



2018-2019

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 2013-2019. 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 Estimates of Development Programme;
- 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 2017.

Head 23: Ministry of the Attorney General and Legal Affairs

Ministry Overview¹

The AGLA's Commitment²

The Ministry of the Attorney General and Legal Affairs remain committed to the holistic development of Trinidad and Tobago through the promotion of the rule of law at all levels of society. The AGLA will carry out the responsibilities as outlined in the Constitution of Trinidad and Tobago and aligned with the Government's Strategic Plan - Vision 2030 to ensure the developmental pillars of a modern legal and regulatory framework are implemented and made effective.

The protection of individual freedoms and property rights can have the greatest impact on national development. The Legislative Agenda 2015-2020 advocates for those rights and tables on Parliament's floor the ideals and performance measures required in the law and justice sector to effect change at the national, regional and international level.

The AGLA resolves to create public value through the development of specialist legal services in the areas of law that are of importance to the State and simultaneously provide to You, the stakeholder, a safe and enabling environment delivered with respect, equity and integrity so as to stimulate increased productivity and greater confidence in the rule of law and in the Ministry of the Attorney General and Legal Affairs.

The Ministry of Attorney General and Legal Affairs will provide responsive, timely and confidential service with integrity and passion for excellence in order to meet or exceed stakeholders' expectations

¹ Ministry of the Attorney General website, accessed on the 17th September, 2018 <http://www.ag.gov.tt/About-the-AGLA/AGLA-Overview>

² Ministry of the Attorney General website, accessed on the 17th September, 2018 <http://www.ag.gov.tt/About-the-AGLA/The-AGLA-Commitment>

Core Values:

- **Integrity:** Honesty, Ethical Behaviour, Commitment and Equity
- **Professionalism:** Discipline, Courtesy, Technical Competence and Timeliness
- **Confidentiality :** Mutual Respect, Trust, Privacy and Security
- **Customer-Focused :** Empathy, Compassion and Customer Satisfaction
- **Results-Oriented :** On-Time Delivery, Punctuality and Reliability

Responsibilities

• Appointment to Quasi-Judicial Bodies	• Office of the Chief Parliamentary Counsel
• Construction of Court facilities for the Judiciary	- Legislative Drafting
• Law Reform	• Office of the Director of Public Prosecutions
• Legislative Agenda	• Law Revision
• Office of the Chief State Solicitor	• Legal Service Complaints
- Administrator General	• Alternative Dispute Resolution
- Conveyancing	• Constitution Reform
- Custodian of Enemy Property	• Registrar General
- Government Contracts	- Civil Registry
- Legal Service	- Companies Registry
- Provisional Liquidator	- Land Registry
- Provisional Receiver	- Rent Restriction
- Public Trustee/Official Receiver	• Intellectual Property
• Office of the Solicitor General	- Copyright and Related Rights
- Civil Litigation	- Trademarks
- Commissioners of Affidavits	- Industrial Property
- Justices of the Peace	• Criminal Justice System
- Legal Advice to the Government	- Reform and transformation
- Liquor Licenses	- Quicker Justice Initiative Programme
- Marriage Licenses	

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 Fitzgerald E. Hind

Permanent Secretary (Ag): Mrs. Nataki Atiba-Dilchan

Services³:

The Anti-Terrorism Desk

The Anti-Terrorism Desk of the Ministry of the Attorney General and Legal Affairs was established in the fourth quarter of 2015. Its primary mandate is the implementation of the powers of the Attorney General under the Anti-Terrorism Act, Chap. 12:07. These include obtaining Orders of the High Court declaring individuals and entities as listed entities and freezing their funds, forfeiture of terrorist property and legal action in respect of suspected international terrorists found in Trinidad and Tobago. The Desk also provides policy advice to the Honourable Attorney General and other Government Departments regarding terrorism and related matters, including on the development and revision of laws in this area.

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.

The Chief State Solicitor

The Chief State Solicitor provides legal services to other Government Ministries and Departments as well as to the members of the public. Its main functions are as follows:

- To focus on commercial and property law matters and in these areas serve both the Government and the public in the preparation of deeds and contracts for its commercial enterprises and for the engagement of consultants and other personnel
- To instruct the Solicitor General in Civil Litigation Matters

³ Ministry of the Attorney General and Legal Affairs website, accessed on the 12th October, 2017 <http://www.legalaffairs.gov.tt/AboutUs.html>

The Solicitor General

The Solicitor General's Department performs a critical role in the administration of justice by:

- Advising the State on all aspects of Civil Law
- By representing the State in both Constitutional and Civil Proceedings
- By assisting in the formulation and execution of Government policy within the limits of the law
- To vet financial documents relating to loan agreements and bond issues on the domestic and international markets.

