



# SESSIONS WITH A COMMISSIONER – PARTICIPANT EXPENSES POLICY

Released 23 September 2021

1. This document sets out the Commission's policy for the payment of expenses for people who participate in sessions with a Commissioner (participants), including private sessions conducted in accordance with Division 1A of the *Commissions of Inquiry Act 1995* (Tas) (Act).
2. People who attend other Commission consultation processes (e.g. stakeholder consultations) or people who attend a session as a participant's support person, cannot claim their expenses as per this policy, unless by prior written agreement with the Commission.
3. A separate policy will be released regarding the payment of expenses for people who appear as a witness at the Commission's public hearings.

## EXPENSES RELATED TO ATTENDANCE AT A SESSION WITH A COMMISSIONER

4. The Commission will determine who is able to attend a session with a Commissioner based on the nature of the information a participant may wish to share and its relevance to the scope of the inquiry.
5. Further information regarding how sessions with a Commissioner will be conducted can be found in *Practice Direction No. 4 – Sessions with a Commissioner* and on the Commission's website.
6. Following attendance at a session with a Commissioner, a participant may claim:
  - travel expenses
  - meal and accommodation allowances
  - compensation for loss of income, and
  - legal costs.<sup>1</sup>
7. Any expenses, allowances and/or compensation approved by the Commission will be paid in arrears. Payment will only be made in advance in limited circumstances.

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<sup>1</sup> Section 19A(4) of the *Commissions of Inquiry Act 1995* (Tas) states that a person who appears at a 'private session' is entitled to expenses, including legal costs (section 36), allowances for meals, travel and accommodation (section 37) and compensation for loss of income (section 38). The Commission has extended the entitlement under the Act to allow all participants who attend a session with a Commissioner to claim expenses, regardless of whether a participant chooses to have their session conducted as a private session.

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## Travel, meals and accommodation

### *Travel expenses*

8. Generally, sessions with a Commissioner will be conducted at suitable locations across Tasmania or via remote means.
9. Participants who are required to travel to a session with a Commissioner may claim the cost of the use of public transport, taxis, commercial passenger vehicles (e.g. Uber) or hire cars. Participants are required to produce GST receipts and may claim the actual costs incurred.
10. If a participant uses their own car to drive to and from a session with a Commissioner, they are entitled to a reimbursement of 75.66 cents per kilometre travelled. In this case, a participant should provide evidence to substantiate the distance travelled.
11. If a participant resides overseas or interstate, the Commission will arrange for their attendance at a session with a Commissioner via remote means. If the Commission considers that travel to Tasmania is necessary, the Commission will book any airfares for participants. No flights may be booked and claimed by participants without the prior written approval of the Commission.
12. If a participant's support person resides overseas or interstate, the support person may attend a session via remote means.

### *Meal allowance (part-day travel)*

13. Participants may claim a meal allowance if they are required to travel at least 60 kilometres from their home to attend a session with a Commissioner.
14. A meal allowance for breakfast or dinner may be claimed if a participant leaves their home or office prior to the commencement of the earlier times and return after the later times listed below:
  - Breakfast (7.00–8.30am): \$13.55
  - Dinner (6.00–7.30pm): \$25.95
15. For example, a participant may claim a meal allowance for breakfast if they leave home at 6.30am to travel directly to a morning session with a Commissioner and return home at 11.00am.
16. Meal allowances where an overnight stay is required are outlined below.
17. No receipts are required to claim a meal allowance.

### *Accommodation and meal allowance (overnight travel)*

#### Accommodation allowance

18. Generally, the Commission will organise and arrange for payment of commercial accommodation (e.g. hotel, motel, serviced apartment) for participants who are required to travel and stay overnight for the purposes of attending a session with a Commissioner.



19. If prior written approval is obtained from the Commission for a participant to book their own commercial accommodation associated with their attendance at a session, they may claim an accommodation allowance. The accommodation allowance is the maximum that will be paid to the participant regardless of the cost of their chosen accommodation.
20. The overnight allowance for accommodation in Tasmania is \$147 per night.
21. Participants are required to produce a receipt as evidence that a commercial accommodation expense was incurred to be eligible to claim an allowance.
22. If the Commission has paid for a participant's accommodation or the participant has not stayed in commercial accommodation (e.g. they have stayed with family or friends), the participant is not eligible to claim an accommodation allowance.

#### Incidental expenses

23. Participants who are required stay overnight (in or outside of Tasmania) to attend a session with a Commissioner may also claim incidental expenses of \$20.40 per night.
24. No receipts are required to claim incidental expenses.

#### Meal allowance

25. Where an overnight stay is required to attend a session with a Commissioner, a meal allowance may be claimed if a participant leaves their home or office prior to the commencement of the earlier times and return after the later times listed below:
  - Breakfast (7.00–8.30am): \$28.70
  - Lunch (12.30–2.00pm): \$32.30
  - Dinner (6.00–7.30pm): \$55.05
26. For example, a participant may claim a meal allowance for dinner and breakfast if they leave home to commence their overnight stay at 3.00pm and return home the next day at 11.00am.
27. No receipts are required to claim a meal allowance.

#### **Compensation for loss of income**

28. Participants are entitled to receive compensation for loss of income related to their attendance at a session with a Commissioner.
29. The Commission may order the payment of compensation for loss of income having regard to such matters as it considers relevant.



30. Generally, a participant will be paid the actual loss of income they have incurred for each hour, or part of an hour, during which they attended a session with a Commissioner (where doing so prevented their ability to earn such income) up to a maximum of \$38.02 per hour.<sup>2</sup>
31. A participant who suffers an actual loss of income greater than the amount payable above, may apply in writing to the Commission to have their particular circumstances considered.

### **Legal costs**

32. If a participant has a lawyer and legal advice is required for their attendance at a session with a Commissioner, they may be able to claim those legal costs. A participant may also be able to claim their legal costs associated with their lawyer's attendance at a session.
33. The Commission may order the payment of all or part of a participant's legal costs associated with their attendance at a session with a Commissioner. In making such an order, the Commission may have regard to:
- whether the participant has shown that they had a valid reason to seek legal representation
  - whether in all the circumstances, it would be a hardship or injustice for the participant to bear their own legal costs
  - the nature and possible effect of any allegations made about or by the participant
  - whether the participant has been found to have been seriously at fault, to the extent that criminal or other charges have been recommended or instituted
  - whether the person has been served with a Notice to Produce by the Commission to provide information or prepare a statement, and
  - any other relevant matter.
34. Any legal costs which are to be paid will be assessed by the Supreme Court.

### **HOW TO MAKE A CLAIM**

35. To make a claim, participants should:
- Keep all receipts, tax invoices and other records relating to their claim.
  - Complete the Participant Expenses Claim Form, a copy of which can be provided to participants and is available on the Commission's website.
  - Send the completed claim form, all receipts, tax invoices, and other records to the Commission to support their claim:
    - By email to: [contact@commissionofinquiry.tas.gov.au](mailto:contact@commissionofinquiry.tas.gov.au), or

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<sup>2</sup> If a participant attends a session with a Commissioner as part of their job, and are paid to do so, no actual loss of income has been incurred.



**Commission of Inquiry into  
the Tasmanian Government's  
Responses to Child Sexual  
Abuse in Institutional Settings**

- By post to:  
Commission of Inquiry  
GPO Box 229  
Hobart TAS 7001

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