Dealing with vulnerable witnesses: committee visibility and value

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Abstract: In a representative government, parliamentary committees are crucial for reflecting public interest in policies. Yet the literature suggests that sections of the public may not always be familiar with committees. Enhancing committees' visibility and value to the public is therefore important. Drawing on recent South Australian House of Assembly (HA) inquiries, this paper argues that effective engagement with vulnerable witnesses can strengthen committees' public profile and democratic value. Based on interviews with parliamentary staff involved in three committee inquiries during the HA's 55th Parliament (2022–2026), the case studies show how maximising the culture of care—through identifying vulnerability, leveraging staff as intermediaries between committees and the public, and adapting procedures to support vulnerable witnesses— can raise the committee's profile and strengthen its value as an avenue for public involvement in the democratic process. The treatment of vulnerable witnesses also underscores the public's desire to be heard by their representatives. Developing guidelines or a toolkit for managing

[1] The author thanks House of Assembly colleagues Alison Meeks, Melissa Campaniello, Shane Hilton and Dr Evan Smith for sharing their reflections as the secretariat of the Select Committee on Endometriosis, Select Committee into Stillbirth in South Australia, and Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation Country Fire Service Inquiry, respectively. Interviews were conducted in November 2025. Appreciation is also extended to Dr Iva Glisic (Department of the House of Representatives) for insights on working with vulnerable witnesses, drawing on her experience with the Health, Aged Care and Sport Committee Inquiry into Drugs and Alcohol and the Joint Standing Committee on Implementation of the National Redress Scheme and Dr Sarah Moulds for her valuable comments. Thanks to Dr Alexia Adhikari and Dr Jonathan Zweck for reviewing a draft of this paper, and David Pegram, Deputy Clerk of the House of Assembly, for his review and advice.

vulnerable witnesses, complemented by closing the feedback loop, would promote consistency and strengthen committee capacity in dealing with vulnerable witnesses.

INTRODUCTION

In a representative government, parliamentary committees are crucial for reflecting public interest in policies. Committees allow members of Parliament to connect with the public and for the latter to participate in policy development and scrutiny through public hearings.[2] As Moulds states, 'committees have long been the site of engagement between citizens and members of Parliament'.[3] Public awareness of parliamentary committees and their functions, including ongoing inquiries, is therefore crucial for effective engagement. However, literature suggests that sections of the public may not always be familiar with the parliamentary process, including committees.[4] Hence, enhancing committees' visibility and value to the public is essential.

Vulnerable witnesses are often not the 'usual suspects'[5] of inquiries. This paper explores how managing vulnerable witnesses' engagement in parliamentary committees can raise the visibility and value of committees as platforms for public engagement. Focusing on the South Australian House of Assembly's (HA) approach to managing vulnerable witnesses in recent inquiries, I contend that being mindful in dealing with vulnerable witnesses could enhance the visibility and value of committees. The treatment of vulnerable witnesses also highlights the importance of being heard. This reinforces the need to 'close the feedback loop'[6] to show how public input shaped decisions, or why it could not be adopted.[7] Furthermore, a considerate approach to vulnerable witnesses aligns with the promise of Parliament, where

[2] Gabrielle Appleby, Alexander Reilly and Laura Grenfell, *Australian Public Law*: Oxford: Oxford University Press, 3rd ed, 2019.

[3] Sarah Moulds, 'A Toolkit for Evaluating the Effectiveness of Parliamentary Public Engagement'. *University of South Australia Law Review* (5) 2023, pp. 1-23, p. 11.

[4] See e.g. Pamie Fung and Rachel Macreadie, 'Engaging culturally and linguistically diverse (CALD) communities in parliamentary inquiries'. Parliament of Victoria*:* Department of Parliamentary Services, Research Paper No 4, December 2018.

[5] Anthony Marinac, 'The usual suspects? 'Civil Society' and Senate Committees'. *Papers on Parliament* (42) 2004, pp. 129-139.

[6] Cristina Leston-Bandeira, 'How public engagement has become a must for parliaments in today's democracies'. *Australasian Parliamentary Review* 37(2) 2022), pp. 8-16.

[7] Patrick Glynn, 'We Asked, You Said, We Did': Closing the Feedback Loop in Committees' Public Engagement Processes'. *Australian Parliamentary Review* 40(2) 2025, pp. 52-57.

diverse voices and societal needs are represented by elected representatives in order to act in the best interest of the public.

In the next sections, I discuss the concepts of representative government and public engagement, followed by a brief overview of South Australia's perspective of vulnerable witnesses and the state's committee system. I present three relevant case studies and reflect on them in relation to some theoretical underpinnings, germane practices from adjacent fields, and the South Australian context.

PUBLIC ENGAGEMENT IN A REPRESENTATIVE GOVERNMENT

In a representative government like Australia, the public entrusts elected officials with the power to make political decisions, create laws, and govern on their behalf.[8] Regular elections ensure a peaceful and organised transfer of power and hold elected representatives accountable for their actions, as failing to do so may result in not being re-elected. The election is only one way for the public to make their voices heard. Other mechanisms that link the represented to their representatives and facilitate the public's engagement in policy developments and scrutiny are parliamentary committees and petitions.

In recent years, the concept of representative government has faced criticism that it is in a 'downward trend'.[9] Worldwide trust in public and political institutions is declining or low.[10] Compounding this situation is the growing doubt about governments' capacity to address societal concerns.[11] In Australia, government trust levels remain relatively stable compared to other nations.[12] Nevertheless, there are 'trust gaps' with 'trust levels… consistently lower among several socio-economic and demographic groups, including those experiencing financial stress, individuals with lower education levels, people who identify as belonging to discriminated-against

[8] Appleby, Reilly and Grenfell, *Australian Public Law.*

[9] Simon Tormey. 'The Contemporary Crisis of Representative Democracy'. Accessed at: https://www.aph.gov.au/-/media/05_About_Parliament/52_Sen/Publications_and_resources/Papers_and_research/Papers_on_Parliament/pop66/5_Tormey_POP_66.pdf.

[10] Inter-Parliamentary Union (IPU) and United Nations Development Programme (UNDP), *Global Parliamentary Report 2022 Public engagement in the work of parliament.* Geneva: IPU and UNDP, 2022.

[11] See e.g. Organisation for Economic Co-operation and Development (OECD), *Drivers of Trust in Public Institutions in Australia, Building Trust in Public Institutions.* Paris: OECD Publishing, 2025.

[12] OECD, *Drivers of Trust in Public Institutions in Australia.*

groups, and women.'[13] These conditions affect public engagement - a key element in a representative government.

