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From: **Legal and Constitutional, Committee (SEN)**
<LegCon.Sen@aph.gov.au>
Date: Fri, 26 Jul 2024 at 12:04
Subject: Legal and Constitutional Affairs Legislation Committee:
Invitation to appear at a public hearing
To: bunjilfire@gmail.com <bunjilfire@gmail.com>
Cc: Legal and Constitutional, Committee (SEN)
<LegCon.Sen@aph.gov.au>



THE SENATE

**LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION
COMMITTEE**

26 July 2024

Mr Robert Thorpe

By email: bunjilfire@gmail.com

Dear Mr Thorpe,

**Inquiry into the Criminal Code Amendment (Genocide, Crimes Against
Humanity and War Crimes) Bill 2024 – Invitation to appear at a public
hearing**

The Legal and Constitutional Affairs Legislation Committee invites you to
give evidence at a public hearing in relation to the above inquiry as follows:

Date: Tuesday, 30 July 2024

**Location: Committee Room 2S1, Parliament House,
Canberra**

Your appearance: 10:15am-11:00am (AEST)

This letter contains information about your appearance. Please read it
carefully and provide any forms or information to the secretariat as soon as
possible.

If you have not already done so, please advise whether you wish to appear in
person or by video or teleconference so that further instructions can be
provided to you.

Attendance in person

If you choose to attend in person, please make your way to the main entrance
of Parliament House and the security personnel at reception will be able to
direct you to the hearing room.

Please be at the venue about 15 minutes before your appearance and identify
yourself to the committee secretariat staff.

For appearances by videoconference

The Parliament uses the Webex platform to conduct all videoconferences. To join the videoconference, please using the following details:

Meeting link:

Meeting number:

Password:

Please join the videoconference 10 minutes prior to your scheduled appearance time unless otherwise instructed by the secretariat. Once you have joined, please ensure that your camera is turned off and your microphone is muted until the Chair introduces your session. Please also ensure that your microphone is muted unless you are speaking to minimise background interference.

More information on joining a hearing via Webex, including an instruction sheet on joining a test meeting, is available here:

www.aph.gov.au/Parliamentary_Business/Senate_estimates/WebEx_Meetings_participation.

Should you have difficulty joining the videoconference, or if you drop out during the hearing and you are not able to reconnect, the secretariat will ask you to re-join the hearing by teleconference using the details below.

For this reason, on your *Hansard* form, please be sure to include your best contact phone number for the duration of your appearance even if you have already arranged to appear via videoconference.

Please do not share the videoconference details beyond those witnesses appearing at the hearing. If you are aware of interested parties that wish to view the proceedings, or if you wish to watch the remainder of the hearing, the proceedings will be livestreamed via the [Watch, Read, Listen](#) page on the Parliament of Australia's website. Individuals who are not identified by the secretariat as witnesses will be expelled from the videoconference.

For appearances by teleconference

Please connect to the teleconference using the following details:

Phone number: 1800

Passcode:

Please join the teleconference 10 minutes prior to your scheduled appearance time unless otherwise instructed by the secretariat. Once you have joined, please ensure that your phone is muted until the Chair introduces your session. Please also ensure that your phone is muted unless you are speaking to minimise background interference.

Please do not share these teleconference details beyond those witnesses appearing at the hearing. If you are aware of interested parties that wish to follow the proceedings, or if you wish to listen the remainder of the hearing, the proceedings will be livestreamed via the [Watch, Read, Listen](#) page on the Parliament of Australia's website. Individuals who are not identified by the secretariat as witnesses will be expelled from the teleconference.

Information required from you before the hearing

Please provide the following information **as soon as possible, and by no later than 12:00pm AEST on Monday, 29 July 2024** to legcon.sen@aph.gov.au:

- a completed [Hansard witness form](#) for every witness who is appearing, which will help Hansard staff to compile an accurate record of the proceedings;
- confirmation of all witnesses appearing before the committee on the day, including their title, full names and position;
- a mobile phone number, so that the secretariat can contact you on the day of the hearing, if necessary; and
- details of any special requirements you may have, particularly regarding accessibility issues or the need for hearing loops.