Office of the Chief Parliamentary Counsel

The Chief Parliamentary Counsel heads the Legislative Drafting Department, which plays a critical role in the implementation of Government policy. The main functions of the Legislative Drafting Department are as follows:

- To draft primary and secondary legislation as instructed by Cabinet or the Attorney General;
- To advise on the legal aspects of Bills and subsidiary legislation in Parliament;
- To advise the Attorney General on the constitutionality of legislation and other matters relating to same;
- To advise the Parliament on matters relating to Parliamentary procedure, and other legal issues.

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."

Office of the Director of Public Prosecutions

The Director of Public Prosecutions, a position created by the Constitution of Trinidad and Tobago, is the head of the Criminal Law Department. The establishment of this position stemmed from the need for a constitutional post that would always be independent of

political and stakeholder involvement in the prosecution of criminal matters. In this circumstance, the independence of this post is constitutionally guaranteed. The functions of the Criminal Law Department also include the following:

- Undertaking Criminal Prosecution in all High Courts (Assizes and Appeal);
- Briefing Counsel in the United Kingdom on the conduct of Appeals before the Judicial Committee of the Privy Council;
- Undertaking prosecutions in complex matters and matters of public interest in the forty (40) Magistrates' Courts throughout the country;
- Formulating prosecution policy;
- Interfacing on a regular basis with Governmental, Non-Governmental and international agencies such as the Police, the Defence Force, Customs and Excise, the Board of Inland Revenue and Town and Country Planning Division. In addition, there is a great deal of interaction with the Public, the United, States Department of Justice, the Crown Prosecutors Service and other prosecuting agencies within the Caribbean Territories;
- Assisting with Extradition requests;
- Proffering indictments before the High Court and preparing and filing other legal documents.

Key Statement from 2017 Standing Finance Committee Debate

During the Standing Finance Committee debate of 2017, the following statement was made in relation to the emphasis of the Ministry of Attorney General and Legal Affairs for fiscal year 2017/2018⁴:

“...the Office of the Attorney General and Ministry of Legal Affairs is now a combined ministerial entity, pursuant to the Government’s policy for merger of Government Ministries in an effort to achieve cost saving measures.

As is the case, the Office of the Attorney General conducts a range of affairs prescribed properly under Gazette and also pursuant to constitutional roles, in the civil law, the criminal law and a number of entities that are supervised by the Office of the Attorney General – there are 15 in total – and also as coordinate function for courts of superior record. Thank you.”

⁴ Minister of the Attorney General and Legal Affairs, Standing Finance Committee Hansard of Ministry of Attorney General and Legal Affairs 23 Oct17, Accessed September 17, 2018

Where the Ministry spends its money

2018 – 2019 Estimates of Expenditure

The budget allocation of **\$360,900,000.00** for the Ministry of the Attorney General and Legal Affairs is comprised of:

- The Draft Estimates of Recurrent Expenditure in the sum of **\$318,000,000.00; and**
- The Draft Estimates of Development Programme Consolidated Fund in the sum of **\$42,900,000.00.**

