



Investigation of the Matter Referred by the Select Standing Committee on Finance and Government Services:

Information for Witnesses

November 22, 2016

Summary of Changes

Date	Summary of Changes	Pages affected
April 19, 2016	Added Summary of Changes page	2
April 19, 2016	Updated telephone contact information on Attachment 3, Witness Expense Claim Form	16-20
May 12, 2016	Updated meal allowances	18
November 22, 2016	Updated contact information for Coverage Administrator	15

The Ombudsperson

The Ombudsperson is an officer of the legislature, independent from the government. The Ombudsperson may investigate the actions of government and other provincial and local public authorities to ensure that those actions were made in accordance with the law and administrative fairness.

The Ombudsperson is not a court, and is not a public inquiry commissioner. The Ombudsperson is a legislative officer who, through his office, conducts investigations privately and confidentially under the *Ombudsperson Act*, and who may issue a report following his investigation. More information about the Office of the Ombudsperson can be found at our website bcombudsperson.ca.

The Referral Investigation

On July 29, 2015 the Select Standing Committee on Finance and Government Services, a committee composed of Members of the Legislative Assembly from both elected parties, adopted a motion under section 10(3) of the *Ombudsperson Act* to:

“... refer the Ministry of Health terminations file to the Ombudsperson for investigation and report as the Ombudsperson may see fit; including events leading up to the decision to terminate the employees; the decision to terminate itself; the actions taken by government following the terminations and any other matters the Ombudsperson may deem worthy of investigation. The Committee trusts that his investigation can conclude in a timely manner.”

The Committee provided further details about its referral in special directions to the Ombudsperson issued on September 9, 2015. The special directions are attached to this information sheet.

Commonly-asked questions

Below, we provide responses to some commonly-asked questions about our investigation process on this referral. If you require clarification, or have any additional questions, please contact us.

Why have I been asked to attend an interview?

Interviews allow us to obtain background information and gather relevant facts regarding the investigation referred to us by the Select Standing Committee. We have asked you to attend an interview because we believe you may have information and knowledge relevant to this investigation.

Do I have to attend an interview?

Section 15 of the *Ombudsperson Act* allows the Ombudsperson to require a person to furnish documents and to summon a person to attend for questioning under oath: s. 15(b), (d).

Our practice is to issue an order requiring each witness to produce all relevant documents and attend for questioning. Before issuing any such order, we try to make every reasonable effort to make informal contact and confirm a date and time for the interview and for the prior delivery of records to our office.

Where will the interview be held?

Unless we make other arrangements with you, we will hold all interviews at our office at 947 Fort Street, Victoria. Our office is fully wheelchair accessible. Convenient parking is available on Fort Street or in a private lot across from our office, accessible from View Street.

If you are aware of something that would prevent you from attending an interview at our office, please let us know and we can discuss alternate arrangements.

Why do I have to provide records?

Records are important because they can contain details that may be overlooked in an interview. Records also help us verify information provided in an interview. We will normally require you to provide records in advance so that we have the opportunity to review them before your interview. We may also require you to produce additional documents after an interview.

Will the information I provide be shared with anyone else?

All Ombudsperson investigations are conducted privately. Section 9(6) of the *Ombudsperson Act* states:

An investigation under this Act must be conducted in private unless the Ombudsperson considers that there are special circumstances in which public knowledge is essential in order to further the investigation.

All records that our Office obtains during an investigation are exempt from the *Freedom of Information and Protection of Privacy Act*, and therefore cannot be obtained by anyone through a freedom of information request.

We maintain all information provided to our Office in confidence in accordance with section 9 of our Act. Under s. 9(7) of the *Ombudsperson Act*, we may only disclose investigative information outside our Office if it is necessary to:

- further an investigation
- prosecute an offence under this Act
- establish grounds for conclusions and recommendations made in a report under this Act

I am concerned that I may face repercussions if I cooperate with the Ombudsperson investigation. How am I protected?

