

## 29. LAW REFORM COMMISSION

- 29.1 The Law Reform Commission (LRC) is an independent statutory body operating under the *aegis* of the Attorney General's Office, Ministry of Agro-Industry and Food Security since 2006. The functions of the Commission are to: keep under review the law of Mauritius in a systematic way; make recommendations for the reform and development of the laws of Mauritius; and advise the Attorney-General on ways in which the laws of Mauritius can be made as understandable and accessible as is practicable.
- 29.2 Since its inception, the Commission has been committed to undertake comparative legal research with a view to evaluating the merits and demerits of the Mauritian laws in the light of experience of other jurisdictions. In addition, consultations with all the relevant stakeholders are regarded as crucial for the performance of the Commission's functions and any proposed solution is tested against empirical evidence. In so doing, the Commission ensures that our laws are responsive to the needs of society, reflect best international practices and are in conformity with our international obligations.
- 29.3 The LRC is headed by a Chief Executive Officer. Its core research function is fulfilled by officers in a three-level structure comprising the grades of Law Reform Officer, Senior Law Reform Officer and Principal Law Reform Officer. The Secretary to the Commission assists the Chief Executive Officer in the day-to-day administration of the Commission and officers of the General Services Cadre provide support for an effective service delivery.
- 29.4 In the context of this Report, the Bureau has not received any representation from the staff side. Management's submission related to: an alignment of the salary scale of the grade of Law Reform Officer with that of the grade of Legal Research Officer at the Office of the Director of Public Prosecutions; the creation of a grade of Law Reform Assistant owing to an increasing workload at the Commission; review the mode of appointment of the grades of Senior Law Reform Officer, Principal Law Reform Officer and Chief Executive Officer; and provide an attractive pay package to officers of the Law Reform Officer Cadre.
- 29.5 Further to the various proposals made, the Bureau considers that grades should be compared in terms of their duties and level of responsibilities and certain non-negligible factors obtainable in the public service, such as job security, level of risk and pension arrangements should be duly considered in the analogy.
- 29.6 The Bureau also considers that for a smoother functioning of the Commission, vacant posts should be filled and the establishment size of core grades may be increased after carrying out a Human Resource Planning exercise.
- 29.7 We are, therefore, in this Report making recommendations for those proposals which are meritorious, with a view to allowing the Commission to deliver on its mandate more efficiently.

### Chief Executive Officer

- 29.8 At present, the position of Chief Executive Officer is filled by selection from among candidates possessing a Cambridge Higher School Certificate; a Degree in Law or a joint Degree the major part of which should be Law; and reckoning at least 15 years' post graduate experience as a law practitioner and/or in legal research or research in legal policy development.
- 29.9 Management submitted that the qualification requirements of the grade of Chief Executive Officer be reviewed so that appointment thereto be made from among candidates reckoning at least 15 years' post graduate research experience as a Barrister or Attorney and/or in legal policy development, on the ground that the term "law practitioner" is too vague and that the position requires practical experience and insights backed by empirical evidence.
- 29.10 In view of the fact that section 11 (1) (a) of the Law Reform Commission Act provides that the Chief Executive Officer shall be a legally qualified person with wide experience in legal research, the Bureau considers that any amendment to its mode of appointment should not be in conflict with the prevailing legislation.
- 29.11 Against this backdrop, the Bureau considers that the **Management of the Law Reform Commission should seek the advice of the Attorney-General's Office on a possible review of the qualification requirements of the position of Chief Executive Officer.**

### Law Reform Officer Cadre

- 29.12 The Law Reform Officer Cadre presently comprises the grades of Law Reform Officer, Senior Law Reform Officer and Principal Law Reform Officer. As per the recommendation of the 2013 PRB Report, recruitment to the grade of Law Reform Officer is made by selection from among candidates possessing a Degree in Law or a joint Degree in Law and another discipline; a post graduate academic qualification; and at least two years' post-qualification experience in legal research. The grades of Senior Law Reform Officer and Principal Law Reform Officer are filled by selection from among officers in the grades of Law Reform Officer and Senior Law Reform Officer respectively and who reckon at least four years' service in a substantive capacity in the respective grade. In the absence of qualified serving officers, the grades of Senior Law Reform Officer and Principal Law Reform Officer are filled by selection from among outside candidates possessing the required qualifications.
- 29.13 Management has reported that the salary scale of the grade of Law Reform Officer is not commensurate with its qualification requirements and should, therefore, be aligned with its counterparts in the Civil Service with a view to attracting and retaining competent and able officers. It has also been represented that it is imperative for new recruits to undergo on-the-job training in legal research so as to perform more efficiently and effectively, thus warranting the creation of a grade of Law Reform Assistant, whereby candidates should possess a Degree in Law. The Bureau has equally been requested to review the mode of appointment to the grades of Senior

Law Reform Officer and Principal Law Reform Officer such that the grades be filled from both limited and open competition, together with an increase in the years of service/experience required from serving and external candidates.

