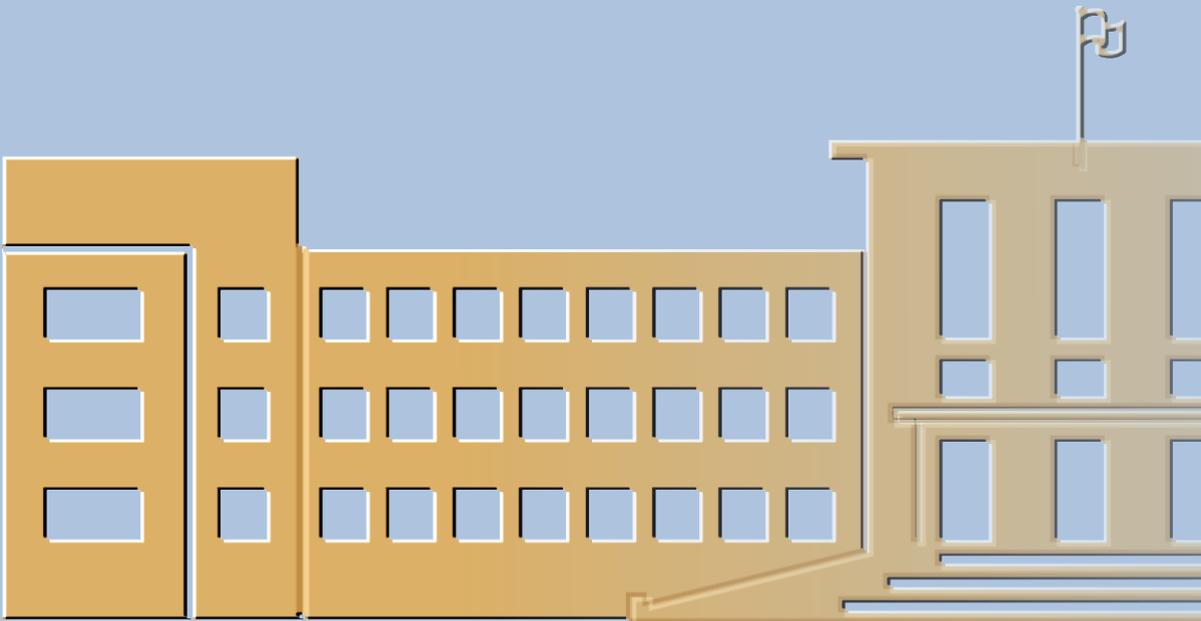




# SERVICE AND ACCOUNTABILITY

Public Hearing Manual





**USAID**  
FROM THE AMERICAN PEOPLE

This publication was made possible through support provided by the United States Agency for International Development (USAID) under the terms of Cooperative Agreement No. 165-A-00-02-00106-00. The opinions expressed herein are those of the authors and do not necessarily reflect the views of USAID.

**Service and Accountability—Public Hearing Manual**  
Reprinted with amendments November 2009  
First published November 2007

## TABLE OF CONTENTS

<b>FOREWORD</b>	<b>5</b>
<b>1. WHAT ARE PUBLIC HEARINGS?</b>	<b>7</b>
- Legislative Hearings	10
- Oversight Hearings	10
- Investigative Hearings	12
- Hearings Outside of Parliament	13
<b>2. PLANNING AND ORGANIZATION</b>	<b>14</b>
- Initial Decisions	14
- Obtaining Advice	15
- Announcing Hearing Schedules	16
- Planning the Agenda	17
- Selecting and Inviting Witnesses	18
- Other Administrative Issues	20
<b>3. PUBLICITY AND THE MEDIA</b>	<b>22</b>
- The Media	22
- Briefing Pack	23
<b>4. ROLES AND RESPONSIBILITIES</b>	<b>24</b>
- The Role of the Committee Clerk	24
- The Role of the Chairperson	24
- Quorum	25
- The Role of the Witness	25
<b>5. GIVING EVIDENCE</b>	<b>26</b>
- Written Evidence	27
- Oral Evidence	29
- Questioning Witnesses	30
<b>6. REPORTING</b>	<b>31</b>
- Transcripts	31
- Reports and Publications	32
<b>7. SOURCES CONSULTED</b>	<b>32</b>
<b>8. APPENDICES</b>	<b>35</b>
- APPENDIX 1, CHECKLIST FOR ORGANIZING A PUBLIC HEARING	37
- APPENDIX 2, SAMPLE TIMELINE FOR ORGANIZING A PUBLIC HEARING	39
- APPENDIX 3, ROOM LAYOUT FOR A PUBLIC HEARING	41
- APPENDIX 4, SAMPLE WRITTEN TESTIMONY	43
- APPENDIX 5, GUIDANCE FOR THE CHAIRPERSON	45
- APPENDIX 6, GUIDANCE FOR WITNESSES	47

<b>9. TEMPLATES</b>	<b>49</b>
- <b>TEMPLATE 1, INVITATION LETTER TO COMMITTEE MEMBERS</b>	<b>51</b>
- <b>TEMPLATE 2, INVITATION LETTER TO WITNESSES</b>	<b>53</b>
- <b>TEMPLATE 3, SAMPLE WITNESS CARD</b>	<b>55</b>
- <b>TEMPLATE 4, INVITATION LETTER TO THE MEDIA</b>	<b>57</b>
- <b>TEMPLATE 5, REGISTRATION FORM</b>	<b>59</b>
- <b>TEMPLATE 6, PRESS RELEASE</b>	<b>61</b>

## FOREWORD

Being a Member of Parliament is not easy. In fact the reality is quite the opposite and the effectiveness of an MP often depends upon how well the Member achieves, and maintains, balance and purpose in the wide range of roles and responsibilities they have to carry out.

An effective MP is an accomplished legislator, a diligent committee member and a committed public servant; and in carrying out these three roles, an MP has to balance the demands of the party with the views of the constituents that voted for them, as well as with their own personal opinions and conscience.

An MP's various roles and responsibilities often come together in committee and through the public hearing process. Effective committee work depends upon effective public hearings. Legislative hearings examine the need for, the quality of and the potential effectiveness and consequences of proposed legislation. Oversight hearings monitor the implementation of legislation and put the role of Government under scrutiny, and investigative hearings guard the public interest by investigating potential wrong doing by government departments and public officials.

The National Democratic Institute for International Affairs has developed this manual as one in a series of manuals, entitled Service and Accountability, that focus on aspects of good governance. This specific manual, Service and Accountability, Public Hearing Manual, is intended for use by Presidents of Commissions, committee members and committee clerks to help them in the organization and management of effective public hearings. The manual was developed with input and advice from presidents of parliament and chairs of parliamentary committees. The manual draws on NDI's experience to date, in working with parliament on the provision of public hearings, and on best practice in Europe, the United States and elsewhere in the world. This publication is very much a practical hands on tool, complete with a CD that ensures the practical application of templates developed especially for this publication.

The public perception of Parliament and MPs in Macedonia, and the work they do, is a critical one. This comes through clearly in the results of opinion polls. Public hearings can help improve public opinion for they are not only held in the public domain but also allow invited experts, interested bodies and members of the public to appear in front of the hearing and give evidence and contribute to the review and scrutiny process of a range of issues connected to good governance. They allow the public to be part of the process and understand a little more about the work of MPs and Parliament.

We commend this manual. We also trust it will prove a useful tool in the development of the good practice that is growing out of the adoption of improved Rules of Procedure, the Law on Parliament and the establishment of the Parliamentary Institute of the Assembly of the Republic of Macedonia.



Chris Henshaw  
Country Director  
NDI Macedonia



Robert Scott Heaslet  
Program Director  
NDI Macedonia

November 2009



## 1. WHAT ARE PUBLIC HEARINGS?

Public hearings are information gathering mechanisms used by parliamentary committees as tools for analyzing and designing policies and for oversight and scrutiny purposes. Public hearings are most commonly held to review draft and proposed laws.

Public hearings enable members of parliament (MPs), parliamentary staff, invited experts, interested bodies and the public to review, scrutinize and investigate a range of issues connected to good governance. They help elected representatives to determine the measures needed to improve a piece of legislation and/or the workings of government. Public hearings also inform MPs and parliament on the level of public support for a particular law and allow citizens to play their part in the development of public policy.

A public hearing may be timetabled as an agenda item at a regular or special committee meeting, or may be the sole purpose of a special meeting or series of meetings where no other matters are addressed.

### **Public Hearings in the Assembly of the Republic of Macedonia**

*Rules of Procedure of the Assembly of the Republic of Macedonia, Assembly of the Republic of Macedonia, Skopje, 2008,*

#### Article 145

On a law proposal of broader public interest, the Assembly, following the general debate, may decide to carry out a public debate and determine a relevant working body to organise the public debate.

#### Article 146.

The working body organising the public debate shall:

- ensure that the law proposal is published and thus made available to the citizens, public organisations, institutions, civil associations, political parties, trade unions and other interested subjects;
- ensure collection and arranging of the opinions and suggestions presented during the public debate;
- prepare report on the results of the public debate.

For implementation of the duties of paragraph 1 in this Article, the relevant working body may establish a separate working group.

#### Article 147

The law proposal put for public debate shall be published in a daily newspaper determined by the relevant working body.

An appeal for presenting opinions and suggestions and the timeframe for their submission shall be announced together with the law proposal.

#### Article 148

On the basis of the opinions and proposals presented in the public debate, the relevant working body shall prepare a report and submit it to the Assembly together with the law proposal for a second reading.

