



PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

**Tenth Parliament
[2011/2012 Session]**

THIRD REPORT

of the Joint Select Committee on Ministries,
Statutory Authorities and State Enterprises

(Group 1)

on

THE ADMINISTRATION OF THE LEGAL AID AND ADVISORY AUTHORITY

Ordered to be printed with the
Minutes of Proceedings and Notes of Evidence

H.O.R. PAPER NO.: 11 of 2012

SENATE PAPER NO.: 5 of 2012

PARL. NO. 14/5/14

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Date Laid: HoR: 15/06/2012

Senate: 05/05/2012

Table of Contents

THE COMMITTEE	5
Establishment	5
Membership	5
Secretariat Support.....	6
Powers	6
Background	7
Objectives	7
Conduct of the Inquiry	7
THE EVIDENCE	9
The Authority and its Staff.....	9
Accessing Legal Aid Services	10
Strategic Objectives	13
Community Projects.....	14
Resolution Options.....	14
Legislative Requirements	14
OBSERVATIONS/FINDINGS	17
RECOMMENDATIONS	19
APPENDIX I.....	23
APPENDIX II	30
APPENDIX III.....	38

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

THE COMMITTEE

Establishment

In pursuance of the directive encapsulated at section 66 of the Constitution of the Republic of Trinidad and Tobago, the House of Representatives and Senate on September 17, 2010 and October 12, 2010, respectively agreed to a motion, which among other things, established a **Joint Select Committee to inquire into and report to Parliament on Ministries with responsibility for the business set out in the Schedule as Group 1, and on the Statutory Authorities and State Enterprises falling under their purview with regard to:**

- **their administration**
- **the manner of exercise of their powers**
- **their methods of functioning; and**
- **any criteria adopted by them in the exercise of their powers and functions.**

The business, as well as the entities which fall under the purview of the Committee is attached as ***Appendix I***.

Membership

The current membership of the Committee is comprised as follows:

- | | | |
|--|---|---------------|
| ▪ Mrs. Corinne Baptiste-Mc Knight | - | Chairman |
| ▪ Prof. Harold Ramkissoon | - | Vice-Chairman |
| ▪ Mrs. Carolyn Seepersad-Bachan, MP | | |
| ▪ Mr. Emmanuel George | | |
| ▪ Mrs. Verna St. Rose-Greaves ¹ | | |
| ▪ Dr. Delmon Baker, MP | | |
| ▪ Mr. Jairam Seemungal, MP | | |
| ▪ Ms. Stacy Roopnarine, MP | | |
| ▪ Mr. Danny Maharaj | | |

¹ Mrs. Verna St. Rose-Greaves was appointed to the Committee on September 09, 2011 in lieu of Mrs. Rudrawattee Nan Gosine Ramgoolam

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- Dr. Amery Browne, MP
- Mrs. Patricia Mc Intosh, MP
- Mr. Faris Al-Rawi

Secretariat Support

Secretariat support for the Committee is provided as follows:

Mrs. Nataki Atiba-Dilchan	-	Secretary
Ms. Khisha Peterkin	-	Assistant Secretary
Mrs. Katharina Gokool-Mark	-	Graduate Research Assistant

Powers

Standing Orders 71B of the Senate and 79B of the House of Representatives delineate the core powers of the Committee which include *inter alia*:

- to send for persons, papers and records;
- to adjourn from place to place;
- to appoint specialist advisers either to supply information which is not otherwise readily available or to elucidate matters of complexity within the Committee's order of reference; and
- to communicate with any other Committee of Parliament on matters of common interest.

INTRODUCTION

Background

The Legal Aid and Advisory Authority which formerly fell under the Ministry of Legal Affairs is now under the purview of the Ministry of Justice. The Authority provides legal advice and representation to citizens who cannot afford the services of an attorney. However, there have been numerous complaints of underfunding and a lack of quality representation. Added to that, the question of accessibility to legal aid has arisen, thereby prompting your Committee to embark on this particular inquiry.

Objectives

Your Committee identified the following as the primary objectives of the inquiry into the administration of the Legal Aid and Advisory Authority:

- to ascertain what are the accessibility arrangements in place with regard to Legal Aid services
- to ascertain what measures are in place to improve the services provided by the Authority
- to determine what progress has been made with the proposed legislation to increase legal aid fees

Conduct of the Inquiry

A public hearing was conducted with representatives of the Legal Aid and Advisory Authority on Friday March 18, 2011.

As part of the preparatory work for this meeting, the inquiry objectives of your Committee were communicated to the Ministry to solicit initial written responses.

These responses were used as the basis for supplementary questioning pursued at the hearing.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

The representatives from the Legal Aid and Advisory Authority comprised:

Mrs. Cecelia Greaves-Smith	Deputy Permanent Secretary
	Ministry of Justice
Ms. Nancy Arneaud	Secretary – LAAA
Mr. Khemrajh Harrikissoon	Board Member
Ms. Pauline SiFontes	Human Resource Specialist - LAAA
Ms. Tricia James	Accountant II - LAAA

This single meeting with the officials from the Authority proved informative enough to prepare a Report.

The draft of this Report was considered and approved with specified amendments at the meeting of the Committee held on April 20th, 2012.

The Minutes of the meetings of the Committee with regard to this inquiry are attached as ***Appendix II.***

The Notes of Evidence of the hearing held on Friday March 18, 2011 are attached as ***Appendix III.***

THE EVIDENCE

The Committee having outlined three broad areas of consideration was provided with the following by Officials of the Legal Aid and Advisory Authority.

The Authority and its Staff

The Legal Aid and Advisory Authority was established by the Legal Aid and Advice Act Chapter 7:07 on July 01, 1976 with the mandate “*...to make legal aid and advice in Trinidad and Tobago available to persons of small and moderate means, to enable the cost of legal aid or advice granted to persons to be defrayed wholly or partly out of moneys provided by Parliament, and for purposes connected therewith.*” .

At present, the Authority is comprised of a Director/Chairman and seven other Members appointed under Presidential instrument as follows:

Name	Designation	Remarks
Mr. Chateram Sinanan	Director/Chairman	Appointed on October 18, 2010
Mr. Kemrajh Harrikissoon	Member	Nominated by the Law Association
Mr. Anand Singh	Member	Nominated by the Law Association
Mrs. Rhonda Parris-De Freitas	Member	Nominated by the Law Association
Ms. Deborah Moore-Miggins	Member	Nominated by the Law Association
Vacant	Member	To be nominated by the National Insurance Board
Ms. Claire Blandin	Member	Holder of the Office of Chief Probation Officer
Mr. Kenneth Sealy	Member	Representative of the Ministry of Legal Affairs

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

The Staff of the Authority is comprised of seventy-five (75) officers, of whom twenty-three (23) are permanent employees and fifty-two (52) are contracted officers. Nine (9) of these employees are legal officers.

The Authority, while acting under the general directions of the Minister of Justice has its own autonomy to exercise and perform its statutory mandate.

Accessing Legal Aid Services

Eligibility

While any Member of the public is entitled to free legal advice, only persons from the lower income brackets could access legal representation. Persons applying for aid were subject to a means test to determine whether or not a legal aid attorney would be appointed to the case.

Office Locations

There were seven operational Legal Aid Offices. Five (5) fully functional offices operate from 8:00am to 4:15pm during the work week as follows:

Port of Spain (Head Office)
Cor. Oxford and Edward Streets
Port of Spain

San Fernando Office
No. 3 Leotaud Street
to be relocated to
No. 6, Harris Street
San Fernando

Couva Office
Family Service Centre
Campden Road
Couva

Arima Office
No, 10-10a Devenish Street
(Upstairs Pennywise)
First Floor
Arima

Tobago Office
Fairfield Complex
Scarborough
to be relocated to
Caribana Building
Bacolet Street
Scarborough
Tobago

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Two (2) offices are operated as part time offices from 8:00a.m. to 12:00 a.m.

Sangre Grande Office (*Mondays only*)
Social Welfare Office
Cor. Savi Street and Boodooville Circular
Road
Sangre Grande

Penal /Debe Office (*Friday only*)
Penal/Debe Regional Corporation
Dookie Street
Penal

The **Chaguanas** and **Siparia** Offices have been temporarily closed due to a lack of appropriate accommodation.

The Authority also provides services to State Penal facilities and their inmates through weekly visits to these facilities by Legal Officers and Commissioners of Affidavits assigned to do so. The regularly visited State Penal Facilities include:

- Port of Spain State Prison/ Carrera
- Golden Grove Men's Prison
- Golden Grove Women's Prison
- Maximum Security Prison
- Youth Training Centre – on request

The Authority does not offer a 24/7 service. There is provision for the issuance of an '**Emergency Certificate**' where an attorney is immediately appointed to a case, without the formal application process being followed. This service too can only be accessed during regular office hours.

Decentralization of Offices

The Authority engages in continuous assessment of its regional offices and collects monthly data on the increase or decrease in clientele with the aim of rationalizing its human resource for maximum efficacy.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Consideration is currently being given to relocating the Head Office out of Port of Spain, along the East/West Corridor, although a presence will be maintained in the capital city because of the relationship with the various Summary Courts.

Statistics on client access at the Legal Aid Offices for 2007 to 2010 were as follows:

Office	2007	2008	2009	2010
Port of Spain	6454	5553	5213	4793
Arima	605	525	1502	2604
Sangre Grande	450	479	630	457
Chaguanas	581	491	573	112*
Couva	455	987	1203	1648
San Fernando	4246	3409	3329	3155
Penal /Debe	170	93	120	84
Scarborough	752	657	1267	975
Siparia	246	*	*	*

*Siparia and Chaguanas Offices were closed because of lack of accommodation in 2007 and April 2010, respectively.

Services Offered

The Authority offers representation in both civil and criminal matters. The data below shows how the cases undertaken by the Authority were apportioned between 2007 and 2010.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Year	Divorce	Maintenance	Property	Custody	Total
2007	2670	492	2367	430	5959
2008	2323	498	2168	463	5452
2009	3055	613	2121	517	6306
2010	2080	907	1623	503	5113

Strategic Objectives

The Authority has almost completed its Strategic Plan and having conducted an assessment identified certain organizational matters which affected its optimum performance. These include (i) an inadequate panel of lawyers to attend to its expanding workload (ii) low staff morale due to limited human resource and poor physical accommodation (iii) uncompetitive remuneration packages (iv) lack of networking with stakeholders and (v) outdated legislation.

In its Strategic Plan, the Authority has delineated One-Year Action Plan with priority areas to be addressed in line with five developmental pillars of (i) Good Governance/People Participation, (ii) Poverty Eradication and Social Justice /National and Personal Security (iii) People-Centered Development (iv) Information and Communications Technologies and (v) A more diversified knowledge intensive economy.

The One-Year Action Plan intends to focus on the following activities to address the assessed shortcomings:

- Sourcing/acquiring suitable accommodation for Head and District Offices
- Continuing the decentralization of legal aid services
- Continuing its strategic planning exercise
- Drafting amendments to the Legal Aid and Advice Act
- Continued Employee Assistance Services
- Updating of Technology Plan
- Completing its service Charter
- Ongoing Public Awareness Programmes

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- Training of new lawyers

Community Projects

In celebration of 30 years of existence, the Authority began a vibrant outreach programme aimed at educating the general public about certain rights. Almost every community in Trinidad and Tobago was visited.

Dispute Resolution Options

Internationally, the use of mediation and other alternative dispute resolution techniques were becoming the norm in addressing civil conflict. This trend had not yet gained ground in the legal system in Trinidad and Tobago. Citizens preferred to have their matters heard in court.

As well, the Authority had no power to recommend mediation as a course for resolution, this was solely the purview of the particular judge.

Legislative Requirements

The fees offered to briefing lawyers were uncompetitive due to an outdated structure. This structure was last reviewed in 2000. The power to increase fees for legal aid lawyers in relation to civil matters was within the discretion of the Director/Chairman of the Authority.

Unfortunately, because of the change in Government, the process of review, which was already advanced in 2002, had to be recommenced. Nonetheless, draft legislation proposing to increase fees was considered and approved by both the House of Representatives and Senate.

