PARLIAMENT

OF THE CAYMAN ISLANDS

2022-2023 Session

REPORT

of the

STANDING

PUBLIC ACCOUNTS COMMITTEE

on the Report of the
Office of the Auditor General:
Follow-up on past PAC recommendations 2022 – Report 3
(September 2022)

Laid on the Table of Parliament on this day of 2023

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REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE OFFICE OF THE AUDITOR GENERAL

"FOLLOW-UP ON PAST PAC RECOMMENDATIONS 2022 – REPORT 3 (SEPTEMBER 2022)"

1. REFERENCE

The Standing Public Accounts Committee of the Cayman Islands Parliament, established under Standing Order 77 (2022) and Cayman Islands Constitution Order 87 (2009), met to consider the following Report of the Auditor General, hereinafter referred to as "the Report":

Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)

2. DOCUMENTS CONSIDERED

In accordance with the provision of Standing Order 77(3), the Committee considered the Report which was referred in the House of Parliament. The PAC reviewed the Report with particular focus on Appendix 2.

3. CHAIRMAN AND MEMBERS OF THE COMMITTEE

The following Members of Parliament are the present Members of the Standing Public Accounts Committee as of:

- Hon. Roy M. McTaggart, JP, MP - Chairman
- Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP
- Ms. Barbara E. Conolly, JP, MP
- Mr. Joseph Hew, MP*
- Mr. Isaac D. Rankine, MP
- Mr. Dwayne S. Seymour, JP, MP

*At the time of the Hearing on 23rd November, 2022 pertaining to the Report, the Hon. Katherine Ebanks-Wilks was a Member of the Standing Public Accounts Committee. Upon her election to the role of Speaker of Parliament on 25th November, 2022, the Committee's membership changed through Government Motion No. 2 of 2022-2023, and Mr. Joseph Hew accepted the nomination to replace Hon. Ebanks-Wilks on the Committee.

4. MEETINGS OF THE COMMITTEE

The Committee held three (3) meetings to consider this Report on:

- 19th October, 2022 *(Administrative Meeting)*

- 23rd November, 2022 *(Hearing)*
- 1st March, 2023 *(Administrative Meeting)*

5. ATTENDANCE OF MEMBERS

The attendance of Members at the meetings is recorded in the Minutes of Proceedings which are attached to and form part of this Report.

6. PERSONS IN ATTENDANCE

In accordance with Standing Order 77(8), the following persons were in attendance at the meeting held with witnesses.

- Mrs. Sue Winspear – *Auditor General, Office of the Auditor General*
- Ms. Angela Cullen – *Deputy Auditor General (Performance Audit), Office of the Auditor General*
- Mr. Adrian Murenzi – *Audit Manager, Office of the Auditor General*
- Mr. Kenneth Jefferson – *Financial Secretary / Chief Officer, Ministry of Finance and Economic Development*
- Mr. Matthew Tibbetts –*Accountant General, Ministry of Finance and Economic Development*

7. WITNESSES CALLED BEFORE THE COMMITTEE

In accordance with the provisions of Standing Order 77(4), the Committee invited persons to give information and explanations to assist the Committee in the performance of its duties. The following persons appeared before the Committee to give evidence on **Wednesday, 23rd November, 2022:**

- Mrs. Suzanne Bothwell – Court Administrator & Chief Officer, Judicial Administration

8. PRACTICE AND PROCEDURE OF THE COMMITTEE

The Committee agreed that in accordance with the provisions of Standing Order 77(6), all meetings at which witnesses were invited to provide information should be held in an open forum. This decision was taken to promote openness and accountability in Government.

9. GOVERNMENT MINUTE

The Public Accounts Committee wishes to draw Government's attention to Standing Order 77 sub-order 7 which reads:

> *"The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates."*

The PAC expects the Government to honour the requirements of this Standing Order.

10. PAC RECOMMENDATIONS

On review of the Office of the Auditor General's Report, ***Follow-up on past PAC recommendations 2022 – Report 3 (September 2022),*** together with critical analysis of witness testimony pertaining to Appendix 2 of the Report, and after careful deliberations amongst the Committee Members, **the PAC endorses and supports the recommendations made by the Office of the Auditor General in the Report**.

The PAC makes the following additional observations with regard to Appendix 2 of the Report:

10.1. The PAC continues to endorse the Auditor General's recommendation to monitor and evaluate out of court disposals (Recommendation 2). The Committee heard that the Judicial Administration does not wish to accept this recommendation because it is not the "owner" of such a project. However, the Committee also heard that the Judicial Administration is "a stakeholder at the highest level". Given that point, and given that the Judicial Administration accepted the Auditor General's recommendation to participate in a senior strategic justice group that would be set up by the Government (Recommendation 9), **the PAC continues to endorse Recommendation 2**.

10.2. Through the evidence provided in the Hearing, it was clear that Recommendation 9 from the Report was accepted by the Judicial Administration. However, it was not clear whether the strategic leadership group with justice partners was actually implemented. Therefore, **the PAC seeks written clarification from the Judicial Administration by the end of Q2 2023 on the status of the implementation of the Auditor General's Recommendation 9 from the Report**.

10.3. In addition to 10.2 above, **the PAC also requests clarification from the Hon. Deputy Governor** regarding the status of the justice partners' strategic leadership group.

10.4. **The PAC wishes to be informed by the Judicial Administration** once it has implemented a Performance Management Framework, and looks forward to receiving this by the end of Q1 2024 (Recommendation 1).

10.5. Through evidence provided at the Hearing, the PAC was pleased that the Judicial Administration had agreed to undertake financial analyses of the costs associated with each type of case that is processed through the Summary Courts (Recommendation 5). **The Committee looks forward to seeing the findings of the analysis in the Performance Management Framework**.

10.6. The PAC commends the Judicial Administration for the work completed to date on upgrading its Information Technology environment. However, the Committee also heard that work had yet to begin on the Criminal Justice platform. Given the complexity of the platform, th**e Committee looks forward to hearing from the Judicial Administration on the progress of the development and implementation of all modules by the end of Q1 2024**.

10.7. **The PAC seeks clarification from the Judicial Administration as to whether or not it is drafting legislation, or legislative amendments, pertaining to the sharing of data between governmental and non-government justice partners** in the development and use of the Criminal Justice platform. Additionally, the Committee seeks written confirmation by the end of Q2 2023 as to whether any legislative changes are in fact required to carry out these functions.

10.8. The PAC was disappointed to hear that there had not been any progress by the Judicial Administration on conducting stakeholder engagement (Recommendation 6), and urges the Judicial Administration to fulfil the commitment it made in 2019 to undergo engagement with court users. **The PAC wishes to receive an update on the progress by end of Q2 2023.**

10.9. The PAC was pleased to hear that the Outline Business Case would be completed by the end of Q2 2023, and **wishes to receive an update by that time**.

10.10. The PAC heard that the Judicial Administration is sufficiently staffed at the senior leadership level.

10.11. The PAC is concerned that the timeline for the Outline Business case for the new court building means that estimated costs may not be included in the submission for the 2024-25 budget, further delaying the project.

10.12. The PAC commends the Judicial Administration for the accomplishments it made throughout the challenges of the COVID-19 pandemic. **The PAC encourages the Judicial Administration to continue progress on implementing the Auditor General's and PAC's recommendations**, and looks forward to the Auditor General reporting improved progress in her next Follow-up Report on this.

ACKNOWLEDGEMENTS

The Committee is most appreciative of the efforts of the Auditor General and her staff for the support, assistance, and constructive advice given throughout its deliberations. The Committee also wishes to thank the Clerk of the Parliament, the PAC Clerk, and the Hansard staff for the assistance provided.

REPORT OF THE COMMITTEE TO THE HOUSE

The Committee agrees that this Report be the Report of the Standing Public Accounts Committee to the House on the following Report of the Office of the Auditor General:

- ***Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)***

Hon. Roy M. McTaggart, JP, MP - Chairman

Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP – Member

Ms. Barbara E. Conolly, JP, MP – Member

Mr. Joseph Hew, MP – Member

Mr. Isaac D. Rankine, MP – Member

Mr. Dwayne S. Seymour, JP, MP – Member

Parliament of the Cayman Islands

STANDING PUBLIC ACCOUNTS COMMITTEE

MINUTES

Administrative Meeting
Wednesday, 19th October, 2022, 9:30 am

PAC Members Present:

Hon. Roy M. McTaggart, JP, MP – Chairman
Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP – Member
Ms. Barbara E. Conolly, JP, MP - Member
Hon. Katherine A. Ebanks-Wilks, MP – Member
Mr. Isaac D. Rankine, MP – Member

Absent: Mr. Dwayne S. Seymour, JP, MP – Member

PAC Clerk: Ms. Susan Burke – Procedural Clerk (attending by Zoom)
Ms. Nordra Walcott – Assistant Clerk

Attendees: Mrs. Sue Winspear – Auditor General
Ms. Angela Cullen – Deputy Auditor General (Performance Audit)

1. **Meeting to Order**

   There being a quorum present, the Chairman called the meeting to order at 9:30 am.

2. **Apologies**

   None.

3. **Approval of PAC Minutes**

   22nd June 2022 *(Administrative Meeting)*: Ms. Cullen pointed out a small typo on page three. Pending this change, the Chairman asked for a motion to approve the minutes. Mr. Isaac Rankine provided the motion, which was seconded by Ms. Barbara Conolly, and the minutes were unanimously approved.

4. Matters Arising from Minutes

4.1. Ms. Burke provided the Committee with a summary of the minutes from the Annual General Meeting of the Commonwealth Association of Public Accounts Committees (CAPAC), which was held on 30th-31st August, 2022 in the Maldives.

4.2. The Chairman confirmed that he would be attending the UK Overseas Territories Project Forum in London from 29th November – 1st December along with Mr. Isaac Rankine, Mrs. Sue Winspear, and Ms. Susan Burke. CPA UK will be funding the costs of the event including the cost of economy travel and hotel accommodations from the 27th November – 2nd December. The Auditor General requested that the Committee support having a representative from Internal Audit attend the Forum as well, and noted that she would request this also from the Chief Officer of the Portfolio of the Civil Service. Ms. Burke added that she and the Clerk had requested Internal Audit's participation but that it was declined, citing the opportunity cost of travelling that far for a short event.

Ms. Burke informed the Committee that the CPA was hosting another workshop immediately following the Forum, which was specific to PAC Clerks, and confirmed that she will be attending the workshop in London from 5th – 7th December.

4.3. Ms. Burke provided the Committee with a brief overview of the working draft PAC Manual, and invited their feedback and suggestions. Members were provided with a hard copy of the draft. Ms. Burke added that this was not a complete draft. The Chairman thanked the PAC Clerk and asked Members and the OAG to review the draft and revert to the PAC Clerk.

5. Approval of Auditor General's Invoice

The Auditor General thanked the Chairman for getting the three previous invoices signed by Round Robin. The Chairman signed the invoice #207716 upon a motion by Ms. Heather Bodden, which was seconded by Ms. Barbara Conolly.

6. Auditor General's Updates

6.1. The Auditor General reviewed the Forward Performance Audit Programme document with the Committee. The Auditor General and Deputy Auditor General asked the Committee for feedback and suggestions on the areas of future reports that have been identified. The Committee Members asked clarification questions on the various suggested report topics, and the Chairman confirmed that members will provide the OAG with further feedback.

6.2. The Auditor General asked the Chairman to endorse the OAG's proposals outlined in the paper on *Entity Financial Audits 2023 to 2027*, pertaining to changes to budgeting practices for private entity audits, increasing staff, and maintaining its surplus. The Auditor General noted that the Financial Secretary and Chief Officer of the Portfolio of the Civil Service have been supportive of the OAG's proposals.

The Auditor General noted that Mr. Patrick Smith, Deputy Auditor General (Financial Audit) will be rotating off financial audit for two years after 20 years in the OAG's financial audit practice to ensure the Office complies with Auditing Standards. His temporary two-year role would include leading on the backlogged audits, corporate work and some international audit consultancy work (that would be funded by the IDI). Mr. Rankine asked how many additional staff the Auditor General would need. The Auditor General said there will need to for an additional 4-6 staff in total; 2-3 permanently and 2-3 temporarily to work on the backlogged audits. This will also provide additional support for the Performance Audit practice. The Auditor General noted she could fund the additional staff if the OAG were able to retain its 2021 surplus (for the temporary posts) and have its budget increased to cover the audits returning in-house from 2023. The Chairman added that he supports the OAG's needs to be fully staffed to support its work in improving transparency. Mr. Rankine asked the OAG to provide an organisational chart of her staff to the Committee. **The Auditor General confirmed she will provide the Committee with an organisational chart**.

a. **The PAC agreed to endorse** the Auditor General's decision to put eight entity audits out to the market for the period 2023-2027, and to bring a further eight entity audits back in house from 2023.

Entity audits to go to market:

i. Cayman Airways
ii. Civil Aviation Authority
iii. Maritime Authority
iv. Stock Exchange
v. Water Authority
vi. Cayman Turtle Conservation and Education Centre Limited
vii. CINICO
viii. Public Service Pensions Board

Entity audits to be brought back in-house:

i. Office of the Ombudsman
ii. Office of the Director of Public Prosecutions
iii. Judicial Administration
iv. Portfolio of Legal Affairs
v. Children and Youth Services Foundation
vi. National Drug Council
vii. National Gallery
viii. UCCI

b. Consequent to this, and after discussion with the Committee, **the Committee endorsed** the Auditor General's recommendation that from 2023 onwards, the budgets for the outsourced audits are to be held first in the OAG budget, and that the OAG invoice the client for the total costs of the audit directly (i.e. the firm's fees and the OAG oversight fee).

c. **The PAC also endorsed** the Auditor General's recommendation that the OAG be permitted to increase its staff in order to deliver the additional audits coming in-house from 2023, and that the equivalent of the 2022 firms' audit fees should be added to the OAG's 2023 budget to pay for this.

d. Finally, **the PAC endorsed** the Auditor General's recommendation that the OAG should be allowed to retain its 2021 surplus and all surpluses and deficits going forward, to enable it to operate as a truly independent trading entity, in order to maintain flexibility. The Auditor General assured the Committee that the OAG wants to be held accountable by the PAC and will do this through quarterly and annual reporting and the PAC approval of the

OAG's budgets.

6.3. The Committee were provided with the close-out report on the ORIA terminal redevelopment project. The Auditor General and Deputy Auditor General noted it was commendable that the unit provided the assessment and suggested that the Chairman send a thank-you letter to Mr. Albert Anderson, CEO of the Cayman Islands Airport Authority for the report. **The Chairman agreed to send a thank-you letter; Ms. Burke will draft the letter.** The Committee agreed that it was commendable that the Cayman Islands Airport Authority had done this assessment so that lessons could be learned for the future and hoped that other entities would do the same after any major projects.

6.4. The Auditor General provided the Committee with a brief overview of the Quarterly Report 30th June 2022, drawing attention to the two new audit trainees, Jason Lee and Andrew Browning. The Auditor General noted that it had already been some time since the report was released and the next Quarterly Report to the end of September should be completed soon. The financial audit will be covered in the consideration of the 2021 General Report which will be discussed next at item 7.1.

6.5. The Auditor General mentioned that she was working on getting specific legislation drafted as this was lacking and the other independent office, the Ombudsman, had its own Act. Ms. Conolly and the Chairman asked about the legislative confines that the OAG is bound to and the Auditor General said that the Constitution and PMFA provide the legislative framework currently and this was reasonably comprehensive. The Auditor General noted that she has retained a lawyer to assist with drafting the legislative changes

7. Auditor General's Reports

7.1. General Report 31-December-2021 (October 2022): The Auditor General provided the Committee with an overview of the financial report, noting that she had made formal recommendations for the first time. The Auditor General talked through the seven recommendations made within the report. Discussion ensued. The Auditor General suggested that the PAC hold a full-day hearing. The Committee unanimously agreed to hold the hearing on ***Thursday, 17h November***. The following witnesses were identified, and **the PAC Clerk undertook to invite them to the hearing**:

- 10:00 a.m. – 12:00 p.m.: Mr. Kenneth Jefferson, *Financial Secretary and Chief Officer, Ministry of Finance & Economic Development,* supported by Mr. Matthew Tibbetts, *Accountant General, Ministry of Finance & Economic Development*.
- 1:00 – 2:00 p.m.: Mrs. Gloria McField-Nixon, *Chief Officer, Portfolio of the Civil Service*.
- 2:00 – 3:00 p.m.: Hon. Franz Manderson, *Deputy Governor and Head of the Civil Service*.

7.2. Follow-up on past PAC recommendations 2022 – Report 3 (September 2022): The Auditor General provided an overview of the report with the Committee and suggested that the PAC hold a half-day hearing on Appendix 2 ("Efficiency of Summary Courts" (November 2019)). Discussion

ensued. The Committee agreed to hold the hearing on ***Friday, 18th November***. The following witness was identified and **the PAC Clerk undertook to invite her to the hearing**:

- 10:00 a.m. – 12:00 p.m.: Mrs. Suzanne Bothwell, *Court Administrator & Chief Officer, Judicial Administration*

7.3. Procurement of Lateral Flow Tests – Public Interest Report (March 2022): The Auditor General noted that this report was already a public document and that the contents were simply for the public's interest, and did not suggest the PAC do anything further with the report other than accept it.

8. PAC Hearing Preparation (*"Government's Shift to Online Services")* – 20th October

The Committee were provided with four mini reports pertaining to the four areas of the Report, as well as copies of the Auditor General's briefing notes. The Deputy Auditor General (Performance Audit) reviewed the briefing notes with the Committee. Discussion ensued. The Committee determined which Members would ask each question during the hearing. The Chairman encouraged Members to be familiar with the content of the report and to ask any of their own questions of the witnesses. It was later noted that Ms. Heather Bodden would not ask questions of the witnesses, other than the Hon. Deputy Governor, given her role as Parliamentary Secretary for the pertinent Ministry.

9. Schedule of next Administrative Meeting

The next Administrative Meeting was scheduled for Wednesday, 9th November, 2022 at 10:00 a.m.

10. Any Other Business

None.

11. Adjournment

There being no further business, the Chairman thanked the Committee Members and the Auditor General, and adjourned the meeting at 12:05 p.m.

Minutes approved in the PAC administrative meeting held on Wednesday, 16th November, 2022, on a motion by Hon. Ebanks-Wilks, which was seconded by Ms. Conolly.

Parliament of the Cayman Islands

THE STANDING PUBLIC ACCOUNTS COMMITTEE

Approved MINUTES of Meeting with Witnesses
Wednesday, 23rd November, 2022
House of Parliament

OAG REPORT:
"*Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)*"

PAC Members Present:

Hon. Roy M. McTaggart, JP, MP – Chairman
Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP – Member
Ms. Barbara E. Conolly, JP, MP – Member
Mr. Isaac D. Rankine, MP – Member
Mr. Dwayne S. Seymour, JP, MP – Member

Apologies:

Hon. Katherine A. Ebanks-Wilks, MP - Member

PAC Clerk:

Ms. Susan Burke – Parliamentary Procedural Clerk ("PAC Clerk")

Attendees:

Mrs. Sue Winspear – Auditor General, Office of the Auditor General
Ms. Angela Cullen – Deputy Auditor General (Performance Audit), Office of the Auditor General
Mr. Adrian Murenzi – Audit Manager, Office of the Auditor General
Mr. Kenneth Jefferson – Financial Secretary / Chief Officer, Ministry of Finance and Economic Development
Mr. Matthew Tibbetts –Accountant General, Ministry of Finance and Economic Development

Witnesses:

Mrs. Suzanne Bothwell – Court Administrator & Chief Officer, Judicial Administration

1. Meeting to Order

There being a quorum present (Parliament Standing Orders 77(2) refers), the Chairman called the Public Accounts Committee (PAC) hearing to order at 10:12 am.

2. Welcome

The Chairman gave a brief welcome to Members of the Committee and Attendees and thanked them for attending the Public Accounts Committee (PAC) Hearing.

The Chairman invited PAC Member, Mr. Isaac Rankine, to begin proceedings with a prayer, and acknowledged receipt of apologies from PAC Member Hon. Katherine A. Ebanks-Wilks, MP.

3. Report of the Auditor General

The Chairman stated the purpose of the Hearing was to examine the Office of the Auditor General's (OAG) Report, *Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)* (the "Report").

The Chairman invited the Auditor General, to make an opening statement and present the Report. The Auditor General, Mrs. Sue Winspear, presented an overview of the Report, including an outline of the outstanding recommendations from the Report. The Auditor General concluded by introducing members of her staff, Ms. Angela Cullen and Mr. Adrian Murenzi.

The Chairman welcomed the witnesses, Mrs. Suzanne Bothwell, and reminded the witness to state her name and title before responding to the first question. The Chairman read a prepared preamble before inviting PAC Members to question the witness.

Discussion ensued with questions being asked to Mrs. Bothwell by the PAC Members.

Before departing the Chamber, the Chairman thanked the witness on behalf of the Committee for attending the Hearing.

3. Any Other Business

None.

4. Adjournment

There being no further business, the Chairman thanked the PAC Members, the Auditor General and her team, the Financial Secretary and Accountant General, and the PAC Clerk.

The meeting was adjourned at 12:33 pm.

The minutes were approved in the PAC administrative meeting held on 1st March 2023 upon a motion by Ms. Barbara Conolly which was seconded by Ms. Heather Bodden.

Parliament of the Cayman Islands

STANDING PUBLIC ACCOUNTS COMMITTEE

MINUTES

Administrative Meeting
1st March, 2023

PAC Members Present:

Hon. Roy M. McTaggart, JP, MP – Chairman
Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP – Member
Ms. Barbara E. Conolly, JP, MP - Member
Mr. Joseph Hew, MP – Member
Mr. Isaac D. Rankine, MP – Member

Apologies:

Mr. Dwayne S. Seymour, JP, MP – Member

PAC Clerk: Ms. Susan Burke – Procedural Clerk

Attendees: Mrs. Sue Winspear – Auditor General, Office of the Auditor General (OAG)
Ms. Angela Cullen – Deputy Auditor General (Performance Audit), OAG

1. Meeting to Order

There being a quorum present, the Chairman called the meeting to order at 10:09 a.m., and welcomed the Members to the first administrative meeting of 2023. The Chairman acknowledged and welcomed Mr. Joseph Hew to the Public Accounts Committee (PAC), who replaced the Hon. Katherine Ebanks-Wilks on 25th November, 2022, through Government Motion No. 2 of 2022-2023.

2. Apologies

The Chairman acknowledged apologies from Mr. Dwayne Seymour and noted that Mr. Isaac Rankine would be joining momentarily.

3. Approval of PAC Minutes

- 16th November, 2022 *(Administrative Meeting)*: The Auditor General provided the Committee with hard copies of the OAG organisation chart that was mentioned in item 4(1) of the minutes. The minutes were approved on a motion by Ms. Conolly which was seconded by Ms. Bodden.

- 23rd November, 2022 *(Hearing)*: The minutes were approved on a motion by Ms. Conolly which was seconded by Ms. Bodden.

- 24th November, 2022 *(Hearing)*: The minutes were approved on a motion by Ms. Conolly which was seconded by the Chairman.

4. Matters Arising from Minutes

4.1. The Auditor General made a note regarding item 6(2) from the minutes of 16th November; the OAG still hadn't received the inspector's assessment report but will send it to the Committee once she has received it.

4.2. The Chairman noted the Committee had agreed to send a follow-up letter to the (Acting) Chief Officer of the Cayman Islands Turtle Centre (CITC) in March 2023. The Auditor General updated the Committee that the CITC had submitted its 2022 submission yesterday (28th February) and that it had appointed a Chief Financial Officer. **The Chairman asked the Committee Clerk to calendarize the follow-up letter for the next month's PAC meeting.**

5. PAC Reports for Review/Approval

5.1. PAC Report on the OAG Report, *"Government's shift to online services (June 2022)"*:

The Committee Clerk noted that the date would be corrected under item 4, replacing "19th January, 2023" with "1st March, 2023". The Chairman asked for a motion to approve and sign the PAC Report with the change of date. The Committee agreed that Mr. Hew would not participate in the approving and signing of the PAC Reports for hearings that took place prior to his membership. Ms. Conolly moved to approve the PAC Report, and Ms. Bodden seconded the motion.

The Chairman asked the Committee Clerk to write to the witnesses requesting the items outlined under section 10 of the PAC Report. The Auditor General advised that the follow-up letters from the Committee Clerk should be sent after 1st April 2023.

The Committee Clerk will check with the Clerk & Chief Officer whether the Hon. Deputy Governor provided the information under item 10.4 of the PAC Report before writing to him.

5.2. PAC Report on the OAG Report, *"Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)*:

The Committee agreed to approve and sign the PAC Report with no amendments upon a motion by Ms. Conolly which was seconded by Ms. Bodden.

