Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE COUNCIL

Tuesday, 19 May 2020

Legislative Council

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THE PRESIDENT (Hon Kate Doust) took the chair at 2.00 pm, read prayers and acknowledged country.

TAFE FEES

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [2.02 pm]: On Tuesday, 12 May, I tabled TAFE enrolment data, as directed by the house, during debate on a motion on notice that was moved on 19 February 2020. I tabled that in good faith. Following further discussion with Hon Colin de Grussa, it is clear that the data tabled was a narrower range of information than the member was seeking, so I now table additional enrolment data.

[See paper 3877.]

BARLEY EXPORTS — CHINESE TARIFFS

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [2.03 pm]: Late yesterday we were informed of the decision by the Chinese Ministry of Commerce to impose a dumping margin of up to 73.6 per cent and a subsidy margin of up to 6.9 per cent on all barley imported from Australia, effective today. These tariffs effectively close WA's largest barley export market and could result in a direct loss of up to $200 million to Western Australian farm incomes this coming year from reduced barley values and reduced wheat prices as more farmers turn to wheat crops. This will have a multiplier effect in the regional economies of WA's grain belt.

Although we are confident that Australian barley is neither being dumped nor subsidised, this final outcome is not surprising, given China's conditional ruling fewer than two weeks ago. It would appear that Western Australian barley growers have been caught up in a much larger issue. We urge the federal government to take action, including appealing the decision via the World Trade Organization's dispute settlement process, and we will provide any support necessary.

This issue highlights the importance of the Australian Export Grains Innovation Centre and the research and development work it does to develop new grain varieties, products and markets to give farmers flexibility to deal with ever-changing global trade conditions. It is critical that the impending creation of Grains Australia by the federal government's Grains Research and Development Corporation does not diminish AEGIC's unique combination of market intelligence, R&D and innovation that is very important to WA's very export-oriented cereal industry. Recently, AEGIC has been working to open up new markets for our barley in India and has developed a game-changing new strategy for Australian oats, branching into the rice and noodle markets with this high-value grain.

PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION — MEMBER FOR KALAMUNDA

Notice of Motion

Hon Nick Goiran gave notice that at the next sitting of the house he would move —

That this house —

(1) acknowledges the work of the Joint Standing Committee on the Corruption and Crime Commission in this fortieth Parliament;

(2) notes that the standing orders of the Legislative Assembly apply, as far as they are able, to the work of the committee and that —

  (a) pursuant to standing order 270, committee deliberations will be conducted in closed session;

  (b) pursuant to standing order 271(2), no member of the committee nor any other person may publish or disclose evidence not taken in public, including documentary evidence received by the committee, unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee;

(3) notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;

(4) expresses its concern about the ongoing membership of Mr Hughes on the Joint Standing Committee on the Corruption and Crime Commission; and

(5) acquaints the Legislative Assembly accordingly.

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2017

Discharge of Order and Referral to Standing Committee on Procedure and Privileges — Motion

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [2.08 pm] — without notice: I move —

(1) That the Corruption, Crime and Misconduct Amendment Bill 2017 be discharged and referred to the Standing Committee on Procedure and Privileges for consideration of the possible impact of the bill on any current legal proceedings, and to report by no later than Tuesday, 13 October 2020; and

(2) the committee has the power to inquire into and report on the policy of the bill.

The Corruption, Crime and Misconduct Amendment Bill 2017 has appeared over the last couple of weeks as one of the items of business that the government seems to wish to address at some point in the near future. I will briefly remind members of the history of the bill. It was originally introduced into the other place as a component of the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017, a larger bill that proposed, amongst the matters contained in this bill, conferring powers for the Corruption and Crime Commission to deal with confiscation of proceeds of crime matters. In the course of the debate it became clear that the proposed amendment, the subject of this bill, needed to be considered in greater detail.

On Wednesday, 7 September 2017, the government moved to split that bill, and the component that proposes to extend the power of the Corruption and Crime Commission over members of Parliament was introduced on 28 November 2017. On 20 March 2018, on the motion of the Leader of the House, the bill was referred to the Standing Committee on Procedure and Privileges for report. Originally, the report date was to be 10 April, but that was extended by the house to 10 May 2018, and the committee reported on that date. In short, it found that the bill did not have implications for parliamentary privilege, but in its comprehensive report it made a number of important observations on the question of the protection of parliamentary privilege and the procedures of the house. After that, the bill was brought on for debate on 12 February 2019, almost a year later. It was debated on 12 and 14 February 2019 and the debate was concluded with the Leader of the House speaking in reply on 20 February 2019. We then engaged in Committee of the Whole House, and were making progress on clause 1.

Since then, events have moved on. I will not go through the history of the Corruption and Crime Commissioner's views on parliamentary privilege, suffice to say that legal proceedings have commenced, on behalf of the Parliament, in order to have issues such as that adjudicated on. Those have been countered with legal proceedings on the part of the Attorney General and the government. It seems, with respect, that to now bring this bill on for debate is premature. It is premature to continue the debate and premature to complete the debate in all the circumstances, particularly while litigation is in progress, which is likely to have implications for the understanding of the constitutional rights and privileges of Parliament and the interaction with the powers of agencies of the executive. It is our view that it is important that the litigation be concluded in a timely way, but also that any implications arising from that litigation be available to and understood by members of this house before debate on this particular bill be continued.

Accordingly, we seek the guidance of the Standing Committee on Procedure and Privileges, which is in the best position to weigh, assess and inform the house of matters arising out of the bill, in light of the developments of the past year—developments that include litigation that may qualify the view that the house holds. Indeed, it may qualify the view that the Standing Committee on Procedure and Privileges held in May 2018 before litigation was commenced and the dispute arose between the Corruption and Crime Commission and this house of Parliament. We consider that further debate and consideration of the bill should be postponed, at least until the Standing Committee on Procedure and Privileges can further advise and guide the house on the matter and ideally not before the completion of litigation, but we will leave that for another day. Accordingly, I have moved the motion standing in my name to have the bill referred once again to the Standing Committee on Procedure and Privileges for its consideration, advice and guidance to the house. The reporting date has been set for October, and otherwise that the bill not be debated until that advice is forthcoming.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.14 pm]: The government will not be supporting this motion. The Corruption, Crime and Misconduct Amendment Bill 2017 that the motion refers to is about restoring the Corruption and Crime Commission's power in relation to misconduct by members of Parliament. It has already been before the Standing Committee on Procedure and Privileges and, indeed, that report found then that the committee was satisfied that the proposed amendment in the bill, if passed, would not adversely impact upon parliamentary privilege. When I was advised that this matter was coming on today, the reason I was given behind the Chair was that circumstances had changed. But listening to the honourable member, it sounds like this is just about delaying consideration of the bill.

Hon Michael Mischin: Come on!

Hon SUE ELLERY: I do not have any other information put to me by the honourable member in moving his motion. I do not know; does he know something about the outcome of the current legal proceedings that I do not know?

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: Exactly. He is trying to postpone consideration of the bill. As far as I can tell, the motion is not asking the committee to do anything immediately; it is just asking that the committee sits on this bill until those legal proceedings are completed.

Hon Nick Goiran interjected.

The PRESIDENT: Order, member!

Hon SUE ELLERY: I listened to the mover of the motion in silence, because I wanted to understand the reasons for the motion being moved. I would like the same respect in response.

The only finding made by the committee when the bill went before it was finding 1, which states —

> The Bill will not result in a diminution in the scope or operation of parliamentary privilege.

Unless there is something that the honourable member moving the motion knows that I do not know, I do not see how the outcome of the legal proceedings will change that finding about the terms of the bill.

Hon Nick Goiran interjected.

The PRESIDENT: Order! Members, the Leader of the House is trying to speak to this motion. Please let her say what she needs to say and listen to her.

Hon SUE ELLERY: In any event, I urge members of the house to consider this. The public message that members send in this motion—I am not sure that the mover of the motion gets it—is that the Parliament is trying to delay or in some way stand in the way of the CCC's capacity to catch MPs who do misconduct or behave corruptly. That is the public message, and I am not sure —

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: Madam President!

The PRESIDENT: Yes, I noted that. Members, I have already asked you to pay some respect and listen quietly. Each of you, if you so choose, will have an opportunity to speak on this motion when the Leader of the House finishes her comments.

Hon SUE ELLERY: I do not think that is a good message to send. I am certainly not confident that the mover of the motion will be able to convince the public that he is not trying to delay or stand in the way of ensuring that the CCC can catch corrupt MPs. Nothing has happened since the PPC last reported that should stand in the way of ensuring that corrupt MPs are caught. There is nothing that should stand in that way, and we will not be supporting the referral.

HON AARON STONEHOUSE (South Metropolitan) [2.18 pm]: The question before us is whether we support the referral of the Corruption, Crime and Misconduct Amendment Bill 2017 to the Standing Committee on Procedure and Privileges. The bill represents an expansion of the powers of the Corruption and Crime Commission and it is concerning, given the commission's demonstrated disregard for institutions such as legal professional privilege and parliamentary privilege, and the fact that the CCC has extraordinary powers to issue orders to tap phones, seize documents and plant undercover informants. It is quite literally WA's very own secret police—jackboots and all. We could call it akin to the Gestapo, but I think given the government's ideological roots, it might be closer —

The PRESIDENT: Member, I think that is a very harsh use of language in any circumstances.

Hon AARON STONEHOUSE: It may be, Madam President, but perhaps I would prefer to compare it to the Cheka secret police. That might be more appropriate, although I doubt the basement of Dumas House has a sloped floor, so perhaps that is a little too harsh.

The WA secret police is answerable to only one institution—that is, the Joint Standing Committee on the Corruption and Crime Commission, which has already come under repeated attack from this government. That is the only institution that has any oversight of the CCC, as well as through the Parliamentary Inspector of the Corruption and Crime Commission, of course. This government has been attacking that joint standing committee. We should be deeply sceptical of this government and any attempt it makes to expand the powers of the CCC. Therefore, I think it is wholly appropriate that we support a motion to refer this bill to an institution that actually understands and appreciates the importance of parliamentary privilege, legal professional privilege and the traditions and conventions that hold up our parliamentary democracy. I absolutely support the motion for referral.

Division

Question put and a division taken with the following result —

Ayes (22)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Michael Mischin	Hon Dr Steve Thomas
Hon Jacqui Boydell	Hon Diane Evers	Hon Simon O'Brien	Hon Colin Tincknell
Hon Robin Chapple	Hon Donna Faragher	Hon Robin Scott	Hon Alison Xamon
Hon Jim Chown	Hon Nick Goiran	Hon Tjorn Sibma	Hon Ken Baston *(Teller)*
Hon Tim Clifford	Hon Colin Holt	Hon Charles Smith	
Hon Peter Collier	Hon Rick Mazza	Hon Aaron Stonehouse	

Noes (13)

Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Pierre Yang *(Teller)*
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Kyle McGinn	Hon Dr Sally Talbot	
Hon Adele Farina	Hon Martin Pritchard	Hon Darren West	

Question thus passed.

MATTER OF PRIVILEGE — SELECT COMMITTEE INTO MINING ON PINJIN STATION

Final Report — "Inquiry into Mining on Pinjin Station"

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.24 pm]: Madam President, I rise under standing order 93 to raise a matter of privilege and to request that you determine whether there is sufficient substance to the matter to refer it to the Standing Committee on Procedure and Privileges for inquiry and report to the Council. I am referring to matters that are reported in the Select Committee into Mining on Pinjin Station's final report, "Inquiry into Mining on Pinjin Station", which was presented to the house by Hon Robin Scott last Thursday.

The select committee was established back in August 2018. The committee report tells us that it was prompted to do so after the house had received certain allegations about what might be described as an acrimonious dispute between Tisala, an Aboriginal organisation with pastoral and mining interests, and Hawthorn Resources, which formed a joint venture to pursue mining interests. The committee report tells us that the issues to be dealt with by the committee were made more challenging due to a range of reasons, one of which was the close links between a member of the committee and key actors in the dispute. That is set out at paragraph 1.8 of the committee report. Further on, at paragraph 1.22, the committee report advises that it experienced some challenges due to an existing professional relationship between the chairman of the committee and a witness to the inquiry.

The report tells us at paragraph 2.33 that the directors of Tisala relied heavily on others to inform their decision-making on matters that were critical to the operation of their pastoral station. The committee heard from several witnesses connected with Tisala. Most prominent of these were Mr Steven Kean and Mr Nicholas—I am going to mispronounce this and I apologise to him—Cukela. The report tells us at paragraph 2.35 that Mr Steven Kean is currently employed as an electorate officer in the electorate office of Hon Robin Scott, who is the chair of the committee, and that Mr Kean is a prospector from Kalgoorlie. The committee report also tells us at paragraph 2.41 that Mr Kean continued beyond his early engagement back in 2013 to provide support to Tisala. It would appear to me from reading the report that that support continued during the course of the inquiry and while Mr Kean was employed by Hon Robin Scott. That is set out at paragraph 2.62 of the committee's report, where there is some transcript that notes that in June 2019, while the inquiry was still underway, the committee received evidence that Mr Kean had taken action on behalf of Tisala some three weeks before that date.

The question, though, at its starkest is set out in appendix 2 of the report. It goes again to the complexities, which were noted at the beginning of the committee report, of dealing with Mr Kean, who was providing assistance to and at various points represented the interests of the Aboriginal pastoral and mining organisation, noting that he was also at the time employed by the chair of the committee. The report sets out that the committee requested that protective arrangements—if I can call them that—be put in place to ensure that there was not a stepping over of the line, if you like, in the electorate office of Hon Robin Scott and in the relationship between Hon Robin Scott and Mr Kean, who was a key player, so described in the committee report. In appendix 2, there appears to me to be two events that set out how those protective arrangements were in fact breached. I will walk you through those in a moment, Madam President. My question is for you to determine whether those constitute either a contempt of the house or a breach of any of its privileges by either the chair, Hon Robin Scott, or Mr Steven Kean, electorate officer of Hon Robin Scott, or whether any other person or body committed a contempt of the house or its privileges.

Paragraph 2.7 in appendix 2 of the committee report states that the committee received a letter from Hawthorn's lawyers—Hawthorn is the mining interest—and the chairman of the committee tabled that letter from Hawthorn to Tisala's lawyers. The report states —

> The Committee received a letter and several Committee Members expressed their concerns about the manner in which the correspondence had been conveyed to the Committee.

This matter was raised with Steven Kean. He told the committee that the letters were passed on—that they were brought into the office and passed on. It would appear to me that that, possibly, is a disclosure of material to be relied upon by the committee. That is the first instance.

The second instance starts in paragraph 2.12 of appendix 2, which states —

> The Committee put questions to Steven Kean concerning his communications with the Chairman about matters before the Committee:

There is a *Hansard* transcript, which states —

> **The DEPUTY CHAIRMAN**: Did you prepare questions for this committee to ask witnesses?
>
> **Mr Kean**: No. There was some—there were a couple of questions that Mr Scott asked me to type up for him at one stage, and I typed those questions up.
>
> **The DEPUTY CHAIRMAN**: Did you have any input into those questions?
>
> **Mr Kean**: I did not have any input because he already had handwritten notes from some information that was provided to him prior to the committee.

There is a further exchange between Hon Kyle McGinn and Mr Kean. In that extract of transcript, when asked by Hon Kyle McGinn whether he identified that the notes he was typing up were for the committee after typing them, Mr Kean said no.

I find it implausible that a person can type a set of notes into a series of questions and not take any cognisance of what is in the material that they are typing, particularly when that person has already been identified by the committee as a key actor in the matter of the inquiry. The committee was asked to believe that Mr Kean took no cognisance of the material that he was asked to type. I find that implausible. The house is being asked to believe, because it is in the committee report, that a person typing up a series of questions about a matter that he is deeply involved in did not take in the content of the material and that the person asking for the typing to be done, who was the chair of the committee, did not recognise that that was a breach of the procedures that he had put in place to preserve the integrity of the committee's proceedings. To me, that constitutes a disclosure of material to be relied upon in the committee's proceedings.

It is important to note that the committee expressed a view about at least one of those instances. The committee described it as "unfortunate" that the chair had asked Mr Kean to type that material. It is also important to note that the conclusion of appendix 2 at paragraph 2.21 states —

> Despite the matters raised above, the Committee is of the view that these complexities have not resulted in any diminution of the integrity, quality and rigour of the findings and recommendations contained in this report.

That may well be the case, but I think it is important that although the committee noted that these events occurred and reached the conclusion that those events did not diminish its final findings or recommendations, the committee did not touch on—it probably was not its place to do this; I do not know—whether the events constituted a contempt or a breach in that material being prepared for use by the committee was shared by the chair of the committee with a witness to the committee. The question I am asking you to determine, Madam President, is whether that constitutes a matter of such substance that it should be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

The PRESIDENT: I have listened to the comments made by the Leader of the House, and they are quite serious allegations. Given that this report has only just been tabled in the house, I intend to go away and review the comments that have been made by the Leader of the House and read the report and other materials in detail. I will come back at a later stage with a ruling on whether this matter should be referred to the Standing Committee on Procedure and Privileges. Before I move on, does anyone else in the chamber want to speak on this matter of the question of privilege being referred to the committee? Members, I will provide a ruling on that at a later stage.

BIRTHDAY WISHES — HON SIMON O'BRIEN
PRESIDENT'S STEWARD — DEBORAH KAPOOR

Statement by President

THE PRESIDENT (Hon Kate Doust) [2.35 pm]: Before we formally move to orders of the day, I want to mention two things that might brighten the day a little bit. I want to acknowledge that our Deputy President, Hon Simon O'Brien, had a very significant birthday on Saturday. On behalf of the house, I wish him a very happy sixtieth birthday.

Hon Simon O'Brien: Where's my Seniors Card?

The PRESIDENT: The other thing that I want to let members know is that for the last week, Deb Kapoor, who is my steward and is a long-term servant of this house, has been absent and has been very ill. I advise members that she is now home from hospital. I anticipate that she will be away from here for some time. I know that everyone in this house would want to wish her well and a speedy recovery.

WESTERN AUSTRALIAN FUTURE FUND AMENDMENT (FUTURE HEALTH RESEARCH AND INNOVATION FUND) BILL 2019

Committee

Resumed from 12 May. The Chair of Committees (Hon Simon O'Brien) in the chair; Hon Alanna Clohesy (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon ALANNA CLOHESY: I want to recap two points that were raised in the consideration of clause 1 last week. It seems like a long time ago, but it was only last week. They are two points that I said I would provide further information about. The first matter concerns questions raised by Hon Martin Aldridge around consultation on the draft bill with the Minister for Regional Development. I am advised that the Minister for Regional Development was consulted on the draft bill through the cabinet approval process, with approval being given on 5 November 2018. I am further advised that the minister would have had conversations with Hon Alannah MacTiernan well in advance of the submission being progressed up to cabinet. The Western Australian future health research and innovation scheme was an election commitment and the party would have had discussions on these matters along the way.

The second matter I want to provide information on relates to consultation with industry opinion leaders. I am advised that on 25 February 2020 the Minister for Health wrote to five key opinion leaders in the medical health research and innovation sector, advising that all existing funding would come from the FHRI account and about the ramp up of funding. The letter that the minister sent to those key opinion leaders followed a series of discussions with those people on these issues. The minister wrote to the executive director of the Western Australian Health Translation Network; the director of the Telethon Kids Institute; the director of the Harry Perkins Institute of Medical Research; a professor of medicine at the University of Western Australia; and the CEO of the Cancer Council Western Australia.

Those key people were also encouraged to liaise with their sector counterparts to share information on how the FHRI account would be applied. At that time, they were advised by the minister that, on the passage of the bill, the intention was always for the fund to ramp up over the forward estimates. That would see funding for health and medical research and innovation increase to approximately $24.5 million in 2020–21; $31.3 million in 2021–22; and $36.5 million in 2022–23. This equates to an increase in funding of $6 million in 2020–21; $13 million in 2021–22; and $18 million in 2022–23, over the $19 million funding level. Should the bill be passed, the source of this funding will become the fund. This approach will allow a scaling-up of our state's research and innovation activity over the next few years. It is anticipated that in 2023–24 more than $40 million will be available for HMRI in Western Australia, which will more than double the funding at current levels.

Mr Chair, I have a copy of the letter that details the funding arrangements that I have just spoken about, as they were conveyed to the executive director of the Western Australian Health Translation Network, one of the key people whom I spoke about. I seek leave to table that letter for members' information.

[See paper 3878.]

Hon ALANNA CLOHESY: That concludes the issue I said I would return to in consideration of clause 1. I hope to continue this consideration apace.

Hon MARTIN ALDRIDGE: I thank the parliamentary secretary for recapping some of the issues that we left off on last Tuesday. I want to make a couple of observations on the progress we have made in the intervening period of the past week. Before I do that, I want to point out that despite the government's efforts to declare this bill an urgent COVID-19 bill, which was resisted by the leaders in this chamber so the temporary orders did not apply, this bill was not brought on for debate by the government on either Wednesday or Thursday of last week. In fact, there were bills that the government had not sought to declare urgent COVID-19 bills that were considered by the chamber on those days last week. I just want to draw members' attention to that fact, as we seem to have a very piecemeal approach to progressing the bill before us.