The *Ombudsperson Act* protects individuals who assist an Ombudsperson investigation against negative repercussions. Section 16 of the Act states:

A person must not discharge, suspend, expel, intimidate, coerce, evict, impose any pecuniary or other penalty on or otherwise discriminate against a person because that person complains, gives evidence or otherwise assists in the investigation, inquiry or reporting of a complaint or other proceeding under this Act.

A person who contravenes section 16 is guilty of an offence under the *Ombudsperson Act*. If you believe that you have faced any negative repercussions as a result of your participation in our investigation, please let us know immediately.

What can I expect at the interview?

Your interview will be conducted by one or two experienced investigators. The investigators will provide you with some introductory information, including about confidentiality. You will have an opportunity to ask questions about the process. Before beginning the interview, the investigators will ask you to swear an oath or affirm that the evidence you will give is truthful and complete.

We will record the interview to ensure that we have an accurate record of what you and we have said. We will store this recording confidentially in accordance with section 9 of the *Ombudsperson Act*. To maintain the confidentiality and preserve the integrity of the investigation, we will not provide you with a copy of the recording at the conclusion of the interview. However, you may take notes as necessary to assist you in providing a full and complete response to our questions.

If any of the information in an interview forms the basis for any potential findings that may adversely affect you, we will notify you and provide you with a transcript or recording as necessary to allow you to respond to the potential findings (discussed further below).

Many of the events we will be asking you about happened three or more years ago. You are welcome to refer to your own documents or other records during your interview in order to refresh your memory.

If you require any special accommodations for your interview, please let us know in advance so that they can be arranged.

If you need to take a break during the interview, please let the investigators know so they can accommodate it.

Will I have access to government records or records from other witnesses to prepare for my interview?

With certain qualifications relating to legal privilege and within the overriding confidentiality requirement imposed under the *Ombudsperson Act*, Ombudsperson staff have discretion to disclose a document obtained by our investigation to a witness provided that the disclosure accords with section 9(7) of the *Ombudsperson Act*:

9(7) Despite this section, the Ombudsperson may disclose or authorize a member of his or her staff to disclose a matter that, in the opinion of the Ombudsperson, is necessary to

- (a) further an investigation,
- (b) prosecute an offence under this Act, or
- (c) establish grounds for conclusions and recommendations made in a report under this Act.

The extent to which we share records we have received in the course of our investigation with a witness will depend on the extent to which we determine disclosure is necessary to further the investigation and in particular that witness' evidence. We will determine this on a case-by-case basis. We will, however, endeavour to provide you with access to such records in advance of the interview to allow you to prepare. Any access to records to investigation documents we provide you in connection with giving your evidence will be subject to terms and conditions designed to maintain the confidentiality of the documents, preserve the integrity of the investigation and ensure that the documents we provide you are used only for the purpose of your participation in this investigation.

I am a former government employee. Can you provide me with access to all my government email or records?

As indicated above, we will determine on a case-by-case basis what records we have obtained are to be disclosed to a witness in order to further this investigation. Section 9(7) of the *Ombudsperson Act* is not a Freedom of Information provision, and as such we do not act as a conduit for documents between government and another party. Should you require records held by government, you can make a request directly to government for those. Once you have received the records we provide you in order to prepare for your interview, if you believe there are specific other relevant records that would be helpful, please contact us.

Is public funding available for any legal support I may require in connection with my participation in this process?

While the Ombudsperson does not reimburse legal fees paid by witnesses, the Select Standing Committee on Finance and Government Services expressed interest in the issue of public funding of the legal fees of witnesses. As a result, government has established an indemnity policy designed to apply to all witnesses. The indemnity policy will pay \$1,000 in connection with legal advice (described as “process advice”) sought by a witness who receives a summons to attend in our process, and up to \$25,000 for any individual who needs legal advice in responding to a notice issued under section 17 of the *Ombudsperson Act*. Any legal costs a witness chooses to incur over and above these amounts are the responsibility of the witness. The indemnity document is attached to this information package.

