

Western Australia

Technology and Industry Development Act 1983

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Technology and Industry Development Act 1983

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NOTES

Western Australia

Technology and Industry Development Act 1983

An Act to encourage, promote, facilitate and assist the development and use of technology and industry in the State; to make provision for a Western Australian Technology and Industry Advisory Council; and for connected and incidental purposes.

[Long title inserted by No. 32 of 1987 s.4.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Technology and Industry Development Act 1983*¹.

[Section 1 amended by No 32 of 1987 s.34.]

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation¹.

3. Interpretation

In this Act, unless the contrary intention appears —

“**Account**” means the Western Australian Technology and Industry Development Account provided for by section 21;

“**appointed member of the Council**” means a person appointed pursuant to section 29 (1) (a) or (c) to be a member of the Council;

“**building**” includes any structure and any appurtenance of any building;

“**Chief Executive Officer**” means the Chief Executive Officer of the Department referred to in section 15 and includes a person acting in that office;

“**committee**” means a committee appointed under clause 5 of Schedule 2;

“**Council**” means the Western Australian Technology and Industry Advisory Council established under section 28;

“**Council chairman**” means the person appointed under section 29 (1) (a) to be the chairman of the Council and includes a person acting in the office of Council chairman;

“**Department**” means the department of the Public Service of the State established under the *Public Service Act 1978*

principally assisting the Minister with the administration of this Act;

“industry” includes the production, distribution and sale of commercially valuable manufactured products and services for economic benefit;

“member of the Council” means a member of the Council appointed by or under section 29 (1) and includes the Council chairman and an acting member of the Council;

“technology” includes the application of scientific knowledge and practical experience to economic activity and to humanity and the environment;

“technology park” means an area of land declared to be a technology park under section 4.

[Section 3 amended by No. 32 of 1987 s.5.]

4. Declaration of a technology park

- (1) The Minister may, from time to time, by notice published in the *Government Gazette*, declare to be a technology park, an area of land which provides a physical environment in which —
 - (a) research into, and the development and use of, technology and industry; or
 - (b) the production or assembly of products,may be carried on.
- (2) The Minister may amend or revoke a notice under subsection (1) by subsequent notice published in the *Government Gazette*.
- (3) A notice under subsection (1) —
 - (a) shall contain a description of the area of land sufficient to identify its location; and
 - (b) may assign a name to the technology park.

[Section 4 amended by No. 32 of 1987 ss.6 and 34.]

Part II — Administration

[Heading inserted by No 32 of 1987 s.7.]

Division 1 — The Minister

[Heading amended by No. 32 of 1987 s.8.]

5. Minister a body corporate

- (1) On and after the day on which the *Technology Development Amendment Act 1987* commences¹ (in this section called “the proclaimed date”) the body corporate that was hitherto established under this Act by the name of the “Western Australian Technology Development Authority” is preserved and continued in existence as a body corporate under and subject to the provisions of this Act but so that the corporate identity of the body corporate and its rights, obligations and assets are not thereby affected.
- (1a) The Minister shall for the purposes of this Act be the body corporate preserved and continued under subsection (1) and shall be known by such designation as is, from time to time, conferred on him by the Governor under the *Constitution Acts Amendment Act 1899*.
- (1b) A reference to the Western Australian Technology Development Authority whether by use of that name or a similar or abbreviated form of that name —
- (a) in a written law passed or made before the proclaimed date;
 - (b) in any document or other instrument made, executed, entered into or done before the proclaimed date; or
 - (c) made before the proclaimed date in any other manner,
- shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed as a reference to the Minister.

- (2) Under his corporate name the Minister —
- (a) has perpetual succession and a common seal;
 - (b) may acquire, hold and dispose of real and personal property;
 - (c) may sue and be sued in any court; and
 - (d) subject to this Act, is capable of doing and suffering all that bodies corporate may lawfully do and suffer.
- (3) The body corporate referred to in this section is an agent of the Crown in right of the State.

[Section 5 amended by No. 32 of 1987 s.9.]

6. Delegation by the Minister

- (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing executed by him delegate to the Chief Executive Officer of the Department or any officer of the Department all or any of his functions under this Act other than this power of delegation.
- (2) For the purposes of this Act, the performance of a function by a delegate under this section shall be deemed to be the performance of the function by the Minister.

[Section 6 inserted by No. 32 of 1987 s.10.]

[7., 8., 9., 10., 11. Repealed by No. 32 of 1987 s. 34.]