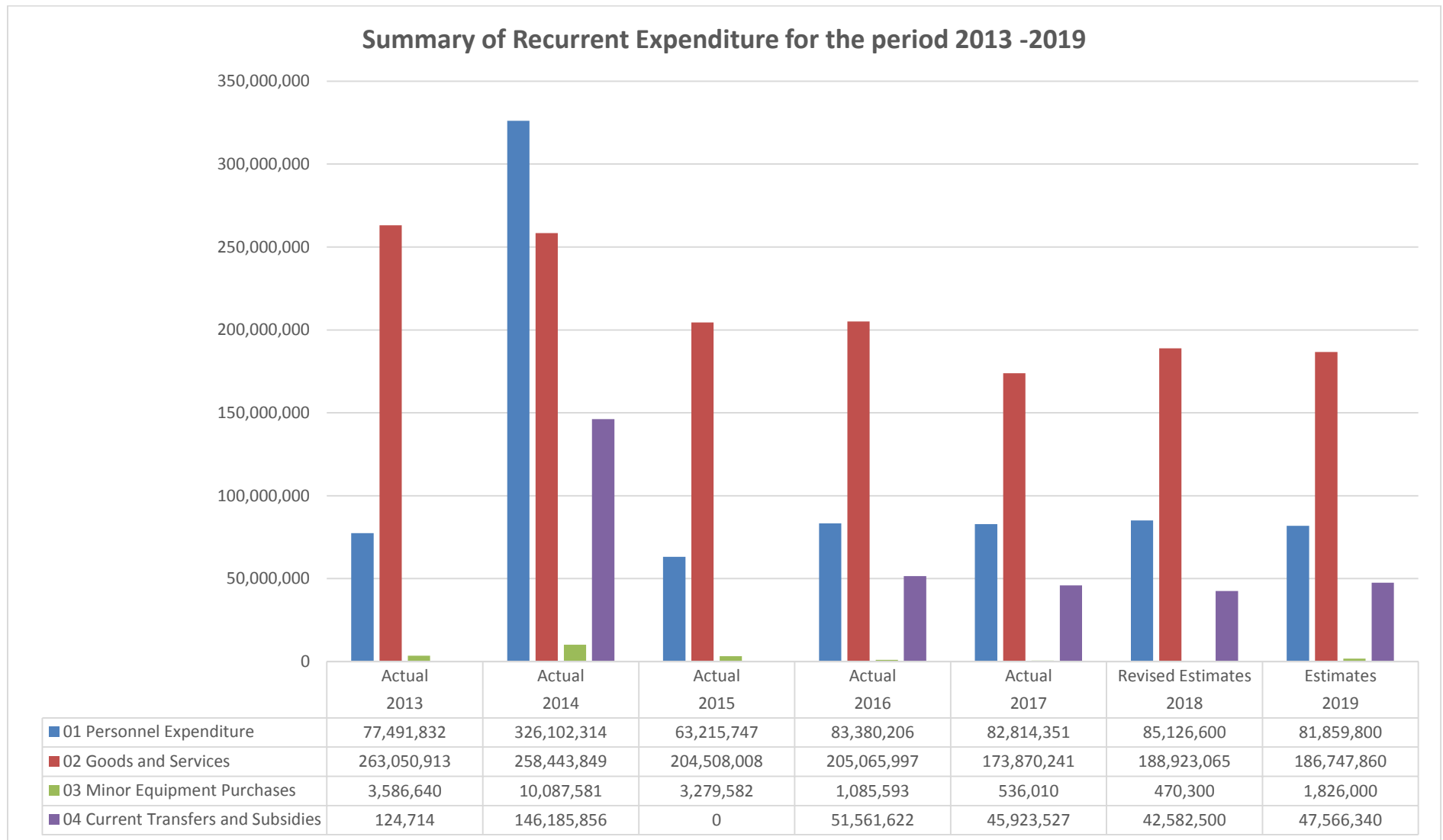
The Estimates of Recurrent Expenditure includes:

- 01 Personnel Expenditure - **\$81,859,000.00;**
- 02 Goods and Services- **\$186,747,860.00;**
- 03 Minor Equipment Purchases - **\$1,826,000.00; and**
- 04 Current Transfers and Subsidies - **\$47,566,340.00.**

The Ministry of the Attorney General and Legal Affairs:

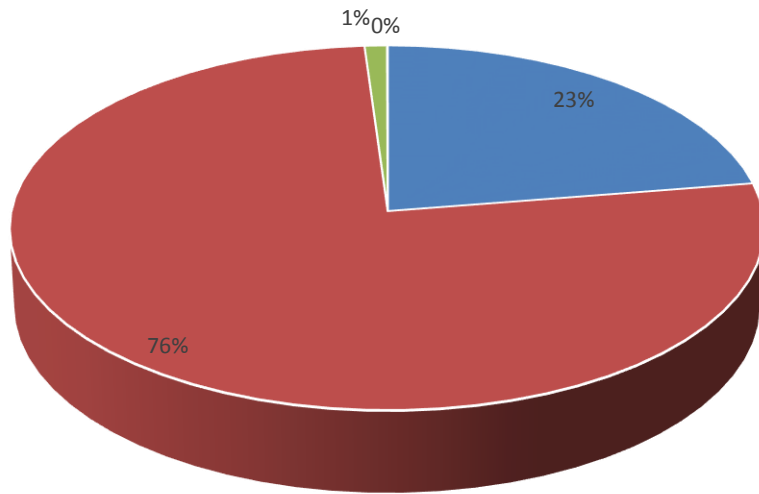
- Total allocation as a percentage of National Budget is **0.65%**
- Recurrent Expenditure as a percentage of the total Recurrent Expenditure budget is **0.60%; and**
- Consolidated Fund allocation as a percentage of the total Consolidated Fund allocation is **1.79%.**

