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SIXTY-SECOND REPORT

OF THE

SALARIES REVIEW COMMISSION

OF THE

REPUBLIC OF TRINIDAD AND TOBAGO

August 21, 2011.

SIXTY-SECOND REPORT OF THE SALARIES REVIEW COMMISSION

Review of the Terms and Conditions of Service of the office of Chairman, Law Revision Commission

The President of the Republic of Trinidad and Tobago, by letter dated February 19, 2001, conveyed his approval for a determination by the Salaries Review Commission (SRC) of the salary and other conditions of service of the office of Chairman, Law Revision Commission. This office was placed within the purview of the SRC by virtue of Legal Notice No. 12 dated January 15, 2001.

2. In considering this matter, we took cognisance of the role and function of the Law Revision Commission as established in statute as well as the recent legislative amendment which gave the Law Revision Commission its own identity. We also held discussions with the Chairman of that Commission, to enable us to obtain further insight into the scope of the duties and responsibilities of his office.

Background

3. The Law Revision Commission was established under the Law Revision Act, Chap. 3:03. The Law Reform (Miscellaneous Amendments) Act, 2000 repealed Section 3 of the Law Revision Act to provide for a Commission which consists of:

- (a) a Chairman;
- (b) the Chairman, Law Commission; and
- (c) such other legal officers as the President may appoint.

4. We note that in the past, the work of the Law Revision Commission was subsumed in the work of the Law Commission. As such, the Chairman of the Law Commission had ultimate responsibility for both Commissions. Over time, the volume of work of the Law Commission increased significantly due to the overwhelming demand for legislative reform and the simultaneous need for revision of the existing laws. In 1999, Cabinet took a decision to establish a Law Revision Commission Department in the Ministry of the Attorney General and Legal Affairs as a separate entity from that of the Law Commission (now called the Law Reform Commission Department by virtue of the Law Reform (Miscellaneous Amendments) Act, 2000).

Role and Function of the Law Revision Commission

5. Under the Law Revision Act, the Law Revision Commission is required to prepare, publish and maintain a revised edition of the written laws of Trinidad and Tobago. The Commission's primary function is to revise the laws by including all amendments which have been made in order to reflect the existing status of those laws at any given time, in such a way as to effectively serve the needs of Parliament, the courts, the legal profession and the public in general. In the course of revising the laws, the Commission is required to exercise a great degree of skill to ensure that the true meaning and intent of those laws are conveyed.

Role and Function of the Chairman, Law Revision Commission

6. The Chairman, Law Revision Commission who is the head of the Commission is responsible for the day-to-day management and administration of the Law Revision Commission Department. We have been informed that the Department is in the process of being provided with staff and the Chairman will have direct responsibility for the supervision of a complement of twelve (12) persons comprising legal, technical, clerical, secretarial and manipulative staff.

7. The duties and responsibilities of the Chairman devolve from his statutory obligations and those of the Law Revision Commission. Under such obligations the Chairman is required:-

- (i) to prepare at the beginning of each year a programme for law revision for that year and to submit it to the Minister responsible for legal affairs;
- (ii) to submit an annual report of the activities of the Law Revision Commission to the Minister for tabling in Parliament;
- (iii) to revise existing legislation; and
- (iv) to produce consolidated volumes of the revised legislation.

8. We note that in its thrust to keep pace with legislative reform, the Law Revision Commission, under the direction of the Chairman, proposes to produce a New Revised Edition of the Laws of Trinidad and Tobago. In that regard, we have been informed that every decade or so, an edition of the laws becomes outdated. Within such period of time, innumerable written laws (Acts, Subsidiary Legislation and Amendments) would have been passed and those laws have to be collated and the existing edition of the laws revised. The New Revised Edition will therefore update the laws by the inclusion of various amendments and new legislation passed up to the revision date.

9. We understand as well that in order to effectively meet the need for updated and consolidated legislation in a number of key areas, the Commission will be undertaking certain special projects. In this connection, the Commission proposes to publish a fully revised, updated and consolidated volume containing the taxation and investment laws of Trinidad and Tobago. Also on its agenda are the revision and updating of the laws on intellectual property and the publication of those laws, the publication of a volume containing all the labour laws of Trinidad and Tobago and the annual production of a Consolidated Index of Acts and Subsidiary Legislation of Trinidad and Tobago. The production of that Consolidated Index, which is normally undertaken by the West Indian Legislation Indexing Project (WLIP) in Barbados, will remove the Commission's dependence on the WLIP.

