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DPC025/02CS

**New Arrangements for Economic Development
APPROVED**

Premier & Cabinet Minister.

Not Relevant

CABINET COVER SHEET

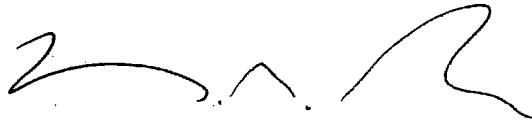
1. **TITLE:** To set up new arrangements for economic development in South Australia.
2. **MINISTERS:** Premier and Minister for Industry, Investment and Trade
3. **PURPOSE:** To establish the Economic Development Board under the Economic Development Act and to modify the support arrangements for the economic development functions.
4. **RESOURCES REQUIRED FOR IMPLEMENTATION:** Within existing resources
5. **RELATIONSHIP TO GOVERNMENT POLICY:** Consistent with the government's policy on economic development
6. **CONSULTATION:** Machinery of Government Committee has provided coordinated view. Chair of the Economic Development Board & Chief Executive, Office of Economic Development have been consulted
7. **IMPACT STATEMENT:** The changes will enhance the ability to achieve the Government's economic development agenda
8. **URGENCY:** Urgent – needs to be considered on 2 December 2002.
9. **RECOMMENDATIONS:** It is recommended that Cabinet approve:
- 4.1 Approve the establishment of the Economic Development Board (EDB) under the Economic Development Act, 1993 and the establishment of the Department for Business, Manufacturing and Trade (BMT) by the following actions:
- 4.2 Recommend to Her Excellency the Governor in Executive Council that she commit the administration of the Economic Development Act 1993 to the Minister for Industry, Investment and Trade pursuant to section 5 of the Administrative Arrangements Act 1994.
- 4.3 Recommend to Her Excellency the Governor in Executive Council that she alter the title of the administrative unit known as the Office of Economic Development to the title of Department for Business, Manufacturing and Trade pursuant to section 7 (2) (b) of the Public Sector Management Act 1995.

- 4.4 Recommend to Her Excellency the Governor in Executive Council that she establish a new administrative unit with the title Office of Economic Development to provide services to the Economic Development Board pursuant to section 7(2) (a) of the Public Sector Management Act 1995.
- 4.5 Note that the Minister for Industry, Investment and Trade will appoint an Acting Chief Executive of the Department for Business, Manufacturing and Trade to fill the temporary vacancy in the position of Chief Executive following the resignation of Dr Roger Sexton from the position of Chief Executive of the Department for Business, Manufacturing and Trade (formerly the Office of Economic Development).
- 4.6 Recommend to Her Excellency the Governor in Executive Council that she make a regulation pursuant to sections 43 and 5 of the Public Corporations Act 1993 to apply section 12 of that Act to the statutory corporation known as the Economic Development Board and requiring that the Minister for Industry, Investment and Trade and the Treasurer prepare a charter for that statutory corporation.
- 4.7 Recommend to Her Excellency the Governor in Executive Council that she revoke the appointments of the present members of the Economic Development Advisory Board (attachment 3) made pursuant to section 68 of the Constitution Act 1934, and pursuant to section 9 (2) of the Economic Development Act 1993 appoint these same persons to be members of the Economic Development Board established under the Economic Development Act 1993 for a term of three years at a maximum annual fee of \$45,000. (Note, the Chief Executive is a member of the Board ex officio and will not receive a fee).
- 4.8 Recommend to Her Excellency the Governor in Executive Council that she appoint Mr Robert J Champion de Crespigny AO as chair of the Economic Development Board pursuant to section 9(4) of the Economic Development Act

1993.

- 4.9 Recommend to Her Excellency the Governor in Executive Council that she appoint Dr Roger Sexton as Chief Executive of the Economic Development Board on the terms and conditions as determined by the Governor pursuant to section 8 (3) of the Economic Development Act 1993 (the schedule forms Attachment 5).
- 4.10 Note that the Premier will by notice published in the SA Government Gazette and pursuant to section 13 of the Public Sector Management Act 1995 declare that Dr Roger Sexton, holder of the statutory office of Chief Executive of the Economic Development Board, will have the powers and functions of Chief Executive in relation to the administrative unit titled Office of Economic Development.
- 4.11 Approve the drafting of an Amendment to the Economic Development Act by the Parliamentary Council to provide for a maximum of 15 members to be appointed to the Economic Development Board.

