

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 197

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 21 MAY 2020

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Message from the Governor

Message No. 22 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Planning and Development Amendment Bill 2020.

3. Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Clerk –

Auditor General, Office of the – Regulation of Asbestos Removal, Report No. 22, May 2020 (3399).

4. Economics and Industry Standing Committee

The Speaker reported that responses by the Minister for Commerce, the Minister for Emergency Services, the Minister for Housing, the Minister for Lands, the Minister for Local Government, the Minister for Planning and the Minister for Tourism to the recommendations of the Economics and Industry Standing Committee's Report No. 8, Taking Charge: Western Australia's Transition to a Distributed Energy Future had not been received by the required time.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Corrective Services on the Department of Justice's Corrective Services "Helping Hands" project.

The Minister for Housing on directions issued by the State Emergency Coordinator restricting access to remote communities during the COVID-19 crisis.

The Minister for Housing on the former Challenger TAFE site in Beaconsfield.

The Minister for Youth on the launch of the KickstART virtual festival.

6. Grievances

The Acting Speaker called for grievances which were then made.

7. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019

Message No. 122 dated 20 May 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019

No. 1

Clause 7, page 4, after line 19 — To insert:

- (iii) if, the budget papers for the financial year have not been tabled in the Legislative Assembly before the commencement of the financial year — the statement tabled under section 9(B);

No. 2

Clause 9, page 8, after line 2 — To insert:

- (3A) Subsections (1) to (3) are subject to section 4CA.

No. 3

Clause 9, page 9, after line 5 — To insert:

- (9) When deciding the following matters, the Minister for Health must, as the Minister for Health considers appropriate, give priority to qualifying activities that relate to human coronaviruses with pandemic potential —
 - (a) what arrangements to make or approve under subsection (1) for operation during the financial year beginning on 1 July 2020;
 - (b) how money standing to the credit of the FHRI Account is to be applied during that financial year.

No. 4

Clause 9, page 9, after line 5 — To insert:

4CA. Requirements to be met before FHRI Account applied

- (1) Before making or approving arrangements under section 4C(1) that will operate during a financial year, or applying during a financial year money standing to the credit of the FHRI Account under section 4C, the Minister for Health must —
 - (a) direct the advisory group to make a recommendation on how money standing to the credit of the FHRI Account should be applied during the financial year under section 4C; and
 - (b) consider the advisory group's recommendation.
- (2) A direction under subsection (1)(a) may —
 - (a) include proposals for how money standing to the credit of the FHRI Account is to be applied during the financial year under section 4C; and
 - (b) require the advisory group's recommendation to state 1 of the following —
 - (i) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals;
 - (ii) that money standing to the credit of the FHRI Account should not be applied during the financial year in accordance with the proposals;
 - (iii) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals as the proposals are modified as specified in the recommendation.
- (3) Within 14 days after the day on which the Minister for Health receives a recommendation for the purposes of subsection (1)(a), the Minister for Health must cause the following documents to be laid before each House of Parliament —
 - (a) a copy of the Minister for Health's direction to the advisory group to make the recommendation;
 - (b) a copy of the recommendation.
- (4) Subsection (5) applies if —
 - (a) at the beginning of the 14-day period referred to in subsection (3), a House of Parliament is not sitting; and
 - (b) in the Minister for Health's opinion, the House will not sit before the end of the period.
- (5) If this subsection applies —
 - (a) the Minister for Health must, before the end of the period, send the documents to the Clerk of the House; and
 - (b) when a document is sent to the Clerk it is taken to have been laid before the House; and
 - (c) the laying of a document that is taken to have occurred under paragraph (b) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

No. 5

Clause 9, page 10, line 29 to page 11, line 8 — To delete the lines and insert:

- (2) The function of the advisory group is as follows —
 - (a) as and when directed by the Minister for Health, to make a recommendation for a financial year for the purposes of section 4CA(1)(a);
 - (b) as and when directed by the Minister for Health or the FHRI Account Department, to provide other advice or assistance in relation to 1 or both of the following —
 - (i) furthering, or facilitating the furthering of, the purpose referred to in section 4A(1);
 - (ii) other matters relating to any function of the Minister for Health under section 4A or section 4C (including any regulations made for the purposes of section 4C(3)).

No. 6

Clause 9, page 13, lines 1 to 4 — To delete the lines.

No. 7

Clause 9, page 14, after line 15 — To insert:

4H. Conflicts of interest

- (1) For each member of the advisory group under section 4F(3)(c) to (f), the conditions referred to in section 4G(1)(d) must include a condition that does the following —
 - (a) requires the member to disclose any actual, or potential, material conflict of interest that the member has arising out of the advisory group's function;
 - (b) specifies when, how and to whom the disclosure must be made;
 - (c) specifies any other steps that the member must take in relation to the conflict of interest.
- (2) The Minister for Health must ensure that a condition of the kind described in subsection (1) applies to any alternate member appointed under section 4G(6).
- (3) In cases where the Minister for Health considers it appropriate for a condition to apply, the Minister for Health must ensure that a condition similar to that described in subsection (1) applies to any person, other than a public service officer, who has a role of providing assistance to the advisory group.
- (4) The CEO must do the following —
 - (a) keep a record of —
 - (i) each disclosure that is made by a member of the advisory group, or another person, under a condition that applies to the member or person as required under subsection (1), (2) or (3); and

- (ii) any other steps that are taken in relation to any actual, or potential, conflict of interest that is disclosed;
 - (b) make a summary of the record available, on request, for inspection.
- (5) The regulations may prescribe how a summary of the record is to be made available under subsection (4)(b).