The amended legislation also gives the Legal Aid Director, in consultation with the Minister, the ability to assess the sums paid to attorneys-at-law with respect to criminal matters.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

In order to meet the objective of offering a 24/7 service to citizens, via a Duty Counsel Project, amendments to the legislation were also required.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

OBSERVATIONS/FINDINGS

Your Committee was satisfied with the discussions held with the representatives of the Ministry of Justice and the Legal Aid and Advisory Authority. The Officials appeared fully cognizant of the areas of shortfall in the delivery of legal aid to the citizens of Trinidad and Tobago and expressed a genuine will to collaborate with the necessary agencies to improve these circumstances.

Your Committee has identified the following three inter-linked areas of priority which must be addressed if significant progress is to be made in the delivery of legal aid services:

Human Resource Capacity

A clear case was made on the inadequate complement of staff, in both the administrative and legal spheres of operation. The sums offered, in particular, for representation for criminal matters are uncompetitive and cannot attract the level of dedication necessary from members of the legal fraternity in providing quality service to deserving citizens.

The lack of support staff to manage legal aid offices on a full-time basis, particularly in the rural areas of Trinidad and Tobago also negatively affects the delivery of this necessary service to the public.

The Legislative Framework

The present legislative framework is undoubtedly in need of revision to address deficiencies in the human resource arrangements. Steps need to be taken toward structuring the operations of the Authority in a manner that would enhance the capacity of the Authority to meet the demands of its burgeoning clientele on a 24/7 basis.

Office Accommodation

The physical accommodation at the Authority's Head Office is inadequate and creates a challenge to both staff morale and client confidentiality. The limited space also impacts on the ability of the Authority to increase its staff complement.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

The closure of the Chaguanas and Siparia regional offices has also stymied the work of the Authority.

RECOMMENDATIONS

Your Committee agrees with several of the initiatives identified in the One-Year Action Plan and wishes to support the completion of these projects within the next fiscal year.

Your Committee therefore recommends that the following steps be taken to address the matters which are retarding the progress of the Authority in the delivery of effective legal aid and advice.

- (a) The Minister of Justice should table in the Parliament, post-haste, relevant legislation to provide for :-
 - the establishment of a panel of lawyers, exemplified on the United Kingdom and Canadian method of operation. This panel will perform dedicated duties for the Authority for a settled monthly fee. The Authority itself should develop this preferred model to be approved by the Minister.
 - the implementation of the duty counsel scheme to provide “round the clock” availability of legal aid services
- (b) The Ministry of Justice should enter into negotiations /collaborative action with the relevant Ministries and educational institutions, e.g. Hugh Wooding Law School, in relation to the allocation of new positions in the Legal Aid Authority for newly qualified lawyers as junior attorneys under the supervision of a senior attorney.
- (c) The Authority should explore alternatives to compensate attorneys which are not purely monetary for legal aid services.
- (d) The Authority should revitalize its community outreach programmes, with the particular agenda of educating the public about alternative dispute resolution techniques and the advantages of mediation.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- (e) The Authority should conduct regular training programmes on accessing Legal Aid services, for the benefit of Parliamentarians who require such knowledge to effectively assist/ advise their constituents.
- (f) The Authority, in collaboration with the Ministry of Justice should consider the introduction of Legal Aid Clinics along the East/West Corridor, Siparia and Chaguanas. A selection of staff with the duty to deal with minor matters such as providing information, assisting to fill out forms etc. should be employed to ensure an effective and continual service.
- (g) Your Committee further recommends that the Head Office of the Legal Aid and Advisory Authority remain in the capital city of Port of Spain.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Your Committee respectfully submits the foregoing for the consideration of the Parliament.

Sgd.
Mrs. Corinne Baptiste-Mc Knight
Chairman

Sgd.
Prof. Harold Ramkissoon
Vice-Chairman

Sgd.
Mrs. Carolyn Seepersad Bachan, MP
Member

Sgd.
Mr. Emmanuel George
Member

Sgd.
Mrs. Verna St. Rose-Greaves
Member

Sgd.
Dr. Delmon Baker, MP
Member

Sgd.
Mr. Jairam Seemungal, MP
Member

Sgd.
Ms. Stacy Roopnarine, MP
Member

Sgd.
Mr. Danny Maharaj
Member

Sgd.
Dr. Amery Browne, MP
Member

Sgd.
Mrs. Patricia Mc Intosh, MP
Member

Sgd.
Mr. Faris Al-Rawi
Member

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

APPENDIX I

BUSINESS ENTITIES

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

List of Ministries, Statutory Authorities and State Enterprises that fall under the purview of this Committee:

1. Arts and Multiculturalism

- Archaeological Committee
- Carnival Institute
- Naparima Bowl
- National Academy for the Performing Arts (NAPA)
- National Carnival Commission of Trinidad and Tobago
- National Cultural Commission
- National Library and Information System Authority (NALIS)
- National Museum and Art Gallery (Royal Victoria Institute)
- National Theatre Arts Company
- Queen's Hall Board
- Trinidad and Tobago National Steel Symphony Orchestra

2. Office of the Attorney General

- The Law Reform Commission
- Environmental Commission
- Council of Legal Education
- Hugh Wooding Law School
- Industrial Court
- Anti-Corruption Investigation Bureau
- Equal Opportunity Commission
- Equal Opportunity Tribunal
- Tax Appeal Board
- Central Authority
- International Law and Human Rights Unit

3. Community Development

- Association of Village Councils
- Village Councils
- National Commission for Self-Help Limited
- Export Centres Company Limited

4. Education

- Local School Boards
- National Commission for UNESCO
- Education Facilities Company Limited
- National Schools Dietary Services Limited

5. Energy and Energy Affairs

- Lake Asphalt of Trinidad and Tobago (1978) Limited
- National Gas Company of Trinidad and Tobago Limited
- National Quarries Company Limited
- Petroleum Company of Trinidad and Tobago Limited (PETROTRIN)
- Trinidad and Tobago National Petroleum Marketing Company Limited (NP)
- Alutrint Limited

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- Alutech Limited
- La Brea Industrial Development Corporation
- National Agro Chemicals Limited
- National Energy Corporation of Trinidad and Tobago Limited
- NATPET Investment Company Limited
- NATSTAR Manufacturing Company Limited
- NGC NGL Company Limited
- NGC Trinidad and Tobago LNG Limited
- Phoenix Park Gas Processors Limited
- Powergen
- Trinidad and Tobago LNG Limited
- Trinidad and Tobago Marine Petroleum Company Limited
- Trinidad Nitrogen Company
- Trinidad Northern Areas Limited
- TRINMAR Limited
- TRINTOC Services Limited

6. Finance

- Central Tenders Board
- National Insurance Appeals Tribunal
- National Insurance Board
- National Insurance Property Development Company Limited (NIPDEC)
- National Lotteries Control Board
- Trinidad and Tobago Unit Trust Corporation
- BWIA West Indies Airways Limited (New BWIA)
- Trinidad and Tobago (BWIA International) Airways Corporation (Old BWIA)
- First Citizens Holdings Company Limited
- National Enterprises Limited (NEL)
- Rum Distillers Limited
- Sugar Manufacturing Company
- Trinidad and Tobago Forest Products Limited (TANTEAK)
- Taurus Services Limited
- Caribbean Investment Corporation
- Tourism and Industrial Development Company (TIDCO)
- Trinidad and Tobago Development Finance Limited
- Trinidad and Tobago Mortgage Finance Company Limited
- Caribbean Development Network Limited
- Caribbean Microfinance Limited
- Colonial Life Insurance Company Limited (CLICO)
- First Citizens Bank Limited (FCB)
- First Citizens Mortgage & Trust Company Limited
- First Citizens Investment Services Limited
- Trinidad and Tobago Mortgage Agency Company Limited

7. Food Production, Land and Marine Resources

- Agricultural Society of Trinidad and Tobago
- Caribbean Agricultural Research and Development Institute (CARDI)
- Cocoa and Coffee Industry Board
- Livestock and Livestock Products Board

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- Caroni (1975) Limited
- Estate Management and Business Development Company Limited (EMBD)
- National Agricultural Marketing and Development Corporation (NAMDEVCO)
- Agricultural Development Bank
- Caribbean Food Corporation
- Sea Food Industry Limited

8. Foreign Affairs and Communications

- Board of Film Censors
- Caribbean New Media Group Limited (CNMG)
- Government Information Services Limited (GISL)
- National Broadcasting Network (NBN)

9. Health

- Boards regulating the Practice of Medicine and Related Professions
- Children's LIFE Fund Board of Management
- Eastern Regional Health Authority (ERHA)
- North Central Regional Health Authority (NCRHA)
- North West Regional Health Authority (NWRHA)
- South West Regional Health Authority (SWRHA)
- Dental Council of Trinidad and Tobago
- Drug Advisory Committee
- Emergency Medical Personnel Council of Trinidad and Tobago
- Food Advisory Committee
- Medical Council of Trinidad and Tobago
- National Emergency Ambulance Services Authority
- Nurses and Midwives Council of Trinidad and Tobago
- Pesticides and Toxic Chemicals Board
- Pharmacy Council of Trinidad and Tobago

10. Housing and the Environment

- Environmental Management Authority (EMA)
- Institute of Marine Affairs (IMA)
- Sugar Industry Labour and Welfare Committee
- Land Settlement Agency (LSA)
- Housing Development Corporation (HDC)
- Urban Development Corporation of Trinidad and Tobago Limited (UDeCoTT)
- Community-Based Environmental Protection and Enhancement Company Limited (CEPEP)

11. Justice

- Legal Aid and Advisory Authority
- Police Complaints Authority
- Sentencing Commission
- Criminal Injuries Compensation Board

12. Labour and Small and Micro-Enterprise Development

- Broilers Examiners Board
- Minimum Wages Board

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- Registration Recognition and Certification Board
- Friendly Societies
- Cipriani College of Labour and Co-operative Studies
- National Entrepreneurship Development Company Limited (NEDCO)
- Occupational Safety and Health Authority
 - National Productivity Council

13. Legal Affairs

- Law Revision Commission

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

APPENDIX II

MINUTES OF PROCEEDINGS

*Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State
Enterprises (Group 1)*

**MINUTES OF FIFTH MEETING OF THE JOINT SELECT COMMITTEE OF PARLIAMENT
APPOINTED TO INQUIRE INTO AND REPORT ON GOVERNMENT MINISTRIES (GROUP I),
STATUTORY AUTHORITIES AND STATE ENTERPRISES FALLING UNDER THOSE
MINISTRIES, HELD IN COMMITTEE ROOM 2, RED HOUSE, PORT OF SPAIN, ON
FRIDAY, MARCH 18, 2011**

PRESENT

Mrs. Corinne Baptiste-Mc Knight	Chairman
Prof. Harold Ramkissoon	Vice-Chairman
Mrs. Carolyn Seepersad-Bachan, MP	Member
Mrs. Patricia Mc Intosh, MP	Member
Mr. Danny Maharaj	Member
Mr. Jairam Seemungal, MP	Member
Mr. Emmanuel George	Member
Mr. Faris Al-Rawi	Member
Dr. Amery Browne, MP	Member
Mrs. Nataki Atiba-Dilchan	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Katharina Gokool - Mark	Graduate Research Assistant

ABSENT

Dr. Delmon Baker, MP	Member
Ms. Stacy Roopnarine, MP	Member
Mrs. R. Nan Gosine - Ramgoolam	Member

OFFICIALS FROM THE MINISTRY OF JUSTICE AND THE LEGAL AID AUTHORITY (LAAA)

Mrs. Cecelia Greaves-Smith	Deputy Permanent Secretary
Ms. Nancy Arneaud	Secretary – Legal Aid & Advisory Authority
Ms. Pauline SiFontes	Human Resource Specialist - LAAA
Ms. Tricia James	Accountant II - LAAA
Mr. Khemraj Harrikissoon	Board Member

COMMENCEMENT

- 1.1 The meeting was called to order at 9:32 a.m.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

CONFIRMATION OF MINUTES (February 18, 2011)

2.1 The Committee considered the Minutes of the 4th Meeting held on February 18, 2011. There being no corrections or omissions, the Minutes were duly confirmed on a motion moved by Prof. Harold Ramkissoo and seconded by Mrs. Patricia Mc Intosh.