5.3. PAC Annual Report for the Parliamentary Session 2021-2022:

The Chairman asked the Committee Clerk to note on item 1 of the Report that the reporting period is for the Parliamentary year and not the financial year. The Annual Report was approved on a motion by Ms. Conolly which was seconded by Ms. Bodden.

6. Approval of Auditor General's Invoice

The Chairman signed the invoice **#207784** for $62,882.92 from 31st January 2023 upon a motion by Ms. Conolly, which was seconded by Ms. Bodden.

The Committee unanimously agreed to note for the minutes that the previous invoice #207734 for $94,258.34, also dated 31st January 2023 but covering November and December 2022, was approved by Round Robin on 25th January, 2023.

7. Auditor General's Updates

7.1. The Auditor General updated the Committee on the reports that will be forthcoming from her Office: a public interest report on the environment, and a *Follow-up on past PAC recommendations* report on budgeting and financial reporting. The Auditor General asked the Committee to hold another administrative meeting as soon as possible to consider the reports.

7.1.1. The *Follow-up* report will be submitted to the Hon. Speaker within a day or two, and will be published on her website the following week. The Auditor General noted for the Committee that the progress has been assessed as "red" in the report.

7.2. The Auditor General advised that the OAG's 2022 audit should be completed within a week. The Chairman asked if there were any significant issues, and the Auditor General replied that there are not any major issues. The Auditor General noted that the OAG has a surplus of just under $400,000 and asked if the Committee would formally endorse that the OAG retains the surplus in order to support backlogged audits.

The Chairman asked the Committee Clerk if the Committee had already endorsed this and she confirmed that the PAC endorsed the Auditor General's surplus retention in the administrative meeting held on 19th October 2022. The Committee unanimously agreed to again endorse the Auditor General's request to retain the surplus. The Auditor General noted her appreciation for the endorsement.

7.3. The Auditor General noted that yesterday (28th February) was the statutory deadline for financial statements and annual reports. She noted that two entities were late in submitting theirs: the Public Service Pensions Board, and the Segregated Insurance Fund.

7.4. The Auditor General noted that the OAG is entering its busy season. They have on-boarded new staff, including two from Bermuda who are coming to support the OAG for a five-week period. The Deputy Auditor General had previously gone to Bermuda to support their performance audit work. The OAG is only paying for their travel and accommodations. The Auditor General noted that it is a challenging market as private firms are able to offer higher salaries and are more frequently outsourcing to Africa and the Indian subcontinent.

8. Any Other Business

8.1. Update from CIG re: OAG and PAC report on *"Follow-up on past PAC recommendations 2022 – Report 1 (January 2022)*:

The Committee Clerk distributed copies of instructions the Government has issued on The Hub regarding procurement contract protocols and policies. Mr. Rankine asked for copies of the attachment referred to in the circular; **the Committee Clerk confirmed she would send this to Members following the meeting**.

The Auditor General felt that the guidelines issued by the Hon. Deputy Governor were slightly overboard and agreed with the feedback she has received from Chief Financial Officers that $10,000 is too low of a threshold. The Auditor General recommended that the Chairman send a letter to the Hon. Deputy Governor and to the Hon. Attorney General to thank them for instituting measures in response to the OAG's and PAC's reports, but that the threshold of $10,000 mentioned under item 17(iii) of the "*Guidance on contract review by the Attorney General's Chambers – Version 1.0, 28 June, 2022*" should, in their view, be amended to $100,000 or lower value contracts if especially novel or contentious. **The Chairman agreed and asked the Committee Clerk to prepare a letter for the Chairman to sign and to send the full circular with its appendices to the Members.**

8.2. Update on PAC Manual:

Members were provided with electronic and hard copies of the revised PAC manual. The Chairman thanked the Committee Clerk for preparing the manual and asked the Members to review and consider any additional items that can be included in the manual from the perspective of a PAC Member. **The Members and Audit Office agreed to review the document.** The Chairman would like to finalize the Manual within the next two administrative meetings.

8.3. Mr. Hew asked the Auditor General if the OAG can undertake work that the PAC or any person may request. The Auditor General advised that the PAC reviewed the Forward Performance Audit Programme with the Committee on 19th October 2022, which gave the PAC an opportunity to make any suggestions on topics for the OAG to study in future reports, but that Members and the public may always make suggestions for areas of performance audits which she will consider. Sometimes suggestions tend to be too political in nature and some requests that come to her Office are more suitably redirected to the Office of the Ombudsman.

Ms. Bodden made reference to police performance being an area where she would like to see a future performance audit.

9. Scheduling of Next Meetings:

9.1. The next Administrative Meeting was scheduled for Wednesday, 29th March, 2023 at 10:00 a.m.

10. Adjournment

There being no further business, the Chairman thanked the Committee Members, the Auditor General, Deputy Auditor General, and the Committee Clerk, and adjourned the meeting at 11:10 a.m.

These minutes were approved in the administrative meeting held on 29th March 2023 on a motion put forward by Ms. Barbara Conolly, which was seconded by Ms. Heather Bodden.



PARLIAMENT OF THE CAYMAN ISLANDS

STANDING PUBLIC ACCOUNTS COMMITTEE

FOLLOW-UP ON PAST PAC RECOMMENDATIONS 2022 –
REPORT 3 (SEPTEMBER 2022)

Official transcript relating to the Official Report of the Standing Public Accounts Committee Meeting held on 23 November, 2022

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Present:

PAC Members:	Hon. Roy M. McTaggart, JP, MP – Chairman Ms. Heather D. Bodden, OCI, Cert. Hon., JP, MP – Member Ms. Barbara E. Conolly, JP, MP – Member Mr. Isaac D. Rankine, MP – Member Mr. Dwayne S. Seymour, JP, MP – Member
In attendance:	Mr. Kenneth Jefferson, Financial Secretary and Chief Officer, Ministry of Finance and Economic Development
	Mr. Matthew Tibbetts, Accountant General, Ministry of Finance and Economic Development
Apologies:	Hon. Katherine Ebanks-Wilks, MP, Member
Audit Office:	Mrs. Sue Winspear, Auditor General
	Ms. Angela Cullen, Deputy Auditor General (Performance Audit)
	Mr. Adrian Murenzi, Audit Manager
Witnesses:	Mrs. Suzanne Bothwell, Court Administrator & Chief Officer Judicial Administration
PAC Clerk:	Ms. Susan Burke Parliamentary Procedural Clerk

OFFICIAL VERBATIM REPORT
STANDING PUBLIC ACCOUNTS COMMITTEE
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FOLLOW-UP ON PAST PAC RECOMMENDATIONS 2022 – REPORT 3 (SEPTEMBER 2022)

Verbatim transcript of the Standing Public Accounts Committee meeting held on Wednesday, 23 November 2022, at 10:12am, in the Chamber of the House of Parliament, George Town, Grand Cayman.

[Hon. Roy M. McTaggart, Chairman presiding]

The Chairman: Ladies and gentlemen, Members of the Public Accounts Committee (PAC), good morning.

We want to begin as we normally do with an opening prayer. I will ask Mr. Isaac Rankine if he would lead us in that prayer.

PRAYER

Mr. Isaac Rankine: Thank you, Mr. Chairman. Let us pray.

Our Father, thank you for bringing us together safely as we prepare for this Public Accounts hearing. We ask that you prepare our hearts and lead us in your wisdom. May we set aside our own agendas and seek what you desire of us to accomplish during this meeting, for the betterment of our country and our constituents. We ask these things in your son's Holy Name.

Amen.

The Chairman: Thank you, Mr. Rankine. Again, I say good morning to the Members of the Committee and to the general public who might be watching or listening to the proceedings here this morning.

We have had apologies from Mrs. Katherine Ebanks-Wilks who is unable to be here this morning.

We are meeting to examine a report issued by the Auditor General entitled, "Follow-up on past PAC recommendations 2022 – Report 3 (September 2022)", issued just a couple of months ago.

So at this point in time, I am going to invite the Auditor General to make her opening remarks.

Office of the Auditor General

Mrs. Sue Winspear, Auditor General: Thank you, Mr. Chairman.

Good morning to you, Members of the Committee, fellow officials and the listening public. Thank you, for the opportunity to make some opening remarks.

As you mentioned Mr. Chairman, the report we are considering is the Follow-up on past PAC recommendations 2022 – Report 3 (September 2022). That report followed-up on two previous performance audits and today's session relates to our 2019 report on the Efficiency of Summary Courts.

It is disappointing that almost three years after making recommendations, only three of the 13 recommendations have been implemented; all three of those recommendations related to government. The other ten recommendations were directed to Judicial Administration and they have not fully implemented any of those. It is unclear if Judicial Administration accepted one recommendation and of the other nine, only one is in progress.

Judicial Administration has plans but has not started addressing four recommendations and has made no or limited progress on another four. For these reasons, we have assessed Judicial Administration's progress in implementing the recommendations made, as Red or Limited and the PAC of course has consequently decided to hold the witness hearing here this morning.

Some of the critical recommendations remain outstanding. For example, Judicial Administration has not yet established a Performance Management Framework for the Criminal Justice System. The framework would help Judicial Administration understand the reasons for adjournments and delays in court cases. If Judicial Administration had this information, then they could use it to improve their business processes.

Secondly, almost three years later, there is still no outline business case for the new court building, and Judicial Administration's progress on producing this is not entirely clear. Some of the recommendations made by my office and the PAC previously, need to be implemented to feed into that business case before it is finalised. For example, without considering court users' needs or long term projections of demand for courts, the outline business case for the new court building will be flawed and will result in a building that is not fit for purpose. Judicial Administration is therefore also likely to incur unnecessary costs later on to modify the building, as may prove necessary.

I have with me today, Angela Cullen and Adrian Murenzi who supported me in preparing the report and we are here to support the Committee in any way you please. Thank you, Mr. Chairman.

The Chairman: Thank you, Auditor General.

I would now like to invite the witness into the Chamber, Mrs. Suzanne Bothwell.

[Pause]

The Chairman: Good morning, Mrs. Bothwell. Welcome to the Public Accounts Committee and to this hearing, this morning.

You are going to be questioned by every Member here of the Accounts Committee this morning. What I would ask you to do from your very first question, is state your name and title before answering that question, just for the record.

Welcome to the Committee. I will kick things off initially with a very short statement and I have a couple of questions that I would like to ask before other Members take over from me and lead the questioning.

It's been three years since the Auditor General's Report about the Efficiency of Summary Courts was published and since then only three of the 13 recommendations have been implemented and all of these were directed to the government.

We welcome the good progress made by the government. However, Judicial Administration has not fully implemented any of the 10 recommendations directed to it. I noted from the Auditor General's Report that it is unclear if one of the recommendations was accepted. Concerning the other nine, only one is in progress; you plan to address another four but have not started, and you have made no or limited progress for the remaining four.

The purpose of this hearing this morning is to discuss Judicial Administration's progress with implementing these recommendations and Members will follow up on this throughout the morning.

I noted that the Government Minute which is your formal response to the previous PAC's report was not tabled until June 2022 and is dated September 2021. Mrs. Bothwell, can you explain to the Committee why it took so long to prepare and submit your formal response?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Good morning, Mr. Chairman. Suzanne Bothwell, for the record, Court Administrator and Chief Officer, Judicial Administration.

I'll answer your last question regarding the Government Minute. I remain unclear as to why my Government Minute did not come through on time. When I was asked to prepare these documents, I prepared two of them. One was dated September 13, 2021, and I did prepare it on September 13, 2021 and handed it over to the person who I was liaising with; I believe it might have been through the Deputy Governor's (DG's) Office and provided that to them as part of what I understood was to be a larger response.

I was also approached in this year to provide an updated response on August 24, 2022 which I did provide an updated response likewise. I unfortunately am not aware of where the process broke down because I responded to the email that I was sent to provide information.

The Chairman: Thank you for that Mrs. Bothwell. That dovetails right into the next question that I have which really concerns your role and relationship between yourself as Chief-Officer and Court Administrator, and the Chief Justice and the Deputy Governor. Can you give us some clarity there in terms of that as to what the roles and relationships are between you and these two offices?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Thank you.

Mr. Chairman as Court Administrator, I am the head or support the Chief Justice in managing the staff and all operational matters in the Judicial Administration. The function of Chief Officer falls as a result of the Public Service Management Act and my obligations and responsibilities are regarding the personnel: hiring, management, termination, discipline, et cetera. Also, any financial obligations under the Public Finance Management Act; those are where those two functions lie. However, on a day to day basis I report directly to the Chief Justice on all matters, I do have to interface with that Office on all matters including personnel and anything to do with expenditure for the Courts.

The Chairman: So from your perspective on an ongoing basis, is there much interaction with the Deputy Governor's Office in terms of the operations of the Courts, recognising the separation of powers?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Not in terms of the operations of the Courts. However, with respect to his role as the head of the Civil Service and any wider government initiative, as a Chief Officer I do attend the meetings, I do comply and work with his Office to address any concerns that come down from the Government and to deliver any initiative from a civil service perspective, but there is quite a dividing line between the level in which the Deputy Governor can give directives or make decisions for areas that fall within the Chief Justice's purview as Head of the Judiciary and Head of the Administration.

The Chairman: Okay, thank you very much.

Auditor General, I believe you may have a question.

Mrs. Sue Winspear, Auditor General: Thank you, Mr. Chairman. Through you to the witness: Mrs. Bothwell has just explained about the Government Minute being submitted in September 2021. The question I'd like to ask is, that submitting in September 2021 was already a year late; our report was 2019, PAC had their hearing. We are required by law to have a Government Minute laid within 90 days and so this was due in October 2020. So through you to the witness, I just wondered if Mrs. Bothwell could say why even at September 2021 it was nearly a year late in being submitted. Thank you.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Thank you, Mr. Chairman. I have to confess, I was not aware that there was a deadline, so if there was a breach that would have been entirely my fault.

However, I was requested to do one for 2021 and the request didn't come to me from the Auditor General's Office. I do not believe that first request came from that office, I believe it came via the Deputy Governor's Office. So my understanding was that I was contributing to a larger document. So if there was an oversight for the initial report it would have been, I suppose, on my part.

The Chairman: Okay thank you, Auditor General.

We are going to move on now to the first line of questioning, Mrs. Bothwell, and that concerns performance; a broad topic there of performance. For that, I am going to call on Ms. Barbara Connolly who will lead the line of questioning on that.

Ms. Connolly.

Ms. Barbara Conolly: Thank you, Mr. Chairman.

Through you to our witness: Good morning Mrs. Bothwell and thank you for agreeing to attend this public hearing today, we really appreciate it.

I will start my questioning by the first header which is Performance Management Framework. In 2019, Judicial Administration did not have a performance management framework to monitor or measure Summary Court performance and where improvements could be made. To be clear, by that we mean a framework to measure the performance of administration of the Judicial Administration Unit you lead and not how the Judiciary has administered justice.

The Office of the Auditor General (OAG) recommended that Judicial Administration should develop such a framework. We noted from the evidence you gave to the Committee in February 2020 that you acknowledged the need to develop and improve performance management tools. You plan to achieve this through advancements in technology. In the Government Minute you reported that several actions were underway or planned. However, it is not clear how you will contribute to developing a performance management framework. We know that you did not provide an update on these actions in August 2022 and so we would need clarification on any progress.

So my first question is: Can you advise this Committee of what progress, if any, has been made in developing a framework for measuring Judicial Administration's performance and specifically for Summary Courts?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair: I first wish to perhaps frame my response by saying that the recommendation of the Auditor General's Office is for the adoption of the International Consortium for Court Excellence (ICCE) framework which I believe was developed in around 2007. That framework is a recommendation to courts and it speaks to the fact that the architects of the framework encourage courts to adopt it and to go through the journey of the various specific areas of court excellence.

I preface that by saying that it is a very comprehensive framework, but it is not the only framework and it is not the only way in which courts provide performance measures for efficiency and effectiveness. There are processes already inherent to a court system: its practice directions, its processes and its court rules. And so therefore, from a year to year basis, the Chief Justice or the Office of the Chief Justice or the Rules Committee develop rules to govern the management of court cases.

I have reviewed the broad areas of the court excellence framework and whilst Judicial Administration of the Judiciary has not yet fully adopted the framework, there are elements of the framework that we are well underway in proceeding with, but I don't wish to belabour that point. The fact of the matter is that the recommendation was made in the report of November 2019 and the complaint or the concern of the Auditor General is that we are three years in and they have not been formally adopted.

I sit here as a creature of instruction so all I can say is that I have consulted with the new Chief Justice, Chief Justice Ramsay-Hale who in her opening swearing-in speech did indicate her intention to adopt the framework. However, it was not as if Judicial Administration refused to adopt a trade framework and did absolutely nothing and did not take on board any of the recommendations. I did prepare and provide two Minutes and I will see to what extent I can encapsulate my earlier responses today.

What happened between 2020 and 2022? A lot of activity has happened between those two years. First, I wish to state that in the beginning, the first quarter of 2020 was the pandemic. So after coming out of the Christmas season, not even completing the first quarter of 2020, Judicial Administration like many government entities had to pivot. We did not have the ability or the wherewithal to close because Judicial Administration is in fact an essential government service. So we operated throughout the entire pandemic and we

had to find a way to meet the needs of the court users and to provide access to justice in an ever changing environment. Those activities which allowed us to operate consumed all of our resources, human and otherwise.

Some of the things that we had to do was immediately at the end of March implement a slew of COVID practice directions to allow the courts to operate in an environment where we had 24 hour emergency lockdown. We still had to process prisoners and people who were in custody; we had to get all of our judges and courts up and running virtually, we also had to make sure we received maintenance funds for families and find a way to ensure that clients were able to receive their maintenance funds online. Thankfully, from the efforts of our finance team and our Chief Financial Officer, we had in fact implemented a relationship with Royal Bank [of Canada] and the Cayman Islands Government to allow for those direct transfers to commence in October 2019.

So we did in fact have a framework where we could pivot very easily. However, there was tremendous effort in trying to get our clients to on-board so that their cheques were not left in the post office because they were not able to access them. However, they were able to use their debit cards because we had put the funds into their office and those things take time and they took effort by all of us, particularly the Chief Justice and the Management of Judicial Administration.

In addition to that, we also had to fast track our implementation of our court database. I don't know if you are aware of what it takes to actually launch a new court database or any kind of database, any kind of new function but that took time. We actually had to fast track whatever we were doing to allow for online filing of court documents. I would just like to say that it is through the continued efforts and the priorities placed in 2020 into 2021 that Cayman was one of the only courts operating fully in 2020 and we actually started jury trials in 2020. Therefore attacking aggressively any case backlog issue in our Grand Court and that is an issue that a number of courts currently are tackling globally because they were not able to accommodate in-person hearings in their courts and jury trials.

None of these things are excuses. It is just trying to lay the landscape of the activities and the priorities that the organisation had to focus on in 2020 and 2021 to administer justice in the Cayman Islands.

We also had to start catering in 2020 to our international court users and our financial firms. We even held remote Court of Appeal hearings. I don't know if you recall that we livestreamed cases of national importance over our internet so that the public who could not physically come to the court could still see justice in action, could participate in justice whilst our entire panel of the Court of Appeal resided in their jurisdictions in the United Kingdom. Those are the kinds of activities that we had to basically pick the court up from scratch in order to operate in a new and dynamic way.

So to say that the introduction of the ICCE framework unfortunately did not match the priority of trying to get the courts to operate in a pandemic is perhaps the truth, it fell second but notwithstanding that the Chief Justice did in fact at that time implement a number of court rules as a means of continuing to introduce efficiency and effectiveness in the court system. In 2019, he introduced the criminal court procedure rules. In 2022, he introduced rules regarding listing and it is enduring 2021 and 2022 that we have been focusing on the roll out of our database.

Now that the new Chief Justice is in place, my understanding and my instructions are that she finds herself in the position to bring effect and to launch the ICCE framework for 2023; that is part of her mandate. It covers a number of broad areas such as court leadership, strategic court management, court workforce, court infrastructure proceedings and processes, court user engagement, affordable and accessible court services, and public trust and confidence.

It will launch—I understand she's going to raise it at the Grand Court opening— with the kick-off of February of next year. It is clear that it will be a multiyear initiative because this type of initiative will require major stakeholder engagement. It will also require potential legislative changes and also conversations with the executive arm of government regarding any financial implications of introducing the framework to its fullest extent. So we recognise that this is not an initiative or framework that can be taken on half-heartedly, it cannot be taken on without the appropriate human resources to dedicate to lead it and certainly the commitment is there to initiate it in 2023.

The Chairman: Mrs. Bothwell you are speaking a bit too closely into the mic, it is getting a lot of reverb. Just bear that in mind as you answer the questions.

Thank you for that. There was a lot for us to digest there with what you have said but Auditor General I do believe you wanted to pick up on something.

Mrs. Sue Winspear, Auditor General: Thank you, Mr. Chairman.

It's just I wanted to clarify and correct something the witness said. We did not recommend that they adopt the International Consortium for Court Excellence (ICCE) framework; we merely recommended they adopt a performance measurement framework. It could be far simpler. We did look at that framework because that's a global standard and we considered it in our report but to be clear we did not recommend that they adopt that. It's not for us as auditors to say what performance measurement framework anybody should introduce, merely that they need some performance measurement.

The Chairman: Thank you for that clarity, Auditor General.

Ms. Connolly.

Mr. Dwayne Seymour: Mr. Chair.

The Chairman: Go ahead Mr. Seymour.

Mr. Dwayne Seymour: Thank you and good morning to everyone. For my edification, I just wanted— and please bear with me—I detest doing this but I am grateful for the honesty and admittance from Mrs. Bothwell. She answered earlier that she didn't know there was a deadline for a report and you know, for my edification, I just wanted in terms of the 90 day compliance, I wanted to try to understand either from the Auditor General or from the Financial Secretary (FS) as to if there is a handbook or where is this found that persons would know these guidelines. That's my question.

The Chairman: Auditor General.

Mrs. Sue Winspear, Auditor General: Thank you. Through you Mr. Chairman: It's a requirement of Parliamentary Standing Orders that once a report is laid on the Table of the House, a Government Minute is laid in response, no later than 90 days.

Clearly with the House not sitting frequently, that can be problematic but when we do our follow up reports, we always report to this Committee on how long after the date the Minutes are tabled and generally there are considerably in excess of the 90 day standard. As I said in the follow up question, originally their response was due in October 2020 for this particular report. Thank you.

The Chairman: For your benefit as well as that of the public to Standing Orders 77(7) states that, **"the Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates."**

Ms. Conolly.

Ms. Barbara Conolly: Thank you, Mr. Chairman. Through you to the witness: Thank you for that full explanation that you were able to confirm some of the questions that I was going to pose but can you provide some target date for the full adoption of this court excellence framework that you have suggested that you all are actually working on?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair: I believe that in my earlier response, I did indicate it will be a multiyear initiative. My limited understanding of where the Chief Justice is going is that she believes she will have to have that stakeholder engagement first, to decide which one of the framework areas is going to be adopted, for example, in 2023. It is not expected that it will be done at the same time.

I looked at the framework guide that was provided by the entity, the owners of the framework. One of the things that I noted is that it calls it a journey, that it is expected to be a journey for courts because it is really looking at every aspect of court delivery, of court services and certainly it will take time.

I can say that one of the priorities of the Chief Justice is to review and look at the area of costing of cases, something identified by the Auditor General in one of the recommendations. So she has identified that as at least one of the early areas. Certainly, Judicial Administration in working with our partners to develop the platform would be in a position because the platform is partially launched and we have started work on our analytics—is that we would be able I believe in the year 2023 perhaps the first six months of 2024— to make good headway in developing analytics from a whole court perspective; not just the Summary Court, because our platform is actually live in our noncriminal divisions. We are working to really build out the criminal portion of our platform with our— I think it's about 20 plus— stakeholder groups on the criminal side.

So what I expect is 2023, we would be able to actually start looking at costs, working with an expert who can help us understand how to calculate costs for a court case, what was the best way to go about that and with a view to ruling that part of the analytics out for all of the court divisions. So whilst I think 2023 would be a very productive year in that respect, I wouldn't be surprised if we do go into 2024 given all the divisions of the court that we'll be working on. Other than that I would have to defer to the Chief Justice's statements in the Grand Court opening speech about what her intentions are.

The Chairman: I just want it to be clear to me Mrs. Bothwell, I think you may have addressed it, I just don't remember so correct me. The Summary Court case management rules that the Government Minute specifically stated they would be implemented by the end of 2021, did you say if they are now in effect?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair: I can provide an update on the case management rules for the Summary Court.

In further consultation with the Chief Magistrate, I have been advised to update the Public Accounts Committee and clarify a number of issues regarding Summary Court case management. Firstly, whilst the case management rules implemented for the Grand Court in 2019 were implemented in September 2019, they do apply to the Summary Court and it is my understanding that they apply them.

I was also asked by the Chief Magistrate to inform the Public Accounts Committee that the Summary Court actually has its own case management rules that have been established since 2015 through Practice Di-

rection No. 5/2015 and those are what have been applied since then for the governing of Summary Court cases which is quite a distinct court from the Grand Court.

I've also been asked to advise that the Chief Justice has also implemented and they have been gazetted, Practice Directions on Listing and Custody Time Limits in Criminal Matters as part of active case management for both the Grand Court and the Summary Court and that can be found at Practice Direction No.1 of 2022. So it is a suite of rules that the Summary Court applies to actively and proactively manage Summary Court cases.

I have been asked to refer to a consultancy report that was prepared for the benefit of looking at the Summary Courts in the criminal area of the jurisdiction of the courts. It was stated by Justice [Mathilda] Twomey and Mr. Ben Yallop who were the persons conducting the review of those areas—I believe in 2021 or 2022 I will have to clarify that sir—that to date they did not see any major backlog to speak of in the Summary Court and the Summary Court was sufficiently able to list trials as soon as the case is ready and they thought that this was something which very few jurisdictions can offer.

I have been asked by the Chief Magistrate to advise that in 2020, 102 cases were filed and 93 were disposed and that was at Cayman Brac Criminal Courts. They were disposed meaning they were dismissed or sentenced, et cetera and they effectively had on average 91 per cent disposal rate at that time. In 2021, that increased significantly and certainly in 2022 the Summary Court continues to make strides in proactively and effectively managing its caseload.

Also with the Coroner's Court with the work of the Coroner and increased engagement with justice partners such as the Royal Cayman Islands Police Service (RCIPS), they have been able to significantly improve their disposal of Coroner's cases. I am more than happy to provide the statistics to the Auditor General if she requires them for any further information.

With respect to the Summary Court criminal [division], I am advised that the disposal rates were quite promising to the extent that they had increased from 83 per cent to 138 per cent and the first half of 2022 the rate remains high at an average 106 per cent. Meaning that they are clearing not only what comes in any given year but any backlog from the year before they are making inroads into backlog cases.

I am also advised by the Chief Magistrate that his office actively monitors what we call cracked or ineffective trials. Cracked trials being those that fall apart for whatever reason and ineffective, meaning that for whatever reason these cases cannot proceed or are adjourned. This is something that is not only managed by his office but is also managed by each of the Magistrates who oversee trials as part of their case management process.

The Chief Magistrate has also asked that I communicate that he has regular engagement with the Director of Public Prosecutions (DPP) Office. The DPP, as you will be aware, brings pretty much all of the cases that come before the courts. So certainly there are key justice partners and he also states that there are a small core of private defence attorneys who are trying to form an association to have a single voice for the defence attorneys and therefore his office certainly continues to work with them individually, but he looks forward to being able to speak to the defence bar as an association which is reflected in some of the other divisions of the court.

There is also Mr. Chairman, the Court Users Committee which comprises the Office of the Director of Public Prosecution, the RCIPS, Defence Counsel, Department of Children and Family Services (DCFS) meaning social services and counselling services and probation services; and they actually meet quite regularly and discuss areas of case management, anything that affects any of the justice parties as it relates to the courts.

As we develop our court database we have put in place interim measures in the Courts and with our justice partners to enhance court efficiency. One of those is that we have adopted as an interim measure a programme really, where the Magistracy can schedule their cases and we actually share that with the Director of Public Prosecutions office. So that if there are any changes, if there is anything to be flagged, that that office actually has representatives that have access to the cases and that quick decisions can be made to reduce any potential delay in completion of hearings.

The Chairman: Okay thank you, ma'am.

Ms. Conolly.

Ms. Barbara E. Conolly: Thank you, Mr. Chairman. I'm moving on now to measuring efficiency and my question to the witness is: In 2019, the OAG explained that cost per case is one of the global measures of performance that can be used as a proxy for measuring the efficiency of processing cases. However the OAG reported that Judicial Administration had not done any financial analysis of the cost involved in processing cases through the Summary Courts. Without this analysis it was difficult to determine whether Judicial Administration was using its resources efficiently and effectively. From your responses, it is unclear if you accepted the OAG's Recommendation 5 to identify the current cost of cases processed through the Summary Courts. My first question is, can you indicate whether you have in fact accepted Recommendation No 5?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: through you, Mr. Chair. Before today I have not been able to give an answer regarding the acceptance of that recommenda-

tion but I can confirm that in consultation with Chief Justice Ramsay-Hale that will form part of her court performance measures.

Ms. Barbara Conolly: Thank you, Mrs. Bothwell. Can you indicate how Judicial Administration measures efficiency without any information on costs?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: I wish to perhaps preface my response by saying costing court cases is a fairly new feature globally as a measurement tool for court efficiency and so it would be unsurprising to me if this is something that few courts are doing, some courts are discussing and other courts are not even thinking of.

Certainly on our end my instructions are that we are to proceed to introduce a cost analysis. However, even without those instructions I would say that by the development and the creation of our new platform which an inherent part of that is the development of an analytics portion to that platform that it puts us in a position to be capable to actually deliver this. The platform that Judicial Administration operates under is— I think it was implemented in 1990— it is no longer supported by any developer, it is now to be retired. Therefore, that is why we have been prioritising rolling out our new court platform and making it fit for purpose for where the court wants to go in the future.

That has been one of I think three priorities that we have had to undertake between 2019 and 2022, the other two being pandemic transition and I was tasked with building two additional courtrooms, courtroom eight and courtroom nine, the last just being completed. So if one looks at the caseload of the Summary Court, there is no way in an old system that cannot be modified, there is no way manually for us to deliver this recommendation without major, major innovation in terms of our technology.

So in answering this question, I would say that we have been putting in the groundwork, we do have a working platform, it is not complete but it is working, it is something capable of introducing cost analysis once we know the parameters that we are to be using and certainly with the introduction of the framework and the work that will be required to deliver that, I am confident that is something that we would be able to execute successfully. But the notion that this is something that all courts are doing and it's a standard practice is far from reality. Globally, courts are at different phases in the journey of any new and modern framework for court performance because court performance is an ever evolving matter.

Ms. Barbara Conolly: Thank you. Through you, Mr. Chairman to the witness. So are you saying then that you do have plans then to include the cost of cases in the new court Excellence initiative?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. Yes, that will be part. My instructions through the Chief Justice is that will be not just part of the work to be completed through the ICCE Framework but it will be one of the early areas that we will start in 2023.

The Chairman: I guess then the follow through question I would have apart from the cost then, are there other qualitative and quantitative measures that you might be using or have adopted that would assist you in measuring the efficiency of the Courts.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. I think the biggest and ultimate output of the court is its clearance rates and that is something that the Chief Justice speaks at every Grand Court opening, all of our speeches are published online and that is something that the Chief Justice speaks on.

There are a myriad of factors that would affect clearance rate in each type of case that comes before the court. For the purposes of this hearing, we are focusing on the Summary Courts but I wish to say that whilst we can do costings, whilst we can have good data on our clearance rates, that information tells us how much it's going to cost to do a particular case, the information might tell us why it costs that much but the cost in one case might not necessarily have any bearing on the cost of another case because each case is unique; each case is different.

There are a number of factors that one has to consider that could affect the clearance rate in the case. Simply put, we have to look at the division of the court it's in. So if it is a bog-standard traffic case then it shouldn't be too complex, you should be able to get that over with a couple of hearings. However, if the person has issue paying, the court may have to adjourn to give them time to pay unless the legislation is changed to allow for a different model of payment to be introduced where the category of persons don't actually come into the court at first instance. If it is a rehabilitation court, this is not about charging a person and then putting in a plea and then they, you know, are sentenced. We are dealing with underlying psychological problems that influence the decision or influence the criminality, criminal behaviour of an individual. So therefore it may very well be that this person is before the court for a year, coming back for a number of mentioned dates to see what their progress is, having reports from the probation officer, DCFs, the mental health counsellor, psychological reports. Each case that comes before the court is different.

So that is why when I started my evidence, I spoke about the fact that courts have a number of rules that the Rules Committee establishes. It has a number of practice directions which provides guidance to both the practitioners and also the Judiciary on how to manage different types of cases and the stages of different

types of cases, right? We also have to consider too, the rights of the individual, right? In our jurisdiction if a person cannot afford an attorney and it's a case that qualifies for legal aid, then they are entitled to be legally aided and they are entitled to advise their counsel according to what is in their best interest and if they ask for a number of adjournments and there is a good cause you know, in the interest of justice, the court has to weigh whether this is an appropriate time to permit the adjournment or not.

So yes, our platform, we are looking to introduce things like the number of adjournments. Those are things that we would have to do digitally. We cannot manually, we have them recorded but we cannot run the analytics on all of the summary court cases manually on adjournments alone. We need to ask ourselves what is it that we are asking, what is the, what is this data supposed to be telling us that would either change how we run our business or not. All of these things need to be considered.

What I can say on a case by case basis, each of the Magistrates in the Summary Court are very conscious of the court time. They are very conscious of the limited defence counsel resources that are available to the justice system for actual cases coming before them in a timely manner because the same counsel who are coming before the Summary Courts in criminal cases are the same counsel who are appearing in the Grand Court to do indictment trials and we run two indictments at a time every single week.

So they are competing human resources at stake which will impact the efficiency and effectiveness. The introduction of technology will help, the cost analysis will help; will it be a panacea? No, it will not but it will help to inform the strategy of the Court, it will help to inform any changes that need to be made, any areas where we see risks are high and there would need to be an opportunity to revisit how business is done in an area or to engage with stakeholders if there are external factors that affect efficiency and effectiveness.

The Chairman: Ms. Conolly, any further questions? Any other questions from the Members on this section? If not, then we are going to move on to the second area line of questioning and that has to do with Out of Court Disposals. For that, I am going to turn to Mr. Seymour to lead that line of questioning.

Mr. Dwayne Seymour: Thank you, Mr. Chair. The question is, as said, out of court disposals. I put this to Chief Officer Bothwell. In 2019, the Office of the Auditor General reported that there were no formal systems for out of court disposals and this lack of early intervention to prevent court appearances is both costly and ineffective. The Auditor General's office recommended two actions: that the Judicial Administration work with others to monitor and evaluate the use of out of court disposals and that the Judicial Administration work with others to increase the use of out of court disposals if they are deemed to be efficient and effective. However, from Judicial Administration's response and the Government Minute it is not clear if the first part of this recommendation has been completed and my question is— before I even asked the first question, I think it may not be as clear to the public as to what out of court disposals are and if you could do so in explaining that the public understands what we are actually doing with this system as an important tool in addressing early stages of offending or behaviour and allowing police to deal quickly with some low level offending without recourse of the courts— my first question is, what is the action taken by the Judicial Administration to work with others to monitor and evaluate the effectiveness of out of court disposals that are already in use?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Thank you. Mr. Chairman, through you. It seems to be particularly on this report on this recommendation that I do not believe that the Auditor General's Office and Judicial Administration have a shared understanding of the role and function of the Courts in out of court disposals. In my two responses, I did indicate that really this was not within our wheel house, that if it was that out of court disposals was to be introduced in any formal way, that there would need to be some form of legislation that would have to be introduced by the legislature and to that extent the judiciary or the Chief Justice should be invited to give input on what the Chief Justice believed the role or not the role of the Courts to be out of court disposals.

That was reflected in my— certainly, sorry— in my September 13, 2021 Minute and once again in a much more abridged form in my August 24, 2022 response. I hope that through this evidence and through these proceedings we can perhaps bring this particular recommendation to rest as I will be asking that it be removed as a recommendation for Judicial Administration to comply with. Giving the historical context, coming out of an excerpt of the 2015 report of the criminal justice adviser on the topic of out of court disposals and they are what they say, they are, they are disposal of any matter outside of the Courts so it never comes to court. The report stated "**out of court disposals at present there are two options for case disposal, prosecution or no further action. This leads to minor cases being charged and people are necessarily acquiring criminal records which damage their future employability and ability to travel overseas. It also increases the volume of cases through which the police owe DPP and the courts which could have been dealt with in another way recommendation, an out of court disposals scheme should be implemented. The use of cautions, conditional cautions. Example, payment of compensation for minor criminal damage matters and youth cautions. These disposals could be recorded and appropriate on appropriate registers. Any scheme**

for out of court disposals would be and our view is any scheme for out of court disposals would be implemented and executed between the police and or the office of the Director of public prosecution By way of illustration, it is a matter for the prosecution and the police in the United Kingdom under section 37 of the PACE or Police and Criminal Evidence Act 1980 for equally in the UK, not a matter for the courts. And some of the provisions status follows: **In determining whether to offer a conditional caution in any case authorised persons and relevant prosecutors must follow the code of practice for adult conditional cautions 2013 and comply with its guidance. This guidance assists authorised persons and relevant prosecutors (the decision makers) to apply the code of practice on adult conditional cautions in deciding how an offender should be dealt with when it is determined that there is sufficient evidence to charge an offender within offence and the public interest in the case may be met by a caution with suitable conditions providing reparation to the victim or the community, which may modify offending behaviour, ensure the departure and non-return of a foreign offender from the UK or provide the appropriate penalty and in all circumstances of the case, a conditional caution appears appropriate. This guidance specifies that the offence and the circumstances when a conditional caution may be considered and whether decision to offer one may be made by a police officer or is to be referred to a prosecutor. The practical arrangements for recording decisions in cases, consulting with the UK border agency making referrals to prosecutors and for dealing with non-compliance with any conditions**" and this is but an extract of the of the PACE Act.

