

PUBLIC NOTICE

Judiciary's response to the Attorney General's need for a checklist of steps that are necessary to ensure that the Judiciary is fully ready for compliance on the proclamation of the Public Procurement and Disposal of Public Property (Amendment) Act No. 27 of 2020.

Since The Hon Attorney General and The Hon Prime Minister addressed the issue of the Judiciary's response to the query of the Attorney General as to the readiness of the Judiciary to manage the work of the Public Procurement and Disposal of Public Property Act, the Judiciary has received several requests for copies of its comments.

As this was correspondence between the Office of the Chief Justice and the Honourable Attorney General, the Judiciary did not think it appropriate to share the correspondence. Neither did the Honourable Attorney General.

A request for the correspondence has now come to the Office of the Honourable Attorney General and to the Judiciary under the Freedom of Information (FOI) Act. The Judiciary is of the view that correspondence between the Chief Justice and the Attorney General should not be the subject of an FOI request under the Act. There should be a system where certain things are classified and may be declassified after a period of time.

The Judiciary wishes to make it clear that it is not averse to sharing its comments on this issue publicly but not under the ambit of an FOI request. Allowing such an FOI request is a dangerous precedent that the judiciary believes should not be set.

The Judiciary with the approval of the Attorney General, who requested the information and was the recipient of the correspondence, has decided on this occasion to publish its comments. The comments can be found at the link below:

<https://www.ttlawcourts.org/index.php/component/attachments/download/9040>

All new legislation, including other draft Bills such as the Administration of Justice Indictable Proceedings) Amendment Act currently under review, has to be implemented and in this regard the Judiciary in its administrative capacity looks at the potential effect of legislation on the resources and systems of the Judiciary. The Judiciary must therefore study the legislation to determine what it is required to do under the legislation and what systems and new processes and resources it must put in place. We must also be mindful of our constitutional role. There is well-established precedent for the Judiciary to be consulted on pending legislation to determine its likely impact on the Judiciary and the administration of justice. Impact may also, on occasion, include matters that affect the administrative independence of the judiciary. In this legislation, the Judiciary is also a public body under the Act and required to function in accordance with the Act. It is therefore both subject to and responsible in part for the implementation of the legislation.

Therefore, the Judiciary in its administrative capacity, and having regard to both aspects of its administrative responsibility, proceeded to review the legislation, to analyse procedural, systemic and resource requirements and to proffer its comments.

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For further information, kindly contact:

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