The Global Parliamentary Report 2022 (GPR 2022), published by the Inter-Parliamentary Union (IPU) and United Nations Development Programme (UNDP), defines public engagement as 'the various ways in which the community is involved in an activity, process or decision, including through information, education, communication, consultation and participation.'[14] With public engagement, everyone is, ideally able to participate in public affairs.[15] The same report acknowledges the decline in public engagement across the world. It cites the dangers these pose to a country, as public engagement 'supports parliament's main functions by giving access to the breadth and depth of information and ideas that are needed for representation, law-making, public policy formulation and oversight that meet people's expectations and aspirations.'[16] The GPR 2022 notes that enhancing citizens' interests and participation in government processes necessitate Parliaments' public engagement mechanisms to be 'strategic, inclusive, participatory, innovative, and responsive.'[17] These attributes of a public engagement strategy underline the need for public awareness of all available avenues for engaging in the democratic process and to see the sincerity of parliaments in hearing their voices.

There's a growing body of literature on committees as public engagement sites.[18] Committees provide information, serve as platforms for public consultation, and facilitate dialogue with parliamentarians and other stakeholders.[19] The literature emphasises the need for committees to adapt their evidentiary practices for better accessibility and availability of information for the public, underlining committees' epistemic function of gathering, testing,

[13] OECD, *Drivers of Trust in Public Institutions in Australia*, p. 8.

[14] IPU and UNDP, *Global Parliamentary Report 2022,* p. 7.

[15] IPU and UNDP, *Global Parliamentary Report 2022*.

[16] IPU and UNDP, *Global Parliamentary Report 2022*.

[17] IPU and UNDP, *Global Parliamentary Report 2022,* p. 9.

[18] See e.g. Moulds, *A Toolkit for Evaluating the Effectiveness of Parliamentary Public Engagement*; Glynn, *We Asked, You Said, We Did.*

[19] These attributes of committees resonate with Bosc's three broad categories of what the public expects of committees, namely: 'the desire for information, the desire to be consulted and, thirdly, the desire to engage in dialogue with parliamentarians and with each other.' Marc Boss, 'E-democracy and the work of parliamentary committees'. *The Table* (72) 2004, pp. 26-35, p. 27.

and producing information for Parliamentary legislation and oversight.[20] The most discussed and proposed mechanisms to encourage public engagement involve modifying practices and procedures related to collecting evidence, including increasing public awareness of and involvement in committees.[21]

The literature on managing vulnerable witnesses in committee hearings is expanding, reflecting a growing recognition of committees as important sites of public engagement. Existing scholarship primarily examines how legislative reforms[22] and procedural innovations[23] have responded to the needs of vulnerable witnesses, with the aim of enhancing both witness experiences and protections when giving evidence. McMichael's 2016 presentation to the Australia and New Zealand Association of Clerks-at-the-Table Conference explored how far committees and secretariats should support mentally vulnerable witnesses. McMichael used two case studies and reviewed support approaches in other jurisdictions, including a 'vulnerable witness protocol' by the New South Wales Legislative Council, but did not cover support services for parliamentary staff.[24] Alluding to McMichael's presentation, Hickman discussed the Western Australian Parliament's work to facilitate evidence-giving by vulnerable witnesses, considering committees' legal duty of care

[20] See e.g. Carolyn M. Hendriks and Adrian Kay, 'From 'opening up' to democratic renewal: Deepening public engagement in legislative committees'. *Government and Opposition,* 54(1) 2017), pp. 25-51; Carolyn M Hendriks, Sue Regan and Adrian Kay, 'Participatory Adaptation in Contemporary Parliamentary Committees in Australia'. *Parliamentary Affairs* (72) 2019, pp. 267–289

[21] Helene Helboe Pedersen, Darren Halpin and Anne Rasmussen, 'Who Gives Evidence to Parliamentary Committees? A Comparative Investigation of Parliamentary Committees and their Constituencies'. *The Journal of Legislative Studies* 21(3) 2015, pp. 408-427; In Cristina Leston-Bandeira and Sven T. Siefken, 'The development of public engagement as a core institutional role for parliaments'. *The Journal of Legislative Studies*, 29 (30) 2023, pp. 361-379, p. 376. The authors note that a key challenge for enhancing understanding parliament's public engagement activities is to map what parliaments do to engage the public—what these activities are, where they are used, and how they are assessed.

[22] See for example South Australia's *Statutes Amendment (Vulnerable Witnesses) Act 2015 and Vulnerable Witnesses (Scotland) Act 2004.*

[23] Taylah Cram and Anita Mackay. 'Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory' (2019) 3(29) *Journal of Judicial Administration.*

[24] Teresa McMichael, 'Support for vulnerable witnesses'. *Australia and New Zealand Association of Clerks-at-the-Table*, Conference Paper, January 2016.

towards vulnerable witnesses and vicarious trauma risks for parliamentary staff.[25] Hickman also summarised guidelines and protocols used in Australian jurisdictions to manage evidence from vulnerable witnesses.[26] Drawing on recent literature and the experience of the Parliament of South Australia, this paper argues that the treatment of vulnerable witnesses in committee inquiries can enhance the committee's public visibility and value as sites of public engagement.

SOUTH AUSTRALIA (SA) CONTEXT

Several factors render witnesses vulnerable.[27] Examples of individual factors include physical and psychosocial disabilities, including mental health-related issues.[28] Some social factors that could make a witness vulnerable are economic status, language and literacy.[29] Political factors include power asymmetries, exclusion and discrimination.[30] To contextualise the case studies, I briefly outline how vulnerable witnesses are treated in SA's justice system, engaging with some relevant practices in adjacent fields, and SA's parliamentary committee system.

South Australia Vulnerable Witnesses Act

In SA, acknowledgement and support for vulnerable witnesses in the justice system are enshrined in the state's *Statutes Amendment (Vulnerable Witnesses) Act 2015.* This law amended the *Evidence Act 1929* (SA) to make the justice system more accessible to vulnerable witnesses, like children and people with disabilities. The *Vulnerable Witnesses Act* defines who is a vulnerable witness, provides special measures in dealing with them, allows

[25] Alex Hickman, 'Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees – Recent Western Australian Experience'. *Australian Parliamentary Review* 39(1) 2024, pp. 20 -35.

Hickman discussed the Western Australian Parliament's work to facilitate evidence-giving by vulnerable witnesses, considering committees' legal duty of care and vicarious trauma risks. He summarised guidelines and protocols used in Australian jurisdictions to manage evidence from vulnerable witnesses. [26] Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees*.

[27] See e.g. Alex Hickman, 'Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees – Recent Western Australian Experience'. *Australian Parliamentary Review* 39(1) 2024, pp. 20 -35.