This week, we have had some progress with regard to amendments. I had some engagement with the minister's office and the parliamentary secretary late last week on the amendment standing in my name at 7/9 of supplementary notice paper 144, issue 6. The Minister for Health has written to me today to provide some undertakings that I assume are best dealt with when we reach that point in the bill. Either the parliamentary secretary or I will table that correspondence because I think I have raised some legitimate concerns to the government with regard to the application of that amendment, and I am happy to consider that at that time.

There is also a new amendment standing in my name on the supplementary notice paper at 11/7 and a subsequent amendment at 12/14. I hope that they might be considered by the chamber and the government in due course with regard to their utility in situations in which a budget is not handed down in the Legislative Assembly prior to 1 July. As we discussed last Tuesday, we have a delayed budget at least once every four years arising from a general election,

but this year the budget will be delayed by the state of emergency. In the first two years of the operation of the FHRI account we will have difficulties proceeding with its application because no budget will have been presented by 1 July. I will canvass that matter in due course, when we reach clause 7 of the bill.

I have a question on some information that the parliamentary secretary provided a moment ago about the cabinet approval process and consultation with the Minister for Regional Development. If I am not mistaken, the parliamentary secretary said that cabinet made a decision on 5 November 2018. Was that decision a decision to draft or a decision to print? Was that the first occasion on which the cabinet had considered this matter? The parliamentary secretary I think also generalised in saying that it would have been likely that the Minister for Health had engaged with the Minister for Regional Development in the lead-up to that decision, particularly given that it deleted the Minister for Regional Development from joint responsibility for the Western Australian Future Fund. Does the parliamentary secretary have any more specifics on the consultation or conversation that occurred between the Minister for Regional Development and the Minister for Health, and when they occurred?

Hon ALANNA CLOHESY: I can confirm that I was talking about the cabinet decision to draft. As the member knows, there is a stepped process in the development of bills, and the first step is for cabinet to consider whether it should be drafted as a bill. That is the point in time that I was referring to. I do not have any more specific detail than that, other than that I have been advised that those conversations occurred, and certainly not in a structured format that might be accessed by Hon Martin Aldridge or other members of the chamber. I am very aware of the capacity of the Ministers for Health and Regional Development to have a detailed conversation about policy specifics and to carry that through. However, I come back to the point that this was an election commitment, so I am sure that those conversations occurred pre and post the election.

Hon NICK GOIRAN: On 17 March this year, I asked the parliamentary secretary whether the government would table findings pursuant to the awarding of a tender on 15 February 2018 for the "Baseline Review for the Future Health Research and Innovation (FHRI) Fund—Final Report". This year, 17 March was a Tuesday, and two days later, on Thursday, 19 March, I raised the matter again. The response provided by the parliamentary secretary on the second of those days was that the government was waiting on a response from the company involved and she suggested that the Minister for Health was actioning things as quickly as possible. When this matter was last before the chamber on Tuesday, 12 May—exactly one week ago—I raised this matter yet again because the best part of 12 months has transpired and we have heard nothing from the government on this matter. I now note that a further week has transpired. The parliamentary secretary kicked off proceedings today by responding to some outstanding matters Hon Martin Aldridge has been diligently pursuing, but I wonder whether the parliamentary secretary is now in a position to update the chamber on the progress the minister has made to table those findings.

Hon ALANNA CLOHESY: Yes. I thank the honourable member for his diligence in pursuing this matter. The "Baseline Review for the Future Health Research and Innovation Fund—Final Report" relates to the governance framework we have discussed and will discuss when we get to that clause. The honourable member asked whether that report could be tabled. The Department of Health had a responsibility to go to the owner of the report—Deloitte Access Economics—to obtain permission to table the report and to ask whether any commercial-in-confidence matters would be of concern to that company. Of course, at that time, as well, the Department of Health and the minister were very vigorously addressing the COVID-19 pandemic issues and scaling up health services and undertaking general activities related to keeping the public safe from COVID-19. While that was happening, the department was able to obtain permission from Deloitte Access Economics to table the report. As I said, I was going to wait until we got to that clause to table that report, as it relates specifically to the clause on the governance framework. But I am very pleased to table that report now.

[See paper 3879.]

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: While I am on my feet taking the call on clause 2, I ask the diligent staff of the Legislative Council to provide me with a copy of that paper just tabled by the parliamentary secretary.

The explanatory memorandum says that 28 days after royal assent should be sufficient time to finalise the arrangements for the administration of the act, as amended. What arrangements will still need to be finalised during that 28-day period?

Hon ALANNA CLOHESY: I am advised that additional time is needed to ensure that appropriate administrative arrangements are in place prior to the commencement of the substantive parts of the act. That includes provisions that establish the FHRI account, under part 2, and the FHRI fund, under part 3. The Western Australian Future Fund Act 2012 is currently committed to the Treasurer, so time is required to allow the Governor to commit the amended act to the Minister for Health and part 3 of the amended act to the Treasurer. That is an administrative necessity.

Hon NICK GOIRAN: One thing that the parliamentary secretary indicated needs to be done is that the Governor commit the act from the Treasurer to the Minister for Health. If that is not done by the Governor, will that stop the operation of the act, as amended?

Hon ALANNA CLOHESY: I am advised, yes.

Hon NICK GOIRAN: To make sure that we are talking about the same thing, when we talk about committing the act, as amended, from the Treasurer to the health minister, I understand that to mean that the act falls under the Treasurer's portfolio at the moment and that it is the intention of this government to shift that from the Treasurer to the Minister for Health.

Hon Alanna Clohesy: Part of it.

Hon NICK GOIRAN: I understood the parliamentary secretary's response to indicate two things: that it was important to shift the act as a whole, but the parliamentary secretary also referred to part 3. I am not talking about part 3 at this point; I am talking about the act as a whole. I think the parliamentary secretary indicated that it was important that the government shift the act from the Treasurer to the Minister for Health during those 28 days. I asked whether failure to do that would then make the amended act inoperative. The parliamentary secretary indicated that it would. It is not apparent to me why that would be the case, because it is simply an administrative housing mechanism; I do not think it actually matters to the provisions of the fund and for the account to work whether this act, as amended, is housed under the portfolio of the Treasurer or the Minister for Health. I am seeking confirmation that the task that the government would like the Governor to do does not prevent the will of the Parliament today to see that this money flows through so that future health research and innovation can take place. In other words, it seems to me that irrespective of whether the government attends to this within the 28-day period, or indeed at a later stage, from 1 July, the funds will flow for this purpose. I seek the parliamentary secretary's confirmation on that.

Hon ALANNA CLOHESY: I am advised that it will not stop the funds flowing. The bill will amend the act to add the Minister for Health and it will preclude those obligations of the Minister for Health from being exercised or him undertaking his full responsibilities, so it will stop the legislation in that regard.

Hon NICK GOIRAN: I could understand that if the bill before us was referring to a minister in a generic sense, as there would be a need to determine who the minister being referred to was. I draw the parliamentary secretary's attention the language in clause 9, for example, where there is specific reference to the Minister for Health. The parliamentary secretary will see that proposed section 4A(3) says —

> The FHRI Account is to be administered by the Minister for Health.

Proposed sections 4C(1), (2) and (3) go on to refer to the Minister for Health. Indeed, I note that proposed subsection 4C(4) also does that. Why does it matter whether the Governor has shifted the primary act from the Treasurer to the Minister for Health when clearly the bill itself indicates what the role of the Minister for Health is? Is this not just merely a housekeeping matter that does not impact on the operations of the act?

Hon ALANNA CLOHESY: I am advised that the bill was created with the intent that the Minister for Health have carriage of its outcomes, and not to commit the bill is contrary to its intent.

Hon NICK GOIRAN: It might be the position of the government that it would be contrary to the intention, but that is not the question. I want to know whether it blocks the operation of the act. I want to know that if in the next 28 days the government does not put the necessary paperwork under the nose of the Governor in order to commit the act from the Treasurer—to shift it from the Treasurer to the Minister for Health—will that mean that the operation of the act is blocked in any way? I do not think that it will be. I can understand that it is the desire, the intention, the aspiration of the government to achieve these things within 28 days, and I might add that it has my support in doing so. I am simply trying to get confirmation that if the government does not have the opportunity to do this in the next 28 days, it will not preclude the full operation of this act taking place. Some extraordinary circumstance related or otherwise to the pandemic may occur over the next 28 days that precludes the government from putting this matter before the Governor. That may happen in the next 28 days; I hope that it does not. I emphasise that the government has my full support in providing this information to the Governor in the most expedient fashion possible, but if that does not happen, will everything we are deciding today still be able to take place? It seems to me that the answer to that is yes, and I seek the parliamentary secretary's confirmation.

Hon ALANNA CLOHESY: I am advised that without it, the legislation would have the Treasurer putting obligations on the Minister for Health for the administration of the fund. The Department of Health has done an extraordinary job, particularly over the last four months, in managing its ordinary work, its everyday operations, as well as ramping up services and acting to address the current pandemic. I am advised that the department would do everything it possibly could to ensure that that 28-day requirement is met despite other pressures upon it.

Hon NICK GOIRAN: Is there any reason that clause 3 needs to wait 28 days from assent before becoming operational? Are there any other clauses like clause 3 that do not really need to wait 28 days?

Hon ALANNA CLOHESY: I am advised that the bill has been drafted in this way to ensure that all the relevant amendments take effect on day 28 to avoid a piecemeal approach and to ensure the smooth startup and operation of the account. It is a logical sequence to ensure that all clauses of the bill operate at the same time. There is no point in having the architecture or the infrastructure established without having the remaining administrative components also in operation.

Hon NICK GOIRAN: If the parliamentary secretary has carriage of other health bills in the remainder of this term of government, in this fortieth Parliament, I remind her that on 19 May 2020, she indicated that the government wants to avoid the piecemeal commencement of bills. I can assure her that that has consistently been the approach of the government throughout this Parliament. If that is going to be the new standard, I have no problem with that whatsoever; in fact, I encourage it. I encourage the commencement of various clauses and the like in less of a piecemeal fashion. If that will be the new standard, I look forward to holding the government to account to that new standard, which it announced today—19 May 2020.

I have one final question on clause 2. The parliamentary secretary indicated that the government needs to undertake appropriate administrative arrangements, including the establishment of the account and the establishment of the fund. What other things does the government need to do in order to establish the account and the fund?

Hon ALANNA CLOHESY: Administrative details will include things like establishing a statement on the special purpose account operations and restrictions on the account, and other administrative processes that will need to go through levels of approval. That will take time.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Long title replaced —

Hon NICK GOIRAN: Clause 4 seeks to amend the long title of the primary act—the Western Australian Future Fund Act 2012. Did the government give any consideration to amending the short title?

Hon ALANNA CLOHESY: Clause 6 addresses amending the short title.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Section 3 amended —

Hon MARTIN ALDRIDGE: I want to revisit an issue at clause 7. Before I get to my amendment, I would like to examine the definition of "forecast investment income" as set out on line 7, page 4 of the bill, which states —

> ***forecast investment income***, for a financial year, means the estimate that —
>
> (a) is of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund; and
>
> (b) is set out in —
>
> (i) the part of the budget papers for the financial year, tabled in the Legislative Assembly, that is titled "Economic and Fiscal Outlook"; or
>
> (ii) if the regulations prescribe another part of those budget papers—that other part;

The parliamentary secretary drew my attention to the application of this definition in years, when a budget paper will not be tabled in the Legislative Assembly by 1 July of that financial year. I hope the government appreciates my offer of support by way of amendment 11/7 that parliamentary counsel drafted for me, standing in my name on the supplementary notice paper, because I was not convinced by the explanation that was given in the debate on clause 1 relating to the application of this definition. Essentially, the workaround that the government has established for the years when this will occur, keeping in mind that this problem will most likely occur in the first two years of operation of the FHRI account, will essentially be cashflowed by the Department of Health. The government will then repay the money to the Department of Health from the FHRI account when those budget papers are tabled.

On the current standing of this clause, has the government received any advice on that workaround? Does that advice suggest that that workaround is lawful? Does that workaround allow any of the existing governance provisions contained in the bill to be bypassed, given the fact that I assume the money is initially flowing from the consolidated fund appropriation to the Department of Health rather than a drawdown from the FHRI fund to the account and then to the specific project?

Hon ALANNA CLOHESY: I am advised that other than the first year of the FHRI account being created, a late budget can be dealt with through unspent funds or uncommitted funds held over from the previous financial year. For example, if there was an amount of $40 million, only $20 million would be expended, so the remaining funds would be used in that situation. A late budget in 2021 would not otherwise be an issue as the new future health research and innovation fund programs and initiatives can be staged so that the first payments are not due until after the FHRI account is credited with the forecast investment income. But in saying that, the urgency of providing the research and innovation funding for coronavirus-related research is a unique situation that we have talked about before, in that the funds are required as soon as possible but the account will not have any money standing to its credit until several months after it is established. That is the point of the member's question, I guess. The

Department of Health is investigating cash flow options to address the situation, and the government has strong partnership opportunities that might also support research and innovation around the solutions to the pandemic; those partnership opportunities might assist with that part of the process. The Departments of Health and Treasury are also considering financial options that can be used to pay for that urgent coronavirus research if any are incurred prior to 8 October 2020, the date of the establishment.

Hon MARTIN ALDRIDGE: I thank the parliamentary secretary for that considered advice. I take her point that this could be an issue more in year one than in other years, because there may be retained funds within the FHRI account. That is predicated on the fact that we have a Minister for Health who does not intend to spend every dollar available in the FHRI account, which may not be given year to year, or we have a Treasurer who does not seek to have those funds returned to the FHRI fund that remain in surplus from the FHRI account, of which there are provisions in this bill. Both of those preconditions will need to be met for that surplus cash flow to be available. I think there is a neater way of addressing this, through my amendment to clause 7, to provide for this alternative process. When I had this amendment drafted, the drafter raised the point with me that the other occurrence within the statute book that the drafter was aware of in which this could occur is the royalties for regions fund. But the thing with the royalties for regions fund is that—for those who have been familiar with it over the last decade or so of its operation—it usually starts and finishes with the same balance of $1 billion. It receives and spends money in between, so that there is almost a guarantee of the circumstances that the parliamentary secretary just described. But in the operation of that fund there could be a circumstance in which royalties fall, spending increases, the government starts spending the allocation of royalties to the fund in a given year, a late budget hits and the government could be presented with the same challenges, although they have not arisen thus far.

All those things that the parliamentary secretary has just said, including Treasury and the department working to establish other arrangements or interim arrangements as they arise, could be neatly addressed by the amendment standing in my name at 11/7 on the supplementary notice paper. As I said in my clause 1 remarks, members need to be aware that there is a subsequent amendment to clause 14, standing at 12/14, which I think will give the government the tools that it needs to respond to circumstances that are reasonably envisaged and are almost certain to take place with this bill likely to pass prior to 1 July. We know that a budget paper will not be presented to the Legislative Assembly until 8 October this year. With some surety that this will arise as an issue for the government, notwithstanding that my party does not support the passage of the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019, this amendment is offered in good faith and I think it will allow the government to implement its policy intent in this bill before us. Therefore, I move —

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(5);

Hon ALANNA CLOHESY: It is a worthwhile consideration, because I understand, in essence, what the member is suggesting we try to avoid, but at this stage, other than the process that we have just talked about, it would be very unlikely that it would be necessary, for a couple of reasons. Firstly, the *Budget Statements* would be amended to reflect the new status of the act, if you like, or the establishment of the fund and, as we said, it will only apply in the first year because in subsequent years the account will have the funds carried over. We have already established that. It would not be necessary in any other subsequent years because mechanisms are in place or are being explored for this first year. The government does not think that the amendment is necessary because it will have an impact only in this first year, if any at all.

Hon NICK GOIRAN: Parliamentary secretary, if I understand the government's objection to the amendment before us moved by Hon Martin Aldridge, it says that it is not necessary. Will the amendment moved by Hon Martin Aldridge cause any disruption to the provisions of this act as amended by the bill?

Hon ALANNA CLOHESY: I am advised that it would impact the area of forecasting. It is not impossible, but the WA Treasury Corporation has a process as part of the budget process whereby it develops forecasts on a number of matters, and the future health research and innovation fund investment forecast would be one of those forecasts that are part of the ordinary budget process. This amendment would take the FHRI out of the ordinary budget process and have it as a standalone process for one year. It is not impossible, but it would be creating a new process outside the current and existing ordinary budget forecast process. In itself, it is not preferable to have a standalone process because not only is it a one-off, as I talked about, but also there are mechanisms that could be used if necessary. The legislation allows for other lawfully available money to be credited to the FHRI account. For example, Parliament could agree to top up the FHRI account if required under proposed section 4B(2)(b). That could be done through appropriation bills, which is the way those kinds of requests come to Parliament. Parliament would still have control over that part of the process. Setting up a new process for one year to take it out of the ordinary budget process is not preferable at this stage, particularly as Parliament has a role in the appropriations. That is not an unusual process either, as members know. A number have come before this place.

Hon NICK GOIRAN: What does the government say will be the forecast investment income for the coming financial year at this time?

Hon ALANNA CLOHESY: As far as I am aware, it has not been re-forecast at this stage. The WA Treasury Corporation is working on a number of forecasts in light of the current global economic situation.

Hon NICK GOIRAN: If the chamber is inclined to support the amendment moved by Hon Martin Aldridge, will it be the case that the Treasurer will have to table a document with a forecast before 30 June?

Hon ALANNA CLOHESY: I am advised that, depending on the passage of this bill, it may not have any effect if the bill is not passed quickly. It is all in the timing. Whether the information can be provided within the required six-week period will depend on when the bill is successful, if it is successful.

Hon NICK GOIRAN: I accept that; that is because of clause 2. The bill before us has 17 clauses. We are currently considering clause 7. We are on the first afternoon of this sitting week. I understand that the Leader of the House has indicated in the weekly bulletin that the government has given this bill top priority. I have no reason to doubt that this bill will pass this house this week and will then go to the other place, which I understand is scheduled to sit next week. Again, I think that there are enough levers at the disposal of the government to ensure that this bill passes before the end of the month. That being the case, the bill will then come into operation 28 days thereafter, which will be before 30 June. In those circumstances, if the amendment moved by Hon Martin Aldridge is supported by a majority of the chamber, will the Treasurer then need to table a statement because budget papers will not be tabled?

Hon ALANNA CLOHESY: I am advised that it is possible, but it is dependent on time lines.

Hon MARTIN ALDRIDGE: I do not accept the parliamentary secretary's conclusion that this is only going to be a one-off. As I said, that is predicated on the fact that money will always be available in the account for disposal by the Minister for Health on 1 July each year, which may not be the case. We cannot look into our crystal balls and say that every financial year from hereon in, a surplus will be sitting in the account that is not going to be expended in the previous financial year or that the Treasurer is not going to seek to have returned to the fund under the provisions of this very bill. I do not think assurance can be given that there will not be another occasion before this financial year. But the parliamentary secretary does raise a point in her subsequent amendment on the tabling of the statement. I am not sure, but I think that the parliamentary secretary is saying that if the Treasurer tables the statement after 1 July, it would not have lawful effect because the amendment states —

> … the Treasurer must, before the commencement of the financial year, table in the Legislative Assembly a statement setting out an estimate of the income …

It is clear that that is what the Treasurer must do, and I think that if he did not do that, he would be in breach of this provision. I am less convinced that the statement, whether it is tabled before the start of the financial year or on 1 July or 2 July, would not have lawful effect under this provision. If the parliamentary secretary's advice is that if the statement were tabled after 1 July, it would not have lawful effect, those words could be deleted in the subsequent amendment, so the provision would read —

> 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 table in the Legislative Assembly 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.

That would remove an obligation to do it by 1 July. When the statement is delivered by the Treasurer, it would then have lawful effect, if the parliamentary secretary's advice is that a statement, under the current amendment drafted by parliamentary counsel, would not have lawful effect if it were tabled on 1 July or after.

Hon ALANNA CLOHESY: The amendment that we are discussing does not address the gap because it reverts to the definition of "forecast investment income" in the definitions section, which states that the forecast is set out in the budget papers and the *Economic and Fiscal Outlook* at that time, so it would defeat the purpose if we deleted that.

Hon MARTIN ALDRIDGE: I think we have got lost. We are talking about the amendment at 11/7. There is a subsequent amendment at 12/14. I think that issue was teased out in an exchange between the parliamentary secretary and Hon Nick Goiran. If this bill does not come into effect until 15 July, let us say, and the Treasurer has not done what he needed to do, which was to table a statement before 1 July, I think the advice that the parliamentary secretary has been given in this chamber is that if his statement was tabled on 16 July, it would not have lawful effect for this year, so we would have missed the opportunity to fix the problem in the first year of its operation. I put to the parliamentary secretary that that issue could be addressed. I am not convinced that that is the case, but if it were, and let us accept that for the moment, that situation could be remedied by removing the second occurrence of the words "before the commencement of the financial year" in the amendment at 12/14. I do not mean the first occurrence, which states —

> 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 …

Delete ", before the commencement of the financial year" —

> … table in the Legislative Assembly 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.

