



Appendix C

Conduct of proceedings of committees of the House of Representatives

Procedures for interaction with witnesses—Proposed resolution

That, in their dealings with witnesses, committees of the House shall observe the following procedures:

- (1) A witness shall be invited to attend a committee meeting to give evidence. Whether or not a witness was previously invited to appear, a witness shall be summoned to appear only when the committee has made a decision that the circumstances warrant the issue of a summons.
- (2) When a committee desires that a witness produce documents or records relevant to the committee's inquiry, the witness shall be invited to do so. Whether or not an invitation to produce documents or records has previously been made, an order that documents or records be produced shall be made only when the committee has made a decision that the circumstances warrant such an order.
- (3) A witness shall be given notice of a meeting at which he or she is to appear, and shall be supplied with a copy of the committee's terms of reference, an indication of the matters expected to be dealt with during the appearance and a copy of this resolution or a summary of its provisions. Where appropriate, a witness may be supplied with a transcript of relevant evidence already taken in public.
- (4) A witness may be given the opportunity to make a submission in writing before appearing to give oral evidence.

- (5) A witness shall be given reasonable access to any documents or records that the witness has provided to a committee.
- (6) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard *in camera*, and shall be invited to give reasons for any such application. The witness may give reasons *in camera*. If the application is not granted, the witness shall be notified of reasons for that decision.
- (7) Before giving any evidence *in camera* a witness shall be informed that it is within the power of the committee to publish or present to the House all or part of that evidence, and that the House has the authority to order the production and publication of undisclosed evidence. Should the committee decide to publish or present to the House all or part of the evidence taken *in camera*, the witness shall be advised in advance of the publication. A member, in a protest or dissent added to a report, shall not disclose evidence taken *in camera* unless so authorised by the committee.
- (8) The Chair of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry.
- (9) When a witness objects to answering any question put to him or her on any ground, including the grounds that it is not relevant, or that it may tend to incriminate him or her, he or she shall be invited to state the ground upon which he or she objects to answering the question. The committee may then consider, *in camera*, whether it will insist upon an answer to the question. The committee shall have regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination, and of the reasons for it, and shall be required to answer the question *in camera*, unless the committee resolves that it is essential that it be answered in public. When a witness declines to answer a question to which a committee has required an answer, the committee may report the facts to the House.
- (10) When a committee has reason to believe that evidence about to be given may reflect on a person, the committee shall give consideration to hearing that evidence *in camera*.
- (11) When a witness gives evidence which reflects upon a person, the committee may provide a reasonable opportunity for the person reflected upon to have access to that evidence and to respond to that evidence by written submission or appearance before the committee.

- (12) A witness may make application to be accompanied by counsel or an adviser or advisers and to consult counsel or the adviser(s) in the course of the meeting at which he or she appears. If such an application is not granted, the witness shall be notified of reasons for that decision. A witness accompanied by counsel or an adviser or advisers shall be given reasonable opportunity to consult with counsel or the adviser(s) during a meeting at which he or she appears.
- (13) An employee of a department or executive agency shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of him or her to a higher level manager or to the appropriate Minister.
- (14) Witnesses shall be treated with respect and dignity at all times.
- (15) Reasonable opportunity shall be afforded to witnesses to request corrections in the transcript of their evidence and to put before a committee additional written material supplementary to their evidence. Witnesses may also request the opportunity to give further oral evidence.
- (16) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which has been or may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given or in respect of prospective evidence, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the House.
- (17) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

