

**FIFTY-EIGHTH REPORT**

**OF THE**

**SALARIES REVIEW COMMISSION**

**OF THE**

**REPUBLIC OF TRINIDAD AND TOBAGO**

*June 26, 2000.*

## **FIFTY- EIGHTH REPORT OF THE SALARIES REVIEW COMMISSION**

### **Review of the terms and conditions of service of the office of Registrar, Environmental Commission**

By letter dated March 14, 2000, the President of the Republic of Trinidad and Tobago conveyed his approval for a review of the salary and other terms and conditions of service of the office of Registrar, Environmental Commission. This office was placed within the purview of the Salaries Review Commission by virtue of Legal Notice No. 33 dated February 8, 2000.

2. In considering the matter, we held discussions with the Senior Planning Officer, Ministry of the Environment, in an effort to fully understand the duties and responsibilities of the Registrar as well as the functions of the Environmental Commission.
3. The Environmental Management Act, No. 3 of 2000, which repealed and re-enacted the Environmental Management Act, 1995, provides for the management of the environment through the establishment and operation of an Environmental Management Authority, an Environmental Trust Fund and an Environmental Commission. Under the Act, the Environmental Management Authority is a body corporate, empowered to co-ordinate, facilitate and oversee execution of the national environmental strategy and programmes, to promote public awareness of environmental concerns and to establish an effective regulatory regime which would protect, enhance and conserve the environment.
4. The Environmental Commission is a tribunal which is intended to provide checks and balances on the power of the Environmental Management Authority. According to the provisions of the Act, the Commission is a superior court of record, which possesses all the powers inherent in such a court. The Act also confers on the Commission the power to enforce its own orders and judgements and the same power to punish contempts as bestowed on the High Court of Justice.
5. Among the many matters which the Environmental Commission has jurisdiction to hear and determine are the following:-
  - (a) appeals from decisions or actions of the Authority;
  - (b) applications for deferment of decisions made either where the Authority believes that a release, or threat of release of a pollutant or hazardous substance, is a threat to human health or the environment or where the Authority designates an area as being "environmentally sensitive";

- (c) administrative civil assessments of:
- (i) compensation for actual costs incurred by the Authority in responding to environmental conditions;
  - (ii) compensation for damage to the environment; and
  - (iii) damages for any economic benefit or savings accruing to a person through failure to comply with environmental requirements;
- (d) appeals against the designation of “environmentally sensitive areas” or “environmentally sensitive species” by the Authority;
- (e) appeals from a decision by the Authority to refuse to issue a Certificate of Environmental Clearance to persons who wish to proceed with any activity, such as construction, process or works, which has been declared by the responsible Minister as requiring such a Certificate;
- (f) complaints brought by private individuals against others for alleged violation of environmental requirements relating to, among other things, the release of pollutants; performance standards and other requirements for the handling of hazardous substances; and the provision of timely and accurate notification of the accidental or unauthorized release of pollutants.

### **Registrar, Environmental Commission**

6. We have noted that the Registrar, Environmental Commission is the administrator of that Commission and is responsible for the management and control of the Court’s registry. Further, the holder of the office is required to manage a complement of seventeen (17) persons comprising technical, administrative, secretarial, clerical and manipulative staff. The main duties and responsibilities of the Registrar include:-

#### **Judicial**

- Taxing costs;
- Considering applications for subpoena and granting same.

#### **Legal**

- Preparing Court lists;
- Signing and issuing notices and summonses;
- Being custodian of the Court Seal;

- Drawing up orders for the Court;
- Advising parties on procedures regarding application for adjournment; and
- Advising on procedures for referral of matters.

#### **Administrative**

- Keeping and maintaining registers of all proceedings before the Court;
- Organizing, planning, directing and controlling the support services of the Court.

7. We have been advised that the educational qualifications and experience required for the office of Registrar are a Certificate of Admission to practise as an Attorney-at-Law in Trinidad and Tobago and at least five (5) years professional experience in the functions of the Civil Court.