**Training for Committee Presidents on Public Hearings and Committee Procedures**

Keith Schulz, Legislative Strengthening Advisor, USAID, Skopje, 2005

“Why hold public hearings?

- hearings save time by allowing a large number of opinions to be considered, on any issue, in a short period of time
- hearings improve the quality of work carried out by legislators, committees and parliament
- hearings improve legislative transparency
- hearings increase citizen participation”

**The Importance of Hearings in the Macedonian Context**

Tome Trombev, Chairperson of the Committee on Transport, Communications and Environment, Assembly of the Republic of Macedonia, 2004

“I am strongly convinced that public hearings are an important mechanism in strengthening the work of the Assembly and in ensuring transparency in the legislative process. For me and fellow committee colleagues hearings are an excellent way to find out what experts from non governmental organizations and other interested parties think about proposed legislation”

**Importance of Hearings in the German Context, Witness Testimony**

Alexander Longolius, President Pro Tem of the Berlin House of Representatives, *The Development of Legislative Hearings in China, A Report on NDI's Seminar on Local Legislative Hearings and Local Governance*, National Democratic Institute, Beijing, 2003

“I have mentioned some of the problems related to hearings. Why, in spite of them, are they still an important element of law-making?

- a) Hearings take time, they also save time. Within a short period of time, if a legislator picks the right people, he or she can assemble a great amount of knowledge and experience on a given subject.
- b) Doing this, legislators increase the quality of their work, including both democratic participation and expertise, and this will make them more credible and less vulnerable to public criticism that their decisions are made behind closed doors.
- c) To conduct a hearing successfully a great degree of transparency is required. Even if citizens do not participate in decisions, they will want to know how and why decisions that influence their lives are being reached.
- d) People will understand the feeling of participating in public affairs when they, or at least some of them, are being heard. Participation and public responsibility go hand in hand.
- e) All of this is especially true when people really know what they are talking about. This will be more difficult on the national level, and that is why in Germany hearings are so popular in states and communities. A person does not have to be the owner of a big construction company to be an expert about a

road when that road will eventually destroy his or her house. Being concerned is one form of being an expert. Hearings should always include those who are going to be affected by a law.

Hearings are an important instrument for citizen participation in public affairs, even if they are only a weak instrument. They help to broaden legislators' perspectives and factual knowledge and improve his or her respect for the expertise of the people. Hearings should always be public. Fact-gathering discussions with individual experts behind closed doors should not be called hearings.

The more that people are affected by a law, the more they should be heard. This is true for city planning, school and kindergarten construction, speed limits in residential streets, environmental issues, and so on. In Germany, we exclude matters of the budget, salary for civil servants, issues decided on the European level, foreign affairs, and others. Hearings must remain advisory instruments. The final decision on an issue must be kept with a political body which can be held accountable for their vote. When hearings are taken seriously, however, it is my belief they lead to a broader concept of democratic participation. People eventually ask for more than just being heard, and at some point want to transform a passive form of partial rule into an active one."

It is common for committees to prepare and adopt rules of procedure that govern public hearings. These rules should follow the rules of procedure of parliament and meet the specific needs of the committee in question.

**Public Hearings and Rules of Procedure,**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

Each standing committee shall adopt written rules governing its procedure. Such rules:

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by recorded vote that all or part of the meeting on that day shall be closed to the public

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House.

Public hearings are conducted for different purposes. The three principal types of public hearing are legislative, oversight and investigative.

Public hearings may serve a dual purpose in, for example, focusing on both legislation and related oversight of the executive branch of government.

## LEGISLATIVE HEARINGS

Parliamentary committees conduct legislative public hearings on issues and problems related to particular draft laws, or in order to determine the necessity for a new law.

Parliamentary committees sometimes hold such hearings to help initiate additional activities for the committee or parliament. More often, the purpose of a legislative hearing is to devise or amend draft legislation in a manner that takes advantage of the available expertise as well as reflects the public interest.



The Committee on Transport, Communications and Environment holds a legislative hearing in the Assembly of the Republic of Macedonia

Hearings often take the form of a forum at which facts and opinions on an act are presented by witnesses for consideration by the committee. The witnesses will come from all walks of life and will include MPs, government officials, representatives of interest groups, NGOs and citizens who have an opinion to voice or have been, or would be, affected by the legislation in question.

The common goal of all participants in legislative hearings should be to determine how best the matter under consideration can be legislated for by an act of parliament.

## OVERSIGHT HEARINGS

Oversight public hearings - also known as supervisory hearings - examine the work of government, namely the implementation of government of promulgated laws, and the performance of government officials in executing legislative mandates.



A minister testifies before an oversight hearing in the Assembly of the Republic of Macedonia

Members of parliament examine the extent to which the government's implementation of the law follows the letter and spirit of the legislation on which it is based and, more broadly, whether the public interest is being served. They may also, where appropriate, look at draft legislation and proposed acts of parliament.

Oversight hearings are used to promote

effective and efficient governance. In the United States, it is common for congressional committees to conduct this type of public hearing when they are authorising funding for government programs, considering the passage of new programs or establishing government agencies.

**Oversight Hearings, Assembly of the Republic of Macedonia**

*Law on the Assembly of the Republic of Macedonia, Skopje 2009*

Article 20

- (1) An oversight hearing is held in order to obtain information and experts' opinions from the area of competence of the relevant working bodies in relation to the establishment and the implementation of the policies, the implementation of the laws and the other activities of the Government and the state bodies.
- (2) The oversight hearing is conducted by the relevant working body of the Assembly which can invite at its meetings authorized representatives from the Government or from other state bodies, and request from them information and clarification regarding the subject of the oversight hearing.
- (3) At the oversight hearing other persons can be invited that can give information regarding the subject of the oversight hearing.
- (4) The invited authorized representatives have an obligation to be present at the meeting on which the oversight hearing is held.
- (5) The Chairperson of the working body shall notify the President of the Assembly on the holding of the oversight meeting, after which he/she shall send a written notification to the Government. With the notification the President of the Assembly will request that the Government appoints authorized representative(s) for the subject of the oversight hearing.
- (6) The Chairperson of the working body shall send a written notification to the authorized representatives of the Government or the state body, to invite them at the meeting of the working body at which the oversight hearing will be held, and notifies them of the subject of the hearing; he/she can also request the information, opinions and views to be sent in a written form at least three days before the holding of the meeting of the body.
- (7) Finances for holding of the oversight meeting shall be secured from the Assembly's finances within the Budget of the Republic of Macedonia.
- (8) The public shall be informed about the oversight meetings through the Assembly's website and the Assembly TV Channel.

(1) Initiative for holding an oversight hearing can be instigated by one member of the relevant working body.

(2) On holding an oversight hearing the working body shall decide with majority of the votes from the present members, and with at least one third from the total number of members.

(3) If 15 MPs file a written request for holding an oversight hearing, through the President of the Assembly to the Chairperson of the working body, then the Chairperson of the working body is obliged to convene a hearing.

(4) The President of the Assembly with the Vice-Presidents and the Coordinators of the Parliamentary Groups shall give a recommendation for holding certain oversight hearings, to the Chairperson and the members of the working body.

#### Article 22

(1) During the oversight hearing, the members of the relevant working body and the MPs that are not members of the relevant working body can ask the authorized representatives of the Government or the state bodies invited at the hearing questions related only to the subject of the hearing.

(2) During the oversight hearing there can be a discussion with the invited persons that have the information only if it is necessary to harmonize or clarify concrete issues and facts.

(3) The relevant working body shall decide on the duration of the hearing, ensuring the participation of every member of the relevant working body in the debate.

#### **Oversight Hearing, Committee on Transport, Communications and Environment, Assembly of the Republic of Macedonia**

Zoran Sapuric, Minister for Environment and Physical Planning, 2005

“Oversight hearings are a regular practice in Parliaments in many western countries and I welcome this opportunity to appear at such a hearing and answer questions raised by committee members”

### **INVESTIGATIVE HEARINGS**

Investigative public hearings share similar features with legislative and oversight hearings but focus on the investigation of particular activities. Currently the Assembly of the Republic of Macedonia may only establish ad-hoc inquiry commit-

tees (anketna komisija) for issues pertaining to the Assembly and may not conduct investigative hearings.

Investigative hearings take place when there is an indication, evidence or public concern that an offence has been committed by a public official and/or government department; or where a private or public company has acted inappropriately in dealing with government bodies or officials.

Some parliaments establish special investigative committees, tasked with investigating a particular issue or series of events. In countries with democratic traditions, parliamentary working bodies may conduct such investigations as part of their regular activities.

## HEARINGS OUTSIDE OF PARLIAMENT

Most public hearings are held in parliament but a parliamentary committee or special committee may decide there is a need for a public hearing to be held elsewhere.

A public hearing brings parliament closer to the people. Through hearings outside of parliament, committees may hear testimony from witnesses who are unable or unwilling to come to the seat of government to testify. Such hearings also bring the attention of the public, at the local level, to the matter being discussed especially if the hearing is held in a relevant location, such as a hospital or school.

By conducting a public hearing outside of parliament the hearing may discuss a problem or an issue with the people most directly affected by it. It is important to note though, that on outside visits a committee can only gather and share information. Sessions, with the committee making binding decisions, can not take place in the field.

Field visits involving the whole committee will only take place where they are essential for the committee's deliberations. On the other hand individual committee members are free to make any visits that they deem necessary for their personal information gathering. Rules of procedure on whether a hearing is quorate or not (see page 25) may be relaxed, at the discretion of the chairperson, for the purposes of a field hearing.