If it is not possible to email the *Hansard* form, please bring a copy of each completed form to the hearing for provision to the secretariat staff on arrival.

At the hearing

At the beginning of your appearance, the Chair will invite you to make a brief opening statement of approximately 3 minutes, in which you may wish to outline your main arguments, summarise your views or highlight the issues you would like to emphasise for the committee.

If you have made a joint submission with other organisations, one opening statement will be permitted (which can be presented jointly). The committee does not usually permit visual aids or Powerpoint presentations to be used in opening statements.

Following your opening statement, the committee will ask questions to clarify aspects of your submission, seek information relevant to the inquiry's terms of reference and allow you to amplify any points made in your submission or opening remarks.

If there are any relevant documents you wish to provide to the committee, please bring enough copies for all committee members and the secretariat (we recommend five copies).

The hearing is public and will be broadcast and recorded

The hearing is a public event, which means members of the public and the media are free to attend the hearing in person. Additionally, the hearing will be available to video stream on the Parliament's website at [Watch, Read, Listen – Parliament of Australia \(aph.gov.au\)](#).

A *Hansard* transcription will be made of the hearing, which will become an official record of the Australian Parliament. This will also be a public and freely accessible document, including being placed on the internet.

While the committee prefers evidence to be given in public, you have the right to request to be heard in confidence (described as being in camera). If you intend to request to give evidence in camera, please bring this to the attention of the secretariat as soon as possible.

Further information

Please find below **procedures for the protection of witnesses** appearing before Senate committees. Additional information is available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Attending_a_public_hearing.

The **program for the hearing** will be available on the committee's webpage at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024/Public_Hearings.

Further **information about the inquiry** is available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/GCAHWC2024.

If you require further information, please contact the secretariat on 02 6277 3560.

Yours sincerely

(sent electronically)

Ms Sophie Dunstone

Committee Secretary

PO Box 6100, Parliament House Canberra ACT 2600
Tel: (02) 6277 3560 Fax: (02) 6277 5794 Email:
LegCon.Sen@aph.gov.au

**Procedures to be observed by Senate
Committees for the protection of witnesses**

Procedures to be observed by Senate Committees for the protection of witnesses

In their dealings with witnesses, all committees of the Senate shall observe the following procedures:

1. A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
2. Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
3. A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's order of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures. Where appropriate, a witness shall be supplied with a transcript of relevant evidence already taken.
4. A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.
5. Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.
6. A witness shall be given reasonable access to any documents that the witness has produced to a committee.
7. A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.
8. Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Senate all or part of that evidence, that it is within the power of the committee to do so, and that the Senate has the authority to order the production and publication of undisclosed evidence.

9. A chairman of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the chairman on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.

10. Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the Senate.

11. Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.

12. Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

13. Where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (12) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.

14. A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, a committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision.

15. A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

16. An officer of a department of the Commonwealth or of a State shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

17. Reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

18. Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Senate.

Matters constituting contempts in relation to Senate committees

Without derogating from its power to determine that particular acts constitute contempt, the Senate declares as a matter of general guidance, that the following breaches may be treated by the Senate as contempts.

Interference with witnesses

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

Molestation of witnesses

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

Offences by witnesses etc.

A witness before the Senate or a committee shall not:

- a. without reasonable excuse, refuse to make an oath or affirmation or give similar undertaking to tell the truth when required to do so
- b. without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
- c. give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

A person shall not, without reasonable excuse:

- a. refuse or fail to attend before the Senate or a committee when ordered to do so; or
- b. refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Senate or of a committee.

A person shall not wilfully avoid service of an order of the Senate or of a committee.

A person shall not destroy, damage, forge or falsify any document required to be produced by the Senate or by a committee.

Unauthorised disclosure of evidence etc.

A person shall not, without the authority of the Senate or a committee, publish or disclose:

- a. a document that has been prepared for the purpose of submission, and submitted, to the Senate or a committee and has been directed by the Senate or a committee to be treated as evidence taken in private session or as a document confidential to the Senate or the committee;
- b. any oral evidence taken by the Senate or a committee in private session, or a report of any such oral evidence; or
- c. any proceedings in private session of the Senate or a committee or any report of such proceedings,

unless the Senate or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings.