

**DIRECTOR AND CORPORATE OFFICER LIABILITY —
COUNCIL OF AUSTRALIAN GOVERNMENTS AGREEMENT**

Statement by Attorney General

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [10.04 am]: I rise to inform the house of the Liberal–National government’s intention to reform legislation dealing with the issue of directors’ and corporate officers’ liability. Directors’ and officers’ liability reform is one of the 27 deregulation priorities under the Council of Australian Governments’ National Partnership Agreement to Deliver a Seamless National Economy. As a partner in the COAG agreement to deliver a seamless national economy, the state government has drafted legislation in line with a nationally agreed set of principles and guidelines in respect of deemed criminal liability for directors and other officers within a corporation for offences committed by corporations and bodies corporate. This legislation needs to be introduced into Parliament in 2013.

There are currently 42 acts in Western Australia which impose director liability for corporate fault, and there are inconsistencies between those acts. Provisions vary with respect to the persons subject to liability, the nature of the conduct that attracts liability, and the defences available to directors. The move to a uniform approach on directors’ and officers’ liability will have the advantage of both ensuring consistency across all Western Australian legislation regarding the criminal liability of directors or officers for offences committed by bodies corporate, and bringing Western Australia into line with other Australian jurisdictions.