



Coroners Court of Victoria

General Information About Witness Expense Claims

A person wishing to claim expenses from the Coroners Court of Victoria must first be **summonsed** to appear at an inquest as a witness.

A person, including any family member, attending court for reasons other than being summonsed to appear as a witness, is not entitled to make a claim for loss of income or any expenses.

Any person seeking to claim reimbursement for any expenses **must** complete the attached Witness' Expense Claim Form.

Please note that completion of the Certification of Net Loss of Income section of the form, on its own, is insufficient to claim costs.

The Certification of Net Loss of Income provides **supporting** information to the claim only.

It should also be noted that an invoice will be returned if a claim form has not been completed and attached with the invoice.

Important information for claimants

- Unless the court/assistant cannot confirm a specific date of attendance, the court will only reimburse expenses for the day the witness gave evidence
- A witness is not automatically entitled to claim expenses for attending court in the days prior to their giving of evidence. The witness **must** first contact the court to confirm which date to attend
- If a witness has given evidence and been excused by the court and decides to stay for the remainder of an inquest, they are only entitled to be reimbursed for the expenses incurred on the date they gave evidence, not any following day(s)
- The court can only reimburse loss of **net** income. Income tax and/or GST are not part of the witnesses' claim entitlements
- A witness is not entitled to claim for any additional costs, other than the number of kilometres travelled one way to court, if they travelled by use of their own vehicle. In other words, claims cannot be made for petrol or parking
- Authority to reimburse loss of income and/or expenses is given under section 74A of the *Coroners Act 2008* which states:
 - A claimant can be a witness or interpreter
 - That claims relate to inquests only (mention hearings and direction hearings are not covered)
 - The amount to be claimed must be determined in accordance with the court rules.

Completing the Witnesses Expenses Claim Form

Certification of Net Loss of Income

All witnesses complete the first box of the form (i.e. witness details)

Boxes two (certification by employer) and three (statutory declaration) are mutually exclusive; both boxes do not need to be completed

- If a witness is employed by someone or an organisation, the “Certification by Employer” completed.
- if a witness is self-employed, the “Statutory Declaration” is completed.

The amount of loss noted should be the *actual* amount the witness will be deducted or lose due to court attendance, not the maximum claim amount.

A Registrar can witness the statutory declaration.

Witness' Expense Claim Form

All witnesses *must* complete the:

- Court reference
- Deceased's name
- Witness details
- Attendance details, and;
- Witness declaration (page two).

A witness is classified as attending in a “professional/expert capacity” if they have been *engaged* by the Court as an expert witness. For example:

- A witness who was the deceased's treating doctor is classified as an “ordinary witness”. Although they are a professional, they are a witness to events prior to the deceased's death.
- If a person was sought to review a case and provide a report based on their expert knowledge, and is summonsed to give evidence, they are attending in a “professional/expert capacity”.

Each section of the form must have proof/evidence of loss/expense attached. For example:

- For section A, a certification of net loss of income is required
- For section B, a taxi receipt (or copy of) would suffice. People using the myki system may claim the maximum daily fare
- For section D, a receipt from a café is evidence of meal expense

If a witness travelled by use of their own car, they need only complete the number of kilometres travelled one way to court. No supporting documents need to be attached for this claim.

A witness can incur a loss/cost in excess of the maximum allowances, but they are only entitled to be reimbursed for the maximum amount set.

WITNESS' EXPENSE CLAIM FORM

Court Reference No.: Deceased's name:

WITNESS' DETAILS

Name:
 Address:
 Contact No.:

ATTENDANCE DETAILS

Witness attended (please tick): as an Ordinary witness in an Professional/Expert capacity
 Witness' Attendance in Court: Date(s)*: Time(s)*:
**Strikeout if inapplicable*

TOTAL: Days* OR Hours*

SECTION A – NET LOSS OF INCOME/WAGES[^]

[^]The 'Certification of Net Loss of Income' form (see attached) must be completed.