Summary of Recurrent Expenditure for the period 2013-2019⁵



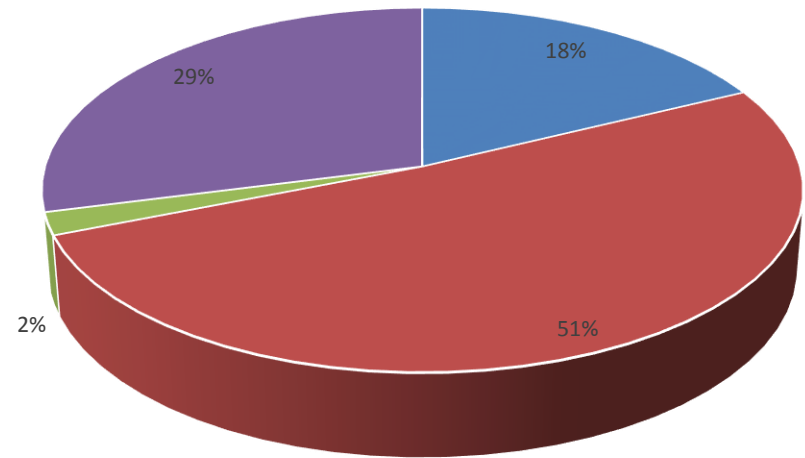
⁵ Figures for fiscal 2013 to 2015 are the summation of both the Ministry of Legal Affairs and the Ministry of Attorney General

2013 Actual



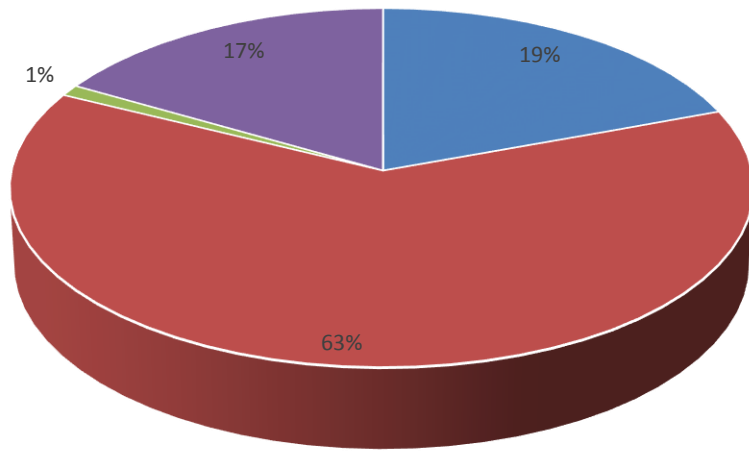
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2014 Actual



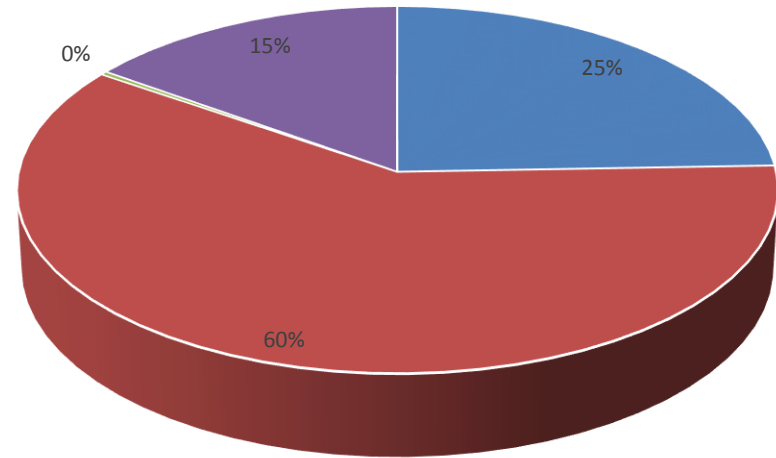
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
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2015 Actual