Can my lawyer or support person attend the interview?

Interviews will be limited to the witness and the Ombudsperson investigators except where a witness satisfies the Ombudsperson, by letter at least 7 days before the date set for their appearance, that special circumstances exist that warrant legal counsel or a support person being present during the interview. If permitted, the role of counsel or support person will be limited to supporting the witness to answer investigators’ questions as they are not themselves a witness and will not be under oath. Whether or not you are attending with your lawyer, you may also request a break during your interview to consult with counsel.

For the role of legal counsel in the event that a witness, later in the process, receives a section 17 notice, see below, under the heading “What happens after the Interview?”

Confidential and Privileged Information

Every person required to give evidence in this investigation must do so despite any *Public Service Act* oath, statute or other rule of law that would deem the information confidential: see section 19 of the *Ombudsperson Act*. The only exception is privileged information – information that a person could refuse to disclose in court on the ground of “privilege”: see section 20 of the *Ombudsperson Act*.

Normally, legal advice is covered by this privilege. However, in the case of **current and former BC government employees or managers**, government has agreed that you can disclose any government legal advice you received in your public service capacity. If you are a current or former provincial government employee and we intend to ask you questions about legal advice received by government we will let you know prior to the interview. If such questions arise during an interview, we will give you the chance to contact the Ministry of Justice for more information about this agreement before answering the questions. We will also explain, in a separate information sheet, the process we use to obtain that information.

Disclosure of Cabinet information

Government has also agreed to a protocol allowing the disclosure to our Office of information regarding the deliberations of Cabinet, so that you can also disclose such information in this investigation.

If you are a current or former provincial government employee and we intend to ask you questions about information subject to cabinet privilege, we will let you know prior to the interview. If such questions arise during an interview, we will give you the chance to contact the Ministry of Justice for more information about this protocol before answering the questions. We will also explain, in a separate information sheet, the process for us to obtain that information.

What happens after the interview?

All witnesses will be instructed to not discuss the interview with anyone else, including other witnesses or potential witnesses. This is to protect the integrity of the investigation.

If we require any additional information after the interview has concluded, we will contact you. We may ask you to attend another interview to answer further questions. We may also require you to provide additional records.

Under the special directions, the Ombudsperson is required to report the results of the investigation to the Legislative Assembly and publicly. Before the report is finalized and made public, we will – in accordance with section 17 of the *Ombudsperson Act* – notify anyone who the Ombudsperson determines may be adversely affected by the report or any recommendations made in the report, and give them an opportunity to make representations to our office. If the Ombudsperson determines that such representations or evidence should be made by the witness in person, the witness will be entitled to have legal counsel accompany them.

Individuals who receive a notice under section 17 may be reimbursed up to \$25,000 for legal fees incurred in responding to that notice. This is referred to in the attached indemnity document as “Section 17 advice.” Information about the process to obtain reimbursement of legal fees for individuals who receive a notice under section 17 will be provided with the notice.

Expenses

Under the *Ombudsperson Act*, because you will be attending the interview in response to a summons, you are entitled to the same fees, allowances and expenses as if you were a witness in the Supreme Court. Fees, allowances and expenses will be reimbursed as follows:

- A daily witness fee of \$20 per day
- Travel by road to interview location in excess of 8 km: \$0.30 per km
- Minimum return airfare if travel to interview location is more than 200 km
- A reasonable allowance for meals and accommodation (based on BC Public Service amounts)
- Preparation time will be paid at the rate of \$50 per hour, to a maximum of \$250, where the Ombudsperson is satisfied, based on a written claim by the witness after the evidence was given (a) that preparation was necessary in order for the witness to provide his or her evidence, and (b) that, in the case of a witness employed by government, the witness was not compensated for preparation time as part of his or her government duties. (Note: This amount does not include payment of legal fees incurred by a witness to prepare for an interview, which matter is addressed by the government indemnity).

