



INTEGRITY TRIBUNAL

Claiming costs and expenses

This information sheet is authorised by the Chief Executive Officer (CEO) of the Integrity Commission (the Commission). It sets out the provisions of the [Integrity Commission Act 2009](#) (Tas) (the Act) relating to when costs or expenses may be claimed for a person's involvement with an inquiry conducted by an Integrity Tribunal (Tribunal).

In summary, the Act provides that:

- ▼ Witnesses appearing before a Tribunal may be eligible for some of their legal costs and other expenses.
- ▼ People who appear at an inquiry, but who are not witnesses, are not eligible for their legal costs but may apply for allowances for some expenses.

All references are to section of the Act unless otherwise specified.

Meaning of 'witness'

Under section 82 and for the purposes of this policy, *witness* means a person who:

- ▼ is required to appear before a Tribunal, or
- ▼ is requested by a Tribunal to attend a place to be interviewed.

For example, a witness could be a person who:

- ▼ receives a notice under section 71(1), requiring them to attend an inquiry, either in person or via remote means, to:
 - ▼ give evidence, and/or
 - ▼ produce any document or thing in their possession or control which the Tribunal considers relevant to its inquiry, or
- ▼ is required under section 71(5) to attend an interview with the Tribunal or an inquiry officer, either in person or via remote means, regardless of whether they are later required to give evidence at a hearing, or
- ▼ receives a notice under Schedule 6, clause 2(2), requiring them to attend a hearing.

The Tribunal will determine:

- ▼ who is requested to attend a witness interview
- ▼ who is required to attend as a witness before it, including at a hearing
- ▼ whether a witness is required to attend and give evidence in person or via remote means, and
- ▼ the order in which witnesses are called and examined.

Allowances

A witness is eligible for the following allowances:

- ▼ travel
- ▼ meals
- ▼ accommodation
- ▼ other expenses that the Tribunal considers reasonable.

A person, *other than a witness*, who appears at a Tribunal may apply to the CEO for the above allowances. For example, a person who is granted 'leave to appear' before the Tribunal may be eligible. The CEO has discretion to determine whether the allowance is paid.

Any person who seeks to claim an allowance ('the claimant') should contact the Inquiry Office to confirm eligibility and rates of remuneration prior to incurring any costs.

Allowances and reimbursements are payable on the same terms and rate as is prescribed for the equivalent allowance in the Tasmanian State Service Award, as it stands from time to time.

Reimbursement for allowances will be paid in arrears. Payment will only be made in advance in limited, special circumstances if requested in writing and approved by the CEO.

Proof of expenditure will be required prior to reimbursement of some expenses.

Travel

Claims may be made for public transport, taxis, commercial passenger vehicles or hire cars. Claims must include a receipt of payment.

Claims may be made for use of the claimant's own car to attend. The reimbursement is payable on the same terms and at the same rate as is prescribed from time to time for the equivalent allowance in the Tasmanian State Service Award. A log book record is required.

No flights may be booked without the prior written approval of the Inquiry Office. If the claimant resides in a distant area, interstate or overseas, the Tribunal may arrange for them to appear or attend via remote means. If the Tribunal considers that travel to Tasmania is necessary, the Tribunal will book any airfares for witnesses.

Part-day travel – meal allowance

A meal allowance may be claimed for part-day travel, for example, where no overnight stay is required. No incidental expenses are payable for part-day travel.

A meal allowance may be claimed if the claimant is required to travel at least 60 kilometres from their home to appear before the Tribunal or attend an interview.

A meal allowance for breakfast or dinner may be claimed if the claimant leaves or has not returned to their home or office:

- ▼ Before 7.00am for the breakfast allowance
- ▼ After 6.00pm for the dinner allowance

A log of travel times is required to support the claim but receipts are not required.

Overnight travel

Guidance should be sought from the Inquiry Office to confirm eligibility for overnight travel allowances including records required and the accommodation arrangements.

Meals

Where an overnight stay is required, a meal allowance may be claimed from the time the claimant leaves their home or office to attend the Tribunal or required location. Eligibility is from the commencement of the journey to the return:

- ▼ Breakfast 7.00am–8.30am
- ▼ Lunch 12.30pm–2.00pm
- ▼ Dinner 6.00pm–7.30pm

For example, a witness leaves home at 10am to attend the hearing at 2pm (Day 1); they stay overnight and attend the hearing again the next day before arriving home at 4pm (Day 2). They would be eligible for lunch and dinner on Day 1, and breakfast and lunch on Day 2.