If the parliamentary secretary follows my logic, that would allow the Treasurer to wake up on 1 August and say, "I'm going to table in the Legislative Assembly today a statement of forecast income for the FHRI fund to be deposited into the FHRI account, notwithstanding that I'm not going to deliver my budget until November." Does that make sense? Therefore, if we accept the parliamentary secretary's argument that the amendment as it is currently drafted has the limiting matter that she has raised, that could be remedied by the deletion of those words while retaining the intention of the two amendments.

Hon ALANNA CLOHESY: If those words were deleted, it would not set a time frame. If the member is comfortable with the flexibility of not having a time frame—for example, if the budget were delivered in November—in theory, the Treasurer could table the statement a week out from the budget or any time leading up to it. The difficulty with it is not having that time frame. I think that is the answer to that question; I just want to know where the member is going to take it next.

Hon MARTIN ALDRIDGE: We have a choice here. Is this a measure that we want the government to comply with because we want to insist on it and give the research community confidence that the money is going to keep on flowing, despite the fact that we might have another state of emergency or that the Treasurer might fall ill or pass away? There are all those circumstances, including the fact that in one of every four years we are going to have a late budget. The practice is that the budget is delayed by a matter of months following a state election. This amendment was drafted with an insistence that, in situations in which a budget is not tabled in the Legislative Assembly prior to 30 June, there is a positive obligation on the Treasurer to table a statement of forecast income from the fund prior to the end of the financial year.

The issue that has been identified is: given that we are only weeks away from the end of this financial year, what impact would the application of this amendment have from 1 July? I have confidence that this bill will pass very shortly and may or may not need to go back to the Legislative Assembly, which is sitting next week. I am relatively confident that the 28 days will occur this financial year, but let us envisage for a moment that that does not happen. The only detriment I can see in that case will be that the government will not be able to use this provision and the Treasurer will not be obliged to comply with it because clause 7 will not come into operation until 28 days after the day on which the legislation receives royal assent under clause 2. The government could amend clause 2 to have this provision come in earlier than is currently provided; that could be another way of addressing this issue. But rather than responding to just this outlier in the first year, which we are approaching, and recognising that the government will be faced with this problem once every four years, it would probably serve the bill better in the long term to leave the amendment subsequent to the amendment I have moved at 11/7, notwithstanding the potential risk of these provisions not coming into effect until after 1 July.

Hon NICK GOIRAN: On behalf of the opposition, I indicate that we have a lot of sympathy for the amendment moved by Hon Martin Aldridge. This has been an important and interesting exchange between the mover of the amendment and the parliamentary secretary representing the Minister for Health. On balance, I think the amendment solves the problem for this year and may solve the problem in future years. I accept that the parliamentary secretary has said that it is the government's expectation that there will be surplus funds available. But, of course, as the honourable member has pointed out, neither this parliamentary secretary nor any future ones will have a crystal ball to be able to make that determination. If it at least solves the problem for this year, I think it is a good thing.

Another point that persuades me to support this amendment is that the Minister for Health very recently took great pains to explain that, in his view, it was urgent that there be funding available for research into coronaviruses—plural. In fact, I think there is an amendment in the parliamentary secretary's name on the supplementary notice paper to that effect, at 8/9. It makes reference to "qualifying activities that relate to human coronaviruses with pandemic potential"—coronaviruses, plural. The Minister for Health was very keen to ensure that anyone in Western Australia who was prepared to listen would be aware that his commitment was towards research on COVID-19 and coronaviruses. That being the case, and given the observation made by Hon Martin Aldridge earlier that the Leader of the House had previously indicated that this was an urgent matter, I do not think it is too much to ask the government to provide a forecast by 30 June. It would ordinarily have to do that in any event for the budget. If the government is serious about providing funding for coronavirus research—express, pronto—this amendment simply says, "You're going to have to table a statement before the house indicating what your forecast is for the investment income." That is not asking too much. Even if the parliamentary secretary is right and it is necessary for only this year, then it is necessary only for this year.

I also note that if the government is of the view, upon consideration, that this amendment is utterly unacceptable, it has at its disposal a mechanism that it can use to ensure that it will not have to comply with the amendment; that is, when this bill passes this chamber and goes to the other place for it to deal with the amendments, the government can sit on the bill and not put it under the nose of the Governor for signature for as long as it likes. Until such time as it does that, the 28-day period will not begin to run. The time will not begin to run until the bill receives royal

assent, and that will happen when the government decides to put the bill before the Governor. If the government is of the view that it absolutely does not want, under any circumstances, to provide an estimate of the forecast investment income for the coming financial year, it has the capacity to not do so. I do not see that the amendment before the house will cause any operational difficulties for the government; I think it will be a statement of intent by the chamber that we expect the government to get on with it. The government has said that it is interested in funding coronavirus research.

I might add that I am somewhat surprised to hear from the government today that there might not be anything to that effect until some date in October, and that the government is busy at the moment looking at other, I think the phrase was, cash flow scenarios or alternatives, or other cash flow measures, to deal with this thing, including some vague reference to partnerships. Only a week or so ago, the Minister for Health was very keen to ensure that everyone had his media release telling everybody that he was going to fund research into coronaviruses and COVID-19. It was only a week or so ago that we were told by the Leader of the House that this bill was so urgent that it required classification as a COVID-19 urgent bill. Today we find out that the government actually is not sure what research it is going to do, is not even sure whether it has the money to do it, and that there might not be any money to deal with it until October. I thought this was urgent. When I was told that this was allegedly an urgent COVID-19 bill, I assumed the government was ready to rock and had researchers lined up in Western Australia, ready to start doing some research into coronaviruses. If that is not the case, nothing is going to happen until October. I am very disappointed to hear that. I think the people of Western Australia are being misled yet again by the Minister for Health, who seems to be something of an expert in this realm. For those reasons, I indicate that the opposition will support the amendment moved by Hon Martin Aldridge.

Hon ALANNA CLOHESY: Even though the committee is not addressing clause 14 now and the timing of tabling, it may be better to amend clause 14 later to provide that the Treasurer must table the report within 30 days of the commencement of the financial year. That would provide a timetable and alleviate concern about the flexibility that I raised with the member. That might be worthwhile considering.

The other problem with the amendment is that it puts the clause in the wrong position. The amendment currently states "section 9(5)", but it would be better for it to be a standalone section 9B.

The DEPUTY CHAIR (Hon Adele Farina): Parliamentary secretary, can I just clarify: are you moving an amendment to the amendment?

Hon ALANNA CLOHESY: No. I have not sat down because I am waiting for the member to consider what I have said before I propose a course of action.

That would give it status; it would have its own section and would not confuse it with the fund component.

Hon MARTIN ALDRIDGE: I assume the parliamentary secretary is talking about a proposed new section 9B. Parliamentary counsel and I agreed that incorporating the amendment as subsection (5) of proposed new section 9, "Application of the FHRI Fund", would be appropriate, rather than inserting a new section. I am not fussed about whether we create a new section. I thought it could be incorporated into a section that referred to the application of the fund. Proposed new section 9(1) states —

> In each financial year that starts on or after amendment day, an amount equal to the forecast investment income for the financial year is to be charged to the FHRI Fund and credited to the FHRI Account.

Parliamentary counsel and I agreed that proposed subsection (5), which is foreshadowed on the supplementary notice paper, will add to that specific provision, but if the government's preference is that it be a standalone section, I think the same intention could be achieved. Obviously, that would mean we would need to amend the current amendment before the Chair to reflect the deletion of "section 9(5)" and the insertion of "section 9B", and we would need to do that amendment now.

Hon ALANNA CLOHESY: I was waiting to see whether the member would accept that suggestion, because it makes sense; it is logical. Proposed section 9A is about reporting. This amendment is an extension of reporting, so it would make sense that it sits there as proposed section 9B.

The DEPUTY CHAIR: What I have before me is amendment 11/7, moved by Hon Martin Aldridge —

> 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(5);

That is the question before the chamber. If there is a proposal to amend that, you had better move quickly; otherwise, I will put the amendment that is currently before the chamber.

Hon ALANNA CLOHESY: I move an amendment to the amendment standing in the name of Hon Martin Aldridge at 11/7 on the supplementary notice paper —

> To delete "9(5)" and substitute —
>
> 9B

The DEPUTY CHAIR: I will need that in writing. I will wait for the attendant to distribute copies of that amendment so everyone is up to speed with where we are at.

We are dealing with an amendment moved by the parliamentary secretary to the amendment moved by Hon Martin Aldridge at 11/7. The parliamentary secretary's amendment is to delete "9(5)" and insert "9B". The question is the words to be deleted be deleted.

Hon MARTIN ALDRIDGE: I indicate that I will support the amendment moved by the parliamentary secretary. I think it achieves the intent of my amendment, but it restructures the subsequent amendment later on. I flag with the government that when we get to amendment 12/14 on the supplementary notice paper, we will have had the benefit of some recesses to have consulted so that later we can expedite the passage of the subsequent amendment on the supplementary notice paper.

Hon NICK GOIRAN: On behalf of the opposition, I indicate that we will support the amendment to the amendment. However, I have to say that I do so with some reluctance because we are now being asked to agree to something that is, if you like, a ghost provision. The parliamentary secretary has indicated an amendment and a reference to section "9B", but there is nothing on the supplementary notice paper at the moment, nor in the bill before us, nor in the primary act, that refers to "9B". I have been following this debate between the parliamentary secretary and Hon Martin Aldridge extremely closely and it is clear to me what the intention of the two members is. Therefore, I put on the record now what I understand that intention to be so that there will be no confusion when we get to clause 14. My understanding is that when we get to clause 14, in lieu of the amendment currently on the supplementary notice paper from Hon Martin Aldridge at 12/14, there will be an amendment moved by the parliamentary secretary on behalf of the government that will be substantially the same, if not identical, to the words that currently appear. If that is the intention of the government and the honourable member, who has done the hard work on this matter, on behalf of the opposition I am happy to support it. If there is some intention to have another form of words that will substantially deviate from what is now at 12/14, I foreshadow that there will definitely be a long debate at clause 14, which I would like to avoid.

Hon ALANNA CLOHESY: I thank the member for the advice.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Hon NICK GOIRAN: With respect to clause 7, as now amended, I draw the parliamentary secretary's attention to the definition of "qualifying activities", which is found on page 4 at line 29. It indicates that it is —

> (a) any type of —
>
> (i) medical research; or
>
> (ii) other research in the field of human health; or
>
> (iii) medical innovation; or
>
> (iv) other innovation in the field of human health …

It also refers to the commercialisation, or other utilisation or development, of any products or other outcomes of any research or innovation falling within that earlier definition of "qualifying activities". Does the government intend this to mean that commercially viable research will be given favour over non-commercially viable research?

Hon ALANNA CLOHESY: The short answer is no, priority will not be given to research that is considered to be commercial or commercially viable. Priority will be given to research that falls within the strategy and meets the priorities as set out by the advisory group. All research will be considered on its merits in relation to the strategy and priority advised by the advisory group and not on commercial viability alone.

Hon NICK GOIRAN: Could the strategy include that the commercial viability of research ought to be favoured?

Hon ALANNA CLOHESY: I am advised that that is extremely unlikely, in the sense that the need to focus exclusively on commercial viability would ignore three components of the objects of this legislation. Another reason that it would be very unlikely is that the strategy would have been developed following wide consultation with the research community, and the research community is varied and broad and not singly or uniquely focused on commercial viability. A third reason it would be highly unlikely is the representation contained on the advisory group, which includes consumer representation and other sectors of the research community. Those three facets, if you like, would make it extremely unlikely that the strategy would focus exclusively on commercial viability.

Hon NICK GOIRAN: I will just make an observation before my final question on clause 7. I would like to be persuaded that it is in the best interests of the Western Australian taxpayer that money that is to be used for health research and innovation should be used for research that is not commercially viable. I would need to be persuaded about that. I would have thought that if we were going to use taxpayers' money appropriately, the product, research and innovation should be commercially viable, but I am happy to be persuaded otherwise if there are good reasons

that we would want to be investing taxpayers' money in non-commercially viable research and innovation. I am happy to persuaded about that, but it is not clear to me at the current time, particularly when we think about what the original purpose of this fund was.

The original purpose of this fund was that it was not be touched. In fact, when the Labor Party was in opposition, Hon Ken Travers said that the moneys should not be touched, as I recall, until 2062. The original purpose of this future fund was that nobody was to touch it until 2032, and here we are in 2020 absolutely dabbling into the money that was intended to be for future generations. Now there is a suggestion that it will be dabbled and used on research and innovation that might not be commercially viable. I just question the appropriateness of that. But that response can perhaps be provided out of session in order to expedite proceedings today.

My final question about clause 7 is: why is clause 7(3) necessary?

Hon ALANNA CLOHESY: I will address the first part of the concerns expressed by the honourable member. There is a range of examples of public health research that is critical, if not extremely important, but may not be commercially viable. For example, quit smoking research would not necessarily be deemed to be commercially viable but it certainly has an incredibly important public health outcome. Any number of examples of public health research may not be considered commercially viable in that sense.

The second part of the member's question was: why is proposed section 7(3) needed? The proposed subsection amends the definition of "forecast royalty income" by deleting the reference to the general government operating statement and inserting "Economic and Fiscal Outlook". That will ensure consistency within the definition of "forecast investment income" in the state budget papers. The term "General Government Operating Statement" is no longer readily identified in budget paper No 3. It is intended that the forecast royalty income and the forecast investment income will be outlined in a table in budget paper No 3, which is titled *Economic and Fiscal Outlook*. That is why it is important.

Hon MARTIN ALDRIDGE: Why will we delete the definition of "Regional Development Minister" from the act?

Hon ALANNA CLOHESY: The government is seeking to delete that definition because no other clauses require the Minister for Regional Development to be defined, if the bill is successful.

Hon MARTIN ALDRIDGE: When asked about the consultation with the Minister for Regional Development, the parliamentary secretary said earlier that there was informal engagement between Minister Cook and Minister MacTiernan but that Minister MacTiernan was ultimately consulted when the bill was presented to cabinet as part of the cabinet process. The parliamentary secretary also mentioned that it was an election commitment. If I am not mistaken, the election commitment did not set out how the government would establish the FHRI account. The government did not identify in its election commitment that the account would be established via this mechanism, the Minister for Health would be making the decisions and the Minister for Regional Development would be dispensed with, as one of the two ministers who has current control of the WA Future Fund. At the moment the Treasurer and the Minister for Regional Development have control of the WA Future Fund. Who made the policy decision that determined that the Minister for Regional Development should continue to play no further role in the administration of the WA Future Fund?

Hon ALANNA CLOHESY: Cabinet made that decision when it gave approval to proceed.

Hon MARTIN ALDRIDGE: I do not think I am going to get far on this point.

I draw members' attention to this matter in clause 7. I had an amendment drafted, which appeared in my name in an earlier version of the supplementary notice paper—it no longer stands in my name—relating to the reinsertion of the reference to the Minister for Regional Development. The parliamentary secretary would be aware that I have abandoned that amendment and I have taken a different approach, after consultation with other parties and members in this place. That does not mean that I do not still support that approach.

I want to outline the reasons I have concerns with the deletion of the reference to the Minister for Regional Development and the royalties for regions fund. It is clear from the little information that I have been able to glean that there was not considerable consultation with the Minister for Regional Development, in either the drafting of the election commitment—there was no reference to it in the election commitment—or the formation of policy post-election when it was presented to cabinet. In fact, the only evidence before the Committee of the Whole, so far, is that the Minister for Regional Development was certainly made aware of the deletion when she turned up to cabinet on Monday. That is when we knew that the Minister for Regional Development was aware of the deletion because any evidence of consultation prior to that date is not known to the Committee of the Whole.

Members need to be aware that 82 per cent of the capital contributed to the WA Future Fund as it stands today came from royalties for regions. So more than 80¢ in every dollar sitting in the fund came from capital contributions. This figure will increase when we consider the accumulation effect of interest earnings, given that the bulk of that money is attributable to royalties for regions. That could perhaps escalate the royalties for regions attributable component of the future fund to somewhere in the vicinity of 90¢ in the dollar when capital was contributed or investment income was earned from royalties for regions funding—not from royalties but from royalties for regions

funding. As I stated previously, the current Western Australian Future Fund Act 2012, which this bill will amend, requires two ministers to make a decision: it requires the Treasurer and the Minister for Regional Development to make a decision on the use of the fund post-2032. Hon Nick Goiran pointed out that the Labor Party's position in opposition was that it should not be touched until 2062. In true Kevin Rudd style, here we are in 2020, only eight years after the creation of the WA Future Fund, amending it.

The current provisions of the Future Fund Act were purposefully designed in that it required the Minister for Regional Development, the minister with principal responsibility for regional development in Western Australia, in this case Minister MacTiernan, with the Treasurer of the state, Hon Ben Wyatt, to make decisions relating to the future. That is one of the protections and safeguards that sits within the Future Fund Act. As members would be aware, not a single dollar from the future fund, as it currently sits in law, needs to be expended on regional outcomes post-2032, despite the fact that somewhere between 80¢ and 90¢ in the dollar has directly come from royalties for regions. My party considers that matter to be a safeguard of the current act. We are certainly not convinced that deleting the reference to the Minister for Regional Development in the circumstances that we have been able to identify so far brings us to a point at which we can support that deletion.

If members were to draw their attention to section 9 of the Royalties for Regions Act 2009, they would see that the current provision in section 9 of the Western Australian Future Fund Act 2012 is mirrored to some extent, if not exactly the same, in the Royalties for Regions Act that requires the Minister for Regional Development and the Treasurer to make decisions. I am not comfortable, as some of my further amendments on the supplementary notice paper suggest, leaving these decisions solely to the Minister for Health in the very regulatory-light arrangement established in the bill before us. I know that amendments standing in several members' names go to issues of governance and the application of funding from the FHRI account.

Committee interrupted, pursuant to standing orders.

[Continued on page 2793.]

QUESTIONS WITHOUT NOTICE

TRANSFER DUTY REVENUE

453. Hon PETER COLLIER to the minister representing the Minister for Finance:

Madam President, today I have my two questions, plus another four.

I refer to annual transfer duty revenue. Will the Treasurer provide a breakdown of transfer duty between the residential rate and general rate for each of the following years —

(1) 2014–15;

(2) 2015–16;

(3) 2016–17;

(4) 2017–18; and

(5) 2018–19?

The PRESIDENT: Just before the Minister for Environment answers, I remind members there are a couple of empty seats in the back row. If you are going to ask a question and you want to be on the floor, please feel free to jump into one of those seats during question time.

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The following answer is provided by the Minister for Finance.

The first part of the answer is in tabular form and has the year, the residential rate and the general rate, so I seek leave to have that incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

The Department of Finance advises:

		Residential rate ($)	General rate ($)
(1)	2014–15	1,100,491,921	433,156,894
(2)	2015–16	889,152,899	442,973,644
(3)	2016–17	814,858,046	365,598,277
(4)	2017–18	818,943,577	491,467,079
(5)	2018–19	728,678,298	390,510,535

The values reported are current as of 11 May 2020. The values do not include amounts of duty raised under other heads of transfer duty not specified in the request—for example, duty paid on acquisitions of residential property by first home buyers. The numbers may vary from reported budget figures due to reassessments.

BUSES — VOLVO AUSTRALIA

454. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to the Public Transport Authority's contract with Volvo for new buses and the repeated request for the minister to table a contract.

(1) Given nearly nine months has passed since the question was first asked, will the minister now table the contract; and, if not, why not?

(2) Does the minister have any intention of tabling the contract?

(3) Will the minister provide a commitment to table the contract before the winter recess; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The following answer has been provided to me by the Minister for Transport.

(1)–(3) It should be noted that the opposition continued to refuse to release the business cases for the Forrestfield–Airport Link and Perth Freight Link projects, despite multiple requests to do so. The minister is aiming to table the relevant documents by the end of the current sitting week.

CORRUPTION AND CRIME COMMISSIONER — REAPPOINTMENT

455. Hon PETER COLLIER to the Leader of the House representing the Premier:

I ask this question on behalf of Hon Michael Mischin, who is away on urgent parliamentary business.

I refer to the Joint Standing Committee on the Corruption and Crime Commission proceedings for the appointment of a Corruption and Crime Commissioner. On what occasions, in what manner and in what terms did the Premier make his preference for the reappointment of Hon John McKechnie known to each of the following; and, if by correspondence, can the Premier table that correspondence or give a reason for not doing so?

(1) The Joint Standing Committee on the Corruption and Crime Commission.

(2) Independently of communicating with the joint standing committee, the member for Kalamunda, Mr Matthew Hughes, MLA.

(3) Independently of communicating with the joint standing committee, the member for Girrawheen, Ms Margaret Quirk, MLA.

(4) Independently of communicating with the joint standing committee, the member for Agricultural Region Hon Jim Chown, MLC.

(5) Independently of communicating with the joint standing committee, the member for North Metropolitan Region Hon Alison Xamon, MLC.

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1) The Premier made his preference known in writing twice in correspondence to the Chair of the Joint Standing Committee on the Corruption and Crime Commission. I table that correspondence.

[See paper 3880.]

(2)–(5) Not applicable.

DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT — LOW CARBON AUSTRALIA PTY LTD

456. Hon PETER COLLIER to the Minister for Regional Development:

This question without notice is asked on behalf of Hon Tjorn Sibma, who is away on urgent parliamentary business.

