

If I want to obtain free legal advice with my matter, who can I contact?

To date the environmental disputes at the Commission do not attract legal aid.

If I decide to go ahead with an action in the Environmental Commission, what will it cost me?

There are no filing fees for lodging an appeal or any action at the Commission.

The Commission has the power to award costs in a matter to the successful party in relation to the whole of the proceedings before it or any part thereof (section 86 (4) of the Environmental Management Act). The award of costs is in the discretion of the Commission.

What forms will I need to fill out if I go ahead with an action, and where can I get them from?

The Environmental Commission has put together a number of court information forms, which can be accessed on the Commission's website www.ttenvironmentalcommission.org in Schedule 1 of its Rules of Practice and Procedure, or a copy of the Rules can be obtained from the Government Printer. If you are unable to determine the relevant court information form to your situation you may contact the Commission Registry Office.



Can I come in and have a look at a typical hearing at the Environmental Commission?

Yes. All hearings at the Environmental Commission are open to the public. However, if an issue arises as to the confidentiality of any evidence about to be deduced, the Presiding Commissioner may ask that the court be cleared.

Where will my hearing take place?

Hearing of matters will normally take place at the Environmental Commission's court room on the First Floor of the E. F. "Telly" Paul Building, Corner of St. Vincent and New Streets, Port of Spain, Trinidad. However, if a matter of necessity needs to be adjudicated upon in Tobago or any other part of Trinidad the parties will be informed of the place and times of hearing.

Are there other resources available for me to do my own research and preparation?

Yes. Please visit the Commission's website at www.ttenvironmentalcommission.org where you will have access to the Commission's information brochures:

- A Guide to the Environmental Commission;
- A Guide to Applications for Deferment of Decisions by the Environmental Management Authority;
- A Guide to Appeals against Decisions of the Environmental Management Authority;
- A Guide to Instituting Civil Actions (Direct Private Party Actions) against Other Persons for Violation of Environmental Requirements;
- A Guide to Hearings arising under the Environmental Management Act and Subsidiary Legislation made thereunder;
- A Guide to Mediation at the Environmental Commission.

Annual Reports;
Speeches and Papers;
The Environmental Commission Rules of Practice and Procedure, 2001;
Judgments;
Legislation invoking the jurisdiction of the Environmental Commission.

Most of this information can also be obtained from the Registry Office of the Environmental Commission.

Parties may consult an attorney-at-law before proceeding with any litigation before the Environmental Commission.

THIS BROCHURE IS NOT A SUBSTITUTE FOR INDIVIDUAL PROFESSIONAL ADVICE. THE ENVIRONMENTAL COMMISSION HAS PREPARED THIS DOCUMENT MERELY AS A GUIDE.

TO CONTACT THE ENVIRONMENTAL COMMISSION:



E. F. 'Telly' Paul Building
Corner of St Vincent and New Streets
Port of Spain, Trinidad, West Indies
Tel: (868) 625 7353; 627 9186/3432
Fax: (868) 627 0871
Email: environcommission@tstt.net.tt
www.ttenvironmentalcommission.org

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FREQUENTLY ASKED QUESTIONS ABOUT THE ENVIRONMENTAL COMMISSION



ROGER NECKLES

Frequently Asked Questions

Am I entitled to appear at the Environmental Commission without an attorney-at-law?

A person who is entitled to appear before the Commission may appear in person, or be represented by an attorney-at-law, or by an agent acting on his behalf (Rule 11.2 of the Environmental Commission Rules of Practice and Procedure, 2001). It should be noted that unrepresented litigants will be treated with courtesy and compassion, and will be advised of the whole range of their rights and of the appropriate alternative courses of action open to them. However, this is balanced with the duty of the court to act judicially and be conscious of the fact that undue interference in the manner in which a party conducts his case may be counter-productive. The neutrality of the judicial role in the adversarial system restricts the assistance, which a member of the Commission can properly give to the litigant who appears in person.



What can the Environmental Commission registry office staff help me with?

We will be happy to help you if we can. However, there are some things which we cannot help you with since we are required to be fair to everyone and not take sides.

This is a list of some things the Commission's staff can and cannot do for you.

