

Documents requiring additional protection

Parliament can agree to give a document additional protection when it is tabled. Parliament gives this additional protection by:

- providing for that protection under legislation, or
- voting to give the document that protection when it is tabled

When a document has this additional protection, it is covered by absolute privilege and the authors cannot be sued over the content.

Use this guide if you think the document you are preparing for tabling might have, or need, this additional protection.

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Additional protection

When a document is ‘ordered to be published’ by the Parliament it is given the additional protection of absolute parliamentary privilege under s 73 of the *Constitution Act 1975*. This means the writers and distributors of the document are protected from court action in relation to any actionable material in the document.

Parliament can either

- vote to ‘publish’ a document, or
- include provisions in the relevant Act which says to treat the document as though Parliament has voted to ‘publish’ it.

Note that Parliament does not practically publish the document. For example we do not arrange for the report to be printed.

Protection under legislation

Some documents are given additional protection under legislation.¹ To check if your document has this protection, look at the tabling provisions in your Act.

Your document automatically has protection if the Act it is tabled under says ‘a report given to the clerks of each House is taken to have been published by order, or under the authority, of the Parliament’ or similar.

If your document is protected by its Act, you:

- can table it following the [normal tabling processes](#)
- should include the [recommended text](#) to let the reader know it is protected

Protection which depends on when the document is tabled

Some documents are only given additional protection under legislation when ‘tabled’ on a non-sitting day. Therefore, if your document is not being tabled under those provisions, you may still need the [Houses to give it the addition protection](#). Check your Act to see when the additional protection applies.

See our guide on [Tabling when Parliament is not sitting](#) for more information on that process.

Protection by the Houses

If your document does not have additional protection under legislation, each House can vote to give the document that protection when it is tabled. The Houses will usually agree to give that additional protection if the document contains actionable material.

The Houses automatically vote on giving additional protections to some documents. See the [list](#) below. If your document is not on the list, you may [ask for a vote on that additional protection](#).

Automatically voted on

The Houses will automatically vote on giving the following documents additional protection:

Report	Exceptions
Annual Financial Report of the State of Victoria	Except reports previously ‘tabled’ on a non-sitting day (these are protected under legislation)
Auditor-General — reports	Except: • the annual report and annual plan of the Office • reports previously ‘tabled’ on a non-sitting day (these are protected under legislation)
Boards of Inquiry — reports under the <i>Inquiries Act 2014</i>	Except reports previously ‘tabled’ on a non-sitting day (these are protected under legislation)
Commission for Children and Young People — annual reports	
Community Visitors — annual report	

¹ Some parliamentary committee reports are instead given the additional protection under Council or Assembly Standing Orders.

Report	Exceptions
Compliance Officer's statements of findings under ss 7E or 9H of the <i>Parliamentary Salaries and Superannuation Act 1968</i>	
Consumer Affairs Victoria — reports	
Family Violence Reform Implementation Monitor — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Independent Broad-based Anti-corruption Commission — special reports — annual reports	Except special reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Independent Review Panel — reports under s 10.2A.11 of the <i>Gambling Regulation Act 2003</i>	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Ombudsman — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Parliamentary Budget Officer — Report of Operations under s 27 of the <i>Parliamentary Budget Officer Act 2017</i>	
Parliamentary committees — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation/standing orders)
Public Advocate, Office of — annual report	
Register of Members' Interests	
Royal commissions — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Victorian Equal Opportunity and Human Rights Commission — reports	
Victorian Information Commissioner, Office of — reports	
Victorian Inspectorate — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Victorian Law Reform Commission — reports	Except reports previously 'tabled' on a non-sitting day (these are protected under legislation)
Victorian Legal Services Board and Commission — annual report	
Victorian Small Business Commission — annual report	

If your document is on this list, you **must**:

- include our specified [text](#) in the document to let the reader know it is protected
- note the requirement for additional protection in your [tabling letter](#).

When the document is tabled, the House will vote on giving your document the additional protection.

If you want your documents to be added to this list, contact tabling@parliament.vic.gov.au. For more information see [asking for additional protection](#).

If your documents are unlikely to need additional protection in future and you would like to be removed from this list, contact tabling@parliament.vic.gov.au

Asking for additional protection

If your document needs additional protection but it is:

- not given [additional protection under its Act](#), and
- not on the [list](#) of documents the Houses automatically vote on —

you can request that additional protection.

You need to write to the Speaker and provide:

- a copy of the document
- details of why the document needs additional protection (for example, highlight particular paragraphs that contain potentially actionable material).

Email your request to the Speaker to tabling@parliament.vic.gov.au

If your document is part of a series of related documents (for example a document that must be tabled each year) you can request additional protection for the whole series.

The Speaker will keep your document confidential and respond as soon as possible. Allow at least one week for this process.

If the Speaker approves your request, you must include these steps when tabling your document.

Include:

- our specified [text](#) in the document to let the reader know it is protected
- the requirement for additional protection in your [tabling letter](#).

When the document is tabled, the House will vote on giving your document the additional protection.

Text to include in a protected document

If your document has additional protection, it is important that you let people know. Therefore you should include the following text on the inside title page² of your document

Published by order, or under the authority, of the Parliament of Victoria March 2023 ³
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You **must** include this text if the protection is [provided by the Houses](#).

We recommend you include this text if the protection is [given under legislation](#).

If your document has multiple volumes you should include this text in each volume.

Tabling a protected document

Follow the normal processes for tabling your document

You need to provide us with:

- a tabling letter — see details [below](#)

² If your document does not have a title page include the text on the first page

³ Month (optional) and year the report will be tabled.

- pdf copy of your document
- hard copies (in some cases).

See the [Guide to Tabling](#) for full details.

Tabling letter

If your document's additional protection needs to be [provided by the Houses](#), please note that requirement in your letter. This will help us ensure the Houses vote on that protection. See [sample tabling letter](#) below.

Publishing a protected document

You should not distribute or publish the document before it is tabled, except as provided for under your Act. To do so may be a discourtesy to Parliament and the document might not be fully protected.

Changes Parliament made in November 2022

Parliament made changes to its processes for handling documents with additional protection in November 2022. If you have previously used these processes you may find some differences.

Parliament:

- now only votes to give a document additional protection if the document requires protection and is not protected under its Act (This will avoid the potential for Parliament to make decisions that conflict with legislation.)
- no longer issues parliamentary paper numbers (PP numbers)
- has discontinued the parliamentary paper series.

Contact us

Email us at tabling@parliament.vic.gov.au

Call the Assembly Procedure Office who manage these processes for the Assembly and the Council on 9651 8563.

Sample tabling letter

(Department letterhead)

Date

Robert McDonald
Clerk of the Legislative Council
and
Bridget Noonan
Clerk of the Legislative Assembly

Parliament House
Spring Street
East Melbourne Vic 3002

Via email: tabling@parliament.vic.gov.au

Dear Mr McDonald and Ms Noonan

Name of report

I request that the name of report be tabled in both Houses of Parliament as required by section XX of the XXX Act 20XX.

Please note that **the report requires additional protection** and we have included the required text in the report.

Yours sincerely

(Signed)

Minister for XXX / [Independent agency head]