MIKE RANN

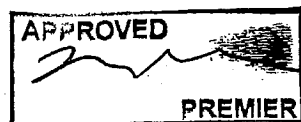


PORTFOLIO: Premier

DATE: 2 /12/02

In Cabinet

- 2 DEC 2002



TO: CABINET

RE: NEW ARRANGEMENTS FOR ECONOMIC DEVELOPMENT

1. PROPOSAL

- 1.1 To establish the Economic Development Board under the Economic Development Act and to modify the support arrangements for economic development functions.

2. BACKGROUND

- 2.1. The Government established the Economic Development Board (EDB) as an advisory board to produce an economic plan for the State. The State of the State report prepared by the Board was released on 6th November. A further report on the need for improved efficiency in Government is due for release on 14 November which will be on the day that the EDB next meets.
- 2.2. At the same time that Cabinet approved the establishment of the EDB, it established a structure review into appropriate arrangements to support economic development.
- 2.3. The review was carried out by The Hon John Dawkins AO, The Hon Stephen Baker and Mr Dick McKay. It recommended amongst other things, the establishment of a new department, the Office of Economic Development as a replacement for the Department of Industry & Trade.
- 2.4. A key issue raised recently by the EDB is its concern to ensure that its recommendations can be implemented. It has pointed out that the State has had many reports prepared but has under-performed in implementing them. The EDB has recommended that the actual tasks of restructuring the state's economy and developing and implementing a comprehensive economic plan be lifted out of the day to day administration and other responsibilities of the existing structure of OED and be given prominence and resourcing.
- 2.5. In discussions with the Chair of the EDB, it has been proposed that the EDB should play a more active role in the implementation of its plans and that a small organisation reporting directly to the board should be established to facilitate and support this.

3. DISCUSSION

- 3.1. The most effective way to do this is through using the Economic Development Act, 1993. This Act was brought into effect by the previous Labor Government and was used to set up an EDB in 1993. However, it lapsed under the last Government.
- 3.2. The Act provides for the establishment of the EDB as a statutory body and sets out the functions it is to perform. These are provided in Attachment 1 from section 16 of the Act.
- 3.3. The intent is for the EDB to focus on developing the economic plan for the State and driving a small number of strategic initiatives that it identifies.
- 3.4. The remaining functions currently carried out by OED would be the responsibility of a new department to be called the Department for Business, Manufacturing and Trade (BMT).
- 3.5. A chart showing these new arrangements forms Attachment 2.
- 3.6. The following approach is proposed:
 - The OED will be renamed as the new department, BMT.
 - A small administrative unit known as the Office of Economic Development (OED) will be created as a temporary measure to facilitate transfer of staff to provide support to the EDB, with a view to them becoming direct employees of the EDB if they agree.
 - Staff of the existing OED will be retained by BMT. The existing Chief Executive of OED will then be transferred to the new OED along with some identified staff members to support the EDB.
 - The existing members of the EDB (see Attachment 3) need to be appointed by the Governor under the Economic Development Act for 3 year terms.
 - The Chief Executive of OED, is also to be appointed by the Governor under the Economic Development Act as Chief Executive of the EDB.
 - New staff will be recruited, as necessary, to support the EDB under the provisions of the Economic Development Act. It is planned that the new OED will be a small organisation of up to 30 or 40 people from both the private and public sector.
 - The Chief Executive of BMT will need to be recruited through a process initiated by the Commissioner for Public Employment. An acting CE will be appointed in the interim.

- 3.7. The Machinery of Government Committee established by the Government to oversee the structural changes following the election will coordinate the detailed arrangements. This will ensure a speedy and effective transition to the new structures.
- 3.8. Currently OED has around 280 positions. The majority will remain in the new department (BMT). When the new CE of BMT is appointed a key task will be to manage a reduction in staff numbers and to re-focus and re-vitalise the agency. Some actions have already been set in train and where possible will be continued under the acting chief executive.
- 3.9. The current Chief Executive of OED, Roger Sexton, will become the Chief Executive of the 'new' OED, reporting to the Chair of the EDB. He will resign his current appointment under the Public Sector Management Act and be appointed by the Governor under the Economic Development Act. A draft schedule setting out terms and conditions of employment (at a lower level of remuneration than his current position) forms Attachment 5. He will also be a member of the EDB but will not receive any additional payment for this.
- 3.10. Public service staff will be moved to the 'new' OED. It is envisaged that they will provide the immediate support for the EDB in developing and implementing the economic plan for the State. To facilitate a speedy transition, the 'new' OED will be set up in the interim as an administrative unit under the Public Sector Management Act.
- 3.11. Following confirmation by the EDB and Chief Executive on the final structure and the positions required, consideration will be given to negotiating a transfer of staff from the public service to the Board's preferred option of direct employment by the Board under the Economic Development Act. Any positions not filled by existing public servants will be appointed by the Board under the Economic Development Act.
- 3.12. It is proposed that the new arrangements will be announced after the EDB meeting of 14 November. The Public Service Association will be advised of the changes and staff will be advised prior to any announcement. The members of the EDB will also be advised prior to any announcement.
- 3.13. It is not proposed that the EDB/OED will have its own corporate services unit. Corporate services will be provided from within BMT, leaving OED with implementation and research personnel only. Accordingly, a service level agreement will need to be agreed between the Chief Executives of OED and BMT to provide for the provision of administrative and support systems to the EDB/OED from BMT.
- 3.14. All changes are to be met within existing budget parameters. The Machinery of Government Committee will recommend an appropriate

