

Claim for Payment of Witness Expenses

Note: Payment will be made by ELECTRONIC FUNDS TRANSFER ONLY

8 December 2023

WITNESS DETAILS						
Full name						
Address (include post code)						
Telephone (contact details)						
Email Address						
Occupation						
Name and address of employer						
CASE DETAILS						
Evidence given in the (tick):	Matter of.....					
<input type="radio"/> Local Court	H Number/Case Number:.....					
<input type="radio"/> Children's Court	Dates and times witness was absent from home/work because of court attendance					
<input type="radio"/> Coroner's Court	Day 1from.....am/pm to.....am/pm					
<input type="radio"/> District Court	Day 2 from..... am/pm toam/pm					
<input type="radio"/> Supreme Court	Day 3 from..... am/pm toam/pm					
Court Location	Day 4 from..... am/pm toam/pm					
at:	Day 5 from..... am/pm toam/pm					
EXPENSES CLAIMED		Amount payable				
Lost wages/ salary/ income <i>Proof of loss of wages/salary/income should be sighted by Officer in Charge/OIC signing claim.</i>						
Ordinary Witnesses: A witness bound 1 recognizance 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:- <ul style="list-style-type: none"> 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 	Ordinary Witness <div style="text-align: right;">up to 4 hrs. - \$50.05 \$.....</div> <div style="text-align: right;">> 4 hours - \$100.80 \$.....</div>					
Expert Witnesses: 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.	Expert Witness 2 hours or less - \$108.05 \$ expert fee - \$14.00 \$ per half hr - \$20.70 \$					
Subsistence (overnight accommodation) allowance (all witnesses) see rates overleaf A witness who is required to be away from their home overnight is entitled to claim for each full 24-hour period (day) of absence and thereafter per hour for each additional hour absent. <i>Note this amount covers the cost for all accommodation, meals and incidentals during the period of absence.</i>	Amount payabledays @ \$..... \$Hours @ \$..... \$					
Sustenance (meals) allowance where overnight accommodation is not claimed (all witnesses). For every meal partaken whilst in attendance at or travelling to and from Court where no allowance is payable for accommodation: <ul style="list-style-type: none"> Sydney Metropolitan & High-cost Country Centre's: \$36.10 each meal Tier 2 and Other Country Centre: \$32.80 each meal 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.	<div style="text-align: right;">..... Meal @ \$36.10 \$</div> <div style="text-align: right;">.....Meal @ \$32.80 \$</div>					
Travel expenses (all witnesses) Witness' are to be reimbursed the actual cost of fares paid by them in travelling by rail, omnibus, ship, ferry 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 kilometre travelled by own vehicle, the prescribed rate overleaf, including air travel with prior approval.	<div style="text-align: right;">Public Transport fares \$</div> <div style="text-align: right;">Vehicle p/km @ 34 cents \$</div>					
Other expenses <ul style="list-style-type: none"> Babysitting Other (including carer's expenses) (give details) 	<div style="text-align: right;">Babysitting \$</div> <div style="text-align: right;">Other \$</div>					
Declaration by witness 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	TOTAL CLAIM \$ less expenses already claimed \$ TOTAL PAYABLE \$					
<u>Certification by officer in charge of case and approval of claim</u> I certify that this witness attended court in the case and during the times described above to give evidence on behalf of the *NSW Police or*Office of the Director of Public Prosecutions The Court has not independently ordered 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 5.5 of the Government Sector Finance Act 2018 that this witness be paid the sum of \$in satisfaction of their claim Signature of Officer in Charge Date Name Rank/PositionReg No: Station.....						
Witness EFT Details Account Name: Bank Name: Branch Name: BSB No: Account No:	Office Use Only <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 50%; padding: 5px;">Receiving Officer</th> <th style="width: 50%; padding: 5px;">Disbursement Officer</th> </tr> <tr> <td style="padding: 5px; vertical-align: top;"> <input type="checkbox"/> Sundry payment created on JL <input type="checkbox"/> EFT Disbursement ID: <input type="checkbox"/> Uploaded to JL By on </td> <td style="padding: 5px; vertical-align: top;"> <input type="checkbox"/> Claim/account details checked against JL <input type="checkbox"/> Disbursement Authorised <input type="checkbox"/> Uploaded to JL By on </td> </tr> </table>		Receiving Officer	Disbursement Officer	<input type="checkbox"/> Sundry payment created on JL <input type="checkbox"/> EFT Disbursement ID: <input type="checkbox"/> Uploaded to JL By on	<input type="checkbox"/> Claim/account details checked against JL <input type="checkbox"/> Disbursement Authorised <input type="checkbox"/> Uploaded to JL By on
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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

Sydney and Metropolitan area \$350.70 per day. At High Cost Country Centres and Tier 2 Country Centres (see list below).

At other Country Centres \$282.15 per day

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

Sydney and Metropolitan area \$14.61 per hour At High Cost Country Centres and Tier 2 Country Centres (see list below)

At other Country Centres \$11.76 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 34c 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 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
Armidale	\$318.70	\$13.28
Gosford	\$313.70	\$13.07
Bourke	\$336.70	\$14.03
Broken Hill	\$313.70	\$13.07
Dubbo	\$322.70	\$13.45
Griffith	\$311.70	\$12.98
Lismore	\$315.70	\$13.15
Maitland	\$339.70	\$14.15
Mudgee	\$340.70	\$14.19
Muswellbrook	\$309.70	\$13.00
Newcastle	\$347.70	\$14.19
Nowra	\$320.70	\$13.36
Norfolk Island	\$355.70	\$14.82
Orange	\$354.70	\$14.78
Port Macquarie	\$342.70	\$14.28
Wagga Wagga	\$329.70	\$13.74
Wollongong	\$333.70	\$13.90
Tier 2 Country Centres		
Albury, Bathurst, Bega, Cooma, Coffs Harbour, Goulburn, Gunnedah, Queanbeyan, Tamworth, Tumut	\$296.15	\$12.34

* 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 [DPC C2023-02](#) (effective 1 July 2023).