

Mr Zak Kirkup; Mr David Templeman; Mrs Alyssa Hayden; Ms Mia Davies; Mrs Liza Harvey; Mr Paul Papalia;
Ms Rita Saffioti; Mr Terry Redman

MINISTER FOR SMALL BUSINESS

Standing Orders Suspension — Motion

MR Z.R.F. KIRKUP (Dawesville) [12.20 pm] — without notice: I move —

That the standing orders be suspended so far as to enable the following motion to be moved forthwith —

That this house condemns the Minister for Small Business for his handling of the Small Business Development Corporation Amendment Bill 2019.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.20 pm]: I move —

To insert after “forthwith” —

subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The ACTING SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR Z.R.F. KIRKUP (Dawesville) [12.21 pm]: I move the motion. The opposition does not take lightly moving this motion. We are doing so because we are gravely concerned about the way in which the Minister for Small Business handled an important piece of legislation last night. Members were exposed to a series of events that treated with utter contempt not only the opposition, but also members of the minister’s own backbench and the house more broadly. That led to us sitting in this chamber until 12.48 this morning. However, we did not get beyond heavily scrutinising the first clause of the legislation in the consideration in detail stage.

To provide context, the Small Business Development Corporation Amendment Bill 2019 was introduced to this place on 12 July. Ten days passed over what I believe was four sitting weeks, but the bill did not move. Last night, the Minister for Small Business told us that we needed to get through consideration in detail of the bill last night. We could not move through to the third reading of the bill because the member for Darling Range had identified, and worked in good faith with the government to find, amendments that were acceptable to the government, and under the standing orders we could not proceed to the third reading stage. We moved forward through the process, working in good faith with the government, supporting the legislation but applying what we all believe is the necessary scrutiny a bill like this deserves. What did we get from this minister during the consideration in detail stage? We got absolute arrogance and contempt from him at every turn. The minister was completely incapable or unwilling to answer any of the opposition’s questions in detail. I know that at times some members get bogged down in the debate on the short title, but that did not happen with this legislation. We had very detailed questions about clauses in the bill that represented the good, hard work that the member for Darling Range and opposition members more broadly have done on this important piece of legislation. When we asked the minister questions in consideration in detail, he got answers plain wrong. He was absolutely incorrect. Time and again, we asked questions seeking further clarification and he would admit that he got something wrong or that he had misspoken. In some instances, he just refused outright to answer questions. That is not the way that this chamber should be treated and certainly not in the important consideration in detail stage. The minister then refused to expand on answers. Basically, he gave one or two-word answers to any question that we asked. We pushed and pushed again but he did not provide any further context whatsoever. Utter contempt is the only way that I can describe how this minister treated this chamber.

Beyond that, when we moved on from dealing with the first clause, we found that the government was moving an amendment to introduce a new clause 4A of which we had been given no notice and had not been put on the notice paper. The amendment was moved literally in the dead of night. The member for Darling Range has been working constructively with this minister to identify amendments worthy of the government’s support and we have a number of other amendments that we were going to move anyway as part of our deserved and proper scrutiny of this bill, but we had no notification, or communication whatsoever, that the minister would move an amendment to introduce a new clause 4A. I suspect, given the reaction of some government members last night that they were not necessarily aware that the amendment was going to be moved. What we have here is a minister who is clearly not across his brief and uncertain of the process—either willingly or arrogantly—because the contempt on display last night was utterly unacceptable from a minister who should be working in good faith with the opposition to try

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to see that this important legislation was passed yesterday evening. The reason we are moving this motion to condemn the minister is not only for the contempt that he displayed towards the opposition, but also the way he treated his own government backbench members by keeping them here for so long last night. He failed to get the bill through the consideration in detail stage because he is so fundamentally inept. I think the minister absolutely inappropriately dealt with the consideration in detail process. A number of members will speak to this motion, but I have to say that the minister's conduct was arrogant and ignorant, and he absolutely deserves to stand condemned by this chamber.

MRS A.K. HAYDEN (Darling Range) [12.25 pm]: I stand to support this motion, but I am absolutely disappointed, because I believe the Minister for Small Business is failing our small business community. For the minister to come into this house and say that he stands for small business and not be across his legislation, as he demonstrated last night, is shameful, disgraceful and disappointing. I want to know who is running the minister's office. Who is behind the scenes running the Minister for Small Business' office?

Mr V.A. Catania: The quokka.