MATTERS ARISING FROM THE MINUTES

3.1 The Chairman referred Members to the following matters arising from the Minutes:

- **Paragraph 4.1 on page 2:** The First Report of the Committee was signed by all Members and copies were printed.
- **Paragraph 4.2 on page 2:** Advertisements were placed in the three (3) daily newspapers but no written submissions were received

3.2 It was agreed that the Report would be tabled in the Senate by the Chairman and in the House of Representatives by Mrs. Patricia Mc Intosh.

PRE-HEARING DISCUSSIONS

4.1 The Committee discussed some areas of concern and agreed to the approach to be taken at the hearing.

OTHER BUSINESS

Inquiry Proposal

5.1 Members reviewed the inquiry proposal for the inquiry into the administration and operation of the National School Dietary Services Limited.

5.2 It was agreed to insert an objective of encouraging sustainability of the School Feeding Program through the use of local produce in collaboration with local producers.

Next Inquiry Hearing

5.3 The Committee agreed that at the next meeting, on Friday April 15, 2011, an inquiry will be commenced into the operations of the Ministry of Health with specific focus on Primary Health Care services

(The meeting was suspended)

HEARING WITH THE OFFICIALS FROM THE MINISTRY OF JUSTICE

re: the operations of the Legal Aid & Advisory Authority

6.1 The meeting resumed in the Parliament Chamber at 10:11 a.m. and introductions were made on both sides.

6.2 The Deputy Permanent Secretary was invited to make an opening statement. She apologized for the absence of the Permanent Secretary who was ill and for the Chairman of the Board who was overseas.

6.3 The Committee was provided with a brief on the role of the Legal Aid and Advisory Authority which essentially was to make legal representation available to persons of small and moderate means. A document on related information was circulated.

6.4 The following topics were discussed:

(a) Access to Legal Aid

- Members were informed that Sections 25 and 26 of the Legal Aid Act provide that all members of the public are entitled to free legal advice. But only lower income brackets could access representation.
- There were seven operational Legal Aid Offices, inclusive of one in Scarborough. Persons applying for aid were subject to a means test to determine whether or not a legal aid attorney would be appointed to the case.
- There, however, existed a provision for emergency cases, where an attorney could be immediately appointed to a case. This is called an 'Emergency Certificate'.
- It was noted however that, at present, legal aid could not be immediately accessed should an emergency occur over the weekend and outside of regular office hours.

(b) Cost of Legal Aid Services

- The Committee was told of the inability of the Authority to offer competitive sums to attorneys, particularly for murder trials, which would require regular court attendance for at least three to four months.
- The Authority was often required to negotiate with the Criminal Bar Association to acquire the services of attorneys for such cases.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

- It was noted that in 2010 lawyer fees totaled \$1.6 million of the \$13M budget, however the required sum fees is \$5 million. The officials projected that in 5 years the budget could be balanced.

(c) Status of Review Legislation

- On inquiry, the officials advised that the fees structure was last reviewed in 2000. Draft legislation proposing an increase was currently under consideration at the office of the Chief Parliamentary Counsel (CPC). In the current legislation the power to increase fees was under the control of the Director Chairman. It was suggested that this should be amended to give that power to the Legal Aid Director in consultation with the line Minister.
- It was suggested that the legislation should incorporate a mechanism for continued periodic review.
- Members were told that in other jurisdictions legal aid was usually provided by a dedicated panel of lawyers, including Queen's Counsel, who were well paid. This is unlike the situation in Trinidad and Tobago where a token fee is paid. The point was made, though, that the representation offered was comparative to highly paid lawyers.
- As well, legislation has also to implement a Duty Counsel Scheme, to address the question of access to legal aid services on a 24 hour basis.
- Members were advised that there had been consultation with the Law Association on the draft legislation.
- It was proposed that when the LAAA legislation was introduced in the Parliament that it could be further considered by a Joint Select Committee.

(d) Organizational Weaknesses

The officials informed the Committee of the following weaknesses identified by the Authority:

- Reduction in size of panel of lawyers

There was a need to employ more lawyers to properly service the Authority. At present, the Authority was reviewing 52 new applications.

The officials proposed that an arrangement should exist whereby students from Hugh Wooding Law School and other state funded programmes are required to undertake at least one case per term in order to receive a Practicing Certificate.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

As well, a system should be implemented to hire and to properly train lawyers for full-time court service, in accordance with international practice.

The point was also made that compensation for attorneys should not be only about fair fees but there could be other benefits offered to encourage greater interest in serving at the Authority.

- Low Staff morale

Because of human resource issues and poor physical accommodation the morale of staff was low.

The hiring of a Human Resource Specialist was a first step in addressing this, and the Ministry of Public Administration was giving attention to the matter of relocation.

A Strategic Plan would soon be before Cabinet for consideration.

(e) Outreach activities

- Members learned of the outreach programs that were undertaken by the Authority to educate citizens on certain rights. The representatives held that almost every community is well informed of the services offered.
- It was suggested that the training and information transfer should also be extended to Members of Parliament who often have to advise their constituents.

(f) Alternative Dispute Resolution

- The question of the use of Alternative Dispute Resolution was raised. The Committee was told that this was not the mindset of the citizens who preferred to have their matters heard in court.
- It was also noted that it was the decision of the judge to refer matters for mediation, not the Authority.
- Members expressed the view that efforts should be made to change the culture by educating citizens on the relevance of mediation.

6.5 The Permanent Secretary expressed her thanks for the opportunity to share information about Legal Aid and for the recommendations from the Committee.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

6.6 The Chairman thanked the Officials from the Ministry for their attendance.

ADJOURNMENT

7.1 The meeting was adjourned at 11:46 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 23, 2011

APPENDIX III

NOTES OF EVIDENCE

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

**OFFICIALS OF THE MINISTRY OF JUSTICE AND
LEGAL AID ADVISORY AUTHORITY**

Mrs. Cecelia Greaves-Smith	Deputy Permanent Secretary, Ministry of Justice
Ms. Nancy Arneaud	Secretary, Legal Aid & Advisory Authority
Ms. Pauline SiFontes	Human Resource Specialist, LAAA
Ms. Tricia James	Accountant II, LAAA
Mr. Khemrajh Harrikissoon	Board Member

Madam Chairman: Thank you very much indeed. Good morning. Let me thank you for your tolerance. This morning we have the pleasure of having the Ministry of Justice with us to discuss the Legal Aid Advisory Authority and how it operates. So without further due, I will ask the officials to introduce themselves.

[Members of the Ministry of Justice and Legal Aid Advisory Authority introduce themselves]

Mrs. Greaves-Smith: Madam Chairman, I would like to apologize for the absence of the Permanent Secretary in the Ministry of Justice, Miss Christine Sookram, who is recovering from the latest Carnival virus. Also, the Chairman of the Legal Aid and Advisory Authority, Mr. Sinanan, who is currently out of the country on official business.

We are all aware that the Ministry of Justice is a very new Ministry. The Legal Aid and Advisory Authority recently became our responsibility from June of last year. So, most of the interventions will be done by members of the authority. There may be some things I will have some responsibility for. So, I would like to first hand you all over to—

Madam Chairman: No. We will do our introduction and then come back.

Mrs. Greaves-Smith: Sorry.

Madam Chairman: Thank you very much indeed. The Members of the Committee will now introduce themselves.

[Members of the Committee introduce themselves]

Madam Chairman: No, I would like to remind you that the purpose of this enquiry is for us to understand better, exactly what Legal Aid Advisory Authority does, how it operates and to give you the opportunity to explain this to us and your public. Over to you.

Mrs. Greaves-Smith: Thank you, Madam Chairman, for giving us the opportunity to share on what legal aid and advisory authority is doing because part of what they intent to do over the next year, is to do a little more outreach so members of the public would be a little more aware of their

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

services. So I would like Mr. Harriskissoon to take us through the documents, that they just brought to members.

Mr. Harrikissoon: Thank you very much, Madam Chairman. You would realize that the legal aid body is a creature of the statute. This body was created by an Act of Parliament in 1976. The intention of Parliament was to make legal representations available to people with small income and moderate income. So there is a ceiling within which an individual will be able to get legal aid, and based on that ceiling, you have people applying to legal aid. There is a form they fill out, an investigator will investigate that individual and if the individual is within the budgetary allocation, then he will be granted legal aid. That application will be recommended by the investigator, sent to the Legal Aid Board and the Legal Aid Board at its meeting will vet the application and either approve it or disapprove it. So that is in a simple way how it is done at legal aid.

Madam Chairman: Very well. Go ahead and take us through your procedures and what you do.

Mr. Harrikissoon: At legal aid, the authority is headed by a director chairman, and under him you have seven board members. Four of which are appointed by the Law Association of Trinidad and Tobago, taking into account that the statutory requirement is that each geographical area must be represented. I represent the southern area; you have Mr. Hanan Singh for the northern area; Mr. Rhonda De Freitas, the eastern area and she is also the director of the Hugh Wooding law School, Legal Aid. So indirectly, the law school and the University of the West Indies are also represented in the legal aid family, and from Tobago we have Deborah Moore-Miggins. In addition to these four members, you have the statutory requirements where you have a member nominated by the National Insurance Board, a representative from the Ministry of Legal Affairs, the holder of the Office of the Chief Probation Officer. Those are the Member of the Legal Aid Board.

Now, the vision of the Legal Aid Board is really to reach out to the people of Trinidad and Tobago. What we have tried to do, is trying and will try is to prevent any and anybody applying for legal aid, because you have people who are very wealthy and they tend to think, "Hey, I can benefit from the services of the State." They believe that this is automatic right. They could just apply to legal aid and they could get representation. That is why we have a sifting process, and remember we have a budgetary allocation. So the resources are limited and, despite the fact of the limited resources, I must say it is not that we are blowing our trumpet, but legal aid has performed exceedingly well over the last years.

You may find recently there are pronouncement that certain people are not being represented, judges are complaining that legal aid are not appointing lawyers to do a few particular matters. But we have to understand that these matters are high profile matters. In fact, there are at least three or four present in which we are concerned right now, and these are murder trials that will take at least three to four months in the court. So the big question is: who is going to represent these accused? We have approached a number of lawyers and the fees that are being requested and

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

sought, at least, legal aid really cannot afford to pay. So at present, that is a major problem. We at legal aid are trying to solve it. We are trying to reach out to the Criminal Bar Association, speak to the members of the Bar Association, indicate to them “Guys, Legal Aid really cannot afford. We need your help. Try to help us.” But what they are doing, they are matching on the one hand, the price the State is paying for the lawyers to prosecute. If the State is paying \$X, they believe to represent the accused, they should get something very close to the \$X. Legal Aid cannot afford to pay seven digits. No way could Legal Aid afford that.

Mr. Al-Rawi: Thank you, my learned senior, Mr. Harrikissoon. It is a pleasure to have you here. I know that you bring a wealth of experience and knowledge and I wish to compliment you from a personal perspective on the role that you perform. We as lawyers are very lucky to have our senior members of the Bar sit and give of their time and advice. So I thank you first all from that perspective. Just to interject, what is the average payment per brief, and are you able to assist me on the payments criminal versus civil, if there is any civil positioning?

Mr. Harrikissoon: No, the civil matters, lawyers really work hard and take little or nothing, but the main problem is really in the criminal area, the criminal arena for these murders cases. As a lawyer, you will know that in some matters like these—the Naipaul-Coleman matter—would take at least four months in the Assizes, and remember a lawyer has to be there every day in the Assizes. He will need an instructing attorney and he may also need a junior to take notes. Because once you have to cross-examine, you need another lawyer, an associated counsel there with you to take notes. Because at the end of the day in criminal matters you have to summon up and you must have your notes to look over in the night time to be prepared to continue cross-examination the next day.

