

GOLD CORPORATION — BOARD MINUTES

286. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the minister's answer to question without notice 234 asked on 16 March 2023 on the board of Gold Corporation, which oversees the Perth Mint, and to section 6(7) of the Gold Corporation Act 1987, which states —

For parliamentary purposes, or for the proper conduct of the Minister's public business —

- (a) Gold Corporation shall furnish to the Minister all information in the possession of Gold Corporation relating to the business of Gold Corporation or a subsidiary; and
- (b) the Board shall ensure that the Minister shall have and may retain copies of any documents requested.

I ask —

- (1) Given section 6(7) as stated, is the board legally required to keep board minutes confidential to the board?
- (2) Can the minister access those minutes?
- (3) Does the fact that Gold Corporation is a statutory corporation, rather than a public company traded on the share market, disprove the answer received to question without notice 234?
- (4) Did the member reading the answer to question without notice 234, whether deliberately or not, mislead this house with that answer?

The PRESIDENT: Leader of the Opposition, could you re-read part (1) of the question.

Hon Dr STEVE THOMAS: Given section 6(7) as stated, is the board legally required to keep board minutes confidential to the board?

The PRESIDENT: Leader of the Opposition, I suspect that that part of the question does not meet the requirements of standing order 105, which requires that questions do not seek a legal opinion or interpretation. I am not prepared yet to consider ruling that question out of order. What I might do in order to keep the flow of question time is to ask the parliamentary secretary whether he is able to answer that. If any further action is required, I will come back to it.

Hon MATTHEW SWINBOURN replied:

Thank you, President.

I thank the member for some notice of the question. We have an answer for that part. If the member had simply omitted the word "legally", the question would have still stood. Perhaps as a matter of future practice, he might avoid using that term to avoid confusion about whether he is seeking a legal opinion.

The PRESIDENT: Thank you for your interpretation on the standing orders, parliamentary secretary. Do you have an answer?

Hon MATTHEW SWINBOURN: I do have an answer.

- (1) The board performs its governance oversight functions in accordance with the act and good governance practices. Good practice for boards is for board minutes to be kept confidential to the board. Board minutes are available to the Auditor General and other proper authorities as and if required.
- (2) Minutes of government trading enterprises are not shared with the minister because this would undermine the governance oversight role of each board.
- (3) No.
- (4) No.