

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 144
Issue No. 5

TUESDAY, 12 MAY 2020

***WESTERN AUSTRALIAN FUTURE FUND AMENDMENT (FUTURE
HEALTH RESEARCH AND INNOVATION FUND) BILL 2019 [144-1]***

When in committee on the *Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019*:

Clause 9

Hon Martin Aldridge: To move –

4/9 Page 8, after line 2 — To insert:

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

Hon Martin Aldridge: To move –

7/9 Page 8, after line 2 — To insert:

(3A) Despite subsections (2) and (3), the Minister for Health cannot apply 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.

Parliamentary Secretary representing the Minister for Health: To move –

8/9 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.

Hon Martin Aldridge: To move –

5/9 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.

Hon Martin Aldridge: To move –

6/9 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)).

Hon Alison Xamon: To move –

1/9 Page 13, lines 1 to 4 — To delete the lines.

Hon Alison Xamon: To move –

2/9 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).

New Clause 16A

Hon Alison Xamon: To move –

3/NC16A 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.

New Clause 16A

Parliamentary Secretary to the Minister for Health: To move –

10/NC16 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).
- (2) The Minister for Health must prepare and maintain a framework for the governance of the FHRI scheme.
- (3) The CEO must ensure that the current versions of the following are publicly available on a website maintained by, or on behalf of, the FHRI Account Department —
 - (a) the governance framework;

- (b) any of the following the preparation of which is provided for by the governance framework —
 - (i) any strategy relating to the operation of the FHRI scheme;
 - (ii) any priorities relating to the operation of the FHRI scheme;
 - (iii) any other document that the CEO considers to be of strategic importance to the operation of the FHRI scheme.

