TABLING OF PAPERS

WHAT IS TABLING?

The presentation of a document to the Legislative Council is called tabling. This comes from the formal phrase used in the Council’s Standing Orders that a document ‘be laid on the table of the Council’. The tabling of documents by the President, Ministers, Members and the Clerk forms a significant part of almost every sitting day.

The Council may also order that a tabled document be printed. In these circumstances the paper receives a printed paper number. An order to print a document is commonly made in respect to committee reports. An order is usually also made that the committee report be made an order of the day for consideration and noting at a future sitting. This take note debate will usually occur on a private members’ day.

AUTHORITY FOR TABLING

The tabling of any document must be authorised by the Council. This authority is expressed through the Standing Orders, a Legislative requirement, or an Order of the Council.

Standing Orders

The vast majority of documents tabled by the Council each year are tabled under the authority of SO 322 which provides that papers or records required to be laid before the Council by any Act of Parliament, or by any Order of the Council, may be deposited in the Office of the Clerk to be laid upon the table. The Order of Business under SO 39 provides an opportunity for Members to table papers each day such as petitions, committee reports and government responses at the commencement of a sitting day.

Legislative Requirement

A number of Acts require certain papers to be tabled in both Houses of Parliament. This is usually to inform Members of the activities of the Government. For example, section 30 of the Financial Management and Audit Act 1990 requires Heads of Agencies to table an annual report by 30 October each year.

Orders of the Council

Where the authority to table a document does not already exist in the Standing Orders or legislation, a Member seeking to have the document tabled needs to obtain the Council’s approval. The main procedures available are:

- To seek leave of the Council to table the document; and
- To move a motion requiring that a document be tabled.

CATEGORIES OF PAPERS

Papers tabled in the Council fall generally into three main categories:

- Papers required to be tabled under a written law. These include subsidiary legislation such as regulations, rules, and by-laws and other regulatory instruments that are required to be tabled under the Acts Interpretation Act 1931 (TAS); Subordinate Legislation Act 1992; Subordinate Legislation Committee Act 1969; Annual Reports of agencies and statutory authorities under section 30 of the Financial Management and Audit Act 1990;
Papers required to be tabled under the Standing Orders. These include Bills, parliamentary committee reports, petitions, ministerial responses to committee reports and petitions presented by Members; and

Miscellaneous papers tabled by Members during debates (such as answers to questions and documents quoted from and ordered to be tabled).

A list of papers tabled in the Legislative Council can be accessed on the Parliament House website at:


Hard copies may be obtained through the Bills and Papers Office.

**TABLING OF SUBSIDIARY LEGISLATION**

The Office of Parliamentary Counsel (OPC) drafts the vast majority of subsidiary legislation. After the subsidiary legislation has been published or notified in the Gazette, the various departments then send the subsidiary legislation to each House to be tabled.

The departments write to the Clerks of each House specifying when the subsidiary legislation is to be tabled and attaching the documents under a cover sheet (see example attached) listing the title of the subsidiary legislation. In the House of Assembly, the various Ministers table subsidiary legislation and other papers relating to the departments for which they are responsible. In the Council subordinate legislation and other papers required to be tabled under a written law are tabled by the Clerk.

**TABLED PAPERS LIST**

Those papers required to be tabled under a written law are provided to the Office of the Clerk. The officer responsible for tabled papers prepares a Tabled Papers List containing the subsidiary legislation and other papers to be tabled during Formal Business at the commencement of each sitting day. Each tabled paper is numbered and entered into a database. At the appropriate point during Formal Business, the President calls “Are there any Papers for Tabling?” and the Clerk stands and reads the list which has attached to it all of the papers.

After the Clerk reads the list Members have the opportunity to table additional papers. This is when committee reports are presented or Government responses to committee reports or responses to petitions. A Member wishing to table a document after the procedure for tabling of papers has ended must obtain the leave of the House or move a motion that a particular paper be tabled.

The question for leave to table a paper is put by the President by stating: “The Member seeks leave to table a document. Is leave granted?” after which a vote is taken and the President declares the outcome. Leave is determined by a majority of votes. If leave is granted the Member may then table the paper by handing it to the Clerk.

At the conclusion of tabling, the documents are laid on the table of the House so that Members may peruse them in the Chamber.

**SECURITY OF COPIES OF REPORTS AND PAPERS**

Reports and papers received by the Office of the Clerk or the Papers Office for tabling are held under embargo until such time as the Clerk, Minister or Parliamentary Secretary has tabled the report or paper. Tabled papers for the session are kept in the Papers Office. They are public documents and may be viewed by Members or a copy can be provided on request.
NUMBER OF COPIES REQUIRED
A guide to the number and method of submitting tabled papers to the Clerk’s Office is included at the end of this section together with a copy of the standard cover sheet to be used.

Generally, 10 copies of a paper to be tabled must be deposited in the Office of the Clerk. However, some documents such as annual reports or Budget Papers have specific requirements. If you have any doubts, please contact the Bills and Papers Office.

SIZE AND FORMAT OF REPORTS AND PAPERS
Each of the Houses leaves the size and format of reports or papers to the discretion of Ministers and their departments. A4 size is preferable but there are circumstances, such as when tabling maps where this format is not adequate. The Legislative Council will not accept electronic versions for tabling in circumstances where there is a statutory requirement for the report or paper to be laid before the House. The insistence of hard copies is for the purpose of maintaining parliamentary archives.

ERRORS IN TABLED PAPERS
From time to time, reports are tabled that include errors. Ministers have two options available to them in order to rectify such errors. Which course of action is adopted will depend on the extent and gravity of the error, the Minister's judgement, etc.

The two options may be described as follows:

- the Minister or Parliamentary Secretary may arrange for the tabling by the Clerk of an erratum page in respect of the report; or
- the Minister or Parliamentary Secretary may arrange for the tabling by the Clerk of a replacement report.

It is advisable for ministerial or departmental officers handling such a problem to contact the Office of the Clerk prior to the Leader, Minister or Parliamentary Secretary adopting either course of action.

TABLING OF ANNUAL REPORTS
The make-up, timing and presentation requirements for Annual Reports to Parliament is covered by Sections 61-64 of the Financial Management Act 2006.

IF THE COUNCIL IS NOT SITTING
Committees operating under the Standing Orders regulating Legislative Council select committees may present their report to the President when the Council is not sitting. SO 197 provides that if the Legislative Council is not sitting when a select committee completes its report, the report may be presented to the President or if the President is not available, the Deputy President. The report is deemed by the Standing Order to be presented and its publication authorised. The report is tabled at the next available sitting.

Some legislation also permits reports to be forwarded to the Clerks of each House if the Houses are not sitting. These include annual reports under the Financial Management and Audit Act 1990 and reports made by the Auditor General under ss. 29 & 30 of the Audit Act 2008.

In each case the documents are tabled at the next available sitting.
WHAT HAPPENS TO TABLED DOCUMENTS?

Tabled documents, because they are part of the records of the Council, automatically become public. The Clerk of the Council is responsible for the safe keeping of all tabled documents. This responsibility includes recording, indexing and archiving. Copies of documents are made available to Members to assist them in their Parliamentary duties and also made available to the public on request.

BILLS AND PAPERS OFFICE

To search for papers tabled in the Legislative Council, go to: http://www.parliament.tas.gov.au/LC/LCTabledPaper.htm

If you require assistance in relation to Tabled Papers or information on legislation in the Legislative Council please contact the Parliamentary Officer Bills and Papers on telephone: 6212 2310 or

email - mark.baily@parliament.tas.gov.au