Now, a lawyer in private practice has to pay rent, has to pay his clerks, pay his telephone and additional expenses, paying a lawyer fee on a brief of four months, \$60,000, could that afford to pay? Let us be realistic, Madam Chairman, you cannot, and the State has to accept that on the one hand, you will pay a prosecutor \$500,000 or \$1 million and to expect Legal Aid to fund a defence counsel by \$50,000 or \$60,000?

Mr. Al-Rawi: And that is in the absence of recognition of the prescribed scale of cast on civil matters which the Law Association has published and the Chief Justice has recommended.

Mr. Harrikissoon: Without disrespect, it has been done for criminal lawyers.

Mr. Al-Rawi: Yes, which is in the bandwidth of civil attorneys in various rankings on a party, party basis.

Mr. Harrikissoon: Yes. In answer to what you have just said, you have a practice guide. As you know the legal notice in civil arena, where you ban lawyers as ban A, B, C and D. Five years; under five years; five years to 10 years; 10 to 20 years; over 20 years; and band B is the senior counsel. So it varies from a senior counsel, \$3,500 to band B over 20 years, \$2,500 per hour.

Now, if you look at a lawyer in the criminal field—and I think in due course the criminal

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

fields will be similar. So if you have seven or eight hours a day in the Assizes for a lawyer with at least 20 years experience, \$2,500 multiply by eight, is \$20,000. They usually pay a lawyer \$3,500 a day to do matters. When it is a daily schedule, you get a day's rate per day between \$2,500 and \$3,000 per day in the civil scale. The payment for hours is when you are doing work in your office or chambers, like you have to prepare, let us say the statement of case, witness statements and submissions. That is how it is done. So if you have to pay a lawyer, let us say an average of \$2,500 a day for a lawyer, and remember you have his associate that is supposed to be paid at least \$1,500, that is \$4,000, and instructing attorney, let us say \$2,000, that is \$6,000 and that is a very modest calculation. Six thousand dollars a day for five days per week, this is \$30,000; for one month, \$120,000; for four months, \$480,000. So could the Legal Aid afford, Madam Chairman, and honourable members of the panel? The answer is, no. So based on that, I think something has to be done. Parliament has to do something to assist these people. Remember in any democracy, an accused person must have that right to representation in court, and if these people are not represented, you are talking about the *Pratt and Morgan* over five years et cetera, we are not going on that aspect, we are concerned strictly with the legal aid dilemma. So that is a major problem that we have at Legal Aid.

What the Law Association is trying to do is to see if lawyers can help. But when lawyers have bills and mortgages to pay, higher purchase to pay on their cars, they have to live. People tend to think lawyers earn a lot, but it is not so. When you check, the amount of man hours you spend and your expenses, it is said, "Oh, you make \$20,000 for the month". Nobody considered the rent the lawyer has to pay for his office, the two clerks he has to pay, your office boy to carry your things, because you must have somebody to go from office to office to deliver documents that have to be served, your phone bill and, most of all, stationery, and what about when you are in court all day. We have to look at your health. You must buy a cup of coffee and a sandwich.

Mr. Al-Rawi: Madam Chairman, I promise to be very quick, but because this is for a national community perspective, just to clarify one point, and it is not a question really, it is a point. I wish to state from the civil perspective that there are liabilities that the attorneys hold. There are now, as a result of a decision in the **TrinCan Sanaki** case, significant liabilities that you hold if you are a day late, there is a move of infallibility versus unreasonableness or reasonableness and essentially the Court of Appeal has laid down its decision which is to say that you are no longer entitled as a lawyer to have human events. They say that sickness, losing papers, somebody did not turn out, is not a good excuse for delay and they are prepared to apply something called "wasted cost orders at times". Which means that the attorney bears personal responsibility for the other side's cost.

Just to put it in perspective, what that means in a civil case, is that if for some reason the legal aid attorney had a human event, he got sick, his secretary died, something went wrong, the Court of Appeal is no longer prepared to accept that as a reasonable delay excuse and you can,—it

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

has not happened yet—be subject to pay the other side’s cost which the State is funding in some instances, up to \$1 million.

Now my question which comes out of that and it is just a remark—I am sure it will come later because I do not want to monopolize the time—is that I do not believe that there is a system of insurance even for legal aid lawyers, and I want to state that whilst we all have a benevolent altruistic purpose to get things done, when you are subjected to a liability of the kind that has been determined in case law in the Court of Appeal to apply, you have to be very careful not to accept a liability point on an inefficient system.

So I just want to put that in the context of speaking about fees and the reasonableness of fees and also to remark that when my learned senior, Mr. Harrikissoon was speaking about fees and charges per day, that is only the day when you are in court and you are allowed to charge. Let us say your refresher fee for your fee brief, the work is now a front end loaded system in the civil arena. We are required that when we issue out the protocol letters or issue claim forms to have all the work done in advance. That was the system for the civil proceedings rules to speed up the access to just this point. So that means that you are 99 per cent of the time not being paid for the work that you have done in advance in the way the system currently works. So I do not want the population to walk away with the impression that every lawyer sitting, if I were to take the expressions of my learned senior, walks away with \$2,500 a day. That is not the case. He is speaking about court days for clarity, after you have done all of the work and you get to the five days in court for trial. So I just wanted to put it in the context for us all here.

Mr. Harrikissoon: Just to go a bit further. You did make a comment that you do not think lawyers have been asked to pay. With due respect, certain lawyers have been asked to pay. It is very, very serious, that lawyers have a very onerous task, especially now, more so. You will know personally, that I am Treasurer of the Law Association and for the past year I have been trying to get insurance coverage for lawyers—Indemnity Insurance—and no Insurance Company in Trinidad and Tobago is prepared to insure lawyers. Right now I am trying to negotiate with England. It is a serious thing. They are not prepared to do any business with Trinidad. That is the reputation that we have and that is what is concerning us at the Law Association. They tend to think that there is too much malpractice in Trinidad.

Mr. Al-Rawi: And an example for the national community, you would have heard of a very serious judgment offered against Petrotrin which happened as a result of a human error. A default judgement was entered in a particular circumstance. It could not be set aside for the very application of the draconian interpretation of the civil proceedings rules. So the national community was faced with a serious consequence, an attorney was blamed, who in my opinion should not have been blamed because there was a whole surrounding circumstance to that point, so these have serious consequences to the dynamic in which Legal Aid operates.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mr. George: Thank you very much, Madam Chairman. I have been listening attentively to the discourse, I have also read the documentation that was submitted and it appears that you are pursuing legislation now to increase the quantum of the legal aid payments to lawyers for their services and I have belated questions both to the documentation and to the discourse. The first is, when last was the legal aid fees increased? Because from what you have been saying, it appears that you have been aware that the fees paid had been out of sync with all of the expenses that lawyers have to meet.

My second question then is, when was this first documented in terms of the need to increase the fees, and what was the first step in the process to address the required change in the legislation? What can one learn from this that would ensure that you have perhaps an annual or biannual or triennial change or increase in the fee so that one does not come face to face with a situation like this again in three years, five years, and 10 years? So it is a suite of questions I am asking, but all related to the same issue.

Mr. Harrikissoon: Your questions are really noteworthy because that has been the problem at Legal Aid. Now, the last increase in fees was in the year 2000. From then to the present date, numerous requests were made to the line Minister. We have indicated the problems and we expect—there is always the expectation. In law, there is a term call legitimate expectation. So at Legal Aid we always had the legitimate expectation that Parliament in its wisdom will do the needful. There is always the excuse that there is more urgent business and try to make do and that is what Legal Aid has been doing.

The lawyers on the Legal Aid panel should be commended for the work they have been doing for the past years with little or nothing. One must really give praise to the lawyers on the Legal Aid panel because without their service, Legal Aid would have collapsed and there would have been a breakdown in the criminal justice system. But the time has come when the lawyers are saying we can take it no more. Cost of living has increased, everything has increased and remember the cost factor to be educated as a lawyer— If one was to look at it, we are not really supposed to waste Parliament's time going into that. You all know what it is. When you go outside there and you only want to be given for a brief \$750 and \$1,500, whether it is a big case or a small case, a lawyer cannot go to court just like that and expect to appear for an individual. He has to prepare. He got to research the law. If it is a case on larceny he has to know the definition of larceny. He has to know it to his finger tips. Larceny is a person who steals without the consent of the owner; fraudulently without a claim of right made in good faith; takes and carries away anything capable of being stolen; who intends at the time of such taking permanently to deprive the owner thereof. He has to know all those elements. He has to cross-examine the witness according to those elements, and are you telling me that \$1,500 will pay a lawyer for fives day in court in the criminal assizes? He has to prepare—

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mr. George: I understand that because you have made the point. But what I am asking is what we are doing to address that issue. Remember the first question was when was the fees last increased, and you said in 2000. I said then, what steps have been taken to deal with legislation in which we are perusing the increases, and you said that you had written to the then Minister.

Mr. Harrikissoon: It goes further despite to that.

Mr. George: When did you write to the Minister?

Mr. Harrikissoon: Over the past years and we have already sent him— We at Legal Aid have already done our drafting, submit it to the Chief Parliamentary Counsel—

Mr. George: Dates?

Mr. Harrikissoon:—and I think, Mr. Cuthbert Jolly is presently looking into it. We understand it has been completed recently. It has been completed within last month. Ms Arneaud handles a little more of it.

Ms. Arneaud: Hon. Members, if I can assist? First of all, we just need to make demarcation between fees in civil matters and fees in criminal matters. Civil matters' fees are within the discretion of the Director Chairman. Most of what Mr. Harrikissoon was addressing in terms of an amendment to the legislation would be regarding fees in criminal matters which come under the ambit of the Act. What Mr. Harrikissoon was explaining was that, presently we are at the stage where draft amendment to the Act concerning increasing the fees, that is presently with the Chief Parliamentary Counsel. We understand that they are going to submit another draft test by Monday of next week, and we are hoping to go to the Legislation Review Committee soon.

To explain a little bit of what you were asking, Mr. George, from 2002 to now, this is the second time that we are looking at the—there is a procedure. We go to Cabinet with the proposed amendments, then it will go to Chief Parliamentary Counsel, then to LRC, and then it comes to the Chambers. What has happened is that there was a situation where that circle was completed. With the new administration, effective from May/June of last year, we had to start all over again more or less and that is the reason why we are back to this position right now.

Mr. George: Yes, but what I was trying to get was the information that will guide us as to what we are supposed to do in the future. What we have witnessed from what Mr. Harrikissoon has been saying, is a virtual collapsed of the system because lawyers do not to take briefs because the fees are too small, then people do not get proper representation and we want to avoid that at all cost. So I am saying that we need to learn from all of this as to what we do in the future so that we do not get to this point again. So I am saying we have learned from that and the first thing is how we proceed to have an ongoing review of those fees that does not land us in this position over time. How do we increase the fees annually? I do not know. But I am saying what we need to do and if we do nothing else today, is to understand what our experience has been and what are we to do to ensure that we do not have to reach this stage, of virtual collapsed of the system before we go to change it.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mr. Harrikissoon: My answer to your question is simply this. This is not a situation that will arise every day. The situation that we are facing now is unique, in the sense that we have about six or seven murder trials just facing us at this point in time, and these murder trials are going very, very lengthy. Not every murder trial would be like this. Now, our lawyers in Trinidad and Tobago have been doing it; they have carried the burden all these years, what they are asking in this particular instance, because of the duration of the trial itself, trial of this nature, when you have 15 accused, 20 accused, 10 accused that will not finish within a month, the lawyers are saying and pleading—they are pleading also with the Law Association, with the Legal Aid and they hope at the end of the day, Government in its wisdom will realize that that is not a situation that will arise on a daily basis.

You judge every situation on a case stated, you know for a fact that 12 accused have been charged jointly for a murder, you do not expect a lawyer to be there for four month on that limited resource. So Parliament should do something. In a situation like this you have a ceiling, authorize the Chairman of Legal Aid or the Legal Aid body that in situations like this you come to the line Minister who has the jurisdiction to approval payment of fees at his discretion, maybe \$200,000. That in my view is the solution to it.

