

Head 23: Ministry of Attorney General and Legal Affairs

A summary of the Ministry of Attorney General and Legal Affairs Expenditure,
Divisions and Projects
Financial Scrutiny Unit, Parliament of the Republic of Trinidad and Tobago

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About this Guide

This guide provides a summary of expenditure for the Ministry of the Attorney General and Legal Affairs for the period 2012-2018. It provides the Members of Parliament and their stakeholders with an overview of the Ministry's responsibilities. The primary purpose of this guide is to consolidate all of the information contained within the various Budget Documents pertaining to the Ministry of Attorney General and Legal Affairs, and provide readers with an analysis of same. This guide is based primarily on the Draft Estimates of Recurrent Expenditure, the Estimate to Development Programme, and the Public Sector Investment Programme and the Auditor General's Report on the Public Accounts of the Republic of Trinidad and Tobago for the fiscal year 2016.

Head 23: Ministry of the Attorney General and Legal Affairs

Ministry Overview¹

The Ministry of the Attorney General is the arm of the Government of Trinidad and Tobago responsible for providing legal services to the Government and its various agencies. The Ministry's obligations are primarily derived from the constitutional directives given to the Attorney General, which are:

- To act as an independent Guardian of the public interest, and to ensure that the rights of all citizens are protected;
- To represent the State in civil proceedings, in the name of the Attorney General; and
- To represent the State in criminal proceedings, in the name of the State.

The Ministry of the Attorney General provides the following services:

- Advising Cabinet, Ministries and State agencies on all local and international legal matters;
- Representing the State in civil matters;
- Arranging for legal officers and Attorneys to prosecute in criminal matters on behalf of the State;
- Drafting primary and secondary legislation on behalf of the Government;
- Reviewing the laws of Trinidad and Tobago with a view to their systematic development and reform; and
- Assisting foreign national law and justice authorities in the prosecution of criminals.

¹ Ministry of the Attorney General website, accessed on the 12th October, 2017 <http://www.ag.gov.tt/About-Us/Organisational-Overview>

Key Services Offered	Clients
Legislative drafting services	Parliament, Cabinet, all Ministries
Criminal prosecution and mutual legal assistance	Ministry of National Security, International Law and Justice Bodies.
Representing State in civil matters	All Ministries, Statutory bodies and State enterprises
Law reform	Parliament, Cabinet, all Ministries, Civil Society
Contract preparation and vetting	All Ministries, Statutory bodies and State enterprises
Conveyancing	All Ministries, Statutory Boards and State Enterprises
Letters of Administration and Public Trustee	Citizens

The Attorney General and Minister of Legal Affairs: The Honourable Faris Al-Rawi, MP

Minister in the Ministry of the Attorney General and Legal Affairs: The Honourable Stuart Young

Permanent Secretary (Ag): Mrs. Ingrid Seerattan

Divisions²:

Registrar General's Department

The Registrar General's Department is responsible for the registration of all civil, land and company records and is the sole custodian of these records. The services of the Registrar General's Department are no longer at the Red House, having been relocated in 1999 to Registration House, 72-74 South Quay, Port of Spain.

Law Revision Commission

Established by the Law Revision Act, Chap. 3:03, the Commission's mandate is to prepare, publish and maintain a Revised Edition of the Laws of Trinidad and Tobago. It is the only agency charged with this responsibility. In pursuance of this mandate the Commission's vision is: "A state-of-the-art, technology-driven organisation providing real-time access to the updated Laws in both textual and electronic formats."

Intellectual Property Office

The Intellectual Property Office was created on the 1st December, 1997 (Section 3 of the Patents Act, 1996) and is situated at 3rd Floor, Capital Plaza, 11 - 13 Frederick Street, Port of Spain, Trinidad. A department within the Ministry of Legal Affairs, the department is the local government agency responsible for handling the registration and conflict resolution of intellectual property rights.

Police Complaints Authority

The Police Complaints Authority (PCA) is an independent corporate body mandated, among other things, to independently investigate complaints against police officers involved in criminal offences, police corruption and serious police misconduct. The PCA was established by the Police Complaints Authority Act, 2006 to provide civilian oversight of law enforcement in Trinidad & Tobago. No

² Ministry of the Attorney General and Legal Affairs website, accessed on the 12th October, 2017 <http://www.legalaffairs.gov.tt/AboutUs.html>

member of the Police Complaints Authority's staff is attached to the Trinidad and Tobago Police Service, Special Reserve Police or Municipal Police Force.