split of budgets between the two entities, following consultation with Department of Treasury and Finance and the heads of OED and BMT.

- 3.15. The Economic Development Act provides for a maximum of 13 members including the Chief Executive. There are currently 13 members of the advisory board, following the resignation of Peter Wylie. As it is proposed to replace Mr Peter Wylie it will be necessary to extend the maximum size of the board. It is proposed that the maximum number be amended to 15 to allow flexibility to appoint up to two additional members. This will require an amendment to the Act.

- 3.16. Economic, financial and budget implications

The changes will be managed within existing budget parameters, overseen by the Machinery of Government Committee.

- 3.17. State development, social, environmental and other impacts

The proposed changes will assist in the delivery of the Government's economic development and industry agenda.

- 3.18. Staffing implications

Staff will be assigned to the proposed new organisations. There will be no changes to their current employment conditions.

- 3.19. Consultation

The Machinery of Government Committee has coordinated the development of these arrangements. The EDB chair and CE, OED are in agreement with the changes. The PSA and staff will need to be advised prior to any changes being announced.

- 3.20. Executive Council

A number of matters will require approval by the Governor in Executive Council

- 3.21. Implementation

The Machinery of Government Committee and the Chief Executives of OED and BMT will be involved in the implementation of the changes.

SCHEDULE 3

PERFORMANCE CRITERIA

As determined by the Board

SCHEDULE 2

TOTAL REMUNERATION PACKAGE VALUE

Monetary Remuneration

Salary and Allowances \$229,358

Non Monetary Benefits

Motor Vehicle \$ -

Employer Superannuation contribution \$ 20,642

Total Remuneration Package Value **\$250,000**

SCHEDULE 1

PARTICULARS

Item 1 **Name of Board**

Economic Development Board

Item 2 **Initial Term**

A five year term commencing on 14 November 2002

Item 3 **Title and Classification of Position**

Chief Executive (ExF)

Item 4 **Specific Duties of the Position**

As determined by the Board

11. NOTICES

Any notices to be given by the Chief Executive to the Board pursuant to these terms shall be addressed to the Chair of the Corporation and be delivered or sent by electronic means or prepaid post to the office of the Corporation for the time being and any notice to be given by the Corporation to the Chief Executive pursuant to these terms shall be delivered or sent by prepaid post to the last known residential address of the Chief Executive.

12. DISCLOSURE OF AGREEMENT

It is acknowledged and agreed that the policy of the South Australian Government requires a copy of these terms (with the private address of the Chief Executive having been deleted) to be provided for inspection to any person who makes a written request.