[28] See e.g. Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees.*

[29] See e.g. Fung and Macreadie, *Engaging culturally and linguistically diverse (CALD) communities in parliamentary inquiries.*

[30] McMichael, *Support for vulnerable witnesses*.

for support persons, and reduces some confrontation to support witnesses and minimise distress.

Under SA's *Vulnerable Witness Act*, vulnerable witnesses primarily refer to children under 16 and individuals with cognitive impairments or physical disabilities.[31] Special measures to reduce distress or embarrassment include audio-visual records, closed-circuit television from separate rooms, and screens or partitions between the witness and the accused.[32] Under the Act, support persons can include relatives, friends, or canine court companions.[33] The defendant's ability to directly see or hear the witness is also restricted in certain circumstances.[34] Comparable to these amendments is Scotland's *Vulnerable Witnesses Act 2004.* The Act acknowledges differences in factors contributing to vulnerability, with children automatically assumed as vulnerable due to their age, and adult's potential vulnerability based on factors such as mental disorder or fear from giving evidence.[35]

The *Vulnerable Witnesses Act*, along with SA's Disability Justice Plan (2014-2017), introduced the concept of 'communication assistance' in the state.[36] This included a 'communication partner' (CP) scheme that gave individuals with complex communication needs a formal entitlement to have a communication assistant present during interactions with the justice system.[37] A complex communication need entails difficulty in 'speaking, hearing, listening, understanding, social skills, reading, writing, and using voice' and is different from 'a simple communication need, like nervousness or a mild stutter.'[38] While the *Vulnerable Witnesses Act* says a person who speaks a language other than English does not have a complex communication need just because they are not fluent, the South Australia Law Reform Institute (SALRI) notes that cultural factors beyond language can be a complex

[31] *Statutes Amendment (Vulnerable Witness) Act 2015* (SA), s 4.

[32] *Statutes Amendment (Vulnerable Witness) Act 2015* (SA), s 12B.

[33] *Evidence (Vulnerable Witnesses) Amendment Act 2020* (SA), s 4.

[34] *Statutes Amendment (Vulnerable Witness) Act 2015* (SA), s 12B.

[35] Laura Sharp and Margaret Ross, *The Vulnerable Witness Scotland Act 2004,* Edinburgh University Press, 2008, p. 7.

[36] *Statutes Amendment (Vulnerable Witness) Act 2015* (SA).

[37] *Statutes Amendment (Vulnerable Witness) Act 2015* (SA) s 14A.

[38] P. Malinauskas, South Australia, *Parliamentary Debates*, Legislative Council, 9 June 2016, pp. 4240–1, p. 4240.

communication need for Aboriginal and culturally and linguistically diverse communities.[39] The CP scheme, however, was short-lived due to 'relatively limited use in practice.'[40] The Counsel Assisting vulnerable witnesses in the joint Federal and Northern Territory Royal Commission (NTRC) into the Protection and Detention of Children in the Northern Territory presents a similar arrangement to that of the CP scheme. Aware of the adversarial elements of a formal hearing, Counsel Assisting guided vulnerable witnesses in sharing their personal experiences to the Commissioners.[41]

Court and parliamentary committee witnesses differ in evidentiary protections, the rules governing testimony, and the purpose of appearing. In court, witnesses are liable for perjury, and their evidence may be used against them in later proceedings.[42] Accordingly, witnesses may generally refuse to answer self-incriminating questions (subject to exceptions).[43] Evidence provided to committees, by contrast, attract parliamentary privilege.[44] Evidence given cannot be used against a witness in a court or tribunal.[45] Witnesses may also request that evidence be taken in private (in camera) or kept confidential, although the committee may refuse.[46] Courts hear witnesses to determine breach and adjudicate guilt or liability;[47] committees hear witnesses to inform Parliament, investigate matters of public interest, and hold the executive to account.[48] Despite these differences, SA's *Vulnerable Witnesses Act's* rationale for supporting vulnerable witnesses in the justice system is relevant to the

[39] David Plater, Holly Nicholls, Simone Basso, Anita Brunacci, Jemma Holt, Jennifer Jacobs, Anisa Leaver, Geoff Muecke, Melissa Oxlad, Olga Pandos, Martine Powell, Natalie Wade and Brooke Washusen, *Providing a Voice to the Vulnerable: A study of Communication Assistance in South Australia.* Adelaide: South Australian Law Reform Institute, 2021.

[40] Plater, Nicholls, Basso, Brunacci, Holt, Jacobs, Leaver, Muecke, Oxlad, Pandos, Powell, Wade and Washusen, *Providing a Voice to the Vulnerable,* p. xviii; The factors that contributed to its limited use are also elaborated in this report.

[41] Cram and Mackay, *Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory*, p. 12.

[42] *Evidence Act 1929* (SA)*, s 13BB, 5c; Criminal Law Consolidation Act 1935* (SA), s 242.

[43] *Evidence Act 1929* (SA)*, s 59,*

[44] R.J Crump (Ed), *Blackmore Manual of the Practice, Procedure and Usage of the South Australian House of Assembly.* South Australia: Wakefield Press, 2025.

[45] Crump (Ed), *Blackmore Manual of the Practice, Procedure and Usage of the South Australian House of Assembly.*

[46] Crump (Ed), *Blackmore Manual of the Practice, Procedure and Usage of the South Australian House of Assembly.*

[47] Appleby, Reilly and Grenfell, *Australian Public Law.*

[48] Crump (Ed), *Blackmore Manual of the Practice, Procedure and Usage of the South Australian House of Assembly.*

treatment of vulnerable witnesses in committees. By defining vulnerability and providing special measures to minimise distress, involvement in committees is more accessible to vulnerable witnesses.

South Australia Parliamentary Committees

The case studies are inquiries from a standing and two select committees in SA. A brief description of the committee context in SA is worthwhile to understand the setting and circumstances of these case studies, especially in relation to resources such as space and staffing, that contribute to how vulnerable witnesses are dealt with in committees.

SA has 10 standing committees across the HA and Legislative Council (LC), established by the *Parliamentary Committees Act 1991* (SA). Each House manages five committees. Members can be from either House, and the committee's functions and powers are defined in the Act and other relevant Acts. The committees are usually chaired by a government member and often have a government majority of members. Committee members are appointed and changed via a motion in the relevant House. Membership is often for the life of the parliament unless there are party reshuffles. These committees investigate specific matters referred to them from the appointing House(s), a direction from the Governor, or the committee's own motion.[49] Select committees are appointed by one or both Houses to inquire into a specific Bill or discrete matter.[50] They have five members unless otherwise ordered[51] and members are nominated by the mover, or elected by ballot if required.[52] Select committees elect one member as Chair.[53] They operate in accordance with the Standing Orders of the originating House(s) and are dissolved upon tabling their final report.[54]

[49] House of Assembly, Parliament of South Australia, 'Standing Committees Information Sheet 2014'. Accessed at: https://intra.parliament.sa.gov.au/Committees/Shared%20Documents/Standing%20Committees%20Information%20Sheet%20March%202014.pdf?csf=1&e=eXFXO5.