Legal Aid and Advisory Authority

The Legal Aid and Advisory Authority provides affordable legal advice and assistance on general areas of law to members of the public who are eligible. Legal aid, advice and representation in court are provided by in-house Legal Officers and Attorneys-at-Law in private practices who are on the registered panels of attorneys attached to the Authority. Legal Aid and advice may be attained in a variety of criminal and civil matters. The Legal Aid & Advisory Authority (LAAA) was established by the Legal Aid & Advice Act, Act 25 of 1976. Legal advice is given on general areas of Law, in Criminal and Civil Matters including Family and Property Matters and Applications for the Grant of Letters of Administration or Probate where the value of the estate does not exceed \$100,000.00 in value.

National Biosafety Co-ordinating Unit

In 2003, Trinidad and Tobago became signatory to the Cartagena Protocol on Biosafety, which is a supplementary agreement to the convention on Biological Diversity. The Protocol is the means by which over 169 countries will establish minimum standards for regulating the products of modern biotechnology, with special emphasis on the import and export of these products. At present, all matters related to Biosafety are being managed by the National Biosafety Co-ordinating Unit. The Co-ordinating Unit is the precursor entity, which will transition into the National Biosafety Office in the Ministry of Legal Affairs. The Unit will implement the National Biosafety Framework, which is a work document generated from the national policy. The five outputs from the phase of implementation include:

1. Biosafety Legislative Framework
2. Technically Sound Administrative System
3. Capacity Building Plan
4. Information Management System
5. Public Education, Awareness and Risk Assessment

National Centre for Dispute Resolution

The National Centre for Dispute Resolution (NCDR), an initiative of the Government of Trinidad and Tobago, was commissioned by Cabinet in 2012 in the Ministry of Legal Affairs to promote and consolidate Alternative Dispute Resolution (ADR) on a national scale. The Centre is mandated to provide ADR practices and processes within all offices of the Government of Trinidad and Tobago by devising a policy and overarching legislation to guide the implementation of ADR. The National Centre for Dispute Resolution will serve as a central resource within Government providing co-ordination and implementation of ADR policies, processes, providing training, consultation, resource materials and neutral third-party services in dispute resolution to Ministries, Agencies, Boards, Commissions and Corporations. The NCDR is located at 4th Floor, Registration House, 72-74 South Quay, Port of Spain, Trinidad and Tobago.

Key Statement from 2016 Standing Finance Committee Debate

During the Standing Finance Committee debate of 2016, the following statement was made in relation to the emphasis of the Ministry of Attorney General and Legal Affairs for fiscal year 2016/2017³:

“...The Ministry of the Attorney General and Legal Affairs in September last year became an entity of one with the merger of a previous Ministry of Legal Affairs and the Ministry of the Attorney General. And I am happy to report to the wider public of Trinidad and Tobago that after a year under the transitioning of the PS and a number of other Deputy PSs who ably assisted her, we have come to, I think, a very good point in the merger of these two Ministries into one.”

“...This Ministry will continue to serve the public especially through the legal affairs side, the company’s registry, the land registry and other areas and we will continue to serve the public of Trinidad and Tobago.”

³ Minister in the Ministry of the Attorney General and Legal Affairs, Standing Finance Committee Hansard of Ministry of Attorney General and Legal Affairs 14 Oct16, Accessed September 27, 2017

Where the Ministry spends its money

2017 – 2018 Estimates of Expenditure

The budget allocation for the Ministry of the Attorney General and Legal Affairs is comprised of:

- The Draft Estimates of Recurrent Expenditure in the sum of **\$286,948,650.00; and**
- The Draft Estimates of Development Programme Consolidated Fund in the sum of **\$22,250,000.00.**

