Summary notes for witnesses appearing before Senate and Joint Committees

1. Parliamentary Privilege: Committee proceedings are recognised as proceedings in Parliament and are accorded the same protection as proceedings in the Senate itself.

On 25 February 1988, the Senate agreed to a number of resolutions in relation to Parliamentary Privilege including the protection of witnesses. The details of the procedures to be observed by Senate Committees for the protection of witnesses are in another brochure.

2. Opening Procedures and Calling of Witnesses: On entering the meeting room please make yourself known to the committee staff. Hansard staff will ask you to fill out a name and address form for their records. When it is your turn to give evidence you will be asked by the Chair to state your full name and the capacity in which you appear before the committee. The Chair will also ask you if you wish your evidence or part of your evidence to be taken *in camera*. (Section 6 below deals with *in camera* evidence.)

If the Committee decides to swear its witnesses, the Chair will call upon the committee secretary to administer an oath or affirmation. The committee provides a Bible for the swearing of the oath. Should you require a holy book other than the Bible for the taking of an oath, or any information concerning the taking of an oath or affirmation, please contact the Secretary before the hearing.

3. Documents Tendered: If you have made a written submission, the Chair will ask you whether you wish to amend your submission. Once any changes, alterations or additions have been noted, the Chair may then move a motion to have the submission incorporated in the transcript of evidence. Additional documents tendered as evidence, such as diagrams, maps, videos etc., may either be incorporated or included in the committee's records as exhibits.

Once the submission and any additional material has been incorporated in the transcript of a public hearing or otherwise made public by the Committee, they are available to the press and interested persons and organisations.

4. Examination of Witnesses: Before inviting members of the committee to ask questions, the Chair will give you the opportunity to make a short statement (usually about 5 minutes) in support of the submission. Questions will then be directed to you by the Chair and members of the committee. These questions are designed to clarify aspects of your submission, to seek information relevant to matters within the committee's terms of reference and to allow you to amplify any points made in your submission. Generally the intention is to help the committee go beyond the written submission. Witnesses should note Parliamentary Privilege Resolution 1, paragraphs (10), (11), (12) and (13), set out in the relevant brochure, relating to giving *in camera* evidence, and evidence that adversely reflects on other persons.

5. Government Officials: Officers of a department of the Commonwealth or of a State or Territory are not required to answer questions which seek their opinions on the merits of government policy. However, they may be asked to describe past and present policy and the effects of changes in policy and discuss matters which public service advisers take into account when advising on policy. Officers will be given reasonable opportunity to refer questions asked of them to superior officers or to a Minister. For further information, officers should consult the "Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters".

6. In Camera Hearings: If, before or during the hearing of evidence, you consider that information to be provided by you, or requested by a member of the committee, is confidential you may make application to have your evidence, or part of it, heard *in camera*. Evidence taken *in camera*, although recorded by *Hansard*, is not made available to anyone but members of the committee and the witness concerned.

If an application is made for evidence to be taken *in camera*, the committee will consider the application and inform the witness whether it will grant the application.

If an application is not granted, the committee will provide reasons for that decision. Before evidence is heard *in camera*, the committee will inform the witness whether it is the intention of the committee to publish, or present to the Senate, all or part of the evidence. It should be noted that the committee and the Senate may, at a later date, order the production and publication of *in camera* evidence.

7. Additional Material: Should you consider that you cannot answer a question or provide information at the hearing, you may seek permission to provide a written answer or additional material at a later date.

8. Recording of Evidence: The Parliamentary Reporting Staff (Hansard) will record the proceedings of the public or *in camera* hearing. A proof copy of the transcript of evidence will be forwarded to you for examination and correction where necessary. Instructions will be sent to you regarding the kinds of corrections you may make to the transcript. Only transcription errors may be corrected.

9. Broadcast of Public Hearings: Public hearings held in Parliament House, Canberra may be broadcast live over the parliamentary website and parliamentary television channels and may also be rebroadcast by the media.

Objections to this may be raised for the committee's consideration by witnesses prior to (including at the time) of their appearance before the committee.

10. Further Advice: If you require any further information concerning the Committee's hearing, please contact the Committee Secretary. Inquiries from hearing and speech impaired people should be directed to the Parliament House TTY number (02) 6277 7799.