[50] Parliament of South Australia, 'Committees Overview'. Accessed at: https://www.parliament.sa.gov.au/en/Committees#:~:text=Select%20Committees%20are%20established%20by,its%20own%20Members%20or%20others.

[51] Parliament of South Australia House of Assembly Standing Orders, No. 317.

[52] Parliament of South Australia House of Assembly Standing Orders, No. 318.

[53] Parliament of South Australia House of Assembly Standing Orders, No. 328.

[54] The rules for Select Committees are set out in the Standing Orders of the appointing Houses.

Standing committees typically have two staff: a parliamentary officer (PO) and a research officer (RO). Select committees receive the same staffing for the duration of an inquiry, with extra staff possible during tight deadlines. LC committees follow a similar structure, usually assigning both a PO and a RO to each.

CASE STUDIES

Conversations with four parliamentary staff from the HA, who were involved in the case studies presented below, revealed similar definitions of who constitutes vulnerable witnesses with that of the *Vulnerable Witnesses Act*. Interviewees classified vulnerable witnesses into a) those who feel threatened to present at inquiries because of the topic or future potential repercussions for participating, and b) those with lived experiences (in the past or currently) of severe psychological distress, who relive their experiences as they provide evidence to committees.

The case studies below are from recent committee inquiries in the HA during the 55th Parliament of South Australia (2022-2026). Two of these inquiries are from select committees on a topic involving women's reproductive health, while the third case is from an inquiry in one of HA's standing committees, the Occupational Safety and Rehabilitation Committee (OSRC). The final reports of the two select committee inquiries are publicly available, while the OSCR report is still being completed. Below are some strategies used in these committees that are unique to each committee and relate to the provisions of the *Vulnerable Witnesses Act* and relevant scholarship and practices from adjacent fields.

Case Study 1: Select Committee on Endometriosis (SCENDO)

SCENDO was established on 21 March 2024 to investigate and report on the prevalence, severity, and impact of endometriosis on South Australians who have the condition, including the existing barriers to timely, accurate, and appropriate care.[55] Twenty-three of the 85 submissions received by the committee and 14 of the 74 who made oral presentations, were from individuals who suffered the disease or those who have family members with endometriosis. SCENDO published its final report on 19 March 2025.

To support vulnerable witnesses and submitters, the committee resolved that response emails to these cohorts, would include a list of service providers for those experiencing

[55] Select Committee on Endometriosis (SCENDO), *Final Report of the Select Committee on Endometriosis*. Adelaide: Parliament of South Australia, *March* 2025, p. 7.

psychological distress after giving evidence. To avoid being seen as favouring certain service providers over others, a statement was also included that the committee was not suggesting these service providers over others, but that they were the ones the committee were aware of, as they had provided evidence to the Inquiry.[56]

Having regional hearings was another way vulnerable witnesses were considered.[57] The evidence presented to the committee highlighted significant disparities between city and regional residents in accessing timely health care and in the availability of services relevant to managing endometriosis. For this reason, the committee held two separate hearings in regional areas in SA.[58] Catherine Hutchesson, the Presiding Member of SCENDO, articulated that the committee was keen 'to hear from women in our smaller regional areas… so that we (committee) better understand the limitations that may occur (in seeking advice and treatment for endometriosis)'.[59]

Case Study 2: Select Committee into Stillbirth in South Australia (SCSB)

Established on 31 October 2024, SCSB examined the best practice stillbirth education and awareness programs, models of care in pregnancy and for parents after stillbirth, and support and training for healthcare professionals.[60] Thirty-nine of the 79 submissions received were from people who experienced stillbirth or who had family members go through the experience. Of the 49 oral presenters to the committee, 14 had lived experiences with stillbirth. The committee's final report was tabled on 29 October 2025.

In anticipation of hearings that could be emotionally and psychologically distressing, one of the mechanisms developed to deal with vulnerable witnesses in this Inquiry was having a separate room ready for witnesses.[61] Those who felt distressed could go to this room to

[56] Interview with Alison Meeks, SCENDO PO (Jennefer Lyn L. Bagaporo, Parliament of South Australia, 14 November 2025).

[57] SCENDO, *Final Report of the Select Committee on Endometriosis*.

[58] Interview with Alison Meeks, SCENDO PO.

[59] Endometriosis stories shared*,* The SE Voice ,11 July 2024. Accessed at: https://sevoice.com.au/endometriosis-stories-shared/.

[60] Select Committee into Stillbirth in South Australia (SCSB), *Final Report of the Select Committee into Stillbirth in South Australia*: Adelaide: Parliament of South Australia, October 2025, p. 7.

[61] In the Parliament of Victoria, committee managers may support witnesses (and staff and Members) by providing a nearby quiet room for use before or after giving evidence. (Parliament of Victoria, *Reducing the psychological*

compose themselves before or after giving a presentation. This arrangement proved more useful with the PO's strategy of having witnesses with lived experience appear on the same day, rather than having other types of witnesses present. In this way, vulnerable witnesses, such as bereaved parents, could feel more at ease knowing that they were with people who had similar experiences.[62] This room also provided a readily available space for witnesses to wait if those who were speaking before the committee did not feel comfortable with additional people listening in the room.

The PO also followed up with some witnesses who were visibly unsettled, during and after their presentations, and contacted these witnesses two days after their presentations to check on their welfare. The PO said:

> *One of the witnesses was visibly distressed (during the hearing), so I contacted her about two days later to check that she was okay. If it was clear that someone had found the experience especially emotional, I made it a priority to follow up with them.*[63]

Case Study 3: Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation (OSRC) - Country Fire Service (CFS) Inquiry

OSRC is a standing HA committee with six members (three HA and three LC).[64] It reviews the administration and operation of the *Occupational Health, Safety and Welfare Act 1986,*[65] *the Workers Rehabilitation and Compensation Act 1986*,[66] and related legislation; scrutinises proposed regulations (particularly those delegating statutory functions to private bodies or individuals); and considers and reports on petitions referred to it under section 16B of the *Parliamentary Committees Act 1991* (SA), and other matters assigned by statute or resolution of either House.[67]

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risk to staff working on sensitive committee inquiries a support guide. Melbourne: Parliament of Victoria, July 2023).

[62] Interview with Melissa Campaniello, SCSB PO(Jennefer Lyn L. Bagaporo, Parliament of South Australia, 11 November 2025).