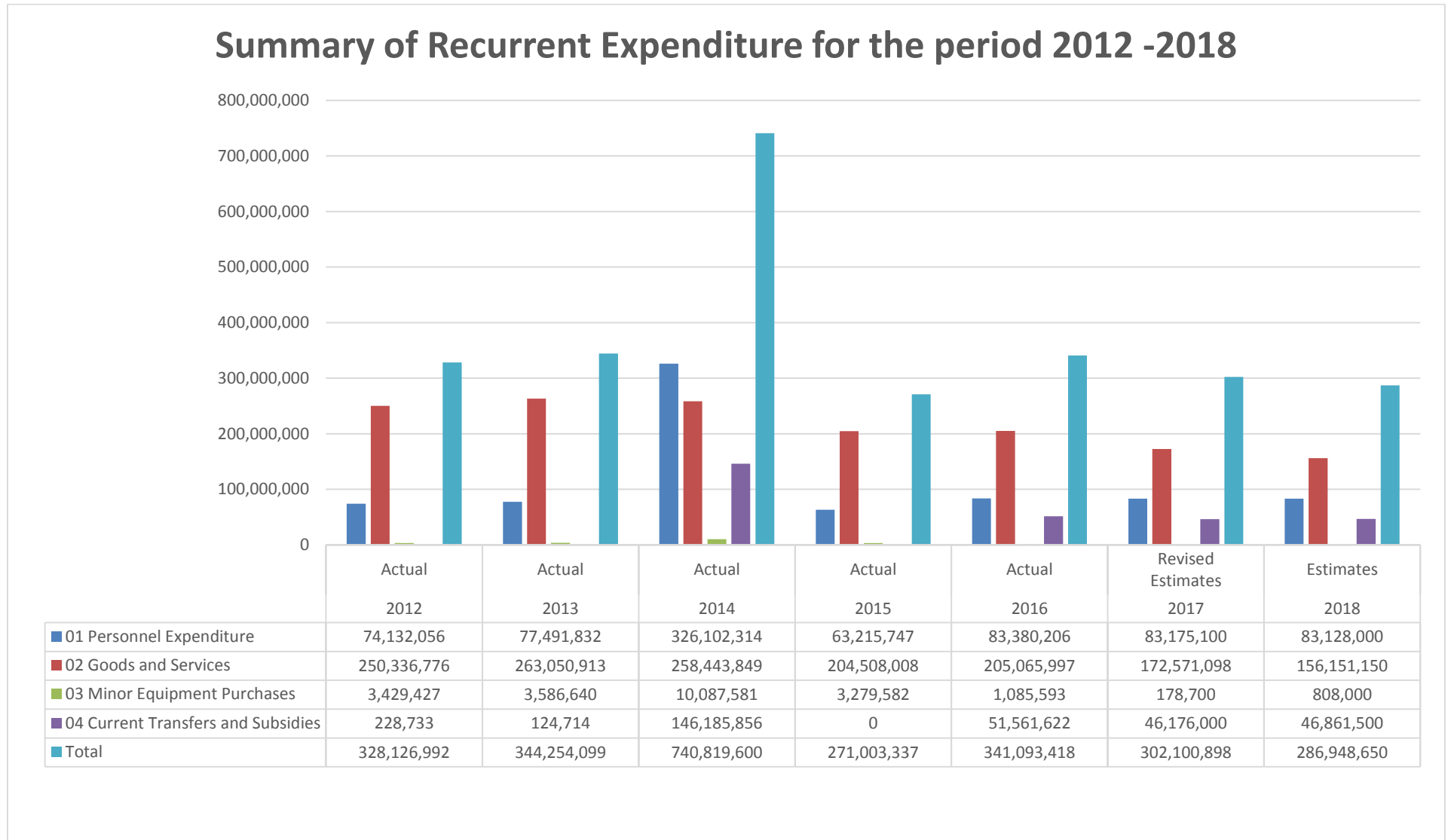
The Estimates of Recurrent Expenditure includes:

- 01 Personnel Expenditure; - **\$83,128,000.00;**
- 02 Goods and Services;- **\$156,151,150.00;**
- 03 Minor Equipment Purchases; - **\$808,000.00; and**
- 04 Current Transfers and Subsidies - **\$46,861,500.00.**

The Ministry of the Attorney General and Legal Affairs:

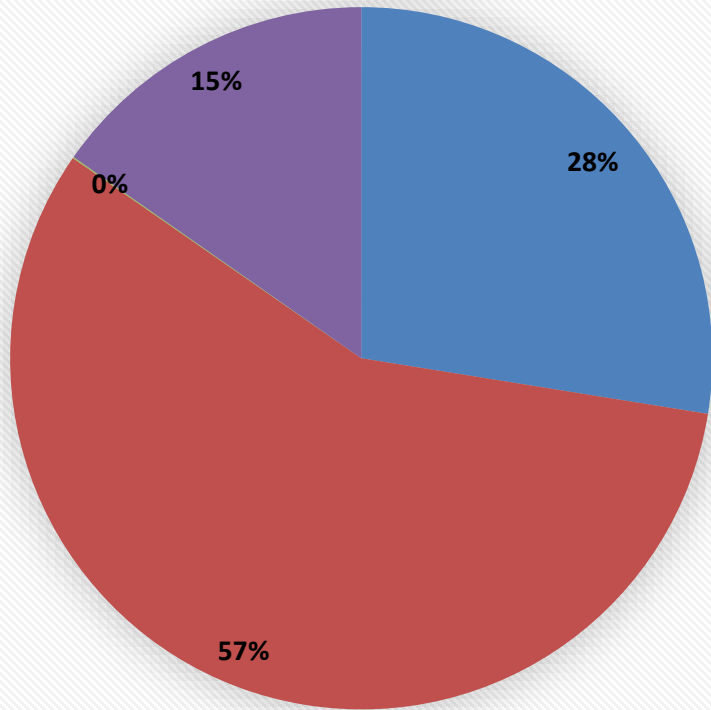
- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is 0.55%; and
- Consolidated Fund allocation as a percentage of the total Consolidated Fund allocation is 0.9%.

Summary of Recurrent Expenditure for the period 2012-2018⁴



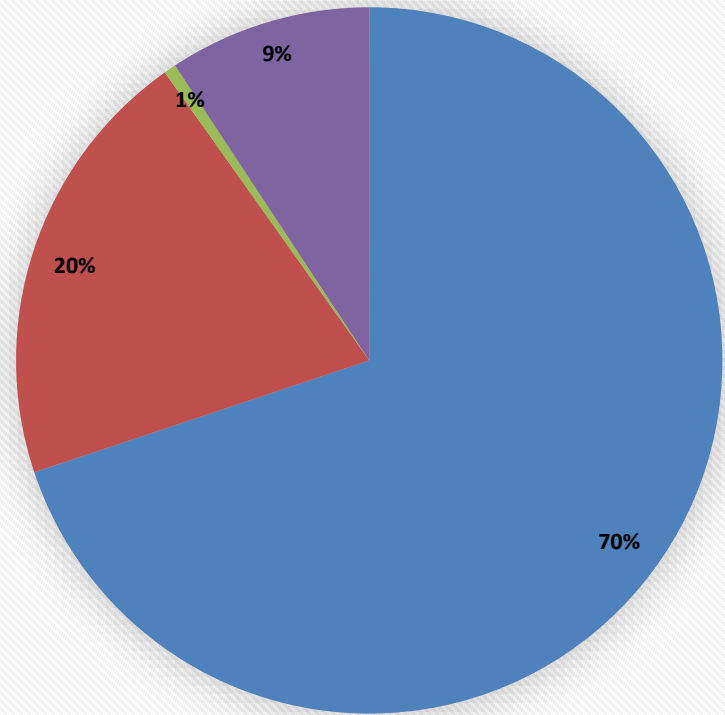
⁴ Figures for fiscal 2012 to 2015 are the summation of both the Ministry of Legal Affairs and the Ministry of Attorney General