Educational Qualifications and Experience

10. With respect to the educational qualifications and experience necessary for the office, we understand that the office holder is required to be an Attorney-at-Law of at least five (5) years standing and should possess considerable knowledge of and experience in legislative drafting and law revision.

Recommendations

11. In seeking to establish appropriate remuneration arrangements for the office of Chairman, Law Revision Commission, we compared that office with the office of Chairman, Law Reform Commission and consider them to be similar. In our deliberations we took into account that the revision of laws plays a very important part in the administration of justice and must keep pace with legislative reform which occupies high priority on the agenda of the State. We therefore view the work of the Law Revision Commission as an essential adjunct to that of the Law Reform Commission.

12. Further, we regard the scope of responsibility of the office of Chairman, Law Revision Commission to be of comparable value and importance to that of its counterpart in the Law Reform Commission. We also consider that in general the volume of work of both offices is of the same level, given the continuous need to modernise legislation and the consequential requirement to update and consolidate the resulting changes. In addition, like the office of Chairman, Law Reform Commission, the office of Chairman, Law Revision Commission is a full-time office.

13. In the light of the foregoing, we are of the view that the remuneration arrangements for the office of Chairman, Law Revision Commission should be comparable with those applicable to that of Chairman, Law Reform Commission.

14. We therefore recommend the following remuneration arrangements for the office of Chairman, Law Revision Commission:-

- Salary** - \$15,500 per month.
- Personal Allowance** - \$3,000 per month.
- Transport Facilities** -
- (i) A maximum loan of \$175,000 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 new motor vehicle with full exemption from Motor Vehicle Tax, Value Added Tax and Customs Duty; or
 - (b) a used motor vehicle with full exemption from either Special Registration Fee or Special Motor Vehicles Tax (whichever is applicable) and 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 Transportation Allowance of \$2,000 per month.
 - (v) A Service Allowance of \$1,700 per month.
- Subsistence Allowance** -
- (i) \$75 per day when travelling on official business beyond a radius of sixteen (16) kilometres from headquarters.
 - (ii) For travel to Tobago on official business, the cost of airfare and ground transportation in Tobago to be met by the Law Reform Commission Department, plus \$75 per day.

- (iii) For travel abroad on official business, US\$50 per day.
- Housing Allowance** - An allowance of \$5,000 per month.
- Entertainment** - Actual expenses incurred for entertainment to be met from an official Entertainment Vote under the control of the Ministry of the Attorney General and Legal Affairs.
- Vacation Leave** - Thirty (30) calendar days per annum.
- Overseas Travel Facilities** -
 - (i) In every alternate year, entitlement to travel abroad during vacation leave and to be paid a passage allowance for self, spouse and children, under the age of eighteen years, if any.
 - (ii) The total passage allowance not to exceed the cost of three (3) adult first class return airfares on the first occasion from Trinidad to Kingston, Jamaica.
 - (iii) For every alternate occasion, the entitlement not to exceed three (3) adult first class return airfares from Trinidad to London, England.
- Medical Benefits** - Entitlement to medical attention/treatment and prescribed drugs for self, spouse and children who are unmarried and under the age of eighteen, at any health care facility under the Regional Health Authorities, including the Eric Williams Medical Sciences Complex. Where such medical attention/treatment is not available at such health care facility, the office holder to be entitled to have the costs met at any hospital, institution or nursing home in Trinidad and Tobago.

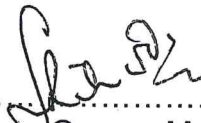
(Medical attention/treatment excludes optical and dental treatment/services. Prescribed drugs exclude drugs which are obtainable without a prescription).

Pension/Gratuity

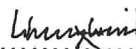
- Entitlement to a gratuity of 20% of gross salary earned over the term of office.

15. We recommend further that the effective date for the implementation of the above provisions should be January 15, 2001, the date from which the office was placed within the purview of the Salaries Review Commission.

Dated this 21st day of August, 2001.



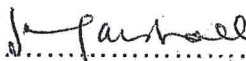
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Professor George M. Richards



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