[63] Interview with Melissa Campaniello, SCSB PO.

[64] *South Australia Parliamentary Committees Act 1991*, Part 5B, p. 12.

[65] This act has been repealed by Sch 6 cl 11 of *Work Health and Safety Act 2012* on 1.1.2013.

[66] This act has been repealed by Sch 9 cl 2 of Return to Work Act 2014 on 1.7. 2015.

[67] *South Australia Parliamentary Committees Act 1991*, Part 5B, p. 12.

On 6 March 2024, the LC passed a resolution for the OSRC to investigate and report on matters concerning the CFS. The issues include assessing support for volunteer firefighters, investigating volunteer conduct, evaluating CFS communication channels and procedures, and any other relevant matters related to the CFS's functioning, governance, and support structures. At the time of writing, the CFS inquiry is still ongoing.[68]

One way that the committee deals with vulnerable witnesses is to exercise careful consideration over pre-hearing arrangements. For example, there was one witness who 'suffered PTSD and was somewhat… disabled and unable to work by the experience, who also had the added complication of living in the country.'[69] The committee gave extra attention to the following matters: a) date and time of the witness' presentation, b) preference of accommodation, and c) bringing a support person during the hearing.

Another way that vulnerable witnesses' conditions are considered are the additional effort and time the PO devotes to addressing their concerns about giving evidence and appearing before the committee. OSRC's PO states, 'I would honestly think that I probably spend more time talking to witnesses than I actually spend in the sessions in which they appear.'[70]

THE 'CULTURE OF CARE' IN PARLIAMENTARY COMMITTEES: A MECHANISM TO RAISE COMMITTEE VISIBILITY AND VALUE

The three case studies present mechanisms that can enhance the value and visibility of parliamentary committees. These are a) knowing who vulnerable witnesses are and what makes them vulnerable, b) parliamentary staff as 'architects of engagement practice'[71] and c) adjusting committee procedures. I conceptualise these strategies as components of a committee-level 'culture of care'. These practices may seem mundane and largely invisible to external observers, but they can be leveraged, alongside the practice of duty of care, to make committees more visible to the public and relevant to public engagement. Altogether, these

[68] Interview with Shane Hilton, OSCR PO (Jennefer Lyn L. Bagaporo, Parliament of South Australia, 12 November 2025).

[69] Interview with Shane Hilton, OSCR PO.

[70] Interview with Shane Hilton, OSCR PO.

[71] Sofia Serra-Silva and Cristina Leston-Bandeira, 'The Invisible Architects of Public Engagement: Understanding the Different Types of Roles Played by Parliamentary Staff'. *Politics and Governance* 14(10589) 2026. Accessed at: https://www.cogitatiopress.com/politicsandgovernance/article/view/10589

mechanisms underline how vulnerable witnesses' perception of 'being heard or listened to' contributes to enhancing committees' public visibility and value as avenues for public engagement.

Awareness of who is a vulnerable witness and the factors that make them vulnerable

The ability to determine who is a vulnerable witness, including the factors that cause their vulnerability, is a key step for committees to deal with vulnerable witnesses.[72] Hickman proposed that this can be done by considering 'the characteristics of individual witnesses, the type of issue under inquiry and points of potential risk during the inquiry process.'[73] Hickman further emphasised the need to perform an individual evaluation of witnesses to ascertain their vulnerability, rather than act on assumptions.[74]

These suggestions resonate with the principles behind SA's *Vulnerable Witnesses Act* and the amendments made further in 2015[75] and 2020.[76] Scotland's *Vulnerable Witnesses Act 2004* provides a comparable illustration of a differentiated approach to vulnerability, establishing separate statutory definitions for child and adult vulnerable witnesses. The legislation acknowledges that vulnerability arises from different sources across these cohorts, presuming children to be vulnerable on the basis of age while requiring the vulnerability of adults to be assessed with reference to factors such as mental disorder, fear, or distress associated with providing evidence.[77] These measures intend to improve the experience of vulnerable witnesses when giving evidence for them to provide the best quality of evidence possible. To give such support, it is necessary to determine who is a vulnerable witness, including the factors that place them at risk.

However, certain entities dominate the evidence-giving process in committee inquiries. These include civil service and public sector, higher education, and not-for-profits, among

[72] See e.g. International Institute for Democracy and Electoral Assistance (International IDEA), 'Engaging Underrepresented Groups 2025, Guides on Citizen Engagement for Parliaments'. Accessed at: https://www.idea.int/sites/default/files/2025-08/engaging-underrepresented-groups.pdf.

[73] Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees,* p. 22.

[74] Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees*.

[75] *Statutes Amendment (Vulnerable Witnesses) Act* (SA) *2015.*

[76] *Evidence (Vulnerable Witnesses) Amendment Act* (SA) *2020*.

[77] Laura Sharp and Margaret Ross, *The Vulnerable Witness Scotland Act 2004,* p. 7.

others.[78] I contend that the limited diversity of witnesses also constrains committees' capacity to identify and assess vulnerability, including factors that may render a witness vulnerable. The case of Dr David Kelly of the United Kingdom is highly relevant to my argument.[79] Kelly was a distinguished biological and chemical warfare scientist who worked in the British Ministry of Defence. Kelly's name caught public attention when he was outed as a source of a BBC report accusing the UK government of having 'sexed up' the intelligence it presented to the public in 2003 to justify the war in Iraq.[80] In his presentation to the House of Commons Select Committee on Foreign Affairs (SCFA), Kelly was 'under pressure and strain.'[81] Though Kelly would qualify as a 'usual suspect', the nature of the Inquiry made him a vulnerable witness. A House of Commons Inquiry concluded that Kelly took his own life,[82] possibly because of public humiliation and his reputation tarnished from his involvement in the Inquiry.[83] In the SCFA's Inquiry into the Circumstances Surrounding the Death of Dr David Kelly report, the statement below noted the lack of awareness among committee members of the effect of the committee process on Kelly.

> *Whatever pressures and strains Dr Kelly was subjected to by the decisions and actions taken in the weeks before his death, I am satisfied that no one realised or should have realised that those pressures and strains might drive him to take his own life or contribute to his decision to do so.*[84]

[78] See e.g. Painter, *New Kids on the Block or the Usual Suspects?*

[79] This case is frequently mentioned in relation to other jurisdictions in Australia that have guidelines for sensitive inquiries, namely, the Parliaments of the Australian Capital Territory, New South Wales, Victoria, Western Australia and the Department of the House of Representative of the Federal Parliament; see e.g. McMichael, *Support for Vulnerable Witnesses.*

[80] Vikram Dodd, 'Dr David Kelly: 10 years on, death of scientist remains unresolves for some'. *The Guardian,* 17 July 2013. Accessed at: https://www.theguardian.com/politics/2013/jul/16/david-kelly-death-10-years-on.