2016 Actual



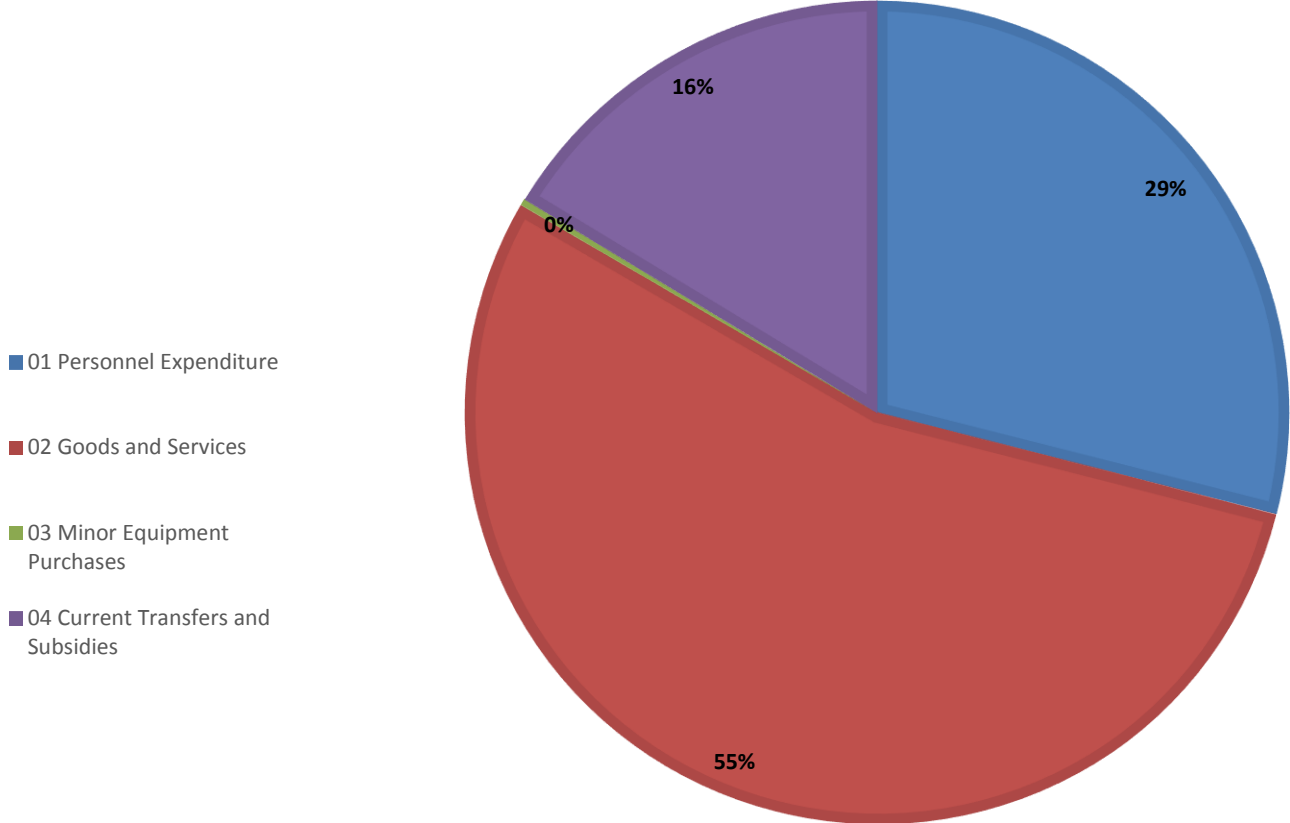
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2017 Revised Estimates