Mrs A.K. HAYDEN: Yes, the quokka.

It was clear yesterday that the minister was not across this legislation. He gave incorrect answers and did not address issues raised in the second reading debate. The number of briefings the minister's staff provided was outstanding, but not once did they raise this amendment. The amendment tabled yesterday was drafted on 31 July. That is the same day that the minister's staff drafted my amendment. The amendments were drafted side by side, but not once were we warned that this amendment would be coming on. Yesterday, the minister said that he was not aware of this amendment or my amendments. In good faith, I have been working with staff in the minister's office. They have told me that four out of five of my amendments have been agreed to, yet the minister said that the first time he had seen the amendments was yesterday. Drafting of the amendments started on 31 July. That is a major concern: who is running the Minister for Small Business' office? Is it the minister's staff, the agency or the government backbenchers? Is it the backbencher from Swan Hills? Is the backbencher from Swan Hills running the Minister for Small Business' office?

I have grave concerns about the protection of our small business industry. We have serious legislation before us that will grant extraordinary powers to the Small Business Development Corporation. Last night, the minister said over and over again that he was not listening to us, and when the amendment was moved, he apologised to every member who had raised concerns about that amendment being brought in. He showed no respect to Parliament or the process of this place—how we introduced and deal with legislation. That is a breach of our democratic rights in Western Australia and our parliamentary system, and it shows no respect whatsoever to our small business owners. I am deeply concerned for our small businesses and I am worried about this legislation, because I do not know whether I can believe or trust all the information I have been told. The government said that it has engaged with stakeholders, yet when I spoke to them they told me that they got a small briefing and were provided with no detail and that they have concerns about the legislation.

The minister is not across his brief, he is not standing up for small business and he needs to understand this legislation and take it seriously. He needs to respect the position that he holds as a minister, the Parliament, opposition members and the small business community. It is up to the minister to make sure that we do this properly. I stand with my opposition colleagues to say that the minister should start doing his job. He should start earning the big bucks that he is paid and show respect for his portfolio.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [12.30 pm]: On behalf of the Nationals WA I support this very important motion to suspend standing orders. I concur with the views that have been put forward that the arrogance and dismissiveness that we saw on display last night and until 1.00 am this morning is a hallmark of this government, as is the mishandling of legislation. Although this might be the first of it in this house, we see it regularly in the Legislative Council. The Legislative Council had to shut down last week for 15 minutes because it ran out of business; it was not ready to deal with its own business. Likewise, the Minister for Regional Development representing another minister in the Legislative Council drafted amendments to legislation on scraps of paper, which then came back to this house and were voted against by her own government. That is the way this government manages its legislation. It is inept, dismissive and arrogant because it has the numbers. It does not care about the small businesses it purports to represent. Last night was evidence that the Minister for Small Business is not up to the task. As has been mentioned, he was probably thinking about how to announce the birthday of a quokka, instead of focusing on very important business that the opposition had dealt with by drafting amendments and going through the bill in a concerted effort to ensure that we as a Parliament were all dealing with this important sector.

Shame on the minister for the arrogant and dismissive way he dealt with the Leader of the Opposition and the member representing small business in this place. I watched it unfold from my office. The member for Warren–Blackwood sat in the chamber last night monitoring what was going on.

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Dr A.D. Buti: You weren't here. None of you were here.

Several members interjected.

Ms M.J. DAVIES: I was in my office last night watching it unfold. Members opposite should not try to deflect attention. I watched the government's absolutely disgraceful behaviour.

Several members interjected.

Dr A.D. Buti interjected.

The ACTING SPEAKER (Ms S.E. Winton): Order! Member for Armadale, I am on my feet, thank you. I know it was a late night but let us behave.

Ms M.J. DAVIES: You are absolutely right, Madam Acting Speaker, it was a late night because this government cannot manage its own business. It is going to pull the bill today. Is that what is happening? It was so important that we had to sit here until one o'clock this morning, but we are not dealing with it today.

Dr A.D. Buti: You weren't here.

