

Tabling reports when Parliament is not sitting

Which reports can be tabled when Parliament is not sitting?

While most reports must be tabled on a sitting day, there is provision for certain reports to be tabled when parliament is not sitting. Reports can only be tabled when Parliament is not sitting if it is specifically provided for in legislation. Certain Acts permit certain reports to be tabled when Parliament is not sitting by providing a copy of the report to the Clerk of each House. Once the report is received by the Clerks it is then deemed to be tabled, as though it had been tabled in the House while Parliament was sitting.

The following reports can be tabled when Parliament is not sitting (this is not an exhaustive list):

Report	Authority
Auditor-General Reports	<i>Audit Act 1994 — s 16AB</i>
Auditor-General Annual Plan	<i>Audit Act 1994 — s 7A</i>
Commission for Children and Young People Reports (excluding annual report)	<i>Commission for Children and Young People Act 2012 — s 50</i>
Financial Report of the State of Victoria and other DTF financial reports	<i>Financial Management Act 1994 — s 27D</i>
Ombudsman Reports (annual report and reports on other matters)	<i>Ombudsman Act 1973 — s 25AA</i>
Parliamentary Committee Reports	<i>Parliamentary Committees Act 2003 — s 35</i>
Government Responses to Committee Reports	<i>Parliamentary Committees Act 2003 — s 36</i>
IBAC Reports	<i>Independent Broad-based Anti-corruption Commission Act 2011 — s 162</i>
Roads Safety Camera Commissioner Reports	<i>Road Safety Camera Commissioner Act 2011 — s 22</i>
Royal Commission, Board of Inquiry and Formal Review Reports	<i>Inquiries Act 2014 — ss 37, 77 and 109</i>
Victorian Inspectorate Reports	<i>Victorian Inspectorate Act 2011— s 87</i>
Victorian Law Reform Commission Reports	<i>Victorian Law Reform Commission Act 2000 — s 21A</i>

When is Parliament not sitting?

Different legislation provides the ability to table different reports at different times. Some reports can be tabled “on a day when Parliament is not sitting”, others “when Parliament is in recess”, others “when each House is adjourned to a day and hour to be fixed by the Presiding Officer”. Some reports have other requirements.

As every report is different, it is important to check the wording in the legislation to determine when the report can be tabled. If you have any queries, please contact the Assembly Procedure Office or Council Table Office.

Note: The legislative provisions for tabling Government responses to Committee reports when Parliament is not sitting are not clear. Following discussions between the Clerks and the Department of Premier and Cabinet, it has been agreed that a Minister may

submit a response to the Clerk for out of sitting tabling on a day when the House is not sitting and the six month time period actually expires on that day. If that day is a weekend or public holiday, the report can be tabled the following business day. Otherwise, the response must be tabled on a sitting day.

Does notice have to be given for a report to be tabled when Parliament is not sitting?

Certain Acts require the tabling agency to give notice of the intention to table a report when Parliament is not sitting. Other Acts do not require notice to be given. It is important to check the relevant provisions of the legislation to determine whether or not notice must be given.

Most provisions requiring notice to be given state the agency must “give one business day's notice of its intention to do so to the Clerk of each House of the Parliament”. This means one clear business day. For example, if a report is to be tabled on Thursday of a non sitting week, notice must be given on Tuesday, so that Wednesday is the notice day. Giving notice on Wednesday and tabling on Thursday is not sufficient.

If notice is required, a letter signed by the Minister or relevant agency head should be written to both:

Ms Bridget Noonan
Clerk of the Legislative Assembly
Parliament House, Spring Street
East Melbourne 3002

and

Mr Andrew Young
Clerk of the Legislative Council
Parliament House, Spring Street
East Melbourne 3002

The letters should clearly state that the agency is giving notice of the intention to table a report when Parliament is not sitting, must clearly identify the report and state which day the report will be tabled. As the Clerks must notify all Members the same day notice is received, the letters should be provided early in the day. Letters can also be provided in advance, clearly stating on which day notice is to be given.

What is the procedure for tabling reports when Parliament is not sitting?

Please advise both the Assembly Procedure Office and Council Table Office in advance if you are planning to table a report when Parliament is not sitting. This ensures the Clerks are aware a report is likely to be received that day and are ready to notify members once the report is received. This also allows time for arrangements to be put in place if a Clerk is going to be unavailable that day.

On the day the report is to be tabled, please provide:

- a letter signed by the Minister or relevant agency head should be provided to each of the two Clerks (listed above) requesting the report to be tabled that day. *(Note: If notice was required, this is a second separate letter. The same letter cannot give notice and request the report be tabled.)*
- 15 hard copies — delivered to the Council Table Office (the Council will then share the copies with the Assembly).

Note: if you are seeking parliamentary paper status, we will require more stock. Contact us to confirm numbers.

- pdf copy — delivered to the Assembly emailed to tabling@parliament.vic.gov.au or on usb

Certain legislation has additional requirements, such as publishing the report on the agency's website. It is the responsibility of the agency to ensure these requirements are complied with.

Queries

If you have any queries regarding tabling when Parliament is not sitting, you can contact either:

Legislative Assembly

Kate Murray
Manager, Procedure Office
kate.murray@parliament.vic.gov.au
9651 8560

Legislative Council

Annemarie Burt
Acting Manager, Chamber Support
annemarie.burt@parliament.vic.gov.au
9651 8673

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