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**REPORT OF THE STANDING  
PUBLIC ACCOUNTS COMMITTEE  
ON THE SPECIAL REPORT OF THE AUDITOR GENERAL  
ON THE REVIEW OF THE LEGAL AID PROGRAM**

**SUMMARY REPORT**

**1. REFERENCE**

The Standing Public Accounts Committee of the Cayman Islands Legislative Assembly, established under Standing Order 77, met to consider the Special Report of the Auditor General on Review of the Legal Air Programme as prepared and submitted by the Auditor General.

**2. PAPER CONSIDERED**

In accordance with the provision of Standing Order 77(1), the Committee considered the following paper referred to it by the House:

- Special Report of the Auditor General on the Review of the Legal Aid Programme

**3. CHAIRMAN AND MEMBERS OF THE COMMITTEE**

The following Members of the Legislative Assembly were the Members of the Standing Public Accounts Committee who dealt with this Report of the Auditor General –

Mr D Ezzard Miller, JP, MLA - Chairman

Hon Cline A Glidden, Jr., MLA

Mr. Ellio A Solomon, MLA

Mr. Dwayne S Seymour, MLA

Mr Moses I Kirkconnell, JP, MLA

The following Members of the Legislative Assembly are the present Members of the Standing Public Accounts Committee –

Mr Moses I Kirkconnell, JP, MLA - Chairman

Hon Cline A Glidden, Jr., MLA

Mr D Kurt Tibbetts, OBE, JP, MLA

Mr. Ellio A Solomon, MLA

Mr. Dwayne S Seymour, MLA

#### **4. MEETINGS OF THE COMMITTEE**

The Committee reviewed the Minutes of three (3) meetings held by the Committee, to consider this Report:

- (i) Thursday 29<sup>th</sup> April 2010
- (ii) Thursday 6<sup>th</sup> May 2010
- (iii) Wednesday 13<sup>th</sup> June 2012

#### **5. ATTENDANCE OF MEMBERS**

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

#### **6. PERSONS IN ATTENDANCE**

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

Mr. Dan Duguay, Auditor General

Mr. Garnet Harrison, Deputy Auditor General

Mrs Ann Owens – Senior Officer/Ministry of Finance

Mrs Debra Welcome – Accountant General

Mrs Gloria Myles – Deputy Accountant General

Mr Donald House – Acting Director/Internal Auditor Unit

## **7. WITNESSES CALLED BEFORE THE COMMITTEE**

In accordance with the provisions of Standing Order 77(4), the Committee may invite Controlling Officers and support staff to give information or explanation to assist the Committee in the performance of its duties. The Committee agreed that the following person would be called to give evidence:

Mr Valdis Foldats – Clerk of the Court  
Mrs Delene Cacho – Court Administrator  
Mrs Jennifer King – Legal Aid Officer

## **8. PRACTICE AND PROCEDURE OF THE COMMITTEE (S.O 77 (6))**

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

## **9. INTRODUCTION & PAC COMMENTS**

**9.01** The Review of the Legal Aid Programme by the Auditor General took place as a result of concerns by the Chief Justice that information on the Programme which was being used by the Legislative Assembly was inaccurate and misleading for decision makers.

**9.02** The Committee concur with the conclusion and recommendations of the Auditor General as set out in his Report and in particular notes the following:

(a) There was an absence of useful performance information including appropriate and measurable outputs for use by the Legislative Assembly to review the Programme results. Without this information it is not possible to determine the effectiveness of the Programme and make the changes

necessary to its management on a timely basis or to examine options on how the Programme could be delivered more efficiently.

(b) the Judicial Administration could make significant improvements to ensure the consistency and fairness of the way it delivers the Programme

(c) the Legal Aid Programme results are not fairly reported to the Legislative Assembly.

**9.03** The Committee emphasises the need for the Judicial Administration to implement the recommendations of the Auditor General as set out in his Report.

**9.04** The Committee recommends that the Judiciary take into consideration that the funding for the Legal Aid Programme will need to be increased given the implementation of the Bill of Rights.

## **ACKNOWLEDGEMENT**

The Committee is most appreciative of the efforts of the Auditor General and his staff in presenting a very fair, detailed and informative Report on the Review of the Legal Aid Programme and for the support, assistance and constructive advice given throughout its deliberations.

The Committee also thanks the staff of the Legislative Assembly 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 Special Report of the Auditor General on the Review of the Legal Aid Programme.

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Mr Moses I Kirkconnell, JP, MLA - Chairman

<b>EXPENDITURE</b>					
Recurrent	269.766	274.237	252.295	259.384	(2.73)
Capital Acquisitions	5.034	5.461	3.064	3.941	(22.25)
Capital Development	15.998	17.512	14.543	22.156	(34.36)
Statutory	<u>49.786</u>	<u>49.786</u>	<u>49.923</u>	<u>46.968</u>	6.29
<b>TOTAL EXPENDITURE</b>	<u>340.584</u>	<u>346.996</u>	<u>319.825</u>	<u>332.449</u>	(3.80)
<b>(DEFICIT) BEFORE FINANCING</b>	<b>(0.511)</b>	<b>(6.923)</b>	<b>(3.131)</b>	<b>(44.821)</b>	<b>(93.01)</b>
<b>FINANCED BY</b>					
Local Loan	12.000	12.000	10.866	49.607	
External Loan	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	<u>0.097</u>	
<b>SURPLUS FOR THE YEAR BEFORE TRANSFERS TO RESERVES</b>	<b>11.489</b>	<b>5.077</b>	<b>7.735</b>	<b>4.883</b>	
<b>NET TRANSFER (TO)/FROM GENERAL RESERVE</b>	<b><u>0.000</u></b>	<b><u>0.000</u></b>	<b><u>(1.500)</u></b>	<b><u>6.900</u></b>	
<b>SURPLUS FOR THE YEAR</b>	<b>11.489</b>	<b>5.077</b>	<b>6.235</b>	<b>11.783</b>	
<b>CASH MOVEMENTS BELOW THE LINE</b>					
(Increase) in Imprests			(0.369)	(0.047)	
(Decrease)/Increase in Deposits			(3.954)	2.407	
(Increase) in Advances			(1.445)	(1.445)	
<b>NET CASH FLOW FOR THE YEAR</b>			<b>0.467</b>	<b>12.698</b>	
<b>CASH AND CASH EQUIVALENTS</b>					
Beginning of Year			<u>5.406</u>	<u>(7.292)</u>	
End of Year			<u><b>5.873</b></u>	<u><b>5.406</b></u>	