Division 2 — Functions and powers of the Department

[Heading amended by No. 32 of 1987 s.34.]

12. Functions of the Department

The functions of the Department are —

- (a) to control and manage technology parks in the State;
- (b) to make land and buildings available for the use of persons engaged in technology or industry;

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Division 2 Functions and powers of the Department

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- (c) to provide to any person, association or group of persons an advisory and administrative service for or in connection with the establishment, carrying on, expansion and development of, any activity relating to technology parks;
- (d) to establish and maintain a technology information centre containing literature, manuals, brochures, audio visual material, technical data and other similar material;
- (e) to investigate and develop or arrange for the development of proposals and ideas relating to technology or industry;
- (f) to arrange for the provision or surveys, technical data, statistics, professional opinions or other information for the purposes of carrying out any function of the Department;
- (g) to recommend to the Minister ways and means by which incentives, financial and other assistance, including guarantees, may be provided for persons engaged in technology or industry;
- (ga) to assist and facilitate the modernization of existing industry in the State;
- (gb) to assist and promote interaction between industry, educational institutions and Departments of the Government and State instrumentalities for the purpose of carrying out any function of the Department and in particular to encourage the commercial development of products and services related to technology and industry;
- (gc) to provide a secretariat to the Council;
- (h) generally to take steps to encourage, promote, facilitate, assist or develop technology and industry in the State.

[Section 12 amended by No. 32 of 1987 ss.11 and 34.]

13. Powers of the Department

- (1) The Department has power to do, in Western Australia or elsewhere, all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting the generality of subsection (1), the powers of the Department referred to in that subsection include power —
 - (a) to demand and receive fees or charges with respect to the provision of services or the performance of any work by, or on behalf of, the Department;
 - [(b) deleted]*
 - (c) to improve, develop or alter property;
 - (d) divide land, build roads, erect buildings and construct other works;
 - [(e) deleted]*
 - (f) to appoint agents and attorneys;
 - (g) to act as an agent for other persons; and
 - (h) to do anything incidental to any of its powers.
- (3) In performing its functions and exercising its powers the Department may act alone or in conjunction with any person, firm, body corporate, Department of the Government, State instrumentality or the government of any other place.

[Section 13 amended by No. 32 of 1987 ss.12 and 34.]

[14. Repealed by No. 32 of 1987 s.13.]

Division 3 — Staff of the Department

[Heading amended by No. 32 of 1987 s.34.]

15. Chief Executive Officer of the Department

There shall be appointed a Chief Executive Officer of the Department under and subject to Part 3 of the *Public Sector*

Management Act 1994 as the chief executive officer of the Department.

[Section 15 inserted by No. 32 of 1987 s.14; amended by No. 113 of 1987 s.32; No. 32 of 1994 s.19.]

16. Officers and staff of the Department

- (1) There may be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* such officers and other staff as are necessary to enable the Department to carry out its functions.
- (2) The Minister may engage under contract for services such professional and technical or other assistance, otherwise than under Part 3 of the *Public Sector Management Act 1994*, as the Minister considers necessary for the purposes of this Act and persons so engaged shall, subject to any relevant industrial award or agreement, be employed on such terms and conditions as the Minister determines after consultation with the Public Service Commissioner².

[Section 16 inserted by No. 32 of 1987 s.15; amended by No. 32 of 1994 s.19.]

[17. Repealed by No. 32 of 1987 s.17.]

18. Position where public service officer seconded

Where a person engaged under section 16 (2) immediately before that engagement occupied an office under Part 3 of the *Public Sector Management Act 1994* he shall —

- (a) if he resigns or if his employment under section 16 (2) expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under that Part not lower in status than the office which he occupied immediately before he was engaged under section 16 (2); and

- (b) continue to retain his existing and accruing rights, including his rights (if any) under the *Superannuation and Family Benefits Act 1938*, as if his service under section 16 (2) were service as an officer under Part 3 of the *Public Sector Management Act 1994*.

[Section 18 inserted by No. 32 of 1987 s.17; amended by No. 32 of 1994 s.19; No. 42 of 1997 s.8.]

[19. Repealed by No. 32 of 1987 s.18.]

20. Secrecy

- (1) A person to whom this section applies shall not, either directly or indirectly, except in the performance of a function or duty under or in connection with this or any other Act —
 - (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by him by reason of his office or employment under or for the purposes of this Act; or
 - (b) produce to any person any document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: \$2 500.