Mrs. Greaves-Smith: I take your point, Mr. George. Just thinking, that maybe they are looking at the review of the legislation. They could take into consideration some of provisions that actually states that the fees be reviewed over a period, so that it does not have to wait until you are in a critical situation to do something. So I take your point and it is something that we can raise with the CPC.

Mrs. Seepersad-Bachan: Madam Chairman, if I may—

Madam Chairman: Hold on. We have a list with Prof. Ramkissoon, Dr. Browne, Mr. Seemungal and then you. But before that—Chairman's privilege—has this particular request been included in any of the drafts that you have submitted to date?

Ms. Arneaud: Yes, we have.

Mr. Harrikissoon: It has been included, Madam Chairman, and we have been negotiating—

Madam Chairman: Okay, if it is included, then the ball is in the CPC's court, then hopefully when it comes to Parliament and we will be a little more aware of your situation.

Mrs. Seepersad-Bachan: Madam Chairman, just on that point that you are raising, is it that it did go out for consultation on this new compensation formula? That is all I really wanted to ask, just as they were on that point.

Madam Chairman: No, what they have said is that it is included in the draft that they have submitted to the CPC. So it means that it is under consideration.

Mrs. Seepersad-Bachan: But did they consult with the other members of the Law Association and receive recommendation—

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mr. Harrikissoon: Yes, the Law Association was consulted—

Mrs. Seepersad-Bachan:—and they are satisfied?

Mr. Harrikissoon:—the Judiciary was consulted because the Judiciary—remember the Judiciary has a schedule, and they have to have these matters dealt with in a period of time. So they have set aside days, but the problem is the payment aspect. It is a major problem, Madam Chairman.

Prof. Ramkissoon: Mr. Harrikissoon, we recognize the importance that legal aid has to play in our justice system and I think we need to do everything possible to address some of the problems that you are encountering. I want to come back to criminal cases because that is where I think the problem lies. From what you have said, it can cost anything beyond half a million dollars with respect to criminal cases, do you know how these problems are addressed in another jurisdiction in other countries?

Mr. Harrikissoon: Yes. In other countries you have panel of lawyers. You have to remember that Trinidad is a small country. In England and Canada you have a number of Queen's Counsel and senior lawyers who devote their time, and they are paid accordingly and are well paid. We, in Trinidad, only receive what is called a token fee and, again, it is because of the budget. What I suggested earlier, to your colleague Mr. George, was that the legislation should be amended to give the Legal Aid Director, in consultation with the hon. Minister, the opportunity to assess the amount of money, the ceiling, within which they can pay an attorney-at-law.

Remember I said earlier, these situations do not arise on a daily basis. It is just unfortunate that it arises at this occasion and we are facing that problem. But it is something the hon. Member quite rightly said that we should have plans to take into account in the future and it is something that we do not know—maybe next year we may have it or 10 years we may be without that sort of situation. So you are correct that we have to put a situation in place and we have to look at other jurisdictions and see what they are doing, but in the other jurisdictions they fund their lawyers properly and at Legal Aid we have adopted and we intend to with legislation to be brought before Parliament shortly with respect to duty council. We intend to have what is called a duty council scheme. We have a lot of plans at Legal Aid, but this time it is too limited to tell you the things that we have in stock.

At Legal Aid we proposed to train the lawyers. Now, we have very experience lawyers at the Law Association. At the Law Association there are a number of times we train lawyers. I happen to be one of the fortunate lawyers who were trained at Gray's Inn in teacher training and advocacy. I have indicated, at Legal Aid, we are prepared to train the lawyers. At Legal Aid, also, we have an outreach programme. Last year we went to Tobago and there are problems with the land situation in Tobago. We went across there and we had four lengthy sessions within two days. We appeared on the radio programme and educate the people of their rights in Tobago with respect to the land problem and they were very, very happy.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Actually, Mr. Pascal from the Tobago House of Assembly commended the Division of Legal Aid. But again, it all boils back down to the simple question, budgetary constraints. Legal Aid, in fact—I have brought up in Board Meetings—could be the best and the largest law firm in Trinidad and Tobago. There is the need to employ about 20 lawyers in Legal Aid and properly train them, they could save money in the long run by having to pay lawyers outside, \$1,500, \$2,000, \$2,500. You pay your lawyers well as Legal Aid. Let us say you pay them on an average of \$20,000 a month, but remember they are in court every day, you get the services of a retired Queen’s Counsel from England as a consultant, maybe two, and you have these lawyers on a daily basis in court, check the amount of money in the long run that Legal Aid can save and by virtue, the State. But again, you need to have the staff to do this. We have been saying it, but it is like you are talking and nothing is being done.

If Legal Aid is given the staff they can work because lawyers can do the cases. They can go outside there—and simply matters, you do not have to hire a lawyer in private chambers to pay \$15,000 or \$20,000, and at the same time the lawyers will be getting their training. But if you are paying high wages, you bind them to a contract of at least five years service. So if you have been trained by Legal Aid and you have the funds, at least they must give back something to the country.

Now, I have brought it up time and time again, if you have to send a lawyer to England to train, if you have your daughter or your son in England training, you are paying £10,000 a year for tuition fees, you are paying for accommodation, and the State is actually training you free of charge in Trinidad, why it is there is not some form of compensation? You are being trained as a lawyer in the Caribbean here, you cannot do at least one legal aid matters per term for the State? It is totally unfair. The State is funding tuition fees at Hugh Wooding Law School, at the University of the West Indies, what is the State getting in return? Should the State not get something in return? Each lawyer should do one legal aid case per term and, at the end of the year when you have to renew your practicing certificate, the Law Association is saying this, “If you do not fill out that form and show the four cases you did for the years, you will not be issued that practicing certificate”. But again, this is for the State to do. We cannot do it. We can only suggest and suggest and suggest, and what is the State doing? That is for the State to do. We cannot direct the State what to do, but there are ways and avenues of how things can be done. At the end of the day who will benefit? The twin island State of Trinidad and Tobago. At Legal Aid, we want to see it work. The lawyers on the panel are all experienced lawyers. We have the interest of the profession at heart. The Law Association is there, willing to help, but are we being given the opportunity to help? No! We are being stifled. Any suggestion for improvement is not to being taken, so what are we to do? Only do what we can do.

Dr. Browne: Thank you, Madam Chairman, and thank you so far for the clarity that you have provided. I have heard quite a bit in terms of the perspective from the lawyer’s point of view, but I have a few issues from the client’s perspective. There was mentioned of something that suggested

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

an eligibility criteria and I would like some explanation as to whether there is currently a means test being applied and some details on that.

I was really drawn to one aspect of the presentation that was shared, and is demarcated as an organizational strength we value diversity, and I just want to quote:

“Our cliental comes from persons of almost all walks of life: small means, moderate means or well-to-do and we provide advice and service to everyone whether or not they may be eligible for aid.”

That confuses me a bit and I would like some clarity on that.

Mr. Harrikissoon: When you go to Legal Aid and you meet with the lawyer, the layers does not tell you, “Okay, just get out.” You come to Legal Aid, the lawyer sits with you, hears your problem and advises you. You do not actually turn down a member of the public. It is good public relations, whether you are a wealthy person. In fact, we have a great deal of wealthy persons going to the Legal Aid Department for free consultation. They know it is free, but the reason why they go to the Legal Aid Department is because they trust the Legal Aid lawyer. They have that confidence. At least we can boast that at the Legal Aid our lawyers really work and the public has that confidence in the Legal Aid lawyers as distinct going to a private practitioner where they have to pay a big consultation fee and sometimes they do not get the advice that they deserved. That is what is really taking place at Legal Aid. That is the latter part.

Now, as to regard to the means test, that is statutory. There are provisions for that in sections 26 or so that you have to satisfy certain criterias from sections 25 and 26. It is stipulated in the Act and after the lawyer advises you, you have to fill out a form and it is processed whether you are entitled to get legal aid. Now, not everybody will see a lawyer just like that. It depends on the availability also because in some offices lawyers would go there once per week, but we have stipulated that in our format here at the major offices. Port of Spain, San Fernando, Tobago and Arima are the major offices. In Tobago, we try to have at least one lawyer, but sometimes there are two lawyers, in San Fernando one or two, it depends; and in Port of Spain you have a few more. But again, it is the amount of lawyers. Now remember you have so many people coming. On an average you have 25 or 30 people at the Legal Aid office per day.

In Port of Spain, sometimes, you have as much as 50 to 100. It is just like a Health Centre. How could one lawyer or two lawyers actually do yeoman service to actually save those people and advise them? But yet the lawyers try to make the time and do it. Remember they have a conscience and a heart, and they reach out to the people. That is what we do at Legal Aid. That is the truth. You have to face reality. We do not turn away any member of the public. Rich or poor you are welcome, but if you are rich you do not have the benefit of getting the services of a Legal Aid lawyer to represent you in court. That is the distinction. Yes, we advise you. Not because you are a wealthy person we will turn you away. We do not do that to people.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Dr. Browne: Okay. I observed that there was some delay in appointing the new members to the authority, was there any impact on aspects of services given that four or five months delay?

Mr. Harrikissoon: We at Legal Aid have tried. Remember we are the four members of the Law Association. There were restrictions with respect to payment of lawyers and appointment of lawyers too, but in the meantime the Judiciary did assist us. There was an impact, but everybody cooperates and tries to save the day at the end of the day in the national interest.

Dr. Browne: Okay. And finally on this series, has there ever been training or sensitization for parliamentarians coming from the Legal Aid Authority? You mentioned the training of lawyers and so on, I would just want to always encourage you to bear in mind, that parliamentarians and elected Members of Parliament, also have a key role. Because many of these issues that legal aid assist with also come directly to parliamentarians and I think it would be quite beneficial. As we move forward, you mentioned networking with stakeholders, to bear in mind that those are also very keen stakeholders.

Mr. Harrikissoon: We appreciate that suggestion, but sometimes to get to the parliamentarians to come to legal aid is a major problem because they are very busy. Remember they have constituents to satisfy. So it is not an easy thing to work with a parliamentary schedule and a legal aid schedule. It is a very difficult thing and we have to accept the reality of the situation. Parliamentarians too are very busy people. They are accountable to their constituents, so they have to be there; they have national issues; they have to be abroad. There are so many things parliamentarians have to do.

Madam Chairman: Can I just suggest to you that your role is to make it available. The parliamentarian's role is to determine whether that is important enough for the impact it would have on his or her constituents to take it up. So you leave the ball in Parliament's court.

Mr. Harrikissoon: That is why I was going to say that we are very proud and happy to know that Dr. Browne has made that suggestion. It is a very important suggestion. We welcome it and hope that many parliamentarians could assist. Even in areas where Legal Aid offices are the parliamentarians should take it upon themselves as an invitation from Legal Aid or without an invitation to visit the Legal Aid office. If there is an office in Siparia, the parliamentarian or the San Fernando parliamentarians from time to time should come and visit and meet with the stakeholders. It is always a pleasure to have them and we would like to know the parliamentarian—let us say the representative from San Fernando would visit the San Fernando office, and a kind word to the members of staff would boost the ego of the staff there and make them work a lot better.

Dr. Browne: Mr. Harrikissoon, I look forward to visiting the Diego Martin office in the future—
[Laughter]

Mr. Harrikissoon: The Port of Spain office—

Dr. Browne:—when you make such available.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mr. Harrikissoon: We would love to have you at the Port of Spain office. You could always offer you a cup of tea, nothing else.

Mr. Seemungal: Thank you very much. Unlike my friend from Diego Martin, I have visited the closest office which is in Arima and I must say it looks good. It is very well attended and the staff is performing very professionally in that area.

Mr. Harrikissoon: I am proud to hear that.

Mr. Seemungal: Now, my concern is this. Listening to you, there are two systems in which you have put forward during the last hour, one of which is briefing of lawyers—that is what you have currently—and the second one is hiring of lawyers within the organization and having these lawyers perform for you. Now, there are arguments from both sides. If you look at the first system of briefing lawyers, one can argue for that system whereby a person is presumed innocent until proven guilty, but on the other side of the coin one can see and one can imagine that there may be an encouragement of criminality within the system, whereby people can exploit that system itself, persons knowing that they can go out and perform criminal activities and then knowing that there are free legal services rendered to them. Now, as I say, there are two sides to the coin arguments in different ways. But I really like the second model.

