

SEVENTIETH REPORT

OF THE

SALARIES REVIEW COMMISSION

OF

THE REPUBLIC OF TRINIDAD AND TOBAGO

January 15, 2004

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Introduction of a Special Allowance to Members of Parliament who serve on Statutory Parliamentary Committees

The President of the Republic of Trinidad and Tobago, by letter dated April 8, 2003, conveyed his approval for the Salaries Review Commission (SRC) to consider the introduction of a special allowance to Members of Parliament who serve on Statutory Parliamentary Committees.

2. In conducting this exercise, we first sought to identify the Committees that were Statutory Parliamentary Committees. We noted that under the Constitution of Trinidad and Tobago and/or the Standing Orders of the House of Representatives and the Senate, provision exists for the establishment of a number of Parliamentary Committees, for example, the Public Accounts Committee (PAC), the Public Accounts (Enterprises) Committee (PAEC), Joint Select Committees and Sessional Select Committees of both Houses such as the Standing Orders Committees and House Committees.

3. We were informed that the PAC, PAEC and the Joint Select Committees are appointed for the life of the Parliament which is usually five (5) years, while Sessional Select Committees are appointed for a session of Parliament. We were also advised that a Statutory Parliamentary Committee should be regarded as one established under the Constitution, the substantive law, rather than one arising from the Standing Orders which might be considered subsidiary law.

4. In this context, we concluded that the Committees to be examined in our review were the two (2) established under section 119 of the Constitution namely, the PAC and the PAEC and the three (3) Joint Select Committees established by section 66A of the Constitution.

5. We interviewed the Chairmen of the five (5) Statutory Parliamentary Committees mentioned above, as well as the Clerk of the House, who provided information, *inter alia*, on the responsibilities of the Committees, their composition, frequency of meetings and issues affecting the functioning of the Committees.

Role and Function of Statutory Parliamentary Committees

6. We noted that under the Constitution, the two pre-eminent Committees are the PAC and the PAEC. The PAC comprises not less than six (6) and no more than ten (10) members, inclusive of the Chairman, with an equal number of persons from both the Upper and Lower Houses. The composition of the membership of the PAEC is similar to that of the PAC. Further, these Committees are chaired by Members of Parliament of the Opposition.

7. The Constitution mandates the PAC to consider and report to the House of Representatives on: -

- (i) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;
- (ii) such other accounts as may be referred to the Committee by the House of Representatives or as are authorised or required to be considered by the Committee under any other enactment; and
- (iii) the report of the Auditor General on any such accounts.

The PAEC is mandated to consider and report to the House of Representatives on: -

- (i) the audited accounts, balance sheets and other financial statements of all enterprises that are owned or controlled by or on behalf of the State; and
- (ii) the Auditor General's report on any such accounts, balance sheets and other financial statements.

8. We were advised that in discharging their mandate under the Constitution, the PAC is currently responsible for examining and reviewing the accounts of approximately one hundred and two (102) organisations while the PAEC has some sixty-five (65) State Enterprises under its purview. (A list of the organisations for which the Committees are responsible is set out in Appendices I and II, respectively.)

9. With regard to the three (3) Joint Select Committees established under section 66A of the Constitution, the Commission noted that these Committees are empowered to inquire into and report to both Houses of Parliament on Ministries/Departments, Statutory Authorities, Municipal Corporations, State Enterprises and Service Commissions in respect of their administration, the manner of the exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions. Two (2) of these three (3) Joint Select Committees inquire into the operations of Ministries/Departments, Statutory Authorities and State Enterprises, while the third has a similar responsibility for Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission.

10. In the course of our deliberations, we recognized that the work of the Statutory Parliamentary Committees is of considerable importance to the effectiveness of our system of Government. Since it is unfeasible for Parliament,

by its very nature, to exercise complete oversight over Government and all its activities, the various Parliamentary Committees are charged with the responsibility of investigating specific issues and reporting back to Parliament. Thus the principal purpose of this system is to enable Parliament to operate more effectively through small working groups. We noted further that as the scope of responsibilities of the Executive has been increasing so has the work of the Committees.

11. During our discussions with the chairpersons of the Statutory Parliamentary Committees, we were advised of the difficulties which impeded the effective functioning of the Committees and hindered them from fulfilling the mandates with which they are charged under the Constitution.