So when our original response in the Government Minutes was that bespoke legislation would be needed, this is what we meant. That first and foremost an out of court disposals is axiomatic. It means it is a disposal of a matter which has nothing to do with the courts; it is managed elsewhere, right? The court is only triggered in our jurisdiction when charges are laid and if charges are laid, that means it is an in-court matter. So there is absolutely nothing whether through protocol, agreements or legislation which invokes the jurisdiction of the courts to be involved in such a procedure.

Our recommendation is that if the Auditor General believes that out of court disposals is a useful tool for the efficiency and effectiveness of the entire justice system, and I do refer to the comments made by the justice advisor that right now we have two options, prosecution or not, which means that a lot of petty crime is coming into the court system where there is potentially another way of dealing with it.

So if it is still the opinion of the Auditor General's office that in terms of efficiency of and effectiveness of justice in this Islands that we should introduce something similar or introduce a mechanism for out of court disposals of criminal activity, then we recommend that first and foremost that it be removed as a recommendation binding the courts from being the owners because it's really clear even from the UK act the court is not the owners of this and that this is perhaps a discussion that may have to take place under the umbrella of let us say the Commissioner of Police, the Attorney General under you know National Security, et cetera. Then perhaps some sort of instructions be given whether to the Law Reform Commission to investigate the issue to see whether something like this could be implemented here but it would not be for the courts, for the judiciary to monitor or to have oversight. There is clear separation of powers, here and this was meant to be a tool in the prosecution and the police's toolbox to prevent matters from coming into court.

Mr. Dwayne Seymour: Mr. Chair, I thank you and I thank Mrs. Bothwell for such a comprehensive answer. I know what you said and all you said not within your wheelhouse and I want to ask the question— I don't know if they have the answer but kind of leads to I would think in terms of the success rate in cases that we bring to the courts—I don't know if you have the percentage but that would that would kind of lead us on to believing that a tool of this magnitude would be helpful.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. So no, we do not. Whilst we do record the pleas we do not actually measure that kind of data at this time but certainly I do believe that the public office holder best placed to provide feedback and perhaps their opinion on the usefulness of such a tool would be the Director of Public Prosecution.

Mr. Dwayne Seymour: Mr. Chair, I thank her for her answers.

The Chairman: I do have one I wanted to ask, pick up from with it, I mean so it is clear that this this recommendation has gone nowhere thus far and I think you have said you don't think it's your responsibility or your wheelhouse but certainly having made a recommendation, it would appear to me that the court, that it has been accepted. I mean, couldn't you as Chief Officer champion trying to get this thing to move forward, whether it needs to have the discussions with the Chief of Police or DPP or Attorney General, whatever the case might be because it will take someone within the public service or the civil service to and the legal system in there to draft the appropriate bespoke legislation that is going to be needed. Your comments.

Mrs. Sue Winspear, Auditor General: Mr. Chairman, could I build on that because I think it's relevant. Recommendation 9 talks about government setting up a senior strategic justice group that includes the Chief Of-

ficers from all organisations involved in delivering criminal justice in Cayman. That recommendation was accepted and if we accept what the witness says, which I understand it's not fully for the courts then I would argue under Recommendation 9, which has been accepted and accordingly implemented, that that group would be the group that would take forward those discussions and the need for that legislation. Also, just to clarify there is reference from Judicial Administration in other responses that they already use the out of court disposal process, which is why we believe there was already an existing process and we absolutely agree that if you want to extend it, you'll need further legislation. To build on your point, if it's not for judicial admin, we would hope under the Recommendation 9 about that, that broader justice group that that would be the group that could take that on and so perhaps the witness could talk about discussions at that group. Thank you.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. I hear the Auditor General and I do take note of her views that this group perhaps could be used as a tool to move such an initiative forward but understanding the way that the Civil Service works and who has ownership of certain matters, certainly, this matter cannot be led by the Judicial Administration; it cannot be led by the Chief Justice because anything that Judicial Administration does, it does on behalf of the Chief Justice. Fundamentally, this is about the discretion of the RCIPS and the prosecution. The Director of Public Prosecution has an independent function; so there should be nothing to intrude on that decision making, right? It is a matter for that Office, if there was some form of scheme, to make a determination of what comes before the Court and what should not come before the Court. The Court really should not be involved in anything to do with that area of decision making.

Additionally, at best the Court is a stakeholder, at the highest level we are a stakeholder, whereby the judiciary and through the Chief Justice should be able to give input as to the benefits this would have with respect to the entire justice system, the extent to which it will alleviate pressure on the Court, the positive impact it could have, for example, on judicial resources; yes, that kind of information I believe would be useful and can come from the Courts to aid in any wider policy decision making about whether or not to adopt something like these provisions in the PACE Act.

Certainly that is very different from using a user group that is meant to engage with the Courts on matters that concern the Courts to deliver and to push an agenda or a policy on out of court disposals which really should have its own owner. I won't doubt that it may come up, it may be an agenda item, a topic for discussion, but certainly I still do not believe that this can be a deliverable that should sit and that can in fact sit under Judicial Administration. I am asking that this particular recommendation be revisited and removed from this particular audit outcome because there is likely to be no movement on it if it continues underneath us.

I've consulted with the Chief Justice on this quite extensively and her views are quite clear that the owner is elsewhere and that perhaps it is for the Cabinet level, whether mandated for the Attorney General to look at this in discussions with the ODPP and the RCIPS, for one of those entities to take the lead on something like this and the court at best will provide input and as a stakeholder.

The Chairman: Mrs. Bothwell, just I've heard you say, I think more than once now request that it be removed. I mean practically speaking that's not possible now because I think the opportunity for that to have happened would have been the point when the report was first released in draft form—what maybe three years ago—there was a chance to engage with the Auditor General and whatnot. The report has been through an agreement process whereby there have been discussions and opportunities for those who the report speaks to respond to in response to the recommendations and it's been accepted by the government as far as we see here and there has been a response that's been tabled in the House, there has been a Minute, everything else we're just doing a follow up to understand what has transpired and what has happened to the recommendations that have been made; whether progress has been made. So realistically that's not possible at all.

Auditor General, do you have something else you wanted to add to that?

Mrs. Sue Winspear, Auditor General: Thank you, Mr. Chairman. What we could do is consider the recommendation that may want to come from the Public Accounts Committee. I think we never intended that recommendation to put the full ownership on judicial admin; it says very clearly "with Justice Partners" and in Recommendation 9 about the Strategic Justice Group, we talk about that being, the Recommendation 9, potentially the group to take that work forward.

Mrs. Bothwell referred to the court users group, we are not talking about an operational group, we are talking about a strategic leadership group and my question was, has that group met and that would, in my view be the group to take that work forward, accepting absolutely what Mrs. Bothwell says that it's not, you know, it's not solely for the courts; of course it's not. So that was the question but the way around it may be for the Public Accounts Committee to make a slightly different recommendation. Thank you.

The Chairman: We'll take that on board. Thanks for that Auditor General.

Mr. Rankin. Mr. Seymour.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Mr. Chairman. I do wish to state that I did provide an original management response when we received the draft report and I did say that this was a jurisdictional point, right? It was a jurisdictional point as there is currently no requirement or legislative or other requirements for justice partners to require to report out of court disposals to Judicial Administration.

I understand and I agree with Auditor General to the extent that conversations may happen at this level, but I still do not agree that any Chief Officer group sitting under the Court should be leading this initiative. It has to have a driver outside of that entity whilst we can get feedback we can use it as a tool for feedback and engagement, that is fine, but the driver must come from elsewhere.

Mr. Dwayne S. Seymour: Mr. Chair

The Chairman: Mr. Seymour.

Mr. Dwayne S. Seymour: As a final comment and I hear the discussion and I appreciate it very much. In my humble opinion, I think it is an important tool for any country as an outside driver, I guess one of the things as I suggested earlier and could be possibly done at a later date in terms of the political arm trying to bring a motion or something to get this ball started. So that's one of the thoughts here but I think that the conversation shouldn't go away and they should keep live and be done as soon as possible.

The Chairman: Thank you sir.

Any other questions then on this Section? If not, then we will move on to the third area of questioning and that involves I.T. Systems and for that I am going to turn to Mr. Isaac D. Rankine who will lead the line of questioning.

Mr. Isaac D. Rankine: Mr. Chairman, thank you so much. Mrs. Bothwell, thank you for appearing before us this morning.

The Auditor General's report in front of us that we discussed this morning had reported that Judicial Administration was implementing the major upgrades to the I.T. systems, JEMS. It did indicate that there was no business case for replacement system AMANDA JEMS and had recommended that the Judicial Administration developed a risk register change management plan and a relevant success measures for the new system that would in a sense demonstrate value for money. In February 2019, I think you gave evidence, re-emphasised the need for a new I.T. system and a court database and how important these were for the organisation. I do not disagree with that.

You also indicated that at that time the improved performance measurement tool depended on this improved technology. It is our understanding that you have discontinued the AMANDA JEMS project and thus we ended up writing off $75,000, cost of the upgrade and we also understand you are now implementing a new court database system called Curia and at the end of December, the spend was $125,000. So could you briefly give us an update on that particular implementation and included target completion date and also an update on the cost to date and expected final cost for it.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman. The Curia initiative was an open procurement, a public procurement solution for court platform and I believe the bid amount was around seven hundred and something thousand dollars. We had gotten a number of bids up towards to 1.5 million or 2 million but we did in fact settle on this platform.

To date through the information provided through our Finance Office we have spent I believe it's US$287,400 so far. Where are we? Well, in 2021 we started working on upgrading our I.T. environment because we recognised that to introduce such a platform on I.T. environment that was almost 20 years old was not possible. We consulted with Ms. Pamela Green who works with the cybersecurity oversight. We had extensive discussions with her and we also worked with some I.T. experts and got a report actually to have an understanding of the state of our I.T. environment and what we needed to do just to even introduce such a platform.

So what we have been doing are two things: we have been implementing developing the platform and secondly in a parallel manner upgrading our I.T. environment to introduce it. I am happy to say that in 2021 we successfully ran a pilot of the electronic filing in our financial services division in partnership with a number of law firms, and that was the model through which we were able to roll out successfully this year electronic filing of all court documents in our Financial Services (FS) division, Family division, Civil division and they are about to roll out in our Court of Appeal division. So we are live, we have firms who are filing all documents electronically; nobody comes to the court house anymore, they do it online. We actually have litigants in person likewise who are able to open their accounts and file their court documents online. They can manage their cases through their own dashboard. I believe in this month we actually launched or we're imminently about to launch the pay module within the platform itself. Before, people were filing but then there is a direct bank transfer which was a lot of work in the back end but now they can file and pay on the platform itself and we have also introduced what we call— it's probably not the correct word but we call it— a draw down or escrow function whereby similar to what the general registry has when we know the firms, their attorneys are multiple users under the organisation.

So we have introduced a mechanism where they can provide us with a lump sum amount and so their attorneys can do multiple filings and they can manage that from the organisation end of things. So we are making good headway.

Where we are right now is as at November 2022 we are actually doing data testing on migration. We are at the stage where we are ready to transfer data from the JEMS platform to the Curia platform, test the transfer and the mapping, and then retire those portions of the old database so that the cases can run entirely in the new database system. We are working with the developers, we have a domestic project manager who works with us, who is an I.T. expert and who is assisting us with making sure that we tackle problems, we identify risks, we can problem solve and we have quite frankly the technical expertise to deliver each aspect of the database successfully.

