

TWELFTH REPORT OF THE SALARIES REVIEW COMMISSION

The President of the Republic, by letter dated 11th December, 1987, requested a report from the Salaries Review Commission on salaries and other conditions of service to be applicable to the Chairman and Members of the Integrity Commission, the request being in accordance with Section 141 (1) of the Constitution, Ch. 1:01 which stipulates that the Salaries Review Commission shall “from time to time with the approval of the President review the salaries and other conditions of service of the holders of offices which fall within the purview of the Salaries Review Commission. Section 141(2) provides that the report of the Salaries Review Commission “shall be submitted to the Prime Minister for presentation to the Cabinet and shall be laid as soon as possible thereafter on the table of each House.”

2. The Salaries Review Commission has noted that the Integrity in Public Life Act, 1987 states at Section 6(3) that the Chairman, Deputy Chairman and other members of the Integrity Commission “shall receive such remuneration as shall be determined by the Salaries Review Commission”. On the other hand, Section 141 of the Constitution of Trinidad and Tobago Chapter 1:01 provides otherwise. The Salaries Review Commission has always construed its function under the Constitution as “advisory” and has accordingly so acted in all referrals to it. It would appear therefore that the Integrity in Public Life Act purports to vest in the Salaries Review Commission for the purposes of this Act power and authority contrary to the Constitution.

3. In considering what would be a just and reasonable salary to be paid to the Chairman, Deputy Chairman and Members of the Integrity Commission, the Salaries Review Commission, held discussion with Mr. Justice George Collymore to ascertain more clearly the functions and responsibilities of the Integrity Commission, the scope of its authority and the level and role of administrative support staff. Further, consideration was also given to the provisions of Integrity Commissions and similar bodies in other Commonwealth countries as well as remuneration arrangements provided and also the functions and responsibilities of other local Commissions and Boards.

4. With respect to the functions of the Integrity Commission, Section 8 of the Integrity in Public Life Act states that the Commission shall :-

- “ (a) receive, examine and retain all declarations filed with it under this Act;
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of the declaration filed under this Act;
- (c) perform such other functions it is required by this Act to perform.”

5. Accordingly, it will be seen that the functions of the Integrity Commission would be to obtain declarations from persons who fall within the ambit of the Commission and to ensure the accuracy thereof. However, the Commission is not empowered to investigate declarations save as provided for in Section 23 (1) of the Act which states that: -

Where the Commission considers it necessary or expedient to enquire into the accuracy or fullness of a declaration filed with it, the Commission may, under subsection (2) advise the President to establish a tribunal for the purpose.

6. With regard to other Integrity Commissions, the most relevant example is to be found in Jamaica where the functions of the Jamaica Integrity Commission are basically similar to those of the local Integrity Commission, save that the Jamaica Act applies only to parliamentarians. However, Jamaica's Integrity Commission unlike our Commission, is empowered to conduct investigations on its own initiative. Moreover, the Auditor General of Jamaica is also a member of the Integrity Commission.

7. Based on our deliberations, the Salaries Review Commission concluded that the Integrity Commission would be performing primarily a monitoring function rather than an inquisitorial one. Where, however the Integrity Commission considers on the evidence before it that it is expedient to enquire into the accuracy of any declaration, the onus would be on the Integrity Commission to make out a case for the establishment of a tribunal by the President, as provided for in section 23 of the Integrity in Public Life Act, 1987.

8. With regard to the persons who fall within the ambit of the Integrity Commission, the First Schedule of the Act specifies the following: -

1. Members of the House of Representatives
2. Ministers of Government
3. Parliamentary Secretaries
4. Permanent Secretaries
5. Chief Technical Officers.

At the present time approximately 70 persons would be required to file declaration with the Integrity Commission.

9. The Salaries Review Commission has noted that a public officer at the highest level, that is, Permanent Secretary, has been assigned to perform the duties of Secretary to the Integrity Commission and as such, it was assumed that this officer would discharge the day-to-day administrative responsibilities which would devolve on the Commission.

10. Having regard to the authority conferred upon the Integrity Commission, its responsibilities, duties and consequent work load, and taking into account the remuneration payable to Chairmen and members of other local Commissions as well as other relevant factors, the Salaries Review Commission recommends that the following terms and conditions of employment be applicable to the Chairman, Deputy Chairman and Member of the Integrity Commission: -

CHAIRMAN

Salary - \$5,000 per month.

Transport - (i) a maximum loan of \$25,000 to facilitate the purchase of a motor car with exemption from Motor Vehicle Tax limited to the amount associated with the maximum loan;

- (ii) a loan to cover the cost of Motor Vehicle Insurance premium;
- (iii) a Chauffeur Allowance equivalent to the minimum salary Chauffeur I in the Public Service;
- (iv) a Commuted Travelling Allowance of \$525 per month.

Subsistence- When travelling beyond a radius of 10 miles from official headquarters, the office holder to be paid a Subsistence Allowance of \$50 per day.

DEPUTY CHAIRMAN

Salary - \$2,640 per month

Travelling Allowance - \$175 per month

Subsistence - When travelling beyond a radius of 10 miles from official headquarters, the office holder to be paid a Subsistence Allowance of \$50 per day.

MEMBER

Salary - \$1,980 per month

Travelling Allowance - \$175 per month

Subsistence: When travelling beyond a radius of 10 miles from official headquarters, the office holder to be paid a Subsistence Allowance of \$50 per day.

Dated this 22nd day of April, 1988.

.....
Leonard Williams(Chairman)

.....
Rowell Debysingh

.....
Clive Forgenie

.....
Kenneth Lalla

.....
Michael Namsoo