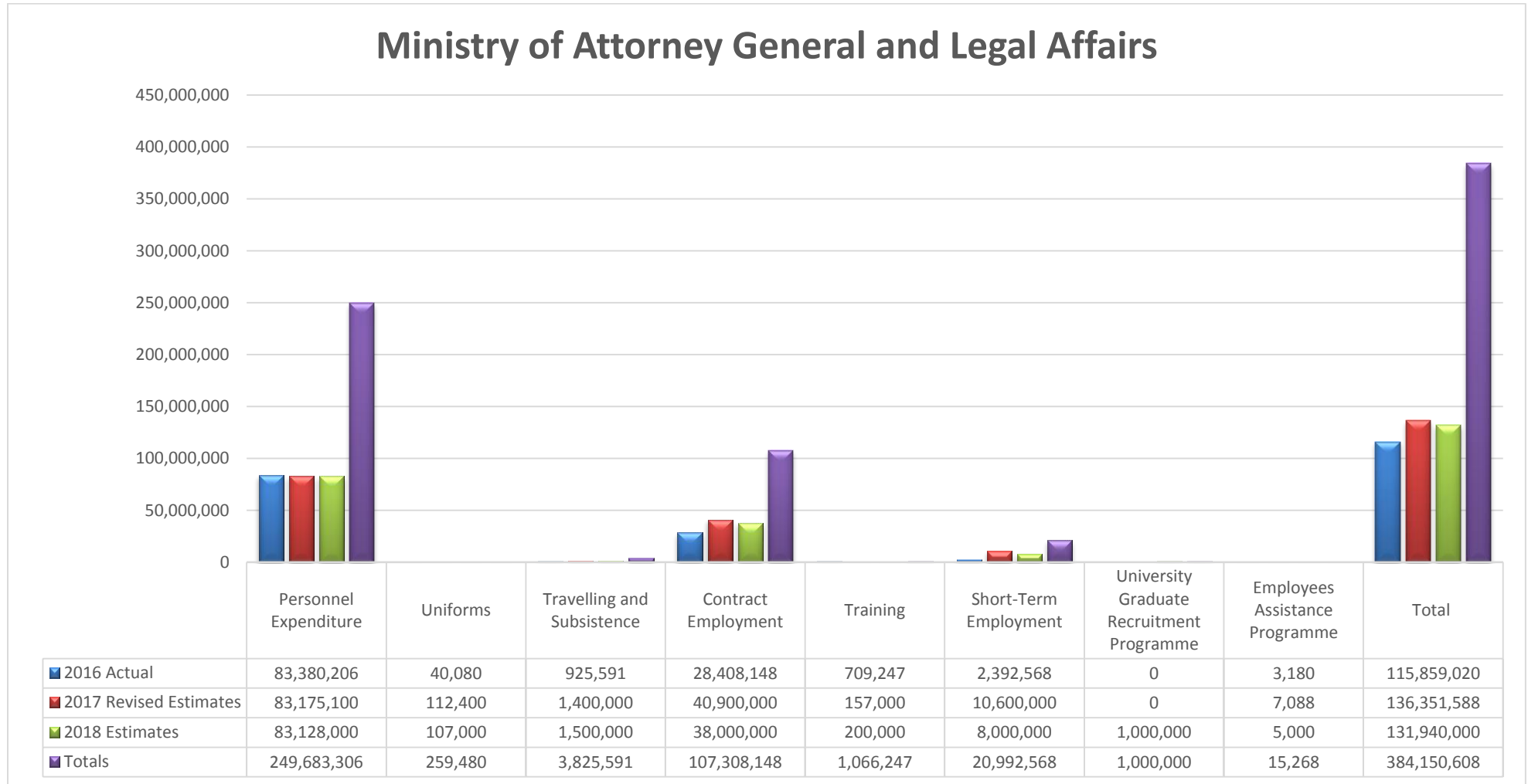
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2018 ESTIMATES



Staff and Pay⁵

The allocation of staff expenditure for the fiscal year 2018 was **\$131,940,000 .00** which represents a decrease of approximately **3.23%** from the last fiscal year 2017. The following chart provides a breakdown of all expenditure related to staff from 2017-2018.



⁵ Draft Estimates for Details of Estimates of Recurrent Expenditure for the Financial Year 2018 <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Recurrent-Expenditure-2018.pdf>

Analysis and Summary of Expenditure

Recurrent Expenditure refers to the payments for expenses which are incurred during the day-to-day operations of the Ministry for Personnel Expenditure, Goods and Services, Minor Equipment Purchases and Current Transfers and Subsidies. Recurrent Expenditure for Fiscal Year 2017/2018 is **\$286,948,650**.

- Recurrent Expenditure for Fiscal Year 2016/2017 was \$302,100,898. Comparing this figure with Fiscal Year 2017/2018, there is a decrease of **\$15,152,248** or **5%**.
- The **largest** portion of the allocation has consistently gone to Sub-Head 02 **Goods and Services**. This figure has been fluctuating over the period 2012-2018, accounting for approximately **55%** of total funding for the Ministry for fiscal year 2017/2018 for the day to day operations of the Ministry.
- **Minor Equipment Purchases** received the **lowest** portion of the total allocation for the Ministry over the period 2012 to 2018.
- **Personnel Expenditure** received the second **largest** portion of the allocation and has been fluctuating over the period 2012 – 2018. Comparing 2016/2017 to 2017/2018, there was a decrease in the allocation by 0.06%.
- The total allocation has been fluctuating over the three (3) year period 2016 – 2018 from a high of **\$341,093,418** in the fiscal year 2016 to a low of **\$286,948,650** in fiscal year 2018.