Witnesses testify before a field hearing in Shtip that is enquiring into the primary educational provision for Roma children

## 2. PLANNING AND ORGANIZATION

### INITIAL DECISIONS

Before deciding whether or not to hold a public hearing on a particular issue, a parliamentary committee must first be clear about the information it wishes to obtain and whether or not a public hearing is a useful way of obtaining this information.

Several factors will determine the effectiveness of a public hearing, including:

- the wider political importance of the subject in question. This will not be easy to

#### **Scheduling**

*CRS Report for Congress, House Committee Hearing: Scheduling and Notification, Congressional Research Center, The Library of Congress, Thomas P.Carr, 2003*

House committees may hold hearings at any time, except during a joint session or meeting of the House and Senate (House Rule XI, Clause 2(i)). Any Member may try to persuade a committee to hold hearings, but the chair generally controls the schedule. Paramount in scheduling for many committees is choosing a date and time convenient for committee leaders.

determine as views of what is important will vary but an understanding of the full implications of the subject and public interest, and the media reaction to that subject, will help define importance. For example: In September 2001 a public hearing was held to consider the draft amendments to the Constitution of the Republic of Macedonia that were needed as a result of the signing of the the Ohrid Framework Agreement. Beside the public hearing, the experts from the Law Faculty of the University Ss. Kiril and Metodij held a public debate and subsequently published “An Analysis of the Legal Aspects of the Draft Framework Document with an Annex on Changes in the Constitution”;

- the level of interest of different groups in that subject. Again difficult to determine but the considerations outlined above will help determine level of interest;
- the significance of the public hearing and its outcomes for the parliament itself;
- in some legislatures there is a requirement that public hearings must be held for certain types of bills. For example, if a certain proposal law requires controversial and difficult legislative changes, then the legislature requires public hearings to take place therefore allowing professional associations and the public to present their case.

Parliamentary committees world-wide receive thousands of requests for public hearings. Committees must therefore decide whether or not a public hearing on a particular topic is appropriate. The remit and the terms of reference of committees

will help make a decision in this respect. Committees must also consider if a hearing would be time well spent and the best utilization of funds and personnel. Finally, committees must consider whether or not a public hearing can fit into their work timetable.

### **Approval**

*CRS Report for Congress, Hearings in the U.S Senate: A Guide for Preparation and Procedure, Congressional Research Center, The Library of Congress, Richard C Sachs, 2004*

To obtain approval for a hearing, committee staff often prepare a preliminary hearing memorandum for the chair that includes information such as the scope and purpose of the hearing, the expected outcome, possible witnesses, how many hearing days are planned, and perhaps the views of the minority party.

## **OBTAINING ADVICE**

As most public hearings focus on government programs or potential programs, numerous government and non-government resources are available to parliamentary committees to advise them in conducting hearings.

### **Announcing the Session**

*Rules of Procedure of the Assembly of the Republic of Macedonia, Assembly of the Republic of Macedonia, Skopje, 2008,*

#### Article 146

The working body organising the public debate shall:

- ensure that the law proposal is published and thus made available to the citizens, public organisations, institutions, civil associations, political parties, trade unions and other interested subjects;
- ensure collection and arranging of the opinions and suggestions presented during the public debate;
- prepare a report on the results of the public debate.

For implementation of the duties of paragraph 1 in this Article, the relevant working body may establish a separate working group.

#### Article 147

The law proposal put for public debate shall be published in a daily newspaper determined by the relevant working body.

An appeal for presenting opinions and suggestions and the timeframe for their submission shall be announced together with the law proposal.

Government and its agencies may often be the best source of information on who should be called before the committee. So a committee should first explore what information can be obtained directly from government.

Non-governmental organizations (NGO's) are a rich source of information for parliamentary committees. In addition academics and personnel from civic and professional organizations are often willing to provide assistance by presenting specific data, analyses and statements.

Testifying before a parliamentary committee, during a public hearing, is an important and effective method of amending legislation and is therefore valued by non governmental organizations.

Consulting with experts and interest groups provides committees with information and assistance from those who have had direct experience of the proposed law or issue, and who have been or will be directly affected by legislative decisions made by the committee and parliament. In this respect the committee should, where appropriate, ensure that the voices of ordinary citizens are represented.

Consideration also needs to be given to the importance of hearing testimony from groups representing the interests of women, minority communities and people with disabilities.

### **ANNOUNCING HEARING SCHEDULES**

The chairperson of the committee should announce the public hearing time, date and topic no less than seven days prior to the hearing. In exceptional circumstances public hearings may be held at shorter notice.

The announcement should be published in the parliamentary bulletin and, if possible, in daily newspapers (*Template 4, Invitation Letter to the Media*).

The chairperson should inform committee members of the time, place and topic of the public hearing and should supply members, in advance, with all the relevant materials and a list of witnesses and their written testimonies (*Template 1, Invitation Letter to Committee Members*).

#### **Announcement**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of the committee hearing at least one week before the commencement of the hearing.

An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

### **Notification**

*CRS Report for Congress, House Committee Hearing: Scheduling and Notification, Congressional Research Center, The Library of Congress, Thomas P. Carr, 2003*

Under House Rules, the chair of a committee (other than the Committee on Rules) must give at least one week's public notice of the date, place, and subject of a hearing (House Rule XI, clause 2(g)(3)). Hearings may be held with less than one week's notice if either the chair, with the concurrence of the ranking minority member, or the committee, by majority vote, determines a need.

When this happens, the notice should be given as soon as possible. Notices of hearings appear in the Daily Digest section of the *Congressional Record* and in the House's computerized committee scheduling service of HIR.

Often a committee sends announcements of a hearing to all its members, both well in advance of, and immediately before the hearing.

## **PLANNING THE AGENDA**

A well-organized agenda is essential for conducting an effective hearing.

The agenda establishes a structure for discussion, encourages participation and helps achieve results. It may be useful to organize a preparatory meeting to brainstorm issues before finalizing the agenda. This may help in determining how to approach certain issues and assist in developing a list of names of experts and other witnesses to participate in the hearing.

Answers to the following questions will help in devising an effective agenda and will also ensure that the hearing itself is effective:

- what is the purpose of the hearing?
- what background information do participants need?
- how will the hearing proceed and be managed?
- what are the hearing's specific goals, tasks and intended outcomes?
- what are the important topics to be covered?
- what information previously discussed needs to be reviewed?
- what new information needs to be presented or solicited?
- how much time should be devoted to each topic?
- who is the best person to present information on each topic?
- who will be the hearing chairperson, discussion leaders and recorders?
- how should the discussion be structured?

- what participation techniques might be appropriate?
- what specific questions can be asked to stimulate and guide the discussion?
- what information or decision(s) should be highlighted in the summary?
- what follow-up activities will likely result from the hearing?
- who should be responsible for each activity?
- what is a reasonable schedule for accomplishing each follow-up activity?
- who should deliver the closing remarks?
- how can every participant’s contribution be acknowledged?

Sample agendas:

<p><b>Agenda</b></p> <p><b>5:00pm</b> Chairperson’s opening remarks</p> <p><b>5:05pm</b> Mr. Jovan Markovski speaks (He is a speaker from the panel)</p> <p><b>5:20pm</b> Questions on content of Mr. Markovski’s address</p> <p><b>5:25pm</b> Ms. Arba Zejneli speaks</p> <p><b>5:40pm</b> Questions on content of Ms. Zejneli’s address</p> <p><b>5:45pm</b> <i>Next Speaker (and so on through the speakers)</i></p> <p><b>7:20pm</b> Chairperson’s closing remarks, including a summary of the discussion.</p> <p><b>7:30pm</b> Close of hearing</p>	<p><b>Agenda</b></p> <p><b>5:00pm</b> Chairperson’s opening remarks</p> <p><b>5:10pm</b> First speaker</p> <p><b>5:25pm</b> Second speaker</p> <p><b>5:40pm</b> Third speaker</p> <p><b>5:55pm</b> Fourth speaker</p> <p><b>6:10pm</b> Fifth speaker</p> <p><b>6:25pm</b> Chairperson’s closing remarks, including a summary of the discussion</p> <p><b>6.30pm</b> Close of hearing</p>
--	--

**SELECTING AND INVITING WITNESSES**

The selection of witnesses is one of the most important issues in planning a public hearing. Parliamentary committees should particularly focus on the opinions to be presented, who should testify, and in what sequence and format.

In some cases, the committee will try to hear all reasonable opinion on a particular issue, while in other cases it may invite witnesses to present specific views rather than all who have a view to present.

In the selection of witnesses it is important to ensure that the views of women and minority groups are included, especially when the issues under consideration can have a direct impact or bearing on their livelihood and well being. Even when this might not be the case it is important to have a balance between men and women and majority and minority communities in selecting witnesses so as to ensure that all views are represented and to give credence to any final recommendations.

In the United States, the Rules of Procedure of the House of Representatives allow opposition committee members to invite witnesses of their own choice during the hearing. In addition to this formal right, opposition committee members hold informal discussions with the majority committee members on the selection of witnesses to be invited.

In many but not all systems witnesses must be formally invited by the parliamentary committee (*Template 2, Invitation Letter to Witnesses*). Prior to the official invitation, the committee clerk may identify all potential witnesses and hold brief interviews with them. Once a list of suitable witnesses has been determined, the chairperson of the committee will send official invitations.

The invitation should provide the witness with basic information on the public hearing, including purpose, topic, date and venue. In addition to detailing the issue the witness should focus on during their oral testimony, the invitation should also include a note on the time allowed for their contribution. This will need to be decided by the committee prior to the start of the hearing. Usually a witness appearing before a hearing will be given between five to ten minutes to state her or his views.

