress Board, to be called the Tasmania Together Progress Report, to be laid before each House of Parliament before the end of August in every year for the first 3 years after the Progress Board is established.

**(2)** After the expiration of that 3-year period, the Premier is to cause a report of the Progress Board to be laid before each House of Parliament before the end of August in every second year.

**(3)** A report referred to in subsection (1) or (2) is to include the Progress Board's comments on progress towards, and the appropriateness of, the goals and benchmarks.

**Annual report**

**11. (1)** Within 14 weeks after the end of each financial year the Progress Board must prepare a report in respect of that financial year which includes –

- (a) a report on the performance and exercise of the Board's functions and powers; and
- (b) the financial statements of the Board; and
- (c) the Auditor-General's report on those financial statements; and
- (d) any information that the Premier requires by written notice provided to the Board to be included; and
- (e) any other information that the Board considers appropriate to be included.

**(2)** The financial statements included in the annual report must –

- (a) be prepared and certified as specified in a direction given under subsection (3); and
- (b) present fairly –
  - (i) the financial transactions of the Progress Board during the financial year to which the report relates; and
  - (ii) the state of affairs of the Board at the end of that financial year; and
- (c) comply with any other direction given under subsection (3).

**(3)** The Treasurer may give written directions to the Progress Board in respect of the form, contents,

preparation, certification and provision of its financial statements.

(4) Directions under subsection (3) may adopt, wholly or partly, with or without modification and either specifically or by reference, any of the Treasurer's Instructions made under the *Financial Management and Audit Act 1990*.

(5) The Progress Board must provide a copy of the annual report to the Premier so as to enable it to be laid before each House of Parliament before 30 November next following the financial year to which the report relates.

### **Review of Tasmania Together**

**12. (1)** Before 31 August next following each period of 5 years after the commencement of this Act, the Progress Board, after consulting with members of the public, is to make recommendations to Parliament on any addition to, or deletion or alteration of, the goals or benchmarks.

(2) The Progress Board may at any time make recommendations to the Parliament on any addition to, or deletion or alteration of, the goals or benchmarks.

(3) The Parliament may, by resolution passed by each House –

- (a) accept the Progress Board's recommendations and alter the goals or benchmarks accordingly;  
or
- (b) refuse to accept the Board's recommendations.

(4) If Parliament alters the goals or benchmarks, the Progress Board is to amend the Tasmania Together document and the Premier must cause the amended

document to be laid before each House of Parliament within 15 sitting days of that House.

### **Director and staff**

**13. (1)** The Progress Board may make arrangements with the Secretary for such officers and employees as the Board considers necessary to be made available to the Board to enable it to perform its functions and exercise its powers.

**(2)** There is to be a director who is to be an officer or employee and who is to administer the day-to-day operations of the Progress Board.

**(3)** The director is responsible to the Progress Board for the Board's general administration and management and must comply with any directions given to him or her by the Board in respect of the activities of the Board.

### **PART 3 – MISCELLANEOUS**

#### **Delegation**

**14. (1)** The Progress Board may, in writing –

- (a) delegate to any person any of its functions or powers other than this power of delegation; and
- (b) revoke wholly or partly a delegation.

**(2)** A delegation may be made either generally or as otherwise provided by the instrument of delegation.

**(3)** Notwithstanding any delegation under this section, the Progress Board may continue to perform or exercise all or any of the functions or powers delegated.

**(4)** A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the Progress Board.

#### **Committees**

**15.** The Progress Board may, by instrument in writing, establish committees of such persons as the Progress Board considers appropriate to assist it in the performance of its functions and the exercise of its powers.

#### **Consultants**

**16. (1)** The Progress Board may engage any consultant or other person to provide professional, technical or other assistance to the Progress Board for the performance of its functions or the exercise of its powers.

**(2)** A person who is engaged by the Progress Board and has a direct or indirect pecuniary interest in any matter in respect of which he or she is engaged by the Progress Board must, as soon as practicable after the relevant facts come to his or her knowledge, disclose the nature of his or her interest to the Progress Board.

Penalty: Fine not exceeding 10 penalty units.

### **Disclosure of interest**

**17. (1)** A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Progress Board must, as soon as practicable after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Progress Board.

Penalty: Fine not exceeding 10 penalty units.

