

## Government officials

The practice that has developed is that staff of Commonwealth or State departments are not required to answer questions which seek opinions on policy, reasons for policy decisions or advice which staff may have tendered in policy formulation. Staff will be given reasonable opportunity to refer questions to their department or to a Minister (see also the document *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* available from the Department of the Prime Minister and Cabinet).

## In camera (private) hearings

If before the hearing a witness considers that information to be provided by the witness or requested by the committee is confidential, the witness can request that the evidence be heard *in camera*. If the request is granted by the committee, the public and media will be excluded from the hearing. The Chair or any member of the committee also may request that the hearing be *in camera*, particularly if the evidence adversely reflects on a third person or is subject to legal proceedings.

While *in camera* evidence is treated as secret when it is heard, the committee has the power to publish the evidence at a later date if the circumstances warrant such action. If the committee gives an undertaking to the witness that *in camera* evidence will not be disclosed, such evidence would only be released by the committee with the written agreement of the witness.

## Recording of evidence

Hearings are recorded verbatim by Hansard. As soon as possible after the hearing, the committee secretariat will send witnesses a proof transcript for correction of errors of transcription (but not content or style). Corrected transcription should be returned to the secretariat within the time limit specified.

Further information can be sought from the secretary of the committee conducting the particular inquiry or from:

**Clerk Assistant (Committees)**

**House of Representatives**

**Parliament House**

**CANBERRA ACT 2600**

**Tel: 02 6277 4397**

**Fax: 02 6277 4034**

**Email: [committee.reps@aph.gov.au](mailto:committee.reps@aph.gov.au)**



THE PARLIAMENT  
of the  
COMMONWEALTH of AUSTRALIA

# Appearing as a witness

Notes to assist those appearing as a witness  
at a parliamentary committee hearing



Department of the House of Representatives  
COMMITTEE OFFICE



## THE PARLIAMENT of the COMMONWEALTH of AUSTRALIA

The following advice is provided for those appearing as witnesses at parliamentary committee hearings.

As part of their investigative role, parliamentary committees conduct hearings at which individuals and representatives of organisations are questioned on an open inquiry topic. Hearings enable witnesses to clarify and expand on their written submissions and allow the committee to seek additional information.

As committee hearings are an extension of the proceedings of the Parliament, they must be treated with the same respect those proceedings command.

Generally, committee hearings are conducted in public, although in certain circumstances the committee may take evidence in private (see *in camera* hearings).

Information about committee inquiries can be found at: [www.aph.gov.au/house/committee](http://www.aph.gov.au/house/committee)

### Who can be called to a hearing

The committee determines who shall be called to a hearing. The committee secretariat will contact witnesses to advise of the date, time and place of a hearing.

An organisation called to give evidence generally can determine who will represent it at the hearing, although a committee may request specific office holders or individuals to attend. Organisations should ensure that they send to the hearing witnesses who have appropriate knowledge of the issues before the committee.

It is helpful if organisations advise the committee secretary as soon as possible after being called to a hearing of the names of the people who will attend.

Those who decline the committee's invitation to attend a hearing can be summoned to appear if the committee considers the circumstances warrant such action.

### What to do on arrival

Upon arrival at the hearing venue, witnesses should introduce themselves to committee staff. Prior to giving evidence, witnesses must complete witness detail forms for use by the Parliamentary Reporting Staff (Hansard). These forms can be obtained from committee staff. In most cases they will be sent to witnesses for completion before the hearing and should be returned to the secretariat by the date indicated.

If the public hearing is in progress, witnesses are welcome to observe proceedings before being called to give evidence.

### Calling of witnesses

When the committee is ready, the Chair will call witnesses to the table. The Chair will ask a witness to state their full name and the capacity in which the witness is appearing before the committee.

Before taking evidence, the Chair may ask a committee member or the committee secretary to administer an oath or affirmation. Regardless of whether an oath or affirmation is required, the giving of false or misleading information may be considered a contempt of Parliament.

### Examination of witnesses

Generally, witnesses are given an opportunity to make a short opening statement (preferably no more than five minutes). This can be used to clarify, amend or expand on points made in written submissions.

Questions then will be directed to witnesses through the Chair. The questions are designed to clarify aspects of written submissions and to seek views and information on the inquiry topic.

### Parliamentary privilege

The giving of evidence to a parliamentary committee is privileged. Essentially this means that no legal action can be taken against the witness in relation to the evidence given during a hearing. This immunity does not apply if, after the hearing, the witness repeats statements made in evidence. Additionally, people who intimidate or threaten a witness may be punished.

### Documents tendered

If witnesses wish to tender additional documents relevant to the inquiry, these should be provided in time for the committee secretariat to distribute to committee members prior to the hearing. Alternatively, sufficient copies should be brought for all committee members.

### Questions on notice

If witnesses are unable to answer a question or provide information at the hearing, they may seek permission to provide a written answer to the committee at a later date.

Sometimes a committee may seek additional information on specific issues from a witness after the hearing.