The second model hiring persons and paying them well, creating now an avenue where the legal aid itself maybe assessable to all and accessible to persons without paying \$5,000 and \$6,000 per brief. When one add up these matters over a period of time, it may be seen that the cost overall maybe so exorbitant that when you hire these lawyers—because when I look at the amount of persons that you interview per year, on the average of 5,000 and 6,000 in some areas—in some areas are less—but the matters that actually reach before the court and tried and complete is an average of 500 and 700, at around \$2,000 and \$3,000 per matter, then one can see that your second model maybe well.

My question is: have you develop this second model to an extent where it has been brought to the attention of the line Minister or line Ministers in the past; or to the attention of a committee that can review it and look at it and whether or not it should be a model that we can actually operate within the law system?

Mr. Harrikissoon: It is now in the process of being formulated. It is something that is new. We have to wait on approval to appoint the lawyers, and I think that approval was recently granted. So we are in the process of interviewing people—

Mr. Seemungal: Good.

Mr. Harrikissoon:—and in due course it will be done. So it is just a question of time. These are new ideas that we have just brought into Legal Aid and we would not do it without consulting with the relevant Minister, making sure that we have the necessary approvals. Remember we have to make sure that whatever decision that we have there, we have the sanction and approval of the hon.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Minister. We just cannot go and do it just like that. We have to formulate our ideas and proposals, submit it to him, and if it meets with his approval, we are happy, if not we would try to pursue it in—

Mr. Seemungal: So in a sense, right now you are going forward with the two models because one I understand it is going before Parliament—

Mr. Harrikissoon: My friend, Ms Arneaud will direct you. She is the Secretary of Legal Aid Board. I am just a board member, so she would be able to assist you on that point and direct you.

Ms. Arneaud: Just to add to what Mr. Harrikissoon is saying, we presently have on staff nine legal officers. Five of them are actually doing full time court duty. So we are actually rolling out, beginning the whole process that Mr. Harrikissoon explained, and they attend court on a daily basis in both the Magistrates' Court and the High Court, particularly, in the Family Court Division. We have seen where it is almost like a pilot project where we are seeing the benefits of legal officers attending court, and I think if you would check the— Just to explain, the statistics you are referring to is civil. Those are civil matters before the board, so that is why there is a marked decrease in the numbers.

If you look at the fees paid over the years, you will notice that there has been a decrease, and I would like to think that the decrease is as a result of the legal officers actually starting going to court. Between 2008—2010, the fee that we have paid out to attorneys on the panel—

Mr. Seemungal: For my understanding, what is the fee that is paid to one of your lawyers to do a divorce per se?

Ms. Arneaud: When you say our lawyers, you mean—

Mr. Seemungal: The legal aid lawyers. The salaries.

Ms. Arneaud: Attorneys—

Mr. Seemungal: Without the salaries. The regular lawyers the brief lawyers, what is the cost?

Ms. Arneaud: Attorneys on the panel who do work for legal aid?

Mr. Seemungal: What is the cost to do a—

Ms. Arneaud: The average cost if we are talking about uncontested matter, will be roughly \$2,000.

Mr. Seemungal: Come back to the lawyers in-house, what is the qualification for these lawyers; the qualification for lawyers that you are looking for; and do they need to be sometime in practice?.

Ms. Arneaud: We have required at least two years practicing experience before coming into the authority. So they come into the authority with court experience.

Mr. Seemungal: Are you able to get lawyers with two years in practice?

Ms. Arneaud: I can say that based on the advertisements, we have 52 applications pending.

Mr. Seemungal: Fifty-two?

Ms. Arneaud: Yes.

Mr. Harrikissoon: But in my view, being a person trained in advocacy in England at Grey's Inn, if

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

you want to run a successful establishment, you do not already take train lawyers from outside. You take new lawyers and you train them—

Mr. Seemungal: Out of law school.

Mr. Harrikissoon:—from the beginning. And I am of that view, not two years, not even two months. As soon as they graduate from Hugh Wooding Law School and they apply, you take them and train them from day one. That is the procedure that is adopted abroad. Once you train somebody with two years outside there, they have a system, they have an attitude, and you just cannot correct. I learned from Mr. So and So and it should be so. No! You take people, I adhere to that and I think it is the international standard that what is observed in England in all these institutions. That is the policy; that is how they guide you. You take untrained people and you train them. You nurture them the way you would like them to be, and at the end of the day you have better qualified, better trained people to go out there and do the work as it should be.

Mr. Seemungal: So are you going to do over the advertisement and hire?

Mr. Harrikissoon: Well, the Chairman is the one who is responsible for that.

Mr. Seemungal: My last part of the question is based on this. Now that you are hiring lawyers and you have it in-house, there may be an avenue whereby the State can earn some money from one party, how are you dealing with profit sharing type?

Mr. Harrikissoon: Now, if the paid lawyers are able to assist, you will find that with the limited amount of money we will be able in about five years time to balance our budget. But you see, as stated earlier and the concern of the hon. Member, Mr. George, when I explained to him that the situation right now is something that we hope will not occur in Trinidad and Tobago again., this is a unique situation where 10, 12 people are charged jointly for murder and you have four or five matters like that, if the State and police service can control and better social programmes can be instituted—that is outside of the legal aid purview—and we could have situations as normally as what it is liked, my over view for the next five years is within that period of time there will be a gradual increase in the amount of money legal aid can save. Remember initially, you will have a bigger outlay to pay the lawyers, but over a period of time the charge will be showing a declining amount of money that you will be requiring if it supplies the same amount of money, the State with benefit tremendously. I stressed on that that word “tremendously” within five years time.

If we were to train our own lawyers, hopefully if I am in that panel to interview I would insist that we get new lawyers without experience. I can assure you and we can train them properly. That is what I do for proper training and if possible, with the approval of the hon. Minister, we can bring people from England, Grey’s Inn where I was trained, you get these people to come and further train us. You see, at the end of the day if you do not have a vision, you do not succeed. But if you have a vision, a plan with projection in mind, the lawyers at legal aid can be better equipped than any State department—better than DPP’s office, better than the Solicitor General’s Office.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Mrs. Seepersad-Bachan: Thank you, Madam Chairman, through you, let me also take the opportunity to thank the members before us for being this morning and to thank all those legal professionals, lawyers included, who have contributed in some way or the other to legal aid, given the harsh conditions that they are working under at this point in time. I notice that in the submission by the team, that the team did indicate that they would be looking at moving towards, and I really want to commend the Ministry of Justice for taking these strides in ensuring that we get wider coverage of legal aid and to restoring to the 24-hour service that was once there before, and you are moving to other areas such as Chaguanas, Siparia, Rio Claro, and Point Fortin.

Madam Chairman, through you, I am concerned again, given the human resource restrictions, the scarcity of resources, how are you going to be able to restore the service and in what time frame are you looking at?

Mr. Harrikissoon: That is a very difficult question to answer because it will all depend on the funding. We need additional lawyers, you have got to pay them a fair salary, you have got to train them, where are we getting the money? So we have to work with our limited resources and do our little internal training in the meantime. So if we can gradually employ about two or three lawyers and hope that the State in its wisdom can actually assist us—

Mrs. Seepersad-Bachan: It sounds like more than two or three lawyers you need. It sounds like that.

Mr. Harrikissoon: We need it, but we are looking at a conservative estimate within our limited budget. If we can try with our limited means and do that, at least we will be helping ourselves.

Mrs. Seepersad-Bachan: You see my little concern as a Member of Parliament, sitting in the Member for Parliament's office sometimes you see so many cases coming forward, and I hear what you are saying and the compensation issue is still a bit confusing to me, this is why I was asking whether or not you went out for the consultation because compensation is not just fees. Because of the training that you are going to offer, it is a benefit to the young lawyers coming into the system and they will be prepared to work hard. For the mature lawyers out there, the seasoned lawyers who may want to give that contribution, there may be other benefits that we will look at and this is why I was wondering if you had held a sort of wide consultation so that we could look at some major policy initiatives which can then be translated into the legislation. Too many times we go with an amendment or an Act and we have not really taken a proper overview, and if we understand what the policy objectives are, we can translate that into the law.

I am telling that to a lawyer, so I am sure you appreciate where I am coming from a layman—

Mr. Harrikissoon: We do appreciate it.

Mrs. Seepersad-Bachan: What I am saying therefore, I am always concerned about the domestic violence case or the divorce matter where we are talking about a husband who may be able to access

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

a legal professional at millions of dollars and here we are coming to ask for legal aid, this poor woman, looking for legal aid assistance with a lawyer who you are paying \$2,000 and \$3,000 to. Is that going to be quality representation in accordance with the law, ensuring that there is equality in the system and that there is representation for those who are most deserving of this quality representation? How do we balance that, especially some of the cases that we are seeing here today?

Mr. Harrikissoon: I can assure you, hon. Member, that you will be surprised to know that some of the lawyers who do legal aid work are very qualified and they are as good as many of the high price lawyers. You can rest assured that we have, in Trinidad, excellent young lawyers.

Mrs. Seepersad-Bachan: And I have no doubt about that, but all I am saying is, have we thought outside the box, thinking outside the box, in terms of what are some of the other benefits that we can offer apart from just remuneration, is it that you give them an approved certificate which can allow them to go on to practice elsewhere. These are just some of the issues that I am trying to raise here because I am not seeing the amendment, I am not aware of what is being proposed.

Mr. Harrikissoon: You see we have to look at our treaty situation, lawyers from Trinidad—now remember you have lawyers from England who come back and do a six-month and they do not get what is called the Legal Education Certificate (LEC) so they cannot practice in the other islands. It is only those who graduate from the Hugh Wooding Law School can practice in the other islands. But in answer to your question, and that is a very serious concern in getting more experienced lawyers to handle the middle bracket. When you address great lawyers over 10 years or 15 years, those who have 10 and 15 years do not want to work for any department, and I think the Government is facing that same problem in the Solicitor General's Department and other areas—

Mrs. Seepersad-Bachan: Exactly.

Mr. Harrikissoon:—because at that point in time they have worked 10 years, their salary is just about \$12,000 to \$15,000; the senior state counsel: is a lawyer with a family, 35 years old is going to work for that salary, when he thinks he can go and work for a corporation, let us say Petrotrin and earn \$25,000 or be a legal advisor to another State body and get \$30,000? Why stay and work in the State department? Again, you have inequality of salary, and you cannot blame an individual for going to greener pastures. We grow to accept it and face it.

Mrs. Seepersad-Bachan: That is right.

Mr. Harrikissoon: That is why we at Legal Aid are saying that look, we are giving you a good salary from the beginning we expect to come, you are trained by us, and give us at least five years of your service. So within five years, we could say we are adequately compensated and if you want to go, we will continue the training process on a yearly basis. That is our answer to your question.

Mrs. Seepersad-Bachan: Fine. So these are the things that you are going to explore, which I am glad to hear.

Mr. Harrikissoon: Again, with due respect to you, Madam, everything is subject to the hon.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Minister's discretion and decision. We cannot do it on our own, but these are the plans we can put forward for Parliament and those are the intention and we hope it is met favourably in the situation.

Mrs. Seepersad-Bachan: My last question, Madam Chairman, through you, is the means test because we see from the statistics provided there were so many deferrals and so on. I know that you say consultation was available to everyone from every strattera of our society, but is it the means test—these are some of the things as Members of Parliament we like to appreciate because sometimes we get all these case in our offices and at the end of the day we have to advise sometimes— a scientific means test, it is a subjective means test, because I hear so many people coming to my office saying, well I was refused legal, but then when you look at their situation I cannot understand why they were refused legal aid

11.10 a.m.

Mr. Harrikissoon: With due respect to you, Madam. At Legal Aid, we have devised a form and a formula. Now, investigators go out and they would speak to the individuals, they would talk to the neighbours and they would prepare that report. Now, based on that report, we will assess it. Now, when they visit their Member of Parliament's office, they come there with the hope that their Member of Parliament would intervene because Legal Aid refused them.