- (2) This section applies to every person —
 - (a) who is or has been a member of the Council;
 - (b) who is or has been an officer of the Department;
 - (c) who is rendering or has rendered service to the Department;
 - (d) who has —
 - (i) been a member of the Board or a member of the Council;
 - (ii) been the Director of the Technology Directorate;or

- (iii) rendered service to or been employed by the Western Australian Technology Development Authority or the Technology Directorate, under this Act before the commencement of the *Technology Development Amendment Act 1987*¹.

[Section 20 amended by No. 32 of 1987 s.19.]

Division 4 — Financial provisions

21. Funds

- (1) The moneys available to the Department for carrying out its functions are —
- (a) moneys from time to time appropriated by Parliament;
 - (b) all moneys received by the Department for services provided under the authority of this Act;
 - (c) all moneys borrowed by the Minister pursuant to section 22; and
 - (d) any other moneys received by, or made available to, the Department.
- (2) Unless the Minister, with the prior approval of the Treasurer, otherwise directs the moneys referred to in subsection (1) shall be credited to an account at the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*, to be called the “Western Australian Technology and Industry Development Account”.
- (3) All expenditure incurred by the Department for the purpose of giving effect to this Act shall be charged to the Account.
- (4) The Department shall ensure that the moneys standing to the credit of the Account are applied only in accordance with its functions and this Act.

[Section 21 amended by No. 32 of 1987 ss.20 and 34; No. 49 of 1996 s.64.]

22. Borrowing by the Minister

- (1) Subject to this Act the Minister may, to the extent that he thinks necessary from time to time for the purpose of pursuing the functions of the Department —
 - (a) borrow moneys by way of loan, advance or overdraft;
 - (b) obtain and provide credit;
 - (c) pay commission or brokerage; and
 - (d) give, take or arrange security.
- (2) A loan, advance or overdraft under this section may only be made with the prior approval of the Treasurer and upon such terms and conditions as the Treasurer approves.
- (3) Any moneys borrowed by the Minister under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

[Section 22 amended by No. 32 of 1987 ss.21 and 34.]

23. Guarantee by the Treasurer

- (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee the payment of the principal moneys, interest and other charges thereon in respect of moneys borrowed by the Minister under section 22, and any liability of the Crown arising out of the guarantee is to be charged to the Consolidated Fund, which to the necessary extent is appropriated accordingly, and shall cause any amounts received or recovered from the Minister or otherwise in respect of moneys so charged by him to be credited to the Consolidated Fund.

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Division 4 Financial provisions

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- (2) A guarantee under this section shall be in such form and subject to such terms and conditions as the Treasurer determines.

[Section 23 amended by No. 32 of 1987 s.34; No. 6 of 1993 s.11; No. 49 of 1996 s.64.]

[24. Repealed by No. 32 of 1987 s.22.]

25. Application of *Financial Administration and Audit Act 1985*

The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of departments apply to and in respect of the Department and its operations.

[Section 25 inserted by No. 98 of 1985 Schedule 1; amended by No. 32 of 1987 s.23.]

[26. and 27. Repealed by No. 98 of 1985 Schedule 1.]

Part III — Western Australian Technology and Industry Advisory Council

[Heading amended by No. 32 of 1987 s.24.]

28. Establishment of the Western Australian Technology and Industry Advisory Council

- (1) There is hereby established a body to be called the Western Australian Technology and Industry Advisory Council.
- (2) The functions of the Council are —
 - (a) to advise the Department and the Minister on the encouragement, promotion, facilitation and assistance of the development and use of technology and industry in the State generally;
 - (b) to make reports or recommendations to the Minister on any matter pertaining to —
 - (i) the role of science, industry and technology in the policies of government;
 - (ii) the social and economic impact of industrial and technological change;
 - (iii) manpower requirements in, and the training of persons for, scientific, industrial 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 scientific, industrial and technological advances to the services of the Government;

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- (vii) the promotion of public awareness and understanding of development in science, industry and technology;
 - (c) to consider any matter relating to science, industry or technology referred to it by the Minister and to advise the Minister thereon;
 - (d) to liaise and co-operate with, and give advice to, any person, body or organization with respect to the conduct of any investigation, study or research into a matter relating to science, industry and technology in the State.
- (3) The Council, in carrying out its functions, shall —
- (a) have regard to the needs of the Western Australian community and the resources of the State;
 - (b) promote developments in science, industry and technology that increase productivity; and
 - (c) support developments that create employment opportunities.
- (4) The Council shall have and may exercise such powers as are necessary or incidental to the performance of its functions.
- (5) The Minister may give directions of a general or specific nature to the Council in relation to its functions under this Act and the manner in which those functions are to be carried out, and the Council shall give effect to those directions.

