



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Subordinate Legislation & Publications Committee

Electronic Tabling of Documents

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Chair's Preface

Most Parliaments in Australia and New Zealand now accept electronic versions of documents for tabling and publish them on the internet in tabled papers databases. As the internet is one of the most frequently used methods for people to learn about the work of their Parliament, the Committee believes that tabled papers which are 'public documents' should be accessible from the Northern Territory Legislative Assembly's website.

Apart from improving access to tabled papers by Members, the media and the general public, the Committee heard other Parliaments have also found that electronic tabling of documents decreases the workload of the Table Office and reduces costs for government agencies required to table reports. However, on-going accessibility of electronic documents was raised as an issue of concern. Consequently, all jurisdictions still require at least one hard copy of all documents for tabling and archiving.

Taking into consideration the comments received both from other Parliaments and Northern Territory Government agencies, the Committee recommends that a tabled papers database should be developed and followed by the introduction of electronic tabling of documents. I feel it is important to note that implementing this proposal will enhance the transparency, accountability and openness of the Legislative Assembly.

On behalf of the Committee I would like to thank the Parliaments of Australia and New Zealand for the information they provided and the opportunity to benefit from their experience. I would also like to thank the Northern Territory Government agencies that provided comment on the Committee's draft e-tabling proposal. I commend this report to the House.



Bess Price MLA
Chair

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The Committee acknowledges the assistance of the Parliaments of Australia and New Zealand, and the Northern Territory Government Departments that provided comments on the matter of electronic tabling of documents.

Terms of Reference

On 20th February 2013 the Speaker referred the matter of electronic tabling of documents to the Subordinate Legislation and Publications Committee for its consideration and provision of recommendations on the desirability of this method of presenting material to the Assembly and its Committees together with any appropriate protocols for government agencies, responsible Ministers and the Assembly. The Committee was requested to report to the Assembly by May 2013.

Recommendations

Recommendation 1

The Committee recommends that an electronic Tabled Papers database be developed and that:

- (1) The Speaker direct the Department of the Legislative Assembly to prepare a business case detailing:
 - the options for establishing an electronic Tabled Papers database;
 - associated costs of implementing and maintaining an electronic Tabled Papers database; and
 - implementation timeframe;
- (2) The Treasurer provide the resources required to implement an electronic Tabled Papers database.

Recommendation 2

The Committee recommends that the Standing Orders be amended to provide for the tabling of hard copy and electronic copies of documents, and that the Assembly refer the following draft order to the Standing Orders Committee for consideration and report:

- (1) The Subordinate Legislation and Publications Committee shall determine and publish the number of hard copies of documents tabled by the Speaker, Ministers and Members required to be supplied to the Clerk.
- (2) When tabling a paper a Member must provide to the Clerk a single hard copy of the paper and if the paper is required to be tabled by statute or Standing Orders:
 - (a) an electronic copy in a form approved by the Subordinate Legislation and Publications Committee; and
 - (b) additional hard copies in the quantities decided and published by the Subordinate Legislation and Publications Committee in accordance with (1).
- (3) The Clerk and parliamentary officers are not required to supply Members hard copies of reports and documents once the copies supplied in accordance with (2)(b) have been distributed.

1 Introduction

Tabled Papers

- 1.1 The presentation or ‘tabling’ of papers is an integral aspect of the Parliament’s oversight of the Executive Government. As a means of ensuring Parliament is kept informed about the activities of government departments and other agencies under the control of government, the tabling of documents contributes to the maintenance of responsible government and “demonstrates the accountability of the Government to the Parliament and, through it, to the community.”¹
- 1.2 In addition to being a primary source of information for Members in the formulation of questions and contributing to debate, unless otherwise ordered by the House, the presentation of a document to the Assembly also places it on the public record and making it accessible to the media and wider community.²
- 1.3 As noted in the *House of Representatives Practice*, “the fundamental right of Parliament to access information concerning the activities of government is often expressed in legislation [or] in the standing orders.”³ Whilst documents may also be presented to the Assembly by command of the Administrator⁴, the majority of documents tabled in the Assembly can be categorised as either those required pursuant to statute or the Standing Orders.

Pursuant to Statute

- 1.4 Under the *Public Sector Employment and Management Act*⁵ and the *Financial Management Act*⁶, all Northern Territory government departments must present annual reports and audited financial statements to the appropriate Minister for tabling in the Assembly.
- 1.5 Independent Officers, such as the Auditor-General, Ombudsman, and Information Commissioner, statutory authorities, government owned corporations, and a number of other regulatory bodies are also required to submit annual reports, audited financial statements and inquiry reports to the Speaker or relevant Minister for tabling pursuant to their respective enabling legislation.

¹ B.C. Wright ed., *House of Representatives Practice*, 6th ed. Canberra, (Canberra: Department of the House of Representatives, 2012), 601

² Legislative Assembly of the Northern Territory, *Standing Orders: Incorporating Amendments and Resolutions To and Including 23 October 2012*. (Darwin: Legislative Assembly of the Northern Territory, 2013), SO 254

³ B.C. Wright ed., *House of Representatives Practice*, 601

⁴ SO 253

⁵ *Public Sector Employment and Management Act 2012* (NT), s 28

⁶ *Financial Management Act 2012* (NT), ss 10,11

- 1.6 Where any Act confers the power to make or amend statutory rules, regulations and by-laws subject to disallowance under the *Interpretation Act*, there is a statutory requirement for all such instruments to be presented to the Assembly.⁷
- 1.7 The Assembly's Subordinate Legislation and Publications Committee is then responsible for examining and reporting on "all instruments of a legislative or administrative character and other papers which are required by statute to be laid upon the table."⁸ Similarly, the Public Accounts Committee is responsible for examining and reporting on "each statement and report tabled in the Legislative Assembly, pursuant to the *Financial Management Act* and the *Audit Act*."⁹