- 29.14 After thoroughly studying the proposals, the Bureau views that it would not be appropriate to create an additional level of Law Reform Assistant since its duties would considerably overlap with the existing grade of Law Reform Officer, the moreso the latter was known as Legal Research Assistant prior to 2013 PRB Report. However, we hold that the proposal for providing on-the-job training is valid for the proper functioning of the Commission. During consultations, the Bureau also apprised Management that the submission with regard to the review of the mode of appointment of the grades of Senior Law Reform Officer and Principal Law Reform Officer would be to the disadvantage of serving officers who already reckon long years of experience at the Commission.
- 29.15 On account of the proposals made, we re-assessed the relative worth of the different positions pertaining to the Law Reform Officer Cadre on the basis of duly-filled in Job Description Questionnaires submitted in the context of this review exercise and their respective scheme of service. During the reassessment exercise, we noted that: the duties of the grade of Law Reform Officer considerably overlap with those of the Senior Law Reform Officer; the latter is not called upon to perform any supervisory duty; and the existing salary scales warranted a review in line with the Bureau's framework.
- 29.16 Considering the above, we are revisiting the structure of Law Reform Officer Cadre by restyling the grade of Law Reform Officer to Law Reform Officer/Senior Law Reform Officer; reviewing its qualification requirements to commensurate with the nature and level of duties devolving upon the grade and amending its scheme of service for the inclusion of a proviso with respect to on-the-job training. We are also making the grade of Senior Law Reform Officer evanescent whilst providing a personal salary scale and amending the mode of appointment to the grade of Principal Law Reform Officer.

### **Law Reform Officer/Senior Law Reform Officer formerly Law Reform Officer**

#### **Recommendation 1**

##### **29.17 We recommend that:**

- (i) the grade of Law Reform Officer be restyled Law Reform Officer/Senior Law Reform Officer;**
- (ii) appointment to the grade of Law Reform Officer/Senior Law Reform Officer formerly Law Reform Officer, should be made by selection from among candidates possessing a Degree in Law or a joint Degree in Law and another discipline; a postgraduate academic qualification in the relevant field or a professional legal qualification or an equivalent qualification acceptable to the Commission and who are conversant with the Laws of Mauritius; and**

- (iii) **the scheme of service of the grade of Law Reform Officer/Senior Law Reform Officer *formerly Law Reform Officer* be amended to include a proviso requiring candidates to undergo on-the-job training in all aspects of the work of a Law Reform Officer/Senior Law Reform Officer *formerly Law Reform Officer*, for a period of at least one year so that appointment to the grade in a substantive capacity would only be made on satisfactory completion of the training and on being favourably reported upon.**

**29.18 We further recommend that the grade of Senior Law Reform Officer be made evanescent, whilst a personal salary scale has been provided.**

### **Principal Law Reform Officer**

#### **Recommendation 2**

**29.19 We recommend that:**

- (i) **appointment to the grade of Principal Law Reform Officer should be made by selection from among Senior Law Reform Officers (Personal) reckoning at least four years' service in a substantive capacity in the grade; and**
- (ii) **on the complete phasing out of the grade of Senior Law Reform Officer (Personal), appointment to the grade of Principal Law Reform Officer should be made by selection from among officers in the grade of Law Reform Officer/Senior Law Reform Officer *formerly Law Reform Officer*, reckoning at least six years' service in a substantive capacity in the grade. In the absence of qualified serving officers, appointment thereto should be made by selection from among candidates possessing a Degree in Law or a joint Degree in Law and another discipline; a postgraduate academic qualification in the relevant field or a professional legal qualification and reckoning at least six years' post qualification experience in legal research.**

### **Secretary to Commission**

**29.20** The grade of Secretary to Commission is presently filled by selection from among candidates possessing a Cambridge Higher School Certificate and a Degree in Law or Law and Management and who reckon at least three years' experience at middle management level.

**29.21** After examining the scheme of service of the grade, we have noted that the nature of duties devolving upon the incumbent can be performed by any degree holder in the required field with relevant years of experience in the administrative or related field. To this end, we consider that there is need to review the mode of appointment to the grade of Secretary to Commission to commensurate with its duties and for alignment with comparable grades in the public sector.

