



PRACTICE DIRECTION NO.6: HEARINGS – WITNESS EXPENSES POLICY

Released 8 November 2023

- 1 This Practice Direction is issued under section 63(1) of the *Inquiries Act 2014* (Vic) (**Act**) and relates to the payment of expenses to witnesses who attend the Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools (**Board of Inquiry**).
- 2 Section 82 of the Act entitles a person who attends the Board of Inquiry in accordance with a notice to attend or at the request of the Board of Inquiry to expenses and allowances.
- 3 This Practice Direction should be read in conjunction with the Act and the Order in Council under section 53(1) of the Act dated 28 June 2023 establishing the Board of Inquiry (**Order**), including the Board of Inquiry's terms of reference, which prevail to the extent of any inconsistency with this Practice Direction.
- 4 This Practice Direction, and any other practice directions issued by the Board of Inquiry, may be varied or replaced at any time. The Board of Inquiry may, at any time, depart from this Practice Direction if it considers it appropriate to do so, subject to the Act and the Order.

ATTENDANCE AS A WITNESS

- 5 A witness is a person who:
 - is served with a notice requiring them to attend before the Board of Inquiry, either in person or via remote means, to:
 - attend the Board of Inquiry to produce a specified document or thing (see section 64(1)(b) of the Act);
 - attend the Board of Inquiry to give evidence until excused (see section 64(1)(c) of the Act); or
 - attend the Board of Inquiry to give evidence until excused and produce a specified document or thing (see section 64(1)(d) of the Act);
 - participates in a private session with the Board of Inquiry, either in person or via remote means, regardless of whether they are later required to give evidence at a hearing; or
 - is requested to attend the Board of Inquiry, either in person or via remote means, regardless of whether they are later required to give evidence at a hearing.
- 6 The Board of Inquiry will determine:
 - who is required or requested to attend the Board of Inquiry;
 - whether a person is required to attend and give evidence at a hearing in person or via remote means; and
 - the order in which witnesses are called and examined.

EXPENSES RELATED TO ATTENDANCE AS A WITNESS

- 7 A witness may be able to claim:
- meal and accommodation allowances;
 - an allowance for loss of income, or childcare expenses; and
 - travel expenses.
- 8 Any expenses, allowances and/or compensation approved by the Board of Inquiry will be paid in arrears. Payment will only be made in advance in limited circumstances.

LOSS OF INCOME ALLOWANCE

- 9 Witnesses are entitled to receive compensation for an actual loss of income related to their time spent attending before the Board of Inquiry.
- 10 A witness is not entitled to receive compensation for loss of income related to their time spent on the preparation of a witness statement or any other preparation associated with their attendance at the Board of Inquiry.
- 11 A witness is entitled to reimbursement of the amount of income actually lost in attending the Board of Inquiry, depending on the type of witness:
- witnesses giving evidence or information in a professional or expert capacity are entitled to a payment of up to \$300 per hour, but not exceeding \$1,500 per day; and
 - all other witnesses are entitled to a payment of up to \$100 per hour, but not exceeding \$600 per day.
- 12 Witnesses should provide evidence of their hourly payrate and evidence that they have taken leave from their employment or business to attend the Board of Inquiry. This could include, for example, a letter from their employer, a payslip, or in the case of contractors, a contract for the witness's services.

CHILDCARE AND OTHER ALLOWANCES

- 13 Witnesses who are not engaged in employment or business (and are therefore not entitled to an allowance for loss of income) are entitled to claim:
- any reasonably incurred childcare expenses; and
 - any other expenses up to a maximum of \$50 per day.
- 14 Witnesses claiming an allowance for childcare or other expenses are not entitled to compensation for loss of income.
- 15 Witnesses are required to produce a receipt as evidence that childcare, or any other expenses, were incurred to be eligible to claim an allowance.
- 16 A witness who receives reimbursement for childcare in accordance with paragraph 12 is not entitled to reimbursement under paragraph 14.

TRAVEL, MEALS AND ACCOMMODATION

Travel expenses

- 17 Hearings will be held in Melbourne.

- 18 Witnesses who are required to attend before the Board of Inquiry may claim a reasonable amount equal to the cost of an economical form of transport, having regard to the distance required to be travelled, the time spent travelling, whether any income was lost when travelling, and any other matters the chairperson considers relevant. This includes, for example, the cost of the use of public transport, taxis, commercial passenger vehicles (e.g. Uber) or hire cars. Witnesses are required to produce GST receipts and may claim the actual costs incurred.
- 19 If a witness uses their own car to attend the Board of Inquiry, they are entitled to reimbursement of 18 cents per kilometre travelled to and from the Board of Inquiry. In this case, a witness should provide evidence to substantiate the distance travelled.
- 20 No flights may be booked and claimed by a witness without the prior written approval of the Board of Inquiry.

Part-day travel

- 21 A meal allowance may be claimed by a witness for part-day travel (i.e. where no overnight stay is required). No allowances for accommodation or incidentals are payable for part-day travel.

Meal allowance

- 22 A meal allowance for breakfast, lunch or dinner may be claimed if a witness leaves their home or office prior to the commencement of the earlier times and returns after the later times listed below:

- Breakfast (7.00–8.30am): \$12.40
- Lunch (12.30–2.00pm): \$12.40
- Dinner (6.00–7.30pm): \$16.50.

- 23 For example, a witness may claim a meal allowance for breakfast and lunch if they leave home at 6.30am to travel directly to a hearing and return home at 4.00pm.

- 24 The maximum allowance per day for meals is \$41.30.

- 25 Witnesses are required to produce GST receipts and may claim the actual costs incurred.

Overnight travel

Meal allowance

- 26 Where an overnight stay in Melbourne is required, a meal allowance may be claimed if a witness 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): \$17.70
- Lunch (12.30–2.00pm): \$19.75
- Dinner (6.00–7.30pm): \$34.05.

- 27 For example, a witness 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.

- 28 The maximum allowance per day for meals is \$71.50.

- 29 Witnesses are required to produce GST receipts and may claim the actual costs incurred.

Accommodation allowance

- 30 No commercial accommodation may be booked and claimed by a witness without the prior written approval of the Board of Inquiry.
- 31 If prior written approval is obtained from the Board of Inquiry for a witness to book their own commercial accommodation, that witness may claim an accommodation allowance. The accommodation allowance is the maximum that will be paid to the witness regardless of the cost of their chosen accommodation.
- 32 If the Board of Inquiry has paid for accommodation or the witness has not stayed in commercial accommodation (e.g. where the witness has stayed with family or friends), that witness is not eligible to claim an accommodation allowance.
- 33 The overnight allowance for accommodation is \$150 per night.
- 34 Witnesses are required to produce a GST receipt as evidence that a commercial accommodation expense was incurred to be eligible to claim an allowance.

DEADLINE FOR CLAIMING EXPENSES

- 35 All claims for witness expenses must be made prior to the Board of Inquiry delivering its final report. No expense claims may be made after this time.

HOW TO MAKE A CLAIM

- 36 To make a claim, witnesses should:
- Keep all receipts, tax invoices and other records relating to their claim.
 - Complete the Hearings – Witness Expenses Claim Form, a copy of which can be provided upon request or is available on the Board of Inquiry’s website.
 - Send the completed claim form, all receipts, tax invoices, and other records to the Board of Inquiry to support their claim:
 - email to: contact@beaumarisinquiry.vic.gov.au; or
 - post to: PO Box 18092, Collins Street East VIC 8003.