Pursuant to Standing Orders

- 1.8 Whilst there are a number of Standing Orders that require specific documents to be presented to the Assembly, such as Bills (SO 173(6)), Explanatory Statements (SO 177A), Petitions (SO 97), and Committee Reports (SO 280(a)), the range and subject matter of documents that may be tabled pursuant to Standing Orders is virtually unlimited.
- 1.9 Acknowledging Members' right of access to information, under SO 251 the Assembly reserves the right to order Ministers to table any documents it deems pertinent. Where Ministers quote from documents relating to public affairs, unless stated to be of a confidential nature, SO 255 provides for such to be *Laid upon the Table* if required by any Member. Likewise, the Assembly may order the presentation of documents quoted from by Members that are not Ministers.¹⁰
- 1.10 Under SO 253 Members may also table documents not specifically required by statute or other standing orders, by seeking leave of the Assembly. Whilst not provided for in the Standing Orders, on 31 October 2012 the Speaker handed down a ruling noting that she intended to follow the previously established convention "allowing ministers acting on behalf of the government to present documents without leave when there is no business before the Assembly or when the member has the call in a debate."¹¹

Background to the Inquiry

- 1.11 Ahead of the tabling of his February 2013 Report, the Northern Territory Auditor-General, Mr Frank McGuinness, put forward a proposal to the Speaker that he discontinue the practice of providing multiple hard copies of his reports to the Table Office. In an economic environment where government agencies have been directed to identify cost saving measures, Mr McGuinness noted that each report costs in the vicinity of \$7,000 for print set up and production.

⁷ *Interpretation Act* 2011 (NT), s 63

⁸ SO 20⁶ (1)

⁹ SO 21A⁸⁹ (2)

¹⁰ SO 256

¹¹ Department of the Legislative Assembly, "Decisions of the Chair – 12th Assembly", internal document.

- 1.12 Since the Auditor-General is required to table reports in February and October each year, and at times further supplementary reports specific to particular issues of concern, it was suggested that limiting tabling requirements to a single hard copy with electronic copies simultaneously available via email represented a significant cost saving per annum. Mr McGuinness further suggested that should additional copies be required for Members he would provide photocopies. This proposal was supported by the Speaker and subsequently endorsed by the Chief Minister on 1 February 2013.
- 1.13 Acknowledging that a move to electronic tabling of documents is of interest to all Members and has implications for a range of other reports and documents which are required to be tabled in the Assembly, the Speaker deemed it timely that the matter be referred to the Subordinate Legislation and Publications Committee for its consideration and report.

Conduct of the Inquiry

- 1.14 In considering the matter of electronic tabling of documents, the Committee was concerned to identify the merits, or otherwise, of such with regards to:
- the operations of the Assembly and its Committees;
 - requirements to table documents pursuant to statute or Standing Orders; and
 - the on-going accessibility of tabled documents by Members, the media and the wider community.
- 1.15 In addition to reviewing the Assembly's current tabling practice and procedures, the Committee took into account tabling methods elsewhere in Australia and New Zealand. An invitation was extended to other jurisdictions via the ANZACATT (Australia and New Zealand Clerks-at-the-Table) e-CATT Info-share facility on 21 February 2013 to comment on the pros and cons of electronic tabling and, where pertinent, the design and functionality of web based tabled papers databases.
- 1.16 Based on data received from other parliaments and input from the Legislative Assembly's Table Office, on 27 February 2013 the Committee circulated a draft e-tabling proposal (see Appendix 2) to all NT government agencies and independent officers for their comment.

2 Review of Tabling Practices in the NT

Current Tabling Practice and Procedures

- 2.1 Documents tabled pursuant to standing orders are generally presented to the Assembly in person by the Minister or Member concerned. Depending on the nature of the document the Table Office may receive copies ahead of or following tabling. For example, copies of Bills and associated amendments are received from the Office of the Parliamentary Counsel prior to tabling to enable the preparation of procedural notes for the tabling Minister, Clerk and Chair of Committees as required and timely distribution of copies to Members following tabling.
- 2.2 Under SO 97(m), Petitions must also be lodged with the Clerk ahead of tabling and when presented must bear the Clerk's certificate to indicate that they conform with the Standing Orders. However, documents tabled by leave of the Assembly are usually forwarded to the Table Office immediately following presentation to the House.
- 2.3 The vast majority of documents required to be tabled by statute are not physically tabled in the House. Rather, they are delivered to the Clerk (in practice the Table Office) and are "deemed to have been presented to the Assembly on the day on which they are recorded in the Minutes of Proceedings".¹²
- 2.4 As highlighted in the *Quick Guide for NT Government Agencies on Tabling of Documents in the Legislative Assembly* (see Appendix 1), the Cabinet Office has a central role when it comes to the coordination of documents to be tabled by external agencies: liaising with agency secretariats and the Table Office, ensuring the tabling of documents has been endorsed by the relevant Minister, determining the method of tabling, compiling a list of documents to be tabled on any given sitting day, and delivering the documents to the Table Office accordingly.
- 2.5 The Table Office currently requires 31 copies of annual reports, financial statements and inquiry reports produced by government agencies, independent officers, regulatory bodies and parliamentary committees: one each for the 25 Members, two for the library, one for the Committees Office, two for the Leader of the Opposition's Office, with the final copy retained by the Table Office for archival purposes.
- 2.6 In the case of Subordinate Legislation 14 copies are provided: seven for the Subordinate Legislation and Publications Committee, two for the Leader of the Opposition's Office, one for the Independent Member, two for the library, one for the Department of the Chief Minister and one for the Table Office. For documents tabled pursuant to the *Financial Management and Audit Acts* eight

¹² SO 253

copies are provided: seven for the Public Accounts Committee and one for the Table Office.