Ms M.J. DAVIES: I was here last night until stumps, and I walked past several government members on the way out. Regardless of whether I was sitting in the chamber, I was watching what was happening. It was an appalling display from this minister. It is representative of the ministers across the board. As I explained, the way this government manages legislation is par for the course in the Legislative Council.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [12.32 pm]: I rise also to make a contribution to this motion to suspend standing orders. The Minister for Small Business duly needs to be condemned by this place. He sat here last night while his own members were on their feet. Eight members stood up, including the member for Maylands, the member for Mirrabooka and the member for Jandakot, and he rolled his eyes. We heard him say to other members, "How much more of this rubbish do I have to listen to?" That is what the minister said when he rose to make his response to the second reading debate. He denigrated the contributions of his own members. It was a disgrace. Then he was all over the place. When we went into consideration in detail, we asked whether there were regulations, because there was provision for regulations, and we were told that there were no regulations. We asked whether the Australian Prudential Regulation Authority should be included and were told no because the Australian Securities and Investments Commission could apparently refer something to APRA—although, no, maybe APRA needed to be prescribed by regulations, but that there are no regulations. Are there regulations or not? We do not know; we are still in the dark.

We then talked about red tape. The minister said that that we could deal with red tape and licensing. Do members remember that? I got a serve for raising red tape. Do members know what this minister said to me about red tape? He said that I would not have heard him talk about red tape in the past two and a half years. He said it was a vacuous phrase used by an inept opposition. The minister does not read his own media releases! His media release in May 2019, headed "New tourist attractions get help to cut through red tape", states —

This new case management approach will ensure projects don't get bogged down in red tape and will help reduce bureaucratic delays.

The minister should read his media releases, do his job and understand his legislation.

We got further into the debate and the minister was chatting with his advisers. I was raising relevant issues but it was clear that the minister was not listening to me, so I stopped speaking, waited to get his attention, and then started to speak, and he started speaking. I said to the minister, "Are you listening to me?", and he said, "Not really." It is the minister's job to listen to questions about legislation that are asked of him. We got further into the discussion on red tape. When I asked him about licensing, he referred to a particular section of the report referral to do with licensing. I asked whether we could talk about licensing and whether he could tell me a little more about that. The minister said, "No; it is not relevant." I asked whether that was no, it was not relevant; no, he did not want to answer; or no, he did not know. We finally dragged him to his feet to respond to a question about licensing—licensing being an issue that he introduced into the debate. Do members remember that?

This legislation is clearly flawed because before it even got to this chamber the minister's office worked with the member for Darling Range to introduce amendments to improve it. Then in the middle of the night—12.35 am as I recall—one of the government members got to her feet to introduce another amendment that the minister did not even know about. He claimed he did not know about it; however, he then opened his file and found a briefing note on the amendment that had just been lodged. He had not even read his file. We expect better.

I say to the Premier: sack this dud of a junior minister. Sack this minister! Go and get one of the up-and-comers from the backbench onto the dream team on the front bench, because this guy is letting down the government. He is letting down this chamber. He is belligerent and rude and he treats all of us with contempt. When he treats us

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with contempt, he treats his sector with contempt. He has contempt for this Parliament and he needs to lift his game, because if he does not lift his game, it is going to be telling for you, Premier.

MR P. PAPALIA (Warnbro — Minister for Small Business) [12.36 pm]: I am happy to respond to this motion to suspend standing orders. As I said last night, I was happy to apologise for the manner in which the amendment that was moved by the member for Swan Hills came to the house. I sought a briefing on that. As I understand it, the bill had been printed and the member approached my staff subsequently, seeking to propose a further amendment to recognise the concerns around local government. It was not the intention that the amendment be introduced in that fashion. It was the intention that we put it on the notice paper and the opposition would be made aware of it. That slipped through, and I apologised for that last night. It was not intentional. It was no great strategy. I did not look very good; I can see that.

Mrs A.K. Hayden interjected.

Mr P. PAPALIA: As I said, I conceded last night that it was not a good look, and it was not intended to try to catch the opposition out or to be bad. I confirm for the rest of the house, for the Nationals WA, and for the benefit of others who may not be aware, that my office has engaged in an extraordinary extent of consultation over this bill. It is important legislation and the intent of it is to help subcontractors. I have spoken about the specific personal nature of my experience with subcontractors, with one of my constituents in particular. I was here at the time people were losing their homes. I was here when marriages were broken up as a consequence of the harsh environment they were facing and, in particular, the challenge people confronted when they were engaged in government contracts. I felt there was something we could do about it, and this is the thing that we can do about it.