In certain instances committees might call for witnesses who have not been officially invited to testify. This is done by allowing ordinary members of the public to show up and register at the hearing. The registration of such witnesses can be done by filling in a witness registration card (*Template 3, Sample Witness Card*). Such witnesses are usually given two minutes to speak. They will usually be divided into three groups, “for” “against” or “for information purposes only” and will testify in alternate order. Managing uninvited witnesses and maintaining order takes certain skills and requires that the committee chair clearly explains to the witnesses what the rules are and then maintains them.

Where written evidence (*Appendix 4, Sample Written Testimony*) is to be requested, a timetable for the submission of such evidence should be set out in the invitation. Written evidence is usually required at least a week before the date fixed for the hearing. Where written evidence is not considered as important, witnesses may still be asked to bring copies of their testimony (i.e. a written copy of what they intend to say at the hearing) to the hearing.

If considered appropriate the committee may supply witnesses with additional information such as the names of committee members, rules of conduct of the public hearing, relevant extracts from legislative acts related to the subject matter etc.

The committee may reimburse the witnesses' travel costs, if they have to travel to the venue. If such reimbursement is to be provided, it should be indicated in the invitation.

**Selecting and Inviting Witnesses**

Rules of Organisation and Procedure of the National Assembly, National Assembly of the Republic of Bulgaria, 2005

Article 94

- (1) The National Assembly, or its elected Committees may conduct investigations, inquiries and hearings on matters concerning state or public interests.
- (2) Parliamentary Committees may require that Ministers appear before their meetings and answer their questions.

.....  
Article 97

- (1) Officials and members of the public, if invited, shall be bound to appear before the Committee of the National Assembly and to provide any requested information and papers.
- (2) The summons for such appearance shall be served by offices of the National Assembly.

**OTHER ADMINISTRATIVE ISSUES**

A number of other administrative and organizational issues must be completed prior to the hearing (*Appendix 2, Sample Timeline for Organizing a Public Hearing*). This is usually the responsibility of the clerk (*Appendix 1, Checklist for Organizing a Public Hearing*).

Administrative details include the layout of the room (*Appendix 3, Room Layout for a Public Hearing*). For example where will the panel sit; where will witnesses be sat; what space is reserved for the media and personnel from ministries; where do the clerks and any additional support staff sit; and if the hearing is televised where will the cameras be placed?

Equipment and other logistical matters must be decided in advance. This includes: providing equipment such as name tags, writing materials, water, clocks and notebooks; providing all the committee members with an adequate number of information packages and rules of procedure; providing microphones and other audio equipment; and providing an adequate number of witness statements and other materials relevant to the hearing.

### **Procedural Guidelines**

Alexander Longolius, President Pro Tem of the Berlin House of Representatives, *The Development of Legislative Hearings in China, A Report on NDI's Seminar on Local Legislative Hearings and Local Governance*, National Democratic Institute, Beijing, 2003

"Rules on hearings can never be fully identical. The hearing body which can be a committee or a caucus or party organization will always adapt them to its needs. But here are some general suggestions:

The majority in a given political body will decide whether to have a hearing, but should allow for strong minority rights. Twenty-five percent of the members for example should be able to demand one. This is also true in deciding who should be heard. Minority nominations should be accepted. The analysis and consequences of a hearing should not be discussed before the minutes are available. These debates should also be public if at all possible.

The minutes should be made public, even on the Internet if possible.

Minutes can be word-for-word or just a record of decisions. The format must be decided at the beginning.

At the start, the committee should decide what kind of hearing it is going to hold:

- Only listening to statements by people being heard;
- Listening to statements and asking questions by committee members; or
- Statements, questions and debate.

It is my experience that the attention span of committee members covers a maximum of three hours. If we allow ten minutes for a group or individual to be heard and a maximum of ten minutes for questions and answers including two minutes for calling the next person, etc., that means we need about twenty minutes per group or nine groups per session. It is better to have hearings on two or more days than to stretch them over too many hours on one day. The committee, etc., should consider meeting in different locations when they hold hearings. Sometimes watching participants can be as informative as hearing them.

In Germany, the political body that decided to hold a hearing is also responsible for the cost of printing, renting rooms and technical equipment, travel expenses, etc."

### 3. PUBLICITY AND THE MEDIA

#### THE MEDIA

Public hearings are more than information gathering exercises for members of parliament. They are an opportunity for broader public discussion around issues of public interest and serve to raise public awareness of the important work of parliament in seeking legislative solutions to society's problems.

It is often the case that public institutions, and those who manage them, are more likely to respond to an issue that has been widely publicized in the media. In order to publicize the hearing the committee may decide to invite the media and issue a press release (*Template 4, Invitation Letter to the Media* and *Template 6, Press Release*).

Whether the media can be present or not depends upon the rules of procedure. For example the United States Congress Rules require that public hearings should be open to the general public, radio reporters, TV and photographers, unless a committee decides otherwise. Hearings may be closed to the public but only for a limited number of specified reasons (e.g. if the information under consideration could compromise national security).

<p><b>Publicity and the Media</b> <i>Rules of Procedure of the Assembly of the Republic of Macedonia, Assembly of the Republic of Macedonia, Skopje, 2008</i></p> <p style="text-align: center;">Article 228</p> <p>Media representatives shall have at their disposal the acts discussed and adopted by the Assembly, the information and documents regarding the issues debated at the sessions of the Assembly and the working bodies, reports on the activities of the working bodies and minutes from the sessions, unless the Assembly i.e. a working body decides to examine a particular issue without the presence of media representatives.</p>
---

In organizing a hearing committees need to consider the following in relation to the media:

- radio and TV coverage of public hearings cannot be used for party campaign purposes or to promote or discredit a person as a political candidate;
- media coverage should be in accordance with the acceptable standards of dignity, propriety, civility and decency practiced by the parliament;
- the chairperson of the committee should decide on the maximum number of

cameras, media representatives and journalists allowed into the hearing and ensure that adequate and appropriate space and seating is provided;

- TV cameras and reporters must not be placed between the table for witnesses and committee members, and photographers must not be placed in such a way as to hinder the hearing itself;
- TV and radio equipment must be set prior to the beginning of the hearing in positions that remain fixed throughout the hearing;
- technicians may install additional sources of lighting in the hearing room in order to improve the light during the hearing, but only to the required minimum to ensure effective TV coverage; and
- journalists must register as attendees (*Template 5, Registration Form*).



Live broadcast of an oversight hearing held by the Committee on Transport, Communications and Environment in the Assembly of the Republic of Macedonia

### Publicity and the Media

*Rules of Procedure of the Assembly of the Republic of Macedonia, Assembly of the Republic of Macedonia, Skopje, 2008*

#### Article 231

The Assembly and the working bodies may decide, for the purpose of informing the public on the work of the Assembly, to issue a press release following an Assembly or a working body session held without the presence of the public, i.e. without the presence of the media representatives, as well as in other cases when the Assembly or the working body decide so.

#### Article 232

A press conference regarding the work of the Assembly shall be held when it is decided by the President of the Assembly, a parliamentary group, working body or head of a delegation following a visit abroad, who shall assign the

## BRIEFING PACK

In the United States, committee chairs often require committee staff to prepare for members a briefing pack containing information on the hearing and, as appropriate, summarized or full copies of statements already received. The information

given will describe the scope and purpose of the hearing and contain explanations and overviews of all the issues to be considered. The basic information provided may include relevant statutes, provisions, court decisions, news articles, agency reports, academic studies and a chronological overview of key events. This briefing pack may also contain a list of all witnesses, listed in the order they will be testifying, and summaries of their written statements together with biographies.

A similar but less detailed briefing pack may be given to the media to educate them on the public policy under discussion.

## **4. ROLES AND RESPONSIBILITIES**

The two most important roles in the management of a public hearing are those of the committee clerk and the chairperson.

### **THE ROLE OF THE COMMITTEE CLERK**

The clerk of the committee is the procedural and administrative adviser to both the chairperson and the committee. The clerk will carry out their duties and responsibilities in consultation with the chairperson and at the direction of the committee. (*Appendix 1, Checklist for Organizing a Public Hearing and Appendix 2, Sample Timeline for Organizing a Public Hearing*).

The clerk should be a permanent employee of the Parliament and as such is strictly non-partisan. S/he will be an expert in committee procedural and administrative rules and is therefore the person to whom the committee and chairperson should direct any questions. In addition to procedural and administrative assistance the clerk should also assist the Chairperson in facilitating the proper running of the public hearing.

In situations where the committee allows uninvited members of the public to give testimony (see page 17) the clerk should facilitate the registration process and help ensure that the testimony process is orderly and fair.

### **THE ROLE OF THE CHAIRPERSON**

The chairperson of a hearing is its presiding officer (*Appendix 5, Guidance for the Chairperson*). During the hearing, it is her/his duty to maintain order and decorum; indicate which members are to speak and when; and rule on questions of procedure, such as whether or not motions proposed by members are procedurally correct. The chairperson is also responsible for ensuring the progress of business, and may participate in the proceedings.

The chairperson of the committee usually chairs the hearings. In her/his absence, the deputy chair of the committee should take the chair. In her/his absence, the most senior committee member shall chair the hearing.

**Presiding over a Committee Session**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

When present, the committee chair will ordinarily preside over its hearings. House rules allow each committee chair to designate a majority party member to be the vice chair of the full committee or a subcommittee, and stipulate that the vice chair presides in the temporary absence of the chair (House Rule XI, clause 2(d)). If both the chair and vice chair are absent, the most senior majority party member presides.