<i>*Strikeout if inapplicable</i>	Net Hourly income rate as per Loss of Income form*	Net Daily income rate as per Loss of Income form*	Qty	Total allowance
Non-expert witness	\$ <input type="text"/> <i>(\$100 maximum per hour or part thereof)</i>	\$ <input type="text"/> <i>(\$601 maximum per day or part thereof)</i>	<input type="text"/>	\$ <input type="text"/> ----- OR -----
Expert witness	\$ <input type="text"/> <i>(\$300 maximum per hour or part thereof)</i>	\$ <input type="text"/> <i>(\$1500 maximum per day or part thereof)</i>	<input type="text"/>	\$ <input type="text"/>

Have you completed and attached the 'Certification of Net Loss of Income'? (please tick):

SECTION B – TRAVEL EXPENSES*

<i>*Strikeout if inapplicable</i>	Total allowance
*Type of transport taken (e.g. train, bus, taxi): <input type="text"/> Cost per day: \$ <input type="text"/> No. of days: <input type="text"/> Maximum daily fee for myki users ----- OR ----- *No. of kilometres travelled <u>one way</u> to Court: <input type="text"/> No. of days: <input type="text"/>	\$ <input type="text"/> ----- OR ----- \$ <input type="text"/> (entitled to 18 cents / km)

*Evidence of the costs of the most economical form of transport attached (please tick):

SECTION C – CHILDCARE EXPENSES*

Reasonable childcare expenses incurred because of witness' attendance at Court: <i>*Strikeout if inapplicable</i>	Total
\$ <input type="text"/> per hour*/day* No. of hours*/days*: <input type="text"/>	\$ <input type="text"/>

Proof of incurred childcare expenses attached (please tick):

SECTION D – MEAL REIMBURSEMENT*

Witness absent from home between the following times <i>*Strikeout if inapplicable</i>	Maximum Meal Allowances			Meal Receipt Totals
	Witness <u>absent</u> from home Overnight*		Witness <u>not</u> absent from home overnight*	
	Capital City*	Other location*		
Breakfast* (7 – 9.30 am)	\$17.70	\$15.75	\$12.40	\$ <input type="text"/>
Lunch* (12 – 3 pm)	\$19.75	\$18.05	\$12.40	\$ <input type="text"/>
Dinner* (5 – 7 pm)	\$34.05	\$31.15	\$16.50	\$ <input type="text"/>
				\$ <input type="text"/>
Evidence of meal expenses attached (please tick): <input type="checkbox"/>				

SECTION E – ACCOMMODATION EXPENSES#

#Only complete this section if the Court has not arranged the witness' accommodation.

Cost of alternative accommodation because of witness' attendance at Court:

\$ per night No. of nights: Total: \$

Maximum of \$150 per night

Evidence of the alternative accommodation expenditure/cost incurred attached (please tick):

TOTAL CLAIM (total of sections A to E): \$

WITNESS' ELECTRONIC PAYMENT DETAILS

(if none provided a cheque will be sent to the witness' address provided above)

Account name:

Name of financial institution: BSB no.:

Account number:

WITNESS' DECLARATION

I declare that I attended Court to give evidence and incurred the above expenses / losses.

(Signature of witness) (Date)

(Name of witness)

FOR COURT USE ONLY

CORONER'S AUTHORISATION

Under section 74A of the *Coroners Act 2008* I determine that the witness is entitled to the above allowance or reimbursement of expenses / losses for their attendance at Court.

(Signature) (Date)

(Name of Coroner)

CERTIFICATION OF NET LOSS OF INCOME

Court Reference No:

Name of witness:

Address:

Contact Phone No: Mobile phone No:

CERTIFICATION BY EMPLOYER

I certify that will have net wages to the extent of
(Name of employee called as a witness)

\$ per day OR \$ per hour deducted by reason of his/her attendance at Court.

Signature of employer's delegate:

Name & title of employer's delegate:

Employer's name:

Employer's phone number:

STATUTORY DECLARATION (only complete this section if you are self-employed)

I
(Full name)

of
(Address)

being a
(Occupation)

do solemnly and sincerely declare that I conduct a business of my own and by reason of attendance at Court I will lose a net income of \$ per day OR \$ per hour due to:

(Give reasons how loss of income will be incurred)

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Declared at in the State of Victoria
this day of 20

(Signature of person making the declaration)

Before me:
(Name of authorised witness*)

(Address of authorised witness*)

(Authority under s107A of the Evidence (Miscellaneous Provisions) Act 1958 to witness this declaration)

(Signature of authorised witness)

* Statutory declarations may be witnessed by a Coroner's Registrar, Victoria Police officer, lawyer, a registrar of the Magistrates' Court. Note this is not an exhaustive list.