The big area to be built which I anticipate will take the entire of 2023 is the criminal platform, part of the platform. Simply because it is much more complex. The procedures in the Criminal Division are very different from in the Civil Division of the Court and on top of that there are a large number of justice partners. I mentioned earlier that we had identified around 20 governmental and non-governmental justice partners and we have engaged them through survey and we are going to be having meetings with them because one of the key areas that we have to tackle and address and have clarity on is how they engage with the Courts. Not only in terms of what they file with us, but also the information that they may require from us in order for them to discharge their duties. One of the, I think, observations in the report was to ensure that our platform could easily interface with other public government platforms and our platform is built on a modern foundation whereby you should be able to connect to other Microsoft based platforms, right?

So we are starting to have those conversations with entities like the police, who we anticipate will be our biggest justice partner because there are many different divisions or departments in the RCIPS that not only would give us information but would need to receive information. Something as simple as police records, that information originates with the court because we are responsible for the disposals; you know, right down to the end of life of a case where you have to dispose of evidence after the case has been completed. So it is something that we are working on.

We also have to be mindful of the legislative schemes and procedures that were bound by and there may need to be some revisiting too of our legislation, just to make sure that the procedures can flow better but we are working to that end. There is a magistrate designated who is a Member of the Judiciary, I am involved, we have already invited the Director of Public Prosecution to get involved early and we have written to the RCIPS and the Commissioner of Police actually has already provided me with the names of committee members from his branch. So we are moving I think in earnest on the criminal side but we recognise it's going to be complex and we also recognise that it will impact tremendously data protection rights. So certainly our office has already been in consultation with the data protection persons in government so that we can incorporate all of these things when we build that portion of the platform.

So I believe that if all goes well and we get the engagement that we are hoping for with our justice partners, that we should be able to see different modules in the criminal division come online sequentially; that's how we'll have to roll out. It doesn't just roll out in one day. You roll out for example, areas where you can have quick wins like the coroner's court, maybe the rehabilitation courts and mental health court, the domestic violence (court). Then you see where more complicated courts you rule out perhaps at last because it takes a lot more work to deliver those modules successfully.

Mr. Isaac Rankine: Thank you Ms. Bothwell. Certainly we understand the monumental task that you all have in front of you in terms of replacing an I.T. system but while you gave a pretty comprehensive answer I still didn't hear you say when, is the expected completion date for all of that.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: So for the criminal module I'm expecting us to at least be live for most of the modules in 2023. I cannot guarantee it will be 100 per cent finished because certainly the work that will be done through the core excellence framework, particularly I think on the area of analytics, we would have to be running a parallel exercise looking specifically at how we do costings and all the different measurements because it's an ongoing process. We have the base platform for the analytics but we still need to continue to build on that. So certainly I believe that the framework exercise the Chief Justice is starting will help to inform the direction we go in terms of customising that part of the database. I cannot say in earnest whether by January 2024 we'll be done and dusted with everything. I think we will have an operational database but it may require some level of fine tuning I suspect in 2024.

Mr. Isaac Rankine: Thank you for that Ms. Bothwell. So just to paraphrase, January 2024 you expect to be finished but there may be some other back end work that needs to be done to make it operational in the way that the Court wants it to be.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Yes, I think we'll be functional in the sense that our criminal division would be operational in the Curia system from our in

house staff perspective and our major external stakeholders because in addition to the internal part of the database, we also have to build modules for our external stakeholders to file like what we have in the civil side. Because of the data sharing that might have to take place, it might be a bit more of a complex exercise because we do have to find out what exactly do you need, you know. But I am confident that we'd be making very good progress in 2024 on the criminal side with a view to retiring fully the JEMS (software) because that's the major thing we need to retire JEMS and bring our data from JEMS into Curia and that's a priority for us for the entire Court.

Mr. Isaac Rankine: Thank you, Ms. Bothwell. As you have detailed the project is quite large to replace the I.T. system and I suspect that you guys have encountered some problems. Can you say whether the Judicial Administration has a change management plan, a risk register and success measures for the new court database that you've so eloquently described there?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman. I can confirm that starting off we have something called the Project Charter which is an agreement, not the contractual agreement, but the almost like the procedure agreement between the Curia company and the courts and it covers areas such as deliverables, milestones, areas of risk and so forth. So that's a sort of top level document that we have, we have all signed off on it and were working from that. There is a change management plan that was developed in consultation with our Project Manager for the project. I do believe however, it does require some updating because some time has passed, there have been some delays and we do actually have an ongoing template for any date milestones that you know where to deliver and if there are issues, there are regular meetings and those things are negotiated and discussed between both sides.

As for the risk register, I can say that we did have a trained staff member, I say did because she has quite successfully been promoted to another post in government but we do have somebody who is responsible for managing risks and this is one of the projects that we have asked to be managed. We have been aiming to do that through an overarching standing committee that we have created for all projects, I. T. Projects.

So we are managing risks but certainly with the changeover of staff that is something that I am working with a new manager too for us to kind of reassess where we are constantly. So for example we are right now with the data migration on the non-criminal side and that is something that is actively being managed and we are managing that through a risk register and we will continue to monitor various areas of risk. I have to confess that risk management is new, fairly new to government and certainly fairly new to my office. I have done some initial training but we do have quite a capable accounts department and some accountants in our organisation who are helping us and certainly us along with our Project Manager, we are actively managing the risk through the register.

Mr. Isaac Rankine: Thank you, Mrs. Bothwell. I am just going to move on to the section about electronic traffic ticketing systems based on the 2019 Auditor General's Report and how it highlighted that the way traffic tickets and traffic offenses were processed through the courts could be improved.

I suspect that this new I.T. upgrade would assist with that somehow and you did state that there was a need for another solution to deal with the traffic offenses as the cases going to traffic court were significant and I suspect from 2020 to now it has probably risen significantly. So, can you give us an update on that system, including— if you haven't as yet— a target date for its implementation?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman. So, even though the court is a place where traffic tickets are paid— and if someone ends up not paying their traffic ticket on time, the ticket acts as a summons and they're to appear in the court— the court is not exactly the owner of the management of traffic related matters; sounds quite peculiar, but it's actually the fact. We process matters that come before the court.

So the area of innovating the way traffic tickets are delivered, we have a consultative rule. I can say that the Commissioner of Police and my office have had ongoing discussions on two fronts: the first being, what can we do as a placeholder to make the lives of our clients better and also our lives better; and to bring about internal efficiencies between our two entities in trying to deal with over 10,000 traffic tickets.

Very discreet inroads have been made, for example, Judicial Administration of its own initiative decided to create our own pay module and allow clients to pay online through the website, even though we do not yet have the traffic ticket. So it is an element of trust between us and the court users, but I must say to a large extent, a significant extent, it has been working very well and it has been a tremendous convenience to the court user and to us but it doesn't solve the problem.

We are at early stages with the RCIPS to see if there can be a data sharing arrangement between our two entities whereby they first enter the traffic ticket details in their system and then we get a ticket and we have to enter the second time. So we are working with them to see if there is a way in which when they enter it, it can just come into our Curia system directly. There have been a few challenges so that has not yielded the benefits that I hoped it would yield as yet. The silver lining, I hope, is that I have been approached by Mr.

Tristan Hydes of the Ministry of Planning, Agriculture, Housing and Infrastructure (PAHI), we had a meeting earlier this year because my understanding is that the camera system, the traffic camera system for the licence plates, that system has the capability of introducing electronic traffic tickets.

So we had an early discussion with him as a stakeholder, his office, I understand that a business case is being prepared by that Ministry and our key staff members have engaged with his office to provide any information requested to help inform that business case. I understand that they also will be meeting with the RCIPS and our team has asked that before the business case is finalised that there is a final meeting with all stakeholders to make sure that they are able to capture all of the relevant information. So we at Judicial Administration are eternally hopeful.

We are ready; I believe that where we have reached with our new database, if a new platform for tickets is introduced we can connect to it almost instantaneously. So we are eternally hopeful that some meaningful progress can be made on that front because the Honourable Member is correct, traffic tickets are a source of revenue, a tremendous source of revenue for the government that comes through the courts and it requires, unfortunately in this day and age, a tremendous amount of human resources both for the RCIPS and the courts to administer where I believe electronic traffic tickets is a very good example of how technology can bring about remarkable efficiency and effectiveness in delivery of services and I would even go as far to say cost savings because really and truly who are the people that you need to be entering data if the data is already there from the point of the police's tablet. Yeah, so eternally hopeful sir.

Mr. Isaac Rankine: Mrs. Bothwell, thank you so much. That's all the questions I have for you for now.

The Chairman: Thank you, Mr. Rankine. We're going to move now to the fourth area of questioning and that is the new court building [the old Scotiabank building], and for that I am going to turn to Ms. Heather D. Bodden to lead the line of questioning. Ms. Bodden.

Ms. Heather Bodden: Thank you, Mr. Chairman. Good morning Mrs. Bothwell, thank you for joining us this morning.

The Office of the Auditor General's 2019 Report highlighted the importance of a new court building that meets the needs of all stakeholders involved in processing cases through the courts and in November 2019, Judicial Administration committed to engaging with stakeholders about the design of a new court building by April 2020. However, the engagement has not yet started three years later.

We also note that you have not provided a new date for completing the stakeholder engagement. This essential information also needs to be factored into the online business case for the new court building. My question to you is, can you provide an update on the timelines for updated stakeholder engagement for the new court building including start and finish dates.

The Chairman: Before you answer ma'am, I was totally mistaken. I think you picked up on that because I mentioned the Scotiabank building but we are talking about the new court building.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman.

Regarding the specific recommendation, it was taken on board. I do recall that when we had the hearing before the last Chairman of the PAC, we did share with the Auditor General's Office some stakeholder engagement that took place at the beginning of the project but naturally we understand that that is dated and quite a bit of time has passed.

In 2019, we did meet with the outline business case team led by PricewaterhouseCoopers (PwC) regarding this issue and they were happy to move forward with additional stakeholder engagement. We do in our budget actually have funding for the exercise, we've costed it but it has not taken place as yet for a few reasons. The first being that when the decision was taken to actually build the Grand Court because we were short of actual spaces to hear Grand Court cases, and also the Court of Appeal because the Court of Appeal actually has no courtroom of its own the OBC team has have stepped down until those projects were complete. So they're placed on hold until those projects are complete. Effective two weeks ago, those projects are complete. I have already spoken I think this year, I have already spoken to the representative of [the Public Works Department] PWD so that we can start that project. We were hoping to do it this last quarter, but with the Privy Council coming there, we have not been able to start it so we do have a proposal. I am expecting that that is probably one of the first things you will lead within 2022 to do an updated stakeholder engagement and an assessment on accommodation needs for the whole of Judicial Administration, and that will inform the wrap up quite frankly of the business case because the business case is in draft, it needs to be updated and wrapped up. So I expect it to be done, I would say before summer of next year.

Ms. Heather Bodden: Thank you, Mrs. Bothwell. I would just like to ask if you think this additional space will provide the court with what has been desperately needed.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. I recognise that some of the members have not had the benefit of seeing the draft outline business case which was in fact presented to Caucus a few

times. The procurement of the old Scotia building was seen as part of a much bigger plan and so the purchasing of that four story building was not meant to in any way address the full accommodation needs of the court. There are some recommendations coming out of the report regarding our existing accommodation and how fit they are for our current purposes and certainly moving forward, there will need to be some assessment as to what the courts actually need. The Auditor General was correct in her assessment about what was driving the outline business case, the accommodation needs and the other stakeholder input versus the proposed budget at the time that was discussed and to what extent it actually met the legitimate needs of the court? So those things, the assessment will inform the final report to what extent it will address affordability at the end of the day that will be for the government to decide but we are aiming for before summer next year.

Ms. Heather Bodden: Thank you, Mrs. Bothwell.

Mr. Dwayne Seymour: Mr. Chair.

The Chairman: I did have Ms. Conolly first and then you can take it after.

Ms. Barbara Conolly: Thank you, Mr. Chairman. Just a question Mrs. Bothwell on the new court rooms. I know there is, you mentioned in the Scotia building, you have new courtroom number eight and number nine, are you still holding court in the Town Hall as well as in the Kirk Building, is that still occurring?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. Yes, with respect to the Town Hall, I believe we use it four days a week, if not five, it could even be five. So we do unfortunately treat that space as a full time space for the court.

With respect to Kirk House, we have four open court hearing rooms, we have a court room four on the ground floor, which is quite small; we have a small court called courtroom seven, four in the ground floor, courtroom five is our big court - it's on the second floor and that is where we tend to hold a lot of our big commercial cases or big criminal fraud cases. It is not really at the standard, it should be for those types of trials. If one just looks at what has been done with the new court spaces, it becomes evident that it's not quite fit for purpose and it raises a fundamental question about to what extent should the organisation continue to invest quite heavily in a building it does not own and also a building which cannot take the full gamut of cases that it will need to hear in its courts because of the way that Kirk House is structured, we cannot address very core security needs for that building, so therefore the ability to hear custody cases in that building is highly limited. So we are restricted right now to the main court building because we have cells there, there are no cells in court Kirk House.

