

10. Tabling of documents

The presentation of a document to the Senate is called *tabling* and forms a significant part of almost every sitting day.

Opportunities for tabling documents

Many documents (for example annual reports of departments, reports of statutory reviews and Auditor-General's reports) are tabled at the commencement of sittings on Monday, Tuesday and Wednesday.

Time is set aside on Tuesday, Wednesday and Thursday for the presentation of committee reports and government responses.

Other documents that are routinely tabled by ministers (including ministerial statements) may be tabled at any time during a sitting day when no other business is being transacted. In practice, such documents are usually presented at the time indicated on the *Order of Business* (the "Red") for ministerial statements.

Authority for tabling documents

Before a document may be tabled its presentation must be authorised by the Senate. This authority is usually expressed through an order of the Senate.

A number of orders *allowing* the tabling of certain documents or types of documents exist, for instance in the standing orders. Where the authority to table a document does **not** already exist, a senator seeking to have the document tabled needs to obtain the approval of the Senate to do so. The main procedures available are:

- to move a motion *requiring* that the document be tabled; or
- to seek leave of the Senate to table the document.

These different methods of tabling, and the documents to which they relate, are discussed below. Opportunities for debating documents tabled in the Senate are covered in detail in [Guide No. 11](#)—Opportunities for debating documents and reports.

Orders allowing the tabling of documents

The vast majority of the documents tabled in the Senate each year are tabled in accordance with [standing order 166](#), which provides that "documents may be presented pursuant to statute, by the President, or by a minister". Documents covered by this order may be presented without the need for further authorisation.

Documents "presented... pursuant to statute"

Documents required to be presented by Acts of Parliament are tabled each sitting day by the Clerk of the Senate. They are often referred to as "Clerk's documents". These are usually items of delegated legislation. For more information on these instruments see [Guide No. 19](#)—Disallowance.

Documents “presented... by the President”

The President tables documents associated with the powers, responsibilities and proceedings of the Senate, the main categories of documents being:

- reports of the Auditor-General;
- responses to Senate resolutions; and
- reports relating to the administration of the parliamentary departments (excluding the Department of the House of Representatives).

Documents “presented... by a minister”

Ministers table documents relating to the executive, the administration of their portfolio responsibilities and public affairs generally. The main types of documents tabled under this order are:

- annual reports of government departments and agencies (often referred to as “government documents”);
- government responses to committee reports;
- ministerial statements; and
- documents associated with government legislation (for example, explanatory memoranda).

Orders requiring the tabling of documents

The Senate may order that documents be tabled (see [standing order 164](#)). This provides the authority for a range of documents to be presented.

Committee reports

When a committee is appointed or when matters are referred to an existing committee the committee is required to report to the Senate on the matters referred. Most references include a date by which the committee shall report (see [Guide No. 13](#)—Referring matters to committees).

Orders for the production of documents

The power to order the production of documents is one of the most potent investigative powers the Senate possesses. These orders most frequently require the tabling of documents in the possession of ministers, government departments and their agencies. The order will generally describe the documents sought and specify a date for their tabling. An order may require the creation of the document in question.

Orders for the production of documents can also provide for documents to be presented to the Senate on an ongoing basis. These are known as “continuing orders” and are appended to the standing orders under the section ‘Procedural orders and resolutions of the Senate of continuing effect’. For more information see [Guide No. 12](#)—Orders for the production of documents.

Documents quoted in debate

When a senator quotes from a document, another senator may move that the document be tabled. If the senator quoting the document is a minister, they may prevent a motion for the tabling of a document by claiming that it is confidential ([standing order 168](#)). This procedure provides an alternative method of tabling a document if leave has been refused.

Leave of the Senate

A document may be tabled by leave of the Senate: that is, where no senator present objects to its being tabled. This is the procedure most often used by senators seeking to table documents they have in their possession.

The practice is that the document is shown to the duty minister, party leaders or whips, and to any independent senators present in the chamber, before leave is sought. Any senator may object to the granting of leave, in which case the document may not be tabled.

Where leave is refused a senator may move a motion to suspend standing orders to enable a motion for the tabling of the document to be moved. Leave of the Senate and the procedures for suspending standing orders are described in more detail in [Guide No. 5](#)—Suspension of standing orders.

What if the Senate is not sitting?

Committee reports, government documents and reports of the Auditor-General may be presented to the President when the Senate is not sitting (see standing orders [38](#) and [166](#)). Upon receipt by the President these documents are deemed to have been presented to the Senate.

Documents which the President would ordinarily present to the Senate may be certified by the President when the Senate is not sitting. Upon this certification these documents are also deemed to have been presented to the Senate.

Documents presented out of sitting are listed in the Senate *Journals* and may be debated on the next sitting day.

What happens to tabled documents?

Once a document is tabled it may become the subject of action in the Senate. The consideration of documents is dealt with in [Guide No. 11](#)—Opportunities for debating documents and reports.

Tabled documents become public and receive the protection of parliamentary privilege. Documents tabled in the Senate are made available [online](#) as soon as possible after tabling.

Incorporation of documents in Hansard

Hansard is a record of debate. Ultimately it belongs to the Senate and the Senate therefore determines its contents. If a senator wishes to incorporate material in Hansard that has not been delivered orally in the chamber, then leave of the Senate is required. The convention is that a senator who wishes to incorporate material shows it to representatives of the various parties (generally, the whips) or independents to gain informal consent before seeking leave to have the material incorporated.

Need assistance?

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table), on extension 3020 or ca.table.sen@aph.gov.au; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380 or ca.procedure.sen@aph.gov.au.

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