

# PUBLIC SECTOR EMPLOYEES: LIAISON WITH LEGISLATIVE COUNCIL COMMITTEES

**As a public sector employee liaising with a Legislative Council committee you should be aware of:**

- your accountability, responsibilities and obligations to Parliament
- any internal departmental protocols and procedures that cover public sector employees' liaison with Legislative Council committees.

## **HAS A LEGISLATIVE COUNCIL 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. If you are asked for information:

- co-operate with committees fully
- meet requests for information in writing and within the requested timeframe
- be open, clear, concise and accurate. Seek clarification from committee staff if 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.

## **ARE YOU UNABLE TO SUPPLY THE REQUESTED INFORMATION?**

If the department is unable or unwilling, for any reason, to supply the information, inform the committee of the fact and the reasons as soon as possible.

Claims that any information should be withheld 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 Legislative Council, to determine.

You can ask the committee to treat some or all of the information as private. The decision to treat information as private remains with the committee and, after the committee has reported, the House.

The committee may:

- make alternative arrangements to obtain the information
- nominate a further period for you to supply the information
- issue a summons.

## **DELEGATED LEGISLATION**

If you are providing information to the Joint Standing Committee on Delegated Legislation you should be aware of:

- the [Premier's Circular 2014/01](#) setting out requirements for explanatory memoranda for subsidiary legislation
- the [Local Laws Explanatory Memorandum Checklist and Directions](#)

- previous [reports](#) of the Joint Standing Committee on Delegated Legislation that are relevant.

### **UNIFORM LEGISLATION**

If you are providing information to the Uniform Legislation and Statutes Review Committee you should be aware of:

- the [Premiers Circular on the Statutes \(Repeals and Minor Amendments\) Bill](#)
- the [Ministerial Office Memorandum](#) in relation to the identification of bills and the provision of supporting information.

### **HOW CAN YOU PREPARE TO APPEAR AS A WITNESS?**

If you are invited or summonsed 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 for Members
- 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.

Be familiar with your rights and obligations as a witness and note:

- you will be sent a witness information sheet before the hearing
- you should seek advice if you have any concerns about giving evidence.

### **9. WHAT SHOULD YOU DO AT THE HEARING?**

If you are appearing at a 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 your answer 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 promptly if you are unable or unwilling to supply the information.

## **10. WHAT SHOULD YOU DO AFTER THE HEARING?**

You will be forwarded the transcript of evidence from your hearing. The uncorrected transcript is private. You should:

- promptly return the committee's uncorrected transcript of evidence with your corrections
- if needed seek to provide a supplementary statement or give further oral evidence
- promptly inform the committee and supply the correct information if you become aware of any inaccuracies in information provided.

Check you understand whether the committee has treated some or all of your evidence as private. Evidence taken in private is confidential to the committee and its publication without the committee's authorisation may constitute a contempt.

## **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 relevant [committee webpage](#) shortly after tabling. Be aware that:

- the response is due 2 months after the report has been tabled
- where applicable the response should indicate reasons for not accepting any specific recommendation
- provision of a response by the Minister to the committee Chair is not a substitute for tabling the response in Parliament.

## **12. FURTHER QUERIES?**

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

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