

Do you have other documents for the committee?

If participants wish to present 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 to the hearing for all committee members. Depending on the nature of the documents, they may either be accepted as a submission to the inquiry (see pamphlet on *Making a Submission*) or as an exhibit to the inquiry. Please get advice from the committee secretariat if you are unsure of how your additional documents might be treated.

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. Officers 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 website).

How are participants' rights and privacy protected?

Parliamentary privilege

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

In camera (private) hearings

While committee proceedings are generally conducted in public, in some cases a committee may decide to take evidence *in camera* (ie in private or confidentially).

It is up to the committee to decide if evidence can be taken *in camera*, although it is sometimes requested by participants. It is important to raise any concerns you might have about your evidence with the secretariat beforehand so that the committee is aware of your concerns. However, matters may arise during your appearance and you can request to give evidence confidentially at that time. 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 confidential 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 following consultation with the witness.

This information is general and some committees have different legislated requirements. Further information can be sought from the secretary of the committee conducting the particular inquiry or from:

Office of the Clerk Assistant (Committees)

House of Representatives

PO Box 6021

Parliament House

CANBERRA ACT 2600

Tel: 02 6277 4397

Fax: 02 6277 4034

E-mail: committee.reps@aph.gov.au



THE PARLIAMENT
of the
COMMONWEALTH of AUSTRALIA

Appearing at a Public Hearing

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



Photo of Parliament House, Australia courtesy of Thinkstock

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Department of the House of Representatives
COMMITTEE OFFICE



THE PARLIAMENT of the COMMONWEALTH of AUSTRALIA

The following advice is provided for those invited to appear 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 their current 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

Who can participate?

The committee decides who will be invited to give evidence at a hearing. The committee secretariat will contact witnesses to discuss the date, time and place of a hearing. Depending on the topic, a committee may also have a 'community statements' segment as part of the official program, at which members of the public can make brief statements to the committee.

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 contacted of the names of the people who will attend.

A committee has the power to summon people to appear if they have declined such an invitation, if the committee considers this warranted.

What happens at a public hearing?

When you arrive

When you arrive at the hearing venue, please introduce yourself to committee staff. Generally you will have been asked to complete a witness detail form for use by the parliamentary reporting staff (Hansard). If you have not completed this form, please ask the committee staff for help.

Arriving early

If the public hearing is in progress, witnesses are welcome to observe proceedings before being called to give evidence. It is helpful if you arrive at least 15 minutes before your scheduled time in case the day is running ahead of time.

Calling of participants

When the committee is ready, the Chair will call participants to the table to give their evidence. The Chair will ask each person to state their full name and the capacity in which they are appearing before the committee (e.g. are they representing an organisation, or appearing as a private citizen).

Before taking evidence, the Chair may ask 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 is a very serious matter and may be considered a contempt of Parliament.

Giving evidence

Generally, participants 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 an opportunity for committee members to clarify aspects of written submissions and to seek views and information on the inquiry topic.

What happens if you don't know the answer?

If participants 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. This is known as 'taking the question on notice'. It is important to provide this information to the secretariat as quickly as possible after the hearing.

Sometimes a committee may seek additional information on specific issues from a witness after the hearing, and the secretariat will advise if any further information is required.

Recording what is said

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