



**PUBLIC ACCOUNTS AND EXPENDITURE REVIEW
COMMITTEE**

**REPORT ON
PROCEDURE FOR THE EXAMINATION OF
WITNESSES - OPEN AND REPORTABLE
HEARINGS**

REPORT NO. 35

Presented by:
Mr MW Trenorden, MLA
Laid on the Table of the Legislative Assembly
on Thursday, 23 October 1997

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COMMITTEE'S FUNCTIONS AND POWERS

The Committee obtains its powers and functions from the Standing Orders of the Legislative Assembly. Standing Order 412(1) states that the functions of the Committee are:

to inquire into, consider and report to the Parliament on any proposal, matter or thing connected with the receipt and expenditure of public moneys, including moneys allocated under the Annual Appropriation Bills and the Loan Fund.

Moreover, the Committee is empowered by Standing Order 412(2) to inquire into and report to the Assembly on certain specific matters and on any question which it deems necessary to investigate and consider whether the objectives of public expenditure are being achieved or may be achieved more economically.

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**MAX TRENORDEN, MLA
CHAIRMAN**

23 October 1997

INTRODUCTION

The purpose of this Report is twofold: firstly, to outline the Public Accounts and Expenditure Review Committee's procedure for examining witnesses and secondly, to clarify the rights of witnesses to speak publicly about their evidence. Specifically, the Report highlights three areas: the conduct of evidence hearings; public statements by witnesses; and the availability of uncorrected/corrected transcripts of evidence.

The intense public and media interest generated by the Committee's inquiry into the Western Australian Tourism Commission's sponsorship agreement with the Global Dance Foundation Inc. provided the impetus for clarifying the Committee's evidence procedures. At the outset of its hearings into the abovementioned inquiry, the Committee resolved:

That unless otherwise directed by the Committee, hearings will be open to the public within the meaning of Standing Order 373¹ of the Legislative Assembly and evidence given to the Committee will be reportable, within the meaning of Standing Order 375².

In relation to allowing witnesses to speak publicly about their evidence and making transcripts available, the Committee sought advice from the Clerk of the Legislative Assembly. From this discussion, it was decided to allow witnesses to make public statements, but they could not quote from nor distribute uncorrected transcripts. Further, corrected transcripts of evidence would not be released until the Committee had reported to the Legislative Assembly. This was to allow the Committee time to thoroughly analyse and review all available evidence before formulating its report. Indeed, it has been the Committee's standard practice, in line with the procedures of Parliament, to only release transcripts upon the tabling of a report. To reflect this position, the Committee formally resolved:

That witnesses be able to make public comments about their evidence, unless otherwise directed, in Committee inquiries and be advised that they are not permitted to release or quote from uncorrected transcripts.

Further, the Committee reaffirmed:

That transcripts not be made available prior to the Committee reporting to the House.

In clarifying its evidence procedures, the Committee has sought to balance the rights of witnesses with achieving due process.

¹ Standing Order 373 states: 'When a Committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the Committee, and shall always be excluded when the Committee is deliberating.'

² Standing Order 375 states: 'Unless the House or the Committee otherwise orders, no Member of a Select Committee of the House shall, nor shall any other person, publish or disclose the evidence (including documentary evidence) received by such Committee until such evidence shall have been reported to the House.'

PROCEDURE FOR EXAMINATION OF WITNESSES - OPEN AND REPORTABLE HEARINGS

CHAIRMAN -

1. The Committee hearing is a proceeding of Parliament and warrants the same respect that proceedings of the House itself demand.
2. Even though you are not required to give evidence on oath, any deliberate misleading of the Committee may be regarded as a contempt of Parliament.
3. The Committee has resolved that its hearings, unless otherwise ordered by the Committee, shall be open and reportable.

Witnesses may speak publicly about evidence that they have given to the Committee, but must not quote from or distribute uncorrected transcripts.

Corrected transcripts of evidence not taken *in camera* will be tabled and made available publicly when the Committee reports to the House.

4. Would you please state for the record, your full name, place of residence, and the capacity in which you appear before the Committee.
5. *[Where the witness has already presented a submission to the Committee].*

The Committee has considered your submission and now invites you to add to the submission if you wish to.

[Opening comments by witness].

6. *[The Chairman then commences his questions followed by the other members of the Committee as per Standing Order No.372].*