- 10.4 If the Chief Executive's appointment and employment hereunder is terminated pursuant to clause 10.1(a) of these terms, the Chief Executive will, subject to any recreation, long service or superannuation leave accrued pursuant to these terms, be entitled to the following payment which he will accept in full satisfaction of all remuneration and entitlements pursuant to these terms; and he shall be entitled to no other compensation or damages in respect of or arising out of such termination.
- (a) if the Chief Executive's employment and appointment is terminated pursuant to either sub-clause 10.1, 10.2 or 10.3 the Chief Executive shall be entitled to any arrears of remuneration comprised within the total remuneration package value to which he was entitled at the date of such termination any recreation leave, long service leave and superannuation accrued;
 - (b) if the Chief Executive's employment and appointment is terminated pursuant to sub-clause 10.1(b) the Chief Executive shall be entitled to the following termination payment:-
 - (i) an amount calculated at the rate of one - third of the amount identified as "Salary and Allowances" within the Monetary Benefits component of the total remuneration package value at the date of termination for each whole unexpired year of his employment hereunder, and pro rata for any unexpired period less than a whole year PROVIDED THAT the total of such termination payment shall not exceed an amount equal to the Chief Executive's "Salary and Allowances" within the Monetary Benefits Component of the total remuneration package value for one year at the date of termination.
 - (ii) if such termination is effected by payment in lieu of notice, an additional amount equal to one week's salary and allowances for each week in respect of which payment is made in lieu of notice.
- 10.6 Where the Board considers that the Chief Executive's employment hereunder may be liable to termination pursuant to the provisions of sub-clause 10.1(a) the Board may, pending determination of the matter, suspend the Chief Executive with or without both salary and other monetary and non-monetary benefits provided for in these terms.
- 10.7 Where the Chief Executive has been suspended without pay and it is subsequently determined by the Board that a termination of the Chief Executive's appointment is not warranted, the Chief Executive shall be paid any remuneration withheld in consequence of the suspension.

examination by a qualified medical practitioner selected by the Chief Executive from a panel of medical practitioners nominated by the Board, such medical examination to be at the expense of the Board. Any medical reports provided to the Board will only be used for the purpose for which they were obtained, and a copy will be released to the Chief Executive if requested.

10. TERMINATION

10.1 Without prejudice to any other lawful powers, privileges and rights which the Board may have, the Board may recommend that the Governor terminate this appointment:-

(a) immediately, if the Chief Executive:-

- (i) has been guilty of misconduct, or
- (ii) has been convicted of an offence punishable by imprisonment, or
- (iii) has engaged in any remunerative employment, occupation or business outside the duties of the Position without the consent of the Board, or
- (iv) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors, or
- (v) has, because of mental or physical incapacity, failed to carry out duties of the Position satisfactorily or in accordance with the Performance Criteria set pursuant to these terms, or
- (vi) has, for any other reason, in the opinion of the Board failed to carry out duties of the Position satisfactorily or in accordance with the Performance Criteria set pursuant to these terms; or

(b) by giving four (4) months written notice to the Chief Executive or payment in lieu of notice, AND if the Governor gives such notice, the Governor may, on the recommendation of the Board, give to the Chief Executive such reasons for termination as the Board considers appropriate in the circumstances; and the Governor may thereupon terminate the appointment of the Chief Executive.

10.2 The Chief Executive may resign from the Position by giving to the Board not less than four (4) months prior written notice expiring on a day upon which a payment of salary pursuant to these terms is payable, and the employment and appointment of the Chief Executive pursuant to these terms shall terminate upon the expiration of such notice.

10.3 The Chief Executive's appointment to the Position is terminated if any of the following circumstances shall occur, namely:-

- (a) the Chief Executive becomes a member, or a candidate for election as a member, of the Parliament of the State of South Australia or of the Commonwealth, or
- (b) the Chief Executive is sentenced to imprisonment for an offence.

Government which he may acquire or have acquired in the course of his employment in the Position.

- 7.2 All property relating to the business of the Board which belongs to the Board or relates to the duties of the Chief Executive during the continuance of this appointment, such as all books, documents, papers, materials, credit cards, keys (including access cards) mobile telephones, motor vehicle, computer software or other miscellaneous items, must be returned to the Board by the Chief Executive, upon the expiration or termination of his contract, on the last working day of his contract, or earlier if so directed by the Board.
- 7.3 Any intellectual property invented or created by the Chief Executive as a result of his employment in the Position pursuant to these terms shall remain the property of the Board unless otherwise agreed in writing between the Board and the Chief Executive.

8. DISCLOSURE OF INTERESTS

8.1 The Chief Executive must

- (a) on appointment as Chief Executive, disclose his pecuniary interests of a kind specified in the Public Sector Management Act Regulations 1995 in writing to the Board in accordance with the said regulations as if he were a Chief Executive holding office under the Public Sector Management Act 1995; and
- (b) on acquiring any further pecuniary interests of a kind specified in the regulations, disclose the pecuniary interest to the Board, and
- (c) if a pecuniary interest or other personal interest of the Chief Executive conflicts or may conflict with his official duties he must -
 - (i) disclose the nature of that interest and the conflict or potential conflict to the Board; and
 - (ii) not take action or further action in relation to the matter except as authorised by the Board.

8.2 The Board may direct the Chief Executive to resolve a conflict between a pecuniary or other personal interest and an official duty.