When the other initiatives were promised by government before the election, I was not the shadow Minister for Small Business. The other things that were committed to by the government are being pursued by the Minister for Commerce, and the appropriate minister is undertaking legislation to ensure that people will be paid in the event of a phoenix-type situation or a bankruptcy by a higher identity in the chain of contracting. The legislation we are discussing now is an entirely new initiative designed to shift the culture and make it better so that we do not get to the point of having to try to find money after people have gone bankrupt. I apologise to the Leader of the Opposition for the manner in which I spoke last night when she asked me whether I was listening. My reply was inappropriate; I concede that. I was a bit tired.

Mrs L.M. Harvey: So were we.

Mr P. PAPALIA: I did not say that it was appropriate. I have apologised.

The member for Darling Range has to concede that what we have done by way of engagement has been extensive. On 6 August, the member met and had texting exchanges with my staffer. My staffer met with and advised the member, and the member posted questions and my staffer responded. On 7 August, my staffer texted the member in response. On Monday this week, she texted and emailed the member extensively, providing the member with all the information, much of which was then asked about by the member's colleagues in the course of their second reading contributions. The member had in her possession the guidelines and the policies that the Small Business Commissioner intends to apply and yet her colleagues have acted as though we have denied them access to the information. They were demanding it as though we had been secretive in some fashion. On Monday the member continued to consult with my adviser right into the night. My adviser received phone calls from the member during Monday night.

Mrs A.K. Hayden interjected.

Mr P. PAPALIA: My staffer received requests for information from the member and she responded and provided that information to the member to ensure that the member had adequate information. She assisted the member with drafting her amendments. My staffer has done everything —

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, I would like to hear from the minister.

Mr P. PAPALIA: This is about providing the member with information in the interests of this legislation, which is very important for subcontractors. The consultation continued yesterday, with more conversations and more assistance.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, I call you for the first time.

Mr P. PAPALIA: Prior to that, stakeholder consultation was undertaken by the Small Business Development Corporation with the Western Australian branch of the Pharmacy Guild of Australia, the Master Grocers Association, the National Electrical Contractors Association WA chapter, the Master Builders Association, the Air Conditioning and Mechanical Contractors' Association, Subcontractors WA, the Housing Industry Association, the Civil Contractors Federation and the Motor Trade Association of WA, as well as with a range of government agencies, including the Departments of Communities, Housing, Education, and Training, and Workforce Development, the Forest Products

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Commission, Horizon Power, Synergy, transport agencies, VenuesWest, water agencies and Western Power. These organisations do not see this bill as a challenge but as an additional assistance to subcontractors and a means by which the culture of particularly the construction contracting environment can be changed.

I understand that some people have expressed concern about malicious complaints with regard to the Master Builders Association. We have addressed that matter. The Small Business Commissioner and I attended a meeting of the board of the Master Builders Association and directly took their questions and answered them. I am certain that the MBA is comfortable with the legislation and what we are proposing. I have a letter from the Master Builders Association that confirms that.

I am addressing the concerns about the handling of the bill last night. I concede that it was not great. I certainly was not happy with the nature of the delivery of the amendment. That was not intended, but at the time it was unforeseen because we did not know how many people were going to contribute to the debate. So that other members in the house understand what is going on, today the Leader of the Nationals WA raised the fact that the legislation had not been brought on today. That was intentional, because we have offered briefings today to the opposition on the amendment they are concerned about. The opposition has refused to —

Mrs A.K. Hayden: We have not refused. We can't find the time.

Mr P. PAPALIA: We have offered to, during the dinner break —

Mrs A.K. Hayden interjected.

The ACTING SPEAKER: Member for Darling Range, you have had a really good go. I think we should listen to the minister.

Mr P. PAPALIA: I was in my office when my staff texted the member for Darling Range about that. If it did not come through, perhaps Telstra has a problem.

I do not believe the intent of the bill will be damaged in any way if that amendment is not pursued. If the member is unable to receive a briefing tonight, I will withdraw that amendment and continue with the legislation, because the member has had all the additional briefings. She has had the benefit of support from my office and the agency and they will continue to provide further support between now and when the bill comes on tomorrow. This legislation is too important for subcontractors in Western Australia to be delayed. We are trying to pass a bill that empowers the Small Business Commissioner to support subcontractors and prevent people such as Max Hannah from losing their houses, having their marriages break up or seeking the horrible option of taking their life. That is the intent. There is no other intention. We are not playing a game. That is the objective. I am sorry that the bill did not proceed in a more efficient fashion last night. I assure the member that when it comes on tomorrow, it will.

