



PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO
(TENTH PARLIAMENT- 2013/2014 SESSION)

REPORT
OF THE
SPECIAL SELECT COMMITTEE ON THE JUDGES SALARIES
AND PENSIONS (AMENDMENT) BILL, 2014 AND THE
RETIRING ALLOWANCES (LEGISLATIVE SERVICE)
(AMENDMENT)BILL, 2014

Ordered to be printed
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THE COMMITTEE

ESTABLISHMENT OF THE COMMITTEE

1.1 Pursuant to resolutions passed in the Senate on July 08, 2014, a Special Select Committee was established to consider and report on the Judges Salaries and Pensions (Amendment) Bill, 2014 and the Retiring Allowances (Legislative Services) Bill, 2014.

1.2 The following persons were appointed to serve on the Special Select Committee:

- Mr. Ganga Singh- Chairman
- Ms. Marlene Coudray
- Mr. Emmanuel George
- Mr. Fazal Karim
- Mr. Kevin Ramnarine
- Mrs. Camille Robinson-Regis
- Mr. Faris Al-Rawi
- Dr. Dhanayshar Mahabir
- Mr. David Small

TERMS OF REFERENCE

1.4 The Committee was mandated as follows:

"..to consider the details of a Bill entitled, "An Act to amend the Judges Salaries and Pensions Act Chap 6:02, as well as, a Bill entitled "An Act to amend the Retiring Allowances (Legislative Service) Act , Chap 2:03," and to report to the Senate by July 30, 2014."

MEETINGS

1.5 The Committee held one (1) meeting on Tuesday July 22, 2014.

1.6 The Minutes of this meeting are attached as **Appendix 1**.

DELIBERATIONS

2.1 Your Committee was cognizant of the imminent prorogation of the Fourth Session of the Tenth Parliament.

2.2 At its meeting of July 22, 2014, two main issues were identified as critical for consideration. Firstly, there was the question of the jurisdiction of the Parliament in the determination of pensions arrangements. Secondly, the necessity to adopt an acceptable formula for the establishment of an adequate pensions structure.

2.3 The Committee agreed to the following course of action in the progress of its work:

- (i) through the international resources available to the Parliament, the process for the engagement of two consultants (*for advice in the areas of pensions, and in the area of local constitutional law*) would be commenced;
- (ii) background research would be compiled on the pensions arrangements which obtain in other Commonwealth jurisdictions in relation to Parliamentarians and Judges;
- (iii) background research would be done on the content, purpose and objective of the Original Acts and subsequent amendments (if any) enacted by the Parliament of Trinidad and Tobago; and
- (iv) a chronology of the interaction between the Salaries Review Commission and the Parliament would be prepared.

REPORT

3.1 In accordance with Standing Orders 75(1) of the Senate, the Committee wishes to report, that due to the imminent prorogation of the Fourth Session of the Tenth Parliament, it will be unable to complete its work as mandated.

RECOMMENDATIONS

4.1 The Committee therefore recommends that:

- (i) the Senate take note of the decisions made by the Committee thus far;
- (ii) in the Fifth Session of the Tenth Parliament that a similar Committee be appointed to complete the work begun by this Committee;
- (iii) the new Committee be empowered to adopt as part of its records the work done to date.

Respectfully submitted,

Mr. Ganga Singh
Chairman

July 23, 2014

MINUTES OF PROCEEDINGS

MINUTES OF THE 1ST MEETING OF THE SPECIAL SELECT COMMITTEE ON THE JUDGES SALARIES AND PENSIONS (AMENDMENT) BILL, 2014 AND THE RETIRING ALLOWANCES (LEGISLATIVE SERVICE)(AMENDMENT)BILL, 2014
HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, OFFICE OF THE PARLIAMENT TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN ON TUESDAY JUNE 22, 2014

PRESENT

Mr. Ganga Singh	-	Chairman
Mr. Fazal Karim	-	Member
Mr. David Small	-	Member
Mr. Kevin Ramnarine	-	Member
Dr. Dhanayshar Mahabir	-	Member
Mr. Emmanuel George	-	Member
Mrs. Camille Robinson-Regis	-	Member
Mr. Faris Al-Rawi	-	Member

Mrs. Nataki Atiba-Dilchan	-	Secretary
Ms. Jacqueline Philip-Stoute	-	Assistant Secretary

ABSENT/EXCUSED

Ms. Marlene Coudray	-	Member
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COMMENCEMENT

1.1 With a quorum of three persons present, the Chairman called the meeting to order at 10:15 am.

1.2 The Chairman indicated that a request for excuse for absence was received from Ms. Coudray.

TERMS OF REFERENCE

2.1 The Chairman reminded members of the Terms of Reference of the Committee as follows:

"to consider the details of a Bill entitled, "An Act to amend the Judges Salaries and Pensions Act Chap 6:02, as well as, a Bill entitled "An Act to amend the Retiring Allowances (Legislative Service) Act , Chap 2:03," and to report to the Senate by July 30, 2014."

DISCUSSIONS ON THE WAY FORWARD

3.1 The Chairman invited comments on the way forward for the Committee, given the imminent prorogation of the Fourth Session, which would terminate the work of the Committee.

3.2 The following matters/concerns were voiced by Members:

- (i) what was the jurisdiction of the Parliament vis-à-vis the Salaries Review Commission;
- (ii) the determination of a formula for the pension structure must be based on economic and long term circumstances;
- (iii) any formula should be tied to an retail index and take into account the cost of living;
- (iv) research on what obtained in other commonwealth countries was necessary e.g Canada, Australia, UK, India, Nigeria and the Caribbean to make local comparisons;
- (v) account must be taken of local circumstances and the “*forgive not, forget not*” situations that occurs when Members demit office;
- (vi) research was necessary on what was the original intent of the legislation when first enacted;
- (vii) a chronology should be prepared of the history of interaction between the Parliament and the Salaries Review Commission on Members terms and conditions of service;
- (viii) public perception on the Bills is that Parliamentarians are self-serving and this perception must be addressed;
- (ix) independent technical advice will be required for consideration of the questions of jurisdiction and the computation of pensions; and
- (x) the current circumstances of may retired judges also need immediate action.

3.3 In light of the discourse it was agreed that the following course of action would be taken:

- (v) through the international resources available to the Parliament, the process for the engagement of two consultants ((i)pension formula advice/ (ii) legal jurisdiction advice) would be commenced;
- (vi) background research would be compiled on the pension arrangements in other Commonwealth jurisdictions;
- (vii) background research would be done on the original intent of the Bills when first enacted;
- (viii) a chronology of the interactions between the Salaries Review Commission and the Parliament would be prepared;

- (ix) a report would be tabled to bring to the attention of the Senate:
 - a) the decisions of the Committee, thus far;
 - b) the inability of the Committee to complete its work due to prorogation;
and
 - c) the need for the work on the Bills to be continued in the ensuing 5th session
by another such Committee.

ADJOURNMENT

- 4.1 There being no other business, the Chairman thanked Members and adjourned the meeting.
- 4.2 The adjournment was taken at 11:15 pm.

I certify that these Minutes are true and correct.

Chairman

Secretary

Tuesday July 22, 2014