8. We sought to compare the proposed functions and responsibilities of the office of Registrar, Environmental Commission, with those of Registrars of other superior courts of record, for example, the Registrar, Industrial Court and Registrar, Tax Appeal Board, which offices are in Group IV of the Judicial and Legal Service. We observed that like these two Registrars, the Registrar, Environmental Commission is the administrative head of his agency and has comparable judicial and legal functions. However, while both the Registrar, Industrial Court and the Registrar, Tax Appeal Board, are required to perform the functions of accounting officer, there is no clear evidence at this time that such a responsibility is required of the Registrar, Environmental Commission.

9. On the basis of the specified duties and responsibilities of and the qualification requirements for the office of Registrar, Environmental Commission, we recommend that this office be placed in Group V of the Judicial and Legal Service. In making this recommendation, we are informed that steps are being taken to have a Job Evaluation exercise conducted in the Judicial and Legal Service in the fiscal year 2000/2001, by which time the Environmental Commission should be fully operational, thereby enabling the full scope and functions of the office of Registrar to be assessed and facilitating a proper comparison with similar offices. This exercise is in keeping with our recommendation in the Fifty-second Report of the Salaries Review Commission and repeated in our Fifty-seventh Report. We anticipate that on completion of this exercise, many of the classification issues and concerns that have been brought to our attention would be addressed satisfactorily.

10. The recommended remuneration package for the Registrar, Environmental Commission is as follows:-

### Group V

Salary (per month)

\$7,450 x 150 – 7,750

Transport Facilities:

- (i) A maximum loan of \$75,000 currently at a rate of interest of 6% per annum repayable over a period of six (6) years to facilitate the purchase of either:-
  - (a) a locally assembled or imported motor vehicle with exemption from Motor Vehicle Tax limited to the amount payable on a vehicle with an engine capacity of 1799cc and exemption from Value Added Tax limited to the amount payable on a vehicle costing \$75,000; or
  - (b) a locally assembled vehicle using foreign parts or a completely built-up foreign used vehicle with an exemption of a maximum of \$7,196 from Special Registration Fee or Special Motor Vehicles Tax (whichever is applicable) and a maximum exemption of \$11,250 from Value Added Tax.
- (ii) A loan to cover the cost of Motor Vehicle Insurance premium.
- (iii) A maximum loan of \$10,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.
- (iv) A Commuted Travelling Allowance of \$900 per month.

Subsistence Allowance

\$40 per day when travelling beyond a radius of sixteen (16) kilometres from official headquarters and when in Tobago, \$50 per day.

Vacation Leave

1 – 10 years service - 28 working days per annum

Over 10 years service - 35 working days per annum

Medical Benefits

Entitlement without charge to pathological examinations and physiological treatment and to all incidental services at any hospital or other State institution or with approval, to be paid the cost of such treatment at any other institution in Trinidad and Tobago.

Pension/Gratuity

Entitlement to pension benefits in accordance with the provisions of the Pensions Act, Chapter 23:52.

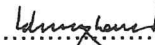
11. We note that officers currently remunerated in Group V are eligible for an interim allowance of \$3,500 per month and that as a consequence such a sum would become payable to the Registrar, Environmental Commission.

12. We recommend that the effective date of implementation of the remuneration package should be the date on which the incumbent assumes duty.

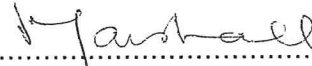
Dated this.....<sup>26~~th~~</sup>.....day of June, 2000.



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Professor George M. Richards



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Edward Collier

  
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Keith Ortiz

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Joyce Marshall

Dated this.....<sup>9<sup>th</sup></sup>.....day of November, 1999.



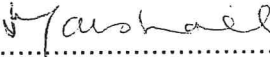
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Professor George M. Richards  
(Chairman)



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Edward Collier



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Keith Ortiz



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Joyce Marshall