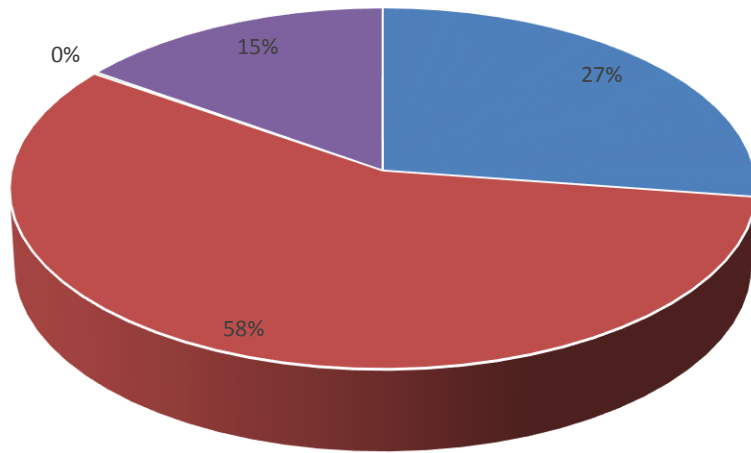
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2016 Actual



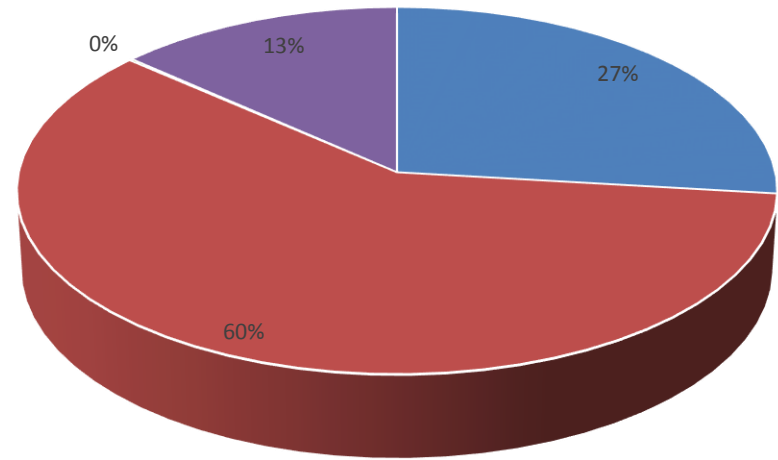
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2017 Actual



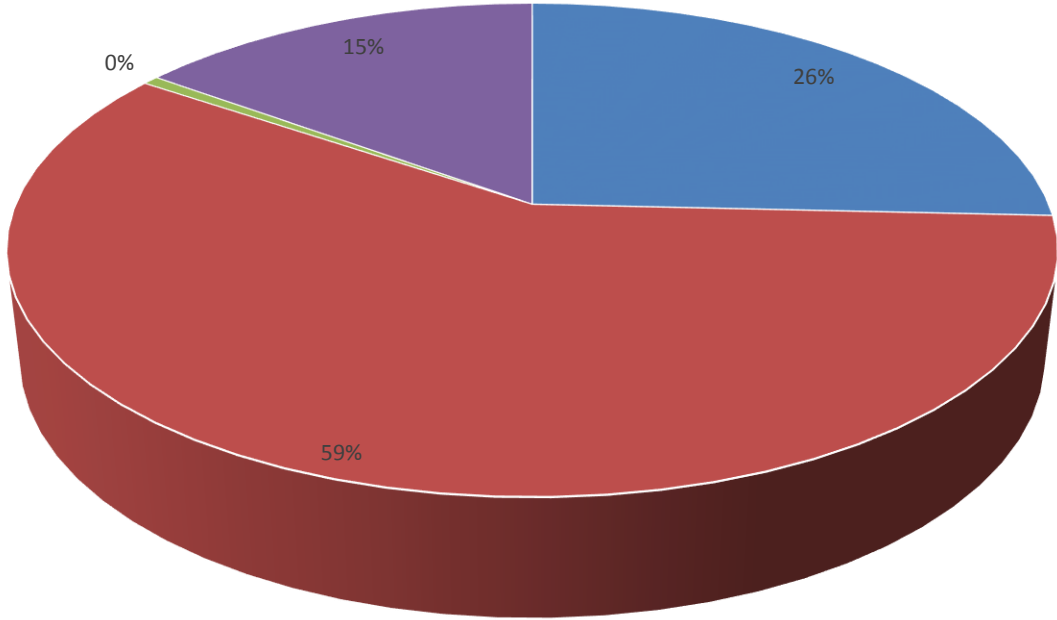
- 01 Personnel Expenditure
- 02 Goods and Services
- 03 Minor Equipment Purchases
- 04 Current Transfers and Subsidies

