

TECHNOLOGY DEVELOPMENT ACT 1983.

(No. 69 of 1983)

ARRANGEMENT.

Section

PART I—PRELIMINARY.

1. Short title.
2. Commencement.
3. Interpretation.
4. Declaration of a technology park.

PART II—WESTERN AUSTRALIAN TECHNOLOGY DEVELOPMENT AUTHORITY.

Division 1—Establishment of the Authority.

5. Establishment of the Western Australian Technology Development Authority.
6. Composition of the Board of management of the Authority.
7. Appointment of members.
8. Constitution and proceedings.
9. Remuneration and allowances of members.
10. Protection of members.
11. Disclosure of pecuniary interests.

Division 2—Functions and Powers of the Authority.

12. Functions of Authority.
13. Powers of Authority.
14. Direction by the Minister.

Section

Division 3—Staff of the Authority.

15. General Manager.
16. Appointment of staff and advisers.
17. Use of staff and facilities of Departments and instrumentalities.
18. Position where public service officer seconded.
19. Superannuation.
20. Secrecy.

Division 4—Financial Provisions.

21. Funds.
22. Borrowing by the Authority.
23. Guarantee by the Treasurer.
24. Temporary investment of funds.
25. Annual estimates of receipts and payments.
26. Accounts and audit.
27. Annual report of the Authority.

PART III—WESTERN AUSTRALIAN SCIENCE, INDUSTRY
AND TECHNOLOGY COUNCIL.

28. Establishment of the Western Australian Science, Industry and Technology Council.
29. Composition of the Council.
30. Constitution and proceedings.
31. Remuneration and allowances of members of Council.
32. Protection of members of Council.
33. Disclosure of pecuniary interests.
34. Funds.
35. Annual report of the Council.

PART IV—WESTERN AUSTRALIAN
TECHNOLOGY DIRECTORATE.

36. Western Australian Technology Directorate.
37. Functions of Directorate.
38. Director.
39. Use of staff and facilities of Departments and instrumentalities.
40. Professional and technical assistance to the Directorate.

PART V—GENERAL.

41. Execution of documents.
42. Proceedings not affected by irregularities.
43. Regulations.
44. Making of regulations.
45. Review of Act.

SCHEDULE 1.

Provisions as to constitution and proceedings of the Board.

SCHEDULE 2.

Provisions as to constitution and proceedings of the Council.

TECHNOLOGY DEVELOPMENT.

No. 69 of 1983.

AN ACT to encourage, promote, facilitate and assist the development and use of technology in the State; to make provision for a Western Australian Technology Development Authority, a Western Australian Science, Industry and Technology Council and a Western Australian Technology Directorate; and for incidental and other purposes.

[Assented to 22 December 1983.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Technology Development Act 1983*. Short title.

Commence-
ment.

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

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“Account” means the Western Australian Technology Development Authority Account provided for by section 21;

“appointed member” means a person appointed pursuant to paragraph (a) or (d) of section 6 (1) to be a member of the Board;

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

“Authority” means the Western Australian Technology Development Authority established by section 5;

“Board” means the Board provided for by section 6;

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

“chairman” means the person appointed under section 6 (1) (a) to be the chairman of the Board and includes a person acting in the office of the chairman;

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

“Council” means the Western Australian Science, Industry and Technology 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;

“General Manager” means the General Manager of the Authority appointed under section 15 and includes a person acting in his place;

“member” means a member of the Board appointed by or under section 6 (1) and includes the chairman and a temporary member;

“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;

“paragraph” means a paragraph of the section or subsection in which the term appears;

“Schedule” means a Schedule to this Act;

“section” means a section of this Act;

“subsection” means a subsection of the section in which the term appears;

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

“Technology Directorate” means the Western Australian Technology Directorate referred to in section 36;

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

4. (1) The Minister may, from time to time, on the recommendation of the Board, by notice published in the *Government Gazette*, declare to be a technology park, an area of land which provides a physical environment in which—

Declaration
of a
technology
park.

