



Giving evidence at a parliamentary committee hearing

What is a hearing?



Hearings allow committees to hear directly from the public, interest groups and organisations about an issue. They give committees the chance to gather more information on the issue being considered and seek clarification on matters raised in submissions. Hearings can be held at Parliament House and also at locations around NSW.



Who can give evidence?

Individuals and representatives of organisations are invited to give evidence. They may have made a submission to the inquiry but this is not essential.

A committee can invite a witness it considers to have expert knowledge but who did not make a submission. You may ask to appear as a witness but the final decision rests with the committee.



What's the difference between a public and a private (*in camera*) hearing?

Committee hearings are usually held in public, with members of the general public and media free to attend. Public hearings at Parliament House are usually webcast and viewed on the Parliament's website.

You can ask, before or during the hearing, to give your evidence privately if the information you intend to provide is confidential. If the committee approves your request, the public and media will be excluded, the webcast switched off, and the hearing will proceed in private. Private hearings are known as *in camera* hearings.

In camera evidence is treated as confidential. However, depending on the nature of the evidence, the committee may refer to it in its report. If it intends to use *in camera* evidence, the committee will first consult with the witness. Although unlikely, in extraordinary circumstances the committee or the House can order access to or publication of *in camera* evidence without consulting the witness.



Who can attend a hearing?

Members of the general public are free to attend public hearings. However, only people who have been called to attend as a witness may speak to the committee.

The media can attend to report on and record public hearings. Filming is only permitted with the committee's approval, and the use of cameras restricted to accredited media.

How do I prepare for a public hearing?



Read your submission

Review your submission, as committee members can ask questions about specific issues you have raised.



Select the appropriate representative from your organisation

Unless the committee has requested a specific individual to appear as a witness, organisations should try to ensure the representative they send has a good understanding of the issues the committee is investigating.



Refer to the terms of reference and published submissions

While you may not have addressed all the terms of reference in your submission, the committee may ask your opinion on related matters not covered in your written evidence.

If you did not make a submission, reading the terms of reference will help you understand the issues the committee is investigating.

You may also benefit from reading the published submissions to see the issues that others have raised. The terms of reference and published submissions are available on the committee's webpage.



Provide additional documents before the hearing

If you wish to provide the committee with additional documents, such as reports or diagrams, it would be best to forward them to the committee manager before the hearing. Contact details for the manager are available on the committee's webpage.

If you are unable to provide advance copies, please ensure you bring enough copies on the day of the hearing. There should be one copy for each committee member, one for the committee manager, and one for Hansard (parliamentary reporting staff).

If these documents are not already in the public domain, the committee may subsequently resolve to publish them.



Think about what you want to say

You may find it useful to prepare written notes or prompts that you can refer to during the hearing.



Advise of any special requirements

Inform the committee manager prior to the hearing if you have any specific needs such as car parking or building access.



Am I protected by parliamentary privilege?

The *Parliamentary Evidence Act 1901* provides that a witness who has given evidence under oath or affirmation cannot be subject to legal action for any defamatory evidence given before a committee. However, statements made after formal evidence or outside the proceedings, even if restating what was said during the hearing, are not protected. Presenting documents to the committee is protected by parliamentary privilege but circulating or publishing those documents outside the hearing is not protected.

Committee proceedings, including making a submission, are proceedings of Parliament and accorded the same protection as proceedings in the House.

What happens at a public hearing?

Arrival

When you enter the hearing room, introduce yourself to committee staff. They will assist by letting you know where to sit and when it's your turn to give evidence.

Opening procedures and swearing in

When called to give evidence, take a seat in front of the committee and Hansard reporters – your name will be on a nameplate placed on the table. The committee chair will ask you to take the oath (swearing before God) or make an affirmation to tell the truth – a prompt card is provided for you to read from.

You will then be asked to state your full name and in what capacity you appear before the committee ie as a private individual or representing an organisation.

Opening statement

You may be invited to make a short opening statement. This should be no more than five minutes. It should focus on the key points you want to raise. There is no need to restate all the issues in your submission as members will have read your submission. Alternatively, you can decline to make an opening statement and go straight to questions.

Taking questions

Starting with the committee chair, each member will ask questions based on your submission, opening statement, and possibly other evidence the committee has received. Questions are designed to clarify aspects of your submission and to seek information on matters within the inquiry's terms of reference. You may be asked for your opinion on issues that have been raised during the inquiry. Generally, hearings help the committee go beyond written submissions.

You are free to offer information if the committee has not fully explored an issue that you believe deserves further attention. At any stage of proceedings, you can request to give evidence in private or seek leave of the committee to obtain legal advice on an issue.

What if I don't know the answer?

You should tell the committee if you're unable to answer a question that is outside your professional expertise or knowledge.

If you would like to answer a question but don't have all the information immediately available, you can ask to provide a written response after the hearing. This is known as taking a question on notice. Committee staff will contact you after the hearing to confirm arrangements for submitting your response. Responses to questions taken on notice are treated in the same way as the transcript of evidence; they are regarded as evidence and published on the committee's webpage.

Conclusion of questions

At the end of your appearance the committee chair will ask if you're willing to provide written answers to additional questions the committee may send you at a later date.

What happens after the hearing?



Public hearings are recorded word-for-word by Hansard, with a transcript of evidence produced after the hearing. A copy of the transcript of your evidence will be emailed to you for review. You may check the transcript for correction of errors (but not content or style).

The transcript will be published on the committee's webpage after the committee resolves to publish it under the *Parliamentary Papers (Supplementary Provisions) Act 1975*. The transcript may also be quoted in the committee's report to Parliament.

In camera evidence must be corrected in the presence of a committee staff member at Parliament House. The transcript for evidence given *in-camera* is not published.

Further information

Visit the Parliament's website for more information about parliamentary committees and the inquiry process.

The contact details for each committee are listed on its webpage. Committee staff can answer any questions you may have about appearing before a committee at a public hearing.

For information about preparing a submission to an enquiry, please refer to *Making a submission to a parliamentary committee inquiry*. You can also follow the work of the Legislative Assembly online:

www.parliament.nsw.gov.au/committees

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