8.3 Failure to comply with clause 8 constitutes misconduct unless due to inadvertence only.

9. MEDICAL CHECK

If it appears to the Board that the Chief Executive has failed to carry out the duties of the Position satisfactorily or in accordance with the Performance Criteria due to either mental or physical incapacity then the Board may require the Chief Executive to undergo a medical

days written notice to the Chief Executive thereof, and a new Schedule 2 incorporating such change and any consequential change shall be substituted for the existing Schedule 2.

- 4.6 The Chief Executive may periodically during his appointment to the Position make written request to the Board for the total remuneration package value (including the apportionment of the total remuneration package value between monetary and non-monetary benefits) to be reviewed. In undertaking any such review of the total remuneration package value the Board shall consult with the Commissioner for Public Employment, and to the extent that the total remuneration package value and/or the apportionment of the same is varied as a result of such a review a new Schedule 2 incorporating such variations shall be substituted for the existing Schedule 2.

5 PERFORMANCE REVIEW

- 5.1 The Performance Criteria and the Chief Executive's performance pursuant to the Performance Criteria shall be reviewed from time to time (and in any event at least once in every twelve months) during the Chief Executive's appointment to the Position pursuant to these terms.
- 5.2 Any review of the Performance Criteria and of the Chief Executive's performance pursuant to the Performance Criteria pursuant to sub-clause 5.1 shall be conducted in such manner as the Board may determine. Any variation of the Performance Criteria as a result of such review shall be determined by the Board after consultation with the Chief Executive, shall be reasonable having regard to the requirements of the Minister for the operation of the Board and shall apply either until the next review undertaken pursuant to sub-clause 5.1 or for such other period as may be determined by the Board.

6. LEAVE

The Chief Executive shall be entitled to recreation leave (excluding the payment of any leave loading), long service leave and sick leave and may be granted special leave and allowances as if he were employed under the Public Sector Management Act 1995.

7. CONFIDENTIAL INFORMATION

- 7.1 The Chief Executive will not at any time during his appointment and employment to the Position or at any time thereafter otherwise than in the discharge of his duties hereunder or with the prior consent of the Board or to the extent that he is required by law to do so divulge to any other person any information confidential to the Board or

- 3.2 be responsible to the Board for:-
- (a) the effective management of the Board and the general conduct of its employees;
 - (b) the attainment of the Performance Criteria;
 - (c) ensuring the observance within the Board of the aims and standards contained in Part 2 of the Public Sector Management Act;
 - (d) ensuring that the Board contributes to the attainment of the Government's overall objectives consistently with legislative requirements;
 - (e) undertaking the duties of the Position as set out in Item 4 of Schedule 1, and also for complying with any statutory requirements and obligations applicable to the Position;
- 3.3 comply with all lawful orders and directions given from time to time by the Board;
- 3.4 devote such of his time and attention (whether during or outside the ordinary hours of business) as may be necessary for the purpose of undertaking the duties and responsibilities of the Position.

4. REMUNERATION

- 4.1 Subject to the Chief Executive at all times being ready, willing and able to perform and performing the duties of the Position, the Chief Executive shall be entitled to the salary, allowances, monetary benefits and to the non monetary benefits specified in Schedule 2.
- 4.2 The total remuneration package value shall be as specified in Schedule 2.
- 4.3 The Chief Executive must take as salary and allowances (including any amount paid as a travelling allowance) a portion of the total remuneration package value that amounts to at least sixty thousand dollars (\$60,000.00).
- (a) This amount is calculated according to the government policy as determined from time to time in accordance with income eligibility for Federal benefits. If at any time during the Initial Term there is a change in the amount which must be taken as salary as specified in clause 4.3 the Board shall give fourteen (14) days written notice to the Chief Executive thereof, and the parties agree that a new Schedule 2 incorporating such change and any consequential change shall be substituted for the existing Schedule 2.
- 4.4 The Monetary Benefits Component of the total remuneration package value shall be payable to the Chief Executive in arrears by equal fortnightly payments.
- 4.5 If at any time during the Initial Term there is a change in the cost or the value to be attributed to any of the non monetary benefits specified in Schedule 2, the Board may determine the cost or value to be attributed to such change and shall give fourteen (14)

- 1.3 In these terms references to statutes shall include all statutes amending consolidating or replacing the statutes referred to.
- 1.4 Words expressed in the singular or plural shall include the plural and singular respectively.
- 1.5 The headings and clause numbers appearing in these terms are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the clauses of these terms nor in any way affect these terms.
- 1.6 If any of the obligations or stipulations on the part of any party hereto shall for any reason be invalid or unenforceable the validity and enforceability of all other provisions herein contained shall be in no way affected thereby.
- 1.7 These terms shall be governed by and construed according to the law in force in the State of South Australia and the parties hereto submit to the jurisdiction of the courts of that State in respect of all matters arising hereunder or relating hereto.
- 1.8 A reference in these terms to a Schedule or to an item in a schedule shall mean a reference to an item in a schedule or to a schedule to these terms for the time being in force.
- 1.9 The parties acknowledge and agree that the recitals hereto are true and accurate in every particular and shall form part of these terms.

