

Appearing as a Witness

A guide to appearing as a witness at a committee hearing

Introduction

As part of their inquiry work committees often hold public hearings to build on the information provided to them in written submissions. These hearings provide the opportunity to those witnesses invited by committees to appear, to explain further or add to information included in their submissions. Hearings also give submitters an opportunity to respond to issues or arguments put forward in other written or oral (spoken) submissions.

The Parliament has developed guidelines for its committees titled “Instructions to Committees Regarding Witnesses” for how they deal with witnesses at hearings. These guidelines are available from committee staff or from the Parliament’s website.

At the hearing

If you made a written submission, bring a copy to the hearing with you. Ideally aim to arrive 10 to 15 minutes before your scheduled time.

When you arrive at the hearing venue, introduce yourself to the committee staff. For hearings in the parliamentary complex in Brisbane, please go to the reception table at the main entrance on the ground floor of the Parliamentary Annexe. The staff will give you directions to the hearing room.

Hearings are usually open to the public and it is likely that the proceedings will be transcribed by parliamentary reporters (Hansard). Media representatives might also attend the hearing and record the proceedings. Some hearings are broadcast on the internet.

When it is your time to speak, the committee chairperson will ask you to firstly state your name and any organisation you represent. Generally, the chairperson will then invite you to make a brief opening statement (typically five to ten minutes) before committee members ask you questions relevant to your submission, if you made one. Please speak clearly to allow Hansard to correctly record your comments. If you cannot answer a question or provide information at the hearing, you can offer to provide the information to the committee at a later date.

Evidence and parliamentary privilege

Usually hearings are informal and you will not be asked to give evidence on oath. However, your evidence (what you tell the committee) will be covered by parliamentary privilege. This means that you are protected from any legal action for the comments you make (for example you would not be liable to a defamation action). However you would not be covered if you repeat the same comments outside the hearing.

On the other hand, your evidence may be subject to sanction by the Parliament if it is found to be in contempt of Parliament. For example, if your evidence is found to be intentionally misleading or in breach of the *sub judice rule* (i.e. prejudicial to court proceedings underway). Knowingly giving a false answer to a committee might also amount to a breach of the criminal law.

If you believe that someone is trying to influence your evidence please tell the committee. The committee can report the matter to parliament for investigation as a possible contempt.

Where a witness makes adverse comments about a person, the committee may decide to hear that evidence in private and may also give that person an opportunity to respond.

After the hearing

Committee staff will send you a copy of the draft transcript soon after the hearing. You can suggest changes to the transcript of your evidence – but only changes to correct typing or transcription errors, not changes that would alter the meaning of the transcript contents. Any requested corrections should be returned within the time specified by the committee. If on reading the transcript it appears that you have provided factual information that is incorrect or unclear, you should inform the committee of this in writing and provide the correct or clarifying information.

Confidentiality and legal advice

You may ask to give your evidence or part of it in private. If this occurs the committee will also provide you with an opportunity to argue whether your evidence should be published.

You may also seek the consent of the committee for you to bring a legal adviser with you to the hearing. Please contact the committee secretariat in this regard.

Contact Details

Postal Address: *Committee Name*
Parliament House
Brisbane Qld 4000

Economics and Governance Committee

Ph: 3553 6637 Fax: 3553 6699
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Education, Employment and Small Business Committee

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Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

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Innovation, Tourism Development and Environment Committee

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Legal Affairs and Community Safety Committee

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State Development, Natural Resources and Agricultural Industry Development Committee

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Transport and Public Works Committee

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