We can:

- explain and answer questions about how the Commission works;
- give you general information about court rules, procedures and practices;
- provide court lists and information about how to get a case listed;
- give you information about your case file;
- give you samples of court forms that are available;
- answer questions about where to access the Commission's decisions.

We cannot:

- tell you whether or not you should bring your case to the Commission;
- tell you what words to use in your court papers. However, we will check your papers for completeness, for example, we check for signatures, correct case number, hearing details and parties;
- tell you what to say in court;
- give you an opinion about what will happen if you bring your case to the Commission;
- talk to the Chairman, Deputy Chairman or a Commissioner for you;
- let you talk to the Chairman, Deputy Chairman or a Commissioner outside of the Commission;
- change an order signed by the Chairman or Presiding member of the Commission.

How do I contact the Environmental Commission's Registry Office?

By telephone: (868) 625-7353; 627-9186/3432

By Fax: (868) 627-0871

Email: environcommission@tstt.net.tt

info@environmentalcommission.org

Does the Environmental Commission offer assistance to persons who are physically disabled?

The Commission's Registry is located on the ground floor of the E.F. "Telly" Paul Building, Corner St. Vincent and New Streets, Port of Spain, Trinidad. Wheel chair access is at the side of the building. The Commission's court room is located on the first floor of the building and can be accessed by stairs or an elevator.

Can I get the assistance of an interpreter to help me with my matter?

The Commission does not offer interpreter services.

What sort of disputes does the Environmental Commission deal with?

The Environmental Management Act, 2000 gives the Commission power to determine environmental disputes. The Environmental Commission is a superior court of record and in addition to the jurisdiction and powers conferred on it by the Act, it has all the powers inherent in such a court (section 81 (3) of the Environmental Management Act, 2000). The Commission comprises a Chairman and Deputy Chairman who are both attorneys at law and four Commissioners who have relevant knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences (section 82 of the Environmental Management Act, 2000). The Commission hears:

- appeals from decisions or actions of the Environmental Management Authority (EMA) as specifically authorized under the EM Act;
- applications for deferment of decisions by the EMA to undertake certain emergency response activities (under section 25 of the EM Act);

- applications for deferment of designations by the EMA of "environmentally sensitive species" or "environmentally sensitive areas" (under section 41 of the EM Act);
- applications by the EMA for the enforcement of any Consent Agreement or any final Administrative Order (under Section 67 of the EM Act);
- administrative civil assessments (under section 66 of the EM Act);
- appeals from the designation by the EMA of "environmentally sensitive areas" or "environmentally sensitive species" (under section 41 of the EM Act);
- appeals from a decision of the EMA under section 36 of the EM Act to refuse to issue a certificate of environmental clearance or to grant such a certificate with conditions;
- appeals from any determination by the EMA to disclose information or materials claimed as a trade secret or confidential business information (under section 23(3) of the EM Act);
- complaints brought by persons pursuant to section 69 of the EM Act, otherwise known as Direct Private Party Actions;
- an appeal against an Administrative Order issued by the EMA (under section 65(2)(a) under the EM Act);
- an appeal where the EMA has failed to comply with the requirement for public participation (under section 28 of the EM Act);
- an appeal against a decision of the EMA to reject a claim under the Certificate of Environmental Clearance Rules, 2001 that information supplied in an application is a trade secret or confidential business information and should be excluded from the National Register of Certificates of Environmental Clearance;
- an appeal against a decision of the EMA under the Noise Pollution Control Rules, 2001 to:
 - refuse to grant a variation;
 - refuse to transfer a variation;
 - refuse to renew a variation;
 - revoke a variation;
 - impose any conditions of a variation; or
 - reject a claim that information supplied in an application is a trade secret or confidential business information and should be excluded from the Noise Variation Register.
- Such other matters as may be prescribed by or arise under the EM Act or any other written law where jurisdiction in the Commission is specifically provided for.

For some disputes, parties may use expert witnesses when presenting their cases. There are guidelines issued by the Commission in its Rules of Practice and Procedure that guide parties on specific court practice and procedure. These rules can be obtained at the Government Printer, Victoria Avenue, Port of Spain Trinidad, or can be accessed on the Commission's website, www.ttenvironmentalcommission.org