

**FEATURE ADDRESS BY THE HONOURABLE ATTORNEY
GENERAL AT THE AWARDS AND MAGAZINE LAUNCHING
FUNCTION OF JOPATT**

at

Crowne Plaza Hotel, 17 July 2010

It is indeed an honour and pleasure this afternoon to briefly address you on the occasion of the Justice of the Peace Association of Trinidad and Tobago (JOPATT) launching of its first magazine. I would like to congratulate the Association on this monumental achievement. I wish to congratulate especially your Magazine Committee for a job well done. I join with the Executive Committee in acknowledging all those who gave of their time, effort, resources and ability to make this publication a reality. The Association was established in 1993 and, after seventeen years, this publication is long overdue. I endorse the words of your President, Mr. Daniel Bisnath that this is indeed a well-deserved occasion for celebration. I feel certain that with the pioneering and dedicated members of your Magazine Committee, this is the first of many more publications to come.

I now call on you the members of the Association to demonstrate the tenacity, fortitude, devotion and faith (to adopt the words of Mr. Rasheed Allaham, Secretary of your Magazine Committee) to ensure that this Association continues to exist and develop more effective ways of providing services to the public. Rapid globalization and the concomitant changes with our society is everywhere means that you as body have no choice but to revisit the ways in which you have grown accustomed to operating.

The Peoples' Partnership is committed to promoting a process of people-centred development to ensure a prosperous and sustainable nation. To achieve this mission, the Government has established seven development pillars, which are interconnected and which constitute the cornerstones of the Government's policy for sustainable development. One of these development pillars is good governance based on the strength of peoples' participation effected through a programme of re-enforcing existing institutions and enhancing the execution and delivery capacity of our systems and institutions. This new thinking is built on a foundation of transparency, accountability, participation and effective representation in public affairs, always bearing in mind that the people are sovereign and the government is the mere servant of the people. Public delivery systems must be restructured in order to be more responsive to the needs of the people.

The office of the JP is an ancient and honourable one, having been established in England in 1361. Like the private service bailiff, the Justice of the Peace is a long-serving functionary operating within our society and plays an important role in the administration of justice, especially in the criminal justice system. Justices of the Peace must be persons of high integrity and personal standing who are capable of carrying out, willing to carry out, and prepared to make time in which to carry out, the duties of the office. I say all of this in order to put into proper perspective the role and functions of the Justice of the Peace.

Like the government, Justices of the Peace are mere servants or agents of the people. I ask you never to lose sight of this reality. In fact, the draft

Code of Ethics for Justices of the Peace, clearly states that a JP must always remember that his appointment is not simply an honour awarded to him, but an undertaking of a civic duty for which it was an honour to be selected. Yours therefore is a very noble and honourable office. The Justice of the Peace is charged with great responsibilities and high social expectations.

Justices of the Peace are a critical component in the wider scheme of fair and equal justice through, among other things, the promotion of just, efficient and expeditious criminal trials and also through enhancing the integrity of the judicial system. You have the power to issue summonses, warrants to search or arrest, to grant bail, to take recognisances, to authenticate statements given voluntarily by persons accused of committing crime, and administering oaths. These are only some of your powers. Hence the importance of the JPs in our system of justice is beyond doubt.

Therefore, on such important public matters, and especially dealing with the challenges of crime, you can understand that my Ministry's and every citizen's hope is that Justices of the Peace would be persons with integrity and high moral calibre contributing to putting a dent to these challenges. It is my hope that JPs would continue to be more responsive to the needs of the people and conduct their affairs in a fair and accountable manner, and with the professionalism befitting such an office. Remember that to whom much responsibility is given much is expected. Indeed, the draft Code of Conduct for Justices of the Peace, stipulates, *inter alia*:

- that a JP shall exemplify high standards or integrity and honesty in the performance of his duties and responsibilities;
- a JP shall at all times be courteous, co-operative and respectful to:
 - (a) legal and judicial officers;
 - (b) police officers and other members of the Protective Services;
 - (c) any member of the Public Service; and
 - (d) the community as a whole;
- A JP by his deportment and general behaviour, in both his public and private life, shall seek to commend the respect and admiration of his colleagues and the public and shall also exemplify by such deportment the honour and dignity of the profession.

