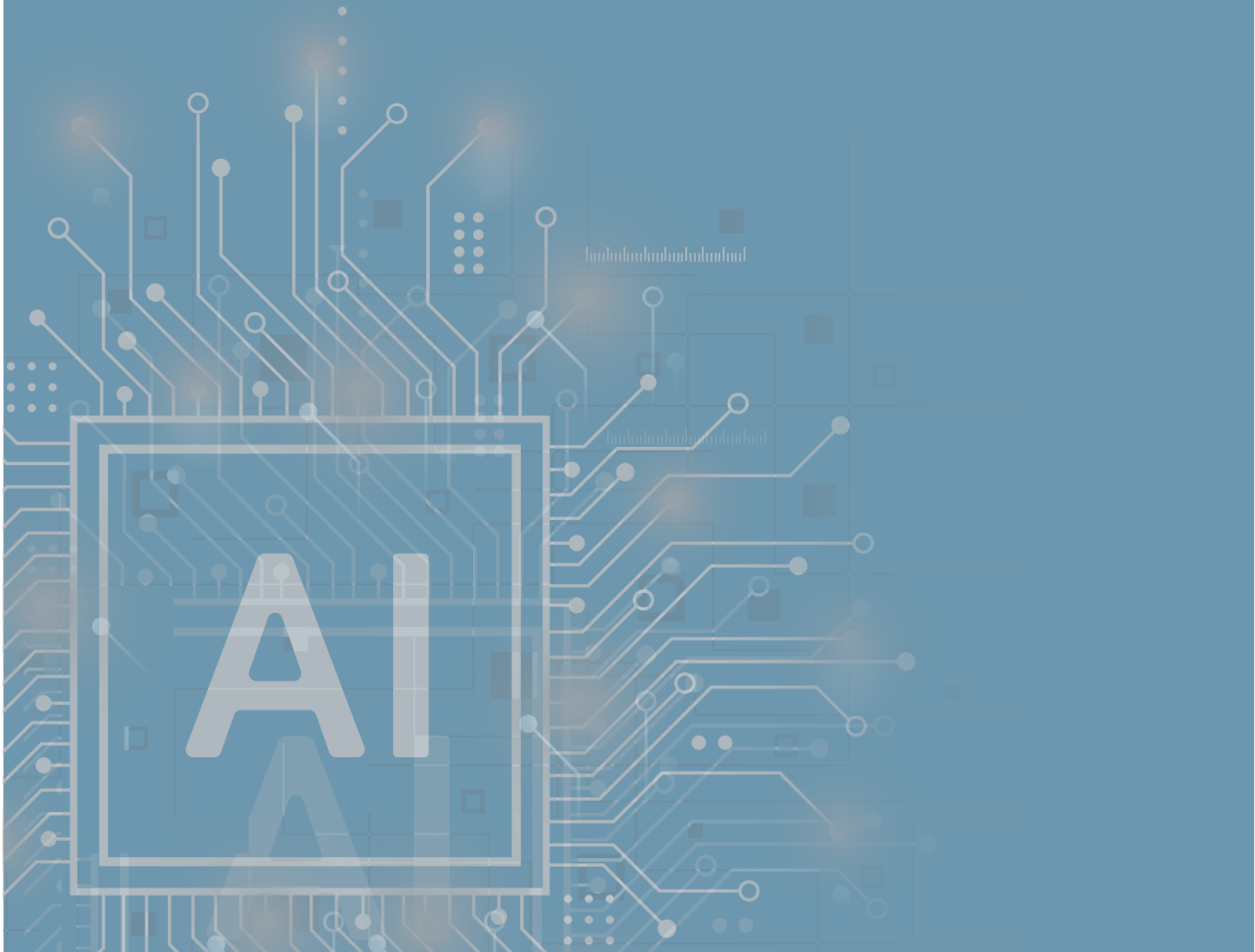# WA Government Artificial Intelligence Advisory Board

Draft Terms of Reference

Version 0.1 | October 2024

Contents

1. Purpose

In February 2024, Government approved the WA Government AI Policy (the Policy) and AI Assurance Framework (the Framework) to provide foundational AI governance for ethical, responsible, and secure development, deployment, and use of AI and to ensure its positive impact on WA and the broader society. These documents were published in March 2024.

The Policy provides AI governance 'guard rails' to WA public sector by prescribing eight principles for public sector staff to apply to all levels of AI usage or development, covering both ethical and technical concerns. It provides the foundation for the safe and responsible adoption of AI by the WA public sector, creating the enabling environment where agencies can experiment and implement innovative and impactful AI solutions.

The Framework is a self-assessment tool that will guide agencies to comprehensively analyse and document their projects' AI specific risks and comply with the Policy when they design, build and use AI or data driven tools.

