

Guidelines for Witness Expense Assistance



Witness Expense Assistance Guidelines

Scope

The Witness Expense Assistance Program provides expense assistance to witnesses who reside outside the community in which a criminal matter is being heard in the Northwest Territories. This program also pays witness fees to expert witnesses.

NWT Courts, including the Court Registries & Court Clerks on circuit or otherwise, are not responsible for expenses, travel arrangements or accommodations for witnesses.

No expenses will be paid if a witness resides within the community in which court is being held (except for expert witness fees).

Definitions

Expenses: the costs of travel, meals or accommodations for witnesses and escorts.

Party: Crown Counsel, the Crown through the RCMP when they deal with witnesses as agents of Crown Counsel, Defence Counsel or a self-represented litigant.

Witness: a person who is subpoenaed in accordance with the Criminal Code or who is called as a witness in a criminal proceeding in the NWT.

Expenses - General

Witnesses are eligible for reimbursement of expenses for the cost of travel to and from the community in which they reside at the time they are required to travel to attend court. No other expense shall be paid except meals and accommodations in the community the court is being held, or the community they are required to stay in to accommodate travel scheduling.

Example:

If a witness's community of residence is Inuvik, but he or she is already in Yellowknife (for business or personal reasons), and court is scheduled for Hay River, expenses will only be paid for the witness to travel from Yellowknife to Hay River return to attend court. Expenses for meals or accommodations while in Yellowknife are not eligible for reimbursement. Transportation will not be provided for the witness to return back to his or her community of residence after court.

All witnesses are expected to return to their community of residence by the earliest cost-effective mode of transportation upon being excused by the court.

Application for Witness Expense Assistance

The party who calls a witness must submit an *Application for Witness Expense Assistance form* to the Witness Expense Coordinator with Department of Justice Finance Division. This application will enable Finance to identify the witness and verify that they qualify for assistance in accordance

with these Guidelines. This needs to be done before expenses are authorized. A separate application is required for each witness.

Travel

The party is responsible for making travel reservations on regularly scheduled commercial transportation on behalf of the witness. The party may pay this cost directly and request reimbursement from Finance or the party can make tentative reservations for a travel agent to send an itinerary to Finance for review and payment authorization.

The assistance will be limited to the most cost-effective mode of transportation available.

Changes/Cancellation to Reservations

The party is responsible and has the authority to make any changes required for witness' reservations or travel arrangements along with cancellation of any unused reservations. The party is responsible for any additional costs or penalties imposed by the suppliers for neglecting to make changes or cancellations within a reasonable amount of time.

The Finance Division may elect to pay penalties or additional costs and recover them from the responsible party.

Written notification of any changes (including cancellations) made to a witness' travel or accommodation arrangements should be forwarded to the Finance Division in writing as soon as possible to avoid delays in processing and payment of an expense claim.

Examples of reasons that may justify a change are:

- Court finished early and the witness may travel home;
- The witness is excused prior to the completion of a court matter;
- A court matter is delayed;
- A court matter is cancelled;
- The witness is required for longer than expected for a court matter;
- Changing the reservation would result in an overall reduction in costs.

Private vehicle

Witnesses residing 90 kilometers or more from the location where a trial is being conducted may elect to request the use of a privately owned vehicle instead of using commercial transportation. If authorized, they may be reimbursed at the applicable mileage rates through an expense claim. Such claims shall not include parking, insurance, repairs, vehicle rental, loss or damages.

The mileage rates will be the lowest rate identified on the current GNWT Duty Travel Rates and will be based on the generally accepted kilometrages for the most direct route of travel. Contact the Witness Coordinator for the current rates.

When traveling by private vehicle, reimbursement of expenses will only be authorized up to and including the time and date that the witness is required for court except for expenses relating to return transportation.

The GNWT assumes no liability arising from a witness's use of a privately owned vehicle.

Taxi

A taxi may be requested on the Witness Expense Application form. This is for:

- Long distance taxi transportation – when it is a reasonable and cost-effective alternative to air travel or bus travel between communities.
- Transportation of witnesses between the airport and the location of accommodations or residence
- Transportation of witnesses to or from the airport and the location where court is being held.

Note that if the cost of local ground transportation is not invoiced directly to the Department of Justice, the witness can submit an expense claim by submitting a list of eligible expenses along with original receipts.