(a) research into, and the development and use of, technology; 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.

PART II—WESTERN AUSTRALIAN TECHNOLOGY
DEVELOPMENT AUTHORITY.

Division 1—Establishment of the Authority.

Establish-
ment of the
Western
Australian
Technology
Development
Authority.

5. (1) For the purposes of this Act, there is hereby established a body corporate by the name of the “Western Australian Technology Development Authority”.

(2) Under its corporate name the Authority—

(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 Authority is an agent of the Crown in right of the State.

Composition
of the Board
of manage-
ment of the
Authority.

6. (1) The Authority shall have a Board of management comprising—

(a) a chairman;

- (b) the General Manager for the time being of of the Authority;
- (c) the Director for the time being of the Technology Directorate; and
- (d) 3 other persons.

(2) The Board is the governing body of the Authority with authority, in the name of the Authority, to exercise and perform the powers, functions and duties conferred or imposed on the Authority by or under this Act.

7. (1) The chairman and the other members referred to in section 6 (1) (d) shall be appointed by the Governor on the nomination of the Minister.

Appointment
of members.

(2) Appointment as a member does not render the Public Service Act 1978, or any other 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.

8. The provisions of Schedule 1 shall have effect with respect to the constitution and proceedings of the Board.

Constitution
and
proceedings.

9. An appointed member shall be paid such remuneration and travelling and other allowances as the Minister from time to time after consultation with the Public Service Board determines.

Remunera-
tion and
allowances
of members.

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

Protection of
members.

11. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board 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 Board.

Disclosure of
pecuniary
interests.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, unless the Minister or the Board otherwise determines—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(3) For the purpose of the making of a determination by the Board under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member 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 Board for the purpose of making the determination; or
- (b) take part in the making by the Board of the determination.

Division 2—Functions and Powers of the Authority.

Functions of
Authority.

12. The functions of the Authority 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;
- (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;

- (f) to arrange for the provision of surveys, technical data, statistics, professional opinions or other information for the purposes of this Act;
- (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;
- (h) generally to take steps to encourage, promote, facilitate, assist or develop technology in the State.

13. (1) The Authority 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. Powers of Authority.

(2) Without limiting the generality of subsection (1), the powers of the Authority 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 Authority;
- (b) to purchase, sell, lease, take on lease, exchange or otherwise acquire, deal in or dispose of real and personal property;
- (c) to improve, develop or alter property;
- (d) divide land, build roads, erect buildings and construct other works;
- (e) to open and maintain an account at a bank approved by the Treasurer;
- (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 Authority 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.

Direction by
the Minister.

14. The Minister may from time to time give directions to the Authority with respect to its functions, powers and duties either generally or with respect to a particular matter, and the Authority shall give effect to those directions.

Division 3—Staff of the Authority.

General
Manager.

15. (1) The Governor shall appoint a person to be the General Manager of the Authority, who shall, subject to the control of the Board, administer the day to day operations of the Authority.

(2) The General Manager shall be appointed for a term not exceeding 5 years and shall be eligible for reappointment.

(3) The conditions of service of the General Manager shall be such as the Minister after consultation with the Public Service Board determines.

(4) The General Manager shall be paid such remuneration and allowances as are from time to time determined by the Minister after consultation with the Public Service Board.

(5) A person appointed to the office of General Manager may, at any time, be removed from office by the Governor on the recommendation of the Minister for any reason mentioned in clause 2 (2) of Schedule 1.

(6) The General Manager may at any time resign his office by notice in writing delivered to the Minister.

(7) The Board may appoint a person to act in place of the General Manager during any period when he is absent or unable to carry out his duties.

16. (1) The Board may appoint such employees of the Authority, either full-time or part-time, as it considers necessary to enable the Authority to carry out its functions.

Appointment
of staff and
advisers.