I refer to a $249 999 contract awarded by the Department of Primary Industries and Regional Development to Low Carbon Australia Pty Ltd for the provision of specialist technical advisory services—carbon farming—for the regional business development directorate.

(1) Who is the director of Low Carbon Australia Pty Ltd?

(2) Is or was this person a current or ex-employee of DPIRD?

(3) If yes to (2), what was this person's job title and role within DPIRD?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Department of Primary Industries and Regional Development advises as follows.

(1) Tristy Fairfield.

(2) No.

(3) Not applicable.

SCALLOP FISHERY — ABROLHOS ISLANDS AND SHARK BAY

457. Hon PETER COLLIER to the minister representing the Minister for Fisheries:

My question without notice is asked on behalf of Hon Jim Chown, who is away on urgent parliamentary business.

I refer to the answer given to question without notice 410, asked on 13 May 2020.

(1) Which representatives of the Abrolhos Islands and midwest trawl–managed fishery has the Department of Primary Industries and Regional Development been engaging with?

(2) On how many occasions has DPIRD engaged with each entity?

(3) In what form did these engagements take place?

(4) In what time frame does the minister anticipate a decision to be made regarding the voluntary fisheries adjustment scheme issue raised by the scallop industry?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following answer has been provided to me by the Minister for Fisheries.

(1)–(4) At the request of the Minister for Fisheries, the Department of Primary Industries and Regional Development has been engaging closely with licence holders and representatives of the Abrolhos Islands midwest trawl scallop industry. This engagement includes written correspondence, phone calls and videoconferences. The minister anticipates a decision on this matter will be forthcoming in the near future.

BEELIAR WETLANDS — ROE 8 — CLASS A RESERVE

458. Hon PETER COLLIER to the Minister for Environment:

This question without notice is asked on behalf of Hon Dr Steve Thomas, who is away on urgent parliamentary business.

I refer to the government's joint media release of 16 May 2020 from the minister and the Ministers for Transport and Lands titled "Election commitment delivered to save Beeliar Wetlands", which claims that the government had blocked the Roe 8 proposal by creating an A-class conservation reserve.

(1) Has the A-class reserve been created already, or is this an announcement of the intention to create an A-class reserve?

(2) If the A-class reserve has not yet been created, when will it be formally created?

(3) Under what section of what specific legislative or regulatory instrument has the government created or does the government intend to create the A-class reserve?

(4) Will the creation of the A-class reserve be a disallowable instrument of Parliament?

(5) Has the government abandoned action to progress its original plan to block Roe 8 through the Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018, which was introduced to the Legislative Assembly in November 2018 and the Legislative Council in September 2019?

Hon STEPHEN DAWSON replied:

I thank Hon Dr Steve Thomas for some notice of the question.

(1) The class A reserve has been created.

(2) Not applicable.

(3) Under section 41 and 42(1) of the Land Administration Act 1997.

(4)–(5) No.

RESOURCES SECTOR — INTERSTATE FLY IN, FLY OUT WORKERS

459. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

This question is asked on behalf of Hon Jacqui Boydell, who is away from the chamber on urgent parliamentary business.

I refer to the Premier's announcement last week that the state government will look to incentivise eastern states fly in, fly out workers to reside permanently in Western Australia.

(1) Will there be specific incentives to resettle interstate FIFO workers in regional Western Australia?

(2) Will this program be for only interstate FIFO workers or will metropolitan FIFO workers from Perth be eligible?

(3) Which agency will be the lead agency to implement this program?

(4) Please table any correspondence and the dates of any meetings that have occurred to date relating to the FIFO program between the Premier's office and the following Western Australian stakeholders —

(a) the Chamber of Minerals and Energy;

(b) the Housing Industry Association;

(c) the Minister for Regional Development;

(d) any mining and resourcing companies; and

(e) any local government organisations.

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(3) The program to incentivise interstate fly in, fly out workers to reside permanently in Western Australia is still being developed. As such, eligibility and other criteria are still being finalised. This is a cross-agency initiative.

(4) The collation of this information cannot be achieved in the time frame for a question without notice. I ask the honourable member to put that part of the question on notice.

CORONAVIRUS — INTRASTATE TRAVEL RESTRICTIONS

460. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to the "Prohibition on Regional Travel Directions" established by the State Emergency Coordinator on 31 March 2020 and replaced on 17 May 2020.

(1) Did the Premier, the State Emergency Coordinator or the State Disaster Council receive advice from the Chief Medical Officer of Western Australia, the Australian Health Protection Principal Committee or the Department of Health recommending the implementation of intrastate travel restrictions?

(2) If yes to (1), on what day was advice received, and please table that advice?

(3) Did the advice received identify that on public health grounds, travel should be restricted in the form and manner that was established by the State Emergency Coordinator?

(4) Is the Premier aware that despite assurances by the Minister for Transport in answer to Legislative Council question without notice 334 asked by Hon Colin de Grussa, MLC, travel by regular passenger transport to regions with restricted access is occurring without impediment by the airlines or the Western Australia Police Force?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(4) The Premier meets several times a week with the COVID-19 emergency team, which includes representatives from the Department of Health. All advice is considered when making decisions on travel restrictions.

CORONAVIRUS — MARBLE BAR AIRPORT

461. Hon ALISON XAMON to the Leader of the House representing the Premier:

This question is asked on behalf of Hon Robin Chapple, who is out of the chamber on urgent parliamentary business.

I refer to question without notice 443 asked before the Legislative Council on Tuesday, 12 May 2020, and I note the answer supplied to that question.

(1) Would the minister please list the amounts received via COVID-19 funding by the adjacent Shire of Ashburton and the City of Karratha?

(2) Given the government has no control over the spending of these funds, as disclosed in the answer to question without notice 443, who holds accountability of the funding and its expenditure?

(3) Can the minister explain why the Shire of East Pilbara received the sum of $8.5 million as opposed to any other amount?

(4) Given that the airport at Marble Bar is to be used primarily by industry, does the minister consider it appropriate that emergency pandemic funds raised through taxes are being used to build a commercial airport?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(4) The premise of the question is incorrect as there is no specific state government COVID-19 funding to local government authorities. However, $100 million in loans is available to local government authorities and universities to meet short-term cashflow requirements as a result of COVID-19.

POLICE — HATE CRIMES

462. Hon ALISON XAMON to the minister representing the Minister for Police:

(1) Does the Western Australia Police Force currently collect data on the prevalence of assaults that are suspected LGBTIQ hate crimes?

(2) If yes to (1), what specific information is collected?

(3) If no to (1), how can we determine whether LGBTIQ hate crimes represent a systemic problem in Western Australia?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Police.

(1)–(3) The Western Australia Police Force advises that it does not collect specific data on hate crime trends but understands that hate-based crimes can significantly impact the victim and the community, and therefore strongly encourages victims to report all crimes so that they can be investigated with empathy, respect and fairness.

BARLEY EXPORTS — CHINESE TARIFFS

463. Hon COLIN TINCKNELL to the Leader of the House representing the Premier:

I refer to the response to China's imposition of tariffs on Western Australian barley.

(1) Does the Premier now regret not taking a stronger stance against the bullying tactics and language used by China in the preceding weeks?

(2) Has the Premier asked for advice from his billionaire mining mates on how to deal with China's decision to impose a nearly 80 per cent tariff on Western Australian barley imports?

(3) Does the Premier plan to respond to China's imposition overnight of punitive tariffs on Western Australian barley imports?

The PRESIDENT: Leader of the House, I think Hon Colin Tincknell might be seeking an opinion in the middle of that question.

Hon SUE ELLERY replied:

Yes. Anyway, I thank the honourable member for some notice of the question.

(1) The Premier has urged the federal government to deal with this issue and has reached out personally to the Prime Minister, offering his help.

(2) In reference to "billionaire mining friends", it is unclear to whom the honourable member is referring.

(3) The Premier expects the federal government to respond swiftly to the issue of tariffs on Australian barley.

WATER CORPORATION — ROCKY GULLY

464. Hon RICK MAZZA to the minister representing the Minister for Water:

I refer to the minister's media statement from February this year stating that the Water Corporation is carting about 11 million litres of drinking water each week to Cranbrook, Grass Patch, Hyden, Lake King, Varley, Rocky Gully, Wellstead, Salmon Gums, Ravensthorpe and Walpole.

Can the minister advise the reason the Water Corporation is carting water to Rocky Gully, considering the town has its own catchment reservoir?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Water.

Due to water quality concerns, the Rocky Gully dam has not been used by Water Corporation to supply drinking water to the Rocky Gully community since 2011. Water Corporation has been carting water to Rocky Gully from the Lower Great Southern town water supply scheme since 2011. Due to the relatively small number of customers in Rocky Gully, carting of water was determined by the former Liberal–National government to be the most cost-effective long-term solution for this community.

SELF-DEFENCE — WEAPONS ACT REVIEW

465. Hon AARON STONEHOUSE to the minister representing the Minister for Police:

I refer the minister to the commitment entered into during debate in this place on 13 February 2019 for the McGowan government to examine and report to the house on amending the Weapons Act 1999 to allow individuals to carry pepper spray for the purpose of self-defence. Acknowledging that COVID-19 will no doubt have led to a reprioritisation across a range of commitments, but also noting that the government had eight months prior to the current state of emergency to commence this review, will the minister provide the house with an update and an expected time frame for the completion of this review?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Police.

I expect to provide advice to the Parliament before Parliament rises for the midyear recess.

CORONAVIRUS — STIMULUS PACKAGE

466. Hon CHARLES SMITH to the minister representing the Minister for Transport:

I refer to the state's shovel-ready projects referred to in question without notice 421 asked last week.

(1) Could the minister please list the shovel-ready projects nominated by the state and local governments and the value of funding requested for each project?

(2) If not listed in (1), does the minister intend to request funding for rail upgrades in the wheatbelt?

(3) If not listed in (1), does the minister intend to request funding for the Arc Infrastructure WA SuperNet railway optical fibre project, which will put affordable broadband service along 4 000 kilometres of WA's grain railway line?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Transport; Planning.

(1)–(3) The state government is currently in negotiations with the federal government in relation to its share of funding from the COVID-19 stimulus package.

CORONAVIRUS — SCHOOLS

467. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the minister's press release of 14 May 2020 titled "All WA students to return to school from next week", and the statement that whole-school assemblies, camps and interschool activities will still not be permitted.

(1) Subject to health advice, are these activities expected to be permitted as part of the phase 3 easing of restrictions?

(2) If not, when does the minister expect to make decisions on when such activities will be permitted?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(2) Existing restrictions on activities will be progressively reviewed based on the advice of the Chief Health Officer.

I advise members in the house, because I know they will be dealing with questions from their constituents about these matters, that there are elements of the return to school whereby certain restrictions are still in place. That has been done on the basis of health advice from the Chief Health Officer. Our intention is to get schools back to as normal as possible, as soon as possible. Nothing in what we have done so far is perfect, because health advice requires us to put certain restrictions in place, but as soon as we can lift those restrictions, we will. I am delighted to advise the house that I have just been sent a text. Attendance today is 90.6 per cent across the state, which is sensational.

CORONAVIRUS — RESIDENTIAL AGED-CARE FACILITIES

468. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Health:

I refer to the distressing number of residents that have died after contracting coronavirus at the Newmarch House aged-care facility in western Sydney.

(1) How many residents have tested positive to COVID-19 in Western Australian residential care facilities?

(2) How many staff at those facilities have tested positive?

(3) As the government gradually lifts restrictions in our state, what specific measures have been put in place to protect our elderly Western Australians and mitigate against a Newmarch House–type cluster occurring?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question.

(1) Two residents.

(2) Three staff.

(3) The Communicable Diseases Network Australia has issued national guidelines for the prevention, control and public health management of COVID-19 outbreaks in residential care facilities in Australia. They are titled "National Guidelines". In addition, the "Visitors to Residential Aged Care Facilities Directions (No 2)" issued under the WA Public Health Act 2016 prescribes directions for the purpose of limiting the spread of COVID-19 in residential aged-care facilities in Western Australia. Since the COVID-19 outbreak was declared, the Western Australian government has provided consistent and regular public health messaging in relation to preventive measures in RACF. The State Health Incident Coordination Centre is currently developing statewide COVID-19 outbreak management plans, including a plan for outbreaks at RACF. This plan will incorporate recommendations from the Newmarch House outbreak investigation report, when such a report becomes available.

WA COUNTRY HEALTH SERVICE — PATIENT INFORMATION

469. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Health:

I refer to questions without notice 404 and 449, asked by me on 12 and 14 May 2020 respectively.

(1) Within its contracted services to the WA Country Health Service, is Global Diagnostics Australia required to provide treating health practitioners with access to its secure online platforms in order to access medical images and reports?

(2) If yes to (1), has WACHS reviewed the terms and conditions being imposed on treating health practitioners by Global Diagnostics Australia for access to its secure online platform to ensure that they are legally appropriate and do not unreasonably withhold access?

(3) If no to (2), why not, given that WACHS accepted offers only from those contractors that provided access to a secure online platform as part of its tender evaluation process?

(4) Does WACHS require Global Diagnostics Australia to obtain written or verbal consent for the release of patient information to treating health practitioners?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question.

(1) Yes.

(2) No.

(3) As part of the request specifications, the WA Country Health Service requested that a secure online platform be included as part of the respondent's response. WACHS' contractual arrangement with Global Diagnostics Australia requires it to adhere to the Department of Finance's general conditions of contract, including its data security provisions and WA Health's "Information Access, Use and Disclosure Policy".

(4) WACHS has previously advised Global Diagnostics Australia to provide clinicians access to any radiological studies when appropriate patient consent has been provided.

CORONAVIRUS — TESTING — BROOME

470. Hon KEN BASTON to the parliamentary secretary representing the Minister for Health:

Will the minister please advise how many COVID-19 tests were conducted at the Broome COVID-19 clinic during the following weeks —

(a) 27 April to 3 May;

(b) 4 May to 10 May; and

(c) 11 May to 17 May?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question.

(a) There were 69 tests.

(b) There were 65 tests.

(c) There were 84 tests.

CORONAVIRUS — ORIGINS INQUIRY

471. Hon ROBIN SCOTT to the Leader of the House representing the Premier:

Following calls for an inquiry into the origin of the coronavirus, the Chinese government has attempted to threaten and coerce the Australian people, with a Chinese state media editor describing Australia as "gum stuck to the bottom of China's shoe". Does the McGowan government support an independent inquiry into the origins of COVID-19 in China?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

The state government is currently focused on steering Western Australia through this health crisis. We will continue to work with our major trading partners, including Japan, Korea —

Hon Robin Scott: Answer the question!

The PRESIDENT: Excuse me, member. The Leader of the House is answering the question that you asked.

Hon SUE ELLERY: I am, but I will start again in case the honourable member missed it.

The state government is currently focused on steering Western Australia through this health crisis. We will continue to work with our major trading partners, including Japan, Korea and China, to ensure that when we emerge from this crisis, Western Australia will be as economically well positioned as possible. Understanding the origins and transmission patterns of COVID-19 is important to try to prevent it from occurring again.

KARRI FOREST — TREENBROOK

472. Hon DIANE EVERS to the minister representing the Minister for Forestry:

I refer to the minister's response to my question without notice 401 on 12 May regarding the proposed logging of karri forest at Treenbrook.

(1) The Treenbrook 1220 draft operations map shows a net harvest area of 85 hectares, compared with the response of 50 hectares across three coupes. Can the minister please clarify how many hectares are associated with each of the proposed coupes and table all final operations maps?

(2) Did the Forest Products Commission assess and quantify the financial loss associated with issues raised by impacted businesses mentioned in the response; and, if not, why not?

(3) What concessions and agreements were made, given the issues that were raised? Did this alleviate concerns; and, if not, what is the FPC doing to further consult and negotiate to ensure there are no negative outcomes and business losses?

(4) What net profit is the FPC expecting to make from logging of this area?

(5) Over 30 per cent of the harvest will be turned into karri residue. How much of this relates to woodchips, and how much is proposed to be exported?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Forestry has provided the following information.

(1) The three coupes referred to in the response to question without notice 401 on 12 May and the associated area of 50 hectares relates to approximately 20 hectares at Treenbrook 0919, approximately 10 hectares at Treenbrook 0320 and approximately 20 hectares at Treenbrook 1220.

I table the operational maps.

[See paper 3881.]

(2) The Forest Products Commission consulted with neighbours in the planning of the harvesting of this area, and sought to reduce the effect of harvesting operations on them. It also considered the employment impact on the associated harvest contractors and log customers.

(3) The FPC amended harvest boundaries, planned to thin rather than clear-fell some areas and established undisturbed buffers to protect vistas. These changes have not alleviated all concerns; however, some requests, such as the protection of in-forest tracks for private access, could not be fully accommodated. The FPC will maintain contact with neighbours to mitigate ongoing impacts, such as noise and dust, in the conduct of the operations.

(4) The FPC does not calculate a net profit for each forest coupe.

(5) Forest residue is generally used to describe the unutilised portions of the tree. Other bole volume is currently used to supply timber to the laminated veneer lumber market and for paper manufacture. The market for paper is overseas and the processor for laminated veneer lumber is in Western Australia, although a portion of the end product may be exported.

CORONAVIRUS — TOURISM INDUSTRY — RECOVERY PACKAGE

473. Hon COLIN HOLT to the minister representing the Minister for Tourism:

I refer to the state government's $14.4 million tourism recovery package, which will support 1 600 eligible tourism businesses.

(1) Please provide a breakdown of how many eligible businesses are located in each region.

(2) How did the government decide which industry accreditations or memberships will be eligible for the tourism recovery program?

(3) Will the government expand the program to also include tourism businesses that are members of peak industry bodies such as the Australian Hotels Association, Tourism Accommodation Australia and the Caravan Industry Association of WA?

(4) Will the program extend to include tourism businesses registered with visitor centres or local tourism associations such as the Margaret River Busselton Tourism Association?

Hon ALANNAH MacTIERNAN replied:

I thank the honourable member for some notice of this question. The following information has been provided by the Minister for Tourism.

The McGowan government's $14.4 million tourism recovery package has two elements—a $10.4 million tourism recovery fund and $4 million in tourism business survival grants. The following answers relate to the tourism recovery fund.

(1) Tourism Western Australia calculated the likely percentage of eligible businesses within each region as follows: Destination Perth, 25 per cent; Australia's South West, 28 per cent; Australia's Coral Coast, 12 per cent; Australia's North West, 18 per cent; and Australia's Golden Outback, 16 per cent.

(2) The Western Australian government, through Tourism WA, has partnership agreements in place with the state's five regional tourism organisations and the Western Australian Indigenous Tourism Operators Council. These agreements cover the delivery of business support and/or marketing activities for member businesses, which are considered a priority by government. Due to this, membership of the relevant RTO and WAITOC was considered to be an effective criterion for eligibility to claim under the fund. Likewise, the four identified accreditation programs—the Australian Tourism Accreditation Program, the ECO Certification program, the Star Ratings Australia program and the Caravan/Holiday Park Accreditation program—cover a broad range of tourism sectors across the state, with some programs linked directly to state government activities and opportunities.

(3)–(4) No.

RENEWABLE ENERGY

474. Hon TIM CLIFFORD to the minister representing the Minister for Energy:

I refer to comments made by the Minister for Energy in a RenewEconomy article from 6 May titled, "W.A. sees no new thermal generation being built, even with no state RET". Minister Johnston is quoted as stating, "All future generation will be renewable because that's now the lowest cost."

(1) Will the minister please confirm that all future generation in WA will be renewable and that there will be no new gas or coal generation in the state?

(2) Will the minister please confirm that the aforementioned statement applies to generation for export?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Energy.

(1) The statement I made was in respect of the south west interconnected system, which was that I do not expect any additional thermal generation to be built, as renewables are now the cheapest form of new build generation in the SWIS.

(2) There is no generation creating electricity for export from Western Australia.

CORRUPTION AND CRIME COMMISSIONER — REAPPOINTMENT

475. Hon PETER COLLIER to the Leader of the House representing the Premier:

I ask this question on behalf of Hon Michael Mischin, who is on urgent parliamentary business.

I refer to the process of the appointment of a Corruption and Crime Commissioner and the Premier's references to correspondence from the nominating committee and the Joint Standing Committee on the Corruption and Crime Commission.

(1) Has it been government practice in the past to publicly disclose the content of correspondence from the nominating committee?

(2) If yes to (1), will the Premier identify the occasions on which that has occurred; and, if no to (1), why has he departed from that practice now?

(3) Has it been government practice in the past to publicly disclose the names of the candidates the government does not prefer?

(4) If yes to (3), will the Premier identify the occasions on which that has occurred; and, if no to (3), why has he departed from that practice now?

(5) Was the nominating committee's agreement obtained before the Premier chose to disclose the content of its correspondence; and, if not, why not?

(6) Why did the Premier not reveal to the Leader of the Opposition the identities of the other candidates thought suitable for appointment when he wrote to her on 7 April?

(7) Will the Premier now table all correspondence at his disposal from the nominating committee and the joint standing committee; and, if not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(7) The Premier reserves the right to discuss correspondence.

PRISONS — DRUG AND ALCOHOL PROGRAMS

476. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

I refer to the provision of drug and alcohol programs in prisons.

(1) Has there been any delay in the delivery of drug and alcohol programs as a result of the COVID-19 crisis?

(2) Are drug and alcohol programs currently being offered in all prisons?

(3) If no to (2), in which prisons are programs not running?

(4) Are any online options being offered to facilitate the delivery of drug and alcohol or other offender programs to ensure that people are not being denied parole due to not completing these programs?

(5) If no to (4), why not?

Hon STEPHEN DAWSON replied:

I thank Hon Alison Xamon for some notice of the question. The following answer has been provided to me by the Minister for Corrective Services.

(1) The criminogenic alcohol and other drug group program, Pathways, run by staff from the Department of Justice—corrective services—and non-government organisations has had no delays in delivery.

There have been some delays with the AOD brief intervention group program run by the non-government organisation Reset for remand prisoners at Hakea Prison and Melaleuca Women's Prison. This program was temporarily replaced on 27 March 2020 with one-to-one support due to COVID-19. The AOD brief intervention group program commenced at Melaleuca on 24 April 2020.

(2) The criminogenic program Pathways is still being offered at all prisons. The AOD brief intervention group program that is offered only at remand prisons is currently being run at Melaleuca but not at Hakea.

(3) The AOD brief intervention group program at Hakea is currently replaced with one-to-one support; however, the group program is in the process of being reinstated.

(4) No. Pathways is always facilitated in a group work format, with facilitators and participants physically in the room. The AOD brief intervention group program was delivered for a short time as one-to-one, face-to-face, support.

(5) Services were still able to be delivered face to face, which is the preferred delivery method.

Madam President, I should note that this question was asked on 13 May, so the information is current as of that date.

WESTERN AUSTRALIAN FUTURE FUND AMENDMENT (FUTURE HEALTH RESEARCH AND INNOVATION FUND) BILL 2019

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Alanna Clohesy (Parliamentary Secretary) in charge of the bill.

Clause 7: Section 3 amended —

Committee was interrupted after the clause had been amended.

Hon MARTIN ALDRIDGE: Before we took that short recess for the taking of questions, I was outlining my party's opposition to the deletion of the Minister for Regional Development from responsibility under the Western Australian Future Fund Act 2012. I indicated to the chamber that I believe that to be an important safeguard that the houses of Parliament considered during the formation of the Western Australian Future Fund in 2012. Certainly, the government has not convinced the Nationals WA of the need to allow the Minister for Health, in isolation of other ministers, to make funding decisions from the FHRI account. In fact, it is our view that the FHRI account, which is a policy of the government, would be enhanced by having the Minister for Regional Development in a joint decision-making capacity with the Minister for Health with regard to the application of moneys that are overwhelmingly derived from royalties for regions. Obviously, both houses made that decision in 2012 and I am disappointed that just eight years after the formation of the Western Australian Future Fund, the government intends to change that provision, particularly given that some of the most significant and chronic health issues exist in regional and remote Western Australia. I think that the minister with principal responsibility for regional development in the state government of Western Australia should, with the Minister for Health, play an important role in determining the application of the FHRI account. Of course, the Minister for Regional Development would be supported by her department, the Department of Primary Industries and Regional Development and, indeed, the Western Australian Regional Development Trust. When the state government establishes its position on the formation of a rural health commissioner, perhaps even the rural health commissioner could play a role in advising the Minister for Regional Development and the Minister for Health on the application of funds from the FHRI account.

I do not seek to amend the bill in a way that would require the application of funds for regional purposes; that was not the intent of the bill that was passed in 2012, now known as the Western Australian Future Fund Act 2012. But the Western Australian Future Fund Act 2012 has the important protection that the minister principally responsible for regional development in Western Australia is one of the two ministers that makes decisions about the Western Australian Future Fund. This bill diminishes that position and diminishes that safeguard. The Nationals WA cannot support the removal of the regional development minister from the operation of the future fund or, indeed, the WA future health research innovation account when it is established by the passage of this bill.

Clause, as amended, put and passed.

Clause 8: Section 4 replaced —

Hon NICK GOIRAN: Will arrangements for research-related activities that are legal in Western Australia but illegal in other jurisdictions be permissible under this bill?

Hon ALANNA CLOHESY: Research will only be approved as it relates to the strategy that is to be developed in accordance with the priorities that will be developed and that meet ethical standards both within the state and national ethical guidelines and operates within the governance standards outlined in the governance framework that has been tabled in this place. All those considerations will have regard to the research to be undertaken, which, of course, include potential legal frameworks that would be considered as part of an ethics consideration in particular.

Hon NICK GOIRAN: The arrangements for any research will be subject to whatever is in the strategy and the government intends that the strategy include some form of ethical parameters, guidelines and framework, but it is not clear whether that would include things that are illegal in other jurisdictions.

I am mindful that Philip Nitschke has what he describes as a "high-tech death machine", also known as Sarco. If that fulfils the qualifying activity, for example, under proposed new section 4(a), to improve the "financial sustainability of Western Australia's health system", would that be something that could be funded under this arrangement? The parliamentary secretary has said that it depends on whether there is something in the strategy and the ethical guidelines, but to the best of my recollection no information about the strategy has been provided to members. I am pretty concerned about the likes of Mr Nitschke and his Sarco machine, which is short for sarcophagus and which he says "reinvents the experience of elected deaths". I understand that his proposal is that these things will be made using 3D printers to help people to legally end their lives in countries around the world. This is an example of something that I find abhorrent. I do not want any Western Australian money to be spent on so-called innovation and research in that field of endeavour by Mr Nitschke. I understand that there are members of the chamber who do not share my deeply held views on this issue and end of life. There may be members of the chamber who consider the innovations of Mr Nitschke—I think he has lost his medical practising certificate, or he tore it up at some point in time—to be acceptable, but I do not, and least of all for money that is supposed to be spent on future generations. We are shifting money from future Western Australians to be used now. I note that at the end of the second reading speech, the parliamentary secretary summarised this matter by saying —

> … the sooner we take positive action to boost medical and health research, and medical and health innovation and commercialisation, the sooner we can expect the resulting health benefits to be available to our family and friends, the sooner we can see new industries and jobs for our children; and the sooner we can see Western Australia regarded as a hotbed of innovation and a centre of exceptional research.

I associate myself with the parliamentary secretary's summary, and I would very much like to see Western Australia as a hotbed of innovation and a centre of exceptional research. My concern is that one person's definition of

a "hotbed of innovation and centre of exceptional research" might be very different from another's, and Mr Nitschke seems to think that the creation of a high-tech death machine is worthy of innovation funding and research. I would like some kind of assurance or explanation, perhaps, of the protections for a member like me. I am sure many Western Australians would share my view that Mr Nitschke's types of inventions and so-called innovations are not welcome here. I am sure many Western Australians would share that view. What kind of protections are there in this bill for those of us who are concerned about how this type of innovation and research might be skewed? Is there something in the bill that would protect us from that, other than, of course, the final decisions made by the Minister for Health? If there is a Minister for Health who is a fan of Mr Nitschke, that is going to be cold comfort for me. Is there anything else that would ensure that these types of so-called innovations would not be able to have access to these funds that were originally intended for future Western Australians?

Hon ALANNA CLOHESY: It is not up to me to comment on individual pieces of research or so-called innovation. That is not appropriate for me to do. I am not qualified. The particular machine or whatever it is that the honourable member refers to has not been through what will be a very rigorous approach to selection and recommendation of research and innovation grants. At the contentious end of the scale, I guess, whether or not those contentious areas can be funded through the future health research and innovation fund account will depend on a number of things, as I have talked about extensively, both in the debate on clause 1 and in the second reading speech. A project will have to go through an intense process, including whether or not it addresses the strategies or the priorities developed by the advisory group—I will talk about the advisory group again in a minute—whether it meets the programs and initiatives already approved by the Minister for Health and whether the researcher has the appropriate licences and approvals also required under the legislation relating to their area of research. Furthermore, there are also the ethical issues that we have just talked about relating to the research being undertaken and significant ethical considerations. There are also the internal guidelines of the Department of Health on research governance procedures. Also, as outlined in the bill, qualifying activities such as medical research can be funded only if the activity contributes to improving the financial, health and economic outcomes and innovation as contained in proposed sections 4A to 4D. That is another safeguard, if you like. Activity can also be funded only if it falls within a program or initiative that has been approved by the Minister for Health.

To conclude, although we have talked about priorities and strategies that will be developed by the advisory group, the advisory group itself will undertake wide and thorough consultation on both the strategy and the priorities and it will have varied membership. It will have membership drawn from a broad cross-section of the community, not only the research communities. There are a number of mechanisms in the bill and its operation that will provide some safeguards for contentious research.

Hon NICK GOIRAN: If, after all of those things, a minister approves an item that would be considered contentious research, if requested by a member of this place, would there be any barrier to the minister providing information to the house about that research? For example, let us imagine that Mr Nitschke goes through the various hoops and hurdles in order to get funding, that he gets through the various processes that the parliamentary secretary has outlined and a decision is made to fund him and his Sarco machine to see whether it can be a great innovation for Western Australia. If a member was to ask about that, would they be provided with that information; or is it the government's intention not to provide details of specific research under the often-used defence that these types of matters are commercial-in-confidence or there are some other protections in place that would make it inappropriate, in the government's view, to disclose who is doing research on what? I can imagine that perhaps some of the researchers may want to have some level of protection, particularly when we think about the intellectual property that would be associated with some of these matters. At the heart of my question I am interested to know to what extent there can be full transparency about what research is going to be undertaken pursuant to these funds.

Hon ALANNA CLOHESY: We will get to some of this in relation to governance later on in the debate on the bill. We discussed this in the debate on clause 1. The ministerial advisory group is expected to provide an annual report every year outlining the advice it has provided to the minister and the Department of Health, and all Department of Health decisions about funding are intended to be published. The Parliamentary Privileges Act 1891 also applies to that. I just want to get back to the funding that is intended to be published. It includes the development of programs and initiatives, the individual grants provided under the programs and initiatives, and the individual grants.

Hon NICK GOIRAN: To be clear, the information about individual grants is able to be publicly provided, whether under freedom of information, perhaps, or by way of information being provided to Parliament, and there is no obvious reason not to provide information about individual grants. I would like that confirmation.

Hon ALANNA CLOHESY: Yes.

Hon NICK GOIRAN: Just to conclude on this theme, obviously, information about those individual grants will now be publicly available should it be requested. Who will own the intellectual property? Will the state own the intellectual property associated with this research or will it be owned by the researchers involved?

Hon ALANNA CLOHESY: That will depend on individual contracts. It will be negotiated in each contract, when relevant.

Hon MARTIN ALDRIDGE: I have one question on clause 8. Could the parliamentary secretary please give me some examples of a qualifying activity that would contribute directly or indirectly to improving Western Australia's economic prosperity?

Hon ALANNA CLOHESY: There are a number of ways in which the state might benefit from the commercialisation of research or innovations. The most obvious one is around taxation. If an innovation is sold overseas, the state receives the tax from the sale but if the innovation, whatever that is, stays within Western Australia, there is a potential for jobs to be created from that as well. For example, if a medical device is developed through the arrangement and that is licensed overseas, the state could benefit from taxation arrangements. If that medical device is produced and manufactured in Western Australia, the state will benefit economically through jobs that are created in the manufacturing of that device and related activities. They are some examples.

Hon NICK GOIRAN: This is my last question on clause 8. What will happen if the researcher's objectives are different from the government's objectives with respect to a particular research project?

Hon ALANNA CLOHESY: One of the ways of ensuring that the researchers' objects and aims are consistent with the government's aims is that the applications will have to go through a rigorous process and meet the aims of the strategy and the priorities of the state, and be consistent with those in order to be eligible to be considered to receive a grant and to then be awarded a contract. If the researcher's aim differs from the government's aim and they have been awarded a contract and the researcher's aim changes after they have awarded the contract, surely that would be a breach of contract. The member may have a concern about, or a specific example of, how a researcher's aim might be inconsistent with the strategies and priorities developed by the advisory group and recommended to the minister.

Clause put and passed.

Clause 9: Part 2 inserted —

Hon NICK GOIRAN: What is an example of "any other money lawfully made available to the FHRI Account" as referred to in proposed section 4B(2)(b)?

Hon ALANNA CLOHESY: It may include appropriations through the Parliament, private sector contributions or donations.

Hon NICK GOIRAN: What are some examples of the types of cases intended by the regulations in proposed section 4C(3)? It states —

> … the Minister for Health may apply money standing to the credit of the FHRI Account if the Minister for Health considers that the application of the money will further, or facilitate the furthering of, the purpose referred to in section 4A(1).

Hon ALANNA CLOHESY: This clause captures those unknowns. There may be different ways for funding in the future, and this futureproofs those arrangements. An example from the past might be in the 1990s, when prizes for research were awarded and would be considered as part of research funding. There may be different ways of applying different arrangements in the future, and that is what this clause captures.

Hon NICK GOIRAN: Is it not the intention of government to prescribe any regulations under proposed section 4C(3)?

Hon ALANNA CLOHESY: Futureproofing might include when the advisory group identifies that a particular mechanism for supporting research or innovation is being stymied by a lack of support and, therefore, regulation in this area, and could possibly recommend regulations to the minister in order to pursue that.

Hon NICK GOIRAN: I understand that the government is keen to keep proposed section 4C(3) in the bill for futureproofing reasons, but my question is whether it is the intention of government to utilise that regulation-making power.

Hon ALANNA CLOHESY: That is the point of futureproofing, particularly around innovation, but if we knew of a mechanism now, it would have been included in the examples or in the legislation. It is the intention that it be used if it is needed. In the process that I described, whereby the advisory group would identify that research or innovation was being stymied by the lack of a mechanism, that recommendation would go forward to initiate the development of regulations. It would be utilised only as needed.

Hon NICK GOIRAN: Proposed section 4C increases the powers of the Minister for Health. What is the restraint in the bill on those powers being delegated by the Minister for Health?

Hon ALANNA CLOHESY: Proposed section 4C(1) sets out areas within which the minister may approve arrangements and proposed section 4E(1) sets out that the minister may delegate authority to the CEO in relation to that, including regulations made for proposed section 4E(3), which is regulations for a public service officer to whom a function is delegated.

Hon NICK GOIRAN: Reading proposed section 4E, is it the case that the CEO may delegate a function that has been given to him or her by the Minister for Health, and the Minister for Health might not know that it has been on-delegated to somebody else?

Hon ALANNA CLOHESY: This delegation process is not unusual. The member may have a particular concern in mind about what could cause a problem for this, but the delegation process is consistent with the current Department of Health delegation and authorisation process for approving funding and grants. The delegations in the bill will be consistent with the current departmental authorisations and delegations schedule that outlines monetary tiers for contracts that can be approved by different officers of the Department of Health. It is not inconsistent with what currently happens. It would be logistically burdensome for the minister to sign contracts valued between $1 000 and $10 000. That is why delegation of authority exists, as it exists currently, and contracts of that monetary value could appropriately be managed by a delegated officer. It is not inconsistent with current practice.

Hon NICK GOIRAN: The parliamentary secretary says that, yet the explanatory memorandum to the Health Services Amendment Bill 2019 states in relation to clause 10 —

> Previously, section 15 only allowed the Minister to delegate functions to the Department CEO.

That bill goes out of its way to amend section 15 to expressly provide that the minister has the power to delegate functions to a range of other people. The parliamentary secretary said that it is the ordinary practice, but the explanatory memorandum to one of her government's own bills under the health portfolio seems to suggest the precise opposite. Be that as it may, that was not actually my question. My question was: at the moment, is the construction of proposed section 4E such that the CEO, having been delegated a particular function by the Minister for Health, can delegate that function to another public officer without the knowledge of the Minister for Health?

Hon ALANNA CLOHESY: The member is referring to proposed section 4E(6), which states that section 9 of the Health Legislation Administration Act does not apply to, or in relation to, any function in relation to this bill. That makes it clear that the minister's statutory delegation power is derived from proposed section 4E(1) rather than from the general delegation power provided under the Health Legislation Administration Act. This is a new process for drafting—to make it clear; to make the delegation of authority power explicit within bills.

Hon NICK GOIRAN: I understand that, but the parliamentary secretary indicated earlier that there is nothing here that is different from the normal practice. However, as she points out, proposed section 4E(6) goes out of its way to say that the normal practice does not apply. I go back to my primary question: is the construction of proposed section 4E such that the CEO of Health can delegate to another person without the knowledge of the Minister for Health?

Hon ALANNA CLOHESY: What I was saying is that the operation of this proposed subsection is no different from what currently occurs, whereby a schedule of delegations is approved by the minister that sets out who can sign what and who can approve what. For very low amounts, the CEO could delegate authority for approval to someone other than the CEO. What I said was not incorrect. The current arrangement for the schedule of delegations still exists, and this proposed subsection sets up the arrangements to allow that to happen.

Hon NICK GOIRAN: Sometimes I wonder whether it is the case that whenever a question is asked, an assumption is made that it is being put in an accusatory rather than an inquisitorial fashion. I am simply asking whether the construction of proposed section 4E is such that the CEO may delegate without the authority or knowledge of the Minister for Health.

Hon ALANNA CLOHESY: It is never without the authority of the minister, because the schedule of delegation of authority exists and is approved by the minister. On some occasions, at lower levels, the delegated authority may be without the minister's knowledge, until such point as, for example, those programs or projects—whatever the delegation of authority is—are reported on.

Hon NICK GOIRAN: In the explanatory memorandum, the government goes out of its way to highlight four powers for the Minister for Health. Can the parliamentary secretary advise which of those four powers can be delegated to the CEO, and whether those powers can then be delegated by the CEO to another person without the knowledge of the minister? Those powers are set out on page 1 of the explanatory memorandum, the first being to make arrangements to facilitate the furthering of the object of the act, the second being to approve existing arrangements made before the commencement of the amendments, the third being to apply money standing to the credit of the account, and a fourth being to establish and maintain an advisory group.

The DEPUTY CHAIR: Parliamentary secretary, given the time, I might give you the dinner break to confer with your advisers, and you might like to come back and answer that question then, because it is about to tick over.

Sitting suspended from 6.00 to 7.30 pm

Hon NICK GOIRAN: Prior to the adjournment for the dinner break, the parliamentary secretary was taking advice on my question: which of the four powers outlined in the explanatory memorandum can be delegated to the CEO and which can be delegated by the CEO without the minister's knowledge?

Hon ALANNA CLOHESY: The only powers that can be delegated are those contained in proposed sections 4A and 4C.

Hon NICK GOIRAN: The explanatory memorandum that the government provided lists four powers at page 1, which state —

- a power for the Minister for Health to make arrangements to facilitate the furthering of the object of the Act;
- a power for the Minister for Health to approve existing arrangements made before the commencement of the amendments;
- a power for the Minister for Health to apply money standing to the credit of the FHRI Account …

And the fourth is —

- a power for the Minister for Health to establish and maintain an advisory group;

Which of those four powers can be delegated to the CEO by the minister and which powers can then be delegated by the CEO without the minister's knowledge?

Hon ALANNA CLOHESY: Each of the powers at the first three dots points is contained in proposed section 4A or proposed section 4C.

Hon NICK GOIRAN: Three of the four powers listed in the explanatory memorandum can be delegated by the Minister for Health to the CEO, and all three of those powers can be delegated by the CEO to somebody else without the minister's authority.

Hon ALANNA CLOHESY: All delegations will be according to the schedule of delegated authority. It may be that on occasion the minister may not know the smaller amounts up to, for example, $10 000, but, as I said, that is according to the schedule of delegated authority.

Hon NICK GOIRAN: So that was a yes. The fourth power listed in the explanatory memorandum says —

> … the Minister for Health has the power to establish and maintain an advisory group;

Can the minister delegate that power to the CEO?

Hon ALANNA CLOHESY: No, because that power exists under proposed section 4F.

Hon MARTIN ALDRIDGE: I take the parliamentary secretary to proposed section 4B. I understand that during the debate, we have not been able to estimate the amount of money that will be made available to the account based on the projected forecasts beyond the $40 million to $50 million per annum estimate that has been provided to the Committee of the Whole. Given that we revisited this matter on Tuesday last week and we are only a matter of weeks away from the commencement, I want to check whether any revision of the forecast income from the future health research and innovation fund to the future health research and innovation account is available. Secondly, proposed section 4B(2)(a) says —

> any income derived from the investment of money standing to the credit of the FHRI Account;

Do we have any understanding of how much investment income this $40 million to $50 million annually might accrue that would be retained in the account?

Hon ALANNA CLOHESY: The model is still being finalised by the WA Treasury Corporation, but there are two parts to where the investment of money may occur. First of all, there is the investment of the interest earned off the capital and then there is the interest earned off the account itself. That level of interest is likely to be lower than the investment interest because that is held at the same rate as the public bank account, which is less than the investment interest will likely be, generally speaking.

Hon MARTIN ALDRIDGE: Basically, that is in short-term investments similar to, say, a cash rate. It will always be accessible. The fund is going to be a long-term investment, so they will be able to make some of those long-term investment decisions that may have higher returns than the short-term investment nature of money from the FHRI account, which ultimately needs to remain available to the Minister for Health for allocation as he deems appropriate. There will not be a decision to make; it will just be held at the public bank account rate. Will decisions not be made by the Minister for Health or another person about how the account funds are invested?