#### **Recommendation 3**

**29.22 We recommend that, in future, appointment to the grade of Secretary to Commission should be made by selection from among candidates possessing a Degree in Law or Law and Management or an equivalent qualification acceptable**

**to the Commission and who reckon at least three years' experience in the administrative field or a related field.**

### **General Services Cadre**

- 29.23 At present, the General Services Cadre of the Commission comprises the grades of Management Support Officer; Office Management Assistant and Office Superintendent. The grade of Management Support Officer is filled by selection from among candidates possessing a Cambridge School Certificate with credit in at least five subjects and a Cambridge Higher School Certificate while the mode of appointment of the grade of Office Management Assistant is by selection from among officers in the grade of Management Support Officer reckoning at least four years' service in a substantive capacity or an aggregate of at least four years' service in the grades of Management Support Officer and Clerical Officer/Higher Clerical Officer or Clerk/Word Processing Operator or Senior Word Processing Operator or Word Processing Operator.
- 29.24 We have examined the structure and the scheme of service of the grades and consider that there is need to revisit the scheme of service of the grades of Management Support Officer and Office Management Assistant and to create a grade of Clerical Officer to provide support. We are, therefore, recommending in that direction, while equally reviewing the appellation of the grades for the sake of harmonisation, in line with what obtains in other parastatal bodies.

### **Clerical Officer (New Grade)**

#### **Recommendation 4**

- 29.25 **We recommend the creation of a grade of Clerical Officer. Appointment thereto should be made by selection from among candidates who: possess the Cambridge School Certificate with credit in at least five subjects including English Language, French and Mathematics or Principles of Accounts; Cambridge Higher School Certificate or passes in at least two subjects obtained on one Certificate at the General Certificate of Education "Advanced Level" and are computer literate.**
- 29.26 Incumbent would be required, *inter alia*, to: perform clerical duties including the preparation, scrutiny and processing of documents and records; maintain files of correspondence, forms, reports and other materials; carry out registry, simple finance, human resource and procurement and supply work, under supervision; operate email services and carrying out secretarial duties, as and when required; assist in administrative duties and provide general support to operational services; and perform any other duties of equivalent level, specific to the LRC.

**Office Management Assistant  
Management Support Officer**

**Recommendation 5**

**29.27 We recommend that the schemes of service of the grades of Management Support Officer and Office Management Assistant be amended in line with the provisions made in the Introductory Chapter of this Volume.**

**29. LAW REFORM COMMISSION**

**SALARY SCHEDULE**

**LRC 1 : Rs 15485 x 260 – 17825 x 275 – 18925 x 300 – 19525 x 325 – 21475 x 375  
– 22225 x 400 – 23425 x 525 – 26050 x 675 – 26725**

Driver/Office Attendant

**LRC 2 : Rs 16785 x 260 – 17825 x 275 – 18925 x 300 – 19525 x 325 – 21475 x 375  
– 22225 x 400 – 23425 x 525 – 26050 x 675 – 27400 x 825 – 34825**

Clerical Officer (New Grade)

**LRC 3 : Rs 18925 x 300 – 19525 x 325 – 21475 x 375 – 22225 x 400 – 23425 x 525  
– 26050 x 675 – 27400 x 825 – 35650 x 900 – 37450**

Management Support Officer

**LRC 4 : Rs 21475 x 375 – 22225 x 400 – 23425 x 525 – 26050 x 675 – 27400 x 825  
– 35650 x 900 – 37450 x 950 – 42200 x 1300 – 43500**

Confidential Secretary

**LRC 5 : Rs 23025 x 400 – 23425 x 525 – 26050 x 675 – 27400 x 825 – 35650 x 900  
– 37450 x 950 – 42200 x 1300 – 44800**

Office Management Assistant

**LRC 6 : Rs 29875 x 825 – 35650 x 900 – 37450 x 950 – 42200 x 1300 – 46100 x  
1575 – 49250 x 1650 – 52550**

Office Superintendent

**LRC 7 : Rs 27400 x 825 – 35650 x 900 – 37450 x 950 – 42200 x 1300 – 46100 x  
1575 – 49250 x 1650 – 54200 x 1700 – 62700**

Secretary to Commission

**29. LAW REFORM COMMISSION (Contd)**

**LRC 8 : Rs 29050 x 825 – 35650 x 900 – 37450 x 950 – 42200 x 1300 – 46100 x 1575 – 49250 x 1650 – 54200 x 1700 – 64400 x 1800 – 69800 x 2000 – 73800**

Law Reform Officer/Senior Law Reform Officer  
*formerly Law Reform Officer*

**LRC 9 : Rs 36550 x 900 – 37450 x 950 – 42200 x 1300 – 46100 x 1575 – 49250 x 1650 – 54200 x 1700 – 64400 x 1800 – 69800 x 2000 – 75800 x 2150 – 77950**

Senior Law Reform Officer (Personal)

**LRC 10 : Rs 49250 x 1650 – 54200 x 1700 – 64400 x 1800 – 69800 x 2000 – 75800 x 2150 – 82250**

Principal Law Reform Officer

**LRC 11 : Rs 42200 x 1300 – 46100 x 1575 – 49250 x 1650 – 54200 x 1700 – 64400 x 1800 – 69800 x 2000 – 75800 x 2150 – 82250 x 3000 – 88250 x 3125 – 94500**

Secretary to Commission (Personal)

**LRC 12 : Rs 119500**

Chief Executive Officer







