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**FIFTY-NINTH REPORT**

**OF THE**

**SALARIES REVIEW COMMISSION**

**OF THE**

**REPUBLIC OF TRINIDAD AND TOBAGO**

*June 26, 2000.*

# FIFTY-NINTH REPORT OF THE SALARIES REVIEW COMMISSION

## Review of the terms and conditions of service of the offices of Commission Secretary and Law Reform Officer, Law Commission

The President of the Republic of Trinidad and Tobago by letter dated March 14, 2000 conveyed his approval for a review by the Salaries Review Commission (SRC) of the salaries and other terms and conditions of service of the offices of Commission Secretary and Law Reform Officer, Law Commission.

2. The office of Commission Secretary which was formerly designated Secretary, Law Commission, is already within the purview of the SRC. The office of Law Reform Officer, which was recently created, was brought under the purview of the SRC by virtue of Legal Notice No. 20 dated January 25, 2000.

3. In our deliberations on the matter, we held discussions with the Chairman, Law Commission who assisted in clarifying a number of queries.

4. Under the provisions of the Law Commission Act, Chap. 3:04, the Commission is charged with the responsibility of keeping under review all the law applicable to Trinidad and Tobago with a view to its systematic development and reform. The Commission is also required to address the modification of any branch of the law, as far as practicable, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally the simplification and modernization of the law. In this context, we have been advised that the Commission is recognized as a primary agent for change and social reform in the society and also plays a key supportive role to the Executive and Legislative arms of the State.

5. The Law Commission has been called upon increasingly not only to meet the demands of the Government's law reform agenda but also to keep abreast of the globalization of the law. Additionally, the work of the Commission has been influenced by the emphasis being placed on making justice accessible to the general public. As a consequence, there has been a need to restructure the establishment of the Commission in such a manner as to enable it to fulfill its statutory mandate.

### COMMISSION SECRETARY

6. The office of Commission Secretary (listed under its former designation Secretary, Law Commission) is currently classified in Group IV of the Judicial and Legal Service.

7. The Commission Secretary serves as Secretary to the Board of Commissioners and also functions as the administrative head of the Law

Commission. Originally, the main duties and responsibilities of the Commission Secretary were as follows:-

- Collating and circulating comments and proposals for law reform to members of the Law Commission;
- Preparing working papers setting out proposals for changes in the law and circulating same to interested parties and bodies for comments;
- Drafting of legislation relevant to law reform;
- Monitoring and supervising the direction of research projects;
- Providing legal secretarial services for Committees enquiring into any aspect relating to law reform;
- Planning, organizing and supervising all activities of legal officers, as well as clerical, secretarial and manipulative personnel;
- Administering and supervising ancillary services, the registry and accounting activities.

Over time, duties have been added to the office of Commission Secretary. These include:-

- Attending sittings of Parliament as an advisor to the Attorney General on Bills drafted by the Law Commission;
- Representing the Law Commission at meetings of various committees, including the Legislation Review Committee and the Legislation and Parliamentary Committee;
- Consulting with other bodies on matters related to Law Reform.

8. With respect to the educational qualifications and experience required for the office of Commission Secretary, the office holder must possess a Certificate of Admission to practise as an Attorney-at-Law in Trinidad and Tobago and have considerable experience, that is, between five to eight years, in legal drafting.

#### LAW REFORM OFFICER

9. The office of Law Reform Officer was created to address the situation of staffing deficiencies at the senior levels of the Law Commission by providing a level between the top office of Commission Secretary and the offices of Senior Legal Research Officer and Senior Parliamentary Counsel.

10. It is our understanding that the Law Reform Officer will have overall responsibility for the general conduct of large law reform projects involving in-depth research and consultation. The office holder is expected to assist the Commission Secretary in the performance of his/her duties and in the

organization and supervision of the work of subordinates. Among the principal duties and responsibilities of the Law Reform Officer are the following:-

- Preparing comprehensive reports relating to areas of the law in need of reform;
- Preparing drafting briefs and draft Bills;
- Providing advice on complex issues relating to the law;
- Initiating research programmes; and
- Devising strategies for promoting more creative law reform.

11. We note, with regard to qualifications and experience, that the Law Reform Officer is required to possess a Certificate of Admission to practise as an Attorney-at-Law in Trinidad and Tobago and to have considerable experience in legislative drafting and legal research.

### RECOMMENDATIONS

12. In undertaking this review of the remuneration arrangements for the offices of Commission Secretary and Law Reform Officer, we have recognized that additional duties and responsibilities have been added to the portfolio of the Commission Secretary over time. Taking this into account, we are of the view that the duties and responsibilities now attaching to the office of Commission Secretary bear favourable comparison with those attaching to the offices in Group III of the Judicial and Legal Service.

13. In the case of the office of Law Reform Officer, we have noted that the incumbent, in carrying out the duties and responsibilities of the office, is expected to function at a level which falls between the office of Commission Secretary and the offices of Senior Legal Research Officer and Senior Parliamentary Counsel which are classified in Group V. We therefore recommend that the office of Law Reform Officer be classified in Group IV.

14. Accordingly, we recommend that the remuneration packages which should be provided to the offices of Commission Secretary and Law Reform Officer should be those applicable to offices in Groups III and IV, respectively, of the Judicial and Legal Service as follows:-

<u>Salary</u>	<u>\$ per month</u>
Commission Secretary (Group III)	8,900
Law Reform Officer (Group IV)	7,950x150 - 8,400

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

- \$40.00 per day when travelling beyond a radius of sixteen (16) kilometres from official headquarters and when in Tobago, \$50.00 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 - Eligibility for superannuation benefits under the Pensions Act, Chap. 23:52.

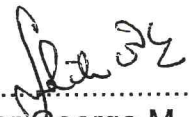
15. We note that officers currently remunerated in Groups III and IV are eligible for an interim allowance of \$3,500 per month and as a consequence, this sum will become payable to the Commission Secretary and the Law Reform Officer.

16. With regard to the eligibility for superannuation benefits, we have been advised that the necessary administrative steps are being taken by the Ministry of the Attorney General and Legal Affairs to ensure that this benefit which applied to the office of Secretary, Law Commission will also apply to the redesignated office of Commission Secretary.

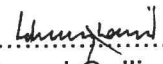
17. We recommend that the effective date of implementation of the revised remuneration package for the office of Commission Secretary should be August 1, 2000. The remuneration package for the office of Law Reform Officer should take effect from the date on which the incumbent assumes duty.

18. In our Fifty-second Report we had expressed our concern about reviewing terms and conditions of service of various office holders in isolation having regard to the structured relationships which exist within the entire group of offices within our purview. This position is even more significant for offices in the Judicial and Legal Service. We have been advised that steps are being taken to have a Job Evaluation exercise conducted in respect of offices in the Judicial and Legal Service during the fiscal year 2000/2001. Pending the completion of that exercise, we recommend that, as far as possible, the reclassification of existing offices on an individual basis should be avoided since this disturbs existing relativities and inevitably leads to further requests for the reclassification of individual offices.

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



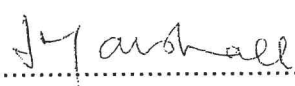
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Professor George M. Richards



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