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**ADMINISTRATIVE APPEALS TRIBUNAL*****TOMIC v CCT*****Deputy President Ms Rizkalla****15 September 1993****THE APPLICANT SOUGHT COMPENSATION FOR A VARIETY OF FUNERAL EXPENSES INCURRED BY REASON OF THE DEATH OF THE APPLICANT'S HUSBAND. CLAIM ALLOWED.**

".... [7] As I have stated above it is not the job of this Tribunal to go into the circumstances of the original order made by the Magistrate in this matter save as to say that it is necessary to take into the account that \$3038 has in fact already been paid to compensate for the funeral directors costs in relation to the deceased's funeral. Having said that then I must assume for the purposes of the appeal that the deceased was in fact a victim for the purposes of the act and that if the Applicant is able to establish that she has incurred the expenses that she has claimed, and I determine that those expenses are reasonable within the terms of Section 15(1) then she is entitled to an Award for them by way of compensation.

The evidence in regard to this matter was led from both the Applicant and Father Grigori who was a Serbian Orthodox Monk residing at the Monastery at Mt Mercer Road, Elaine, Victoria. There was further evidence by way of an Affidavit filed by Father Teodor another Serbian Priest Monk who resides at the same Monastery and I was also supplied with a witness statement of Zora Dusenjko who was a friend of the Applicant's and attended the funeral of the deceased. Taking into account all of the evidence in this matter I am satisfied that the Applicant has in fact incurred the expenses that she claims. Secondly, I am of the view that when assessed from the perspective of what is reasonable to incur by way of expense in the context of an Orthodox Serbian funeral, taking into account the cultural and traditional requirements of such an event, that the expenses are reasonable within the terms of the legislation.

Having determined as above I propose to Award compensation to the Applicant in the sums claimed in the practice direction filed in this matter that being a sum of \$5926 for a head stone, \$319 for the tuxedo and shoes [8] for the deceased \$400 for the suit and shoes for the Applicant, \$300 for the deceased son's suit, \$2000 for catering for the funeral, and \$110 for the plot of land for the grave. Consequently there will an order varying the order made by the Magistrate to include the amounts listed above."

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