JUDICIARY CLEARS THE AIR ON OFFICIAL OVERSEAS TRAVEL FOR ITS MEMBERS

The Judiciary of Trinidad and Tobago seeks to explain the benefits to the organisation and to the Administration of Justice of official overseas travel for its officers and to correct the inaccuracies in the Trinidad Guardian report of Thursday 31st March 2016 headlined, ‘Judiciary staffers raise CJ’s travels: “Frequent flyer” in trying times.’

1. During the period fiscal 2008-2015, The Judiciary was allocated approximately TT$10.1M for official overseas travel and expended approximately TT$9.5M over the period. Therefore, the TT$50M stated in the report as having been spent on overseas travel is not only grossly misleading but mischievous given that these figures are readily available to the public via the Draft Estimates for Recurrent Expenditure which is published by the Ministry of Finance annually.

2. The Judiciary of Trinidad and Tobago has at no time during the tenure of The Honourable the Chief Justice Mr Justice Ivo Archie expended seventy percent (70%) of the allocation from the Official Overseas Travel Vote or Budget on official overseas travel of the Chief Justice alone. The table below gives an approximate breakdown of the expended funds for the period under consideration.

3. During the period January 2008-December 2012, the Honourable Chief Justice travelled nineteen (19) times out of the jurisdiction on official business of the Judiciary of Trinidad and Tobago not thirty (30) as reported. This averages approximately four per year over the period.

4. It is always for the personal expense of an officer should he/she opt to extend his/her stay overseas beyond the official period of a meeting/conference regardless of the rank or portfolio of that officer. However, for continuous travel exceeding eight hours, it is customary to allot some time for recovery in the official itinerary for all officers so affected. It is the local convention, though contrary to international practise, that the Executive approves all official travel for officers of the Judiciary: Chief Justice, Judges, Registrars, and members of Court Administration. The travel itinerary for all officers of the judiciary is therefore subject to the scrutiny of the Executive via the Cabinet. The Cabinet consults and has occasion sought clarification on Notes brought forward for its consideration.

Additionally, His Excellency, the President of the Republic is informed of the absence of Judges from the jurisdiction outside of Court vacations or breaks.

5. The Judiciary of Trinidad and Tobago in February 2016, issued three press statements outlining the benefits of the Memorandum of Understanding (MOU) with the Supreme Court of Nigeria and the National Center for State Courts of the United States of America. To restate for the purpose of correcting the error in the article, the MOU provides for technical assistance to design, develop, and implement a new Case Management Information System (CMIS) modelled after the indigenous developed Nigerian Judiciary’s CMIS for implementation in the signatory Caribbean Community nations, namely: The Judiciaries of Barbados, Eastern Caribbean States, and Trinidad and Tobago. The arrangement directly supports one of the Judiciary of Trinidad and Tobago’s key initiatives - a Juvenile Court, which is to be opened in September 2016. The Judiciary’s capacity to provide speedy and effective access to justice can be greatly facilitated by the use of an automated case management information system (CMIS) tailored to the needs of the children in our courts. Any good CMIS should allow for efficient tracking of cases and timely access to relevant infor-

<table>
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<tr>
<th>Year</th>
<th>Allocation</th>
<th>Expenditure</th>
<th>Hon. Chief Justice</th>
<th>Court Administration Unit</th>
<th>Judges</th>
<th>Masters, Registrars &amp; Magistrates</th>
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<td>$272,120.70</td>
<td>$351,107.92</td>
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24% 32% 35% 9% 32% 30% 33% 5% 21% 39% 25% 15% 15% 21% 46% 18% 23% 30% 32% 15%
mation to support both short and longer term decision making. A good CMIS will also provide the platform for better case flow management and facilitate sharing of information between the court and its stakeholders. For this reason, the benefits of the new CMIS are expected to be reaped not only by the Juvenile Court but also by the wider Court system including the Criminal Justice System.

The initiative with the Supreme Court of Nigeria and the NCSC may allow Trinidad and Tobago to meaningfully tackle another of its key strategic goals especially in light of the current revenue realities of the country that is, lowering the cost of its operations. For twenty years, the Judiciary has utilised an off-the-shelf Case Management Information System solution. While the off-the-shelf CMIS has helped to reduce administrative and procedural delays, improve the ease and efficiency of our communications with clients on their matters before the Court, and contributed to the speedier disposition of matters, in recent years, growth in the volume of matters before the courts and the complexity of some of those matters has presented some limitations with regard to the software’s capability and more so suitability. Also, restrictive administrative arrangements have severely limited the Judiciary’s ability to customise and maintain the software to suit our local needs. Increasing annual expenses (by as much as six per cent year on year), associated with the vendor’s support of the solution have posed a challenge to achieving one of our strategic goals, that of reducing the costs of our operations. To date the Judiciary spends approximately USD$176,000 annually to maintain the system (primarily in licensing fees) and licenses for use are paid on a per user basis thus limiting the potential for expansion.