Mrs. Seepersad-Bachan: I have no doubt about that.

Mr. Harrikissoon: One thing I can boast about and safely say is that our investigators do an excellent job, we can commend them for doing an excellent job for years. In fact, we have been able to improve the form on a monthly basis and actually, Ms. Nancy Arneaud did draw to my attention at the last Legal Aid board meeting—in the absence of the Chairman, I chaired the board Meeting—and we are saying “look, we need to improve our system.” At Legal Aid, we improve our system on a daily basis. That is why we are the staff of Legal Aid and we can boast about it as being the best run State Board in Trinidad and Tobago because we insist that the writing is done there. And our investigators, when they go out, we trust them and if they do something, we always say refer it, go back and check, we want to know why this is so.

Mrs. Seepersad-Bachan: Okay, so you have an audit of that as well; you have an auditing process?

Mr. Harrikissoon: Yes, I should indicate to you that there is a ceiling but all these are statutes within the 7000 mark. We look at the disposable income and we look at where they live and their capital expenditure and what they own. Now, there are times when it is just a little above and again, we have the cooperation of the Hugh Wooding Law School, Legal Aid Clinic—so Ms. Rhonda De Freitas who is also a Member and the Director of that Clinic, Deputy Director I think—and we recommended that they assist and at that institution, they pay a token fee and they are assisted.

Mrs. Seepersad-Bachan: So those just above that will go to the Hugh Wooding Law School?

Mr. Harrikissoon: Yes, and again, they have that problem—sorry to cut you across—there with

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

staffing, they have a limited amount of lawyers too but there are plans afloat and we are doing more than we are supposed to do in assisting the people of Trinidad and Tobago in getting legal representation.

Mrs. Seepersad-Bachan: But I noted somewhere in your report as well, that you are looking—I do not know if that has to go into law—at increasing that disposable income?

Mr. Harikissoon: Yes, yes.

Mrs. Seepersad-Bachan: Because you recognize that, as well, that you are—in your safety net—not capturing the needy cases.

Mr. Harikissoon: That is part of the amendment that is supposed to be before you all shortly.

Mrs. Seepersad-Bachan: All right, okay. Thank you, Madam Chairman.

Mrs. Mc Intosh: Thank you Madam Chairman. Through you, firstly, I would like to commend the team of the Legal Aid and Advisory Authority for enlightening us as to the operations of the authority and the constraints under which you operate, particularly your financial constraints. We spoke about eligibility also and I am indeed, as a Member of Parliament very concerned about accessibility of Legal Aid and this is an extension of the point that we were just discussing.

Reason being, in the recent past, I have had to make representation on the part of one of my constituents who had visited your office—I would not say turned away—but was unable to be accommodated. And the constituent came to me, someone in a very low income bracket and I wrote on his behalf and as a result, the request was entertained. So I am wondering about—I do not know the process actually—whether there are clerical personnel who see these people when they first come in and I am wondering about the training of these personnel and if they really understand their role because after I wrote, the constituent did get good results.

Now, another thing I would like to raise is that I am looking through your document and I am seeing the number of clients accessing services that is in Port of Spain. I am really concerned about Port of Spain particularly being the Member of Parliament for Port of Spain North, that over the years 2007, 2008, 2009 and 2010 there was a decrease—a marked decrease I should say, very marked—in the number of clients accessing Legal Aid. And I find it hard to synchronize this with the fact that there has been rising crime particularly in a city area like Port of Spain.

So I want to know whether my constituents, I know they are falling within that row there and I want to know why it is that there is a decrease in those accessing Legal Aid. Thank you.

Ms. Arneaud: To address the first concern regarding the procedure for having access to Legal Aid, what happens is that when the applicant comes into the office, initial information is taken by a Customer Relations Officer, a form is made out and that form is passed to the Attorney. Now, the Customer Relations Officer has no input in terms of advising or indicating whether the applicant is ineligible for Legal Aid or advice. So, I am a little surprised that someone would be turned back without having access to the Legal Officer who is the person who would indicate that, “based on my

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

calculations you would not be eligible or I will give you a form and the investigator would do the final calculations.” I really cannot say why that has happened and it is certainly something that HR, I am sure will take note of because we have intentions of doing some training with regards to customer relations.

In terms of the statistics, what happens is that if you notice, you have to compare it with the other offices especially the Arima Office. So what may have happened prior to 2008 was that many people came to Port of Spain, regardless of where they lived. With the opening of the full time office in Arima, you will notice that the figures have increased in terms of Arima. We have a presence in Chaguanas and given the difficulties in accommodation, we now have to depend a great deal on our Couva Office. So again, you will see there is a drift more to Couva now. So that should explain it.

Mrs. Mc Intosh: I understand. Yes, thank you very much.

Madam Chairman: Can I just ask? I note in the documentation, in the heading “Organizational Weaknesses: ‘Restricted Organizational Structure, Low Staff Morale and Lack of Networking with Stakeholders’”. Would you amplify on these for me, particularly the Organizational Structure and Staff Morale?

Ms. Arneaud: Madam Chairman, prior to 2006, we had no HR Specialist. In the year 2000, we would have taken on many contract staff members so there was a great deal of disorganization regarding things like contracts and payments of arrears; payments of gratuity, you know, contract gratuities. And so we recognized that the post of the Secretary is the most senior day-to-day post in the establishment and the Secretary at any time could be a Legal Officer, Secretary, HR—a number of functions. So that the Authority recognizes they need to look at the organizational structure and within our strategic plan, this is one of the areas that we certainly addressing.

So that if we spread the management areas of the Authority, it allows us to become more efficient and it takes away from one person being overloaded and ending up not being very effective and efficient.

Madam Chairman: Now, where are you in that process?

Ms. Arneaud: There is a strategic plan in draft, we are at the point of converting it to the template suggested by Cabinet for submission to the Honourable Minister for his approval then it should come to Cabinet.

Madam Chairman: Okay. You have something to add?

Mr. Harrikissoon: In addition to Low Staff Morale, Madam Chairman, we had a Board Meeting just two days ago, no air-condition. Now, in the office at Oxford Street, you have everybody in a compact building; lawyers have to interview clients and they do not have an independent room, the situation is chaotic. And for years, we have been trying to get a new building. A new building was allocated and for some reason or the other, it was taken away from us. The ceiling is in a terrible condition. If a particular trade union leader were to go there, that place would have been closed

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

down and you would have chaotic results.

Unfortunately, we have been able to convince the staff at Legal Aid that there is a brighter future, there is a brighter tomorrow, we hope that things will work better but the staff can no longer continue with that. They are depressed, they are demoralized and they have reached the end. They cannot take it anymore, the situation there is terrible.

Madam Chairman: What is the brighter future that you are promising these people?

Mrs. Greaves-Smith: May I, Madam Chairman? With respect to the accommodation, the Ministry within the last month has made some representations to the Ministry of Public Administration who is the agency responsible for Government accommodation. We have actually identified some buildings and we have asked the Ministry to help us in getting these buildings for the staff of Legal Aid and Advisory.

We have also been looking at an approach from the Ministry, because we have certain kinds of agencies that are similar—we have Legal Aid and Advisory of Probation, we have Police Complaints Authority—we are looking at a structure where we can have buildings that could accommodate all the departments in one place to make it much easier for our members and our clients and it maximises all the resources. But we are working with the Ministry of Public Administration right now in terms of accessing suitable accommodation.

Madam Chairman: I am wondering, I have the impression that somewhere on the Government Campus or nearby—

Mrs. Greaves-Smith: Is that Tower D?

Madam Chairman: —there is a place assigned to the Ministry of Legal or a Legal Aid Tower or something like it?

Mrs. Greaves-Smith: There is a Legal Affairs Tower but remember Legal Aid and Advisory is no longer under Ministry of Legal Affairs.

Madam Chairman: Oh, so you all will have to wait for the Justice Tower?

Mrs. Greaves-Smith: Well, we cannot wait [*Laughter*]. Since they need to take on additional staff, they really do not have the space so we have asked them. We have identified two buildings and we are hoping that those buildings meet with the specifications laid down by the Ministry of Public Administration.

Madam Chairman: I have got to say that you are out of luck today because under normal circumstances, the Minister of Public Administration would have been here and able to give you some comfort, which we cannot on her behalf but we will certainly record it.

Mrs. Greaves-Smith: Right now we are actually working with some of the outlined areas, they are doing some work in Tobago, San Fernando. So we have recognized the need to look at the accommodation. In terms of not only present staff but including all the plans that we have to increase the staff.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Madam Chairman: And you would hope that Mr. Duke is not watching today's procedures. [Laughter] Mr. Al-Rawi and then—

Mr. Al-Rawi: Thank you, Madam Chairman. Through you, it seems to me that our discussion has crystallized the fact that the Legal Aid and Advisory Board really ought to add on one additional word to it and that is goodwill because it operates on goodwill in the most fundamental sense possible and has done so through successive Governments from 1976 onward.

Secondly, I know that you are suffering from the process of democracy, I would say that because you have had to restart in some senses. I know that space allocation for you was catered for in the Ministry of Legal Affairs and now you have got to find a new home, et cetera. So I would like to be charitable in thinking that you were receiving attention. But understandably, I think that the current Government has to have a process of catch up in its perspective because it is only fair that that is the position.

I can state that from my perspective and from those who sit to my right and in front of me, I know that there is a unified purpose amongst all Parliamentarians and I do not think that there is any division at all in wanting to get the very best purpose forward.

It is with that in mind that I wish to—and this is a long run up to my question—take a line from Dr. Browne in suggesting to you that it may be very useful for the Legal Aid Authority to consider making an approach for a resolution for the appointment of a Joint Select Committee.

11.25 a.m.

Mr. Al-Rawi: It is very rare that I suggest the use of Joint Select Committees, mainly because the Parliament is heavily overworked in its resources. I know that Members give of their very best there, but this being such a non-partisan unified perspective shared amongst all parliamentarians and in particular, the very excellent auspices of the Independent Senators. I think that, with the power that Joint Select Committees have of being able to call for resources, you would find that you would be getting one part, which can consider all of your issues, call for recommendations and also discuss the legislation by way of pre-legislative review at the same time.

Usually, the process is that you should take draft legislation, as you have done, CPC involvement, LRC, Cabinet, tabled then discussion. Then the inevitable blame game starts when one sits to debate positions. Understandably there may be bonafide reasons for that, but my suggestion for getting away from that dynamic which can slow down the result which you hope to achieve, I would suggest that you make a move. It could be done very easily by the laying of a Motion by an Independent Senator. If you want to say that you want to be truly independent, there is the auspices of Sen. Elton Prescott SC, who I am sure would take up your cause. I am not saying that no one else would take it up. I am sure the members sitting next me here would take it up, as would Opposition. The point is that you would get an immediate non-partisan approach that can help to leapfrog of springboard your process forward quickly.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

That said, I know that there is a lot that is on table. I do not consider that the issue is only the application of fees. I do not think that we will come out of the circle of discussion, until we have married a business success model with a legislative success model. Until those two are married, we are in the *circulus inextricabilis*, as you would say. That being the case, my question now is: Am I correct in assuming that the legislation which is coming now into LRC stage is considering more than just the modalities of fees?

Secondly, would it be open to the Legal Aid Committee to consider contemporary adjustments by circulating its draft legislation immediately? If you really wanted to get the best mechanism forward, make it as non-partisan as possible and take avail of the representation that you have before you today, of the forum that this provides and send out your models for discussion to stimulate the legislative discussion as quickly as possible, because you will find that there is going to be a lot when that is on the table.

Mr. Harrikissoon: Your suggestion is well accepted. This is why it is important that we do accede to your suggestion.

Bearing in fact that, remember the Law Association is a major stakeholder. Whatever is done at Legal Aid, the Law Association is always aware of what is taking place. We do circulate to all our members via email, what we intend to do, what will be done and what is being done. The lawyers do have an input. They are the ones who are the major stakeholders. Yes, there is that business.