- 2.7 As documents are tabled the *Laid upon the Table* stamp is affixed which identifies the date of tabling and paper number. At the end of each sitting day, the Table Office publishes a list of deemed papers on the Legislative Assembly's website which is also circulated to all Members via email. At the end of each sittings period, a list of all documents tabled is included in the *House Keeping* publication; a synopsis of Parliamentary business which is uploaded to the Legislative Assembly website as soon as practicable following every sitting period.¹³
- 2.8 As the *Minutes of Proceedings* for each sitting period are finalised, the *Tabled Papers List*¹⁴ on the Assembly's website is updated by way of an extract from the index to the *Minutes of Proceedings and Papers Tabled*.¹⁵ Papers are categorised according to the type of document, for example Annual Reports, By-Laws, Explanatory Statements, Letters, and referenced to the page number in the *Minutes of Proceedings* and corresponding sitting date.
- 2.9 As indicated previously, unless otherwise ordered, all papers and documents tabled in the Assembly are "considered public and the publication of such documents shall be deemed to have been authorized by the Assembly."¹⁶ If MLA's, the media or other members of the wider community require copies they can be accessed by contacting the Table Office and staff will arrange for copies to be picked up, mailed out, or viewed in the Table Office. Requests for annual reports and other lengthy documents are generally referred on to the content provider.
- 2.10 Whilst Petitions are included in the *Tabled Papers List*, in 2005 a *Petitions and Responses* database was established on the Legislative Assembly's website.¹⁷ Petitions are arranged in chronological order according to tabling date with a separate database for each Assembly. Given the relatively small number of petitions received, 76 in the 10th Assembly and 59 in the 11th, the databases do not incorporate a search facility. However, they do allow for PDF versions of any petition and related government response to be downloaded from the website rather than having to contact the Table Office to secure a copy as is currently the case with other tabled papers.

¹³Legislative Assembly of the Northern Territory, "House Keeping" 2, no. 3 (February 2013): 1-22, <http://www.nt.gov.au/lant/parliamentary-business/synopsis-of-business.shtml>

¹⁴Legislative Assembly of the Northern Territory, "Tabled Papers", <http://www.nt.gov.au/lant/parliamentary-business/taled-papers.shtml>

¹⁵Legislative Assembly of the Northern Territory, "Index to Minutes of Proceedings and Papers Tabled", <http://www.nt.gov.au/lant/parliamentary-business/index-to-minutes.shtml>

¹⁶SO 254

¹⁷Legislative Assembly of the Northern Territory, "Petitions and Responses", <http://www.nt.gov.au/lant/parliamentary-business/petitions-and-responses.shtml>

Committees Findings

2.11 The Committee identified a number of instances where the presentation of material in an electronic format had the potential to:

- streamline operations of the Assembly and its Committees;
- significantly reduce printing and publication costs on the part of government entities required to table documents pursuant to statute or Standing Orders; and
- improve public access to tabled papers.

Operations of the Assembly and its Committees

2.12 Depending on the business before the Assembly, responding to requests for copies of tabled material, from Members and the media in particular, both during and following sittings can be quite time consuming and labour intensive for Table Office staff. Although it is acknowledged that there will always be instances where Members require hard copies of tabled papers, the Committee is of the view that access to electronic copies via a tabled papers database has the potential to significantly decrease current demands on the Table Office.

2.13 Since copies of all Subordinate Legislation, Regulations, By-Laws and associated explanatory memos are emailed to the Committee's independent legal counsel for consideration and comment, receipt of such in an electronic format would be preferable. The present system requires staff to download PDF versions of statutory instruments from the Department of the Chief Minister's website and then scan the associated explanatory memos. As it is not unusual for anything up to 25 pieces of subordinate legislation to be tabled in any given sitting period, the current practice is unnecessarily time consuming.

2.14 The Committee further notes that the precedent for more material to be provided to Members electronically has already been set in relation to the operations of the Assembly's Committees. At the beginning of the 12th Assembly *Members' Access Folders* were established on the 'P Drive' for meeting papers relating to the Public Accounts, Legal and Constitutional Affairs, and Subordinate Legislation and Publications Committees. Unless otherwise requested, hard copies of supplementary and background reading material not specifically required during meetings, for example statutory instruments that the Committee's legal counsel has no issue with, are no longer provided. Apart from being more cost effective, this system provides committee members on-going access to agendas, minutes, briefing notes and correspondence for each committee.

Printing and Publication Costs

2.15 As highlighted by the Auditor-General, there are significant costs associated with the publication of reports required to be tabled pursuant to statute. In addition to inquiry and annual reports produced by parliamentary committees,

the Subordinate Legislation and Publications Committee is currently responsible for monitoring the statutory tabling requirements of 92 government agencies, independent officers, statutory authorities and regulatory bodies; a number of which table more than one report per annum.

- 2.16 Based on an average production cost of \$7,000 for annual reports, the Committee notes that considerable cost savings (potentially upwards of \$50,000 per annum) could be achieved if inquiry and annual reports were provided to the Assembly and other parties electronically and organisations were actively encouraged to minimise print runs.

Public Access to Tabled Papers

- 2.17 It is the Committee's view that as public documents, copies of papers tabled pursuant to statute or standing orders in particular should, ideally, be accessible via the Legislative Assembly's website as is currently the case for petitions and reports of parliamentary committees. At the very least, information regarding what documents have been tabled should be readily available on the Assembly's website immediately following each sitting period.
- 2.18 The Committee is concerned to note that whilst the *Tabled Papers List* provides those wishing to access material with a reference to the Hansard record and any associated debate, there is often a considerable lag time between the end of each sitting period and the updated list being posted on the website given the time it takes to finalise the *Minutes of Proceedings*. Then too, although all tabled documents are listed in the *House Keeping* publication, generally uploaded in a matter of days following each sitting period, members of the public would not necessarily know to check this document given the current descriptor on the website.
- 2.19 The Committee notes that accepting documents in an electronic format presents an opportunity to significantly improve public access by way of a web based tabled papers database and simultaneously reduce demands on the Table Office. It is understood that when the *Petitions and Responses* database was first established a similar system was considered for the bulk of material presented to the Assembly but was not deemed to be a viable option at the time.
- 2.20 Due to the volume of documents tabled, on average 500 per annum in the 11th Assembly with 266 tabled thus far in the 12th, it was acknowledged that for ease of access a more sophisticated, searchable database would be required. However, the Committee is advised that, in the absence of the necessary in-house expertise, designated project funding would be required to establish a tabled papers database.