(2) Subject to any relevant award under the Industrial Arbitration Act 1979, the Board may, after consultation with the Public Service Board, determine the remuneration and other terms and conditions of service of its employees.

(3) The Public Service Act 1978 does not apply to or in relation to an employee of the Authority.

(4) The Board may engage under contract for services such professional and technical or other assistance as it considers necessary to enable the Authority to carry out its functions.

17. The Authority may, by arrangement made between the Board and the Minister concerned, and on such terms and conditions as may be mutually arranged with that Minister and with the Public Service Board, make use, either full-time or part-time, of—

Use of staff
and
facilities of
Departments
and
instrumenta-
lities.

(a) the services of any officer or employee employed in the Public Service of the State or in a State instrumentality or otherwise in the service of the Crown in right of the State; or

(b) any facilities of a Department of the Public Service of the State or of a State instrumentality.

18. Where the General Manager or any other employee of the Authority, immediately prior to his appointment as such, occupied an office under the Public Service Act 1978, he shall—

Position
where public
service
officer
seconded.

(a) if he resigns his office or employment or if his term of office or employment expires by effluxion of time, other than by his attaining the age of 65 years, 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 as the General Manager or other employee of the Authority; and

- (b) continue to retain his existing and accruing rights, including his rights under the Superannuation and Family Benefits Act 1938, as if his service as the General Manager or other employee of the Authority were service as an officer under the Public Service Act 1978.

Superannuation.

19. (1) The Board may request the Minister to whom the administration of the Superannuation and Family Benefits Act 1938 is committed to recommend that the Authority be included as a corporate body in the term "department" for the purposes of that Act, and the Treasurer may, on such recommendation and upon the Authority complying with the requirements of that Act, approve of the Authority as, and the Authority shall thereupon be deemed to be, a "department" for the purposes of that Act.

(2) No employee of the Authority is obliged to become a contributor under the Superannuation and Family Benefits Act 1938.

Secrecy.

20. (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 who is or has been a member or temporary member, is or has been a member of the Council or acting member of the Council, is or has been the Director of the Technology Directorate, is or has been an employee of the Authority or an officer of the Technology Directorate, or is rendering or has rendered services to the Authority under section 16 or 17 or to the Technology Directorate under section 40 or section 17 as applied by section 39.

Division 4—Financial Provisions.

21. (1) The funds available for the purpose of ^{Funds.} enabling the Authority to perform its functions under this Act consist of—

- (a) moneys from time to time appropriated by Parliament;
- (b) all moneys received by the Authority for services provided under the authority of this Act;
- (c) all moneys borrowed by the Authority pursuant to section 22; and
- (d) any other moneys received by, or made available to, the Authority.

(2) The funds referred to in subsection (1) shall be paid into, and be placed to the credit of, an account—

- (a) at the Treasury; or
- (b) at a bank within the State approved by the Treasurer,

to be called the “Western Australian Technology Development Authority Account”.

(3) All expenditure incurred by the Authority for the purpose of giving effect to this Act shall be paid from the Account.

(4) Moneys standing to the credit of the Account shall be applied by the Authority only for the purposes of this Act.

Borrowing
by the
Authority.

22. (1) Subject to this Act the Authority may, to the extent that it thinks necessary from time to time for carrying out its objects—

- (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 Authority 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.

Guarantee
by the
Treasurer.

23. (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 Authority under section 22, and any liability of the Crown arising out of the guarantee is payable out of the Consolidated Revenue Fund, which to the necessary extent is appropriated accordingly, and

shall cause any amounts received or recovered from the Authority or otherwise in respect of moneys so paid by him to be paid into the Consolidated Revenue Fund.

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

24. Moneys standing to the credit of the Account may, with the approval of the Treasurer, until required for the purpose of carrying out its functions under this Act, be temporarily invested by the Board in such manner and in such categories of investment as are approved by the Treasurer.

Temporary
investment
of funds.