2018 Revised Estimates



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

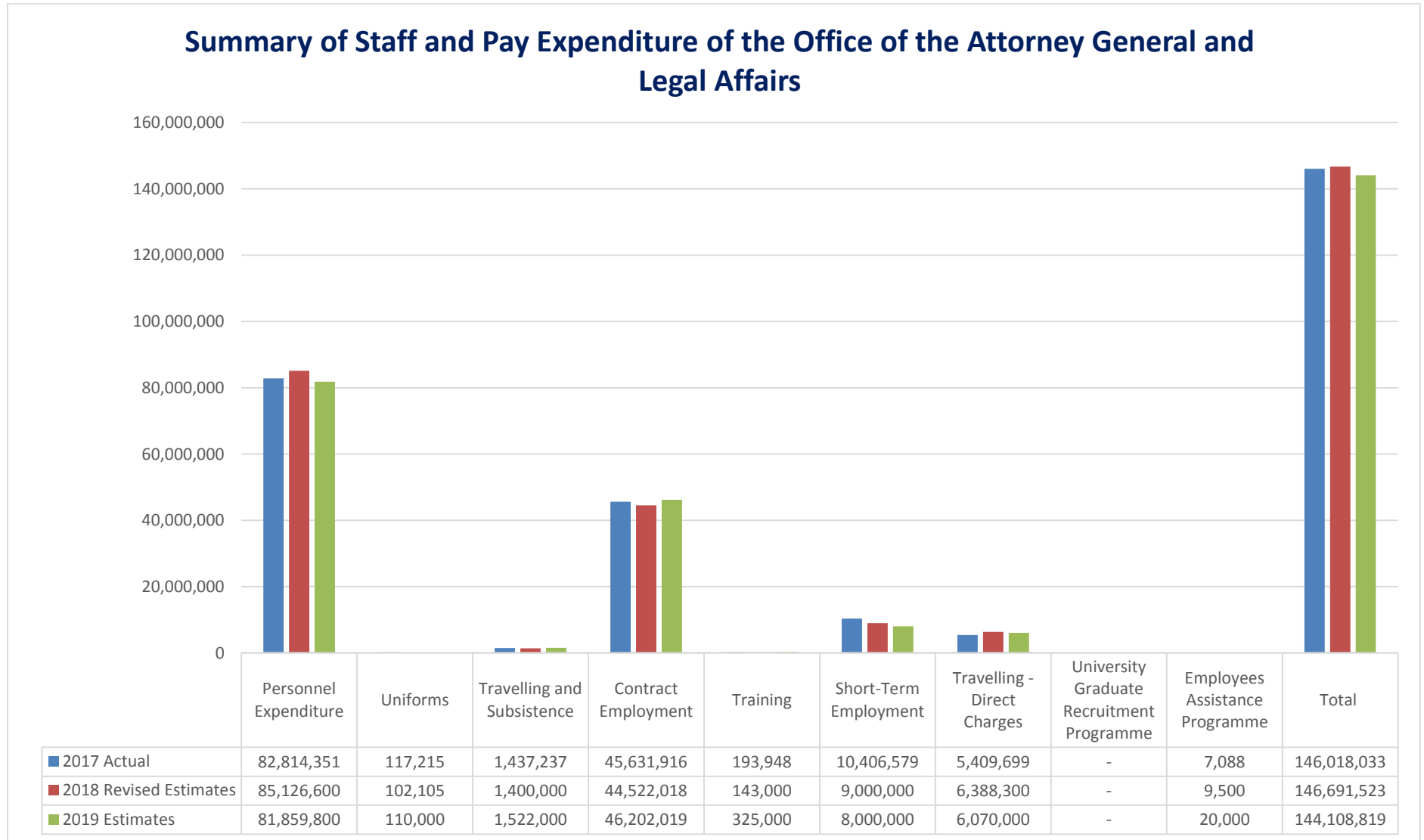
2019 Estimates



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

Staff and Pay

The allocation of staff expenditure for the fiscal year 2019 was \$ **144,108,819.00** which represents a decrease of approximately **0.02%** from the last fiscal year 2018. The following chart provides a breakdown of all expenditure related to staff from 2017-2019.



Analysis and Summary of Expenditure⁶

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 (Revised) for Fiscal Year 2017/2018 was **\$317,102,465.00**. Comparing this figure with Fiscal Year 2018/2019, there is an increase of **\$897,535.00** or **0.28%**.
- The **largest** portion of the allocation has consistently gone to Sub-Head 02 **Goods and Services**. This figure has been fluctuating over the period 2013-2019, accounting for approximately **58.73%** of total funding for the Ministry for fiscal year 2018/2019 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 2013 to 2019 accounting for approximately **0.57%** of total funding for the Ministry for fiscal year 2018/2019 for the day to day operations of the Ministry.
- **Personnel Expenditure** received the second **largest** portion of the allocation and has been fluctuating over the period 2013 – 2019. Comparing 2017/2018 to 2018/2019, there was a decrease in the allocation by **3.84%**.
- The total Recurrent Expenditure has been fluctuating over the seven (7) year period 2013 – 2019 from a high of **\$ 413,098,005.00** in the fiscal year 2014 to a low of **\$ 303,144,129.00** in fiscal year 2017.