12. We were informed that while some members of the Committees are full-time members of Government such as Ministers of Government, others are mainly those Members of Parliament who do not hold portfolios in the Government and are often professionals and self-employed persons actively and necessarily engaged in their careers. Consequently, while the Committees are expected to meet bi-monthly, this was often impossible because of competing interests of members' careers, their attendance at other Committee meetings, in cases where they serve on multiple Committees, and meetings of the principal Houses.

13. The chairpersons who appeared before us, all highlighted the fact that there was a recurring problem of non-attendance of members at Committee meetings which, on many occasions, resulted in aborted meetings because of a lack of a quorum. We were informed that while members of Committees readily attended meetings of their principal Houses, it was more difficult for them to do so in respect of the work of the Committees.

14. It was suggested that the salary attaching to the offices of Member of the House of Representatives and Member of the Senate assumed that those office holders were required to give service to the Parliament on a part-time basis and that they had other means of livelihood.

15. It was also put forward that, to enable the legislative arm of the State to function efficiently and effectively, and, if the Committee system as enshrined in the Constitution were to function as intended, given the demands of the work of Parliament, consideration should be given to having members serve on a full-time basis as occurs in other Commonwealth countries such as the United Kingdom and Australia. We consider, however, the matter of service on a full-time basis to be outside of the scope of this review. Further, we are of the view that such a change would require the input of all stakeholders.

16. We were also made aware that as a consequence of the difficulties arising from failure to have regular and productive meetings of these Committees over

the years, there is now a substantial backlog of work for the Committees, particularly the PAC and the PAEC, and that if some attempt were to be made to clear that backlog, the issue of attendance at meetings must first be addressed. Some of the chairpersons whom we interviewed expressed the view that the payment of an allowance to members of Committees should be considered as an incentive to encourage active and meaningful participation by parliamentarians in the work of Committees thereby contributing to their improved functioning and effectiveness. Also, provision should be made for the payment of a separate transportation allowance for Members of Parliament who serve on Committees.

17. In an effort to determine an appropriate measure to be introduced, we examined arrangements existing in other jurisdictions. We observed that in a number of Commonwealth Parliaments, members of Parliamentary Committees are paid an Attendance Allowance and/or a Committee Service Allowance. Those arrangements were evident, for example, in some provincial and/or State legislatures of Canada and Australia, the Indian and Malaysian Parliaments and some of the legislative branches of Nigeria. Attendance Allowances are generally paid on a per meeting or daily basis. In some countries, a Committee Service Allowance is paid in addition to the Attendance Allowance. Further, in some Australian State Parliaments, Chairmen of Parliamentary Committees are paid a higher Committee Service Allowance than other members of the Committees, although generally, Chairmen and Members receive the same rate for service on Committees.

18. We were advised that while provision exists for the Chairmen of the PAC and PAEC to be paid an allowance of \$25 per month which rate has been in existence for many years, no such payments have actually been made in recent times.

19. On the question of what may be considered to be a reasonable rate, the chairpersons commented that for attendance at Statutory Parliamentary Committee meetings, it was necessary to conduct extensive preparatory work outside the confines of meeting hours, particularly in the case of Chairmen who have overall responsibility for the work of the Committees. Such preparatory work also required members to conduct their own research on matters under review since adequate administrative assistance was not always available. In that regard, some chairpersons suggested that in considering an appropriate quantum of allowance to be payable as an incentive to Chairmen and members of Statutory Parliamentary Committees, the Commission might use as a guide, the monthly Fees and Travelling Allowances payable to the Directors of Boards of State Enterprises and Statutory Authorities. Another recommendation was that an Attendance Fee should be paid on a per meeting basis.

Recommendations

20. We have taken account of the fact that the Statutory Parliamentary Committees being considered in this review are required to conduct investigative work and interviews as well as to prepare Reports for submission to Parliament. We have also taken cognisance of the difficulties experienced by the Committees in functioning in the manner contemplated under the Constitution.

21. We are of the view that it would be reasonable to provide for a fixed monthly allowance per Committee for the Chairmen and members of the five Statutory Parliamentary Committees under review. We also consider that in light of the fact that the Chairman gives direction to the Committee and bearing in mind the additional duties and responsibilities which devolve on him/her, the allowance payable to the Chairman of a Committee should be higher than that for a member. We recommend that the allowance to be provided be termed "Committee Service Allowance".

22. We, however, do not recommend that a separate Transportation Allowance should be payable to Committee members since work on Committees is an essential part of the responsibilities of members of Parliament and adequate provision is made for meeting travelling expenses associated with being a Member of Parliament.