**(2)** If a member discloses a pecuniary interest, the disclosure is to be recorded in the minutes of the meeting of the Progress Board.

**(3)** A member who discloses a pecuniary interest must not –

- (a) be present during the Progress Board's deliberation of the relevant matter; or
- (b) contribute in any way to the Progress Board's decision in respect of the matter.

### **Protection from liability**

**18.** A member is not personally liable in respect of any act done or omitted to be done by the member in good faith in the performance or exercise, or purported performance or

exercise, of any function or power arising from his or her functions as a member.

### **Membership and meetings of Progress Board**

**19.** Schedules 1 and 2 have effect with respect to membership and meetings of the Progress Board, respectively.

### **Regulations**

**20.** The Governor may make regulations for the purposes of this Act.

### **Administration of Act**

**21.** Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.

## **SCHEDULE 1 - MEMBERSHIP OF PROGRESS BOARD**

### Section 19

#### **Term of office**

**1. (1)** A member referred to in section 6(1)(a) or (b) is to be appointed for the period, not exceeding 5 years, specified in the member's instrument of appointment.

**(2)** The member referred to in section 6(1)(c) is appointed for the term of his or her contract of employment under the *State Service Act 2000* or, if he or she has served part of that term, for the remainder of that term.

#### **Holding other office**

**2.** The holder of an office who is required under any Act to devote the whole of the time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

#### **Remuneration of members**

**3. (1)** A member referred to in section 6(1)(a) or (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Premier determines.

**(2)** A member who is employed under the *State Service Act 2000* is not entitled to remuneration as a member except with the approval of the Premier.

### **Vacation of office**

**4. (1)** A member vacates office if the member –

- (a) dies; or
- (b) resigns; or
- (c) is removed from office under subclause (2) or (3).

**(2)** The Premier may remove a member from office if the member –

- (a) is absent from 3 consecutive meetings of the Progress Board without the permission of the Progress Board; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
- (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 2 years or longer; or
- (d) fails to disclose a pecuniary interest under section 17.

**(3)** The Premier may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

**Filling of vacancies**

5. If the office of a member referred to in section 6(1)(a) or (b) becomes vacant, the Premier, by notice in the *Gazette* and after consultation with –

- (a) the President and each other member of the Legislative Council except the members who are members of the political party represented by the Leader of the Government; and
- (b) the Leader of the Opposition; and
- (c) the leader of each other political party represented in Parliament; and
- (d) each independent member of the House of Assembly –

may appoint a person to the vacant office for the remainder of the term of office of the first-mentioned member.

**Presumptions**

6. In any proceedings by or against the Progress Board, unless evidence is given to the contrary, proof is not required of –

- (a) the constitution of the Progress Board; or
- (b) any resolution of the Progress Board; or
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Progress Board.

**SCHEDULE 2 – MEETINGS OF PROGRESS BOARD**

Section 19

**Interpretation**

**1.** In this Schedule, “**meeting**” means a meeting of the Progress Board.

**Convening of meetings**

**2. (1)** The Progress Board is to meet at least 4 times a year.

**(2)** A meeting may be convened by the Chairperson or by any 2 members.

**Procedure at meetings**

**3. (1)** The quorum at any duly convened meeting is 5 members.

**(2)** Any duly convened meeting at which a quorum is present is competent to transact any business of the Progress Board.

**(3)** A question arising at a meeting is to be determined by a majority of votes of the members present and voting.

**Chairperson**

**4. (1)** The Chairperson is to preside at all meetings at which he or she is present.

(2) If the Chairperson is not present at a meeting, the Deputy Chairperson is to preside at the meeting.

(3) If neither the Chairperson nor the Deputy Chairperson is present at a meeting, a member elected by the members present is to preside at that meeting.

### **Minutes**

5. The Progress Board is to cause full and accurate minutes to be kept of its proceedings at meetings and must submit to the Premier a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

### **General procedure**

6. Subject to this Schedule, the procedures for the calling of, and for the conduct of business at, meetings are as the Progress Board determines.

### **Validity of proceedings**

7. (1) An act or proceeding of the Progress Board or of a person acting under the direction of the Board is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Board.

(2) An act or proceeding of the Progress Board or of a person acting under the direction of the Board is valid even if –

- (a) the appointment of a member was defective; or

- (b) a person appointed as a member was disqualified from acting as, or incapable of being, such a member.