25. The Board shall cause annual estimates of the receipts and payments of the Authority relating to its administration of this Act to be prepared under such headings and in such manner as the Treasurer may approve or direct, and to be submitted to the Minister who, if he approves the estimates, shall cause them to be submitted to the Treasurer not later than a date specified by the Treasurer.

Annual
estimates of
receipts and
payments.

26. (1) The Board shall—

Accounts
and audit.

(a) cause to be kept proper accounts and records of its transactions and affairs under such heads as the Treasurer may from time to time direct; and

(b) do all things necessary to ensure that—

(i) all payments by the Authority are correctly made and properly authorized; and

(ii) adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by it.

(2) The Board shall cause to be prepared in respect of each financial year ending on 30 June—

(a) a full, true and fair—

(i) balance sheet of its assets and liabilities; and

(ii) profit and loss statement;

and

(b) such other statements as the Treasurer may from time to time direct,

in such form as the Treasurer approves and shall submit that balance sheet and those statements for audit, examination and report by the Auditor General.

(3) The Auditor General shall inspect and audit the accounts and records of the financial transactions of the Authority and shall—

(a) forthwith draw the attention of the Minister to any irregularity disclosed by the audit that is, in the opinion of the Auditor General, of sufficient importance to justify him so doing; and

(b) report to the Minister as to—

(i) whether in his opinion the statements are based on proper accounts and records;

(ii) whether in his opinion the accounts and statements are properly drawn up in accordance with generally accepted accounting standards so as to present a true and fair view of the transactions for the period under review and the financial position at the end of that period;

- (iii) whether in his opinion the controls exercised by the Board are adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets have been in accordance with this Act; and
- (iv) such other matters arising out of the statements as the Auditor General considers should be reported.

(4) The Auditor General has for the purposes of this Act all the powers conferred on him by the Audit Act 1904.

27. (1) The Board shall as soon as is 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.

Annual
report of the
Authority.

(2) The Minister shall cause the report furnished pursuant to subsection (1), together with copies of the financial statements of the Authority and the report of the Auditor General thereon, to be laid before each House of Parliament as soon as practicable in each year after the receipt by him of all reports.

PART III—WESTERN AUSTRALIAN SCIENCE, INDUSTRY AND TECHNOLOGY COUNCIL.

28. (1) There is hereby established a body to be called the Western Australian Science, Industry and Technology Council.

Establish-
ment of the
Western
Australian
Science,
Industry and
Technology
Council.

(2) The functions of the Council are—

- (a) to advise the Authority and the Minister on the encouragement, promotion, facilitation and assistance of the development and use of technology 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 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 technological advances in the State;
 - (vi) the application of scientific, industrial and technological advances to the services of the Government;
 - (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.

29. (1) The Council shall comprise—

Composition
of the
Council.

- (a) one person appointed by the Minister as a member and chairman;
- (b) the Director for the time being of the Technology Directorate; 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 the Public Service Act 1978 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.

Constitution
and
proceedings.

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

Remunera-
tion and
allowances of
members of
Council.

31. 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 Board determines.

Protection of
members of
Council.

32. 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.

Disclosure
of pecuniary
interests.

33. Section 11 applies *mutatis mutandis* to 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 and references in that section—

(a) to the Board, shall be read as being to the Council; and

(b) to a member, shall be read as being to a member of the Council.

Funds.

34. 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.

Annual
report of the
Council.

35. (1) 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.

PART IV—WESTERN AUSTRALIAN
TECHNOLOGY DIRECTORATE.

36. There shall be a Western Australian Technology Directorate comprising—

Western
Australian
Technology
Directorate.

- (a) a Director; and
- (b) such other employees as the Minister considers are necessary to carry out the functions of the Technology Directorate.

37. (1) The functions of the Technology Directorate are—

Functions of
Directorate.