3 Review of Tabling Practices Elsewhere

e-Parliament

- 3.1 Advances in information and communication technologies (ICT) in recent years have had a profound impact on the everyday life of citizens, businesses and public institutions. Since 2004 demand for online access to information and services has risen significantly with the internet now being the preferred means for citizens to access information about, and communicate with, government.¹⁸
- 3.2 As noted by the Inter-Parliamentary Union, parliamentary websites have become one of the most important and frequently used methods for people to “view the work of their legislatures.”¹⁹ Nevertheless, as highlighted in the *World e-Parliament Report 2012*, keeping abreast of the progress of the information society is an on-going challenge:
- As technology, citizen engagement, and the political process have come together, parliaments have been confronted with growing demands to be more open and more responsive to citizens.²⁰
- Online access to tabled papers is a case in point.
- 3.3 In noting that tabled papers constitute “a vital mechanism for documenting, disseminating and preserving public information relating to Australia’s parliamentary democracy”²¹, the Australian Parliament’s 2010 *Inquiry into the Development of a Digital Repository and Electronic Distribution of the Parliamentary Paper Series* acknowledged that access to such had not kept pace with the needs or expectations of the community.²² Preference for electronically accessible documents available 24/7 online, rather than print based resources, was noted as increasingly prevalent in a number of submissions to the inquiry.²³
- 3.4 The Global Centre for Information and Communication Technologies (ICT) in Parliament points out that one of the fundamental purposes of parliamentary websites is “to support a culture of transparency, openness and accountability.”²⁴ As the primary means by which parliaments disseminate information and promote participation in the democratic process, accessibility of public documents on parliamentary websites is recognised as an indication of

¹⁸ Australian Government Information Management Office (AGIMO), *Interacting with Government*, (Canberra, ACT: Department of Finance and Deregulation, December 2011), 68

¹⁹ Inter-Parliamentary Union, *Guidelines for Parliamentary Websites*, (Geneva: Inter-Parliamentary Union, 2009), 8

²⁰ Global Centre for Information and Communication Technologies (ICT) in Parliament, *World e-Parliament Report 2012*, (Rome, Italy: United Nations, 2012), vii

²¹ Parliamentary Joint Committee on Publications, *Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Paper Series*, (Canberra, ACT: Senate Print Unit, June 2010), 3

²² *Ibid*, 7

²³ *Ibid*, 8

²⁴ *World e-Parliament Report 2012*, 42

parliamentary transparency.²⁵ Similarly, the timeliness of such access is considered to be an indication of a parliament's openness.²⁶ The Committee notes that the *World e-Parliament Report 2012* identified the capacity to download public documents from parliamentary websites as one of the "major persistent gaps in the state of information and communications technologies in many parliaments."²⁷

Electronic Tabling of Documents

- 3.5 Given the above, the Committee was concerned to ascertain how other jurisdictions have approached the matter of electronic tabling of documents. Following is a summary of electronic tabling practices and associated tabled papers databases elsewhere in Australia and New Zealand.

Australian Parliament

- 3.6 Online access to all documents tabled in the Senate was introduced in June 2008 with the database now incorporating a collection of digitised tabled papers dating back to 1901. The database allows searches to be undertaken by document title, document type, journals year, parliamentary paper number or subject. The Department of the Senate and the Department of the House of Representatives also jointly administer a fully searchable tabled papers database that records information on all documents tabled in the Parliament. However, documents tabled in the House of Representatives which are not included in the Parliamentary Paper Series are not available electronically.
- 3.7 Documents in the Parliamentary Paper Series (PPS) have only been available for download on the Australian Parliament's website since February of this year. The PPS is a comprehensive collection that documents public policy formulation and administration of government since Federation. It is a subset of all documents tabled in the Parliament made up of documents of a substantial nature: committee reports, annual reports of departments and agencies, reviews on the operation of Acts, significant policy statements (white papers), Auditor-General's reports, and reports of royal commissions.
- 3.8 To facilitate electronic access of documents within the PPS, as of 1 January 2013, government departments and agencies are required to provide documents for tabling in both hard copy and electronically. Until such time as the online system is properly established, agencies must still provide multiple hard copies to meet the needs of the House. It is envisaged that the number of hard copies required will be reviewed in approximately twelve months time.
- 3.9 By way of background, the Committee was advised that issues relating to the on-going availability and accessibility of documents presented to Parliament by

²⁵ Ibid, 41

²⁶ Ibid, 47 - 53

²⁷ Ibid, 201

government entities were a major factor in determining the need for an e-PPS.²⁸ Whilst both the Australian Government Information Management Office and Department of the Prime Minister and Cabinet require government entities to publish documents presented to Parliament on their respective websites following tabling, it was found that this did not necessarily guarantee availability or accessibility over the longer term.²⁹

- 3.10 The Committee notes that the 2009 performance audit into *Online Availability of Government Entities' Documents Tabled in the Australian Parliament* highlighted the fact that not all government entities, particularly some of the smaller regulatory boards, have a web presence. The lack of consistent policy for archiving documents was also identified as an issue. Most importantly, it was noted that guaranteeing long term access to documents was particularly difficult when government entities are restructured either during the term of a government, or as a result of a change in government following an election:

Reorganisation of entities and portfolios following Machinery of Government changes is likely to have an impact on entities' website addresses...the merger or creation of a government entity and the subsequent new website can result in documents or links to such documents being inadvertently removed. In either case, web users are hindered or prevented from finding documents online.³⁰

Western Australia

- 3.11 Although the Western Australia Parliament accepts documents for tabling electronically there is no requirement to do so and hard copies must be provided for distribution to Members. Given that an increasing number of agencies submit electronic copies in addition to hard copies, the Parliament began uploading documents to its tabled papers database in February 2011. Where electronic copies are not provided papers can be accessed from the Table Office. The Committee is advised that whilst online access to tabled papers is undoubtedly useful for the media and members of the public, demand for hard copies from Members has not decreased.

South Australia

- 3.12 In 2008 the House of Assembly Procedure Office proposed that since the House received almost 90% of all tabled papers in both electronic and hard copy, following tabling they should be made available to the public via the internet. It was argued that providing access to papers electronically would also significantly reduce the heavy demand by Members and the Media for hard copies of various papers during sittings; it being noted that it was not unusual for

²⁸ *Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Paper Series, 12-15*

²⁹ *Ibid*

³⁰ Australian National Audit Office, *Online Availability of Government Entities' Documents Tabled in the Australian Parliament*, (Canberra, ACT: Commonwealth of Australia, 2009), 36-8

Table Office staff to spend up to two hours on any given sitting day photocopying and distributing papers.

