

Western Australian
Technology and Industry Advisory Council

Charter

**WESTERN AUSTRALIAN TECHNOLOGY AND INDUSTRY ADVISORY COUNCIL
CHARTER**

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Introduction

The Technology and Industry Advisory Council (Council) is established under the *Industry and Technology Development Act 1998* (ITD Act).

Objective

The objects of the ITD Act under Section 3 are:

- to promote and foster the growth and development of industry, trade, science, technology and research in the State;
- to improve the efficiency of State industry and its ability to compete internationally;
- to encourage the establishment of new industry in the State;
- to encourage the broadening of the industrial base of the State; and
- to promote an environment which supports the development of industry, science and technology and the emergence of internationally competitive industries in the State.

According to Section 21 of the ITD Act:

1. The Council is to —
 - a. provide advice to the Minister, at the initiative of the Council or at the request of the Minister, on any matter relating to the objects of this Act; and
 - b. carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of this Act, including matters relating to:
 - i. the role of industry, science and technology in the policies of government;
 - ii. the social and economic impact of industrial and technological change;
 - iii. employment and training needs and opportunities relating to industrial, scientific and technological activities in the State;
 - iv. the adequacy of, priorities among and co-ordination of, scientific, industrial and technological activities in the State;
 - v. methods of stimulating desirable industrial and technological advances in the State;
 - vi. the application of industrial, scientific and technological advances to the services of the Government; and
 - vii. the promotion of public awareness and understanding of development in industry, science and technology.
2. The Council may publish and make available any report or finding produced as a result of any research, study or investigation under subsection (1).
3. The Council is to liaise with and advise any person, body or organization with respect to the conduct of any research, study or investigation into a matter relating to industry, science and technology in the State.

4. In carrying out its functions the Council is to —
 - a. have regard to the needs of the Western Australian community and the resources of the State;
 - b. promote developments in industry, science and technology that increase productivity and competitiveness; and
 - c. support developments that create employment opportunities.
5. The Council has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Reviewing

The Charter and Code of Conduct will be reviewed annually.

Reporting Structure

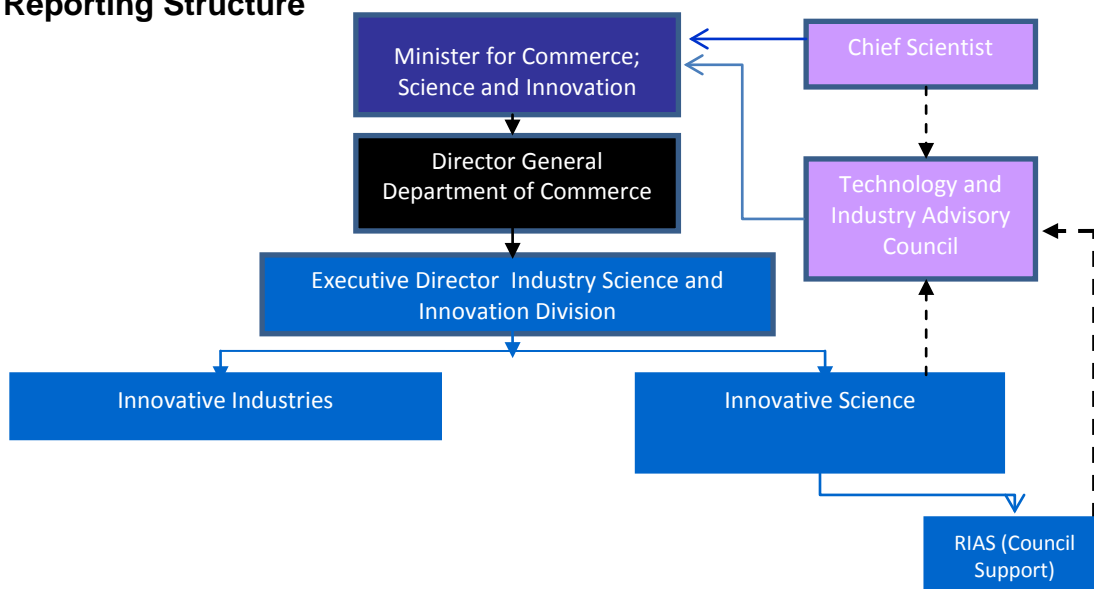


Diagram: Technology and Industry Advisory Council reporting structure in relation to the Department of Commerce.