[81] These were the actual terms used in describing the process of questioning Kelly by the members of the Select Committee on Foreign Affairs. Select Committee on Foreign Affairs, *Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G Final Report*: London: UK Parliament, January 2004, p. 3; Also see Mr Olner, United Kingdom, Hansard Select Committee on Foreign Affairs Minutes of Evidence, House of Commons, 15 July 2003, Questions 20 and 61.

[82] There were debates over this finding, with some conspiracy theorist saying Dr Kelly was murdered.

[83] Dodd, *Dr David Kelly*.

[84] Select Committee on Foreign Affairs, *Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G Final Report,* p. 3.

The statement above also suggests that the House of Commons SCFA lacked the capacity to recognise the circumstances that may render a witness vulnerable, although the Inquiry was deemed controversial. As mentioned earlier, Kelly was unlikely to have been considered a vulnerable witness because of his background in the civil service and public sector—groups that routinely provide evidence to parliamentary committees.

Contrary to Kelly's case, the case studies show that committees are mindful of both potentially vulnerable witnesses and the factors that can make witnesses vulnerable. This knowledge assisted the committees in creating a safe environment for vulnerable witnesses to provide evidence to inquiries as trauma discussion of lived experiences can re-traumatise people.[85] This is exemplified in SCENDO and OSRC, where partners, who also act as carers of vulnerable individuals, presented to the committees together. This is comparable to one of the main changes to the *Evidence Act of 1929* (SA), which is the use of communication assistants or support persons, aimed at reducing distress and improving access to justice.[86] In the NTRC, vulnerable witnesses were not subjected to counsel-driven examination typical of court-like proceedings, but were guided by Counsel Assisting to share their personal experiences directly with the Commissioners[87]as 'Of considerable, if not overriding concern, is the vulnerability of these witnesses…'[88] As OSRC's PO said,

> *I think if we were having a lot of people leaving this place in tears or distraught or further traumatised, that would not be good for our reputation as an organisation and, more importantly, our ability to get people to tell their story in an honest and forthright way.*[89]

Furthermore, committees informing themselves about who constitutes a vulnerable witness and the factors contributing to vulnerability is suggestive of committees' view of vulnerable witnesses as reliable witnesses. SALRI's study on communication assistance for vulnerable witnesses in South Australian courts observed that, within the justice system, vulnerable

[85] Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees*, p. 22.

[86] *Statues Amendment (Vulnerable Witnesses) Act 2015*.

[87] Cram and Mackay, *Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory*, p. 12.

[88] Commissioner M. White, Northern Territory, Transcript of Proceedings In the Matter of a Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory, Darwin, 8 December 2016, p. 478.

[89] Interview with Shane Hilton, OSRC PO.

witnesses—such as children and persons with disabilities—have traditionally been regarded as unreliable.[90] Despite more recent research and legislative reforms challenging this view, such perceptions continue to persist.[91] By contrast, the committees departed from these entrenched prejudices by ensuring that a witness' vulnerability, or the circumstances giving rise to it, did not impede their participation in the democratic process.

Parliamentary staff as architects of engagement practices

Parliaments in each jurisdiction are resourced differently, which could be a barrier to public engagement.[92] As cited earlier, the SA Parliament, as a small parliament, generally allocates only two staff to an inquiry – a PO and a RO. These staff are also assigned to other roles, either to another committee or in the Chamber.

The case studies show that staffing did not impede from providing appropriate treatment to vulnerable witnesses. Those in SCSB and OSRC maximised the implementation of established committee protocols – the pre-hearing preparations and post-inquiry contact with witnesses. These actions were taken to ensure that vulnerable witnesses' participation is safe and the risk of exacerbating their vulnerabilities is reduced. As Hickman said, 'Having effective processes in place to facilitate evidence from vulnerable witnesses protects their safety and well-being. This is consistent with what has been suggested is a moral duty [that] parliaments owe to vulnerable witnesses.'[93]

Another theme emerging from the case studies is the multifaceted role performed by parliamentary staff. As Serra-Silva and Leston-Bandeira observed, parliamentary staff are central to public engagement, functioning as intermediaries between committees and the public while navigating institutional constraints and shifting societal expectations of parliamentary practice.[94] They arrived at six typologies to describe the roles of parliamentary staff relative to public engagement, namely, 'institutional innovator, knowledge facilitator,

[90] Plater, Nicholls, Basso, Brunacci, Holt, Jacobs, Leaver, Muecke, Oxlad, Pandos, Powell, Wade and Washusen, *Providing a Voice to the Vulnerable.*

[91] Plater, Nicholls, Basso, Brunacci, Holt, Jacobs, Leaver, Muecke, Oxlad, Pandos, Powell, Wade and Washusen, *Providing a Voice to the Vulnerable.*

[92] See e.g. Hendriks and Kay, *From 'opening up' to democratic renewal;* IPU and UNDP, *Global Parliamentary Report 2022.*

[93] Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees*, p. 34.

[94] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement.*

strategic decision facilitator, guarantor of institutional legitimacy, coordinator and operational manager, and evaluator and monitor.'[95] The case studies illustrate parliamentary staff's enactment of the coordinator and operational manager role, and the institutional innovator role. The coordinator and operational manager function—'embedded in routine processes'—entails the maintenance, delivery, and adaptation of engagement tools, platforms and services.[96] This is evident in the conduct of regional hearings for SCENDO and the detailed pre-hearing preparations for OSRC. Coordinating such activities demonstrates parliamentary staff's work as active stewards of mechanisms that sustain committees' visibility and public value.[97]

The institutional innovator role[98] is evident in the SCSB's provision of a designated room for distressed witnesses and in the complementary scheduling of witnesses with lived experiences on the same day. Within the SA parliamentary context, these measures constitute 'novel approaches to public engagement'[99] within a committee setting and reflect parliamentary staff's 'normative understanding of how democratic institutions should relate to citizens.'[100] As the PO explained, such arrangements stem from a human-centred rationale. She stated, 'These people are helping our inquiry. They're helping us to form recommendations. They're reliving something that was emotionally taxing, and they're choosing to tell us their story. They deserve to be comfortable.'[101] This statement resonates with the SA Disability Justice Plan's (2014-2017) view of vulnerable witnesses:

> *Vulnerable witnesses are capable of providing comprehensive and reliable testimony but may come up against barriers due to misconceptions about their capability or credibility and because they are not able to access the support they may require to give evidence.*[102]

[95] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement,* p. 1.

[96] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement,* p. 13.

[97] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement.*

[98] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement,* p. 7.