- (a) to take such steps and do such acts and things as are necessary for the encouragement, promotion, facilitation, assistance or development of technology in the State;
- (b) to co-ordinate research into technological development and the future technological potential of the State;
- (c) to liaise and co-operate with industry, trade unions, educational institutions, State instrumentalities and Departments of the government of the State, or of other States or the Commonwealth, or any other person, body or organization in relation to technological matters;
- (d) to advise the Minister on policies and programmes that will promote the development and application of new technology in the State;
- (e) to investigate any matter related to the impact of technological development in the State;
- (f) to act as a secretariat to the Council.

(2) The Minister may from time to time give directions to the Technology Directorate with respect to its functions either generally or with respect to a particular matter and the Technology Directorate shall give effect to those directions.

Director.

38. (1) The Director of the Technology Directorate shall be appointed by the Governor.

(2) The term of appointment, conditions of service and remuneration of the Director of the Technology Directorate shall be as are determined from time to time by the Governor on the recommendation of the Minister.

(3) The Director of the Technology Directorate shall, subject to section 37 (2), administer the day to day operations of the Technology Directorate.

Use of staff
and
facilities of
Departments
and
instrument-
alities.

39. Section 17 applies *mutatis mutandis* to the Technology Directorate and references in that section to the Corporation or to the Board shall be read as being references to the Technology Directorate.

Professional
and
technical
assistance
to the
Directorate.

40. The Minister may engage under contract for services such professional and technical or other assistance as he considers necessary to enable the Technology Directorate to carry out its functions.

PART V—GENERAL.

Execution of
documents.

41. (1) A document is duly executed by the Authority, if—

(a) it is sealed with the seal of the Authority in accordance with subsections (2) and (3);
or

(b) it is signed on behalf of the Authority by the member or members or employee or employees of the Authority authorized to do so.

(2) The common seal of the Authority shall not be affixed to any document except by resolution of the Board.

(3) The common seal shall be affixed to a document in the presence of the chairman and one other member and each shall sign the document to attest that the common seal was so affixed.

(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 Authority it shall be presumed that the seal is the common seal of the Authority until the contrary is shown.

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

Proceedings
not affected
by irregularities.

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

43. (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.

Regulations.

(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.

Making of
regulations.

44. (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;
- (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. (1) The Minister shall carry out a review of the operation of this Act 5 years after the commencement of this Act, and in the course of such review the Minister shall consider and have regard to—

*Review
of Act.*

- (a) the effectiveness of the operations of the Authority, the Council and the Technology Directorate;
- (b) the need for the continuation of the functions of the Authority, the Council and the Technology Directorate; 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.

SCHEDULE 1. (Section 8)

PROVISIONS AS TO CONSTITUTION AND PROCEEDINGS OF THE BOARD.

1. (1) Except as otherwise provided by this Act an appointed member 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.

*Term of
office.*

(2) An appointed member, 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. (1) An appointed member may resign his office by notice in writing delivered to the Minister.

*Extra-
ordinary
vacancies.*

(2) An appointed member may be removed from office at any time by the Governor—

- (a) for mental or physical disability, incompetence, neglect of duty or misconduct proved to the satisfaction of the Governor;
- (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 Board from 3 consecutive meetings of the Board of which he has had notice.

(3) If an appointed member dies or resigns or is removed from office the vacancy shall be deemed to be an extraordinary vacancy.

(4) In the case of an extraordinary vacancy in the office of an appointed member, the Governor may appoint a person to be a member for the residue of the term of the former holder of that office, and shall do so on the nomination of the Minister.

Temporary
chairman
and
temporary
members.

3. (1) Where the chairman is unable to act by reason of sickness, absence or other cause the Minister may appoint a person to act temporarily as chairman and while so acting according to the tenor of his appointment that person has all the functions, powers and duties of the chairman.

(2) Where an appointed member, other than the chairman is unable to act by reason of sickness, absence or other cause, the Minister may appoint another person to act temporarily in his place, and while so acting according to the tenor of his appointment that other person is deemed to be a member.