- 3.13 Following the successful trialling of a prototype database during the last four sitting weeks of 2009 the House of Assembly's tabled papers database was brought into full operation at the beginning of the 52nd Parliament in 2010. The Committee understands that the database provides for:
- all papers, petitions, subordinate legislation and committee reports to be searchable via the internet by name, tabling date, tabling Member, or word search, with papers available online shortly after tabling; and
 - the automatic production of: procedural tabling guides, an index of papers tabled during each session, lists of subordinate legislation for inclusion in the notice paper, and letters to Ministers concerning petitions.
- 3.14 In addition, an electronic 'laid on the table' stamp has since been developed that can be attached electronically to the PDF version of each tabled paper. The stamp and its variants (tabled and published, tabled out of session etc) have automated date settings embedded in each stamp thus providing a clear indication of where the paper was tabled and when.
- 3.15 The Committee is advised that whilst there were some teething problems following the introduction of the new system it has become a very useful and timesaving advancement for the Procedures Office. Although some Members still request and receive hard copies of papers, demand for such has dropped dramatically. Furthermore, the office no longer receives requests for papers from the media or general public; other than for papers tabled prior to the 2009 launch of the system.

Victoria

- 3.16 Although the Parliament of Victoria's website has included a tabled papers database for a number of years, online access to documents only commenced at the beginning of this year and is currently limited to annual reports. Whilst electronic copies of reports are required to facilitate this access, hard copies must still be provided for distribution to Members and to ensure on-going access to tabled documents. Since Parliaments have an obligation to retain tabled documents for perpetuity, the Victorian Parliament advised that it had concerns about accepting electronic versions of documents only as there are no guarantees that electronic formats currently in use will remain accessible into the future.

Tasmania

- 3.17 Whilst the Parliament of Tasmania's website incorporates a searchable tabled papers database, it does not incorporate the facility to upload documents. Consequently documents listed can only be accessed from the Table Office. Papers will be accepted in an electronic format but only as a back-up to hard

copy documents. Agencies are required to provide multiple hard copies for distribution to Members.

Australian Capital Territory

3.18 The ACT has not yet moved to electronic tabling of documents and does not have a tabled papers database on its website. As is the case in the Northern Territory, a list of tabled papers is uploaded on to the Assembly's website following the conclusion of each sitting period with a reference to the relevant page in the Minutes of Proceedings. Similarly, tabled papers can only be accessed by contacting the Table Office.

New South Wales

3.19 In an effort to minimise the costs associated with statutory requirements for government agencies, statutory authorities and regulatory bodies to table copies of annual reports, on 5 October 2012 Premier Barry O'Farrell issued a memorandum advising that "priority is to be given to distributing annual reports by electronic means [and] there will no longer be a requirement for agencies to....supply hard copies for distribution to Members of Parliament."³¹

3.20 The Committee notes that the Department of Premier and Cabinet originally suggested that annual reports be provided solely in electronic form. However, the Clerks of the Parliament determined that in order to guarantee ongoing availability, notwithstanding changes in government structures, access to websites, department and website name changes, and accessibility of electronic documents, one hard copy should continue to be tabled as the official version of that paper. Although there is currently no requirement for other reports and documents tabled to be submitted electronically, the Committee understands that an increasing number of documents are provided in electronic form with a single hard copy provided for tabling and archival purposes.

3.21 As is the case in most other jurisdictions, the NSW Parliament's website incorporates a fully searchable electronic tabled papers database. Where possible documents are registered on the database within 24 hours of tabling. The Committee notes that where tabled documents are not provided electronically the Table Office scans hard copies for upload to the tabled papers database as a value adding process to increase the availability of all tabled papers regardless of whether or not the House has ordered them to be printed. However, whilst the database displays the majority of reports and papers tabled in the House, statutory instruments, petitions and Bills are not included unless they are classified as Parliamentary Papers.

³¹NSW Government, Premier and Cabinet, "M2012-11 Production Costs of Annual Reports", http://www.dpc.nsw.gov.au/announcements/ministerial_memoranda/2012/m2012-11_production_costs_of_annual_reports

3.22 In a move to support the lodgement of electronic versions of documents for tabling, the Committee notes that on 13 November 2012 the NSW Legislative Assembly suspended standing and sessional orders to provide:

- (1) The tabling of papers by Ministers may be effected by an announcement in the House without handing up copies of such papers; and
- (2) Any papers tabled by announcement shall be lodged with the Table Office prior to their announcement in the House.

Copies of electronically submitted papers are then provided to Members via email or hard copy as required.

Queensland

3.23 The Committee notes that, in many respects, the tabling system operating in Queensland most closely resembles that proposed by the Auditor-General. A single, formally printed hard copy of all reports and other documents required to be tabled by statute or Standing Orders must be provided for tabling with an electronic copy in searchable PDF format (rather than a scanned image) for publishing on the Parliament's tabled papers database.³²

3.24 Pursuant to Standing Order 24³³, Queensland's equivalent of the Subordinate Legislation and Publications Committee is responsible for determining the number of additional hard copies, which need only be photocopies, which are also required to be provided to the Table Office depending on the nature of the document. For example, provision of additional copies of the Auditor-General's for distribution to members of the Public Accounts Committee and committee secretariat. As a means of actively discouraging additional requests for hard copies, the Committee notes that clause (3) of SO 24 states that:

The Clerk and parliamentary officers are not required to supply Members hard copies of reports and documents once the copies supplied in accordance with (2)(c) have been distributed.

3.25 The Queensland Legislative Assembly has been providing electronic access to tabled documents since 2007. Unlike other jurisdictions, all documents tabled are both listed and, with the exception of large maps, accessible via the Parliament's tabled papers database. Where a document is unavailable to view online, a pop-up message appears on the website notifying the user that it is only available in hard copy and to contact the Table Office. Any miscellaneous documents and papers tabled by Members are scanned into text searchable PDF format by Table Office staff for upload to the database.

