

## Claim for Payment of Witness Expenses

1 July, 2021

WITNESS DETAILS										Payment will be made by ELECTRONIC FUNDS TRANSFER ONLY									
Full name																			
Address (include postcode)																			
Telephone (contact details)																			
Occupation																			
Name and address of employer																			
CASE DETAILS																			
Evidence given in the (tick):										Prosecution of									
Local Court		Children's Court								Offence(s)									
Coroner's Court		District Court																	
Supreme Court										Day 1 from am/pm to am/pm									
										Day 2 from am/pm to am/pm									
										Day 3 from am/pm to am/pm									
at:		Dates and times witness was								Day 4 from am/pm to am/pm									
(location of court)		absent from home/work								Day 5 from am/pm to am/pm									
		because of court attendance																	
EXPENSES CLAIMED																			
<b>Lost wages/ salary/ income – (Proof of loss of wages/salary/income should be sighted by Officer in Charge OIC signing claim).</b>															<b>AMOUNT PAYABLE</b>				
<b>Ordinary Witnesses:</b> A witness bound by recognisance or subpoenaed to give evidence (other than an expert witness) for the Crown, police or the defence including where legal aid has been granted and at the time was engaged in an income producing vocation and who lost income due to the attendance at court is entitled, upon furnishing a certificate of loss of income, salary or wages to claim for the loss of income actually incurred up to a maximum of:- Not exceeding \$50.05 for up to 4 hours loss of working time on that day or Not exceeding \$100.80 for more than 4 hours of working time on that day															<b>Ordinary Witness</b>				
															up to 4 hrs - \$50.05 \$				
															more than 4 hours - \$100.80 \$				
<b>Expert Witnesses:</b> A witness summoned to give expert evidence at court is entitled to be paid in respect of the period of absence from home, hospital, place of employment, practice or office, or other place in travelling to and from Court and attendance there at: \$108.05 fee for the first 2 hours of absence or part thereof; and thereafter \$20.70 for each additional half-hour or part thereof up to a maximum of \$204.60 per day. In addition, where evidence is expert evidence, a case fee of \$14.00 is payable per case.															<b>Expert Witness</b>				
															2 hours or less - \$108.05 \$				
															per half hr - \$20.70 \$				
															expert fee - \$14.00 \$				
<b>Subsistence (overnight accommodation) allowance (all witnesses) see overleaf</b> A witness who is required to be away from their home overnight is entitled to claim \$ for each full 24 hour period of absence and thereafter \$ per hour for each additional hour absent. <b>Note this amount covers the cost for all accommodation, meals and incidentals during the period of absence.</b>															<b>AMOUNT PAYABLE</b>				
															days @ \$ \$				
															Hours @ \$ \$				
<b>Sustenance (meals) allowance where overnight accommodation is not claimed (all witnesses).</b> For every meal partaken whilst in attendance at or travelling to and from Court where no allowance is payable for accommodation: • <b>Sydney Metropolitan &amp; High cost Country Centres: \$30.45 each meal</b> • <b>Tier 2 and Other Country Centre: \$27.65 each meal</b> Children aged 5 years and over to be paid meal allowance or sustenance allowance as in the case of adult witnesses. No meal allowance or sustenance allowance to be paid to children under the age of 5 years.															Meal @ \$30.45 \$				
															Meal @ \$27.65 \$				
<b>Travel expenses (all witnesses)</b> Witness are to be reimbursed the actual cost of fares paid by them in travelling by rail, omnibus, ship or other available means of public conveyance to and from the Court at which they are required to attend. If unable to travel by any of the abovementioned means of public conveyance, witness to receive for every kilometer travelled by own vehicle, the prescribed rate overleaf, including air travel with prior approval.															Bus/ Train/ Ferry or other Public Transport \$				
															Vehicle – pkm @ 26.4c \$				
<b>Other expenses</b> • <b>Babysitting</b> • <b>Other (including carer's expenses)</b> (give details)															Babysitting \$				
															Other \$				
<b>Declaration by witness</b> I declare that I attended court to give evidence and incurred the above expenses/losses. To my knowledge witness expenses covering this claim have not been awarded by the Court. I have received the sum of \$ in advance of this claim towards my costs of attending court. Signature of Claimant Date															<b>TOTAL</b> \$				
															less expenses already claimed \$				
															<b>NET AMOUNT CLAIMED</b> \$				
<b>Payment by electronic funds transfer</b> Bank Branch Account Name My email address is															BSB No <div><div></div><div></div><div></div></div> Account No <div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>				
<b>CERTIFICATION BY OFFICER IN CHARGE OF CASE AND APPROVAL OF CLAIM</b> I certify that this witness attended court in the case and during the times described above to give evidence on behalf of the <b>*NSW Police; or *Office of the Director of Public Prosecutions</b> The Court has approved the payment of the payment of expenses to this witness and the witness has not been paid expenses in this matter other than the amount declared by the witness above. I recommend in terms of section 13 of the Public Finance and Audit Act 1983 that this witness be paid the sum of \$ in satisfaction of their claim. Signature of Officer in Charge Date Name Rank/Position Address															<b>OFFICE USE ONLY</b> Entered on JusticeLink EFT Disbursement ID				