That is USD$176,000 for a system the Judiciary neither owns nor can fully customise to suit our needs. The Memorandum of Understanding therefore represents a potential major shift in our approach to the search for ICT solutions for our Courts. This strategic partnership presents us with an opportunity to pursue design and development of an ICT solution specific to our needs using the existing Nigerian Case Management Information System as the base. The implication for us is the realisation of significant savings in operational costs along with greater process efficiencies.

**The Judiciary and Financial Accountability**

Financial management in the Judiciary, as in all State institutions is governed by Public Service Rules and Regulations, which are implemented by an Accounting Officer namely, the Court Executive Administrator (CEA). The CEA, though a Judicial Officer, is accountable to the Comptroller of Accounts and the Auditor General. Within the Judiciary itself, financial management is directed by the operations of the Finance and Accounting Unit and the Planning Unit which work to ensure the highest standards of integrity and fiscal responsibility. Further, several years ago the Judiciary of Trinidad and Tobago implemented a Procurement Policy which adds another layer of control to the public service rules. Taken together, legislative Rules and Regulations such as the Exchequer and Audit Act and the Financial Regulations, the Judiciary’s Procurement Policy and Procedures as well as the Judiciary’s submission to the authority of the Comptroller of Accounts and the Auditor General, work to ensure the organisation’s full accountability. It is in the interest of even further accountability that a Report on the operational and financial performance of the Judiciary is released annually.

It should be noted that these same safeguards against mismanagement will exist when financial autonomy is granted to the Judiciary by the Executive as promised in the national budget of fiscal 2016. These safeguards and the accountability that they assure, go hand in hand with Judicial Independence and the provision of adequate resources such that the courts function at the highest possible standards. The internationally accepted principles on judicial independence to which our country and other Commonwealth nations ascribe (The Commonwealth (Làterme House) Principles on the Three Branches of Government) advocate that “Sufficient and sustainable funding should be provided to enable the judiciary to perform its functions to the highest standards. Such funds, once voted for the judiciary by the legislature, should be protected from alienation or misuse.” We are, even now and will be upon the granting of full financial autonomy, ever mindful of our responsibility to guard against said “alienation and misuse.” We are equally mindful of the fact that a judiciary’s functional independence can only be guaranteed if it has full control of its functioning, its staff and all its resources.

**Benefits of Official Travel to the Judiciary and the Administration of Justice in Trinidad and Tobago**

Overseas travel for officers of the Judiciary has had a positive effect on the administration and delivery of Justice. Many innovations have come to us by way of exposure to developments in other jurisdictions and studies and practises of organisations dedicated to Courts and Justice. There are a number of initiatives of our Courts that have occurred as a direct result of meetings and seminars attended by Judges, Judicial Officers, Members of Court Administration and the Honourable the Chief Justice over the years. These include: the Drug Treatment Court; the Juvenile Court Project; Maximum Sentence Indication Hearings; and other Alternative Dispute Resolution initiatives of the Judiciary of Trinidad and Tobago to list but a few.

Our approach to Leadership and Change Management in the organisation has been guided by the exposure to concepts such as Appreciative Inquiry. Our dedication to developing a strong Customer Care ethic and building policies and procedures around best practice for the Courts in these areas, our implementation of technological solutions to the work of the Courts: all these have come to us initially as a result of attendance at and participation in international meetings and seminars and interaction with colleagues overseas who share our core purpose: to deliver justice.

It is important to note that the Judiciary’s participation in those conferences/meetings mentioned earlier as well as at the International Organisation of Judicial Training events (to name a few) also allow for formal breakout sessions arranged by the meeting facilitators and meetings with Commonwealth Chief Justices, Judges, and Judicial Officers enabling professional and organisational development as shared experiences and learnings provide for an enriched learning environment. The advantage of this approach is that additional expense is not incurred to have separate meetings with Heads of Judiciary. Conferences and training seminars which bring together high level practitioners and researchers to discuss findings and develop international best practise serve not only to enlighten but provide the basis for the crafting of solutions for some of the attending burdens of the administration of justice in the local context. Further, many of these conferences and seminars provide the foundation for the development and advancement of the Judicial Education Institute of Trinidad and Tobago (JEIT) and the Chief Justice as President of the JEIT Board and other Board members have been instrumental in bringing these learnings to the local institution.

**Conclusion**

The Judiciary of Trinidad and Tobago is and remains committed to best practise management of the judicial function and the administration of justice in our twin island Republic.

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**Further information may be sought from the office of the Court Protocol and Information Unit at 223-1060 ext. 2407.**