2. APPOINTMENT

- 2.1 The Chief Executive's appointment by the Governor shall be for the Initial Term of five (5) years commencing on the date specified in Schedule 1; unless such appointment and employment shall be sooner lawfully terminated. The appointment upon the terms and conditions herein contained shall be to the position, title, and classification level specified in Schedule 1.
- 2.2 The Chief Executive shall be eligible for reappointment to the Position at the expiration of the Initial Term.
- 2.4 If the Chief Executive is reappointed to the Position by the Governor from the expiration of the Initial Term the conditions of such reappointment shall be as determined by the Governor.

3. DUTIES

The Chief Executive will during his appointment and employment as aforesaid in respect of the duties of the Position:

- 3.1 faithfully serve the Board and the South Australian Government and at all times use his best endeavours to promote the interests of the South Australian Government ;

ECONOMIC DEVELOPMENT ACT 1993

Section 8(3)

TERMS AND CONDITIONS OF APPOINTMENT

1. Pursuant to section 8 of the Economic Development Act 1993 (SA), Her Excellency the Governor is empowered to appoint the Chief Executive of the Economic Development Board on terms and conditions determined by the Governor. This document ("the terms") sets out these terms and conditions.

1.1 In these terms the following words and expressions shall have the meanings set opposite them respectively:-

"the Board" means the Economic Development Board;

"the Chief Executive" means Roger Neil Sexton of

Clause 6(1)

"a complying superannuation scheme" means a complying superannuation scheme for the purposes of the Superannuation Industry (Supervision) Act 1993 (C'th);

"the Initial Term" means the initial term of the Chief Executive's appointment to the Position as set out in Item 2 of Schedule 1;

"month" means a calendar month;

"the Performance Criteria" means the performance standards set from time to time by the Board in respect of the Chief Executive's performance of his duties in the Position, the performance standards set at the date of commencement of the Chief Executive's appointment to the Position pursuant to these terms being set out in Schedule 3;

"the Position" means the position specified in Item 3 of Schedule 1;

"statutory superannuation scheme" means a superannuation scheme established pursuant to South Australian legislation;

"superannuation scheme" means either a complying superannuation scheme or a statutory superannuation scheme;

"the Triple S Scheme" means the statutory superannuation scheme established pursuant to the Southern State Superannuation Act, 1994 (SA) and commonly referred to as the "Triple S Scheme".

1.2 Words and expressions that are defined in South Australian legislation shall unless a contrary intention is specifically indicated have the same respective meanings in these terms.

CONTENT

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2. Appointment
3. Duties
4. Remuneration
5. Performance Review
6. Leave
7. Confidential Information
8. Disclosure of Interests
9. Medical Check
10. Termination
11. Notices
12. Disclosure

SCHEDULES

1. Particulars
2. Total Remuneration Package Value
3. Performance Criteria



**Government
of South Australia**

Chief Executive

**Terms and Conditions
of Appointment**

Attachment 5

Terms and Conditions of appointment for Dr Roger Sexton.

Attachment 3

Economic Development Board Membership

NAME

Mr R Champion de Crespigny (Robert) - Chairman

Dr R Sexton (Roger) - Chief Executive

Ms C Bart (Cheryl)

Mr J Bastian (John)

Mr G Belchamber (Grant)

Mr M Crotti (Maurice)

Mr A Fletcher (Andrew)

The Hon R Hawke (Bob)

Mrs C Hewson (Carolyn)

Mr S Hicks (Scott)

Ms F Roche (Fiona)