So the Grand Court that we built on the ground floor, we have built small cells in there which alleviates the pressure that we have in the main court building with the two main courts that are tied to the cells. We also have courtroom six which is on the third floor of Kirk House and that functions primarily as a financial services court. It is not very large and sometimes these cases can have multiple parties, multiple attorneys, sometimes the accountants are there so certainly it's about not just having a space but having a space that is needed for you to deliver services and these are the things that the accommodation needs assessment will address. I can't remember the question, yeah Kirk House, that's it.

Then courtroom eight will address some of our criminal court needs; courtroom nine which is the newest court, we just got a certificate of occupancy last week, which was where the Privy Council sat. That is to be the home of the Court of Appeal. The Court of Appeal are currently here and they are sitting there. They sit for nine weeks out of the year as a minimum. However, they do have special sittings which means that that they can come back to Cayman multiple times for the year to hear various matters which can either last days or weeks. So the fact that they actually have their own space now will help because it means that we will not be kicking another court out so that they can utilise their space, so it will, it will alleviate some pressures.

The existing court arrangements are far from being satisfied.

Mr. Dwayne Seymour: Thank you, Mr. Chair. Obviously the court is very important to this country or any country and I am trying to help here because I see and I note that I remember I was a part of the administration when this new court building was approved, the purchase of the old Scotia Bank and very excited about the new parking garage that was going to be there and the extended heights of a new court house, couldn't wait to enter it, not to be charged but just to visit.

[Laughter]

But my question is, what is the actual structure of your office? I sensed by some of your explanations that they are quite comprehensive and just seems that you have a heavy workload and I am very concerned as to what structure you have there and if there is anything that we need to do to, to assist with this.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman. The work of the Court Administrator, I would say perhaps it is not too different from the work of my colleague the Clerk of Parliament, where everything is for you to do and you may not have necessarily

the appropriate leadership structure to support you in the beginning. I have been in post for six years and it has taken me all of six years I would say, to identify some of the core needs, particularly at the leadership level in order for us to be able to successfully deliver some initiatives of the court in a way that would be beneficial to the country and to the country's resources.

So I, when I went into post, I had no Deputy Chief Officer, even though I was called the Chief-Officer under the act. So I technically had to rely on the Clerk of Court to cover for me, whose role and function is very distinct and quite full in its own right. We share, we continue to share finance services with about eight government entities. However, we have revisited the structure of our Finance Department, we got some external guidance on some of the benchmarks that we should be hitting as an entity that handles cash and manages money. So I have been working with the Chief Financial Officer (CFO) to implement those structures and those government best practices to ensure that we have robust financial management of the significant funds that the court receives or holds in Trusts. So we do have a Deputy, a Financial Controller who actually sits at the court, who is a very experienced qualified accountant, and a Deputy Financial Controller. That allows the CFO to be in her remote location. We are currently at the point of separating and having our own CFO because we are by far the largest entity that that CFO covers and it warrants its own full time management, so that is something that we are working through now.

We have started working on workforce planning, we are mindful of the recommendation of the Auditor General. I read the Auditor General's government audit on workforce planning for the entire civil service I believe. We did try to start the initiative last year and to identify resource materials and to see how we can do it in house but I think we quickly realised it was beyond our capabilities. So we have decided and we are currently working on a business case to see how we can procure some technical expertise to help us with such an exercise to go through the workforce planning for the administration and the judiciary, because I do believe at the end of the day it will tie in to accommodation needs and also the business of the court from the perspective of any sort of performance initiatives that we introduce moving forward, and for us to look at where our efficiencies can be achieved in our current business processes and also in terms of our staffing.

So I do agree that it is a worthwhile initiative, I am no expert in workforce planning, so perhaps it was naive of us to believe we could try to do it ourselves and not understanding the extent to which we might need to have some help. I did obtain a lot of guidance documents from other entities that I know, not our government but otherwise, that I saw that did the exercise, but I believe that because we also interface with the work of the judiciary, there might need to be a much more comprehensive analysis of really what our workforce planning needs are as a whole.

Mr. Dwayne Seymour: Mr. Chair, I really thank Mrs. Bothwell for that answer and that supports my belief. I just want to know specifically then, there is a Chief-Officer and there is a Deputy [Chief Officer]?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Yes, so what I can say is I do believe in earnest at this time the administration has the staffing at the leadership and executive level to effectively run the business of the court and to support the Chief Justice and the judiciary. We implemented some key posts and I do see a change, a positive change in terms of the way in which we are able to deliver and the timeliness.

There are other areas that we still need to look at. We have gotten some feedback for example that the courts like other courts should introduce like a communications officer because we need to ensure that we have centralisation of communication, we have a lot of records management in the courts and the (former) Chief Justice Sir Anthony Smellie before he left he did introduce a new quite a significant practice direction opening the doors of access to criminal court records and so that puts an entirely new colour on our disclosure procedures. So these are discussions that I am sure that I will have with Chief Justice Ramsay-Hale and I am sure that the workforce planning exercise will inform these discussions as we move forward.

Mr. Dwayne Seymour: Mr. Chair. Thank you, Mrs. Bothwell. In my humble opinion and I would suggest that an external professional company or organisation come in and undertake this study because just in itself as Mrs. Bothwell was just saying in terms of record management, communications, even project management because the fluid situation in terms of the court in terms of increased cases, Et cetera as to you know the needs. I mean what I'm thinking is I don't still understand the full structure because it seems like there is a lot of moving parts there and a lot of different areas that are covered by different people and you know what I'm kind of suggesting is like any other Ministry that they have either two deputies, another one, Deputy could be looking at matters in terms of projects. There will be for many years buildout of new properties and new buildings and you know that same Deputy could be in charge of other things and free up Mrs Bothwell so that she can concentrate on some of the things that that are taken so long to be completed. I say that with all respect that I appreciate that she does have a heavy workload.

The Chairman: Thank you for that. Any other questions then on this area? Okay, if there aren't then the final area was on workforce planning which I know Ms. Bothwell she touched on it.

Ms. Heather, I think you had some further questions, right? No, okay. *[Pause.]* Ms. Conolly, do you have any other questions then on the workforce planning?

Ms. Barbara Conolly: Thank you, Mr. Chairman. Yes I do, through you to the witness.

The Auditor General's 2019 Report stated that senior managers in the Judicial Administration consistently raised the lack of staff as an issue affecting the efficient operation of Summary Courts. However, Judicial Administration had not performed the workforce planning to determine how many staff it needed and what skills to operate effectively or efficiently. Therefore, the Auditor General recommended that Judicial Administration developed a workforce plan to address these concerns.

We know that you accepted this recommendation but three years later no progress has been made, and I know you mentioned regarding the workforce and your staff; however, can you say what progress has been made in developing a workforce plan and the target date for finalising the Judicial Administration workforce plan?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. So we are working on a business case now as I indicated in my earlier response we were preparing to do it in house I have a Chief Human Resources Officer and the feedback I received was that most likely we can do this in the house. So when we started the work on the initial exploratory work it became apparent to me that actually I didn't think we could do it in house. So I have asked that we actually do a business case, I have already spoken with the new Chief Justice because there is a transition to be had and I would have to debrief her on everything really and I have already raised this with her as something that is important and she also recognises the importance of getting out very quickly a work force assessment. So we are working on it, I expect that we would have the draft document before the end of Christmas and that we can go out for procurement in January 2023.

Ms. Barbara Conolly: Through you Mr. Chairman, to the witness, thank you for that explanation. So currently as we stand as of today, are you satisfied that you have enough staff to carry out all the work that's necessary in the Judicial Administration?

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chair. We have been able to tackle some of the hotspot areas in some of our registries, particularly the criminal side. One of the things that I did ask the Managers to do was to see how the business processes were either helping or harming staff and so they did take a look at that to see how we can better streamline the business and segregate duties.

Where I think, before we can make really good inroads as to what our workforce needs are, particularly on the criminal side, we would need to have a clear understanding of the efficiencies that would be derived from the introduction of the new court database because it's not just about building the data, well its partly the database itself in that instead of taking five steps to do one thing, you might take two, so you can cut down on processes there, but also to some business decisions regarding for example, in other jurisdictions you have data entry in the courtroom itself, and the potential elimination of court files, paper files that would allow everything to be generated in a paperless environment and because those things themselves cause I don't want to say the word inefficiency, but they cause additional work.

So right now I do believe that the pressure is managed with the staff and we do have the basic resources to meet the current processes that we have but certainly I do believe that with the all of the different things that there is an opportunity for re-engineering the way we do our business in that division that would have to be done of course with the input and direction of the Chief Justice and the Judiciary. But I do think that there are opportunities to actually re-deploy staff in different areas quite frankly, so that they are not doing the same thing. I'll give you a very, very real example of this. I had never had an executive officer who was only dedicated to entering traffic tickets; it never existed. But I was forced to find the funding and to convert a post to create that new function because of the errors that were happening in the department because of just the sheer volume; it is one of the most monotonous tasks that anybody can do and it resulted unfortunately in us, really, unfortunately, disenfranchising some of our court users and we had to deal with that.

However, in order to address the problem at hand, I had to hire a temporary staff member to take over the responsibilities, taking an existing vacant posts and convert it just so that person can enter traffic tickets for a second time because the first time is at the RCIPS, hence my discussion before. So when I say I think that there are real opportunities for redeploying and creating efficiencies, I really do mean it because if we can get all of these mechanisms to work properly it will cut out a lot of the existing paper-heavy functions that we have at the courts. We're making inroads with the e-filing and so forth, but we do have a long way to go. The staff are managing.

The Chairman: Mrs. Bothwell, do you have anyone that sort of operates at Chief Operating Officer level in your organisation? Listening to you here this morning, it just strikes me as something I think that could be quite useful to you in terms of administration work and I hear all you said this morning and I recognise some of the challenges that you do face but I mean just simply, do

you have someone that can operate or does operate at that level because I think it would be a resource that could be extremely helpful to you.

Mrs. Suzanne Bothwell, Court Administrator and Chief Officer, Judicial Administration: Through you, Mr. Chairman. We do not have a dedicated person. What we have done is in extreme circumstances we've gotten some kind of external consultant to help us identify where the problems are to see if we could have efficiencies, we did that with our finance department and I am happy to say that that department is probably like 90 per cent paperless, we process almost every single thing online and we get our invoices out quite quickly, you know, that is a good example of success by re-engineering processes.

The other departments, no; because it is very difficult, I think to get someone, they won't have anyone on island who can come into our court system, they have to learn the court system first and then figure it out. I do believe that there are people who can say well you are doing this two or three times and you might want to think about doing A or B or C and right now it is only our managers but we are still bound to some degree by corpus procedures, maybe some court rules, we are bound to some degree also by the limitations of our stakeholders our external stakeholders but I take on board your point sir. I think it is something that if we are going to continue to look at the area of efficiency and effectiveness, we need to have people who can help us run our numbers. I am aware, for example, in Jamaica, they are also doing the framework for court excellence that they have also adopted the expertise of statisticians and certainly looking at our business procedures would be one of those things and also things like quality assurance, you know. Those are things that we do recognise that we must find a way to build into our operations but right now we do not have a Chief Operating Officer.

The Chairman: Thank you for that. Are there any other questions from Members?

Well, this concludes our session for today. Mrs. Bothwell, I do thank you for attending. We've been at it all morning and taken up quite a bit of time but I think we do have a better appreciation too for the work that is undertaken and the tasks that you do face. We thank you for being here this morning and sharing your thoughts and giving us this update as well. So thank you all very much.

To Members of the Committee, I thank you all too for being here and for your participation and for asking questions and querying our witness. Thanks too to the Auditor General and her Office and staff here as well and to the Financial Secretary and the Accountant General for being here this morning as well. Also as always thanks to the Parliamentary Clerk for your assistance as always in these hearings.

So ladies and gentlemen that concludes the session for today, we will begin again tomorrow morning at 10 a.m. when we are going to be looking at another of the Auditor General's Reports. Until then, have a pleasant day.

Ms. Heather Bodden: Mr. Chairman, I just wanted to make sure that the Committee is aware that I will not be here tomorrow, so I just wanted to recognise that others will be, but I won't be.

Thank you, sir.

The. Chairman: Thank you too, and will make sure that tomorrow as well.

At 12:35pm the meeting adjourned.