Summary of Development Programme Expenditure for the period 2012-2018

Development Programme is capital expenditure aimed at improving and enhancing development in different areas of Trinidad and Tobago which includes; human resources, economic and social development.

The Public Sector Investment Programme (PSIP), which represents the capital expenditure component of the National Budget, is the instrument used by Government to effect its vision and policies. It is a budgeting and strategic planning tool made up of projects and programmes, designed to realise the goals set out in the Government's overarching policy.

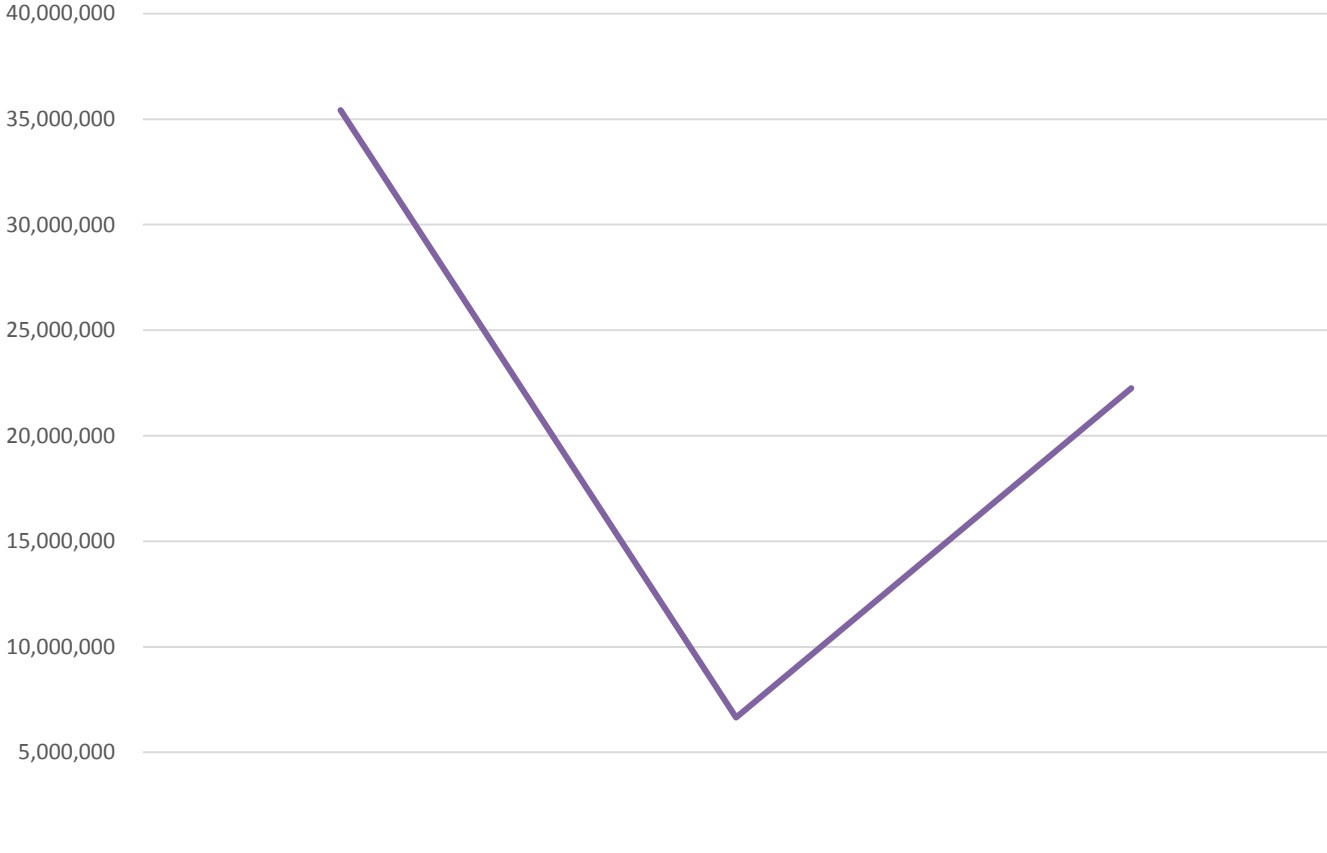
The PSIP budget document provides a detailed description of the programmes and projects and includes a review of the implementation of projects and programmes in the previous financial year and highlights the major projects and programmes to be implemented in the upcoming financial year.

