



**GIVING ORAL EVIDENCE  
TO A  
PARLIAMENTARY COMMITTEE  
OF THE  
LEGISLATIVE ASSEMBLY**

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## **WHAT DO PARLIAMENTARY COMMITTEES DO?**

Parliamentary committees are made up of Members of Parliament. They investigate and report on matters of public importance within their area of responsibility. During the inquiry process, committee members gather information, call for submissions and speak with government and non-government bodies, specialists and private individuals about the inquiry topic. The committee members discuss the evidence gathered and formulate findings and recommendations for government action. The committee will then prepare and deliberate on a draft report, which is presented (tabled) in Parliament.

Members of the public can be involved in inquiries by writing submissions and giving oral evidence at a hearing. This brochure outlines the rules and processes you need to know if you are giving oral evidence before a committee.

If you need information about making a written submission to a committee, refer to the brochure *Making a Submission to a Parliamentary Committee of the Legislative Assembly*.

## **HOW DO I APPEAR BEFORE A COMMITTEE?**

Parliamentary committees have the power to send for persons, papers and records, and may order or summons a person to attend a hearing or provide documents to a committee.

Committees use hearings to ask people questions on the subject they are investigating. The questions asked relate to the specific terms of reference for the inquiry, which can be found on the committee's website (see details at the back of this brochure).

There are two ways by which people can appear before a committee at a hearing. First, you may receive an invitation from the committee, as committees invite individuals and organisations who have a particular relevance to their inquiry to appear before them. Second, if you have information to present to a committee, you can request the opportunity to appear before that committee. The committee's Principal Research Officer will advise you if the committee wishes to have you appear at a hearing to give oral evidence.

As a witness to a committee hearing you are not usually asked to give your evidence on oath. However, it is important that you understand that if you deliberately mislead the committee, you may be held to be in contempt of Parliament.

If you are called by a committee to give oral evidence, you will be given reasonable notice by letter prior to the hearing of the date, time and location of the hearing. You will also be provided with a copy of the committee's terms of reference and advised of any documentation the committee requires you to provide at the hearing. It is advisable to arrive 10 minutes early to allow for the completion of administrative requirements.

## HOW IS MY EVIDENCE USED?

When you appear before a committee a written record, or transcript, is made of what you and the committee members say. The committee uses your evidence to help them form a view on the subject they are investigating. The committee may either paraphrase or quote directly from your evidence in its report to the Legislative Assembly. What you say to a committee is subject to parliamentary privilege.

## WHY IS MY EVIDENCE SUBJECT TO PARLIAMENTARY PRIVILEGE?

Parliamentary privilege protects you from being taken to court and questioned about what you say to the committee at a hearing. This is important so that you are able to be honest and direct in your evidence to a committee, without fear of being sued for defamation or fear of harassment, intimidation or improper influence by anyone. In return, the committee expects you will provide evidence that is directly relevant to its inquiry and the questions asked, and not abuse the protection you have.

If you repeat any of the statements you make in hearing evidence (where they are not already in the public domain) or publish these statements elsewhere, you are not protected by parliamentary privilege for those subsequent statements. If you are found to have deliberately abused the protection given to you, for example, by making reckless statements about other people, you may be found to be in contempt of Parliament.

Wherever possible, witnesses will appear in person before the committee. However, in exceptional circumstances the committee may use video-conferencing facilities to take evidence. It is not permitted for a committee to hear evidence via teleconferencing (audio-only conference links). Evidence given from outside Western Australia is privileged in relation to any court action taken in this State, but privilege may not necessarily apply to actions commenced outside the State.

## WHAT ABOUT MY PRIVACY?

Committee hearings are normally open to the public and the media. Committees also have the capacity to broadcast Committee proceedings within Parliament House, to various government agencies and via the parliament's website. This includes any documentation provided by a witness to assist the Committee in its investigations. A written record or transcript of evidence you give at a public hearing is placed on the internet.

Committees usually resolve not to include the personal contact details of submitters on the website. If you are concerned about the confidential nature of your evidence, you can request that all or part of it is taken either in a closed hearing or *in camera*.

- Evidence taken in a closed hearing is confidential, and no one may publish or disclose any part of the evidence received by the committee unless the committee itself resolves to do so. If the transcript from a closed hearing is not tabled or published by



the committee at the completion of its inquiry, that transcript may not be disclosed for at least ten years.

- Evidence taken *in camera* is also confidential and may only be published or disclosed by the committee with your written approval. If you do not authorise the disclosure of your *in camera* evidence, it remains confidential and only may be made public after 30 years. It is rare for a committee to agree to this level of protection.

If you have private or confidential information to present to the committee, you should ask the committee's Principal Research Officer for advice well before you attend the hearing as there are restrictions on the handling, use and publication of closed and *in camera* evidence.