23. In light of the foregoing, we recommend the payment of a fixed monthly allowance per Committee to Chairmen and members of Statutory Parliamentary Committees, as follows: -

Chairman

A Committee Service Allowance of \$3,500 per month per Committee. (This replaces the existing allowance applicable to the Chairman of the PAC and the Chairman of the PAEC).

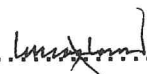
Member

A Committee Service Allowance of \$1,500 per month per Committee.

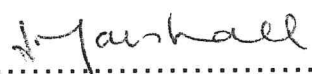
Effective Date

24. We recommend that the effective date of implementation of the allowance should be January 1, 2004.

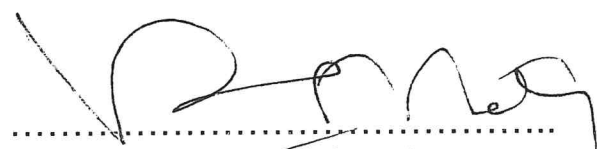
Dated this15th..... day of January, 2004.


.....
Edward Collier
(Chairman)


.....
Keith Ortiz


.....
Joyce Marshall


.....
Ashton Brereton


.....
Varun Maharaj

ENTITIES UNDER THE PUBLIC ACCOUNTS COMMITTEE

MINISTRY/ORGANISATION

1. Agricultural Society of Trinidad and Tobago
2. Airports Authority of Trinidad and Tobago
3. Arima Borough Corporation
4. Betting Levy Board
5. Bipartisan Team for the Police Service
6. Board of Industrial Training
7. Central Administrative Services, Tobago
8. Central Bank of Trinidad and Tobago
9. Chaguanas Borough Corporation
10. Chaguaramas Development Authority
11. Cipriani College of Labour & Co-operative Studies
12. Civil Aviation Authority of Trinidad and Tobago
13. Cocoa and Coffee Industry Board
14. College of Science, Technology & Applied Arts (COSTATT)
15. Couva/Tabaquite/Talparo Regional Corporation
16. Custodian of Enemy Property

MINISTRY/ORGANISATION

17. Diego Martin Regional Corporation
18. Eastern Regional Health Authority
19. Elections and Boundaries Commission
20. Environmental Management Authority and Environmental Management Trust Fund
21. Eric Williams Medical Sciences Complex Authority
22. Government Employees Provident Fund (Ministry of Finance)
23. Green Fund Agency
24. Industrial Court
25. Institute of Marine Affairs
26. Intellectual Property Office
27. Judiciary (Chief Magistrate)
28. Judiciary (Supreme Court)
29. Land Settlement Agency
30. Law Reform Commission
31. Legal Aid and Advisory Authority
32. Mayaro Civic Centre

MINISTRY/ORGANISATION

33. Mayaro/Rio Claro Regional Corporation
34. Ministry of Agriculture, Land and Marine Resources
35. Ministry of the Attorney General
36. Ministry of Community Development and Culture
37. Ministry of Education
38. Ministry of Energy and Energy Industries
39. Ministry of Finance
40. Ministry of Foreign Affairs
41. Ministry of Health
42. Ministry of Housing
43. Ministry of Labour and Small & Micro Enterprise Development
44. Ministry of Legal Affairs
45. Ministry of Local Government
46. Ministry of National Security
47. Ministry of Planning and Development
48. Ministry of Public Administration and Information
49. Ministry of Public Utilities and the Environment

MINISTRY/ORGANISATION

50. Ministry of Science, Technology & Tertiary Education
51. Ministry of Social Development
52. Ministry of Sports and Youth Affairs
53. Ministry of Tourism
54. Ministry of Trade and Industry
55. Ministry of Works and Transport
56. Naparima Bowl Board
57. National Carnival Commission
58. National Housing Authority
59. National Institute of Higher Education Research, Science & Technology (NIHERST)
60. National Insurance Board
61. National Library and Information System Authority
62. National Lotteries Control Board
63. North-West Regional Health Authority
64. Office of the President
65. Office of the Prime Minister
66. Penal/Debe Regional Corporation