[Section 28 amended by No. 32 of 1987 ss.25 and 34.]

29. Composition of the Council

- (1) The Council shall comprise —
- (a) one person appointed by the Minister as a member and chairman;
 - (b) the Chief Executive Officer of the Department for the time being; and

- (c) not less than 6 nor more than 18 other persons appointed as members by the Minister.
- (2) In appointing persons as members of the Council the Minister shall ensure, as far as is practicable, that the Council is representative of the interests of the people of the State, and without limiting the generality of the foregoing, includes persons from industry and commerce, trade unions, scientific, technical and educational institutions and such other sections of the community as the Minister considers are relevant to the functions of the Council.
- (3) Appointment as a member of the Council does not render Part 3 of the *Public Sector Management Act 1994* or any Act applying to persons as officers of the Public Service of the State, applicable to that person, or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment.

[Section 29 amended by No. 32 of 1987 s.26; No. 32 of 1994 s.19.]

30. Constitution and proceedings of the Council

The provisions of Schedule 2 shall have effect with respect to the constitution and proceedings of the Council.

31. Remuneration and allowances of members of the Council

An appointed member of the Council and a member of a committee shall be paid such remuneration and travelling and other allowances as the Minister from time to time after consultation with the Public Service Commissioner² determines.

32. Protection of members of the Council

A member of the Council is not personally liable for any act done or omitted to be done in good faith by the Council, a committee or by him acting as a member.

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33. Disclosure of pecuniary interests

- (1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Council and the member of the Council shall not, unless the Minister or the Council otherwise determines —
 - (a) be present during any deliberation of the Council with respect to that matter; or
 - (b) take part in any decision of the Council with respect to that matter.
- (3) For the purpose of the making of a determination by the Council under subsection (2) in relation to a member of the Council who has made a disclosure under subsection (1), a member of the Council who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not —
 - (a) be present during any deliberation of the Council for the purpose of making the determination; or
 - (b) take part in the making by the Council of the determination.

[Section 33 inserted by No. 32 of 1987 s.27.]

34. Expenses of the Council

The expenses of the Council in carrying out its functions under this Act shall be paid out of moneys from time to time appropriated by Parliament.

35. Annual report of the Council

- (1) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the Council shall, as soon as practicable

after 1 July in each year, prepare and furnish to the Minister a report on its operations and proceedings for the year ending on 30 June last preceding.

- (2) The Minister shall cause the report of the Council to be laid before each House of Parliament as soon as practicable in each year after its receipt by him.

[Section 35 amended by No. 98 of 1985 Schedule 1.]

[Part IV. Repealed by No. 32 of 1987 s.28.]

Part V — General

41. Execution of documents

- (1) A document is duly executed by the Minister, if —
- (a) it is sealed with the seal of the Minister by the Minister; or
 - (b) it is signed on behalf of the Minister by any officer or officers of the Department authorized to do so.

[(2) and (3) repealed]

- (4) A document purporting to be executed in accordance with this section shall be presumed to be duly executed until the contrary is shown.
- (5) Where a document is produced bearing a seal purporting to be the common seal of the Minister it shall be presumed that the seal is the common seal of the Minister until the contrary is shown.

[Section 41 amended by No. 32 of 1987 ss.29 and 34.]

42. Proceedings not affected by irregularities

An act, decision, or proceeding of the Council shall not be invalid or called in question by reason of —

- (a) any vacancy in the Council; or
- (b) any defect or irregularity in appointment to an office under this Act.

[Section 42 amended by No. 32 of 1987 s.30.]

43. Regulations

- (1) The Governor may make regulations prescribing all matters that are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

- (2) Without limiting the generality of subsection (1) regulations may be made, in relation to a technology park —
- (a) prohibiting or regulating the construction of buildings;
 - (b) prescribing the materials for, and the design and siting of, buildings;
 - (c) prescribing requirements for the maintenance of buildings;
 - (d) regulating the use of land and prohibiting activities on the land;
 - (e) prohibiting changes in the use of land or prescribing conditions on which the use of land may be changed;
 - (f) prescribing requirements for landscaping;
 - (g) prohibiting or regulating any activity that may impair the amenity of the park or interfere with other activities in the park;
and
 - (h) prohibiting or regulating any activity that may endanger life or property.
- (3) Regulations made under subsection (2) shall apply in addition to any other law.
- (4) Regulations made under this section may prescribe a penalty not exceeding \$2 500 for any contravention or failure to comply with the requirements of the regulations.

