



GUIDANCE NOTES FOR SUBMITTING A CLAIM FOR REIMBURSEMENT OF SALARY 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 required for Court. You may be entitled to reimbursement of these costs by the ODPP.

Payment of expenses is governed by the *Evidence (Fees, Allowances and Expenses) Regulations 2008*, which form part of the *Evidence Act 1906 (amended)*.

s119(5) of the *Evidence Act* 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 eligible service."

PENALTY: A FINE OF \$2,000

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

PLEASE ENSURE ALL SECTIONS OF THE FORM HAVE BEEN COMPLETED AND ALL SUPPORTING DOCUMENTATION IS ATTACHED. YOUR CLAIM CANNOT BE PROCESSED UNTIL ALL DOCUMENTATION LISTED BELOW IS RECEIVED.

- 1. Completed Statutory Declaration (attached)**
- 2. Copy of the Summons sent to your employee.**
- 3. The Witness Advice 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 you should contact the ODPP paralegal. If this person is not available please ask for their paralegal supervisor.

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)**.



DIRECTOR OF PUBLIC PROSECUTIONS
for WESTERN AUSTRALIA

Ground Floor, 55 St Georges Terrace, PERTH WA 6000

EMPLOYER CLAIM FOR REIMBURSEMENT OF SALARIES AND 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 a copy of the Summons and the completed (attached) Statutory Declaration.

A COPY OF THE WITNESS ADVICE SLIP PROVIDED TO THE WITNESS MUST BE ATTACHED TO THIS FORM OR YOUR CLAIM CANNOT BE PROCESSED.

IF ALL SECTIONS ARE NOT COMPLETED AND SUPPORTING DOCUMENTATION IS NOT ATTACHED WE WILL NOT PROCESS YOUR CLAIM.

1. DETAILS OF THE COURT CASE

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

2. YOUR COMPANY DETAILS

Business Name:	Business Address
Trading as:	
ABN number:	Postal Address
Contact name:	Phone 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 summoned 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 granted 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
Branch:	
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 is true and correct	
Signature of Employer	Date

LOGGING THIS APPLICATION

Before submitting this form please check that you have:

- Completed sections 1, 2, 3 and 4
- Both certifications signed and dated

Attached:

- Copy of Summons
- Witness Advice Slip
- Statutory Declaration

<p>Please FAX to: (08) 9425 3600 OR EMAIL to: DPPFinance@dpp.wa.gov.au</p> <p><u>OR</u></p> <p>POST or DELIVER this form to:</p> <p style="text-align: center;">Attention: Finance Team Office of the Director of Public Prosecutions for WA Ground Floor, 55 St Georges Terrace PERTH WA 6000</p>

CLAIMS CANNOT BE PROCESSED UNTIL ALL INFORMATION IS RECEIVED

**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.

***Important** This Declaration must be made before any of the following persons:-

Academic (post-secondary institution)	Local government councillor
Accountant	Loss adjuster
Architect	Marriage Celebrant
Australian Consular Officer	Member of Parliament (State or Commonwealth)
Australian Diplomatic Officer	Minister of religion
Bailiff	Nurse
Bank Manager	Optometrist
Chartered secretary	Patent Attorney
Chemist, Chiropractor	Physiotherapist
Company auditor or liquidator	Podiatrist
Court officer (Judge, magistrate, registrar or clerk)	Police officer
Defence Force officer (Commissioned, Warrant or NCO with 5 years continuous service)	Post Officer manager
Dentist	Psychologist
Doctor	Public Notary
Electorate Officer (State)	Public Servant (State or Commonwealth)
Engineer	Real Estate agent
Industrial organisation secretary	Settlement agent
Insurance broker	Sheriff or deputy Sheriff
Justice of the Peace	Surveyor
Lawyer	Teacher
Local government CEO or deputy CEO	Tribunal officer
	Veterinary surgeon

Or any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a Statutory Declaration may be made.

Full definitions of these professions are available at;

http://www.courts.dotag.wa.gov.au/_files/Professions_witness_statutory_declarations.pdf

Any authorised witness for the State of Western Australia may also witness a Commonwealth Statutory Declaration, as long as they are in Western Australia at the time of witnessing {Schedule 2, item 231 of the Commonwealth Statutory Declarations Regulations 1993}.

Further information on witnessing documents is available at www.dotag.wa.gov.au

IMPORTANT INFORMATION:

AS OF 1 JANUARY 2006 THERE IS NO PROVISION FOR COMMISSIONERS FOR DECLARATIONS IN THE STATE OF WESTERN AUSTRALIA