In opening a public hearing, the chair should give introductory remarks introducing the purpose of the hearing and any important events that led up to the hearing. At the end of this introduction the chair should introduce the next committee member who wishes to provide opening remarks.

If all of the committee members wish to provide introductory remarks, the chair may limit the speaking time for each member to five minutes. The chair should not encourage all committee members to provide introductory remarks, mainly because of the time. It is however common practice for the chair to invite written submissions from committee members rather than oral introductions.

**QUORUM**

A public hearing cannot start unless it is quorate. If the rules of procedure do not state otherwise, a quorum exists if one half of committee members are present.

If at any time during the hearing, committee members leave so that the hearing is no longer quorate, then proceedings should be brought to a halt as soon as the person currently testifying finishes giving her/his testimony and members still present have had the opportunity to ask questions of the witness. The hearing should be restarted when a quorum has been achieved. Time lost due to a hearing being inquorate can be added on at the discretion of the chairperson.

At the discretion of the chairperson, rules governing the quorum might be relaxed for a field hearing (see page 13).

**THE ROLE OF THE WITNESS**

Although witnesses have no management role their contribution to a public hearing is crucial. *Appendix 6, Guidance for Witnesses* gives advice for witnesses that will help ensure their contribution is effectively utilized.

## 5. GIVING EVIDENCE

The success of a public hearing depends very much on the contribution of the witnesses that appear before it. *Appendix 6, Guidance for Witnesses* provides advice that will help witnesses contribute effectively to the outcomes of the hearing.

Witnesses that appear at a public hearing are usually required to provide written evidence to committee members in advance of the hearing (*Appendix 4, Sample Written Testimony*).

At the hearing the witness usually provides an opening statement followed by a brief presentation on the written evidence s/he has submitted. The witness then answers questions posed by committee members, before another witness starts her or his testimony. The committee will decide on the format and the sequence of testimonies before the hearing so that exact times can be stipulated on the invitations sent to witnesses.



Member of Parliament testifies on MPs Code of Ethics in front of a committee in the Assembly of the Republic of Macedonia

Recent public hearing practice involves witness panels where more than one witness from the same or a different organization, present their views, and then committee members ask questions of the entire panel. This public hearing format has proven useful in stimulating discussion and in most cases is an efficient use of time.

Parliamentary practice, involving committees, has developed other ways of gathering suitable information, which are not formally referred to as public hearings. For example, a committee may hold a seminar, during which experts present their opinions on a given subject matter, with opportunities for informal questions and discussions; or a round table discussion which gives committee members and clerks an opportunity for open dialogue with individuals who have knowledge and experience in a particular field.

A decision on the sequence of testimonies during a hearing is at the discretion of the parliamentary committee. In the United States, protocol requires elected representatives who want to testify to speak first, and a similar privilege exists for senior government officials. Celebrity witnesses must be scheduled very carefully, as they may often generate considerable media and public attention, thus their appearance is often scheduled for the beginning of the hearing.

The sequence of testimonies of academics, representatives of educational institutions, NGOs and other citizens should be decided in such a way that the information is provided in a logical, consistent and progressive manner. For example, the committee may decide on a sequence in which one witness might challenge or support the testimony of another.

Government representatives, usually departmental staff, might require clearance from their superiors (Minister or Deputy Minister) when they testify in front of a committee. In order to allow ministry staff to attend a public hearing it is customary to send advance notice and invitations. If clearance is needed for a staff member to testify the invite should be sent in sufficient time for clearance procedures to take place.

### WRITTEN EVIDENCE

Written evidence should be submitted in advance so that all committee members can examine and read the statements on a particular issue before the witness testifies. When inviting a witness, the committee clerk will specify whether or not the committee expects to receive a written brief (*Template 2, Invitation Letter to Witnesses*).

If a written brief or a presentation is required, witnesses may be asked to submit it in advance if circumstances permit. If a presentation is required then the invitation should also detail the equipment available for the witness to make their presentation.

#### **Written Testimony**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

Each committee shall to the greatest extent practicable require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

There are no rules about the form written evidence should take. The information given below is presented as a good practice guide and is based on what has proven useful to committees in the past.

Written evidence should contain the name and address of the person (if appropriate) association or organization providing testimony; a brief introduction of the persons or organizations submitting evidence, perhaps stating their area of expertise, etc; and any factual information they have to offer from which the committee might be able to draw conclusions or which could be put to other witnesses for their reactions. It is also helpful to include any recommendations for action by the government or others which the witnesses would like the committee to consider for inclusion in its report (*Appendix 4, Sample Written Testimony*).

### **Written Testimony**

*Fact sheet P2: Procedure Series, Departmental Select Committees, House of Commons Information Office, House of Commons, 2007*

Committees usually ask for written evidence from people and organizations with an interest in their inquiries. The government department concerned is normally asked to produce a detailed memorandum on all aspects of the subject being examined. They also receive evidence from those who have noticed the inquiry and have a point to make. Memoranda which are short and concentrate on a few key points usually receive the most attention from committees. The main documents received are published. Only rarely committees need to use their powers to order the production of documents. Occasionally there are disputes with government departments about the production of specific information.

If written evidence is very brief, it can be sent as a letter, but otherwise it is helpful for the evidence to be in the form of a memorandum, with any request to give oral evidence in a covering letter. If the memorandum is particularly lengthy it should have numbered paragraphs, a one-page summary of the main points and, if appropriate, a table of contents (*Appendix 6, Guidance for Witnesses*).

The preferred form of submission is by e-mail attachment to the Committee's mailbox address as set out in the Press Notice, and shown on the Committee's website. It should be in MS Word or Rich Text format; this makes it easier should the Committee decide to print the memorandum. Memoranda can also be submitted on a disk or flash memory card.

Memoranda can also be sent in hard copy. If this is the case it is helpful for future copying if the evidence is simply stapled together rather than put in any complicated type of binding. Numbered endnotes are preferred to footnotes. Material printed in color should be avoided as much as possible; graphs in particular should not rely on color to indicate different data series. Logos, graphs, tables and diagrams should be in black ink as other colors may not photocopy well. Any separate photographs accompanying the submission should if possible be in black and white and on glossy paper. Submissions should be sent to either the Clerk of the Committee or as instructed in the Press Notice.

Beside written evidence witnesses should bring with them any additional information they feel might prove useful. For example background information on their organization, other sources of information on the subject under review, copies of presentations they are giving etc. If possible they should submit this information in advance or be ready to provide a copy to the committee clerk during the hearing.

## ORAL EVIDENCE

Committees sometimes ask witnesses for a brief opening statement. This however is not compulsory and such a statement could, if desired, be included in any written evidence provided.

The witnesses should briefly state their name, and if applicable their occupation and the type of work their organization does. Each committee should request witnesses to limit their testimonies to a brief presentation of arguments. In order to save time and, since written statements are available to the committee, it is usually not needed or recommended for a witness to read her/his entire statement.



Representative from Citizen's Association MOST testifies at a hearing in the Assembly of the Republic of Macedonia

### Oral Testimony of Witnesses

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

Under House Rules, each committee requires witnesses to limit their oral testimony to a brief summary of their argument, insofar as is practicable (House Rule XI, clause 2(g)(4)). In the interest of time, and because written testimony generally is available to the committee in advance, it is usually not necessary or desirable for a witness to read his or her entire written statement.

On some committees the chair has the discretion to determine how long a witness may speak. On the Committee on Agriculture, witnesses may be limited to brief summaries of their statements within the time allotted to them, at the discretion of the chair. Other committees have adopted rules stipulating how long a witness may speak, typically for five minutes. For instance, each witness before the Committee on Resources and the Committee on Science is restricted to a five minute summary of his or her written remarks.

In some cases, the chair may limit the duration of the testimony. The usual duration is five minutes. If needed, however the chair may extend this period if more time is needed (*Appendix 6, Guidance for Witnesses*).

As a committee's time for taking oral evidence is limited, all witnesses, even those whom a committee invites to give oral evidence, are encouraged to submit written evidence. This makes oral evidence hearings more productive, as members have

the witnesses' statements in front of them, and means that if witnesses are not called to give oral evidence a Committee still has the benefit of their views (*Appendix 6, Guidance for Witnesses*).

### **Oral Evidence**

*Fact sheet P2: Procedure Series, Departmental Select Committees, House of Commons Information Office, House of Commons, 2007*

Committees invite individuals and representatives of organizations to give oral evidence to supplement what has been said in their written evidence. In question and answer sessions with their witnesses, Members explore the issues, gain a greater insight into the problems and try out possible solutions. These meetings are usually held in public at the House of Commons but can take place elsewhere. All this evidence is published. Sometimes sensitive evidence, for instance on military matters, are taken in private. When ministers give oral evidence the transcripts of their evidence is published on the committee's websites the following day. A guide for witnesses can be found on the Parliament site.

## **QUESTIONING WITNESSES**

The question and answer time starts when the witness has finished her/his oral testimony.

Committee members use this time to ask questions and obtain additional information that may support future actions and decisions of the committee. The committee clerk may be asked in advance to prepare questions for the chairperson and other members to ask the witnesses. In some cases, the line of questioning may be presented to and discussed with witnesses prior to the hearing.

Each committee member should be able to present questions to each witness, over a period of five minutes. This time may be extended by a joint decision of all committee members. The order of questioning by committee members may be determined in accordance with the seats of each party in parliament, or at the discretion of the chairperson.

