



GUIDANCE NOTES FOR SUBMITTING A CLAIM FOR REIMBURSEMENT OF
SALARIES OR WAGES

If your employee has appeared in court as a witness on behalf of the State in a prosecution conducted by the Office of the Director of Public Prosecutions for Western Australia (ODPP) you must continue to pay all wages that would have been earned in the time they were required for Court. You may be entitled to reimbursement of these salary costs by the ODPP.

Payment of expenses is governed by the *Evidence (Fees, Allowances and Expenses) Regulations 2008*, which are issued under the *Evidence Act 1906*.

- Section 119(5) of the *Evidence Act 1906* states:

“... the employer must pay the person the earnings that he or she could reasonably expect to have been paid in that period under the contract, despite any breach of the contract caused by doing the eligible service”

PENALTY: A FINE OF \$2,000

To claim reimbursement please complete all parts of the attached form “EMPLOYER CLAIM FORM FOR REIMBURSEMENT OF SALARIES OR WAGES”.

Please ensure all sections of the claim form have been completed and all supporting documentation is attached. Your claim cannot be processed until all supporting documentation listed below is received.

1. Completed Statutory Declaration (attached).
2. Copy of the Witness Summons served on your employee.
3. The Witness Attendance Slip given to your employee at Court as proof of attendance.

Any queries in relation to a claim should be made to the ODPP. In the first instance please contact the ODPP paralegal with conduct of the case for which your employee was a witness. If this person is not available please ask for the team’s Managing Paralegal. If you have not been provided with the telephone number of the person dealing with the case for which you are claiming, please call the ODPP toll free number 1800 264 144 or the Office Switchboard (08) 9425 3999.



EMPLOYER CLAIM FORM FOR REIMBURSEMENT OF SALARIES OR WAGES

If your employee has appeared in court as a witness on behalf of the State in a prosecution conducted by the ODPP you may be entitled to reimbursement of wages or salary paid to the employee.

Please complete this form and attach the completed (attached) Statutory Declaration, a copy of the Witness Summons, and a copy of the Witness Attendance slip. If all sections are not completed and supporting documentation is not attached we will not be able to process your claim.

1. DETAILS OF THE COURT CASE

THE STATE -v-	<input type="checkbox"/> District Court
Date(s) your employee attended at Court	<input type="checkbox"/> Supreme Court
Additional date(s) travelling to/from Court (where approved)	<input type="checkbox"/> Children's Court
Court Location	

2. YOUR COMPANY DETAILS

Business Name	Business Address
Trading As -	
ABN Number:	Postal Address
Contact Name	Telephone Number
Email address for the payment remittance advice to be sent to you	

3. YOUR EMPLOYEE DETAILS

Surname	Other names	
Postal address		Postcode
Daytime telephone number	Facsimile/Email	
Days your employee was rostered to work before being summonsed to attend court		
Days or half days absent from work due to court attendance	Daily GROSS salary or wages \$	
Total amount claimed	\$	



IMPORTANT: Please note that if a witness is dismissed from court during the morning on any day and does not report back to work as soon as possible, reimbursement for that day will not be approved unless special reasons are provided.

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If witness was unable to return to work please state reason

4. YOUR BANK DETAILS

Bank	Account Name
BSB Number	Account Number

EMPLOYEE CERTIFICATION

I certify that as a result of my court attendance my employer has continued to pay me	
Signature of Employee	Date

EMPLOYER CERTIFICATION

I certify that I have continued to pay the above named witness and that all information provided in this application is true and correct	
Signature of Employer	Date

LODGING THIS CLAIM

Please check the following:

Completed sections 1, 2, 3 and 4

Both certifications signed and dated

Attached - Copy of Witness Summons *Witness Attendance Slip*

Statutory Declaration

Claims cannot be processed until all information is received.

Please email your claim to: DPPFinance@dpp.wa.gov.au
If you do not have email access, please submit the claim by:
Fax to: (08) 9425 3600
Or
Post or deliver your claim to:
Office of the Director of Public Prosecutions for WA
Attention: Finance Team
Level 1, 26 St Georges Terrace
PERTH WA 6000

**WESTERN AUSTRALIA
OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005**

STATUTORY DECLARATION

I, (Employer/Payroll Officer)
[name]

.....
[address]

.....
[occupation]

sincerely declare as follows:

..... [name of employee]

is a person employed by

..... [name of employer]

I verify the information contained in the attached application for reimbursement of wages paid to an employee whilst attending court as a witness on behalf of the State in a prosecution conducted by the Director of Public Prosecutions for Western Australia is true and correct.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

at
[place] [date]

by
{signature of person making the declaration}

in the presence of –

.....
[signature of authorised witness] [name and qualification of authorised witness]

*Important This Declaration must be made before any of the following persons:-
Academic (post-secondary institution), Accountant, Architect, Australian Consular Officer, Australian Diplomatic Officer, Bailiff, Bank Manager, Chartered secretary, Chemist, Chiropractor, Company auditor or liquidator, Court officer (Judge, magistrate, registrar or clerk), Defence Force officer (Commissioned, Warrant or NCO with 5 years continuous service), Dentist, Doctor, Electorate Officer (State) Engineer, Industrial organisation secretary, Insurance broker, Justice of the Peace, Lawyer, Local government CEO or deputy CEO, Local government councillor, Loss adjuster, Marriage Celebrant, Member of Parliament (State or Commonwealth), Minister of religion, Nurse, Optometrist, Patent Attorney, Physiotherapist, Podiatrist, Police officer, Post Officer manager, Psychologist, Public Notary, Public Servant (State or Commonwealth), Real Estate agent, Settlement agent, Sheriff or deputy Sheriff, Surveyor, Teacher, Tribunal officer, Veterinary surgeon Or Any person before whom, under the Statutory Declarations Act 1959 of the Commonwealth, a Statutory Declaration may be made.