



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Appearing as a witness at a Committee Hearing

INTRODUCTION

Parliamentary committees inquire into matters on behalf of the Legislative Assembly and report their findings to the Assembly. Each committee inquiry has Terms of Reference which determine the matters the committee will consider.

Committees comprise Government, Opposition and Independent Members of the Assembly.

Committees obtain information from individuals, organisations, government agencies and experts by calling for submissions. Committees may also hold public hearings where selected individuals and organisations answer the Committee's questions.

THE ROLE OF HEARINGS

Committee hearings provide an opportunity for witnesses to present their views on the issues under inquiry and to clarify, or add to, information they may have provided in a written submission. Committee hearings assist committee members to become better informed about the relevant aspects of an inquiry and allow them to use the information and arguments presented to the inquiry in their subsequent report to the Assembly.

WHO CAN PARTICIPATE

The Committee decides who will be invited to give evidence at a hearing. Any interested member of the public can ask to appear as a witness but a committee may not necessarily agree to such requests.

Prospective witnesses will be contacted by the committee secretariat to discuss the date, time and place of a hearing. An organisation called to give evidence can usually determine who will represent it at the hearing, although a committee may request

specific office holders or individuals to attend.

Organisations should ensure that they select witnesses who have appropriate knowledge of the issues under consideration. It is helpful if organisations advise the committee secretary as soon as possible after being contacted of the names and position titles of the people who will attend.

Where people decline an invitation to appear at a hearing, committees have the power to summon them to appear if they consider it is warranted.

The Assembly's Standing Order 210 set out procedures for committees to follow when dealing with prospective witnesses and the rights and responsibilities that apply to witnesses appearing before committees.

WHAT HAPPENS AT A PUBLIC HEARING

When you arrive

When you arrive at the hearing venue, please introduce yourself to committee staff. If the public hearing is in progress, witnesses are welcome to observe proceedings from the public gallery before being called to give evidence. It is helpful if you arrive at least 15 minutes before your scheduled time in case the hearing is running ahead of time.

Calling witnesses

When the committee is ready, the Chair will call witnesses to the table to give their evidence. The Chair will ask each person to state their full name and the capacity in which they are appearing before the committee (eg, are they representing an organisation or appearing as a private citizen).

Giving Evidence

Before the Committee commences questioning, the Chair will give witnesses an opportunity to make an opening statement. Committee Members will then ask the witness questions.

If witnesses are unable to answer a question they may ask to provide a written answer to the committee at a later date. This is known as 'taking a question on notice'.

Presenting documents to the Committee

If witnesses wish to present any documents relevant to the inquiry, it is preferable if they provide them to the committee secretariat ahead of the hearing so that they can be distributed to committee members, or have sufficient copies for all Members of the committee.

Government Officers

Officers of Government departments are not required to answer questions which seek opinions on policy. Officers will also be given reasonable opportunity to refer any questions to their superior officers or the Minister.

AFTER THE HEARING

Hearings are recorded verbatim by parliamentary reporting staff (Hansard). After a hearing, witnesses will be sent a copy of the draft transcript for correction. While corrections can be made to transcription errors, changes cannot be made that would alter the meaning of what was said at the hearing.

If on reading the transcript it appears that you have provided information that is incorrect or unclear, you should inform the Committee of this in writing and provide the correct or clarification.

Following the specified time for receipt of corrections, the Committee will usually authorise publication of hearing transcripts and place them on the Assembly's website.

PARLIAMENTARY PRIVILEGE

The evidence provided to a committee at an inquiry hearing is privileged. This means that witnesses are immune from legal action

in respect of statements made in the course of giving evidence to a committee. However, legal immunity does not apply if the same comments are repeated outside the hearing.

Witnesses are also protected from being prevented from or punished for giving evidence to a committee. It is an offence to improperly influence a witness or prevent them giving evidence, or to penalise, injure or deprive a person of a benefit because they gave evidence.

While witnesses are not usually required to take an oath, where evidence is intentionally misleading a witness may be found to be in contempt of the Assembly.

Witnesses should have regard to the reputations of others and not adversely name a person unless necessary for the committee's inquiry. If a witness considers it necessary to name a person, they should first ask the committee if it wishes to hear the evidence in private. If a person is adversely named, the committee may order that this be removed from the record and not be reported by other persons, and may invite the person named to respond to the evidence given.

CONFIDENTIALITY

Committee hearings are usually held in public, however, witnesses can ask, either before or during a hearing, that all or part of their evidence be heard in private or *in camera*. If the Committee agrees to the request, the public and media will be excluded from that part of the hearing.

While *in camera* evidence is treated as confidential when it is heard, in extraordinary circumstances the committee or the Assembly may publish the evidence at a later date.

LEGAL ADVICE

Witnesses may seek the Committee's consent to be accompanied by, and consult with, a legal adviser during the course of the hearing.

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FOR FURTHER INFORMATION CONTACT THE COMMITTEE OFFICE

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