

WORKERS' COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2012

Point of Order — First Reading — Tabling of Explanatory Memorandum

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [9.03 pm]: If I may, I seek your advice Mr Deputy President (Hon Michael Mischin). New standing order 124, as you know, provides inter alia that after the first reading, copies of the bill and explanatory memorandum shall be distributed et cetera. In respect of the bill that I introduced and first-read a moment ago, copies of the explanatory memorandum were also provided for members. I infer from this standing order that the explanatory memorandum together with a copy of the bill is simply distributed, as has always been the case. My question to you, if you will indulge me, is: am I required to formally table the explanatory memorandum or does standing order 124 give enough order?

The DEPUTY PRESIDENT (Hon Michael Mischin): Members, the question is whether there should be any formality in the tabling of the explanatory memorandum. Standing order 121(3) requires that —

Every Bill shall be accompanied by an explanatory memorandum.

Standing order 124(3) states —

After the first reading, copies of the bill and explanatory memorandum shall be distributed,

It continues on about the timing of the second reading.

There is no specific provision that explains how the explanatory memorandum is to be distributed and whether there is any formality associated with that. However, I note that the Form of Words memorandum at the commencement of the standing orders prepared for the assistance of members and the like, states, with reference to standing order 124, that the member in charge of the bill says words to the effect that he or she will move a bill for an act—the member reads out the long title—be introduced and read a first time, and tables an explanatory memorandum to the bill. In a sense we are starting a custom or practice of the house, if we require some formal process to be involved. I am informed that the advantage of some formality, in as much as tabling the explanatory memorandum using words to that effect, is that the explanatory memorandum becomes a public document available, as are any other tabled documents, as part of the Legislative Council's proceedings. In the absence of a more formal ruling by the President, I invite the minister to formally table the explanatory memorandum.

HON SIMON O'BRIEN: Thank you, Mr Deputy President for that guidance. I appreciate that our new standing orders and the use of them are still evolving as we get used to them. There will, no doubt, be further discussion on another day because I know that there are some other issues about this. If I may, I will take the opportunity now to table the explanatory memorandum in respect of the Workers' Compensation and Injury Management Amendment Bill 2012 and with that, the explanatory memorandum can be distributed to members.

The DEPUTY PRESIDENT: Thank you.

[See paper 4342.]

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [9.08 pm]: On a point of order and in respect of that matter, I have had some conversations with the Clerk about how we might manage this. It was my view that the explanatory memorandum should be tabled at the end of the second reading speech. However, if the Standing Committee on Procedure and Privileges wants to have a look at that and be more definitive about how the process operates, I am quite happy to take its advice. It seems to me that the explanatory memorandum should accompany the second reading speech because the second reading speech describes the principle of the bill and the explanatory memorandum provides the details. That is the process that I thought that we were going to adopt; however, there are some differences of opinion so perhaps the matter can be referred to the procedure and privileges committee for clarification.