MS R. SAFFIOTI (West Swan — Minister for Transport) [12.45 pm]: I rise to reject this motion and stand in support of the Minister for Small Business. The minister has just outlined what led to the events that happened and explained the situation very well. The Minister for Small Business is a strong advocate for small business in this state. We are implementing this legislation because the previous government did nothing on this issue.

Several members interjected.

Ms R. SAFFIOTI: Why do we have to bring in this legislation if members opposite did something about it? This minister is a strong advocate for small business.

Several members interjected.

The ACTING SPEAKER: Thank you, members! You had a good go. Let us listen to the government.

Ms R. SAFFIOTI: He has explained how he worked with the opposition spokesperson. The opposition spokesperson said words to the effect that “when your office drafted that amendment for me.” I do not remember any government member ever drafting our amendments when we were in opposition! That being the case, the minister is a strong advocate for small business and he is doing a great job with tourism as well. Members opposite might mock key tourism promotions that this state government runs and how we are trying to get direct flights from India and China—noting the success that we have already had with flights from Japan —

Ms L. Mettam interjected.

The ACTING SPEAKER: Thank you!

Ms R. SAFFIOTI: This opposition is nasty. It does not do its work and its members have come in here today on this issue because they want to create a diversion. Do members know what that diversion is about? It is about the relationship between the former Liberal government and that councillor, Lily Chen, down the Terrace. This is the diversion that the Liberal Party is trying to create in the house today. The suspension of standing orders motion

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today should be about making the Leader of the Opposition and the member for Nedlands explain that relationship and what exactly happened with the meetings and success fees around those issues.

Several members interjected.

The ACTING SPEAKER: Thank you, members.

Ms R. SAFFIOTI: The Leader of the Opposition and the member for Nedlands have a duty to explain what happened with those meetings and success fees and the decision-making process of the former government. That is what has to happen.

Point of Order

Mr D.T. REDMAN: The member is simply not responding to what is up for debate here. I ask you to call her to the agenda.

The ACTING SPEAKER: Thank you. It is not a point of order.

Debate Resumed

Ms R. SAFFIOTI: That is where the obligation lies today. The Leader of the Opposition and the member for Nedlands have to explain how many meetings there were, when they were held and whether that former councillor was on the lobbyists register.

Point of Order

Mrs L.M. HARVEY: Under standing order 92, “Imputations and personal reflections”, this minister is implying that members on this side of the house have some link to some sort of dodgy dealing at the City of Perth. The standing orders state —

Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

If this minister has any evidence whatsoever of what she is trying to impugn and imply, she needs to bring it to this house by way of substantive motion and have it debated.

Mr D.A. TEMPLEMAN: There is no point of order. The minister has been highlighting questions that she believes should be answered and that is what she has been doing.

The ACTING SPEAKER: Thank you, Leader of the House. I would like to read the motion, in part —

That this house condemns the Minister for Small Business for his handling of the Small Business Development Corporation Amendment Bill 2019.

I would like to hear some more.

Debate Resumed

Ms R. SAFFIOTI: Again, the Minister for Small Business, a strong advocate for small business, has introduced this legislation in this place to protect small business. I am just asking the questions. I believe that the Leader of the Opposition and the Deputy Leader of the Opposition have some questions to answer about what was revealed regarding the City of Perth yesterday.

Several members interjected.

The ACTING SPEAKER (Ms S.E. Winton): Members! Thank you, members! I am on my feet. Let us make up a bit of time.

Several members interjected.

The ACTING SPEAKER: Thank you!

Mrs L.M. Harvey interjected.

The ACTING SPEAKER: Leader of the Opposition, I call you for the first time. I am trying to move business on.

Division

Question put and a division taken, the Acting Speaker (Ms S.E. Winton) casting her vote with the noes, with the following result —

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Ayes (17)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Mrs L.M. Harvey
Dr D.J. Honey

Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr W.R. Marmion

Mr J.E. McGrath
Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder
Mr K. O'Donnell

Mr D.T. Redman
Mrs A.K. Hayden (*Teller*)

Noes (37)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms J. Farrer
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy

Mr M. Hughes
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mrs L.M. O'Malley

Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe
Ms R. Saffioti
Ms A. Sanderson
Ms J.J. Shaw

Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Pairs

Mr R.S. Love
Mr P.J. Rundle

Mr W.J. Johnston
Mr R.R. Whitby

Question thus negatived.