



## THE NUNAVUT COURT OF JUSTICE

### PRACTICE DIRECTIVE #40

#### ***WITNESS AND ACCUSED TRAVEL ARRANGEMENTS***

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##### Explanatory Note:

A failure to make timely arrangements for witness and accused travel impacts trial certainty. Apart from the stress that last minute bookings cause the Court's travel coordinator, a last minute request for travel risks that there will be no seats available on scheduled airline flights, no beds available at the local hotel and higher ticket costs for fares. If witnesses or accused are not available for a scheduled trial, the Court will likely be faced with a request for an adjournment to secure the attendance of a missing witness or accused.

This Practice Directive seeks to ensure, where practical, that all witness and accused travel arrangements are made in a timely fashion through a process that is fair and efficient for Registry Staff and the citizens involved.

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##### *WITNESS TRAVEL*

1. No travel for a Crown or Defence witness will be authorized by Court Services without a subpoena first issuing out of Court Registry.
2. No witness will be booked to travel on a Court chartered aircraft without prior authorization of the Judge assigned to the circuit.
3. Any party requiring witnesses to travel to a circuit point at Court expense, must give at least **10 clear business** days notice to the Court's travel Coordinator at [NCJ.travel@gov.nu.ca](mailto:NCJ.travel@gov.nu.ca) by using the form prescribed by Court Services.

4. If the Witness Travel Authorization Request in Form 40A is not properly completed or is not transmitted to the appropriate email address, travel bookings will not be processed by the Court Travel Coordinator.
5. The party seeking witness travel authorization is responsible for ensuring that the witness is advised of any travel bookings made by Court Services. This is not the responsibility of Court Services.
6. No travel will be authorized without special permission of the Manager of Court Operations if the request for travel is received within less than **10 business days** of the scheduled trial date. Any request for special permission must be accompanied by a memorandum outlining the reason for non-compliance with this directive.
7. If a party wishes travel authorization for a non-witness who is necessary for the care of a minor or for witness support, the reasons for this request together with full particulars of the proposed non-witness escort must be provided in writing by way of a written memorandum directed to the Manager of Court Operations. This request must be made **no later than 10 clear business days** before the requested travel is to take place.
8. Witness travel must be booked for the day before the scheduled court appearance with an anticipated departure on the next available flight following the witness's appearance in court. Any special requests to have witnesses travel in to the community for the purpose of witness preparation on an earlier or later date must be approved in advance by the Manager of Court Operations in circumstances where an extended stay may impact on court travel expenses (e.g. where additional hotel and food expenses will be incurred as a consequence of this request).
9. If the Manager of Court Operations declines to authorize requested witness travel for any reason, the party seeking witness/accused travel authorization may summarily appeal this decision to the Director of Court Services. This decision shall be final.

#### *ACCUSED TRAVEL*

10. Where a citizen is required as a condition of bail to leave his or her community of origin, and a trial or preliminary inquiry is set in the community of origin, an indigent accused may apply to the Manager of Court Operations for coverage of necessary travel expenses involved in returning to the community for the hearing.

11. Where an accused is released in Iqaluit following sentence and ordinarily resides in a community other than Iqaluit, the Court will provide travel expenses back to the community of origin upon application being made by an accused for travel assistance to the Manager of Court Operations.
12. The Court does not provide travel assistance to those citizens who voluntarily depart their community of origin before a trial or preliminary hearing without ensuring that they have the financial means to return for a scheduled hearing.
13. An application for travel assistance by an accused is to be made in writing by completing an Application for Accused Travel Assistance in Form 40B together with a Statutory Declaration of Means in Form 40C.

#### *PROCESSING TIME FOR TRAVEL ASSISTANCE REQUESTS*

14. An application made under paragraph ten for accused travel assistance must be submitted by email to [NCJ.Travel@gov.nu.ca](mailto:NCJ.Travel@gov.nu.ca) **no later than 10 clear business days** before the scheduled hearing date. An application made under paragraph eleven (sentenced accused) will be processed immediately upon receipt or as soon thereafter as may be practical.

#### *UNANTICIPATED CHANGES*

15. If an unanticipated event or circumstance during non-business hours requires an immediate change or outright cancellation of a witness or accused's existing travel itinerary, this can be done by contacting the Court Travel Coordinator on the Court's emergency cell phone number (867) 222-0142.
16. Absent an emergency, all requests to change a pre-existing itinerary should be made by contacting the Court's Travel Coordinator by email at [NCJ.Travel@nu.gov.nu](mailto:NCJ.Travel@nu.gov.nu) or by calling at (867) 975-6147 during regular business hours (8:30a.m. - 5:00p.m. Eastern Standard Time).

Issued this 18<sup>th</sup> day of January 2012 at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick  
Mr. Justice E. Johnson  
Mr. Justice N. Sharkey  
Madam Justice Susan Cooper