⁶Estimates of Recurrent Expenditure 2019, accessed on October 2, 2018: <https://www.finance.gov.tt/wp-content/uploads/2018/10/Numbered-Draft-Estimates-Recurrent-Expenditure-2019.pdf>

Summary of Development Programme Expenditure for the period 2013-2019

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.

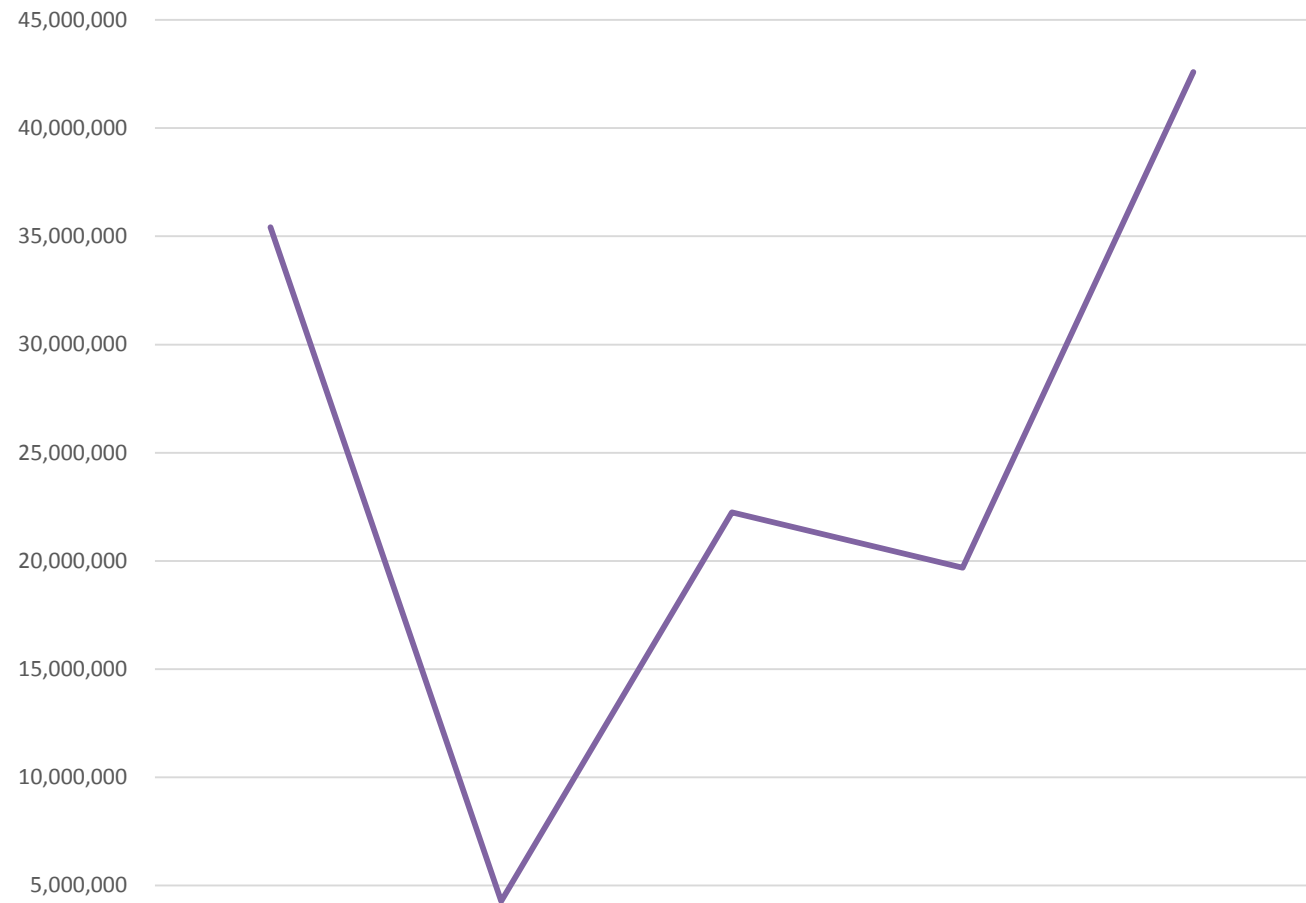
The Public Sector Investment Programme (PSIP), which represents the capital expenditure component of the National Budget, is the instrument used by Government to effect its vision and policies. It is a budgeting and strategic planning tool made up of projects and programmes, designed to realise the goals 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 in the sum of **\$42,900,000.00** are appropriated by Parliament and disbursed directly from the Consolidated Fund.

