

10 Tabling of documents

The presentation of a document to the Senate is called *tabling*. This derives from the formal phrase used in the Senate standing orders: that a document be *laid on the table* of the Senate.

The tabling of documents – by the President, by committees, by ministers and assistant ministers, and by the Clerk – forms a significant part of almost every sitting day.

1. Opportunities for tabling documents

Many documents (eg government documents and documents presented by the President) 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. Some other reports and documents, including ministerial statements, are listed on the Red for presentation at other times during the day.

2. 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.

3. 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 [or assistant 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 disallowable instruments

and other instruments of delegated legislation (eg, regulations, determinations, rules, orders). 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 [or assistant minister]”

Ministers and assistant 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 (eg: explanatory memoranda).

Parliamentary secretaries, now referred to as assistant ministers, are not referred to in the standing order but a special order gives them this and other powers of ministers. The authority given to ministers and assistant ministers arises out of their duty to inform the Senate of executive matters and applies only when they are acting in their official capacity. A minister or assistant minister acting in a private capacity may not table documents under this order and would need to seek the leave of the Senate (as described below).

Petitions

The standing orders also provide a mechanism authorising the presentation of petitions. Documents conforming with the requirements of the relevant standing orders may be lodged with the Clerk as petitions and received by the Senate (see [Guide No. 7](#)—Petitions).

4. 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. Occasionally 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. Currently, for instance, continuing orders exist which require details to be presented on:

- public sector entity contracts
- departmental and agency files
- government appointments and vacancies and government grants
- commencement dates for legislation; and
- unanswered questions taken on notice at estimates hearings.

For more information see [Guide No. 12](#)—Orders for the production of documents.

Orders “calling for” or “requesting” documents

A resolution of the Senate may fall short of *requiring* the tabling of a document and instead may *request* that the document be presented. This is especially the case with the Auditor-General, whom neither the Government nor the Parliament may seek to direct. In practice both the Government and the Auditor-General normally act as if the Senate’s request were in fact a requirement.

For the most part, orders requiring the tabling of documents come about through motions moved by senators after notice. The standing orders make provision for motions for tabling to be moved *without* notice in the following circumstances:

- a document quoted in debate; and
- an answer to a question on notice under the procedures in standing order 74(5) – *the 30-day rule*.

Documents quoted in debate

Under [standing order 168](#), senators may move that ministers table documents from which they have quoted. If the motion is agreed to, the minister must comply unless he or she claims that the document is confidential. Any senator may also move a motion requiring that a document quoted by another senator be tabled. The motion must be moved immediately after the speech in which the document is quoted. Unlike a minister, a senator is not exempted from the order by a claim that a document is confidential. This procedure provides an alternative method of tabling a document if leave has been refused.

The 30-day rule and answers to questions

[Standing order 74\(5\)](#) outlines the *30-day rule* relating to answers to questions which senators have placed on notice. This standing order provides that a senator may seek an explanation for the failure of a minister to provide an answer to a question that has been outstanding for 30 days or more.

If the minister does not provide a satisfactory explanation, the senator may move a motion without notice relating to the minister’s failure to provide either an answer or an explanation. One of the motions that may be moved is a motion requiring the tabling on a specified date of an answer to the question.

Similar provisions apply to questions taken on notice during estimates hearings which remain unanswered after the day set by the relevant committee for answering questions.

For more information see [Guide No. 6](#)—Questions.

5. 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 wish to move a motion to suspend standing orders to enable a motion for the tabling of the document to be moved. This is normally done using a contingent notice of motion in the following terms:

To move (contingent on any senator being refused leave to table a document in the Senate)—
That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

This means that, where leave is refused to table a document, a senator may move a motion to suspend any part of the standing orders that would stop the senator moving a motion to table the document. On the motion to suspend standing orders the Senate considers whether the proposed tabling of the document should be dealt with as a matter of urgency. If that motion is successful, the senator may move a motion that allows the Senate to determine whether the document should be tabled.

Leave of the Senate and the procedures for suspending standing orders are described in more detail in [Guide No. 5](#)—Suspension of standing orders.

6. 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. This power may be exercised by the President or, in the absence of the President, by the Deputy President or any one of the Temporary Chairs of Committees.

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. Only the President may exercise this power.

Documents presented out of sitting are listed in the Senate *Journals*, and may be debated on the next sitting day. A [summary of procedures](#) for the presentation of documents when the Senate is not sitting is available to assist you.

7. 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, because they are part of the records of the Senate, automatically become public and receive the protection of parliamentary privilege.

The Senate Table Office is responsible for the safe keeping of all tabled documents. This responsibility includes recording, indexing and archiving. Hard copies are available to senators upon request, to assist them in their parliamentary duties. Documents tabled in the Senate are made available online on the [Tabled Papers register](#) as soon as possible after tabling.

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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Last reviewed: July 2022