Structure of the Council

The Council will include members with wide experience in industry and innovation in practice. As per ITD Act 1998, Part 6, Section 22(2).

The Minister is to appoint a chairperson of the Council from among the appointed members of the Council, as per ITD Act 1998, Part 6, Section 22(3).

Members will be appointed for a term as specified in their appointment, not exceeding three years, but may from time to time be re-appointed, as per ITD Act 1998, Schedule 1 Section 23(1).

Resignation, removal, etc.

As per ITD Act 1998 Section 23 Schedule 1 (2.1 and 2.2).

Minister may give directions

The Minister may give directions in writing to the Council with respect to the performance of its functions or the exercise of its powers, either generally or in relation to a particular matter, and the Council is to give effect to any such direction, as per ITD Act 1998, Part 6, Section 25(1).

The text of a direction given under subsection (1) is to be included in the annual report of the Council under Section 26.

Operations

The Council will meet at the times and places that the Council determines at intervals not longer than 2 months.

The General Manager, Research Investment and Advisory Services Branch (RIAS) will be the main point of contact between TIAC and the Department of Commerce. The General Manager will be invited to attend TIAC meetings as an observer.

An Executive Officer, appointed by the Department of Commerce, will coordinate meetings and prepare minutes which will be recorded and stored in accordance with public sector record management standards.

The Chairperson, will submit a copy of the minutes of each meeting to the Minister within 14 days after the meeting at which the minutes were confirmed.

Annual report of the Council

The Council, must, as soon as practicable after 1 July, and in any event on or before 31 August, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year, as per ITD Act 1998, Part 6, Section 26(1).

The Minister is to cause the Council's report to be laid before each House of Parliament within 7 sitting days of the House after the Minister has received it, as per ITD Act 1998, Part 6, Section 26(2).

This section does not affect any duty of the accountable authority of the department under Part 5 of the Financial Management Act 2006 to prepare and submit an annual report containing information about the Council or the operation of that Act in relation to that annual report.

Remuneration or Sitting Fees

Members are remunerated under Section 24 of the ITD Act 1998.

On 24 November 2010, the Public Sector Commissioner provided a determination for remuneration of TIAC members being:

- a. Chairman - \$40,000 per annum; and
- b. Members - \$660 per day for meetings of 4 hours or more or \$430 per day for meetings less than 4 hours.

The recommendation is made pursuant to Premier's Circular 2010/02 – "State Government Boards and Committees" which excludes those on the public payroll from receiving fees.

On June 2012, the Public Sector Commissioner provided a determination for remuneration for Science Education Committee members being:

- a. Chairman - \$830 per day for meetings of 4 hours or more or \$540 per day for meetings less than 4 hours; and
- b. Members - \$540 per day for meetings of 4 hours or more or \$350 per day for meetings less than 4 hours.

The recommendation is made pursuant to Premier's Circular 2010/02 – "State Government Boards and Committees" which excludes those on the public payroll from receiving fees.

Code of Conduct

This Code of Conduct (Code) is based on the Western Australian Public Sector Code of Ethics (Code of Ethics) as issued by the State Government's Public Sector Commissioner. It is applicable to most public sector bodies, including boards, and Councils created for a public purpose under Western Australian legislation.

In this Code, "member" means a Technology and Industry Advisory Council member duly appointed by the Minister under the ITD Act 1998.

Members are expected to:

- Act with care and diligence and make decisions that are honest, fair, impartial, and timely and consider all relevant information.
- Treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- Use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

Personal behaviour

Members are expected to:

- act ethically and with integrity;
- act according to the legislative requirements, policies and ethical codes that apply;
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- treat members of the public and colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interests rights, safety and welfare;
- not harass, bully or discriminate against colleagues, members of the public and support staff;
- contribute to a harmonious, safe and productive work environment by their work habits, and professional workplace relationships; and
- serve the government of the day by fulfilling their purpose and statutory requirements.