No. 8

Clause 14, page 17, after line 26 — To insert:

9B. Estimate of income to be laid before each House of Parliament in certain circumstances

- (1) If the budget papers for a financial year will not be tabled in the Legislative Assembly before the commencement of the financial year, the Treasurer must, before the commencement of the financial year, cause a statement setting out an estimate of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund, to be laid before each House of Parliament.
- (2) If subsection (1) requires the Treasurer to cause a document to be laid before a House of Parliament and the House is not sitting, the Treasurer may give the document to the Clerk of the House.
- (3) A document given to the Clerk of a House under subsection (2) is taken to have been laid before the House.
- (4) The laying of a document before a House that is taken to have occurred under subsection (3) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

No. 9

New Clause 16A, page 18, after line 24 — To insert:

16A. Section 10A inserted

After section 10 insert:

10A. Governance framework

- (1) In this section —
 - FHRI scheme*** means the scheme of this Act for supporting, and facilitating support for, qualifying activities through —
 - (a) the operation of the FHRI Account and the FHRI Fund; and
 - (b) the exercise and performance of related functions by the Minister for Health, the Treasurer, the advisory group and others;
 - governance framework*** means the framework referred to in subsection (2);
 - priorities*** means the priorities referred to in subsection (3)(b);

strategic arrangement means an arrangement that is made or approved under section 4C(1) and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategic document means a document, other than the strategy or priorities, that is prepared under the governance framework and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategy means the strategy referred to in subsection (3)(a).

- (2) The Minister for Health must prepare and maintain a framework for the governance of the FHRI scheme.
- (3) The governance framework must (without limitation) do the following —
 - (a) provide for the preparation and maintaining of a strategy for the operation of the FHRI scheme;
 - (b) provide for the setting of priorities for the operation of the FHRI scheme;
 - (c) include a framework for the making and approving of arrangements under section 4C(1) and the administration of arrangements made or approved.
- (4) The Minister for Health must cause the following to be laid before each House of Parliament —
 - (a) a copy of each of the following —
 - (i) the governance framework;
 - (ii) the strategy;
 - (iii) the priorities;
 - (iv) if a document listed in subparagraphs (i) to (iii) is modified or replaced — the modified or new document;
 - (b) a copy of each strategic document and, if a strategic document is modified, a copy of the modified document;
 - (c) details of each strategic arrangement and, if a strategic arrangement is modified, details of the modified arrangement.
- (5) The CEO must ensure that the current version of each of the following is publicly available on a website maintained by, or on behalf of, the FHRI Account Department —
 - (a) the governance framework;
 - (b) the strategy;
 - (c) the priorities;
 - (d) each strategic document;
 - (e) the details of each strategic arrangement.

Ordered by leave, That Legislative Council Message No. 122 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Minister for Health moved, That amendment Nos 1 to 9 be agreed to.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Health –

Health, Minister for – Updated Explanatory Memorandum for the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019 (3400).

Amendments agreed to with the Chair advising that, through an abundance of caution, the amendments were passed with the concurrence of an absolute majority of the whole number of members of the Assembly.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

8. Children and Community Services Amendment Bill 2019

The Order of the Day for the resumption of the debate upon the third reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

9. Planning and Development Amendment Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Mr D.R. Michael moved, That the debate be adjourned.

Question put and passed.

10. Environmental Protection Amendment Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Cognate Debate

Leave was granted to debate the Environmental Protection Amendment Bill (No. 2) 2020 in conjunction with the Environmental Protection Amendment Bill 2020.

Debate resumed.

Debate interrupted by the Chair (Dr D.J. Honey speaking) and adjourned until a later stage of the sitting.

11. Members' Statements

The Acting Speaker called for members' statements which were then made.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 6169 to 6174 were asked.

Questions on Notice Nos 6038 and 6077 were answered.

13. Variation to the Order of Business

Ordered, That consideration of Government Business Orders of the Day Nos 3 and 4 be resumed.

14. Environmental Protection Amendment Bill 2020**Environmental Protection Amendment Bill (No. 2) 2020**

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.
Debate resumed.

Question put and passed.

Environmental Protection Amendment Bill 2020 read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

15. Environmental Protection Amendment Bill (No. 2) 2020

The Order of the Day for the second reading of the bill was read.

Question put and passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

16. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020

Message No. 123 dated 21 May 2020 from the Legislative Council was reported agreeing to the bill without amendment.

17. Message from the Governor

Message No. 23 from His Excellency the Governor was reported assenting to the following bills –

Prisons Amendment Bill 2020, Act No. 20 of 2020.

Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020, Act No. 21 of 2020.

18. Adjournment

Mr D.R. Michael moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.16 pm until Tuesday, 26 May 2020 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer, Mr K.J.J. Michel, Mr K.M. O'Donnell, Mr J.R. Quigley and Mrs M.H. Roberts.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly