

# **Appendix 4**

## **Legislative Council of Victoria, Sessional Order**

### **PRODUCTION OF DOCUMENTS**

21. The following arrangements will apply in relation to the production of documents:
  - (1) The Council may order documents to be tabled in the Council. The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
  - (2) An order for the production of documents must specify the date for the documents to be provided.
  - (3) When returned, the documents will be laid on the table by the Clerk.
  - (4) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
  - (5) If at the time the documents are required to be tabled the Council is not sitting, the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.
  - (6) Where a document is claimed to be covered by Executive privilege —
    - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
    - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
      - (i) made available only to the mover of the motion for the order; and
      - (ii) not published or copied without an order of the Council.
  - (7) The mover may notify the Clerk in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within 7 calendar days as to the validity of the claim.
  - (8) The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.
  - (9) A report from the independent legal arbiter is to be lodged with the Clerk and —

- (a) made available only to members of the Council; and
  - (b) not published or copied without an order of the Council.
- (10) The Clerk will maintain a register showing the name of any person examining documents tabled under this order.