44. Making of regulations

- (1) Any regulation made by the Governor under this Act may be so made —
- (a) as to apply generally or in a specified class of case, or specified classes of cases, at all times, or at a specified time or specified times, or in a specified place or specified places;

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- (b) as to require a matter affected by it to be in accordance with a specified standard or specified requirement or as approved by or to the satisfaction of, a specified person or body, or class of person or body, and so as to authorize a specified person or body to exercise a discretionary authority; and
 - (c) as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things may be exempted from its provisions either wholly or to such extent as is specified.
- (2) Where in relation to a regulation made under this Act the expression “specified” is used, the expression, unless the context requires otherwise, means specified in that regulation.

45. Review of Act

- (1) The Minister shall carry out a review of the operation of this Act 5 years after the commencement of this Act 1, and in the course of such review the Minister shall consider and have regard to —
- (a) the effectiveness of the operations of the Department and the Council;
 - (b) the need for the continuation, or changes to, the functions of the Department or the Council; and
 - (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.
- (2) The Minister shall prepare a report based on his review of the Act and shall, as soon as practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

[Section 45 amended by No. 32 of 1987 s.31.]

[Schedule 1 Repealed by No. 32 of 1987 s.32.]

Schedule 2

[Section 30]

PROVISIONS AS TO CONSTITUTION AND PROCEEDINGS OF THE COUNCIL

1. Term of office

- (1) Except as otherwise provided by this Act an appointed member of the Council shall hold office for such term being not more than 3 years, as is specified in his instrument of appointment, but he may from time to time be reappointed.
- (2) An appointed member of the Council, unless he sooner resigns or is removed from office, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

2. Extraordinary vacancies

- (1) An appointed member of the Council may resign his office by notice in writing delivered to the Minister.
- (2) An appointed member of the Council may be removed from office at any time by the Minister —
 - (a) for mental or physical disability, incompetence, neglect of duty or misconduct proved to the satisfaction of the Minister;
 - (b) if he is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
 - (c) if he is absent without leave of the Council from 3 consecutive meetings of the Council of which he has had notice.
- (3) If an appointed member of the Council dies or resigns or is removed from office the vacancy shall be deemed to be an extraordinary vacancy.

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- (4) In the case of an extraordinary vacancy in the office of an appointed member of the Council, the Minister may appoint a person to be a member of the Council.

3. Acting members

- (1) Where the Council chairman is unable to act by reason of sickness, absence or other cause, the Minister may appoint a person to act in his place, and while so acting according to the tenor of his appointment that other person has all the powers, functions and duties of the Council chairman.
- (2) Where a member of the Council, other than the Council chairman, is unable to act by reason of sickness, absence or other cause, the Minister may appoint another person to act in his place, and while so acting according to the tenor of his appointment that other person is deemed to be a member of the Council.
- (3) The Chief Executive Officer of the Department may nominate, in writing, a senior officer of the Department to represent him at any meeting which he is unable to attend by reason of sickness, absence or other cause, and while so attending the persons so nominated shall be deemed to be a member of the Council.
- (4) No act or omission of a person acting in place of another under this clause shall be questioned on the ground that the occasion for his appointment or acting had not arisen or had ceased.
- (5) The appointment of a person as an acting member of the Council or as acting Council chairman may be terminated at any time by the Minister.

4. Meetings

- (1) The first meeting of the Council shall be convened by the Council chairman and thereafter, subject to subclause (2), meetings shall be held at such times and places as the Council determines at intervals not longer than 2 months.
- (2) A special meeting of the Council may at any time be convened by —
- (a) the Council chairman; or
 - (b) any 4 members of the Council.

- (3) At a meeting of the Council the Council chairman, or in his absence the Chief Executive Officer of the Department shall preside, but where both are absent from a meeting the members of the Council present shall appoint one of their number to preside at that meeting.
- (4) At any meeting of the Council —
 - (a) a majority of the members of the Council constitute a quorum; and
 - (b) each member of the Council present is entitled to a deliberative vote.
- (5) The Council shall cause accurate minutes to be kept of the proceeding at its meetings and shall submit to the Minister a copy of the minutes of each meeting within 14 days of the date on which the meeting is held.

5. Committees

- (1) The Council may from time to time, by resolution, appoint committees of such members of the Council or such members of the Council and other persons, as it thinks fit and may discharge, alter, continue or reconstitute any committee so appointed.
- (2) Subject to the directions of the Council each committee may determine its own procedures.