Summary of Development Programme Expenditure for the period 2016-2019



	2016 Actual	2017 Actual	2018 Estimates	2018 Revised Estimates	2019 Estimates
004 Social Infrastructure - Consolidated Fund	-	-	-	-	300,000
005 Multi-Sectoral and Other Services - Consolidated Fund	35,421,370	4,272,664	22,250,000	19,688,507	42,600,000

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
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	\$ 307,416,793	\$ 54,883,153,410.00	0.56%
2018	\$ 336,790,972	\$ 54,330,404,592.00	0.62%
2019	\$ 360,900,000	\$ 55,582,977,415.00	0.65%

- 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 **0.03%** between the period 2017/2018 and 2018/2019.

^[1] For the Fiscal Years 2017, 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 2018 and 2019.

^[2] Total Allocation for the Ministry Of The Attorney General And Legal Affairs= 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 2017⁷

Ref: Auditor General's Report Pg. 39

23 - MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

National Insurance Property Development Company (NIPDEC)

Total expenditure of \$2,755,585.44 pertaining to payment for outfitting of the office space for DPP - Tobago as reported in the Appropriation Account, differed from the figure in the Vote Book of \$1,388,102.48 by \$1,367,482.96. In addition, a contract agreement was not produced for audit.

Implementation of DPP Case Management System

The contract agreement with a service provider for a project totalling \$588,225.00 was not produced for audit.

Rent/Lease - Office Accommodation and Storage

Cabinet approvals were not seen for all of the 22 properties rented by the Ministry with annual rental payments totalling \$23,464,981.20.

⁷ The Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017 <http://www.auditorgeneral.gov.tt/content/report-auditor-general-public-accounts-republic-trinidad-and-tobago-financial-year-2017>

Major Programmes and Development for the Period 2017 to 2019

The following table shows a list of the significant expenditure items, based on the proportion of the budgetary allocation assigned.⁸

Development Programme 2019	PROJECTS	2017 Actual	2018 Estimate	2018 Revised Estimate	2019 Estimate
005-06-A-018	Strengthened Information Management at the Registrar General's Department	1,676,115	13,000,000	13,000,000	30,000,000

⁸ Estimates of Development Programme 2019, accessed on October 2, 2018: <https://www.finance.gov.tt/wp-content/uploads/2018/10/Numbered-Draft-Estimates-Of-Development-Programme-New-2019.pdf>

Status of New Projects for the Financial Year 2016 - 2017

The following new projects that received funding in the 2016/2017 financial year⁹:

Development Programme 2019	PROJECTS	2017 Actual	2018 Estimate	2018 Revised Estimate	2019 Estimate
005-06-A-001	Revision and Printing of the Laws of Trinidad and Tobago	-	-	2,000,000	-
005-06-A-043	Design and Implementation of LAAA Website	-	400,000	900,000	100,000
005-06-A-044	Automated Backup Utility	59,212	50,000	30,787	0

⁹ Estimates of Development Programme 2019, accessed on October 2, 2018: <https://www.finance.gov.tt/wp-content/uploads/2018/10/Numbered-Draft-Estimates-Of-Development-Programme-New-2019.pdf>

New Projects for the Financial Year 2018-2019¹⁰

The following new projects that received funding in the 2018/2019 financial year

Development Programme 2019	PROJECTS	2019 Estimate
005-06-F-025	Modernization of the Companies Registry	5,000,000
005-06-F-026	Fit-Out Accommodation for Civil Law Department	2,500,000
005-06-F-027	Accommodations for District Registrar Offices	600,000
005-06-F-028	Provision of Accommodation for the Legal Aid and Advisory Authority	1,500,000

¹⁰ Estimates of Development Programme 2019, accessed on October 2, 2018: <https://www.finance.gov.tt/wp-content/uploads/2018/10/Numbered-Draft-Estimates-Of-Development-Programme-New-2019.pdf>

General Useful Information

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