In order to assist witnesses prepare for the session, and with the agreement of the Committee, the Clerk of the Committee may give, in advance, some informal indication of possible lines of inquiry, but witnesses should not expect Members to restrict themselves to these.

Committees may also provide witnesses, for their private use, uncorrected copies of evidence already given. Committees should also try to inform witnesses in advance when some research or collection of information or views might be needed to answer questions raised by the committee.

**Five-Minute Rule for Questioning Witnesses**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

The question and answer period which follows a witness's opening statement presents an opportunity for a committee to build a public record and to obtain information to support future committee actions. Committee staff sometimes prepare questions or talking points for committee leaders and other members. In some cases, the expected line of questioning is discussed in advance with witnesses. House rules generally accord committee members five minutes to question each witness until every member has had this opportunity (House Rule XI, clause 2(j)(2)).

In practice, many committees allow an extension of time by unanimous consent, and a few committees, such as Veterans' Affairs, specify this in their rules.

If a witness does not have immediately available the information to answer a question, the committee may ask for this to be submitted in writing afterwards.

**6. REPORTING**

**TRANSCRIPTS**

Each public hearing should, as far as is possible, be electronically recorded and later typed. The transcript must be true and correct, with technical, grammatical and typing corrections approved by an authorized official. The committee usually publishes a transcript of the hearing, especially in the case of legislative hearings, and public hearing transcripts should be distributed to all MPs.

**Reporting and Record Keeping**

*Law on the Assembly of the Republic of Macedonia, Assembly of the Republic of Macedonia, 2009*

Article 23

- (1) The oversight hearing shall be recorded electronically and minutes shall be kept; while technical and other corrections shall be done in agreement with the person that has given a statement.
- (2) The working body shall prepare a report from the hearing and shall submit it to the Assembly; the report shall contain the essence of the presentations and it may contain conclusions which shall be distributed to the Government of the Republic of Macedonia.
- (3) The conclusions from the oversight hearing shall be posted on the web site of the Assembly.

**Committee Records**

*Rules of the House of Representatives One Hundred Tenth Congress, U.S. Government Printing Office, House of Representatives, United States, 2007*

Each committee shall keep a complete record of all committee action which shall include:

- (i) In the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical correction authorized by the person making the remarks involved ;
- (ii) a record of the votes on any question on which a record vote is demanded.

The committee needs to consider what documents if any to accompany the report. Accompanying documents may include written witness statements, tables, committee research findings and written testimonies submitted by witnesses unable to attend the hearing, as well as witness responses to questions asked by committee members during the hearing.

After the hearing witnesses will be sent, by e-mail if possible, a transcript of what was said, so that they can correct it and identify any supplementary information asked for by members of the Committee. The transcript will be accompanied by a letter giving details of the limited types of corrections acceptable and the time within which any corrections should be sent. Failure to keep to the timetable for corrections may mean that the evidence is published without any correction. Supplementary information required should be sent in at the same time as the corrections.

It might prove difficult to ensure the recording of all public hearings particularly if the financial and technical resources are not available to record the hearing. Legislatures that lack adequate resources for transcripts should pay particular attention in preparing brief summaries of testimonies that can then accompany the written submissions in the final committee report.

**REPORTS AND PUBLICATIONS**

When a Committee has concluded its inquiry and agreed a report it may decide to issue embargoed copies up to 48 hours in advance of publication. Instructions for obtaining such copies will be sent to those concerned, normally in the press notice announcing publication. The Committee may also decide to hold a press conference. While these are primarily for the press they are held in public and witnesses may attend. Details are normally given at the same time as publication is announced.

### **Reports**

*Fact sheet P2: Procedure Series, Departmental Select Committees, House of Commons Information Office, House of Commons, 2007*

All select committees shall have power to authorize the Clerk of the House to supply copies of reports to officers of government departments, to such witnesses who have given evidence to committees or to their sub committees as those committees consider appropriate, to lobby journalists, and to such other press representatives as the committee thinks fit, after those reports have been laid upon the Table but not more than forty eight hours before the intended time for publication of such reports.

All select committees having power to send for persons, papers and records shall have power to publish the names of the persons who have appeared to witness before them, and to authorize the publication by the witnesses concerned or otherwise of memoranda of evidence submitted to them.

Once written evidence has been sent in, it is for the Committee to decide the manner and timing of its publication and the Committee's permission (which is often given) is required if witnesses wish to distribute or publish such evidence before the Committee has decided to do so. Witnesses should therefore consult the Clerk in advance if they wish to publish their evidence.

If witnesses give oral evidence, copies of their written evidence will usually be made available to the press and public at the hearing, and may thereafter be treated as in the public domain. Written evidence which is not the subject of a hearing may not be published until considerably later, or at all (the restriction on publication does not, of course, apply to material already published elsewhere which is simply sent to the Committee for information and which will not normally be reprinted by the Committee).

## 7. SOURCES CONSULTED:

In compiling this manual the following sources were consulted:

1. *Law on the Assembly of the Republic of Macedonia*, Assembly of the Republic of Macedonia, Skopje, 2009  
[www.sobranie.mk](http://www.sobranie.mk)
2. *Rules of Procedure of the Assembly of the Republic of Macedonia*, Assembly of the Republic of Macedonia, Skopje, 2008  
[www.sobranie.mk](http://www.sobranie.mk)
3. *Rules of the House of Representatives*, US House of Representatives, 2007  
[www.rules.house.gov](http://www.rules.house.gov)
4. *Rules of Procedure of the German Bundestag*, The Administration of the German Bundestag, Offizin Hilburghausen GmbH Bundestag Eagle, 2004 [www.bundestag.de/htdocs\\_e/parliament/function/legal/rules.pdf](http://www.bundestag.de/htdocs_e/parliament/function/legal/rules.pdf)
5. *A Guide for Organizing Public Forums*, National Democratic Institute and Center for Civic Education Pakistan, 2004  
[www.accessdemocracy.org/library/1700\\_pak\\_forum\\_complete.pdf](http://www.accessdemocracy.org/library/1700_pak_forum_complete.pdf)
6. *A Guide for Witnesses Appearing before the Senate Committees*, Parliament of Canada, The Canadian Government Publishing Centre, accessed October, 2007  
[www.parl.gc.ca/38/1/parlbus/commbus/senate/com-E/pub-E/witness-e.htm](http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-E/pub-E/witness-e.htm)
7. *Assembly of Kosovo, Public Hearing Manual, Assembly Support Initiative*, National Democratic Institute Kosovo, OSCE Mission in Kosovo, US Agency for International Development, Prishtina, 2004  
[www.accessdemocracy.org/library/1831\\_ksv\\_publichearing\\_010104.pdf](http://www.accessdemocracy.org/library/1831_ksv_publichearing_010104.pdf)
8. *Public Hearings in Parliamentary Practice, Handbook for Preparation and Conduct of Public Hearings for Parliamentary Committees*, National Democratic Institute Bosnia and Herzegovina, 2001
9. *The Development of Legislative Hearings in China, A Report on NDI's Seminar on Local Legislative Hearings and Local Governance*, National Democratic Institute, 2003  
[www.accessdemocracy.org/library/1685\\_china\\_report\\_complete.pdf](http://www.accessdemocracy.org/library/1685_china_report_complete.pdf)
10. *Fact sheet P2: Procedure Series, Departmental Select Committees*, House of Commons Information Office, 2007  
[www.parliament.uk/documents/upload/p02.pdf](http://www.parliament.uk/documents/upload/p02.pdf)
11. *CRS Report for Congress, Hearings in the House of Representatives: A Guide for Preparation and Procedure*, Richard C. Sachs, Congressional Research Center, The Library of Congress, 2004
12. *CRS Report for Congress, House Committee Hearing: Arranging Witnesses*, Thomas P. Carr, Congressional Research Center, The Library of Congress, 2003
13. *CRS Report for Congress, House Committee Hearing: Scheduling and Notification*, Thomas P. Carr, Congressional Research Center, The Library of Congress, 2003
14. *CRS Report for Congress, House Committee Hearing: Preparation*, Richard C. Sachs, Congressional Research Center, The Library of Congress, 2004
15. *CRS Report for Congress, Hearings in the U.S Senate: A Guide for Preparation and Procedure*, Richard C Sachs, Congressional Research Service, The Library of Congress, 2004
16. *Testifying before Legislative Committees*, Idaho State Legislature, accessed October, 2007  
[www.legislature.idaho.gov/about/committeetestimony.htm](http://www.legislature.idaho.gov/about/committeetestimony.htm)
17. *Testifying before a Committee*, Tobacco-Free Michigan, accessed October, 2007  
[www.tobaccofreemichigan.org/testify.htm](http://www.tobaccofreemichigan.org/testify.htm)
18. *Selecting and Inviting Witnesses*, Rules of Organisation and Procedure of the National Assembly, National Assembly of the Republic of Bulgaria, 2005  
[www.parliament.bg/?page=app&lng=en&aid=6](http://www.parliament.bg/?page=app&lng=en&aid=6)
19. *Parliament and Democracy in the Twenty-First Century, a Guide to Good Practice*, Inter-Parliamentary Union, 2006
20. *Toward the Development of International Standards for Democratic Legislatures*, National Democratic Institute, 2007

**APPENDICES**

**APPENDIX 1, CHECKLIST FOR ORGANIZING A PUBLIC HEARNG..... 37**

**APPENDIX 2, SAMPLE TIMELINE FOR ORGANIZING A PUBLIC HEARING ..... 39**

**APPENDIX 3, ROOM LAYOUT FOR A PUBLIC HEARING ..... 41**

**APPENDIX 4, SAMPLE WRITTEN TESTIMONY ..... 43**

**APPENDIX 5, GUIDANCE FOR THE CHAIRPERSON ..... 45**

**APPENDIX 6, GUIDANCE FOR WITNESSES..... 47**



**APPENDIX 1, CHECKLIST FOR ORGANIZING A PUBLIC HEARING**

**BEFORE THE HEARING**

Progress		Action	Comments
✓	N/A		
<b>Before the hearing</b>		Has all the relevant information been sent to the chairperson?	
		Has all the relevant information been sent to committee members?	
		Has all the relevant information been sent to witnesses?	
		Has all the relevant information been sent to the media?	
		Have you booked the hearing venue? Have you obtained the key to the room?	
		Is there a need to hire a photographer?	
		Is the room prepared with seats, tables, a backdrop and has catering been organized?	
		Do witnesses need transportation to and from the hearing, or expenses for a hotel?	
		Do the microphones work?	
		Is there a sign-in desk?	
		Are notices, nameplates and any directional signs needed, properly displayed?	
		Do witnesses know where to go, what they are expected to say, how long they are expected to speak, and what time they will be able to leave?	
		Will witnesses be offered food and drink?	

