



MESSAGE No. 122

Mr Speaker

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

A handwritten signature in blue ink, appearing to read "K Doust".

Hon Kate Doust
President of the Legislative Council

Legislative Council Chamber
Perth, 20 May 2020

No. 1

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

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

No. 2

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

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

No. 3

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

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

No. 4

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

4CA. Requirements to be met before FHRI Account applied

- (1) Before making or approving arrangements under section 4C(1) that will operate during a financial year, or applying during a financial year money standing to the credit of the FHRI Account under section 4C, the Minister for Health must —
 - (a) direct the advisory group to make a recommendation on how money standing to the credit of the FHRI Account should be applied during the financial year under section 4C; and
 - (b) consider the advisory group's recommendation.
- (2) A direction under subsection (1)(a) may —
 - (a) include proposals for how money standing to the credit of the FHRI Account is to be applied during the financial year under section 4C; and
 - (b) require the advisory group's recommendation to state 1 of the following —

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

No. 5

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

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

No. 6

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

No. 7

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

4H. Conflicts of interest

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

No. 8

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

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

- (1) If the budget papers for a financial year will not be tabled in the Legislative Assembly before the commencement of the financial year, the Treasurer must, before the commencement of the financial year, cause a statement setting out an estimate of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund, to be laid before each House of Parliament.

- (2) If subsection (1) requires the Treasurer to cause a document to be laid before a House of Parliament and the House is not sitting, the Treasurer may give the document to the Clerk of the House.
- (3) A document given to the Clerk of a House under subsection (2) is taken to have been laid before the House.
- (4) The laying of a document before a House that is taken to have occurred under subsection (3) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

No. 9

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

16A. Section 10A inserted

After section 10 insert:

10A. Governance framework

- (1) In this section —

FHRI scheme means the scheme of this Act for supporting, and facilitating support for, qualifying activities through —

- (a) the operation of the FHRI Account and the FHRI Fund; and
- (b) the exercise and performance of related functions by the Minister for Health, the Treasurer, the advisory group and others;

governance framework means the framework referred to in subsection (2);

priorities means the priorities referred to in subsection (3)(b);

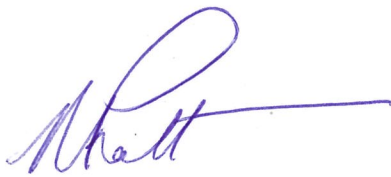
strategic arrangement means an arrangement that is made or approved under section 4C(1) and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

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

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

- (2) The Minister for Health must prepare and maintain a framework for the governance of the FHRI scheme.
- (3) The governance framework must (without limitation) do the following —
 - (a) provide for the preparation and maintaining of a strategy for the operation of the FHRI scheme;
 - (b) provide for the setting of priorities for the operation of the FHRI scheme;
 - (c) include a framework for the making and approving of arrangements under section 4C(1) and the administration of arrangements made or approved.
- (4) The Minister for Health must cause the following to be laid before each House of Parliament —
 - (a) a copy of each of the following —

- (i) the governance framework;
 - (ii) the strategy;
 - (iii) the priorities;
 - (iv) if a document listed in subparagraphs (i) to (iii) is modified or replaced — the modified or new document;
 - (b) a copy of each strategic document and, if a strategic document is modified, a copy of the modified document;
 - (c) details of each strategic arrangement and, if a strategic arrangement is modified, details of the modified arrangement.
- (5) The CEO must ensure that the current version of each of the following is publicly available on a website maintained by, or on behalf of, the FHRI Account Department —
- (a) the governance framework;
 - (b) the strategy;
 - (c) the priorities;
 - (d) each strategic document;
 - (e) the details of each strategic arrangement.



Clerk of the Legislative Council