Communication and official information

Members are expected to:

- not disclose official information or documents acquired through their work, other than as required by law or where proper authorisation is given;
- not misuse official information for personal or commercial gain for themselves or another;
- adhere to legal requirements, policies and all other lawful directives regarding communication with Parliament, ministers, ministerial staff, lobbyists, members of the media and members of the public generally; and
- respect the confidentiality and privacy of all information as it pertains to individuals.

Fraudulent and corrupt behaviour

Members are expected to:

- not engage in fraud or corruption;
- report any fraudulent or corrupt behaviour;
- report any breaches of the code of conduct; and
- understand and apply the accountability requirements that apply.

Use of public resources

Members are expected to:

- be accountable for official expenditure;
- use publicly-funded resources diligently and efficiently. These include office facilities and equipment, vehicles, cab charge vouchers, corporate credit cards;
- not use office time or resources for party political work or for personal gain, financial or otherwise;
- keep to policies and guidelines in the use of computing and communication facilities, and use these resources in a responsible and practical manner; and
- be careful to ensure that any travel for official purposes is only done so when absolutely necessary.

Record keeping and use of information

Members are expected to:

- record actions and reasons for decisions to ensure transparency;
- ensure the secure storage of sensitive or confidential information;
- comply with the public sector record keeping plan; and
- where permissible, share information to fulfil their role.

Conflicts of interest

Under Schedule 1 (16). Disclosures of Interests of the ITD Act 1998, a member who has a material personal interest in a matter being considered or about to be considered by the Council must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council. Penalty: \$5,000.

A disclosure under subclause (1) is to be recorded in the minutes of the meeting.

In addition, members are expected to:

- ensure personal or financial interests do not conflict with their ability to perform their official duties in an impartial manner;
- manage and declare any conflict between their personal and public duty; and
- where conflicts of interest do arise, ensure they are managed in the public interest.

Public Sector Requirements

The Public Sector Commissioner monitors compliance with the WA Public Sector Code of Ethics and applicable codes of conduct. The Commissioner may report any public sector bodies, found to be in breach of the codes, to their relevant Minister and to Parliament.

Accordingly members on appointment will:

- Receive a copy of this Charter and are expected to read and abide by it.
- Receive a copy of the Western Australian Public Sector Code of Ethics and are expected to read and comply with it.
- Receive a copy of the ITD Act 1998 and are expected to read and abide by it.

The Council accepts the minimum requirements set out in the Conduct Guide for Boards and Committees. This code of conduct builds on these minimum requirements.

Legislation, Policies and Procedures

Members will be subject to the following legislation, policies and procedures.

Relevant legislation

- Auditor General Act 2006
- Contact with Lobbyists Code
- Corruption and Crime Commission Act 2003
- Equal Opportunity Act 1984
- Fair Trading Act 1987
- Financial Management Act 2006
- Financial Administration and Audit Act 1985
- Freedom of Information Act 1992
- Industrial Relations Act 1979
- Industry and Technology Development Act 1998
- Occupational Safety and Health Act 1984
- Parliamentary Commissioner's Act 1971
- Public Interest Disclosure Act 2003
- Public Sector Management Act 1994
- State Records Act 2000
- State Superannuation Act 2000
- State Supply Commission Act 1991
- Statutory Corporations (Liability of Directors) Act 1996
- Western Australian Equal Opportunity Act 1984
- The Criminal Code
- Other general requirements may be imposed by:

- Administrative Instructions, Approved Procedures, Public Sector Commissioner's Circulars, Premiers Circulars and Delegations, Treasurer's Instructions

Relevant policies/guidelines

- Western Australian Public Sector Code of Ethics 2002
- Public Sector Standards in Human Resource Management 2001
- Department of Premier and Cabinet Disciplinary Procedures Guide
- Equal Opportunity Policy
- Grievance Resolution Policy and Guidelines
- Bullying Policy Among Staff at DOCEP
- Prevention of Violence Against DOCEP Employees
- Reporting Misconduct Policy and Procedures
- Freedom of Information 1 & 2
- Penalties for Non Compliance with Records Management Legislation
- Customer Service Charter
- Occupational Health and Safety Policy