### **CAN MY LAWYER ATTEND THE HEARING WITH ME?**

It is possible to have a lawyer with you when you give evidence to a committee, but you must ask the committee before the hearing for permission to do this. The rules about having a lawyer with you are strict and a lawyer who attends the hearing with you is only able to offer you advice. He or she cannot speak to the committee on your behalf. If you are thinking about having a lawyer come with you speak to the Principal Research Officer well before the hearing.

### **WHAT HAPPENS WHEN I APPEAR BEFORE A COMMITTEE?**

On the day of the hearing, the general procedure will be as follows:

- when you arrive, go to the reception desk and give your name. The staff will ask you to complete a *Details of Witness* form;



- you will also be provided with an *Information for Witnesses* briefing sheet. It is important that you read this sheet as the committee will ask if you have read this and if you have any questions;

- you will be taken into the hearing room and shown where you sit to appear before the committee as a witness;
- you will be advised that the proceedings are formal proceedings of the Parliament and warrant the same respect that proceedings of the Legislative Assembly itself demand;
- you will be reminded that although the committee has not required you to give evidence on oath, you should be aware that it does not alter the importance of the occasion and the deliberate misleading of the committee may be regarded as a contempt of the Parliament;
- the member chairing the committee will ask you, as the witness, to state your full name and capacity in which you appear before the committee;
- if a written submission has been received from you as a private citizen or the organisation that you represent, you will be given an opportunity to amend or elaborate on the material already provided to the committee. You will have reasonable access to any documentation you have submitted to the committee. While witnesses may seek to incorporate documentary material within their transcript of evidence, this is rarely possible. If you produce documentary evidence during the course of your hearing, this will generally be accepted as separate evidence;
- although procedures may vary between committees, the member chairing the committee normally leads by asking a series of questions, followed in turn by the other committee members;
- committee members will ask you any questions that are relevant to the committee's terms of reference;
- if at any time throughout the hearing you are unsure as to what is required, you can ask the member chairing the committee to explain;
- if you are appearing in your capacity as a public servant, you will not be asked to give your opinions on matters of government policy and will be given reasonable opportunity to refer questions asked to your superior officer or to the relevant Minister;
- if the committee needs to discuss a point in private during the hearing, you will be asked to leave the room until they have finished;
- when the hearing is over, you can leave the room.

## WHAT HAPPENS TO MY EVIDENCE?

Following the hearing, you will be sent an uncorrected copy of your transcript and asked to make minor corrections in red or blue ink. For your corrections to be included in the committee's records, you must return your corrected transcript to the committee's Principal Research Officer within 10 days from the date on the letter attached to the transcript.

It may be possible to obtain an extension of time for returning corrected transcripts, although there is no guarantee as committees often work to tight deadlines.

Once finalised, hearing transcripts will be located on the Parliament of Western Australia's internet homepage at: <http://www.parliament.wa.gov.au>, by following the links to the relevant committee.

## COMMITTEE REPORTS

If you give oral evidence to a committee as part of a committee inquiry, you will receive a copy of the committee's report(s). This allows you to see the outcome of the committee's deliberations on the inquiry issues, and the committee's recommendations for government action.



## FURTHER INFORMATION

More information about individual committees, their members, inquiries and reports are available on the Parliament of Western Australia's website: <http://www.parliament.wa.gov.au>. If you need further information, please contact either the Principal Research Officer of the relevant committee or the Clerk Assistant (Committees) (see details at the back of this brochure).



## **CURRENT LEGISLATIVE ASSEMBLY COMMITTEES**

### **Community Development and Justice Standing Committee**

Email: [lacdjsc@parliament.wa.gov.au](mailto:lacdjsc@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/cdjsc](http://www.parliament.wa.gov.au/cdjsc)

### **Economics and Industry Standing Committee**

Email: [laeisc@parliament.wa.gov.au](mailto:laeisc@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/eisc](http://www.parliament.wa.gov.au/eisc)

### **Education and Health Standing Committee**

Email: [laehsc@parliament.wa.gov.au](mailto:laehsc@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/ehsc](http://www.parliament.wa.gov.au/ehsc)

### **Public Accounts Committee**

Email: [lapac@parliament.wa.gov.au](mailto:lapac@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/pac](http://www.parliament.wa.gov.au/pac)

### **Joint Standing Committee on the Corruption and Crime Commission**

Email: [jscccc@parliament.wa.gov.au](mailto:jscccc@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/jscccc](http://www.parliament.wa.gov.au/jscccc)

### **Joint Standing Committee on the Commissioner for Children and Young People**

Email: [jscccyp@parliament.wa.gov.au](mailto:jscccyp@parliament.wa.gov.au)

Web : [www.parliament.wa.gov.au/jscccyp](http://www.parliament.wa.gov.au/jscccyp)

#### **Legislative Assembly Committee Office**

Address: Level 1  
11 Harvest Terrace  
West Perth WA 6005

Telephone: (08) 9222 7494

Facsimile: (08) 9222 7804

Freecall: 1800 199 187

[www.parliament.wa.gov.au/committees](http://www.parliament.wa.gov.au/committees)