Hon ALANNA CLOHESY: The interest on the account itself is held in the public bank account and no decisions are made on investment. That is just the standard rate.

Hon MARTIN ALDRIDGE: Under proposed section 4C(1)(a), the Minister for Health has the power to make arrangements, and under paragraph (b), he has the power to approve arrangements, and it goes on to say —

> (i) that have already been made … by the Minister for Health … and
>
> (ii) that the Minister for Health considers will further, or facilitate the furthering of, the purpose referred to in section 4A(1).

What is intended by proposed section 4C(1)(b) and what would be the effect of its deletion?

Hon ALANNA CLOHESY: That exists to make sure that pre-existing arrangements made before the commencement of the amended act are included in this legislative framework. Money standing to the credit of the FHRI account could be used to pay for those arrangements. It is there also because flexibility might be needed in the setting up and implementation of the fund. An example of what would be affected are those grants that were awarded in 2017 and run for four years. The money from the fund could not be spent on those grants. I think that the minister has provided the member with some information about what could be affected, which we will discuss under a different clause.

Hon MARTIN ALDRIDGE: On Tuesday last week, the parliamentary secretary made it quite clear to us that the state has almost $9 million worth of pre-existing financial commitments that it will continue to fund through the consolidated funding that ordinarily goes to medical research; that will wash out over the forward estimates. When we talk about approving arrangements, that might include a fellowship program in which a fellowship has not yet been awarded, but could be awarded. The fellowship program is considered to be the arrangement as opposed to Dr Doherty getting the grant recipient from the fellowship program. It will allow those programs to transition from the existing obligations of the state using the circa $20 million in consolidated funding for medical research to these arrangements, and then to the future health research and innovation account because they are pre-existing and they are programs, but we are not talking about the recipients of the program; "the arrangement" is the program. Do I understand that correctly?

Hon ALANNA CLOHESY: After extensive discussion of examples, the example provided by the member is one example of what might be included in this provision.

Hon Martin Aldridge: Is that in terms of political fellowships?

Hon ALANNA CLOHESY: The broad fellowships, not the individual fellowship; is that right?

Hon MARTIN ALDRIDGE: Yes. Thank you, parliamentary secretary. I think we are making progress. My initial inclination with what I consider to be the cost-shifting provisions of the bill are a little more complex than that. It is quite clear now that the government is going to transition its circa $20 million a year in medical research funding into the FHRI account from 1 July; that is clear, and, in my view, that is cost shifting. But it gets a bit more technical when we start to distinguish between "make arrangements" and "approve arrangements" and how an arrangement that is approved and has already been made by the Minister for Health would apply in practice. I think we are on the same page in that some of these common programs that exist in medical research funding now, and might have occurred for some time, are considered to be arrangements, and within those arrangements there are, for example, grants for fellowships that are provided to individuals or organisations and would be issued for a fixed term—it might be for a year or it might be for a project. That is where we distinguish between the arrangement being the mechanism to provide that researcher with funding, as opposed to the individual research project. I hope that we are on the same page; the parliamentary secretary is nodding so that gives me some confidence.

I was going to ask a question about proposed section 4C(8), which states —

> An arrangement may be approved under subsection (1)(b) whether it was made before, on or after amendment day.

Our exchange just now has answered the questions that I had on proposed section 4C(8). I turn to the supplementary notice paper and the issue that the parliamentary secretary foreshadowed with the amendment at 7/9. Before we get to that, we have the amendment at 4/9. The parliamentary secretary and I had a brief exchange on this amendment when we considered this bill—it might have been back in February. I think we had agreed to defer consideration of the amendment at 4/9 pending the outcome of the substantive amendments at 5/9 and 6/9. That was probably the most practical way forward, but it would require us to revisit 4/9 in the event that 5/9 is supported by the chamber. Is that still the view of the parliamentary secretary? If that is not the case, it would require us to proceed with the amendment at 4/9 now and have a debate about a fairly insignificant amendment that relates to a fairly significant amendment at 5/9.

Hon ALANNA CLOHESY: I need your advice on this, Deputy Chair. The honourable member has proposed that we deal with amendment 5/9 first. If that amendment is unsuccessful, there will be no point in debating amendments 4/9 or 7/9, because amendment 5/9 sets up the basis of them.

Hon Nick Goiran: Amendment 7/9 is a different amendment.

Hon ALANNA CLOHESY: Amendment 4/9 sets up the amendment. I do not think it can be done because I think it needs to be done sequentially; however, I am seeking advice on that.

Hon Martin Aldridge: You would have to recommit the bill if we had to come back to it.

Hon ALANNA CLOHESY: That is right, and we are not in a position to do that.

Further to that, Deputy Chair, because all this relates to clause 9, there is no reason that the policy content could not be debated before the honourable member puts the actual amendment. My recommendation is that we stick with moving the amendments sequentially, but that we debate the policy content before we go to the amendments.

Hon MARTIN ALDRIDGE: I am happy with that suggestion. That would ultimately avoid a recommittal of the bill if, indeed, the chamber agrees to the intent of amendments 5/9 and 6/9. Just so members are aware, the amendment standing in my name at 4/9 makes reference to proposed section 4CA, which is contained in amendment 5/9 on the supplementary notice paper. Reference is also made to proposed section 4CA in amendment 6/9, which makes consequential amendments to the advisory group. Before I move amendment 4/9, I will speak across the amendments to this clause.

In my view, this amendment addresses a concern I have with the rigour with which the fund will be applied. As the chamber has now agreed at clause 7, one minister will be in charge of the decisions made for the expenditure of the future health research and innovation fund account when it is established, whereas prior to today, there were two ministers. In my mind, we have lost one of the safeguards that was designed in 2012, which required that two ministers make decisions on applications to the Western Australian Future Fund. As members would be aware, we are going to have an advisory group. The advisory group will be limited in its nature. A number of subject matter experts will be sitting on it. Proposed section 4F outlines the calibre of the individuals who will be on the advisory committee. It will include people with experience in Aboriginal health and the health of people living in regional Western Australia, a number of public servants, a number of representatives appointed by the Minister for Health, and a range of other individuals. We will probably explore that more fully when we get to proposed section 4F. I think my amendments, collectively, would improve the responsibility of the advisory group to provide advice to the minister. Indeed, they would require the minister to seek the advice of the advisory group.

As I foreshadowed in the second reading debate, the provision in amendment 5/9 is modelled on a similar provision concerning the road trauma trust account. Under that provision, the Minister for Road Safety must receive a recommendation each year from the Road Safety Council, the expert body on road safety in Western Australia, on the application of the road trauma trust account. There is no requirement for the minister to agree to the recommendation. The minister can agree to the recommendation in part or can modify the recommendation, but there is some transparency around the provisions that enable the minister to make those decisions. I think my amendments, as a collective, would add some significant rigour to this process and enable better utilisation of the advisory group. They would require the minister to direct the advisory group on an annual basis to make a recommendation on how money standing to the credit of the account should be applied during the financial year, and the minister would have to consider the advisory group's recommendation. It would still allow the minister full discretion to make a decision; it is just that he would need to seek and consider advice.

A direction issued by the minister to the advisory group might include proposals. This is where the minister would be permitted to submit a specific proposal to the advisory group for its consideration, which would require the advisory group to recommend one of the following—that money standing to the credit of the account should be applied, should not be applied, or should be applied in accordance with the proposal as modified as specified in the recommendation. This would give the advisory group a number of options—that is, to either agree to the proposal referred to it by the minister, disagree to the proposal, or agree to the proposal with amendment. My amendments collectively go on to provide a transparency provision, which would require the Minister for Health, within 14 days of receiving a recommendation from the advisory group, to lay those documents before each house of Parliament. Those papers would include a copy of the Minister for Health's direction to the advisory group to make the recommendation and a copy of the recommendation received by the Minister for Health from the advisory group. The amendment goes on to provide an out-of-session tabling provision, which would require tabling to occur even if there was a period in which the house was not going to sit within the 14-day period prescribed in the amendment.

The consequential amendment at 6/9 seeks to remodel the functions of the advisory group to reflect the additional roles that the advisory group will take on; that is, it will have responsibility —

(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)).

I understand that proposed subsection (2)(a), in amendment 6/9, is a new provision, whereas paragraph (b) encompasses an existing provision in the bill before us. If we are going to have an advisory group of subject matter experts appointed by the Minister for Health, we are going to pay them to do a job. We do not yet know exactly how much we will pay them, but they will be paid to do a job. I think the least the Minister for Health could do, as the sole decision-maker for expenditure from the FHRI account with the passage of this bill, would be to seek advice from the expert body on expenditure of the FHRI account funds, and to consider that advice. It concerns

me that under the current framework of the bill, there is nothing stopping the Minister for Health from bumping into a researcher at a cocktail function, receiving a five-minute pitch from said researcher and deciding that he or she wants to fund their latest medical research. We talk about governance frameworks and strategic priorities. The words "governance" and "framework", either together or in isolation, do not appear at any stage in the bill before the chamber. This amendment will elevate the importance of the advisory group and I hope, in time, will prove its worth in not hindering the minister in making a decision. As I said before to members of the chamber, the minister will still have full discretion-making power, as they do under the bill before us, but the minister will have to explain the decisions they make if they deviate from the recommendations of the expert advisory group. That is all this amendment seeks. It is a sensible amendment that retains the policy intent of the government with respect to this bill. It gives this chamber and the people of Western Australia, particularly the medical research community and ultimately patients who will benefit from these medical research and innovation investments, some confidence that the right decisions are being made by their government. With that being said, I move the amendment standing in my name at 4/9 on supplementary notice paper issue 6. I move —

Page 8, after line 2 — To insert —

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

The DEPUTY CHAIR (Hon Robin Chapple): I remind members that we are dealing, in many ways in this instance, with three amendments—4/9, 5/9 and 6/9.

Hon ALANNA CLOHESY: As the honourable member has moved the amendment, let me state that the government will not be supporting the amendment because it sees it as unnecessary for a couple of reasons, including some that are on the supplementary notice paper. The amendment that Hon Martin Aldridge has just moved, or the following one, is overly prescriptive. Given that the government will be working towards accepting the clause regarding the governance framework, it means that the amendment is unnecessary. We are of the view that the bill appropriately makes sure the advisory group has the necessary powers to undertake its functions and responsibilities as required. That is contained particularly in proposed section 4F(2), which will require the advisory group to provide advice or other assistance that might be requested by the Minister for Health, or that the future health research and innovation account department—the Department of Health—requires.

The advisory group is supported by a very strong and robust governance framework, which has been tabled in this place and will be subject to further debate later on in the bill. I will point out a few things now about it. The governance framework provides advice on the strategy and the funding priorities. Through the governance framework, the advisory group will do those things. It will provide advice on the relative proportion of available funding that will be provided for the priorities. It will also provide advice about whether the peer-reviewed selection processes have been conducted appropriately; so it will apply the rigour that the member spoke about. It will also provide advice on emerging issues and opportunities that are relevant to research and innovation. As Hon Martin Aldridge pointed out, the advisory group will be appointed by the minister after a very rigorous selection process. There are also stringent accountability measures relating to boards and committees in the public service, and that will apply to how the advisory committee will operate.

The framework has been specifically designed to separate the various roles and to provide specific checks and balances to mitigate against the ability of one person to misappropriate, misuse or misdirect—as implied by the member—the funds. It is not intended that the minister will be able to direct the advisory group to provide proposals for how the money in the account should be applied. That could potentially contradict the governance framework, which states that the advisory council does not have a direct role in determining programs or initiatives.

In addition to that, it is not intended that the minister will be able to give a direction to the advisory group that contains proposals about how the money is to be applied. That of course would also contradict the governance framework as it stands, and, as I said, will be discussed at a different clause, to imbed some of that. The governance framework states that the minister cannot direct the priorities. As we have talked about, the priorities will be subject to extensive consultation with the sector. The minister cannot direct those as well. In summary, for all of those reasons, the government will not be supporting the amendment that is currently under debate and the related subsequent amendments.

Hon NICK GOIRAN: On behalf of the opposition, I indicate that we support the amendments put forward by Hon Martin Aldridge at this time. It is worth noting a couple of things. The explanation provided by the government about why it does not support the amendments is that it is, firstly, unnecessary and, secondly, that it is overly prescriptive. Before I deal with those suggestions by the government, can I point out to members that the amendments currently being considered—specifically 4/9, but we are dealing with them by way of general agreement by also looking at 5/9 and 6/9—are somewhat different from what Hon Martin Aldridge originally put to the chamber on an earlier version of the supplementary notice paper. The earlier version did not have the support of the opposition; in brief, because it sought to provide a new role for the Minister for Regional Development. I say "new role"; quite understandably my friends from the National Party will say that that is really a continuation of the existing role of the Minister for Regional Development, and I respect that view. Our view is that that is not necessary now that the

McGowan government has decided to completely change the purpose of this fund. We certainly had the view that the Minister for Regional Development had a role under the original purpose of the fund but now that the purpose of the fund is no longer to be a future fund at all but is to be a fund that will enable the government of the day to cost shift its obligations for research and innovation, we see no need for the Minister for Regional Development to be involved in that fund. To the honourable member's credit, he has now put before us a revised version.

What is left of the original motion is a transparency motion. That is all this is. Over the last three years, I have found it a little astounding that when this government, which went on ad nauseam prior to the election about how it would adhere to a gold standard of transparency, is presented with the smallest of amendments to deal with transparency, it immediately responds that it is not necessary. I think it is necessary for the government to adhere to the standard that it set and promised to adhere to prior to the election. It said that it would set a gold standard of transparency; we did not say that. Our job as honourable members in this place is to hold the government to account to the standard that it promised the people of Western Australia. To suggest that it is not necessary is a very significant slap in the face to the people of Western Australia because they believed Mr McGowan when he said prior to the election that he would adhere to a gold standard of transparency. As we all know, over the last three years, Mr McGowan and his team have done the opposite. There has been virtually no time that I can recall when it has adhered to a gold standard of transparency. The only times it has occurred has been through gritted teeth after being asked multiple questions and from multiple insistences by members and after multiple reports by the Auditor General on section 82 notices and the like.

I categorically refute the suggestion by the parliamentary secretary that the amendment moved by the honourable member is unnecessary. As to her second suggestion that the amendment is overly prescriptive, I suggest to members that it is not as complicated as it might first appear. The provision at 4/9 simply says that the provisions at proposed section 4C, which enable the Minister for Health to make arrangements and to apply money, can be done only subject to proposed new section 4CA—that is, Hon Martin Aldridge's amendment at 5/9. That new section simply says that these proposals will be subject to direction and need to be provided in a transparent fashion, including to be laid before each house of the Parliament of Western Australia. The time that the honourable member proposes we agree to is 14 days. The honourable member is somewhat of an expert in section 82 of the Financial Management Act. I believe that provision requires ministers to comply within 14 days, so it is no different from what ministers are used to complying with—well, it is no different from the time they are supposed to comply with. Of course, this administration rarely complies with the 14-day period, but that is not the point. If it is okay for transparency purposes for it to be 14 days under the Financial Management Act, I see no reason why 14 days is not acceptable here, particularly in the absence of any other suggestion by the government. It is not as though we have an alternative amendment before us by the government that suggests, for some reason, that 14 days is not adequate.

Lastly, I note that the purpose of the amendment at 6/9 is simply to confirm that it is a function of the advisory group to do exactly what is set out in proposed new section 4CA. For those reasons, the opposition supports the amendment.

Hon ALANNA CLOHESY: I want to correct some of the misconceptions expressed by Hon Nick Goiran about the governance framework and the role of the advisory group. I make it very clear that it is not the role of the advisory group to make recommendations on how the dollars standing to the credit of the account are to be applied. It is not the role of the advisory group to do that. That is contrary to the governance framework. That is contained in proposed new section 4CA(1)(a) of the larger amendment the honourable member will move forthwith at 5/9. It is not the role of the advisory group to make a recommendation on how the money standing to the credit of the account should be applied during the financial year. That view has been expressed a number of times in the advice provided.

Similarly, the governance framework, as I have said a number of times, is a very robust and very accountable framework. As members will know, coming up on the supplementary notice paper is an amendment to enshrine that governance framework in the legislation. Hon Martin Aldridge's amendments confuse the role of the advisory group and other details contained in the governance framework, which will be enshrined in the legislation if that amendment is passed. The governance framework has been consulted on broadly and has significant agreement across the research and innovation sector. It will be enshrined in the legislation. The forthcoming amendment from the honourable member confuses the roles and the application of the advisory group and the other accountability mechanisms. The governance framework, as it stands, is very clear about all those things. In addition, the government has extensive guidelines on the operation of and ethics on accountability for government advisory groups, and very stringent accountability measures.

As I said, the government cannot support the amendments put forward by Hon Martin Aldridge because of the confusion about the roles and because the governance framework, which is very robust, has been broadly consulted on, has very broad support and will be enshrined in the legislation as foreshadowed today and previously. The government cannot support the current amendment or the forthcoming amendments.

Hon MARTIN ALDRIDGE: It is unfortunate that the government does not see the merit in these amendments because I think they seek to improve, not confuse, the framework that the government has established in this bill. In my mind, who better to advise the Minister for Health, the sole decision-maker of the $40 million to $50 million

per annum from the future health research and innovation fund, than this expert advisory group that the state will be paying to advise the minister on the establishment of strategic priorities and make recommendations to the minister on the expenditure of funds from the account on an annual basis? I draw members' attention to proposed section 4F(2) which states —

> The function of the advisory group is to provide any advice or other assistance that the advisory group is requested to provide by the Minister for Health, or by the FHRI Account Department, from time to time in relation to 1 or both of the following —
>
> (a) furthering, or facilitating the furthering of, the purpose referred to in section 4A(1);
>
> (b) other matters relating to any function of the Minister for Health under section 4A or under section 4C (including any regulations made for the purposes of section 4C(3)).

The solitary function of the advisory group—this expert panel of, I assume, esteemed and knowledgeable members of our community—is to advise the Minister for Health on the FHRI account. The only function is to provide the advice that the minister seeks. If the minister does not seek any advice, the advisory group will not provide any advice. That is the reality of the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill as it stands before the house today. In contemplating the amendment I have moved, members need to consider whether it is an adequate function for this expert advisory group to provide only the advice the minister asks for and if the minister asks for it. The parliamentary secretary talked at length about the governance framework. As I said—unless I am to be corrected, but I have not been so far—the words "governance" and "framework" do not appear individually or together at any point in this bill. However, they are on the supplementary notice paper in amendments in the names of Hon Alison Xamon and the parliamentary secretary.

We have been told that we should rely on this robust governance framework. Unless the parliamentary secretary can tell me otherwise, this governance framework has no statutory recognition in the bill. It is not a binding document. It is a document that the Minister for Health can change whenever he or she so wishes. In fact, the amendment standing in the name of the parliamentary secretary at 10/NC16 recognises simply that there is a governance framework by definition and provides a provision to ensure that it is publicly available on a website maintained by or on behalf of the FHRI account department. A one-page document could be published that says "Western Australian FHRI Fund Governance Framework" but has nothing behind the cover page, and that would be sufficient. If members are satisfied that this is the type of robustness that ought to be applied to the allocation of $40 million to $50 million a year plus interest by a solo minister who does not even need to request or consider the advice of his expert advisory group, I am not a member who subscribes to the parliamentary secretary's theory.

When the parliamentary secretary says that it is not the role of the advisory group to make recommendations on expenditure, I realise that; that is why I have just moved the amendment—to make it the advisory group's role. The issue I have is—I put this question to the parliamentary secretary—if she stands by her comments that it is not the role of the advisory group, who will recommend to the Minister for Health, the sole decision-maker, how the $40 million to $50 million a year plus interest ought to be applied from the FHRI account on his signature, who will provide that advice?

Hon ALANNA CLOHESY: The role of the advisory council will not be to assess individual proposals, because as a group, it may not have the technical expertise to do assessments, so expert committees will do assessments. It will not be possible for the advisory committee to possess all the technical and sometimes clinical knowledge that will be necessary to do the assessments; therefore, the recommendations of expert committees will lead to the approval by the Minister for Health. That part of the equation is clearer. In addition to that, policy commitments by the department are in fact binding. That is because they create the intent and they create the obligation of particular policies, which in this case is the governance framework, and a breach of that, of course, could lead to litigation, particularly if the breach is serious or severe. In addition, as I have said before, the governance framework will be considered and the potential to enshrine the governance framework will be considered in an amendment on the supplementary notice paper. I have given the government's commitment today and previously at clause 1 that the government will provide support for that amendment on the supplementary notice paper by Hon Alison Xamon.

An opposition member interjected.

Hon ALANNA CLOHESY: It comes after the amendment to be considered in relation to that.

The DEPUTY CHAIR: Member, the parliamentary secretary is responding. Please let the parliamentary secretary respond in peace.

Hon ALANNA CLOHESY: I have given that commitment three times that I have counted and probably more often than that. Furthermore, the governance framework is not an aberration of government. It has not arrived out of thin air. It has been deeply and significantly consulted on. It has the broad support of the research and innovation sector. Muddying the role of both the governance framework and the advisory group, as this amendment would do in relation to what exists and is proposed to be enshrined in the legislation under the governance framework, cannot be supported by the government.

