



Terms of Reference

Higher Education Research Commercialisation (HERC) Intellectual Property (IP) Framework Advisory Committee (FAC)

Terms of Reference sets out the roles and responsibilities of the FAC.

Overview

On 1 February 2022, the \$2.2 billion University Research Commercialisation Action Plan was announced to place university innovation and industry collaboration front and centre of Australia's economic recovery.

One of the key initiatives of this Plan was the release of the HERC IP Framework, which was announced by the Minister of Education Hon Jason Clare MP on the 31 August 2022.

Included in the media release was an announcement of the establishment of an FAC to assist in overseeing the initial implementation of the Framework and to provide further governance oversight.

Roles and Responsibilities

The HERC IP FAC is responsible for overseeing the initial implementation of the HERC IP Framework and providing governance oversight and advice. The FAC will provide a range of advice to the Department, including in relation to:

- providing advice on behalf of each member's representative sector on the Framework
- supporting the collection of information on the uptake and use of the Framework
- promoting greater uptake of the Framework and similar frameworks and agreements that support easier IP negotiations
- developing proposed terms/principles for a planned third-party review on initial implementation of the HERC IP Framework
- responding to the outcomes of a planned third-party review on initial implementation of the HERC IP Framework, including but not limited to:
 - whether the Framework is current and fit for purpose
 - potential changes to existing agreements
 - potential new agreements that would expand the scope of the Framework
 - potential additional Framework components or arrangements

- considering the future application of the Framework, including its potential use for Commonwealth funded R&D programs

Administrative operation

- The FAC is proposed to be convened on a quarterly basis for the duration of two years.
- The Department of Education will provide secretariat support, minutes, and agendas for FAC meetings.
- Meetings will be formally called by the chair in consultation with the FAC Secretariat to ensure member availability.
- All FAC members may attend meetings. In the event of a member's absence, a replacement member can attend from the individual's organisation subject to written notice.
- Quorum for each meeting will be 6 members (including the chair and any replacements).
- FAC members can provide advice to the FAC Chair/Secretariat and discuss FAC matters with each other out of session.

Authority

The FAC is an advisory group providing governance oversight and advice that represents the university, industry and government sectors which comprise the IP community.

All recommendations made by the FAC will be considered by the Department/Minister as appropriate.

Membership

FAC membership is by written invitation from the FAC Secretariat on an ex-officio basis. Ex-Officio membership will represent at least three members from the higher education sector, three from government departments/agencies, and three from industry.

Membership will be for two years initially, with ongoing arrangements to be reviewed at that stage. When a member seeks to step down from the FAC, or whose membership dissolves upon moving on from the nominating organisation, the original nominating organisation is to nominate a replacement.

In addition, the FAC has an independent chair appointed by the Department. Please see Appendix 1 for the current membership of the Committee.



Appendix 1: Framework Advisory Committee members

Name	Organisation	Sector
Fran Roden	Fmr – Deputy Director General, IP Australia	Chair
Natalie Heazlewood	Australian Chamber of Commerce and Industry	Industry
David Martin	The Australian Industry Group	Industry
Chris Louie	Business Council of Australia	Industry
Glenn Wightwick	University of Technology Sydney	Higher Education
Anita Kelly	University of Sydney	Higher Education
Liz Stanton	Universities Australia	Higher Education
Asher Gentle	Department of Education	Government
Lisa Cohen	IP Australia	Government
Laura Rahn	Department of Industry, Science and Resources	Government