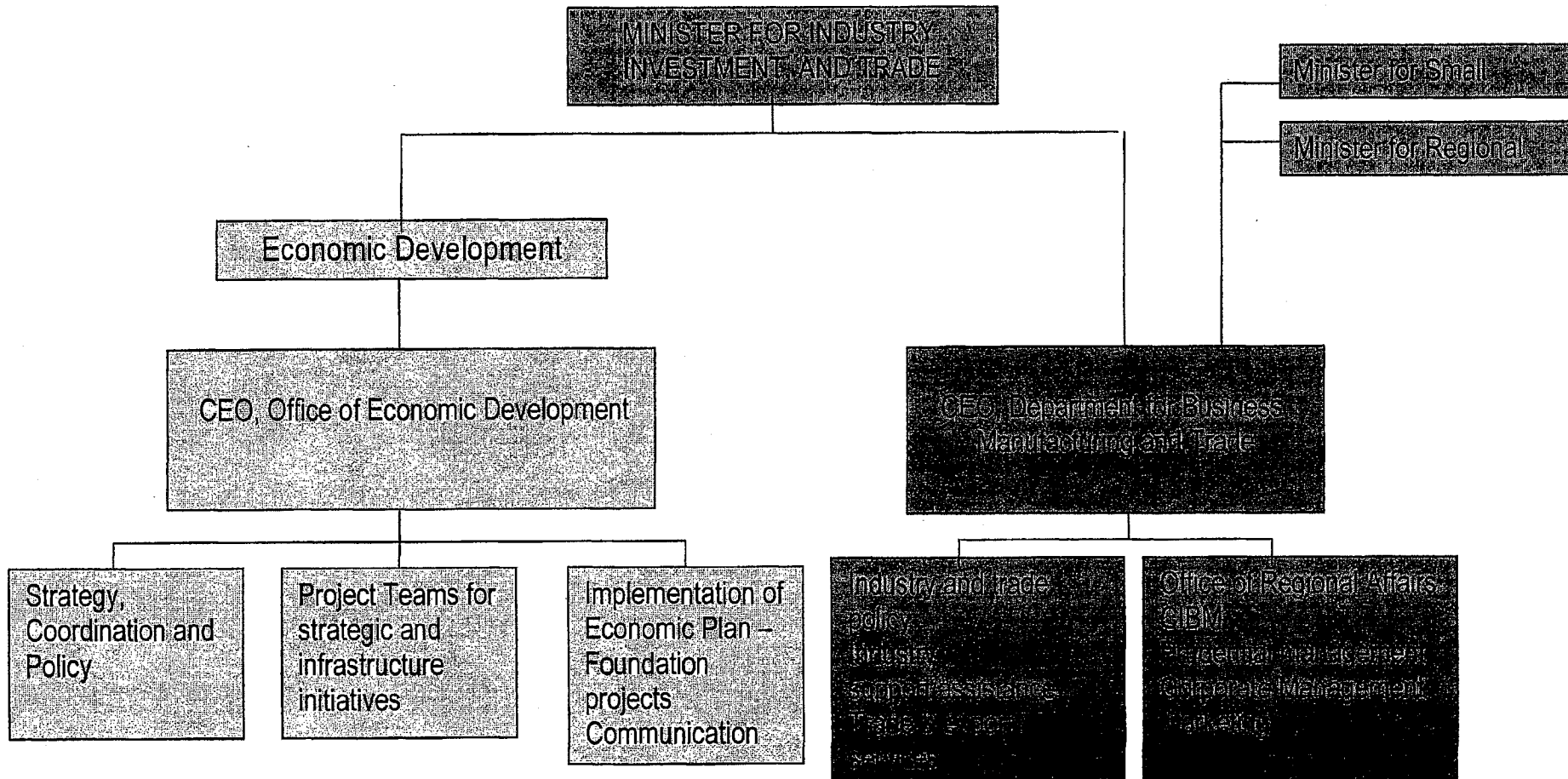
Mr D Simmons (David)

Mr. W. Wood (Bill)

Note

- 1. Current expiry date of appointment is 11 April 2005**
- 2. The Economic Development Act provides for up to 13 members**

Economic Development Arrangements



- (l) to recommend criteria that should be met by government agencies in relation to the provision of, or the capacity to provide, the infrastructure or services required, in accordance with the Board's economic development plans, for the economic development of the State; and
- (m) to assist regional development authorities, by making available to them (on terms mutually agreed between the Board and the authorities) the expertise of officers and employees of the Board, to develop and implement regional development strategies, and to empower such authorities to act on the Board's behalf, to an appropriate extent, in pursuance of delegated powers; and
- (n) to carry out any other functions assigned to the Board by the Minister.