Division

Amendment put and a division taken, the Deputy Chair (Hon Robin Chapple) casting his vote with the ayes, with the following result —

Ayes (20)

Hon Martin Aldridge	Hon Diane Evers	Hon Michael Mischin	Hon Aaron Stonehouse
Hon Robin Chapple	Hon Donna Faragher	Hon Simon O'Brien	Hon Dr Steve Thomas
Hon Tim Clifford	Hon Nick Goiran	Hon Robin Scott	Hon Colin Tincknell
Hon Peter Collier	Hon Colin Holt	Hon Tjorn Sibma	Hon Alison Xamon
Hon Colin de Grussa	Hon Rick Mazza	Hon Charles Smith	Hon Ken Baston *(Teller)*

Noes (13)

Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Pierre Yang *(Teller)*
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Kyle McGinn	Hon Dr Sally Talbot	
Hon Adele Farina	Hon Martin Pritchard	Hon Darren West	

Amendment thus passed.

Hon MARTIN ALDRIDGE: I indicated in my remarks earlier today at clause 1 my gratitude to the parliamentary secretary and the government for their engagement on the amendment standing in my name at 7/9 on the supplementary notice paper. The government has drawn my attention to likely unintended consequences of pursuing this amendment and suggested to me behind the Chair an alternative course of action that may satisfy the concerns that I have and those of my party with the issue that I have been pursuing extensively during the debate—that is, the government's ability to cost shift from existing programs to the future health research and innovation account.

This amendment, which I will not move just now, would essentially limit the Minister for Health from applying money standing to the credit of the FHRI account for the purposes of, or in relation to, meeting financial obligations for which provision for funding by other means had been made before amendment day. The concern identified is that "by other means" could capture non-government means, as I understand it. We could have a situation in which, say, a foundation or a philanthropic organisation or even an individual is funding some research and for whatever reason that funding is discontinued, but the state decides directing the resources of the FHRI account to that endeavour would be a good outcome for the medical research innovation that is being conducted. But if this amendment were to pass, it would prevent the Minister for Health from applying the resources of the FHRI account in the circumstances that I described. As an alternative approach, the government suggested that undertakings be made on the state's existing financial obligations, which I think the parliamentary secretary confirmed last Tuesday are in the order of $8 million to $9 million. She made the commitment then that that money would continue to be funded from the consolidated fund and washed out through the forward estimates until I think 2024–25, when those financial obligations would come to an end. At that point, all medical research and innovation would come under the FHRI account. The parliamentary secretary made a commitment that those existing financial obligations—where there is a financial commitment already in place today—would continue to be met by the state, not the FHRI account, in those circumstances. I invite the parliamentary secretary to respond to those developments that have occurred behind the Chair and ask whether it is her intention to table in the course of her response the minister's undertakings.

Hon ALANNA CLOHESY: First of all, can I just get some clarification from the honourable member that if the statement made in the letter that he received from the minister is tabled, he does not intend to move the amendment?

Hon MARTIN ALDRIDGE: That is the intention that I indicated to the Minister for Health's office. So that members are aware, in my view, the intent of amendment 7/9 standing in my name was that it would have had a short-term effect. It was designed to prevent the minister from applying funds from existing projects for which the state has a current financial obligation to the future health research and innovation account. However, I accept the arguments that have been put to me about perhaps limiting the minister's ability to fund projects that may have been funded by other means, and I think that is a legitimate concern. Given the short-term nature of the effectiveness of amendment 7/9, the undertakings that I understand the parliamentary secretary is going to make would be preferable and will hopefully prevent that unintended consequence from arising.

Hon ALANNA CLOHESY: The amendment proposed on the supplementary notice paper would have an unintended consequence, but the minister understands the intent behind the proposed amendment and, as such, has offered to provide an undertaking to the honourable member. Even though this was discussed at length when the bill was considered previously, the minister has offered to provide further clarity and an undertaking on the assumption that the member will not find it necessary to move the proposed amendment because the undertaking will provide the clarity that the honourable member seeks. On behalf of the Minister for Health, I give an undertaking that the Department of Health will meet the costs of all arrangements made by the department before the FHRI fund is established for which the department's funds have already been committed. The total funding for these existing commitments is $8.864 million, which is projected to be fully expended by the end of the 2024–25 financial period. These encompass the Cancer Research Trust, clinical research fellowships, collaborative cancer grant schemes,

development pathways projects, the Digital Health Cooperative Research Centre, the National Centre for Asbestos Related Diseases, the National Health and Medical Research Council Partnership Centre for Health System Sustainability, registrar research fellowships, research translation projects, targeted research funds and Western Australian Health Translation Network partner contributions. As I said, all of that information has been provided in the past, and explicitly for those that are part of that $8.864 million. I table the correspondence between the Minister for Health and Hon Martin Aldridge on this matter.

[See paper 3882.]

Hon MARTIN ALDRIDGE: I confirm, as I indicated earlier, that it is not my intention to move amendment 7/9 standing in my name.

The DEPUTY CHAIR (Hon Matthew Swinbourn): Members, earlier we had a division during which there was an error in counting the numbers in the division. The clerks have consulted with the Whips and the correct numbers for the division are ayes, 20, and noes, 13. For the sake of the record, that is the correct count.

There is amendment 8/9 on the supplementary notice paper in the name of the parliamentary secretary. Parliamentary secretary, do you intend to move that amendment?

Hon ALANNA CLOHESY: Yes. I move —

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.

This amendment is important because it will prioritise funding in the very near future for those activities that relate to human coronaviruses that have pandemic potential. Members will note that it is not limiting it specifically to COVID-19, because COVID-19 is just one part of a broader group of human coronaviruses. The importance of this should be clear to members because of the impact of COVID-19. It is important to examine the behaviour of coronaviruses and the potential for mutation of COVID-19 and other coronaviruses, which could not have been conceived when the bill was drafted. It is of critical importance that in the first instance the funds are directed towards this research. The government is undertaking the research in partnership, including in partnership with HBF and the resources sector, and this amendment will allow the fund to direct that. Some of that will be headed up by the Chief Scientist, Professor Peter Klinken. It is in recognition of the unique and immediate challenges that we face with COVID-19 that we have proposed this amendment to commit the prioritisation of the funding from the FHRI account for research and innovation, including commercialisation, into human coronaviruses with pandemic potential in the first instance.

The amendment makes it clear that the minister must give priority to qualifying activities that relate to human coronaviruses with pandemic potential. The proposed subsection will enshrine a clear legislative pathway to make sure that funding can be allocated for COVID-19 research and innovation and other research and innovation associated with coronaviruses with pandemic potential. The funding will be committed only for the first 12 months following the FHRI account being credited by the FHRI fund. That is the financial year beginning 1 July 2020. However, if COVID-19-related challenges persist in subsequent years, the usual prioritisation process as described in the government's framework, as we have been debating, will be used to identify them. COVID-19 is having a massive impact here and around the world. It is highly likely that the research and innovation that will address COVID-19-related challenges will feature in the priorities consulted on and developed for the future health research and innovation fund if these challenges persist. That is the background to why this amendment exists and I request the support of members for this amendment.

Hon NICK GOIRAN: I ask the parliamentary secretary to turn to page 7 of the bill and in particular to proposed section 4C(2). Does proposed section 4C(2) give the Minister for Health the power to apply money standing in the account sufficiently to capture the parliamentary secretary's amendment to insert proposed subsection (9)(b)?

Hon ALANNA CLOHESY: Proposed section 4C falls under the operation of the governance framework that we have discussed. This amendment is needed because it will immediately apply money from the fund to this body of research prior to the establishment of the structures and processes required for the operation of the fund. It is important because of the urgent need for the research. Without the amendment, the government is limited by the recommendations of the advisory group and the minister could be accused of trying to circumvent the role of the advisory group by trying to direct that funding be allocated to a particular priority. This is a legislative statement of clear intent. It ensures that the government is transparent and accountable and it states up-front that this is the urgent and important focus in the first 12 months while the fund and framework is being established.

Hon NICK GOIRAN: Is the parliamentary secretary saying that the amendment standing in her name at 8/9 on the supplementary notice paper is necessary because of the amendment at 5/9?

Hon ALANNA CLOHESY: No, I am not saying that.

Hon NICK GOIRAN: In which case then, is the parliamentary secretary suggesting that the amendment at 8/9 is important as a statement of intent, notwithstanding that the minister already has that power under proposed section 4C. Proposed section 4C(2) states —

> The Minister … may apply money standing to the credit of the FHRI Account for the purposes of, or in relation to, an arrangement made or approved under subsection (1).

The amendment standing in the parliamentary secretary's name indicates that the Minister for Health can decide how money standing to the credit of the FHRI account is to be applied during that financial year. The power in proposed section 4C(2) is the same as the power contained in the amendment to insert proposed subsection (9)(b). I note that under proposed section 4C(1), the bill provides that the minister may make arrangements and approve arrangements, which is precisely what is provided for in proposed subsection (9)(a). The only difference is that proposed subsection (9)(a) specifies and limits that power to the financial year that is coming up on 1 July 2020, whereas proposed section 4C(1) has no time limit. As discussed at a briefing that I attended, the amendment currently before the chamber is not necessary.

The opposition is not going to oppose the amendment. We have no objection to it being included in order to facilitate the efficient passage of the bill, but it is clear that the power that the minister has under proposed section 4C is sufficient to enable the Minister for Health to make arrangements and approve arrangements with regard to qualifying activities that relate to human coronaviruses with pandemic potential. He already has that ability under proposed section 4C(1) and (2). In addition, he has the ability to determine how money standing in the credit of the account is to be applied during a financial year under proposed section 4C(2). Proposed section 4C(1) and (2) are sufficient umbrella provisions to capture the specificity set out in the parliamentary secretary's amendment to insert proposed subsection (9). Notwithstanding that it is duplicative and unnecessary, we have no objection to the amendment being included to facilitate the efficient passage of the bill.

Hon ALANNA CLOHESY: Let me make it clear that the amendment standing in my name specifies that the priority be given to coronavirus-related research. Proposed section 4C(2) sits under the governance framework where the advisory group, not the minister, sets the priorities following consultation. The amendment is needed because it specifies that priority be given up-front and clearly to coronavirus-related research, but it sits under the governance framework where the advisory group sets the priorities. As the advisory group has not been established, the minister wanted to be up-front and clear that the first consideration will be given to coronavirus-related research.

Hon NICK GOIRAN: If the amendment is not passed, would the Minister for Health be able to approve money standing to the credit of the FHRI account to be applied during the upcoming financial year for arrangements associated with qualifying activities that relate to human coronaviruses with pandemic potential? Would he be able to do that?

Hon ALANNA CLOHESY: It would take much longer and those alternative arrangements would have to be put in place prior to that happening. This provision starts the allocation as soon as possible because of the urgent need for the research, the extent of it and the opportunity that is being provided right now through partnership with the private sector in particular, including the resources sector and HBF. That opportunity exists right now and without this provision, the research would take much longer. The urgency should be clear.

Hon NICK GOIRAN: Given that the government is so passionate about the inclusion of this provision, when will money flow from the government towards qualifying activities that relate to human coronaviruses? The parliamentary secretary indicated that it is very urgent and that the government is very keen, like all of us, to make sure that there is research into this. Is money going to start flowing to this research from 1 July; and, if not, when is the earliest date that it will start flowing?

Hon ALANNA CLOHESY: This amendment allows us to tap into those partnership arrangements much earlier. Then, when the money is credited to the account, we will be able to draw on that over time. The government is able to draw on the partnership arrangements that are available now, and then, when the money is credited to the account, it will be able to draw on that.

Hon NICK GOIRAN: I was looking for a date, parliamentary secretary. When is that going to happen? When will the flow of funds occur for these partnership arrangements so that there is research in Western Australia on human coronaviruses with pandemic potential?

Hon ALANNA CLOHESY: The only information I have available is that it will be as soon as possible. I know the pace at which people have been working, particularly in the Department of Health and across the resources sector in the private sector, to bring forward these partnership arrangements and develop the research proposals, if members like. The only information I have is that it will be as soon as practicable.

Hon MARTIN ALDRIDGE: I have a couple of questions on this amendment. I understand that the minister issued a media statement on 9 May 2020 entitled "Coming together to make COVID-19 research a priority". In that statement, the minister said that he had a plan to dedicate up to $6 million. My question is: who chose $6 million as an appropriate number? As I think I said during the debate on clause 1, I was advised that clause 1 is the difference between the existing arrangements and the approved expense limit that the Expenditure Review Committee has applied through the cabinet budget approval process for the next financial year. I believe that the expense limit for the fund is $24.585 million in the next financial year—that was the information provided to me by the Department of Health and Treasury in response to a question post-briefing. I assume that the difference between the existing arrangement and the $24.585 million expense limit is $6 million. Because we know that $40 million or $50 million flows into the account, on average, plus interest, would it not be possible, if the need were demonstrated, that more than $6 million could be allocated by the minister and the government to priority human coronavirus research?

Hon ALANNA CLOHESY: It is possible that more than $6 million could be applied. The $6 million that the minister mentioned is in line with the 2019–20 budget. The government is inclined to be prudent about that, particularly in the current fiscal environment. The ability to expand that amount of $6 million will be dependent on the partnerships that can be developed. It is the bottom line, but it is possible that it might be more.

Hon MARTIN ALDRIDGE: I thank the parliamentary secretary. Once we get some clarity on the forecast investment income for the next financial year, I guess that will inform all of us about the capacity of the government to fund additional research above the expense limit that has been applied by the ERC and cabinet. That amount has been determined for probably some considerable time; I assume that the settings for this current year's budget would have been established early in the last calendar year.

I have only one other question on the amendment. Given the chamber's inclination to support my amendment 4/9, one would assume there is an inclination to support amendment 5/9. What interaction does the parliamentary secretary's amendment 8/9 have with amendment 5/9, and will there be a need to revisit amendment 8/9 in light of the potential passage of amendment 5/9? If passed, amendment 5/9 will require the Minister for Health, in ordinary circumstances, to direct the advisory group and receive a recommendation from it in accordance with proposed section 4CA(1)(a) and (b). Does some thought need to be given to a revision of the parliamentary secretary's amendment to provide for the circumstance that will apply to this coming financial year?

Hon ALANNA CLOHESY: I am advised that if amendment 5/9 is successful, the amendment that we are currently debating, standing in my name, will not be impacted because this amendment introduces proposed section 4C(9), whereas amendment 5/9 relates to proposed section 4C(1).

Amendment put and passed.

Hon MARTIN ALDRIDGE: The indulgence of the previous Deputy Chair assisted the progress of debate on these forthcoming amendments. I want to make one point, and I will not revisit all the content that we discussed when we considered amendments 5/9 and 6/9 with 4/9. The one point I want to make is that since that time, I have had an opportunity to reflect on appendix A of the government's governance framework that was tabled in this place. That is quite a helpful diagram that sets out the decision-making flows. I point out to the government that there is nothing for it to fear about my provisions in 5/9 or 6/9, as I think it would fit neatly within the existing governance framework in that the expert committees that were mentioned by the parliamentary secretary can clearly interact with both the advisory group and the Department of Health, but the diagram shows that the Department of Health, specifically the director general, recommends programs and initiatives for funding to the Minister for Health. I would envisage that that would still occur; the director general of the Department of Health, after taking advice from expert committees, would continue to make a recommendation to the Minister for Health. That recommendation may well be the exact direction that the Minister for Health gives to the advisory group under proposed section 4CA. The advisory group charged with developing the strategy and priorities could then assess the recommendation of the Minister for Health, on the advice of the director general of the Department of Health, consistent with the strategies it recommends and the priorities that it develops. The approach taken in crafting the amendment standing in my name on the supplementary notice paper at 5/9 is not that far inconsistent with the government's governance framework; in fact, I think it could easily be accommodated without too much trouble at all. With those few words, I move —

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.

Hon ALANNA CLOHESY: Despite the success of the previous amendment, if this amendment were also successful, there may be a need to amend proposed section 4E in order to allow a delegation of authority under proposed section 4CA; otherwise, without the delegation, the minister would be required to approve all arrangements, including those from, say, $1 000 through to the larger arrangements that even the CEO may not authorise.

Division

Amendment put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the noes, with the following result —

Ayes (20)

Hon Martin Aldridge	Hon Diane Evers	Hon Michael Mischin	Hon Aaron Stonehouse
Hon Robin Chapple	Hon Donna Faragher	Hon Simon O'Brien	Hon Dr Steve Thomas
Hon Tim Clifford	Hon Nick Goiran	Hon Robin Scott	Hon Colin Tincknell
Hon Peter Collier	Hon Colin Holt	Hon Tjorn Sibma	Hon Alison Xamon
Hon Colin de Grussa	Hon Rick Mazza	Hon Charles Smith	Hon Ken Baston *(Teller)*

Noes (11)

Hon Alanna Clohesy	Hon Adele Farina	Hon Kyle McGinn	Hon Matthew Swinbourn
Hon Stephen Dawson	Hon Laurie Graham	Hon Martin Pritchard	Hon Pierre Yang *(Teller)*
Hon Sue Ellery	Hon Alannah MacTiernan	Hon Samantha Rowe	

Amendment thus passed.

Hon MARTIN ALDRIDGE: Just before we get to amendment 6/9, which deals with proposed section 4F, the parliamentary secretary made a comment on proposed section 4E, which I thought was best considered at this time before we moved on to proposed section 4F.

The DEPUTY CHAIR: The question before the Chair is that the clause, as amended, be agreed, and you have the call.

Hon MARTIN ALDRIDGE: I will sit down shortly and allow the parliamentary secretary to explain more fulsomely her concern about proposed section 4E because of the amendment that was just passed. From what the parliamentary secretary said, I am not sure whether I agree with her that a problem arises at proposed section 4E. The amendment just passed at 5/9 states —

> Before making or approving arrangements under section 4C(1) …

Proposed section 4E(1) states —

> The Minister for Health may delegate to the CEO any function of the Minister for Health under section 4A or under section 4C (including any regulations made for the purposes of section 4C(3)).

I do not see the problem that arises at proposed section 4E. The decision-making power still resides at proposed section 4C. What we have now inserted in proposed new section 4CA is simply a requirement that needs to be met before that decision-making power can be exercised. Regardless of who that power is delegated to, proposed new section 4CA needs to be complied with. Let us say that the Minister for Health delegates his power under proposed section 4C to the executive manager of health and research at the Department of Health. If the parliamentary secretary's concern is that the person who has the delegated power needs to be the person who is directing the advisory group to make a recommendation, we can discuss that and the merits of including an amendment to allow for that in proposed section 4E.

Hon ALANNA CLOHESY: Our first concern is the scenario that the member described. The second concern is that we would not want the minister to direct the advisory committee on every single direction. It could be one direction that may last for 12 months, but we would not want the minister to have to direct the advisory group on every single one. The third concern is the onerous administrative work that this would necessitate because the minister would have to approve every single activity. Normally, the CEO would summarise or amalgamate the recommendations and provide a broader recommendation to the minister. As the bill stands, the minister would have to go through every single recommendation.

Hon MARTIN ALDRIDGE: This brings me back to the issue of what the government views to be an "arrangement". I thought we reached an agreement after considerable exchanges that an arrangement could be a program such as providing $1 million a year for clinical fellowships. Within that arrangement decisions would be made about who would get a fellowship and the purpose of the fellowship. That is just one example. It appears to me, from what the parliamentary secretary said, that that is contrary to what I thought was the case earlier, which was that without an amendment to proposed section 4E, as she suggested, the minister and the advisory group would be required to make a recommendation on every matter. I think the parliamentary secretary said that $10 000 is such a small amount of expenditure and the minister should not be burdened with such decisions. I think I have got back to the point of confusion about what is and what is not an "arrangement". Notwithstanding that, if the parliamentary secretary believes that an amendment is needed at proposed section 4E to avoid that administrative burden on the minister, how does the parliamentary secretary suggest that can best be done? Would that require an amendment to proposed section 4E(1) to provide a delegation of power under proposed new section 4CA?

Hon ALANNA CLOHESY: As a point of clarification, as I said before when we discussed this, the definition of "arrangement" is included in clause 7(2), which states —

> ***arrangement*** means —
>
> (a) a contract, programme or scheme; or
>
> (b) any other type of arrangement;

Hon MARTIN ALDRIDGE: I move —

> Page 10, line 29 to page 11, line 8 — To delete the lines and substitute —
>
> (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)).

Hon ALANNA CLOHESY: As we have said before, we do not see the necessity for the previous amendments and therefore we do not see the necessity for this one. However, the practical implications of the previous amendments being successful is that they would not be functional without this amendment. Although we do not support it in principle, we will not oppose it.

Amendment put and passed.

Hon ALISON XAMON: I spoke to the substance of the amendment standing in my name during my contribution to the second reading debate. I indicated that I thought it was important we tighten up the provisions that deal with conflicts of interest. It is my understanding that the government may be amenable to accepting the amendment. Before I say anything further —

The DEPUTY CHAIR: Member there is some confusion; perhaps you can resume your seat until we settle it.

Hon ALANNA CLOHESY: I was saying that we need to ensure that we deal with the amendments sequentially. I have foreshadowed that we need to consider an amendment to proposed section 4E, so I request that I be provided with the opportunity to move that foreshadowed amendment before we go to the next component around proposed section 4H, "Conflicts of interest".