3.26 Where documents are tabled out of session or on non-sitting days, an automated email alert is generated by the system and sent to Members and

³²Queensland Parliament, "Tabling Procedures and Guidelines", <http://www.parliament.qld.gov.au/en/work-of-assembly/taled-papers/taled-procedures-guidelines>

³³Queensland Parliament, "Standing Rules and Orders of the Legislative Assembly: Effective from 31 August 2004 (Amended 14 February 2013)", <http://www.parliament.qld.gov.au/en/work-of-assembly/procedures>

other clients who have subscribed to the service with a brief description of what the document is, who tabled it and a link to the online tabled paper; there are currently 691 subscribers to the service. The Table Office also forwards this email to the relevant ministerial/departmental officer as confirmation that a report has been tabled.

- 3.27 The Committee is advised that the online publishing of tabled papers has seen a significant reduction in the number of requests from Members, the media and general public for hard copies. Of the tabled papers databases reviewed, the Committee notes that the Queensland system is particularly user friendly. Since it allows documents to be linked to others, for example a response to a committee report will be linked to both the report and related submissions, or Bills will be linked to explanatory notes, related documents can be viewed without further searching.

New Zealand

- 3.28 Documents categorised as *Parliamentary Papers* (statements of intent and annual reports of government departments and some other organisations, budget documents, and reports of the Law Commission, parliamentary committees and commissions of inquiry) that are presented to and published under the authority of the House are required both electronically for upload to the Parliament's website and in hard copy to meet the requirements of the House. *Non-parliamentary papers* (documents presented to the House that are not published under the authority of the House) are only required in hard copy. They are still listed on the Parliament's tabled papers database but copies can only be accessed from the content provider.³⁴
- 3.29 The Committee notes that following the successful introduction of an e-Committee system, whereby committee papers are routinely received, circulated, tabled and released in electronic format, the New Zealand Parliament is currently considering the electronic presentation of all tabled papers to complement the electronic access already provided. Whilst some Members still prefer hard copies, the Committee is advised that the move to greater use of handling papers electronically has increased the speed with which they can be provided to Members and greatly increased public access to papers.

Committee's Comments

- 3.30 Facilitating public access to tabled papers has clearly been a key driver in decisions by other jurisdictions to accept or require electronic versions of documents for tabling. Queensland and New South Wales have also utilised electronic tabling as a means of effecting significant cost savings associated

³⁴New Zealand Parliament, "Presentation of Papers to the House", <http://www.parliament.nz/en-NZ/PB/Presented/Papers/e/1/c/00HOOCPBPresentedPapersPapers1-Presentation-of-papers-to-the-House.htm>

with statutory reporting requirements. In addition, the Committee notes the introduction of measures designed to actively encourage Members to make greater use of electronic rather than print based resources and reduce demands on the Table Office. However, it is noted that all jurisdictions still require hard copies of documents to be provided.

- 3.31 The Committee acknowledges that the on-going reliability and accessibility of electronic formats is a matter of some concern given the pace of technological change. The Senate's experience in relation to its digital imaging project is a salient reminder of such. The Committee understands that when the project commenced in the early 1990's it initially involved generating microfilm images of all documents presented to the Senate since 1901 for subsequent upload to a web based repository. However, when microfilm technology was superseded it was necessary to move to the digitising of images which necessarily required revisiting work already undertaken.
- 3.32 Nevertheless, the Committee is of the view that the evidence from other parliaments indicates that electronic tabling of documents has the potential to benefit the operations of the Assembly, its Committees, Members, reporting agencies and the general public.

4 Electronic Tabling of Documents Proposal

Draft Proposal Circulated for Comment

4.1 Following consideration of tabling practices elsewhere the Committee developed a draft e-tabling proposal (see Appendix 2) which was subsequently circulated to all government agencies for comment. Principal points for consideration and comment included proposed requirements for agencies to:

- provide an electronic version, in searchable PDF format, and one formally printed hard copy of all documents required to be tabled by statute or Standing Orders;
- provide additional photocopied hard copies as determined by the Subordinate Legislation and Publications Committee; and
- take responsibility for ensuring copies of tabled documents are provided to the library as required.

Feedback on Draft Proposal

4.2 As listed in Appendix 3, a total of 17 agencies provided comment on the draft e-tabling proposal. Without exception, all agencies supported the proposal. A number of departments noted that electronic tabling would provide significant cost savings for Agencies and reduce the time staff currently spend ferrying boxes of reports to the Cabinet Office.

4.3 The Cabinet Office also noted that delivering boxes of reports to the Table Office was a particularly labour intensive and onerous task during the October/November sittings given that 61 agencies are required to table annual and financial reports during this period. Needless to say, this also presents issues for the Table Office when it comes to storage given the size of the sub office and the current requirement for staff to deliver copies of reports to the Library.

4.4 Since Ministerial Statements are already distributed to Members via email and subsequently published on the Department of the Chief Minister's website, their inclusion as tabled papers was questioned. The Committee acknowledges that unless required to be tabled under SO 251 or SO 255 they do not constitute a tabled paper as such and should not be included in any determination regarding number of hard copy documents to be provided to the Assembly.

4.5 The Committee notes that, should the Assembly elect to introduce electronic tabling of documents, further consideration would need to be given to determining the number of additional hard copies required to meet the needs of the House and its Committees. For example, since the draft proposal was circulated it has been determined that only one, rather than six, additional copies of statutory instruments is required.

Implementation of Electronic Tabling Proposal

Tabled Papers Database

- 4.6 The Committee is of the view that the wide scale introduction of electronic tabling of documents is of limited value in the absence of a web based repository. As highlighted by the preceding discussion, one of the fundamental reasons for accepting or requiring electronic copies of documents is to facilitate access to tabled papers on parliamentary websites. Development of an electronic Tabled Papers database is, therefore, considered to be an essential pre-requisite of the e-tabling proposal.
- 4.7 Whilst acknowledging the offer from the Clerk of the Queensland Legislative Assembly to supply the Northern Territory Legislative Assembly with a copy of its tabled papers database software, under a peppercorn license arrangement, the Committee is advised that in the absence of the necessary in-house expertise implementing and tailoring the software to suit the needs of the Assembly would be problematic.
- 4.8 As stated in the introduction to this report, when development of a tabled papers database was first considered in 2005 it was recognised that designated project funding would be required to develop, implement and maintain the system. However, the Committee notes that the cost of developing and maintaining a tabled papers database could be largely, if not entirely, offset by cost savings resulting from reduced publication costs associated with annual and other reports required to be tabled pursuant to statute. As such, it is proposed that the Department of the Legislative Assembly prepare a business case to identify potential options and associated costs.
- 4.9 As an interim measure, the Committee considers that the current system of advising the public of what papers have been tabled during each sitting period could be enhanced by placing a preliminary list of all papers tabled on the 'Tabled Papers, page of the Assembly's website within 24 hours following the end of each sitting period; this can then be removed once the official *Tabled Papers List* has been updated from the index to the *Minutes of Proceedings and Papers Tabled*.

Recommendation 1

The Committee recommends that an electronic Tabled Papers database be developed and that:

- (1) The Speaker direct the Department of the Legislative Assembly to prepare a business case detailing:
 - the options for establishing an electronic Tabled Papers database;
 - associated costs of implementing and maintaining an electronic Tabled Papers database; and
 - implementation timeframe;

- (2) The Treasurer provide the resources required to implement an electronic Tabled Papers database.

Protocols

- 4.10 On the basis of the data received from other jurisdictions, and bearing in mind the limited resources of the Table Office given the size of the NT legislature, it is proposed that whilst all papers tabled are to be included on the Tabled Papers database, staff will only be required to upload copies of documents the Assembly has determined are to be provided electronically. However, the Committee notes that where other copies of tabled papers are submitted electronically these should also be uploaded.
- 4.11 It is proposed that the Standing Orders be amended to provide for the tabling of hard copy and electronic copies of documents. To ensure that the hard copy requirements of the House continue to be met, it is considered that the Subordinate Legislation and Publications Committee is the most appropriate body to determine, review and publish the number of additional hard copies of documents tabled by the Speaker, Ministers and Members required to be supplied to the Clerk.
- 4.12 Following introduction of an electronic Tabled Papers database, the Committee notes that Members will have ready access to documents tabled pursuant to Statute and Standing Orders. As such, once hard copies of documents are distributed to Members in accordance with the determination by the Subordinate Legislation and Publications Committee, there should be no further requirement for parliamentary officers to supply additional hard copies of papers to Members.
- 4.13 The Department of the Legislative Assembly will be responsible for the development of Electronic Tabling Guidelines for publishing on the Legislative Assembly's website and distribution to the Cabinet Office and all government agency secretariats.
- 4.14 The Committee acknowledges the invaluable service provided by the Cabinet Office in relation to the coordination of tabled papers and notes that it is not intended that the introduction of electronic tabling of documents will impact on their current role other than:
- the number of hard copies of documents they will be required to provide to the Table Office as determined by the Subordinate Legislation and Publications Committee; and
 - the requirement for hard copies of documents to be accompanied by an electronic version which the Cabinet Office will be expected to forward to the Table Office having first established that it complies with the format approved by the Subordinate Legislation and Publications Committee.
- 4.15 Following the introduction of electronic tabling of documents, provision of electronic versions of documents to the Legislative Assembly will in no way exempt government entities from their obligation to ensure that such documents

are also made available on their respective websites. Similarly, it will be the responsibility of agencies, rather than the Table Office as is currently the case, to comply with any obligations to lodge documents with the Northern Territory Library.

Recommendation 2

The Committee recommends that the Standing Orders be amended to provide for the tabling of hard copy and electronic copies of documents, and that the Assembly refer the following draft order to the Standing Orders Committee for consideration and report:

- (1) The Subordinate Legislation and Publications Committee shall determine and publish the number of hard copies of documents tabled by the Speaker, Ministers and Members required to be supplied to the Clerk.
- (2) When tabling a paper a Member must provide to the Clerk a single hard copy of the paper and if the paper is required to be tabled by statute or Standing Orders:
 - (a) an electronic copy in a form approved by the Subordinate Legislation and Publications Committee; and
 - (b) additional hard copies in the quantities decided and published by the Subordinate Legislation and Publications Committee in accordance with (1).
- (3) The Clerk and parliamentary officers are not required to supply Members hard copies of reports and documents once the copies supplied in accordance with (2)(b) have been distributed.

Concluding Comment

- 4.16 Having considered the matter of electronic tabling of documents – taking into account the operations of the Assembly and its Committees, tabling requirements pursuant to statute and Standing Orders, and the on-going availability of tabled documents – the Committee concludes that implementation of an electronic Tabled Papers database and subsequent introduction of electronic tabling of documents has the potential to be particularly beneficial. Furthermore, the Committee notes that the e-tabling proposal as presented in this report has the capacity to significantly enhance the Legislative Assembly's standing in relation to the World e-Parliament benchmarks for parliamentary transparency, accountability and openness.

Appendix 1: Tabling Guide – NT Government Agencies

Quick Guide for NT Government Agencies on Tabling of Documents in the Legislative Assembly*

Explanatory Statements for Bills introduced in the Legislative Assembly	Tabling Notes for Subordinate Legislation	Tabling of reports and other documents in the Assembly
<p>What is an Explanatory Statement</p> <p>An Explanatory Statement (ES) summarises the purpose of a Bill being introduced in the Legislative Assembly and also provides a brief description of each individual clause of the Bill.</p>	<p>What is a Tabling Note?</p> <p>A tabling Note provides a brief summary of new subordinate legislation (regulations, rules, by-laws)</p>	<p>What types of documents are tabled?</p> <p>A wide variety of reports, certain declarations and instruments signed by Ministers, agency annual reports and financial statements, the reports of independent bodies, significant Government policies, strategies, NTG responses to coronial inquiries, Exposure Draft of a Bill etc are some examples of the types of documents tabled in the Assembly.</p>
<p>When is it prepared?</p> <p>The ES is prepared by the agency responsible for the Bill as an attachment to the Cabinet Submission seeking approval to introduce the Bill in the Assembly.</p>	<p>When is it prepared?</p> <p>The Tabling Note is prepared by the agency responsible for the subordinate legislation, at the time the regulations/ rules/ by-laws are prepared or after they are made.</p>	<p>What does the agency prepare and when?</p> <p>The responsible agency will generally provide the document to be tabled to the Minister with a briefing on the document. At the same time, the agency seeks direction from the Minister as to the timing and nature of tabling of the document in the Assembly.</p>
<p>When is it tabled?</p> <p>When a Minister introduces a Bill into the Assembly, the Minister makes a Second Reading Speech, and should table the ES at the same time. Usually the Minister's speech concludes with a sentence such as "I now table a copy of the Explanatory Statement for this Bill for the information of Members."</p>	<p>When is it tabled?</p> <p>Subordinate legislation is required to be tabled in the Legislative Assembly within 3 sitting days of being made by the Administrator or within 3 sitting days of gazettal if made by another entity. The Tabling Note is tabled with copies of the subordinate legislation.</p>	<p>When is it tabled?</p> <p>Documents which are required to be tabled by law usually must be tabled within a certain number of sitting days following receipt by the Minister. Whether or not there is a statutory requirement to table a document, the Minister must approve the date the document is to be tabled and whether it is to be personally tabled by the Minister or 'deemed to be tabled' (i.e. the LA Tabling Office prepares a daily list of 'deemed tabled documents'; MLAs can then request a copy of any of those documents).</p>

