



Legislative Assembly

Information for committee witnesses

Committee Hearings

Committee hearings allow committee members to hear directly from the public, interest groups and organisations. They also allow members to seek clarification or further details about matters raised in submissions.

A committee can invite individuals and representatives to give evidence at a hearing. You can ask to appear as a witness but the final decision will rest with the Committee. A witness may have made a submission to the inquiry, but this is not essential; not all individuals who make a submission will appear as witnesses.

Who can attend a committee hearing?

Interested members of the public and the media can attend public hearings held at Parliament House or at other locations around NSW, however only those people who have been called to attend as witnesses may speak. Where evidence is taken privately the media and public will be excluded from the hearing room. Hearings may also be televised on the Parliament's in-house broadcast system.



Public or private hearings

Committee hearings are usually held in public, however if the information you intend to provide is confidential, you may ask, either before or during the hearing, to give your evidence privately. The committee will consider your request and if granted, the media and public will be excluded and the hearing will proceed in private. Private hearings are known as *in camera* hearings.

In camera evidence is treated as confidential at the time that it is heard. However, depending on the nature of the evidence, the committee may wish to refer to it in its report. If the committee intends to release any *in camera* evidence it will consult the witness first. Although unlikely, the House can order the production and publication of *in camera* evidence without consulting the witness.

Parliamentary privilege

Committee proceedings are proceedings of Parliament and accorded the same protection as proceedings in the House. 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, or any documents not formally presented to the committee, are not protected.

Appearing at a hearing

Arrival

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

Opening procedures

When you are called to give evidence, the committee Chair will first ask you to take the oath (swearing on the bible) or make an affirmation to tell the truth. Prompt cards are provided by committee staff for you to read from. If you require further information about this procedure, please contact staff before the hearing.

The committee Chair will then ask you to state your full name and in what capacity you appear before the committee, e.g. as an officer of an organisation or as a private individual.

Giving evidence

Before inviting members of the committee to ask questions, the committee Chair will give you the opportunity to make a short opening statement (usually about five minutes). You will then be asked questions by the Chair and members of the committee.

The questions are designed to clarify aspects of your submission and to seek information relevant to matters within the committee's terms of reference. Generally, hearings help the committee go beyond written submissions.

You should indicate if a question is outside your professional competence or if you consider it to be outside the committee's terms of reference. Witnesses are free to offer information if the committee has not fully explored an issue that 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. If you can't immediately answer a question or provide information at the hearing, or if the committee has additional questions, you may be asked to provide a written answer or additional material later.

Regardless of whether you or your organisation have made a submission, you can provide additional documents at the hearing, such as diagrams, maps or reports. If these documents are not already in the public domain, the committee may subsequently resolve to publish them. If you intend to provide additional documents, extra unmarked copies should be provided for circulation to committee members. Committee staff can make copies if you advise them upon your arrival.

Recording evidence

All hearings conducted by parliamentary committees are recorded by Hansard (parliamentary reporting staff). Hansard will produce a transcript of evidence at the completion of the hearing.

After the hearing

Soon after the hearing you will be sent a copy of a proof transcript of your evidence. You may check the transcript for correction of errors (but not content or style). The transcript of evidence given in a public hearing will be placed on the committee's website once it has been authorised for release by resolution of the committee under the *Parliamentary Papers (Supplementary Provisions) Act 1975*. The transcript may also be quoted in the committee's report to Parliament.

Evidence taken in camera must be corrected in the presence of a committee staff member at Parliament House.

Further information

For more information about parliamentary committees and the inquiry process, please go to www.parliament.nsw.gov.au/committees.