

Chapter 17. Witnesses and visitors

Chapter outline

This chapter sets out the requirements for persons attending or visiting the House or a House committee including: Members, Senators, employees of the Parliament, witnesses and visitors.

The chapter also provides for the conduct of Members or House employees attending the Senate or a Senate committee, and for House employees giving evidence anywhere else.

Members, Senators and employees of the Parliament

249 Attendance of Member before House or committee

(a) If the House orders a Member to attend the Chamber for examination by the House, the Speaker shall summons the Member to attend in his or her place.

(b) If a committee wishes a Member to attend as a witness, the Chair shall write inviting the Member to attend. If the Member refuses to attend or to give evidence or information as a witness, the committee shall not summon the Member again, but shall advise the House.

250 Committee receiving allegations against Members

(a) Only the Committee of Privileges and Members' Interests may inquire into or make findings about the conduct of a Member, unless the House directs another committee to review the conduct of a Member.

(b) If a committee (other than the Committee of Privileges and Members' Interests) receives information or an allegation about a Member, the committee shall inform the Member and give the Member an opportunity to make a submission about the matter. Unless the committee considers the matter is without substance, it shall report the matter to the House and wait for its directions.

251 Attendance of Senator or Senate employee before House

If the House or one of its committees wishes to examine a Senator, or an employee of the Senate, the House shall send a message to the

Senate asking it to give leave to the Senator or employee to attend the House for examination.

252 Attendance of Member or House employee before Senate

- (a) If the Senate asks the House by message for a Member to attend before the Senate or one of its committees, the House may authorise the Member to attend, provided the Member agrees.
- (b) If the Senate asks the House by message for an employee of the House to attend before the Senate or one of its committees, the House may instruct its own employee to attend.

253 Employees of the House not to give evidence without permission

Only if the House grants permission, may an employee of the House, or other staff employed to record evidence before the House or one of its committees, give evidence relating to proceedings or give evidence relating to the examination of a witness.

Other witnesses summoned

254 Witness other than a Member

- (a) A witness (other than a Member) may be ordered to attend the House or a committee by summons. The Clerk of the House shall issue a summons of the House and the secretary of the committee shall issue a summons of a committee.
- (b) The House may deal as it sees fit with a witness who does not, or refuses to, attend or give evidence before the House or a committee.

All witnesses

255 Examination of witnesses

- (a) A Member giving evidence to the House shall be examined in his or her place.
- (b) A witness (other than a Member) shall be examined at the Bar, unless the House otherwise orders.
- (c) The Speaker shall examine the witness, and questions by Members are taken to be asked through the Speaker.
- (d) A witness before a committee or subcommittee shall be examined according to the procedure agreed on by the committee.

256 Witness entitled to protection

Any witness giving evidence to the House or one of its committees is entitled to the protection of the House in relation to his or her evidence.

Visitors

257 Admission of Senators and visitors

- (a) Only the Speaker shall have the privilege of admitting visitors into the lower galleries, and may admit distinguished visitors to a seat on the floor of the Chamber.
- (b) No Member may bring a visitor into any part of the Chamber, or that part of the room where the Federation Chamber is meeting, which is reserved for Members.
- (c) Senators shall have the privilege of being admitted into the Senators' gallery without invitation. When present in the Chamber or galleries they must observe the Speaker's instructions regarding good order.
- (d) A visitor does not include an infant being cared for by a Member.