(3) A member referred to in section 6 (1) (b) or (c) may nominate, in writing delivered to the chairman—

- (a) in the case of the General Manager, a senior employee of the Authority; and
- (b) in the case of the Director of the Technology Directorate, a senior officer of that Directorate,

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 person so nominated shall be deemed to be a member.

(4) Subclause (3) (a) of this clause does not apply so as to authorize the General Manager to nominate a person to represent him at a meeting if there is a person acting in his place pursuant to section 15 (7).

(5) 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.

(6) The appointment of a person as a temporary member or as acting chairman or the nomination of a person pursuant to subclause (3) of this clause may be terminated at any time by the Minister.

4. (1) The first meeting of the Board shall be convened by the chairman and thereafter, subject to subclause (2) of this clause, meetings shall be held at such times and places as the Board determines. Meetings.

(2) A special meeting of the Board may at any time be convened by the chairman.

(3) At a meeting of the Board the chairman shall preside but where he is absent from a meeting the members present shall appoint one of their number to preside at that meeting.

(4) At any meeting of the Board 4 members constitute a quorum.

(5) At any meeting of the Board—

(a) each member present is entitled to a deliberative vote;

(b) subject to paragraph (c) of this subclause, where the votes cast on any question are equally divided, the question shall remain unresolved until a subsequent meeting of the Board; and

(c) where the votes cast on a question at a previous meeting were equally divided and the votes cast on that question at a subsequent meeting are again equally divided, the question shall be deemed lost.

(6) The Board shall cause accurate minutes to be kept of the proceedings at its meetings.

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| Delegation. | <p>5. (1) The Board may, by resolution, delegate to a member or to an employee of the Authority, either generally or otherwise as provided by the instrument of delegation, all or any of its powers, functions or duties under this Act (except this power of delegation).</p> <p>(2) A power, function or duty so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation and, when so exercised, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Board.</p> <p>(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function or duty by the Board.</p> |
| Resolution may be passed without meeting. | <p>6. A resolution in writing signed or assented to by letter or telegram by each member shall be as valid and effectual as if it had been passed at a meeting of the Board.</p> |
| Leave of absence. | <p>7. The Board may grant leave of absence to a member on such terms and conditions as it thinks fit.</p> |
| Board to determine own procedures. | <p>8. Subject to this Act, the Board shall determine its own procedures.</p> |

SCHEDULE 2. (Section 30)

PROVISIONS AS TO CONSTITUTION AND
PROCEEDINGS OF THE COUNCIL.

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| Term of office. | <p>1. (1) Except as otherwise provided by this Act an appointed member of the Council shall hold office for such term being not more than 2 years, as is specified in his instrument of appointment, but he may from time to time be reappointed.</p> <p>(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.</p> |
| Extra-ordinary vacancies. | <p>2. (1) An appointed member of the Council may resign his office by notice in writing delivered to the Minister.</p> <p>(2) An appointed member of the Council may be removed from office at any time by the Minister—</p> <p style="padding-left: 40px;">(a) for mental or physical disability, incompetence, neglect of duty or misconduct proved to the satisfaction of the Minister;</p> |

- (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.

(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, for the residue of the term of the former holder of that office.

3. (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. Acting members.

(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 Director of the Technology Directorate may nominate, in writing, a senior officer of the Technology Directorate 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 person 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. (1) The first meeting of the Council shall be convened by the Council chairman and thereafter, subject to subclause (2) of this clause, meetings shall be held at such times and places as the Council determines at intervals not longer than 2 months. Meetings.

(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 Director of the Technology Directorate, 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 proceedings 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.

Committees. 5. (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.

Resolution may be passed without meeting. 6. 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.

Leave of absence. 7. The Council may grant leave of absence to a member of the Council on such terms and conditions as it thinks fit.

Council to determine own procedures. 8. Subject to this Act, the Council shall determine its own procedures.