✓ - appropriate, to insert the date the action was completed in this box

Action complete (it may be useful, if

N/A -

Action not applicable

**AFTER THE HEARING**

Progress			Action	Comments
	✓	N/A		
<b>After the hearing</b>			Thank, in writing, your witnesses and any others who helped	
			Send any follow up information, reports, etc to attendees and to those non-attendees who also need to be informed	
			Phone target journalists and tell them about the hearing	
			Ensure that all witnesses' expenses have been covered and that the costs of hiring the hall and the catering have been settled	
			Follow up on any other action that needs to be taken as a result of the hearing	
			Arrange for a small working group to evaluate the success of the hearing and plan for the next one	

✓ - appropriate, to insert the date the action was completed in this box)

Action complete (it may be useful, if

N/A -

Action not applicable

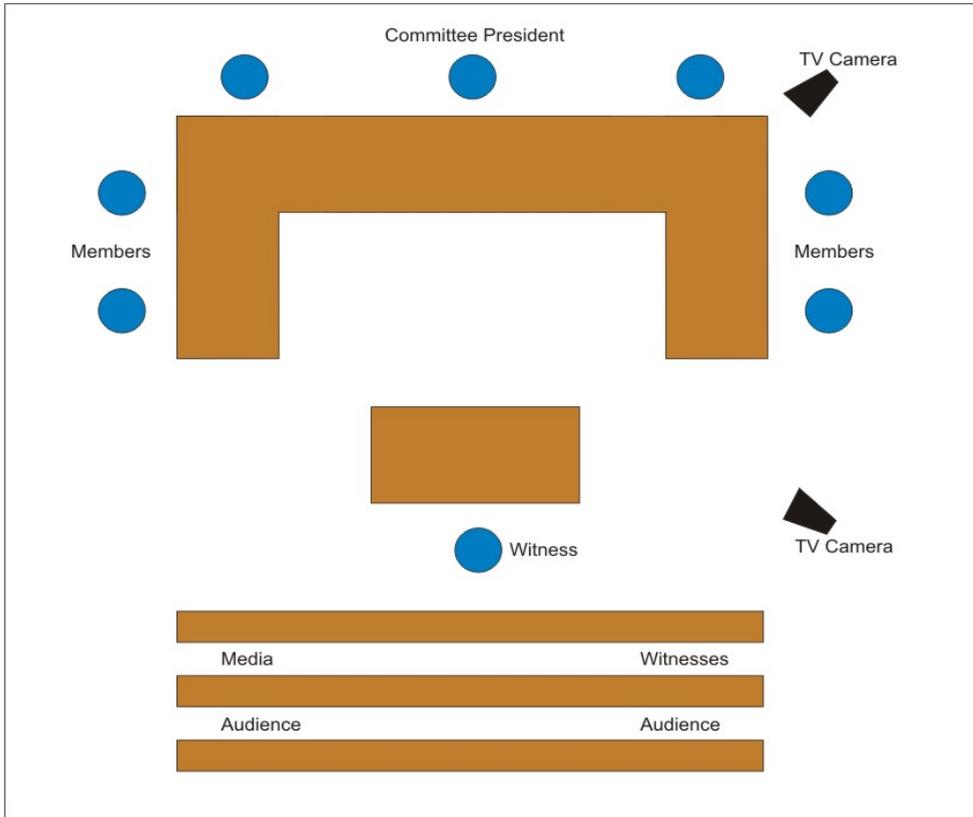
**APPENDIX 2, SAMPLE TIMELINE FOR ORGANIZING A PUBLIC HEARING**

Progress		Action	Comments
✓	N/A		
		<b>10 DAYS BEFORE THE HEARING:</b>	
		Set a date and time for the public hearing	
		Arrange a venue and a room for the hearing	
		Confirm the list of witnesses and questions with the committee (or the committee chairperson in the absence of the entire committee)	
		<b>9 DAYS BEFORE THE HEARING:</b>	
		Prepare and send invitations to witnesses	
		Arrange for translation and transcription personnel and equipment	
		<b>8 DAYS BEFORE THE HEARING:</b>	
		Prepare the press announcement and get the approval of the chairperson for its release	
		<b>7 DAYS BEFORE THE HEARING:</b>	
		Prepare an agenda and submit it to the chairperson for approval	
		Prepare a briefing pack and send it to members of the committee	
		Confirm attendance of invited witnesses and members of the committee	
		<b>5 DAYS BEFORE THE HEARING:</b>	
		Send approved press announcement to the media	
		<b>3 DAYS BEFORE THE HEARING:</b>	
		Confirm all logistics are ready for the hearing	

Progress		Action	Comments
✓	N/A		
		<b>2 DAYS BEFORE THE HEARING:</b>	
		Prepare briefing pack for the press	
		Assemble witness list and photocopy any written submissions	
		<b>1 DAY BEFORE THE HEARING:</b>	
		Provide written submissions to members of the committee	
		<b>DAY OF THE PUBLIC HEARING:</b>	
		Provide briefing pack to media attending the hearing	
		Ensure extra copies of materials are available	
		<b>AFTER THE HEARING:</b>	
		Review the transcript of the hearing	
		Summarize the testimony from the hearing and produce a list of recommendations	
		Based on the recommendations of the committee, produce a draft report	
		Finalize the recommendations and the report and get final approval from the committee	
		Follow up the recommendations and keep the committee chair and members informed of progress	

- ✓ - Action complete (It may be useful, if appropriate, to insert the date the action was completed in this box)
- N/A - Action not applicable

APPENDIX 3, ROOM LAYOUT FOR A PUBLIC HEARING





#### APPENDIX 4, SAMPLE WRITTEN TESTIMONY



March 7, 2009

To the Committee on Health,  
**Opposing the Amendments to the Law on Pensions and Health Insurance  
Aleksandra Velkovska – Executive Director, HIFA (Health Insurance for All)  
Project Health, Insurance for the Unemployed.**

Honorable Chairperson, distinguished committee members I would like to thank you for the opportunity to address the committee in relation to the newly proposed amendments to the Law on Pensions and Health Insurance.

In order to maintain adequate and full health protection for the unemployed, HIFA strongly urges you not to amend the existing legislation on Health and Pension Insurance and to reject the amendments proposed by Members of Parliament coming from the NO-CARE Party.

HIFA does not support the proposed measures because they will not provide, free of charge, health protection for all citizens that are currently unemployed. As you are aware, under existing legislation unemployed citizens are entitled to free of charge health protection providing they are registered with the Unemployment Bureau. The amendments proposed by the NO-CARE Party will restrict access to these health benefits for unemployed citizens who have been out of work for more than 3 years.

Currently this country has 357,000 registered unemployed. We are undergoing major privatization and structural changes in many sectors and the transition is affecting a large number of citizens who have been made redundant due to these changes. Most of those unemployed have difficulties in gaining new qualifications that will enable them to find new jobs.

According to data that my organization HIFA has collected over 20,000 persons, currently unemployed, had jobs in the engineering, metalwork and mining industries. Due to difficult work conditions and poor health protection many of them now require ongoing health protection and much of this can be accessed free of charge through the public health system. Most of these unemployed have been registered with the Unemployment Bureau for more than 3 years.

If the amendments proposed by the NO-CARE Party are passed not only will all those unemployed for more than 3 years lose the right to free health protection but a large number of unemployed that require ongoing health protection will also lose their benefits. This will provide further misery and hardship to the most vulnerable in our society. Namely workers who have served their industry and society well and who now find themselves unemployed and suffering ill health through no fault of their own.

We have an obligation to care for the unemployed and provide them with adequate and free of charge health protection in the public health system. In order to maintain this protection I strongly urge you not to support the proposed amendments.

Thank you for your attention to this highly important issue for our unemployed citizens.

