



## **PUBLIC SECTOR EMPLOYEES: LIAISON WITH PARLIAMENTARY COMMITTEES**

Legislative Council Committee Office, Parliament of Western Australia, September 15 2005

- 1. Be aware of your accountability, responsibilities and obligations to Parliament.**
- 2. Be aware of any internal departmental protocols and procedures that cover public sector employees' liaison with parliamentary committees but recognise the paramountcy of Parliament.**
- 3. Has a parliamentary committee asked you for information?**
  - Committees will generally address all correspondence to a department's Director-General or equivalent. It is the responsibility of public sector employees to keep their responsible Minister informed about communications with a committee.
  - Co-operate with committees fully.
  - Meet requests for information in writing and within the requested timeframe.
  - Be open, clear, concise and accurate. Seek clarification if you are unsure as to what is required.
  - If time is of the essence for your response and you do not have all the information – consider providing more than one response as and when information comes to hand.
  - Consider requesting that the committee treat some or all of the information as private to alleviate any concerns (refer to item 4 below). You may need to liaise with your Minister about this. The decision to treat information as private remains with the committee and, after the committee has reported, the House.
  - Be aware whether the committee has treated the information as private or public as that will affect subsequent publication of the information. Publication of information treated by the committee as private without the committee's authorisation may constitute a contempt.
- 4. Are you unable to supply the requested information?**
  - If the department is unable or unwilling, for any reason, to supply the information, act in good faith – inform the committee of the fact and the reasons as soon as possible rather than hoping that the committee won't notice that information was not provided. The committee may consider whether to pursue the matter – it may make alternative arrangements to obtain the information, may nominate a further period for you to supply the information or may consider the issuing of a summons.
  - Claims that any information should be withheld (for example, on grounds such as public interest immunity, legal professional privilege or commercial-in-confidence) should be made by the responsible Minister providing precise details and reasons. The appropriateness of the claim is a matter for the committee, and ultimately the House, to determine.
  - Consider requesting that the committee treat some or all of the information as private to alleviate any concerns. The decision to treat information as private remains with the committee and, after the committee has reported, the House.
- 5. Are you involved with delegated legislation?**

If so, be aware of specific information requirements of the *Premier's Circular* and note previous reports of the Joint Standing Committee on Delegated Legislation. Information is accessible from: [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

**6. Are you involved with local laws?**

If so, be aware of specific information requirements of the *Department of Local Government and Regional Development Circular* and note previous reports of the Joint Standing Committee on Delegated Legislation. Information is accessible from: [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

**7. Are you involved with legislation that ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or which by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth?**

If so, be aware of specific information requirements of a *Ministerial Office Memorandum* and the Uniform Legislation and Statutes Review Committee regarding the identification of bills and the provision of supporting information. Ensure that you are aware of previous reports of that committee and its predecessor committee - the Uniform Legislation and General Purposes Committee. Information is accessible from: [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

**8. How can you prepare to appear as a witness?**

- Ensure that the person representing the department has adequate knowledge of the subject matter.
- Prepare thoroughly. Familiarise yourself with possible lines of questioning – either by discussion with committee staff or from *Hansard* debate.
- Be open, clear, concise and accurate. Seek clarification if you are unsure as to what is required.
- If you think you may be asked to provide legal comment, consider whether you need to seek advice from departmental legal staff or the State Solicitor's Office.
- If you intend to read from, quote or table any documents during the hearing, bring sufficient copies with you or alternatively attend the Legislative Council Committee Office at least 15 minutes before the hearing to enable the documents to be copied for the committee's records. An electronic copy of any material is also appreciated (preferred electronic format is *Microsoft Word 2003*).
- Be familiar with your rights and obligations as a witness, information about which will be sent to you prior to the hearing.
- Discuss with committee staff any concerns you have about giving evidence.

**9. What should you do at the hearing?**

- Maintain high standards of courtesy.
- Consider whether a request should be made to the committee to exercise its discretion to receive some or all of the evidence in private session. The decision to treat evidence as private remains with the committee and, once the committee has reported, the House.
- If you are unsure of the facts or do not have information at hand ask to take the question on notice and submit the clarification or amplification in writing without delay. This is preferable to giving incorrect or misleading information.
- If you have been asked a question touching on policy, consider whether you can answer or whether you need to refer the question to the Minister.
- Inform the committee if you are unable or unwilling to supply the information promptly (refer to item 4 above).

**10. What should you do after the hearing?**

- Be mindful of whether the committee has treated some or all of your evidence as private as that will affect subsequent publication of the evidence. Evidence taken in private is confidential to the committee and its publication without the committee's authorisation may constitute a contempt.
- Promptly return the committee's uncorrected transcript of evidence with your corrections.
- If you have omitted relevant material, seek to provide a supplementary statement or give further oral evidence.
- If you become aware of any inaccuracies in information provided, promptly inform the committee and supply the correct information.

**11. Be aware of the due date for government responses to a committee report and promptly prepare the response.**

- Ministers will be provided with a copy of a committee report but departments must obtain their own copy. Most reports are on the parliamentary website ([www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)) shortly after tabling.
- The response is due 4 months after the report has been tabled.
- Prepare the response as soon as possible. This may include co-ordinating inputs from other organisations with an interest in the matter. Ensure that your department's contribution has been prepared in sufficient time to be discussed with the Minister and included in the Government's response by the due date.
- Address all the recommendations and, if applicable, indicate reasons for not accepting any specific recommendation.
- Ensure that the response is tabled in Parliament by the due date. Provision of a response by the Minister to the committee chairman is not a substitute for tabling the response in Parliament.

**12. Further queries?**

Please contact the Legislative Council Committee Office by phone on (08) 9222 7300 or by email: [lcco@parliament.wa.gov.au](mailto:lcco@parliament.wa.gov.au).

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