Functions of the Economic Development Board

The Board has the following functions (which are to be carried out in consultation with the Minister):

- (a) to prepare a plan, or a series of plans, for the growth and sustainable development of the State economy and for the consolidation and growth of sustainable employment in the State; and
- (b) to formulate policies and strategies for implementation of the plan or plans in the private and public sectors; and
- (c) to analyse factors influencing business and investment and to recommend action to enhance the international competitiveness of the State's industry and commerce; and
- (a) to formulate or implement strategies for the development of international trade and marketing, and the attraction of investment to the State, in accordance with the plan or plans for development of the State economy; and
- (e) to negotiate for the expansion of industries in the State, or for the establishment of new industries in the State; and
- (f) to encourage and oversee economic planning and development in sectors of the State's economy; and
- (g) to identify the infrastructure necessary to maintain and expand the State's economy, to develop and recommend strategies for the provision of such infrastructure and to monitor its establishment; and
- (h) to foster, in collaboration with appropriate regional authorities, the development of regional economies in the State; and
- (i) to identify the skills necessary for the maintenance and expansion of the State's economy and to develop strategies for ensuring that those skills are developed and maintained as a basis for the expansion of levels of sustainable employment in the State; and
- (j) to integrate scientific and technological research and its commercial exploitation within the economic framework of the State; and
- (k) to initiate and carry out projects and programs, or to participate as a member of a joint venture in projects and programs, for the economic development of the State; and

- 4.8 Recommend to Her Excellency the Governor in Executive Council that she appoint Mr Robert J Champion de Crespigny AO as chair of the Economic Development Board pursuant to section 9(4) of the Economic Development Act 1993.
- 4.9 Recommend to Her Excellency the Governor in Executive Council that she appoint Dr Roger Sexton as Chief Executive of the Economic Development Board on the terms and conditions as determined by the Governor pursuant to section 8 (3) of the Economic Development Act 1993 (the schedule forms Attachment 5).
- 4.10 Note that the Premier will by notice published in the SA Government Gazette and pursuant to section 13 of the Public Sector Management Act 1995 declare that Dr Roger Sexton, holder of the statutory office of Chief Executive of the Economic Development Board, will have the powers and functions of Chief Executive in relation to the administrative unit titled Office of Economic Development.
- 4.11 Approve the drafting of an Amendment to the Economic Development Act by the Parliamentary Council to provide for a maximum of 15 members to be appointed to the Economic Development Board.



MIKE RAN
Premier

2 / 12/02

4. RECOMMENDATIONS

It is recommended that Cabinet:

- 4.1 Approve the establishment of the Economic Development Board (EDB) under the Economic Development Act, 1993 and the establishment of the Department for Business, Manufacturing and Trade (BMT) by the following actions:
- 4.2 Recommend to Her Excellency the Governor in Executive Council that she commit the administration of the Economic Development Act 1993 to the Minister for Industry, Investment and Trade pursuant to section 5 of the Administrative Arrangements Act 1994.
- 4.3 Recommend to Her Excellency the Governor in Executive Council that she alter the title of the administrative unit known as the Office of Economic Development to the title of Department for Business, Manufacturing and Trade pursuant to section 7 (2) (b) of the Public Sector Management Act 1995.
- 4.4 Recommend to Her Excellency the Governor in Executive Council that she establish a new administrative unit with the title Office of Economic Development to provide services to the Economic Development Board pursuant to section 7(2) (a) of the Public Sector Management Act 1995.
- 4.5 Note that the Minister for Industry, Investment and Trade will appoint an Acting Chief Executive of the Department for Business, Manufacturing and Trade to fill the temporary vacancy in the position of Chief Executive following the resignation of Dr Roger Sexton from the position of Chief Executive of the Department for Business, Manufacturing and Trade (formerly the Office of Economic Development).
- 4.6 Recommend to Her Excellency the Governor in Executive Council that she make a regulation pursuant to sections 43 and 5 of the Public Corporations Act 1993 to apply section 12 of that Act to the statutory corporation known as the Economic Development Board and requiring that the Minister for Industry, Investment and Trade and the Treasurer prepare a charter for that statutory corporation.
- 4.7 Recommend to Her Excellency the Governor in Executive Council that she revoke the appointments of the present members of the Economic Development Advisory Board (attachment 3) made pursuant to section 68 of the Constitution Act 1934, and pursuant to section 9 (2) of the Economic Development Act 1993 appoint these same persons to be members of the Economic Development Board established under the Economic Development Act 1993 for a term of three years at a maximum annual fee of \$45,000. (Note, the Chief Executive is a member of the Board ex officio and will not receive a fee).