Aleksandra Velkovska  
Executive Director  
HIFA

## **APPENDIX 5, GUIDANCE FOR THE CHAIRPERSON**

The following guidance will help ensure a successful public hearing:

- Be prepared! Two weeks before the hearing check with the Committee Clerk that timely and proper notice is being provided to committee members, witnesses and the media;
- Two days before the hearing check with the committee clerk that all the administrative and organizational preparations, related to the hearing and the layout of the room, have been carried out;
- Check with the clerk that the recording equipment is working properly and that there is an ample supply of blank tapes. Stop any testimony during tape changes;
- Begin the hearing on time, and if possible finish on time. If the hearing is going to go on beyond the allowed time consider adjourning it and continuing on another day;
- At the start of the proceedings clearly explain the purpose of the hearing and introduce your fellow committee members;
- Be firm, but fair, in your management of the hearing. Have clear ground rules for conducting proceedings and make sure that all participants are aware of these;
- Develop an inclusive atmosphere that encourages people to participate in the proceedings. Where appropriate provide support and encouragement to witnesses that appear nervous and unsure about their role and about speaking in public;
- Keep order in the hearing and limit testimony where necessary, but maintain an impartial attitude;
- Make sure all witnesses identify themselves for the record;
- Make sure that every person or group (via a spokesperson) that wishes to speak has that opportunity;
- Ask questions of staff and people who testify.



## APPENDIX 6, GUIDANCE FOR WITNESSES

- Confirm your invitation to attend the hearing both by telephone and in writing (letter or email);
- Plan your testimony. You will be more effective getting your message across if you have prepared your testimony in writing;
- An invitation to attend a hearing often contains a request for written evidence. If written evidence is requested it should:
  - be short and concise and, if possible, not exceed eight pages. Where it is longer than eight pages a summary should be provided
  - keep to the terms of reference of the hearing, concentrate on factual information, be specific in references to legislation (both existing and proposed) and be supportive of the verbal testimony you will give when you appear before the committee
  - be submitted at least two weeks in advance of the hearing when circumstances permit, so that the brief can be distributed to committee members for their consideration. Witnesses are encouraged to submit briefs electronically where possible
  - also be provided, if possible, on disc, formatted in Microsoft Word;
- Arrive early at the hearing in plenty of time to sign in so the committee knows you are present. Each committee runs their hearings differently, but the first hour (or more) of the hearing is usually reserved for public officials – other legislators, agency representatives, other elected officials. Then the committee chairs begin calling speakers from the public sign up list, usually in the order you signed up. If you have a disability or a special need, talk to the committee staff in advance of the committee so that your need can be met;
- When you are called to speak remember:
  - identify who you are and, if you represent a group, give the name of the group
  - you have only a short time to speak (usually no longer than 5 minutes), but do not rush (your words may be being interpreted and are being recorded by parliamentary reporters) and if you use less than your allotted time don't worry that's OK
  - when told that your time is over, finish the sentence, thank the committee and stop

- to use your speaking time to summarize your points and refer the committee members to your written testimony for more details
  - that speaking from your own experience is most persuasive. Try not to just repeat other speakers' remarks
  - that after you have finished committee members may have questions for you. Answer briefly and accurately. If you don't know an answer, say so and tell them that you will get back to them
  - to be polite and respectful. Do not disparage anyone who testifies against your position. Point out the differences, answer any concerns, but do not get personal
  - don't be offended if legislators come and go during the meeting. They have other simultaneous commitments including the need to be present in other meetings during the day;
- After the hearing write a thank you letter to the committee, again attaching a copy of your testimony, and any updates or answers to questions that you promised to provide.

## **TEMPLATES**

TEMPLATE 1, INVITATION LETTER TO COMMITTEE MEMBERS .....	51
TEMPLATE 2, INVITATION LETTER TO WITNESSES .....	53
TEMPLATE 3, SAMPLE WITNESS CARD .....	55
TEMPLATE 4, INVITATION LETTER TO THE MEDIA .....	57
TEMPLATE 5, REGISTRATION FORM .....	59
TEMPLATE 6, PRESS RELEASE .....	61



## TEMPLATE 1, INVITATION LETTER TO COMMITTEE MEMBERS

Respected member (*insert name of the MP*)

I am inviting you to take part in the public hearing on the following:

*(insert details of the subject of the hearing)*

This matter is of high importance to the citizens of the Republic of Macedonia and I believe that it is important to hear the opinions of distinguished experts, concerned organizations and the wider Macedonian public regarding the above.

The public hearing will take place on (*insert day, date, month, year, time*) at (*insert address*).

The committee has invited (*insert number*) witnesses representing various organizations and institutions to participate at the hearing and provide their comments and suggestions to committee members. Presentations from witnesses will be limited to (*insert number of minutes*) minutes and committee members will have (*insert number of minutes*) minutes to ask questions. Enclosed please find the list of invited witnesses and the timetable for testimonies.

For any further information please contact the Clerk of the Committee (*insert name and surname*) on:

Tel: (*insert telephone number*) or

Fax: (*insert fax number*) or

E-mail: (*insert E-mail*)

With respect,

*(insert name and signature)*

Chairperson of the Committee for (*insert name of the committee*)



## TEMPLATE 2, INVITATION LETTER TO WITNESSES

Dear Ms/Mr. *(insert name of the invitee)*

On behalf of the Committee for *(insert name of the Committee)* I would like to invite you to take part in the public hearing on the following:

*(insert details of the subject of the hearing)*

I believe that a public hearing is an excellent opportunity for the representatives of non governmental organizations, academic experts, citizen's organizations, various associations and lobby groups to express their opinions and comments on the above.

The public hearing will take place on *(insert day, date, month, year, time)* at *(insert address)*.

Individual witness testimonies will be limited to *(insert number)* minutes with the opportunity for committee members to ask additional questions for another *(insert number)* minutes.

If you are interested in participating in this public hearing please complete and return the attached registration form. Only registered participants will have the right to participate in the hearing and provide comments to committee members. On receiving your registration form we will notify you of the exact time when you will be able to present your comments to committee members.

If you decide to participate in this public hearing please provide an electronic version of your presentation/statement/comments by *(insert date and time)* to the clerk of the committee. This will help the committee and committee members in their preparations for the hearing.

Please send the completed registration form to *(insert name)* Clerk of the Committee *(insert the name of the committee)* by *(insert date and time)*:

Fax: *(insert fax number)* or  
E-mail: *(insert E-mail)*

For any further information please contact the Clerk of the Committee *(insert name)* on:

Tel: *(insert telephone number)* or  
Fax: *(insert fax number)* or  
E-mail: *(insert E-mail)*

With respect,

*(insert name and signature)*

Chairperson of the Committee for *(insert name of the committee)*



**TEMPLATE 3, WITNESS CARD**

WITNESS CARD

**To be completed by the Committee clerk:**

Committee: \_\_\_\_\_ Date: \_\_\_\_\_

Hearing: \_\_\_\_\_

**To be completed by the witness:**

Please indicate below which of the three options you wish to take

1. I would like to speak ( )

( ) in support      ( ) in opposition      ( ) information only

I will also provide additional written testimony YES / NO

Or 2. I will provide information, if requested ( )

I will also provide additional written information if required YES / NO

Or 3. Although I would not like to speak or provide written information, I am:

( ) in support      ( ) in opposition

Name: \_\_\_\_\_  
*please print*

Representing: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: ( ) \_\_\_\_\_  
*area code*



**TEMPLATE 4, INVITATION LETTER TO THE MEDIA**

**To the editor** (*insert name of media*):

The Committee for (*insert name of the committee*) intends to hold a public hearing on the following:

*(insert details of the subject of the hearing)*

The public hearing will take place on (*insert day, date, month, year, time*) at (*insert address*).

(*insert number of witnesses*) witnesses have been invited to provide written and oral statements to the committee.

Your newspaper/TV/radio station (*delete as appropriate*) is also invited to attend the hearing and cover the event. In order to register your intention to attend please return the attached registration form or contact the Clerk of the Committee for (*insert name of committee*), (*insert name and office address*) on:

Tel: (*insert telephone number*) or  
Fax: (*insert fax number*) or  
E-mail: (*insert E-mail*)

With respect,

(*insert name and signature*)  
Chairperson of the Committee for (*insert name of the committee*)



**TEMPLATE 5, REGISTRATION FORM**

**Committee for**  
(insert name of the committee)

*REGISTRATION FORM*

Dear Mr/Ms (*insert name of the addressee*)

I would like to attend the public hearing organized by the Committee for (*insert name of the committee*)

I would like to attend as a:  
(*please mark one of the options*)

- witness
- observer
- media representative

First Name / Surname:

Job Title:

Name of the organization you represent:

Your contact information:

Tel:

Fax:

Email:

If you are attending as a witness we would ask that you supply electronically if possible, a copy of your presentation/statement/ comments in advance to the committee clerk. If this creates difficulties, please don't hesitate to contact the committee clerk for advice.

Contact person, Clerk of the Committee for (*insert name of the committee*)

Fax: (*insert fax number*)

E-mail: (*insert E-mail*)

**Please send this form by:**

Fax: (*insert fax number*)

E-mail: (*insert E-mail*)



**TEMPLATE 6, PRESS RELEASE**

**FOR IMMEDIATE RELEASE**

*(Insert date)*

**PUBLIC HEARING: COMMITTEE FOR**  
*(insert the name of the committee)*

The committee for *(insert the name of the committee)* held a public hearing on the following:

*(insert details of the subject of the hearing)*

During the hearing *(insert number of witnesses)* witnesses from the government and a wide range of organizations testified in front of the committee. A Report from this hearing will be presented to committee members at the committee session that will be held on *(insert date, time and venue)*.

“This public hearing.....”  
*(insert statement by the committee president)*

For more detailed information on the public hearing please contact the clerk of the Committee for *(insert name of the committee)*, *(insert name)* on:

Tel: *(insert telephone number)* or  
Fax: *(insert fax number)* or  
E-mail: *(insert E-mail)*

With respect,

*(insert name and signature)*  
Chairperson of the Committee for *(insert name of the committee)*