I move —

Page 10, after line 2 — To delete —

Point of Order

Hon NICK GOIRAN: The parliamentary secretary is moving an amendment to a part of the clause that has already passed. I understood from previous rulings that that is not permissible. The last amendment dealt with was 6/9 on the supplementary notice paper, which was an amendment to page 10, line 29 onwards. Therefore, we are up to that point in clause 9 and the parliamentary secretary is proposing to go back to a previous portion of page 10.

The DEPUTY CHAIR (Hon Matthew Swinbourn): I will take a moment to consider the member's point of order. I do not have a copy of the proposed amendment before me, so I do not have the benefit of referencing it.

The point of order raised by Hon Nick Goiran has validity. We have moved passed that point of the bill at this stage. The parliamentary secretary may seek to recommit the clause at a later date to deal with her amendment. However, at this stage, we must proceed through the bill sequentially, so the call goes back to Hon Alison Xamon to move her amendment on the supplementary notice paper at 1/9.

Committee Resumed

Hon ALISON XAMON: I rise to indicate that I will be moving the amendments standing in my name at 1/9 and 2/9.

As I just said, during my contribution to the second reading debate, I made reference to the substance of why I feel these amendments will improve the bill.

Progress reported and leave granted to sit again, pursuant to standing orders.

POLICE — HATE CRIMES

Statement

HON ALISON XAMON (North Metropolitan) [9.45 pm]: I rise because I want to make some comments about my concerns about the way in which we approach the issue of hate crime in Western Australia. I spoke about this issue last year. At that point, I raised concerns about the lack of not only a comprehensive definition, but also, specifically, data systems, resulting in a lack of action to protect vulnerable populations.

We know that hate crime is generally understood as crime and abuse that is motivated or shaped by a particular prejudice or group hatred. It tends to include prejudice on the grounds of race, religion, ethnicity, gender, sexuality or disability. Hate crimes are often also referred to as targeted crime, biased crime or prejudice-related crime. When a hate crime is committed, the impact of the crime is far greater than simply having a terrible impact on an individual. It impacts an entire community and leaves vulnerable populations feeling at risk of being victimised and feeling unprotected.

I remain very concerned that there is still no comprehensive targeted approach to address this type of crime within Western Australia. The first thing I will point out is that in order to stop crime that has been motivated by prejudice, we have to start tracking it and recording it. If we do not understand the extent of the problem, we will run the risk of underestimating its nature and scale and that means that measures to address any problems and support victims of hate crime are likely to fall short.

In response to my questions last year and the questions I have asked again today, unfortunately, we have confirmation that this sort of crime is still not being tracked. My question today was specifically about tracking LGBTIQ hate crimes in Western Australia. The answer I got from the Minister for Police indicated that the data is still not being collected. The answer missed the point entirely about why it is very important that we have an understanding of the incidence of hate crimes. We know that this type of crime tends to be shockingly under-reported. It is important that we look at some of the research around hate crimes in similar jurisdictions. In the United Kingdom, only one in five LGBTIQ people who have been subject to hate crimes even bother reporting it to the police. In Australia, Victorian research shows that young LGBTIQ people are the least likely of all people to report crimes to police and that more than half have indicated they would not even bother trying to report a hate crime. Unfortunately, under-reporting reflects an ongoing lack of trust between the LGBTIQ community and the police. It is partly due to the historical criminalisation of homosexuality, but unfortunately it is also the result of the poor handling of complaints lodged in the past. The results from jurisdictions that track reporting of hate crimes reveal that, unfortunately,

particularly LGBTIQ hate crimes are on the increase. Around England and Wales, the rate of reported LGBTIQ hate crimes per capita rose by a whopping 144 per cent between 2013 and 2018. Transphobic attacks have also soared, trebling from 550 reports to over 1 650 reports over that same period. Almost half of these crimes were violent offences, ranging from common assault to grievous bodily harm. Although some of the increase is due to people being more willing to report, we know that there has also been a significant increase in crime.

The most recent data released in October by the FBI shows that 14 491 recorded crimes were committed against people in the United States because of their sexual orientation and a further 2 333 offences against transgender people simply because of their gender identity. Although we do not have any comparative police data in Australia, because it is not kept, according to the Australian Human Rights Commission, up to 61 per cent of LGBTIQ young people have reported experiencing some form of homophobic abuse. One of the largest Australian studies found that 72 per cent of LGBTIQ people had experienced verbal abuse, 41 per cent had experienced threats of physical violence and 23 per cent had experienced physical assault. For transgender participants the figures are even worse. It is reported 92 per cent of trans women and 55 per cent of trans men had experienced verbal abuse, and 46 per cent of trans women and 36 per cent of trans men had experienced physical assault.

The answers to questions I got back last week included a partially redacted draft briefing paper written almost exactly two years ago today and a summary of responses to an LGBTIQ community crime and safety survey questionnaire that asked how satisfied people were with police services in general. Unfortunately, 27 of the 153 people who responded to the survey said that they were dissatisfied or very dissatisfied. Although very little information was provided—that document is all that was provided—it is clear that there is need for improvement. The police briefing paper is particularly telling because it notes that the lack of police data on hate crimes was identified as an issue as far back as 2009. We are talking about over a decade ago. Even then, WA Police recognised that it was lagging behind other states that capture and record hate, bias or prejudice related incidents. That is what the report says. The briefing paper also acknowledged an understanding that the key risk lies in an inability to accurately identify trends or emerging issues, or to provide appropriate responses to incidents.

Two years have gone by since this paper was drafted and nothing has been done—nothing! WA continues to lag behind other jurisdictions not only in our failure to adequately ensure that we are tracking these crimes, but also in our broader response—or should I say our lack of broader response—to hate crimes in general. In comparison, the United Kingdom is recording, analysing and publishing its data on hate crimes. It is investing in community engagement and public education, and has enacted a whole range of hate crime laws. Some really positive initiatives have been occurring in other jurisdictions. They have looked at expanding hate crime legislation. They have specialist hate crime police units. They have police outreach and engagement with communities that may experience hate crimes. They are making sure that they are providing specialist training for police, lawyers and victim support service workers. They are supplying assessment tools to support police so that they can help to determine whether a hate crime has even occurred. There is also investment in third party reporting systems so that victims who might be quite reluctant to go to police can still report safely. Also, they have done work on diversion and restorative justice techniques.

Certainly, although I acknowledge that legislation in and of itself is not enough to build everything we need to ensure that people are appropriately protected, having clear legislation about hate crimes sends a very strong message to the community. It makes it quite clear to victims, communities and the wider society that certain behaviour will not be tolerated, particularly when it is negative behaviour based on simply who a person happens to be. I think this is something we should be considering in Western Australia. The current situation is absolutely appalling. I am profoundly unimpressed that WA is lagging in this important work to address hate crimes. We are not even doing the basics of making sure that we are recording when hate crimes are occurring. What needs to happen has been clearly outlined within the police service, and I think it is appalling that that has not been acted on. People should not be living in fear of physical or verbal abuse just because of who they are. We need to start paying some attention to this area, and I am particularly concerned they have not acted.

PARLIAMENTARY VOTE — PAIRS

Statement

HON PIERRE YANG (South Metropolitan) [9.55 pm]: During one of the votes tonight, I ought to have asked two government members to leave the chamber in order to pair with two members from the Liberal Party and Nationals WA. Unfortunately, it was unintentionally omitted on my part during that vote. The results of the vote would not have been altered, but I wish to apologise for the omission and put it on the public record.

CHINA–AUSTRALIA TRADE RELATIONS

Statement

HON ROBIN SCOTT (Mining and Pastoral) [9.56 pm]: I am sure that everyone read the headlines today about China following through with its threat to impose an 80 per cent tariff on Australian barley exports. Barley is used for brewing and cattle fodder. This is devastating news for our Australian grain industry and regional economies. It is estimated that it will cost the country around $500 million annually, and there are not many alternative markets.

We could possibly sell to Saudi Arabia, but that would be at a heavily discounted price. Our farmers and grain growers will be badly affected; however, I believe that if we can find millions of dollars to assist with the COVID-19 pandemic, I am sure that we can find some dollars to ease the financial burden on our farmers and our grain growers while we develop new markets elsewhere.

This tariff is in addition to the blacklisting of four Australian red meat processors—three in Queensland and one in New South Wales. Why is China doing this? It is because China can do it. We have never stood up to China in the past, and that is why it will keep on doing it. Last month, China's ambassador to Australia threatened a backlash if we pursued an investigation into the handling of the COVID-19 pandemic. This pandemic has infected millions of people, killed hundreds of thousands and changed our lives forever. These bully boys have not been happy with us since we canned plans to move the 5G network into Australia on the advice of our own intelligence agencies. At the same time, the McGowan government was quite happy to allow Huawei to have complete access to our public transport network. China did not like it when we called out human rights abuses of Uighur Muslims, Falun Gong and west Tibetans. We also criticised China's ignorance of international law when it came to the South China Sea and its attempt to gain influence in the Pacific. We are a country that is proud to call out bad behaviour. We need a government that will reflect this and stand strong. Unfortunately, our state government, rather than take a side, is sitting on the fence just like a coward. Instead of supporting our federal government, our Premier offered a special envoy to repair the relationship. Our Premier would rather share a Chinese meal with the Chinese Consul General and chant, "Go China! Go Wuhan!" It is crystal clear that we cannot trust China. I want to make it perfectly clear that I am not a racist and my member's statement is not bordering on racism. I am attacking the Chinese government, not the downtrodden Chinese people. Australians do not tolerate bullies. Sometimes we have to put up our fists and defend ourselves. A strong defence usually puts bullies in their place. Unfortunately, we have a cowardly state government. Pauline Hanson's One Nation has warned us for more than two decades not to trust the Chinese government in any way at all. She was right.

Statement

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.00 pm]: I feel the need to stand and speak in response to that member's statement. I object to the terminology used by the honourable member to describe the McGowan government as cowardly. In fact, the Premier has made a number of points. Firstly, foreign affairs is conducted nation to nation, not state of a nation to nation. The responsibility for resolving disputes with any government rests government to government—that is, national government to national government. The second point that I think needs to be made is that I ask the honourable member to reflect on the trade relationship and what it means for jobs in his electorate. Our significant trading partners, one of which is China, contribute a huge number of jobs to the Western Australian economy, many of those in the member's own electorate. I would ask him to reflect on that. The third point I would make is that the Premier extended an offer to the Prime Minister to assist. Given that international relations are conducted nation to nation, that the Premier offered to assist the Prime Minister to resolve this situation shows that the Premier was trying to do what he could to assist in bringing this matter to a satisfactory conclusion. The Premier has put on the record at least three times that I am aware of, including today in an answer that I gave on his behalf, that, of course, there needs to be an examination of what led to the coronavirus in the first place. He said that. People need to take a deep breath when they talk about our relationship with our trading partners to think about the 70 000 or so Western Australians who have lost their jobs and whether they want to speak in a way that is, perhaps, reckless and puts more jobs at risk.

LOGGING — SOUTH WEST

Statement

HON DIANE EVERS (South West) [10.03 pm]: I am the Lorax. I speak for the trees. I speak for the trees, for the trees have no tongues, and I am pleading, I am begging, I am asking this government to fight for our forests.

Last week we got a short reprieve for the Dalgarup forest, and I am very thankful for that. Unfortunately, it will be based on the current methodology for assessing old-growth forest, which was set up in 2011 or 2012. I think it was even 10 years before that, with the first forest management plan. It is outdated and no longer valid. It was created when we were not experiencing the effects of climate change that we are now. I know it is difficult and that there is pushback from the other side from the Forest Industries Federation WA. I spoke with Matt Granger today. I am trying to make ground so that we can come together and have a conversation to work out what we can do with the forests. At the moment, the forests are still being felled. Very old trees are still being felled, and they will not come back. We have to do something so that they do not continue to be felled. These trees have so much value to us and do so much for us, yet we do not seem to be taking into account how serious this is. I will continue to speak for the trees as much as I can because we are still seeing them felled. People are in the Dalgarup forest right now waiting for the equipment to arrive tomorrow. They will try to stop it and try to make it as unsafe as possible so that we cannot go in there and log. I honour those people and I think we need them there. When something that is not right is happening, people must stand up and speak out against it. Our forests cannot speak for themselves.

The south west forests are being harvested faster than they can grow back, which is causing significant environmental damage. We know that over time, trees are getting smaller and smaller, which is why we are going to areas that have not been logged much in the past and taking larger trees to fulfil contracts. As I said, the old-growth determination

methodology is flawed. Part of the determination refers to canopy cover. We know that eucalyptus trees drop leaves when they are stressed. If a tree drops 30 per cent to 40 per cent of its leaves, the canopy cover does not look as dense any longer, which will reduce the possibility of it being considered old growth. It just does not make sense because it is outdated. We have to look at other conditions. Even the presence of dieback will automatically disqualify a tree from getting old-growth status and will make it available for logging. That happens, too.

I refer to the ongoing destruction by the Forest Products Commission. I recognise that it does it under the Forest Products Act, but it is still going into the forest and destroying it without taking as much care as it might. It is not looking at the situation and asking why it is still doing this. The last study showed that there were 450 full-time equivalent positions in the native forest industry. A lot of those jobs are held by truck drivers, who can find other work. It is not hard for them to transition. Many others are held by people who go into the forest, look at it and assess it. We will still need them to do that because we will need to assess the forests to find out what we can do to make them stronger and more resilient.

I have spoken over and again about the intrinsic value of the forest. It not only provides oxygen, but also has the ability to regulate our rainfall patterns, and is home to much of the biodiversity of this great state. There is so much variety and diversity there. In the felled areas where equipment has been we are finding quokka footprints in the tyre tracks. We know that quokkas are great for attracting people to the state and that they are a definite bonus for tourism. People like small animals and we will become more and more dependent on tourism. We must be a safe place that people can come to. Quokka footprints are being found there now. A considerable amount of the Dalgarup forest had already been felled—60 per cent to 70 per cent or maybe more. All the animals that have not been killed by the equipment are going to the remaining bits and those parts will very possibly be felled in the next couple of days. I am still hoping that they will not be. There are plenty of echidna scratchings there as well. Again, all those animals who do not die in the original onslaught of the machines will not have much left and will be trying to find other places to live in the nearby national park, which will put a lot more pressure on that national park. The animals live to the amount that they can within the biodiversity. If their habitat is destroyed, it is not as though they can just find more space. That is just not how it works.

As I have said many times, the Forest Products Commission is operating the native forest industry at a loss, but there is a lot of provision for other industries associated with the forest in the south west. We have not done a significant study to find out what the financial implications would be of not logging, maybe losing part of that industry and instead supporting, restoring, and regenerating the forest, which will bring in more tourism and more recreational activities. Mountain biking is becoming more popular, as is orienteering and bushwalking, and then we have the other economic industries based around honey collection and wildflower walks. That is just the tourism that is happening in the area, yet in question time today, when I asked whether the Forest Products Commission had consulted with the people nearby when they were planning to log around Treenbrook, I was told that yes, it had consulted. The people had concerns and it left a few trees behind and a slightly larger border—great! I am really pleased it did not have to do as much work as it had originally intended to, but what was done is still damaging and will still hurt that tourism industry.

I propose that we do not just end it all—full stop. First, we must get our act together and restore the confidence that landowners need that we will have a plantation industry working over the next several decades or even 100 years. We should be growing our own forests; that is not happening. In addition, we have forests that are under serious stress because they have been logged mercilessly. The big trees have been removed and all that is left is the coppice jarrah that comes back with multiple stems. They cannot all survive climate change, the lowering of the watertable and less rainfall. We will end up having massive tree deaths and could potentially lose the whole forest. We need to find a way to manage this by thinning out some of the trees so that those that remain have a chance of surviving and growing into a forest again in 50 years' time.

Alcoa wants to give us back plenty of land, but it needs to be managed. Alcoa replanted exotics on this land 30 years ago. We do not need those trees in the south west, so why not log those and supply that timber to the mills? We can go into the other areas where Alcoa replanted too many stems and thin those out so that the forest has a chance of surviving and provide the timber to the mills to ensure their survival. We do not need to be cutting to provide a chip industry or charcoal. Charcoal is used for heat; we can make heat from solar energy. We have advanced so far in that area that even Simcoa will be able to transfer from using beautiful old-growth jarrah to fire its kilns. We do not need to do that and we can change, but we have to get people working together. The native forests have been there for thousands of year, they have significant cultural interest for the First Nation people and they provide a habitat. In 2004, Dalgarup was identified as a high-conservation forest and it was proposed to be part of the now Dalgarup National Park, but that has gone by the wayside as well.

We will be creating a new forest management plan for 2023. We should be working on it now. It has to be different and it should be protecting our forests. We need to build a better future. It is time for the Forest Products Act to go, it is time to stop logging and it is time to abolish the FPC. Let us build a better future. Let us treat it with care, give it clean water and feed it fresh air. Let us grow a forest. We just need to protect it.

House adjourned at 10.13 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR HEALTH — FOI REQUESTS

2818. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Health:

I refer to documents released under Freedom of Information application 60-19070, and I ask that each document is tabled in full and unredacted?

Hon Alanna Clohesy replied:

I am advised:

The documents requested comprise correspondence between the Minister and his Federal colleagues within the Australian Labor Party in the lead up to the last Federal election and were prepared solely for that purpose. Members of Parliament are entitled to communicate for political purposes with their Federal and State colleagues without that communication being sought and examined by Parliament.

The Member has sought the documents under Freedom of Information legislation and has received full access to some and edited access to the others of these documents. The Freedom of Information Act 1992 contains an external independent appeal process should the Member wish to appeal the decision to provide edited documents.

MINES AND PETROLEUM — MINERAL CLAIM 70/13595

2879. Hon Dr Steve Thomas to the minister representing the Minister for Mines and Petroleum:

I refer to the Mineral Claim 70/13595 on a tenement which commenced on 2 February 1973, and transferred to Jackson Bros on the 15 November 1977, and I ask:

(a) does this claim still exist, and is it active;

(b) if no to (a), has it ever existed, and when and how was it extinguished;

(c) did this claim exist prior to legislation for the D'Entrecasteaux National Park being enacted in or around 1980;

(d) was there a material change to the claim when the National Park was proclaimed;

(e) if yes to (c), what was that change;

(f) has there been any other changes to the claim since the claim in 1973;

(g) if yes to (f), what were those changes;

(h) please provide copies of all documentation and correspondence the Department of Mines and Petroleum have on MC 70/13595; and

(i) during the proclamation of D'Entrecasteaux National Park, or as it was previously known the South Coast National Park, was any excision or exclusion for MC 70/13595 removed from the legislation or regulations;

(j) if yes to (i), please provide details?

Hon Alannah MacTiernan replied:

(a) Yes; and Yes (on a campaign basis).

(b) Not applicable.

(c) Yes –The land the subject of the Claim was Reserved for the purpose of "Camping and Recreation" at the time the claim was lodged, and granted. On 17 May 1984 the purpose of this reserved land was changed to "National Park". This land was included into D'Entrecasteaux National Park on 9 December 1992.

(d) No.

(e) Not applicable.

(f) Yes.

(g) Transferred and the total number of shares amended on 15 November 1977; and address details amended on 19 June 2009.

(h) This information may be available under the *Freedom of Information Act 1992*.

(i) No.

(j) Not applicable.

AGRICULTURE AND FOOD — LIME CALCULATOR

2880. Hon Dr Steve Thomas to the Minister for Agriculture and Food:

I refer to the University of Western Australia lime calculator endorsed by the Department of Agriculture and Food, and I ask:

(a) will the Minister please provide the algorithms used in the WA lime calculator;

(b) will the Minister please provide the Efficiency Factors used in the WA lime calculator;

(c) do any links on the website of the Department of Primary Industries and Regional Development (DPIRD), send users to any old or outdated calculators;

(d) do staff of the DIRP carry out audit testing of lime samples; and

(e) if yes to (d), is this service available to all lime suppliers, or only to members of Lime WA Inc?

Hon Alannah MacTiernan replied:

(a) The WA lime calculator on the soilquality.org.au website compares the costs ($/t) between two lime sources based on efficiency factors (% of sample x Neutralising Value x particle size efficiency) and summed costs of application (lime + transport + spreading). Equivalent lime cost $/t = Cost of application x (100/EF)

(b) The efficiency factors used in the WA lime calculator are based on particle size ranges where:

Particle size	Efficiency
0–0.5mm	= 1
0.5–1 mm	= 0.5
>1mm	= 0.2

(c) The particle size ranges and corresponding efficiencies provided on the DPIRD website, used in the WA Lime Calculator and the WA Lime Industry calculator, are based on values developed by Cregan et al. 1989. The NSW Lime calculator uses efficiency values based on work by Scott et al. 1992, developed around the same time period. The Scott method discounts coarser particles more than the Cregan method. The relative advantages of each method are contested but not resolved. As a consequence, the recently developed iLime app, developed in conjunction with DPIRD, allows the user to input their preferred efficiency values.

(d) Yes. An independent lime sample has been collected annually by DPIRD from Lime WA Inc. member lime quarries. The sample is submitted to a commercial laboratory for analysis at the cost of Lime WA Inc.

(e) This arrangement has been in place for Lime WA Inc. members.

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