MINISTRY/ORGANISATION

37. Personnel Department
68. Point Fortin Borough Corporation
69. Point Fortin Civic Centre
70. Police Complaints Authority
71. Post Master General – Post Office Savings Bank
72. Port of Spain City Corporation
73. Public Transport Service Corporation
74. Princes Town Regional Corporation
75. Registration, Recognition and Certification Board
76. Queen's Hall Board
77. San Fernando City Corporation
78. Regulated Industries Commission
79. Sangre Grande Regional Corporation
80. San Juan/Laventille Regional Corporation
81. Siparia Regional Corporation
82. Service Commissions Department
83. Sport and Culture Fund
84. South-West Regional Health Authority

MINISTRY/ORGANISATION

85. Strategic Services Agency Limited
86. Statutory Authorities' Service Commission
87. Sugar Industry Labour Welfare Committee
88. Students' Revolving Loan Fund
89. Tobago House of Assembly
90. Tax Appeal Board
91. Trinidad and Tobago Blind Welfare Association
92. Tobago Regional Health Authority
93. Trinidad and Tobago Electricity Commission
94. Trinidad and Tobago Bureau of Standards
95. Trinidad and Tobago Racing Authority
96. Trinidad and Tobago National Steel Orchestra
97. Trinidad and Tobago Unit Trust Corporation
98. Trinidad and Tobago Securities Exchange Commission
99. Tunapuna/Piarco Regional Corporation
100. University Student's Guarantee Fund
101. Water and Sewerage Authority
102. Venture Capital Incentive Programme

ENTITIES UNDER THE PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE

Name of Enterprise	Name of Enterprise
1. Agricultural Development Bank of Trinidad and Tobago	18. National Agricultural Marketing and Development Corporation
2. Business Development Company Limited	19. National Agro Chemicals Limited
3. BWIA West Indies Airways Limited	20. National Broadcasting Network Limited
4. Caribbean Food Corporation	21. National Commission for Self-Help Limited
5. Caroni (1975) Limited	22. National Energy Corporation of Trinidad and Tobago Limited
6. Community Improvement Services Limited	23. National Enterprises Limited
7. Development Finance Limited	24. National Entrepreneurship Development Company Limited
8. Estate Management and Business Development Company Limited	25. National Flour Mills Limited
9. Export Centres Company Limited	26. National Gas Company of Trinidad and Tobago Limited
10. Export-Import Bank of Trinidad and Tobago Limited	27. NGC Iron Company Limited
11. First Citizens Bank Limited	28. NGC NGL Company Limited
12. First Citizens Holdings Limited	29. NGC Trinidad and Tobago LNG Limited
13. First Citizens Trust and Merchant Bank Limited	30. National Helicopter Services Limited
14. La Brea Industrial Development Corporation	31. National Maintenance Training and Security Company Limited
15. Lake Asphalt of Trinidad and Tobago (1978) Limited	32. National Quarries Company Limited
16. LIAT (1974) Limited	33. National Schools Dietary Services Limited
17. Metal Industries Company Limited	34. NATPET Investments Company Limited

Name of Enterprise

35. NATSTAR Manufacturing Company Limited
36. Oropune Development Limited
37. Palo Seco Agricultural Enterprises Limited
38. Petroleum Company of Trinidad and Tobago Limited
39. Petrotrin EAP Services Limited
40. Phoenix Park Gas Processors Limited
41. Point Lisas Industrial Port Development Corporation Limited
42. PLIPWIJS Limited
43. Point Lisas Terminals Limited
44. Port of Spain Waterfront Development Limited
45. Property and Industrial Development Company of Trinidad and Tobago Limited
46. Rincon Development Limited
47. SBDC Leasing Limited
48. Taurus Services Limited
49. Telecommunications Services of Trinidad and Tobago Limited
50. The Trinidad and Tobago Solid Waste Management Company Limited

Name of Enterprise

51. The Vehicle Maintenance Corporation of Trinidad and Tobago Limited
52. Tourism and Industrial Development Company of T&T Limited
53. Trinidad and Tobago Forest Products Company Limited
54. Trinidad and Tobago Free Zones Company Limited
55. Trinidad and Tobago Marine Petroleum Company Limited
56. Trinidad and Tobago Mortgage Agency Company Limited
57. Trinidad and Tobago Mortgage Finance Company Limited
58. Trinidad and Tobago National Petroleum Marketing Company Limited
59. Trinidad Iron Carbide Inc.
60. Trinidad Nitrogen Company Limited
61. Trinidad Northern Areas Limited
62. TRINMAR Limited
63. Trintoc Services Limited
64. Urban Development Corporation of Trinidad and Tobago Limited
65. Youth Training and Employment Partnership Programme (YTEPP) Limited