If you wish to claim reimbursement of expenses, please use the attached form to submit all your applicable receipts and documentation to our office following your interview. If you require advance payment of travel expenses in order for you to attend an interview, please let us know as soon as possible.

Useful Resources

Ombudsperson Act: http://www.bclaws.ca/civix/document/id/complete/statreg/96340_01

Office of the Ombudsperson website: <https://www.bcombudsperson.ca/>

Special Directions issued by the Select Standing Committee on Finance and Government Services: https://www.bcombudsperson.ca/sites/default/files/files/UPDATES/FGS_2015-09-09_Special%20Directions%20to%20the%20Ombudsperson.pdf

Select Standing Committee on Finance and Government Services website: <https://www.leg.bc.ca/parliamentary-business/committees/40thparliament-4thsession-fgs/calendar>

British Columbia Development Corporation v. Friedmann (Ombudsman), [1984] 2 SCR 447: <http://canlii.ca/t/1xv4w>

Attachments

1. Special Directions
2. Government Indemnity Cover Sheet
3. Witness Expense Claim Form

SPECIAL DIRECTIONS REGARDING REFERRAL TO OMBUDSPERSON

1. On July 29, 2015, the Select Standing Committee on Finance and Government Services (the Committee) adopted a motion pursuant to s. 10(3) of the *Ombudsperson Act*¹ to:

"... refer the Ministry of Health terminations file to the Ombudsperson for investigation and report as the Ombudsperson may see fit; including events leading up to the decision to terminate the employees; the decision to terminate itself; the actions taken by government following the terminations and any other matters the Ombudsperson may deem worthy of investigation. The Committee trusts that his investigation can conclude in a timely manner."

2. The Committee considers it helpful to provide these special directions to the Ombudsperson, without purporting to limit any subject matter or line of inquiry the Ombudsperson may consider appropriate to investigate in relation to this referral.
3. The Committee's referral is predicated on the Government of British Columbia acting in accordance with its representations to the Committee that the Government will take the following steps ("Government Actions") to facilitate the Ombudsperson's investigation of this referral, namely:
 - (a) Proclaim into force the *Ombudsperson Amendment Act, 2015*, S.B.C. 2015, c. 30;
 - (b) Provide the Ombudsperson with complete access to all required and relevant information, without limitation, in accordance with established protocols;
 - (c) Apply the Protocol Agreement between the Ombudsperson and the Government of British Columbia (2011), covering written and electronic records described in s. 18 of the *Ombudsperson Act*, to all matters covered by s. 18 including oral statements;
 - (d) Apply the existing Memorandum of Understanding between the Ombudsperson and the Government of British Columbia relating to legal advice, to ensure that the Ombudsperson has access to all relevant legal advice provided to Government in relation to the subject matter of this referral;
 - (e) Release terminated employees and contractors from any confidentiality provisions including those entered into as part of the resolution of any litigation, in order to support their full participation in the investigation; and
 - (f) Approve the budget recommended by the Committee arising from this referral.

¹ Section 10(3) of the *Ombudsperson Act* states:

The Legislative Assembly or any of its committees may at any time refer a matter to the Ombudsperson for investigation and report.