[99] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement,* p. 9;

[100] Serra-Silva and Leston-Bandeira, *The Invisible Architects of Public Engagement,* p. 9.

[101] Interview with Melissa Campaniello, SCSB PO.

[102] Attorney-General's Department (SA), *Disability Justice Plan 2014–2017* as cited in Plater, Nicholls, Basso, Brunacci, Holt, Jacobs, Leaver, Muecke, Oxlad, Pandos, Powell, Wade and Washusen, *Providing a Voice to the Vulnerable,* p. xiii.

Similarly, the Federal Parliament's Inquiry into the Health Impacts of Alcohol and Other Drugs in Australia, conducted by the Standing Committee on Health, Aged Care and Sport (now the Standing Committee on Health, Aged Care and Disability), implemented measures to support vulnerable witnesses with lived experience, including people affected by addiction and their families or carers.[103] Among these was preparation and support for secretariat staff to strengthen their capacity to engage with vulnerable witnesses [104] This initiative reflects not only an awareness of the potential for vicarious trauma among parliamentary staff,[105] but also recognition of their role as institutional innovators within committee processes.

In performing the institutional innovator role, POs of both OSRC and SCSB ascertained that barriers towards giving evidence among vulnerable witnesses were lessened to facilitate vulnerable witnesses' engagement in parliamentary process.

Adjusting procedures

The traditional characteristics of most parliamentary procedures often impede public engagement in committees.[106] In their study, Hendriks, Regan and Kay noted that parliamentary staff were uncertain whether conventional approaches to engaging the public in committee inquiries were future-proof.[107] The conduct of hearings in regional areas (SCENDO) and the allocation of a room within the parliament building for distressed witnesses (SCSB) exhibit adjustments to conventional processes for handling witnesses to account for the circumstances of vulnerable witnesses. These measures were comparable to those adopted by the Victorian Parliament's Family and Community Development Committee during its Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations. Recognising the potential trauma associated with recounting experiences of

[103] Conversation with Dr Iva Glisic of the Parliament of Australia (Jennefer Lyn L. Bagaporo, Parliament of South Australia, 26 August 2025).

[104] Conversation with Dr Iva Glisic, 26 August 2025.

[105] See also Parliament of Victoria, *Reducing the psychological risk to staff working on sensitive committee inquiries* (A support guide, July 2023).

[106] See e.g. IPU and UNDP, *Global Parliamentary Report 2022;* Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees.*

[107] Hendriks, Regan and Kay, *Participatory Adaptation in Contemporary Parliamentary Committees in Australia*.

abuse, the committee implemented a holistic support framework that provided participants with information and support throughout and beyond the inquiry process.[108]

Moreover, to some degree, the actions of both SCENDO and SCSB resemble the amendments made to the *Evidence Act of 1929* (SA), such as enabling of audio-visual records of interviews to be admitted as evidence,[109] permitting and enhancing pre-trial special hearings[110], and clarifying the admissions of pre-recorded evidence.[111] All of these were aimed at making vulnerable witnesses present their evidence in the best manner and not exacerbate their conditions.

There is often a strict rulebook that parliamentary staff must follow to avoid criticisms regarding impartiality and independence.[112] Most innovations or changes in committee processes are also dependent on members' willingness to adapt procedures. This adaptability within committees is akin to Royal Commissions' 'power to create and regulate their own process so that they are better tailored to the subject matter of their inquiry.'[113] Notwithstanding these conditions, I contend that customising some committee procedures to consider vulnerable witnesses' circumstances plants the seed to create more diversity, flexibility, and opportunities for public engagement. As Moulds states, 'There is a pressing need to move beyond conventional modes of engagement to reach those who have been ignored or excluded from these processes.'[114] The modifications to procedures will not only ensure that vulnerable witnesses' circumstances are considered but also convey the

[108] Family and Community Development Committee, Parliament of Victoria, *Betrayal of Trust Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations* (Final Report Vol 1 of 2, November 2013) p. 32.

[109] *Statues Amendment (Vulnerable Witnesses) Act* 2015, s 13BA

[110] *Statues Amendment (Vulnerable Witnesses) Act 2015,* s 12AB*; Evidence (Vulnerable Witnesses) Amendment Act 2020,* s 12AB.

[111] *Evidence (Vulnerable Witnesses) Amendment Act 2020*, s 13BA; also see Scotland's *Vulnerable Witnesses Act 2004* as procedural amendments were made to evidence rules, emphasising a supportive environment for both civil and criminal proceedings.

[112] Moulds, *A Toolkit for Evaluating the Effectiveness of Parliamentary Public Engagement*; Fung and Macreadie, *Engaging culturally and linguistically diverse (CALD) communities in parliamentary inquiries.*

[113] Cram and Mackay, *Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory*, p. 9.

[114] Moulds, *A Toolkit for Evaluating the Effectiveness of Parliamentary Public Engagement*, p. 20.

committees' appreciation and value of their contributions.[115] As Hendriks, Regan and Kay articulated,

> *They (committees) bring important information and perspectives into the political arena and provide important conduits for citizens, groups and experts to express and share their views. How well committees can play these roles in our contemporary democratic systems relies on their capacity to change and be relevant, connected and responsive to diverse publics.*[116]

The value of 'being heard/respected'

In all the case studies, committee members and parliamentary staff received expressions of thanks from vulnerable witnesses. Parliamentary staff of SCENDO and SCSB further received personal expressions of thanks during the tabling of its final reports. The PO of SCSB said, '…when we had the tabling of the report, I had the witnesses come up to me and thank me for… just the way it was… handled.'[117]

I contend that the appreciation expressed by vulnerable witnesses for their involvement in the inquiries underscores the value citizens place on being genuinely listened to[118] and enhances parliamentary committees' public visibility and value as sites of public engagement. Leston-Bandeira notes research showing that citizens recognise their demands may not always be met; rather, what they most often seek is to be listened to and given a fair opportunity to present their perspectives and lived experiences.[119] The same insight is evident in the NTRC's hybrid inquiry model, which incorporated restorative practices within its procedural framework.[120] In doing so, 'the NTRC performed a therapeutic function by supporting V&VWs [victims & vulnerable witnesses], their families and the community to tell

[115] IPU and UNDP, *Global Parliamentary Report 2022.*

[116] Hendriks, Regan and Kay, *Participatory Adaptation in Contemporary Parliamentary Committees in Australia,* p. 285.

[117] Interview with Melissa Campaniello, SCSB PO.