6. Resolution may be passed without meeting

A resolution in writing signed or assented to by letter or telegram by each member of the Council shall be as valid and effectual as if it had been passed at a meeting of the Council.

7. Leave of absence

The Council may grant leave of absence to a member of the Council on such terms and conditions as it thinks fit.

8. Council to determine own procedures

Subject to this Act, the Council shall determine its own procedures.

[Schedule 2 amended by No. 32 of 1987 s.33; No. 73 of 1994 s.4.]

NOTES

- ^{1.} This is a compilation of the *Technology and Industry Development Act 1983* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Technology Development Act 1983</i>	69 of 1983	22 Dec 1983	23 Mar 1984 (see <i>Gazette</i> 23 Mar 1984 p.727)
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i>	98 of 1985 (as amended by Act No. 4 of 1986 Sch. 1)	4 Dec 1985	1 Jul 1986 (see section 2 and <i>Gazette</i> 30 Jun 1986 p.2255)
<i>Technology Development Amendment Act 1987</i> ³	32 of 1987 (as amended by No. 42 of 1997 s.8)	29 Jun 1987	30 Jun 1987 (see <i>Gazette</i> 30 Jun 1987 p.2545)
<i>Acts Amendment (Public Service) Act 1987</i> s. 32, Sch. 2 it. 51	113 of 1987	31 Dec 1987	16 Mar 1988 (see <i>Gazette</i> 16 Mar 1988 p.813)
<i>Financial Administration Legislation Amendment Act 1993</i> Pt 4	6 of 1993	27 Aug 1993	Deemed operative 1 Jul 1993
<i>Acts Amendment (Public Sector Management) Act 1994</i> Part 4	32 of 1994	29 Jun 1994	1 Oct 1994 (see <i>Gazette</i> 30 Sep 1994 p.4948)
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> section 4	73 of 1994	9 Dec 1994	9 Dec 1994
<i>Financial Legislation Amendment Act 1996</i> section 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see section 2 (1))
<i>Equal Opportunity Amendment Act (No. 3) 1997</i> section 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see section 2)

² Title changed pursuant to section 7 (3) (h) of the *Reprints Act 1984* and section 31 of the *Acts Amendment (Public Service) Act 1987*.

³ Schedule 1 of the *Technology Development Amendment Act 1987* (Act No. 32 of 1987) reads as follows —

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SCHEDULE 1

(Section 35)

TRANSITIONAL PROVISIONS

1. Former employees of Technology Development Authority

- (1) On the commencement of this Act each person employed, engaged or appointed under the principal Act in the service of the Western Australian Technology Development Authority immediately before that commencement shall be deemed to be employed under a contract for services under section 30 of the *Public Service Act 1978* on the same terms and conditions, including remuneration, as those on which the person was employed immediately before that commencement.
- (2) The appointment, employment or engagement of a person under subclause (1) and the previous service of that person with the Western Australian Technology Development Authority shall be taken to constitute throughout a continuous service and no compensation or other payment is payable by reason only of a change in the nature of the appointment, employment or engagement occasioned by the operation of this Act.
- (3) Notwithstanding section 5 of the principal Act, a reference to the Board of Management of the Technology Development Authority whether by use of that name or a similar or abbreviated form of that name in any contract of employment in force between any person and that Board immediately before the commencement of this Act shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed as a reference to the Public Service Board.
- (4) Where the General Manager or any other employee of the Western Australian Technology Development Authority under the principal Act before the commencement of this Act, immediately before his appointment as such occupied an office under the *Public Service Act 1978*, he shall —

- (a) if he resigns his office or employment or if his term of office or employment expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under that Act not lower in status than the office which he occupied immediately prior to his appointment under the principal Act;
and
- (b) continue to retain his existing and accruing rights, including his rights (if any) under the *Superannuation and Family Benefits Act 1938* as if his service under the principal Act was service as an officer under the *Public Service Act 1978*

2. Former Board and Council members

The appointment of every member of the Council and every member of the Board, within the meaning of the principal Act as in force immediately before the commencement of this Act, whose appointment subsists at that time terminates on that commencement.

3. Reference to former Council

A reference to the Western Australian Science, Industry and Technology Council whether by use of that name or a similar or abbreviated form of that name —

- (a) in a written law passed or made before the proclaimed date;
- (b) in any document or other instrument made, executed, entered into or done before the proclaimed date; or
- (c) made before the proclaimed date in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed as a reference to the Western Australian Technology and Industry Advisory Council.

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