# Witness expense protocol

Instructions on completing the claim for payment of witness expenses

Witness expenses are paid by the court administration, acting as agent for the prosecuting authority. Payments are made by the court to the witness via **Electronic Funds Transfer (EFT)**

- All Crown witnesses and witnesses for the defence where such witnesses have been bound by recognisance or subpoenaed by the Crown to give evidence or where legal aid has been granted, attending criminal hearings at the Supreme Court and the District Court in its criminal and special jurisdiction of NSW and witnesses requested or subpoenaed by police or the Director of Public Prosecutions to attend at the Local Court including the Children's Court or Coroner's Court in NSW are entitled to claim allowances in respect of fees, loss of income, salary or wages, sustenance and conveyance as approved by the
- Attorney General.
- A witness seeking to claim witness expenses must complete the section entitled "**Witness details**" and must sign the
- "**Declaration by Witness**". The witness must provide their **EFT** details to facilitate payment.
- On the **Claim for payment of witness expense** form, details relating to "**Case Details**" and "**Expenses Claimed**" must be completed by the officer-in-charge of the case to the best of his/her knowledge.
- The officer-in-charge of the case must calculate and sign the witness's expenses form thereby authorising the payment of the claim.
- If any of these sections are not completed, are not legible or do not contain **EFT** details the form cannot be processed by the court registry and the form will be returned to the officer-in-charge of the case for them to arrange completion.
- Send claims, which are not paid during the court sittings, by mail to the relevant court location for processing of the payment as an agent for NSW Police or Office of Director of Public Prosecutions.
- There is no provision for a witness to claim above the amounts prescribed on the claim form. **These rates are not intended to fully compensate witnesses for their losses and expenses, but rather to minimise hardship.**
- Refer to the "**Witnesses**" guideline in NSW Police Handbook for further guidance.

## Impecunious witnesses

- It is the responsibility of the prosecuting agencies to ensure that the witnesses they have called can afford to get themselves to and from court.
- Where an impecunious witness does require immediate payment at court, the officer-in-charge of the case (or instructing solicitor) will be responsible for ensuring the witness claim form is correctly completed and authorised to the best of his/her knowledge and belief, to enable payment to be made as soon as possible.

## \*Subsistence (overnight accommodation) allowance

Where the witness resides at such a distance from the Court that he/she cannot travel to and from the Court on the same day

### i) for each day of 24 hours

At Capital city and Metropolitan area \$313.70 per day. At High Cost Country Centres and Tier 2 Country Centres (see list below). At other Country Centres \$228.95 per day

### ii) for any additional part of a day (determined on the hourly rate for the applicable daily sustenance allowance)

At Capital city and Metropolitan area \$13.07 per hour At High Cost Country Centres and Tier 2 Country Centres (see list below) At other Country Centres \$9.54 per hour

### iii) Where the witness is absent from his/her residence overnight but for a period less than 24 hours he/she may be paid as a full day.

## \*Cost of conveyance (travel expenses)

If unable to travel by any means of public conveyance, to receive for every kilometre travelled by own vehicle, the rate of 26.4c per km is to be paid in respect of one journey to and from the Court. Where a witness travels otherwise when transit by public conveyance is available such witness is to be paid only an amount equal to the cost of travelling by means of the available transport. Notwithstanding the foregoing, medical practitioners required to attend Court on successive days to give evidence shall be paid appropriate kilometre rate in respect of each day of travel.

When a witness(s) is required to travel by air (intrastate, interstate or from overseas) the OIC of the case is to contact, well in advance of the court proceedings, the Witness & DPP Liaison Unit, Police Prosecutions Command, (Eaglenet 26796 or (02) 8835 6796) regarding prior approval and air travel arrangements. Air travel expenses are not to be claimed on this form.

HIGH COST COUNTRY CENTRES	DAILY SUSTENANCE ALLOWANCE	HOURLY RATE
Bourke, Newcastle	\$293.70	\$12.24
Gosford	\$268.70	\$11.20
Maitland, Port Macquarie	\$280.70	\$11.70
Mudgee	\$263.70	\$10.99
Orange	\$283.70	\$11.82
Wagga Wagga	\$272.70	\$11.36
Wollongong	\$277.70	\$11.57
Tier 2 Country Centres		
Albury, Armidale, Bathurst, Bega	\$252.95	\$10.54
Broken Hill, Coffs Hrbr, Cooma, Dubbo	\$252.95	\$10.54
Goulburn, Griffith, Gunnedah, Lismore	\$252.95	\$10.54
Muswellbrook, Nowra, Queanbeyan	\$252.95	\$10.54
Tamworth, Tumut	\$252.95	\$10.54

\* These rates to vary in accordance with the rate(s) prescribed from time to time in Table 1 - Allowances of Part B Monetary Rates to the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as advised by NSW TC 2017/10.