Mr. Al-Rawi: Respectfully Mr. Harrikissoon, I am a member of the Law Association. I receive emails and I am an active person in the profession and I have never received one, and that is not an indictment on the Law Association for any one moment because I know it is vibrant. In fact we have elections this afternoon in the Law Association for the national community. But my point is that the real stakeholders, in my mind, in the new clothes that I am experiencing and the new seat that I sit in, is Ministry of Finance, Ministry of Public Administration and Ministry of Justice, et cetera. That is why I put it in the context of the business model and legislative model marriage that has to happen.

I think, even while we are waiting on the advocacy of the Law Association as a major stakeholder, I think it imperative, if you want, as an immediate solution, to get it out to the parliamentarians. I would strongly suggest, having seen how efficient properly set up Joint Select Committees can be, that committee having the power to ask the Ministry of Finance to attend, to tell us what your budgetary allocation is, what your accrual versus other accounting procedure systems are. You are going to see a dynamic system evolve quickly, if you took avail of that route.

Mr. Harrikissoon: We are indeed really grateful for the suggestion. You can rest assured that it will be acted upon. I can assure you.

Mr. Al-Rawi: Excellent.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Prof. Ramkissoon: Two very short questions. In 2009, how many applications you had for legal aid and how many were you able to accommodate? For that matter, 2010 if you have the figures for 2010. Or, they are there. Sorry about that. For the case of the viewing public, do you just want to give the numbers?

Mr. Harrikissoon: The years you are referring to are 2009—2010?

Prof. Ramkissoon: Yes.

Mr. Harrikissoon: In 2009, this is only strictly Civil High Court applications, we have 711 people applied, 580 were granted legal aid, 164 were refused and 29 were deferred for further investigation.

In 2010, 659 people applied, 490 granted, 143 refused, 21 deferred.

Prof. Ramkissoon: Thank you.

Madam Chairman: If you go back two pages, there is a statistic " most requested matters, " would these be matters that have passed through the office?

Mr. Harrikissoon: Yes.

Madam Chairman: So, then we are talking about 12,193 for 2008; 13,837 for 2009.

Mr. Harrikissoon: That is correct.

Madam Chairman: And we are probably into almost 9,000 for 2010.

Mr. Harrikissoon: Yes. If you notice the trend, when the hon. Member for San Fernando West made mention of those divorce maintenance and property matters and domestic violence, remember she spoke about the disparity; whether ordinary counsel could match a high price counsel. Look at the amount of matters. We are dealing with matrimonial matters. This is what you are seeing. Those are the most requested matters. The hon. Member for San Fernando West concerns were correct. These are the statistics to bear them out. You would observe—that is a major problem. It is really a social problem in Trinidad and Tobago. Matrimonial matters are the most requested, domestic violence and custody. That is what it is and we have to face the reality. It is so.

Mrs. Seepersad-Bachan: That is my concern as to whether they were getting quality representation, because so many of these women walk away with next to nothing. I see it every day in my constituency office. I see the men looking at me. Sorry, but no offence. A lot of the times, they have to carry children with them; very young ones. Every day I see these matters.

Mr. Harrikissoon: I can assure that—maybe we did not say it earlier—there is something called emergency certificate. This is granted at Legal Aid instantly. When someone comes in and there is an emergency, whether it is for matrimonial problems, that individual is granted an emergency certificate.

Mrs. Seepersad-Bachan: So, then I can—definitely I would be visiting the Legal Aid office in San Fernando on this matter.

Mr. Harrikissoon: You would be gladly welcomed. You would be visiting, shortly, our new office in San Fernando at Harris Street, a three storey building.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Prof. Ramkissoon: One more question to Mr. Harrikissoon. I see the fees paid in 2010 were \$1.6 million. What was the total budget for 2010?

Mr. Harrikissoon: The total budget was about \$6 million. From that we have to pay rent, staff, so you can imagine the overheads.

Prof. Ramkissoon: That is quite a bit of overheads.

Madam Chairman: What would be the budget allocated to Legal Aid, as opposed to the whole running of the office?

Mr. Harrikissoon: \$13 million.

Madam Chairman: So, that the \$6 million is specifically for fees?

Mr. Harrikissoon: No, that is an error. The amount for fees, I am told, comes out of the allocation.

Madam Chairman: Yes, but it is not a set amount.

Mr. Harrikissoon: No, there is not a set amount. Remember we would ask, let us say, for \$20 million and it would be cut down to about \$12 million/\$13 million and out of that, we have to pay our staff, pay out rent, pay our expenses and include—

Madam Chairman: Let me explain something. When we talk about not having enough money to pay fees, and we note that the total that you have actually been spending on fees has been decreasing, it is difficult to get a fix on what your real needs are for fees, and this is what we are trying to get. What sort of figure would you really need to have, in order to satisfy your demand?

Mr. Harrikissoon: From what I am being told, is it that, with the increase in fees we expect to get at least \$5 million.

Madam Chairman: That is what you would need?

Mr. Harrikissoon: That is what we need.

Madam Chairman: That is the sort of figure we are talking about. Mr. Seemungal.

Mr. Seemungal: Thank you very much Madam Chairman. I want to touch on a different aspect of legal aid. Alternate dispute resolution has been very successful all over the world in many cases. I would touch on Australia which had a 94 per cent success rate on alternate dispute resolution. Have you had any matters or many matters at all referred to alternate dispute resolution and if so what was the success rate?

Secondly, I would ask all the questions one time and you can then answer, have you had discussion with the Mediation Board, with respect to alternate dispute resolution?

Thirdly, do you have plans to train your young lawyers and your staff that you have coming in now into this system and type of—and may be the way to go forward?

Mr. Harrikissoon: In the Act, there is provision for mediation. You will know when actions are filed in court, it is only then the people come to Legal Aid and the questions for mediation or alternate dispute resolution is not the function of Legal Aid, it is the function of the particular judge. If that individual judge sees the necessity, he can do it. Remember there is a pilot project at the

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

Family Court at Nipdec House. In San Fernando and Tobago, we have the old system of the matrimonial matters. Again, I repeat, it is not the function of Legal Aid to dictate alternate dispute resolution. It is the function of the Judiciary. When the matter is before the court, it is for the judge to decide. We will recommend that there is provision for mediation for Legal Aid to recommend, but remember we cannot decide that.

Mr. Seemungal: This one is by way of sharing information. The Ministry of Legal Affairs right now is researching that whole aspect of alternate dispute resolution.

We have made tremendous strides, because there were a few committees in the 1950s and the 1940s and sometime in the 1960s set up to actually look into the Judiciary of Trinidad and Tobago and they made a lot of really good recommendations. Sadly to say, none or very few were implemented and we are now reviewing this whole system of ADR and whether or not we should bring it on par with the rest of the world in some of these small developed countries where we can really take away from the magistrate courts some of the cases that may be burdening.

I know the High Court, for instance, has started the ADR in respect of civil litigation and they have made tremendous stride with respect to that because all these pre-action protocol and pre-action hearings and pre-trial hearings is a type of ADR in itself without calling it that. It has worked. We have met with the Chief Justice some time ago and it has really helped. Maybe that is something you all can think about as well, in you legislation and leave enough room to make it flexible for ADR and alternate dispute resolution.

Mr. Harrikissoon: Your point is well noted, hon. Member. You will know that from time to time, lawyers have to pay for their training. I think it is a 50-hour course in ADR. There are some universities in Canada. Some people do it on their own. Some people go to York University. We have certain lawyers who are trained with a Masters degree in Dispute Resolution. But, in the absence of, legislation you have to bear in mind the culture of the people of Trinidad and Tobago and that culture is "I want my day in court". The people in Trinidad and Tobago prefer to have their matter dealt with in the court. They have no confidence in somebody who is mediating because they—we all accept it and we have to face reality. Trinidadians and Tobagonians likewise want a judge or a magistrate to hear their case. That is the culture of the people and unless the society is educated on mediation and dispute resolution you would have that problem and you cannot blame the people. They do not trust parliamentarians, they do not trust lawyers. They do not trust anybody and that is what you face, and we have to face the truth. They want their day in court.

Dr. Browne: On that cheerful note—Mr. Harrikissoon I just want to take up a little bit on that last point, with regard to the relevance of mediation and even before the matter would go to court. I want you and your team to bear in mind the Community Mediation Services Division with the Ministry of Social Development. I think they have made some inroads into that culture that you have been referring to. With a strong linkage in utilization of those services, more and more citizens

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

would be aware that not every dispute or contention has to go to court. That is something I would continue to encourage you to utilize and strengthen and ensure that your frontline officers have that at the top of their mind.

Bringing me to my main question; to try to better understand this service that is currently being provided and maybe the changes that you are envisioning for the future. Let us say at 8.00 p.m. this evening a mother gets a phone call that her son was detained by the police and is taken to a police station and is being questioned. Given her past experience, she might be very concerned about that and might want to have a lawyer present for that interaction. How does she interact with Legal Aid at that point, on the weekend or at night, et cetera? Is there is a hot line or someone who could at least advise her in the interim until something can take place, because very often people feel very alone and that is when, sometimes, the system can take advantage of a family, as opposed to the other way around.

Mr. Harrikissoon: With due respect hon. Member, that is one of the major projects of Legal Aid and it is termed Duty Council Scheme. Ms. Arneaud went to England two years ago and she observed the English system and we are trying to implement that system in Trinidad and Tobago. All that is part of our proposed legislative reform. We intend to have, within five minutes, a lawyer from the Legal Aid panel at that station.

Dr. Browne: What currently obtains?

Mr. Harrikissoon: What currently obtains is that there is nothing right now until, let us say Monday morning, there is an emergency certificate granted and a lawyer from Legal Aid is there, but unless we have legislative reform and the Duty Council Scheme is implemented, then and only then. It is there. We are prepared for it, subject to Parliament and financial approval.

Madam Chairman: You have mentioned this emergency certificate more than once; would you like to explain what it is, largely for the benefit of the listening public?

Mr. Harrikissoon: Okay, if someone has a parcel of land—we would look at it from two sides: criminal and civil but let us say for injunction purposes—and this gentleman here threatens to bulldoze his house, that person just has to come to Legal Aid instantly and whatever the facts, he meets a legal officer and it is accessed quickly and a certificate is granted. They call a lawyer: Are you prepared to accept this brief? That is a situation.

Madam Chairman: Thank you. Do we have any other questions?

Mr. George: I am looking at the figures for the number of matters that you have been dealing with over the period and there seems to be a bit of a fluctuation, but my question has to do with accessibility of the Legal Aid facilitate and whether you—maybe this is a subject question, therefore—are satisfied as an authority, that public out there is aware of your services, as widely as they should be aware and whether, in that regard, they avail themselves of your services?

Mr. Harrikissoon: You would surprised to know hon. Member, last year we had an outreach

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)

programme and it was part of the 30 years celebration that Legal Aid had outreach programmes to almost every community in Trinidad and Tobago. We reached out to every community and they were well informed from Mayaro. I was present in Mayaro. We had it in Toco and Tobago. Legal Aid has been doing more than its share do. It is just that we do not blow our trumpet, but we have been doing quite a lot in our limited scope. Members of the board have been doing yeoman service to Legal Aid, as well as the staff of Legal Aid. They should be complimented for what they have done over the years under the trying times and conditions.

Madam Chairman: It sounds as if we would have to make a recommendation to the Ministry of Culture to provide you with a new trumpet.

Mr. Harrikissoon: Saxophone also.

Madam Chairman: Okay. Hold it. We are not going to do the whole orchestra. If you have no more questions, I wish to thank you very sincerely, on behalf of the committee, for what has been a very educational session. We have noted a number of problems that you have, some of which you are grappling with, and we will hope that you can get positive results shortly.

We, on the other hand, will do our bit in our recommendations to see how we can assist you in going forward and achieving the results that we all want for you. Thank you very much, indeed for being here with us.

Mrs. Greaves-Smith: Madam Chairman, if I may. On behalf of the team I wish to thank the committee for having us here to share and also for some of those suggestions that we have received, in respect of how we can do some things a little better and how we probably can get what we like done a little faster. The joint select committee is a very good example. We have not thought about it at all. We thank the committee also for that sharing.

Madam Chairman: Thank you very much, indeed. It is good that we can be mutually assisting each other. Thank you.

Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)