The purpose of the Western Australian (WA) Government Artificial Intelligence (AI) Advisory Board (the Board) is to review AI projects assessed as mid-range or higher risk, provide advice on risk mitigation and support the safe and ethical use of AI in the WA public sector.

2. Responsibilities

Under the Framework, agencies must submit their self-assessment to the Office of Digital Government (DGov) for review by the Board if an AI project meets one or more of the following threshold criteria:

- Funding has been provided through the Digital Capability Fund; or
- Total cost exceeds $5 million; or
- Residual risk/s (after mitigations) are mid-range or higher.

The Boards's key functions are to:

- Review and advise on AI project risk mitigation and other considerations, as well as the safe and ethical use of AI in the public sector
- Contribute to the ongoing development of the Framework; and
- Provide regular updates to the Directors General Technology, Innovation and Science Council (the Council).

3. Membership

The Board is comprised of both government and non-government members, chaired by XX.

Members of the Board are expected to:

- Attend all meetings of the Board and allow necessary time to prepare for meetings.
- Participate in meetings by expressing opinions, applying good analytical skills, objectivity, and good judgement.
- Provide fairness, courtesy, and due consideration to all views and opinions expressed within the Board.
- Maintain confidentiality of business papers and discussions within meetings, unless otherwise stated.
- Identify WA Government AI projects that have not been submitted to the Board for review, but ought to be brought before the Board.
- Declare and appropriately manage any conflicts of interest.

4. Governance

4.1 Administration

DGov provides secretariat support to the Board.

4.2 Decision making

The Board will provide endorsement to projects that are taken to have adequately addressed risks requirements in the WA Government AI Assurance Framework. Endorsement is to be determined by consensus of Board members.

The Board may provide in principle endorsement of a project, supported by recommendations to mitigate residual risks. This may include recommendations for the project to report back to the Board at a later stage.

Decisions made by the Board are not binding and cannot prevent the progress of an AI project. The Board may refer a project to the Council for further review as appropriate.

Any decisions made by the Board in the presence of a quorum will be considered final.

4.3 Reporting and communication arrangements

The Board will provide regular updates to the Council.

The secretariat will compile a quarterly briefing for the Council and the Minister for Innovation and the Digital Economy, detailing:

- Meetings held during the period (including projects reviewed, decisions and recommendations); and
- How the Board is delivering on its objectives.

4.4 Confidentiality and Conflict of interest

Members of the Board must declare any actual, potential and/or perceived conflicts of interest in matters considered by the Board.

Whilst the Board will generally operate in an environment of openness and transparency, from time-to-time confidential matters will be discussed and members of the Board (including all officers in attendance) must respect the sensitivity of the information.

Sensitive matters may be added to the agenda as closed items. These agenda papers may be labelled **OFFICIAL Sensitive.**

Where commercially sensitive information is discussed, members with conflicts of interest will be excluded from these discussions, or will agree alternative arrangements with the Secretariat that ensure information from the Board is not used to provide commercial advantage. For example, representatives from private sector organisations agree that commercially sensitive information is only used and disclosed with its employees or members for the purpose of informing advice to the Board.

4.5 Record keeping

All formal records for the Board will be managed by the Secretariat in accordance with *State Records Act 2000 (WA).*

5. Process

5.1 Meetings

The Board will meet quarterly or more frequently as required. The frequency of meetings may change due to the number of self-assessments submitted for review, and their urgency. With agreement of a quorum of members, out-of-session meetings or decisions may occur.

A quorum of the Board is the next whole number above one half of the number of members of the Board. A quorum must be present before the Board can transact any business. A meeting may continue as an inquorate with decisions carried over until a quorum is present or are determined out of session.

All Board meetings will be held at Dumas House, West Perth and/or online via Teams or as scheduled. Notice of any meeting of the Board shall be in writing at least ten working days prior to the day of the meeting.

Government members may elect to send a delegate. The Secretariat must be informed of the delegation at least 48 hours prior to the meeting. Non-government membership cannot be delegated.

The Board may invite additional attendees to discuss or observe specific project topics as relevant and appropriate. Additional attendees do not form part of the quorum.

5.2 Agendas, minutes and papers

The agenda for all Board meetings shall be prepared by the Secretariat and distributed, along with all relevant agenda papers, at least five working days prior to the meeting. The contents of the agenda and the standard of papers will be determined by the Chair of the Board and include agenda items determined by the Council. The minutes will be taken by the Secretariat and distributed to Board members within one week of meeting.

6. Amendments

The Board may request amendment of these terms of reference at any time, upon agreement of all members or a quorum.

A review of these terms of reference will be undertaken every two years, or when deemed necessary.