This Government is aware of the problems that have, over the years, challenged the successful operation of the Justice of the Peace in Trinidad and Tobago. Essentially, the problems experienced with JPs go back to the lack of regulation and supervision of their activities. Unfortunately, the lack of control has led to several concerns, such as that there has been abuses and misuse of power by JPs, and some of our citizens have complained that they have suffered great injustice. One of the frightening complaints levelled at JPs is that they are unaware of their functions and the manner in which those functions should be performed. There have also been court cases in which citizens have challenged the actions of JPs. There are judgements which show some JPs acted outside of the law. I note also that problems in the system include lack of administrative support and a cohesive governance structure; a weak process for appointing and monitoring JPs; and intimidation of JPs by the family and friends of the accused/defendant. This cannot be allowed to persist.

All is however not lost as the Ministry of the Attorney General has been on a continuous trend of finds ways of transforming and improving the system within which JPs operate. In 1997, a Handbook for the Justices of the Peace was prepared by the Ministry of the Attorney General. Since then and over the years, there has been continuous dialogue between the Ministry and the Association. In fact, as the result of all those meetings and the issues arising, the Ministry, in 2008, engaged a consultant to treat with the Justice of the Peace. The consultant report in September 2008, and recommended, *inter alia*, the establishment by Cabinet of a Standing Committee to deal with appointment, training, removal, monitoring, etc., of JPs. In November 2008, Cabinet agreed to the establishment of the Standing Committee, for two years, to undertake the transformation process. The Committee would be comprised of persons from the Ministry of the Attorney General, the Judiciary, the DPP, the Ministry of Legal Affairs, Local Government, Social Development, the Police Service, the Prison Service and JOPATT.

The terms of reference of the Committee are to -

- Oversee the process of appointment of JPs, including medical fitness tests, the conduct of interviews, training and the holding of examinations, and make recommendations to the Attorney General for the appointment and removal of JPs;
- Receive complaints from members of the public against JPs and provide recommendations for resolution of such complaints;
- Review the relevance of the role and functions of JPs;
- Review and examine the deficiencies of the bail process as it pertains to JPs and make appropriate recommendations;

- Monitor the performance of JPs; and
- Determine the relevance and usefulness of the Justice of the Peace System to the criminal justice system and make appropriate recommendations.

The Government has also agreed that the stipend payable to JPs will be increased from \$300 to \$1000. Further you will be reimbursed for travel and meal expenses during the performance of your duties, up to and exceeding the sum of \$1,500.00 per month, in accordance with existing Public Service guidelines. This is a matter that the Standing Committee would be looking into this when it convenes and you would be accordingly advised.

This Government intends to take a critical review of all these recommendations with a view to enhancing the system within which you as JPs operate.

The publication of a magazine by the Justice of the Peace Association of Trinidad and Tobago, which includes references to the law, the Justices of the Peace system, activities of the Association and other feature contributions, has no doubt put valuable information into the public domain. I am sure that I express the equal hope of the members of the Association that this initiative will not run aground and die a natural death. I feel sure that this magazine will go a long way to uplifting the standards of the office of the JP. It is important that high standards are cultivated and maintained by every JP so as to enable each one of you to carry out your duties with the high degree of dignity and professionalism expected of every JP. I am confident that the expectation of the public that JPs would continue to strive

for higher professional standards in the performance of their duties is well-founded.

In closing, I look forward to strengthening collaboration with the Justice of the Peace Association of Trinidad and Tobago and the Ministry of the Attorney General. I also take this opportunity to congratulate your Association on its success and express my best wishes for your continued success. Thank you.

MINISTRY OF THE ATTORNEY GENERAL