Meals

Reimbursement for meals is limited to the maximum amounts set forth in the current Government of the Northwest Territories Duty Travel Rates. Contact the Witness Coordinator for the current meal allowances.

If the party or the witness pays the costs for the witness's meals, they may submit an Expense Claim subject to the maximum approved rates set out in the current GNWT Duty Travel Rates. (less tips and alcohol). Original receipts are required.

Any charges in excess of the maximum rates are the responsibility of the party/witness.

Meal expenses may be pre-authorized by Finance upon submission of the *Application for Witness Expense Assistance*.

Accommodations

The party is responsible for making commercial accommodation arrangements on behalf of the witness. The party must make a tentative reservation for a standard room and identify the information associated with the booking information on the *Application for Witness Expense Assistance*.

Overnight accommodation expenses are permissible if:

- 1) witnesses residing 90 km or more from the courthouse or location where court is being held and they are unable to return to their community of residence due to court scheduling or flight schedules,
- 2) the provision of overnight accommodations and per diems is more cost effective than witnesses returning to their community of residence, or
- 3) the community where court is being held is not accessible by a public road or highway to facilitate the travel of witnesses and as a result, they are unable to return to their community of residence due to court scheduling, or flight schedules.

The actual cost for a standard room in commercial accommodations will be paid. The Department of Justice is not responsible for any room upgrades, damages and telephone calls. In the event there are additional charges for the room, the Department of Justice will initiate recovery of the expenses from the witness.

Escorts

An escort may be authorized if the witness is under the age of 19 or has mental or physical disability and requires an escort, who is a spouse, parent, or guardian who is over 19 years of age (this must be substantiated in writing by the party calling the witness).

Each witness for whom an escort is approved is limited to one escort for the duration of the court matter. All escorts are expected to return to their community of residence with the witness by the earliest reasonable and available mode of transportation.

Witness escorts will be reimbursed for: Meals, travel & accommodations as set forth in the Witness Expenses Assistance Guidelines.

Escorts must submit an Expense Claim to the Department of Justice for processing and payment following the completion of travel. This must include original receipts.

Expert Witnesses

A witness who is qualified by a court to be an expert, will be paid witness fees in accordance with the *Fees & Allowances Regulations*, R-031-96, made under the *Judicature Act*, unless otherwise ordered by the Court. These Regulations read:

2. (1) For a witness who is qualified as an expert, each half day during which the witness travels to attend the action or proceeding, is required to listen to evidence given in the action or proceeding or gives evidence in the action or proceeding.....\$200

(2) The court, where it considers that an increase is appropriate in the circumstances, may increase the amount payable under subsection (1) to an amount not exceeding..... \$450

The Finance Division will not pay or reimburse witnesses in accordance with any other tariff of fees.

Expenses

Expert witnesses may be reimbursed for meals, travel and accommodations as identified in these guidelines.

The party must submit an Application for Witness Expense Assistance to the Finance Division in accordance with these Guidelines before any claim for reimbursement can be processed.

An expert witness need not submit an Expense Claim form. However, any invoices submitted should include the court file number or the name of the accused, the dates of travel and appearance and an itemized statement of expenses with receipts.

Expense Claim/Reimbursement for Expenses

The party or the witness should promptly submit a Witness Expense Claim form to the Department of Justice for processing and payment following the completion of travel.

Exclusions

No payment shall be made for a witness:

- who is an inmate as defined in the *Corrections Act* and is brought to the place of the proceeding;
- who is required to be in Court for another purpose at the place of the proceeding on the same day as the proceeding;
- who is a member of a police force;
- who is an employees of any federal, territorial or municipal government appearing for the purpose of giving evidence in the course of their normal duties.

Contact Information

For further information, clarification or assistance in regard to witnesses please contact:

Witness Expense Assistance Coordinator
Finance Division
Department of Justice
Government of the Northwest Territories
P.O. Box 1320
Yellowknife NT X1A 2L9

Toll free phone	(866) 311-1152
Local Phone	(867) 873-7314
Fax	(867) 873-0173
E-mail	Witness_Assistance@gov.nt.ca

The Witness Expense Assistance Coordinator can be reached during normal office hours. Messages left after hours will be answered on the next business day.