Explanatory Statements for Bills introduced in the Legislative Assembly	Tabling Notes for Subordinate Legislation	Tabling of reports and other documents in the Assembly
<p style="text-align: center;">Why?</p> <p>The ES provides a summary of the Bill for the information of MLAs and members of the public. This assists MLAs to debate the Bill and enables members of the public to gain an understanding of the impact of the proposed legislation.</p>	<p style="text-align: center;">Why?</p> <p>The Tabling Note briefs the Assembly on the purpose of the legislation and assists the Assembly's Subordinate Legislation and Publications Committee to scrutinise the new laws on behalf of the parliament.</p>	<p style="text-align: center;">Why?</p> <p>The purpose of tabling is to inform the Assembly, for public awareness, and for Government accountability.</p>
<p>Agency Secretariat Role:</p> <p>A word version of the ES is to be emailed to the Cabinet Office within 24 hours of the Minister tabling the ES in the Assembly.</p>	<p>Agency Secretariat Role:</p> <p>The Tabling note should be emailed to the Cabinet Office once finalised.</p>	<p>Agency Secretariat Role:</p> <p>31 copies of the document are to be delivered to the Cabinet office 24-48 hours prior to the tabling date, with instructions as to the date and type of tabling as approved by the Minister. This applies to 'deemed' and personal tabling of documents.</p>
<p>Cabinet Office Role:</p> <p>The Cabinet Office loads the ES onto the Government's publicly accessible Register of Legislation database, along with a copy of the Bill and the text of the Minister's Second Reading Speech.</p>	<p>Cabinet Office Role:</p> <p>The Cabinet Office arranges the tabling of the subordinate legislation and the accompanying Tabling Note within the 3 sitting day timeframe.</p>	<p>Cabinet Office Role:</p> <p>To compile a list of documents to be tabled each sitting day and deliver the documents to the Tabling Office on the day of tabling.</p> <p><i>The requirement to seek Ministerial approval to table does not apply to certain statutory office holders or bodies. However, the relevant NTPS agency may have a role in coordinating tabling of reports of office holders.</i></p>

* Cabinet Office Guidelines effective as of March 2012

Appendix 2: Draft E-Tabling Proposal for Agency Comment

Draft E-Tabling Proposal for Comment

The Legal and Constitutional Affairs Committee (performing the role of the Subordinate Legislation and Publications Committee) is currently considering the merits of introducing a system of e-tabling for documents required to be tabled pursuant to statute and Standing Orders.

The Committee is seeking comments regarding the following draft proposal:

Draft E-Tabling Proposal

Rather than tabling multiple copies of documents required to be tabled by Statute or the Standing Orders it is suggested that:

- Agencies provide a single, formally printed hard copy to the Table Office;
- Agencies email an electronic version of the document to the Table Office for publishing on an electronic, searchable Parliamentary Tabled Papers Database accessible to the general public. Electronic versions must be in a searchable PDF format (not a scanned image) and must be accompanied by a covering letter signed by the responsible Minister or Speaker requesting that the document be tabled in accordance with the relevant legislation and/or Standing Order.
- As per the draft table attached, the Subordinate Legislation and Publications Committee will be responsible for determining the number of additional paper copies, which need only be photocopies of the document and do not need to be formally printed documents, which agencies will also be required to provide to the Table Office.
- Agencies, rather than the Table Office, will be responsible for ensuring copies of reports and documents are provided to the library as required.

Should the Assembly decide to implement an e-tabling system, it is envisaged that it would be phased in over a six month period to enable agencies to adjust their work practices accordingly. E-tabling guidelines would also be incorporated on the Department of the Legislative Assembly website and distributed to all agencies.

Comments

Comments are required by **Friday 15 March** and should be directed to the Committee Secretary Julia Knight: julia.knight@nt.gov.au

**Draft Tabling Requirements for Additional Paper Copies
to be provided to the Table Office**

DOCUMENT	ADDITIONAL PAPER COPIES REQUIRED
Annual Reports	6
Auditor-General's Reports	9
Financial Statements and Reports	1
Other Reports eg: Parliamentary Committees, Ombudsman, Coroner's Reports	1
Subordinate Legislation and Explanatory Memos	6
Budget Papers	35
Bills and Explanatory Notes	28
Eratum to Bill Explanatory Notes	28
Amendments to Bills and Explanatory Notes	28
Ministerial Statements	25
Ministerial Travel Reports	25

Appendix 3: Comments Received

Comments on the Draft E-Tabling Proposal were received from the following agencies:

- Northern Territory Department of Treasury and Finance
- Office of the Chief Minister
- Cabinet Office: Department of the Chief Minister
- Department of Land Resource Management
- Tourism NT
- Department of Education and Children's Services
- Department of Business
- Parks and Wildlife Commission
- Office of the Parliamentary Counsel
- Northern Territory Police, Fire and Emergency Services
- Office of the Commissioner for Public Employment
- Department of Lands, Planning and the Environment
- Aboriginal Areas Protection Authority
- Department of Infrastructure
- Department of Sport and Recreation
- Department of the Attorney-General and Justice
- Department of Transport

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