SUBJECT MATTER

4. Without limiting the matters the Ombudsperson considers appropriate to investigate arising from the Committee's referral, the Committee directs that the matters subject to investigation will include:
 - (a) The Ministry of Health's employment terminations of Ramsay Hamdi, David Scott, the late Roderick MacIsaac, Dr. Malcolm MacLure, Robert Hart, Dr. Rebecca Warburton and Ron Mattson;
 - (b) The termination of the contract of Dr. William Warburton and, to the extent the Ombudsperson determines the issues to be related, the termination of the contracts of other contract researchers;
 - (c) The events leading up to the terminations, the terminations themselves, decisions to suspend and/or reinstate data access and actions taken by Government following the terminations referred to in (a) and (b), including statements regarding the involvement of the Royal Canadian Mounted Police in relation to the terminations;
 - (d) To the extent the Ombudsperson determines that it is related to (a), (b) or (c) above, any matter related to provincial Government involvement with the following pharmaceutical research organizations, including matters related to funding, contracts and data access:
 - (i) University of British Columbia Therapeutics Initiative;
 - (ii) University of Victoria Alzheimer's Drug Therapy Initiative;
 - (iii) British Columbia Centre for Excellence in HIV/AIDS.
 - (e) The nature and extent of the involvement of the following in the matters described in (a), (b), (c) and, if applicable, (d) above at any relevant time:
 - (i) any member of Executive Council;
 - (ii) the Ministry of Health;
 - (iii) the Ministry of Finance;
 - (iv) the Ministry of Justice;
 - (v) the Government Communications and Public Engagement Office;
 - (vi) the BC Public Service Agency;
 - (vii) the Office of the Premier; and
 - (viii) the Office of the Deputy Minister to the Premier.

INVESTIGATIVE PROCESS

5. Without altering or limiting the Ombudsperson's authority to conduct his investigation in private subject to section 9 of the *Ombudsperson Act* and to otherwise control his process, develop an investigation plan and carry out his procedures in the fashion he considers necessary or appropriate, the Committee recognizes and directs as follows with regard to the Ombudsperson's investigation process:

- (a) The Ombudsperson may in his discretion limit the scope of the investigation where he considers it would unnecessarily or improperly duplicate any other investigation, report or statutory process under the mandate of an Officer of the Legislature.
- (b) The Ombudsperson may in his discretion defer any portion of the investigation or report where he determines that this is appropriate or necessary in light of some other investigatory or adjudicative process.
- (c) The Ombudsperson may in his discretion refer any matter to the appropriate oversight, investigatory, or regulatory body in accordance with the *Ombudsperson Act* where the Ombudsperson has reasonable grounds to believe an offence or professional or ethical misconduct may have occurred.

BUDGET

- 6. The Ombudsperson is directed at the earliest opportunity, and prior to undertaking his investigation, to submit to the Committee for approval a detailed supplementary budget submission for 2015-2016 arising from this referral, which budget is intended to ensure that the Ombudsperson is able to conduct this investigation thoroughly without impairing his ability to carry out his other work under the *Ombudsperson Act* in response to complaints and in the public interest. Additional 2016-2017 budgetary funding, as required, shall be considered in conjunction with the Committee's regular annual budgetary submission process.

REPORTING

- 7. Without limiting the Ombudsperson's reporting authority or purporting in any way to fetter the Ombudsperson's independent mandate to make the findings and recommendations he considers appropriate in accordance with his usual review standards regarding any matter arising from this referral in his final report, the Committee directs as follows:
 - (a) The Ombudsperson may in his discretion provide such interim reports to the Committee as the Ombudsperson considers necessary on any administration or budgetary matter, any material impediment to the investigation, or any other matter.
 - (b) Should the Ombudsperson determine that:
 - i. records including documentation and correspondence related to the subject matter referred are unavailable due to records destruction or other reason;
 - ii. the Ombudsperson does not have access to a key witness or witnesses; or
 - iii. the Government Actions referred to in paragraph 3 have not been satisfactorily met, the Ombudsperson's Final Report shall include a description of the nature, extent and apparent cause of such unavailability or insufficient Government Actions and the impact on the investigation if that can be assessed.

- (c) In order to make the report public, the Ombudsperson shall deposit the Final Report with the Speaker of the Legislative Assembly in accordance with the *Ombudsperson Act*. The report shall be provided to the Office of the Speaker whether the Legislative Assembly is in session, adjourned or dissolved.
- (d) The Ombudsperson shall publish and publicly distribute the Report, in print and electronic format, following its release by the Speaker of the Legislative Assembly of British Columbia.