A log of travel times is required to support the claim but receipts are not required.

Accommodation

Generally, the Inquiry Office will organise and arrange for payment of commercial accommodation (for example, hotel, motel, serviced apartment) for people who are required to travel and stay overnight in order to appear before the Tribunal or attend a witness interview.

Prior approval is required from the Inquiry Office for a claimant to book their own commercial accommodation. The accommodation allowance is the maximum that will be paid regardless the chosen accommodation.

When a witness has made their own accommodation arrangement, with prior approval of the Inquiry Office, then a tax invoice is required to be produced.

The accommodation allowance is not payable for private accommodation (such as staying with a friend or family member).

Incidental expenses

An incidental expenses allowance is available when a witness has an overnight stay.

No receipts are required to claim the incidental expenses allowance. It may be payable even if the witness makes their own private accommodation arrangements.

Legal costs

Only a witness may apply to the CEO for financial assistance in relation to their legal costs. This may occur if a witness:

- ▼ has a lawyer and legal advice is required about their attendance at a witness interview
- ▼ has a lawyer and legal advice is required about their attendance before the Tribunal, or
- ▼ has costs associated with their lawyer's attendance at a hearing while the witness gives their evidence.

The CEO may approve financial assistance in full or in part for legal costs for a witness. Under section 83(2), in considering whether to make such an order, the CEO may have regard to:

- ▼ whether the witness has shown that they had a valid reason to seek legal representation
- ▼ the significance of the evidence that the witness is to give or appears likely to give
- ▼ whether in all the circumstances, it would be a hardship or injustice for the witness to bear the costs
- ▼ the nature and possible effect of any findings made about the witness, and
- ▼ any other relevant matter.

As the decision of the CEO to approve assistance for legal costs is discretionary, witnesses should not obtain legal representation on the assumption that assistance will be provided. As circumstances may change during an inquiry, applications should be made after the inquiry has concluded and the need for legal representation has ceased.

Under section 83(3), any legal costs approved by the CEO must be 'taxed' (assessed) by a taxing officer of the Supreme Court of Tasmania before being paid. Consequently, some of the legal fees a witness may be charged by their lawyer may not be recoverable by the witness. A witness should seek advice from their lawyer about the estimate of legal costs, including the implications of section 83 and the 'taxation' process.

People who have applied for leave to appear at the hearings (other than as a witness) cannot claim their legal costs. However, a claim for legal costs may be available should the person later be required to appear before the Tribunal or at a hearing.

Compensation for loss of income

Only a witness can apply for compensation for loss of income due to participation in an inquiry.

A written application to the CEO is required. The CEO, in their discretion, having regard to such matters as they consider relevant, may approve the application.

A witness may apply for compensation for an actual loss of income related to their time spent attending at the Tribunal or attending a witness interview. However, if a witness attends the Tribunal or attends a witness interview as part of their employment, and are paid to do so, then no actual loss of income has occurred and no compensation is available.

A witness will not normally be entitled to receive compensation for loss of income related to their time spent on the preparation of a written witness statement or any other preparation associated with their attendance at an inquiry. However, the Inquiry Office can assist with guidance on information that might be provided to support compensation in exceptional circumstances.

Generally, a witness will be paid the actual loss of income they have incurred for each hour, or part of an hour, during which they appear before the Tribunal or attend a witness interview (where doing so prevented their ability to earn such income) up to a maximum hourly rate determined by the CEO.

A witness who suffers an actual loss of income greater than the amount payable above, may apply in writing to the CEO to have their particular circumstances considered.

Making a claim

To make a claim, a witness must:

- ▼ Comply with this policy.
- ▼ Keep all relevant receipts, tax invoices and other records relating to their claim.
- ▼ Keep a copy of any approval from the Inquiry Office about travel arrangements.
- ▼ Complete *the Integrity Tribunal – Witness Expenses Claim Form* – available from the Integrity Tribunal website or Inquiry Office.
- ▼ Make a written application to the CEO for special consideration if applicable.



Inquiry Office

We are available to provide support and assistance with managing your participation in the inquiry: contact@integrity.tas.gov.au or 1300 720 289.

For more information on inquiries and Integrity Tribunals, go to www.integrity.tas.gov.au/investigating/integrity-tribunals