[118] Hendriks and Kay, *From 'opening up' to democratic renewal.*

[119] Leston-Bandeira, *How public engagement has become a must for parliaments in today's democracies*, p. 14

[120] Cram and Mackay, *Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory*, p. 10.

their personal stories.'[121] The OSRC PO observed a similar sentiment in interactions with vulnerable witnesses during the CFS inquiry. He said,

> *I know with that gentleman who appeared before the CFS inquiry [that] it was very hard on him. But he did feel that it was worthwhile from both the point of view of the information he was able to provide to the committee and also the sense of kind of release that it gave him personally.*[122]

Furthermore, the case studies demonstrated that closing the feedback loop is another element that boosts committees' public visibility and value as sites for citizen involvement. In parliamentary contexts, closing the feedback loop entails informing citizens how their contributions have informed committee inquiries, reports, or legislative outcomes, thereby bridging the gap between participation and decision-making.[123] The case studies show that closing the feedback loop offers a practical mechanism for demonstrating to vulnerable witnesses that their contributions have been acknowledged and taken seriously, as illustrated by the practices of SCENDO and SCSB, which invited submitters and witnesses to Parliament for the tabling of the final report, followed by morning tea, which is an opportunity for informal engagement.

The treatment of vulnerable witnesses also reflects a more inclusive committee culture, as it brings committees into direct engagement with the experiences of marginalised individuals who are often not the 'usual suspects'.[124] As noted earlier, OSRC members made specific arrangements for the oral presentation of a witness with mental health concerns, and his wife (also carer). When the latter apologised for exceeding their allocated time, the Presiding Member responded,

> *I don't want a single apology. I think we are all incredibly grateful for what you are saying and we would love to unpack it further, it's so important. I*

[121] Cram & Mackay, *Protecting Victims and Vulnerable Witnesses Participating in Royal Commissions: Lessons from the 2016-2017 Royal Commission into the Protection and Detention of Children in the Northen Territory*, p. 10.

[122] Interview with Shane Hilton, OSCR PO.

[123] See e.g. Glynn, *We Asked, You Said, We Did*; Leston-Bandeira, *How public engagement has become a must for parliaments in today's democracies.*

[124] Dermody, Holland, and Humphery, *Parliament Committees and Neglected Voices in Society*, p. 54.

> *do want to thank you both for having the bravery to come and raise this with us and everything that you have been doing in this process.*[125]

Moreover, the means employed in dealing with vulnerable witnesses underlines the committees' openness to diverse views. Leston-Bandeira noted 'unless parliaments explicitly encourage a diversity of views, this does not happen naturally.'[126]

CONCLUSION

Committees can raise their visibility and value as sites of public engagement by how they handle vulnerable witnesses. Vulnerable witnesses value being heard about the issues they care about, but they do not frequently provide evidence to committees due to barriers to their engagement. It is vital therefore, that when vulnerable witnesses participate, considerations for obtaining the best evidence and ensuring they have a meaningful and safe experience are equally observed. These actions convey committees' view of vulnerable witnesses as reliable witnesses.

Maximising the 'culture of care' embedded in committee systems in conjunction with the duty of care for the treatment of vulnerable witnesses can raise the committee's profile and strengthen its value as an avenue for public involvement in the democratic process. The duty of care ensures committees' legal and moral obligations to prevent potential harm to witnesses in the course of their participation in inquiries,[127] while the 'culture of care' emboldens a shared value or ethos among committee members and parliamentary staff to assure that vulnerable witnesses' experience trust, mutual respect, and support and empowerment to speak about their lived experiences. This can be achieved through an awareness of who constitutes a vulnerable witness and the factors that make them vulnerable, harnessing the different roles of parliamentary staff as mediators between committees and the public, and modifying committee procedures to better accommodate vulnerable witnesses.

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[125] O. Savvas, South Australia, Committee Transcript Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation Country Fire Service Volunteer Management and Support, House of Assembly, 13 November 2024, p. 7.

[126] Leston-Bandeira, *How public engagement has become a must for parliaments in today's democracies*, p. 13.

[127] The term 'duty of care' is used in Kathleen Dermody, Ian Holland, and Elton Humphery's, 'Parliament Committees and Neglected Voices in Society'. *The Table* (74) 2006, pp. 45-55. p. 49; see also Hickman, *Facilitating Evidence by Vulnerable Witnesses to Parliamentary Committees.*

Inherent in the idea of a culture of care is 'the notion of continuing but shifting patterns of behaviour, that are characteristic of particular social groups in particular spaces and time.'[128] The case studies demonstrate that a 'culture of care' approach shares key features with established practices for managing vulnerable witnesses in courts, royal commissions, and other inquiries, including trauma-informed procedures, witness preparation, support mechanisms, privacy safeguards, and post-appearance welfare. This suggests that core principles of a culture of care can be adapted or transferable across diverse institutional settings. Vulnerable witnesses may also interpret how they were treated as a genuine commitment by Parliament to engage in dialogue with those it represents. Thus, the mechanisms in place can also be seen as promoting inclusivity in committee processes, which further strengthen and legitimise Parliament's scrutiny of policies and legislation and holding governments accountable.

However, it is also important to recognise that parliamentary committees differ in several important respects from courts and commissions, requiring unique considerations for the management of vulnerable witnesses. These include the lack of judicial and enforcement powers, constraints on time, resources and specialist expertise, the need to reconcile confidentiality with principles of public accountability, and the differing purposes and outputs of committee inquiries. Hence, it is a sensible step for Parliaments to have guidelines or a toolkit for handling vulnerable witnesses to committee inquiries, especially sensitive inquiries. Such guidelines would not only ensure consistency in dealing with vulnerable witnesses but also better equip committees to support them. The vulnerable witness protocol by the NSW's Legislative Council[129] and ACT's Office of the Legislative Assembly,[130] can be reference points.

The guideline or toolkit is similar to Hendriks and Kay's proposal of an engagement strategy that ensures a common set of guiding principles across committees, even as they adopt varied combinations of engagement mechanisms.[131] It is also a worthwhile endeavour to close the feedback loop to give vulnerable witnesses 'a sense that they were genuinely heard as part of a process and not 'speaking into the void.'[132] The feedback loop would complement the

[128] Beth Greenhough, Gail Davies, and Sophie Bowlby. 'Why 'cultures of care?' (2023) 24(1) *Social & Cultural Geography*, DOI: 10.1080/14649365.2022.2105938, p. 2.

[129] McMichael, *Support for vulnerable witnesses.*

[130] Office of the Legislative Assembly, Australian Capital Territory, *Annual Report 2018-2019* (October 2018) p. 17.

[131] Hendriks and Kay, *From 'opening up' to democratic renewal,* p. 42.

[132] Glynn, *We Asked, You Said, We Did,* p. 67.

guideline because it would enable 'more consistent implementation and earlier planning of feedback activities.'[133]

[133] Glynn, *We Asked, You Said, We Did,* p. 67.