Investigation of the Matter Referred by the Select Standing Committee on Finance and Government Services: Government Indemnity

What the Indemnity Covers

The provincial government has issued an indemnity that provides reimbursement of certain legal fees incurred by participants in the Office of the Ombudsperson's investigation into the matter referred by the Select Standing Committee on Finance and Government Services. An electronic copy is available online at <http://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/publications> (external link to Ministry of Justice website). The indemnity has two parts:

1. Witnesses who are required to attend an interview with our office may decide to consult with counsel to understand their rights and obligations in relation their role as a witness including, for example, their obligation to answer questions and provide documents.

Each witness who seeks such legal advice prior to their interview can be reimbursed up to \$1,000 for that legal advice. This is referred to in the indemnity as "Process Advice," and it is available to every person who is required to provide information to our office under section 15 of the *Ombudsperson Act*, whether or not they are a current or former government employee.

2. Under section 17 of the *Ombudsperson Act*, if following our investigation we believe there are sufficient grounds to make a report or recommendation that may adversely affect a person, we are required to notify that person of the grounds and give them an opportunity to make representations before any final decision is made.

Individuals who receive a notice under section 17 may be reimbursed up to \$25,000 for legal fees incurred in responding to that notice. This is referred to in the indemnity as "Section 17 advice" and it applies to every person to whom a section 17 notice is issued, whether or not they are a current or former government employee.

How to Seek Coverage

Individuals seeking payment of legal fees under either of the grounds above must require their lawyer to prepare an account in accordance with the Indemnity. The account, along with the other required information, can be submitted to Howard Kushner, Coverage Administrator, at the following address:

Kushner Law Group
105 – 1008 Beach Ave.
Vancouver BC V6E 1T7

Phone: (604) 629-0432
Email: hkushner@kushnerlaw.ca

Witness Expense Claim Form

In accordance with section 21 of the *Ombudsperson Act*, we will reimburse certain fees, allowances and expenses incurred by witnesses who are summonsed to an interview with our office as if you were a witness in Supreme Court. A copy of the applicable Supreme Court Rules is attached to the end of this form.

To claim reimbursement, please complete and sign this form, attaching all receipts where required. If you require any assistance completing this form, please contact Coralynn Mailey at (250) 508-2950 or by email at cmailey@bcombudsperson.ca.

Submit completed form to the attention of: Coralynn Mailey
P.O. Box 9039 Stn Prov Govt
Victoria BC V8W 9A5

Fax: (250) 387-0198

Witness Details

Name: _____

Address: _____

Telephone: _____

Interview Details

Date of Interview: _____

Location: _____

Distance travelled
from home to
interview location
(km): _____

Type of Fee, Allowance or Expense	Details of Claim	Total (in Canadian \$)
<i>Daily Witness Fee</i>	_____ days or partial days x \$20	\$ _____
Can be claimed by all witnesses. \$20 per day or partial day		

<i>Travel – Between 8 and 199 km</i>		
Travel in excess of 8 km to/from interview location at \$0.30 per km; includes all ferry fares and road tolls	_____ km x \$.30	\$ _____
	Starting address if different from above: _____	
<i>Air Travel</i>		
1. Minimum return airfare can be claimed if travel over 200 km to/from interview location is necessary	Dates of travel: _____ _____	\$ _____ *please attach airfare receipt
	Airline: _____	
	Flight No.: _____	
	Departure Airport: _____	
	Arrival Airport: _____	
	Starting address if different from above: _____	
2. If claiming airfare, can also claim travel to/from airport to home and interview location at \$.30 per km	Travel from home to departure airport, _____ km x \$.30	\$ _____
	Travel from arrival airport to interview location, _____ km x \$.30	\$ _____
	Travel from interview location to departure airport, _____ km x \$.30	\$ _____
	Travel from arrival airport to home, _____ km x \$.30	\$ _____