- The Public Sector Investment Programme is intended to achieve:
 - the country's social and economic development goals; and
 - enhance the quality of life of all citizens.

The estimates for the development programme are presented in two parts as follows:

- Funds appropriated by Parliament and disbursed directly from the Consolidated Fund; and
- Funds disbursed from the Infrastructure Development Fund.

Summary of Development Programme Expenditure for the period 2016-2018



	2016 Actual	2017 Revised Estimates	2018 Estimates
004 Social Infrastructure - Consolidated Fund	-	-	-
005 Multi-Sectoral and Other Services - Consolidated Fund	35,421,370	6,654,000	22,250,000

The Ministry's total allocation as a percentage of the National Budget for the period 2012 to 2018.

Year ^[1]	Total Allocation ^[2]	National Budget ^[3]	Percentage of National Budget
2012	\$ 339,695,974	\$ 55,718,271,573.00	0.61%
2013	\$ 364,283,822	\$ 59,174,226,196.00	0.62%
2014	\$ 463,324,477	\$ 65,020,886,424.00	0.71%
2015	\$ 479,220,329	\$ 61,966,922,675.00	0.77%
2016	\$ 341,093,418	\$ 56,573,913,053.00	0.60%
2017	\$ 302,100,898	\$ 55,598,436,912.00	0.54%
2018	\$ 286,948,650	\$ 54,955,041,591.00	0.52%

- Total allocation for the Ministry as a percentage of the National Budget illustrated a decrease in the allocation to the Ministry of Attorney General and Legal Affairs by **0.02%** between the period 2016/2017 and 2017/2018.

^[1] For the Fiscal Years 2016, actual figures were used to calculate the Ministry's total allocation. However, estimates were used to determine the Ministry's total allocation for the Fiscal Years 2017 and 2018.

^[2] Total Allocation for the Ministry of Tourism= Recurrent Expenditure + Consolidated Fund

^[3] The National Budget= Total Recurrent Expenditure + Total Development Programme Consolidated Fund

The Auditor General Report Finding for the Fiscal Year 2016

Ref: Auditor General's Report Pg. 35

23 – MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

Rent/Office Accommodation and Storage

Cabinet approvals for the rental of eight of the fourteen properties sampled, with monthly payments totalling \$626,637.00 were not produced. As a result, it was not determined whether there was proper authority for the rental of these properties.

Unoccupied Building

The Ministry leased a building on Pembroke Street, Port-of-Spain on 6th June, 2012 at a monthly rental of \$100,000.00 VAT exclusive. Total rent of approximately \$5,200,000.00 was paid from inception to 30th September, 2016 for the building together with twenty (20) car park spaces. It was observed that the building remained unoccupied while the parking lot is being utilized. An amount of \$4,348,528.60 was spent on the outfitting of the building. Total expenditure to date amounted to \$9,548,528.60.

AT4 - CHIEF STATE SOLICITOR, MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

Overseas Mission

Revenue totalling \$258,405.78 for two months recorded under Overseas Mission in the Cash Book was not included in the monthly revenue statements forwarded to the Budget Division

Status of New Projects for the Financial Year 2016 - 2017

The following new projects that received funding in the 2016/2017 financial year⁶:

Project Description	Project -Item	2017 Estimate	2017 Revised Estimate	2018 Estimate
005-06A-001	Revision and Printing of the Laws of Trinidad and Tobago	\$1,000,000	\$0	\$0
005-06A-043	Design and Implementation of LAAA Website	\$1,000,000	\$0	\$400,000
005-06A-044	Automated Backup Utility	\$90,000	\$0	\$50,000

⁶ Estimates of Development Programme 2017, accessed on September 8, 2017: <http://www.finance.gov.tt/wp-content/uploads/2017/10/Numbered-Draft-Estimates-Development-Programme-2018.pdf>

General Useful Information

- Ministry of the Ministry of Legal Affairs and Attorney General Chambers, Guyana : <http://legalaffairs.gov.gy/attorney-generals-chambers>