

Giving Evidence at a Public Hearing

What to expect

A public hearing is an opportunity for a parliamentary committee to take verbal evidence from people and organisations with particular knowledge about an inquiry. All hearings are conducted in accordance with parliamentary rules and procedure. As a witness, you will be invited to present evidence and information to members of the parliamentary committee. Members of the committee may then ask you a series of questions relating to your evidence, to explore that information in more detail. There will be a public gallery, where members of the public can observe proceedings. Media representatives sometimes attend as well.

Preparing for the public hearing

Be relevant. Ensure that the subject matter, observations or opinions that you wish to bring to the attention of the committee directly address the terms of reference of the inquiry. Copies of the Terms of Reference are available from the committee's office.

Prepare written notes. Many people find it useful to prepare written notes to ensure that their arguments and information are clear and concise.

Written submissions. Committee members may take the opportunity to ask you questions about your written submission, if you prepared one at an earlier stage of the committee's investigations. For information on written submissions, please refer to *Making a Written Submission*.

If you have made a written submission to a committee and/or you are to give oral evidence to a committee, you should not disclose the evidence to the media or any other persons until the committee has decided to make such evidence public. Please contact the committee office if you have any queries. Please also refer to the sections on parliamentary privilege, confidential evidence and publication of evidence below.

Equipment. If you wish to use notice boards, an overhead projector, video equipment or any other resources, please advise committee staff well before the hearing date.

Special needs. Parliamentary committees will make every effort to ensure that witnesses with special needs (for example, hearing or sight impairment) are given ample opportunity to present their evidence in a supportive environment. Any requests for special assistance should be made to the committee office well in advance of the hearing day.

On the day — preliminaries

Arrival. Please make yourself known to committee staff.

Providing documents. As noted above, it is preferable to submit all relevant material to the committee well in advance of the hearing. If circumstances mean that you can only bring documentation on the day, please provide sufficient copies (one for each committee member, one for committee records, and one for Hansard).

Swearing in. The committee may decide to take sworn evidence, though this is optional for the committee. If this is the case, when it is time for you to present evidence, the Chair will ask if you wish to swear an oath on the Bible or other holy book, or make an affirmation that the evidence you present is the truth. This is your choice. If you wish to swear on a holy book other than the Bible, please advise committee staff well before your appearance.

Name, address and position. The Chair will next ask you to state your name, address, and in what capacity you are appearing before the committee.

Presenting evidence

Short statement. The Chair will ask if you wish to make a short statement. This is normally five to ten minutes unless indicated otherwise in the letter confirming your attendance.

To the point. Making a statement to the committee enables you to emphasise key concerns or important themes and you may elaborate on your written submission if you have made one. When speaking, use your time effectively. State your concerns or thoughts clearly. Be relevant and avoid unnecessary detail.

Questions. After your short statement, committee members may ask questions or discuss matters raised in your submission (if you have made one) or in your presentation. If you do not understand a question, ask for it to be repeated. If you are unable to provide the relevant factual or statistical evidence to answer a question during the hearing, you can indicate that you will submit the necessary information to the committee as soon as possible.

Recording. Please note that a transcript of your evidence will be made by Hansard.

Public gallery

Visitors. Members of the public and the media are permitted to attend public hearings. The committee asks that people in the gallery respect the rights of witnesses and the responsibilities of the Committee by keeping noise and movement to a minimum. Note that some hearings may be held in private, and are closed to visitors, (see Confidential Evidence below).

Equipment. Mobile telephones, cameras, tape-recorders and similar equipment are not permitted.

After the hearing

Correcting the transcript. Several days after the hearing you will receive a draft copy of your transcript of evidence for correction of obvious errors of fact or grammar within a timeframe advised by the committee. You are not permitted to retract or add to the content.

Follow-up questions. If you are asked to provide additional information, please send it to the committee as soon as possible.

Parliamentary privilege

Under the *Constitution Act 1975* and *Parliamentary Committees Act 2003*, evidence given before a Victorian parliamentary committee is protected by parliamentary privilege. This means that in most circumstances no legal action can be taken against the witness providing the information. Nothing said in a public hearing can give rise to any course of action in law or be subject to any court proceedings. Written submissions to parliamentary committees are similarly protected by parliamentary privilege, once formally received by the committee.

Any comments you make relating to, or effectively repeating, your evidence after the hearing may not be protected by parliamentary privilege. Any part of your written submission that you cause to be republished may not be protected by parliamentary privilege.

If you have any questions please contact the committee office.

Confidential evidence

Sensitive evidence can, in special circumstances, be presented confidentially (in camera) to parliamentary committees. Anyone who wishes to present confidential evidence must apply to the committee in advance or, if necessary, during the course of the hearing. The committee will then consider the application. If the committee approves the request, the public gallery will be cleared. The committee will neither disclose nor publish any evidence presented in-camera and nor should a witness disclose any such evidence, whether in written or oral form.

Publication of evidence

Witnesses should note that all submissions and transcripts of evidence to a committee, unless declared otherwise by the committee, are public documents. This means that the evidence may be quoted in the committee's report to Parliament, and it may be published on the website. It should also be noted that authorisation to publish oral evidence or written submissions rests with the committee and not with individual witnesses and authors. Confidential information is not released to the public.

Your contribution

Giving evidence before and/or providing a submission to a parliamentary committee is an important input into the workings of the Parliament of Victoria. The committees thank you for the time and effort you have taken and for your valuable contribution.

May 2008