Meals

If travel to interview starts or ends prior to 07:00,
Breakfast: \$22.00
If the interview or travel to/from it occurs between
12:00 and 13:00,
Lunch: \$22.00
If travel to/from interview starts or ends prior to
18:00, Dinner: \$28.50

OR

Breakfast & Lunch: \$30.00
Lunch & Dinner: \$36.50

OR

All meals: \$49.00

Meal(s) claimed:

___ Breakfast
___ Lunch
___ Dinner

\$ _____

***receipts not
required**

Time travel to interview
commenced: _____

Time arrived home from
interview: _____

Accommodation

Can be claimed if you travelled to interview location,
interview lasted more than one day and you were
required to stay overnight.

_____ night(s) at

\$ _____ per night

\$ _____

***please attach
accommodation
receipt**

Accommodation must be chosen from the list of BC
government approved business travel
accommodations and **will only be paid up to the
maximum rate set out on the list**. The list of approved
accommodations can be found at:

<http://csa.pss.gov.bc.ca/businesstravel/Search.aspx?lat=48.4284207&lng=-123.3656444&rad=10&loc=victoria BC Canada&mr=50&arrival=2%2F19%2F2016>

Preparation

Can be claimed at \$50 per hour to a maximum of \$250 if the Ombudsperson determines preparation was necessary to provide your evidence and, if you are employed by the BC public service, you were not compensated for preparation time as part of your government duties. Please complete the following questions so that we can determine whether you qualify:

(a) are you a current BC public service employee?
i. If you selected yes, continue to (b), if no,
continue to part (c).

___Y ___N

BC public service employee
number, if applicable:

(b) Have you been compensated for preparation
time as part of your government duties?
i. If yes, you are not eligible to claim this
expense

___Y ___N

<p>(c) If you are not a current BC public service employee, <i>or</i> you have not been compensated for your preparation time as part of your government duties, please describe below how the preparation time was necessary for you to provide your evidence (use an additional page if necessary):</p> <hr/> <hr/> <hr/> <hr/>		
Preparation amount claimed	<hr/> hours at \$50 per hour (to a maximum of 5 hours)	\$ <hr/>
<p style="text-align: right;">GRAND TOTAL OF EXPENSES CLAIMED</p>		\$ <hr/>

I hereby certify that the information given by me in this application is true and correct to the best of my knowledge.

Signature

Date: _____

Court Rules Act, Supreme Court Civil Rules, Appendix C, Schedule 3

Daily witness fee

- 1 (1) For any witness, other than a party or a present officer, director or partner of a party to a proceeding, for each day or part of a day, a daily witness fee of \$20.
- (2) A witness who is a party or a present officer, director or partner of a party to the proceeding is not entitled to a daily witness fee.

Travel

- 2 (1) For any witness, if the examination, hearing or trial is held at a place
 - (a) within 200 km by road (including any ferry route within the Provincial road system) of where the witness resides, 30¢ per km each way by road between his or her residence and the place of examination, hearing or trial; but no travel allowance will be made if the distance by road between that residence and the place of examination, hearing or trial is less than 8 km., or
 - (b) more than 200 km from where the witness resides, the minimum return air fare by scheduled airline plus 30¢ per km each way from his or her residence to the departure airport and from the arrival airport to the place of examination, hearing or trial.
- (2) The allowance described in subsection (1) (a) includes ferry fares and road tolls.

Allowances

- 3 For any witness, a reasonable allowance for meal expenses made necessary by the witness' attendance, and if the witness resides elsewhere than the place of examination, hearing or trial and is required to remain overnight, a reasonable allowance for overnight accommodation.

Preparation

- 4 For any witness other than a party or a present officer, director or partner of a party to a proceeding, a reasonable sum must be allowed for the time employed and expenses incurred by the witness in preparing to give evidence, when that preparation is necessary.