



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

Briefing Document for Minister – June 2017



Contents

Managing the Mandate	2
Governance of Agencies	8
Reform.....	9
Financial Allocations	12
Human Resource Dimension	13
Justice Sector Level 1 Strategic Priorities.....	14
Justice Sector Key Issues 2017.....	19
Asylum Services, Integration & Equality	20
Civil Law Reform and Courts Policy.....	34
Corporate Affairs	46
Crime and Security	49
Criminal Law Reform	64
International Policy & Prisons and Probation Policy	71
Irish Naturalisation and Immigration Service (INIS)	77
Policing Division	83
Irish Prison Service	106
The Probation Service	109
Appendix 1: Justice Sector Organisations	111
Appendix 2: Contact Details for Management Board	115
Appendix 3: Contact Details for Heads of Divisions	119
Appendix 4: OnePlan 2017 Strategic Actions.....	123



Overview of the Department

MISSION AND PURPOSE OF THE DEPARTMENT

The Department's mission as set out in the [Strategy Statement 2016 to 2019](#) is *“Working together to advance community and national security, promote justice and equality and safeguard human rights”*.

Our vision is for ‘A safe, fair and inclusive Ireland’.

DEPARTMENT'S REMIT

The Department's remit covers activities as diverse as the security of the State, the protection of life and property, the prevention and detection of crime, maintaining and promoting fairness and equality, overseeing services for the buying and selling of property, managing inward migration to the State, providing a Courts Service, various other regulatory services and updating our criminal and civil laws.

These are crucial to sustaining a democratic society and must be exercised in a manner reflecting the commitment to human rights and equality set out in the Irish Constitution and the European Convention on Human Rights.

INTERNATIONAL DIMENSION

The Department plays a key role internationally, particularly in the context of the EU Justice and Home Affairs Council. There is also significant involvement with other international bodies such as the Council of Europe, the United Nations and the International Labour Organisation.

BREXIT

The Department is fully involved in the preparations for Brexit, particularly in the context of the Common Travel Area and maintaining policing and justice cooperation.

OUR STRATEGIC OBJECTIVES

Our Vision, Mission Statement and Our Six Strategic Goals



STRATEGIC PRIORITIES: THE ONEPLAN

The Management Board oversees the implementation of the strategic objectives and publishes an annual high level plan. This OnePlan draws together all of the strategic priorities across the Department, covering Programme for Government commitments, divisional business plans, Programme for Change, and the Integrated Reform and Delivery Plan (covering the Department and the sector). A programme management system forms the core of oversight and governance in the Department providing monthly/quarterly reports to facilitate the Management Board's oversight of the Department's work and allow more strategic targeting of resources. A report covering is also provided for the monthly MinMAC meetings.

ORGANISATIONAL STRUCTURES AND GOVERNANCE

The Department's Organisation Chart is on the following page.

Governance

In common with all Departments, a new Governance Framework was adopted by the Management in 2016.

The key organisational structures supporting the corporate governance and management of the Department are as follows:

Structure	Frequency
<i>Formal Meetings</i>	
Minister/Management Board Meeting (MinMAC)	Monthly
Management Board (senior management team)	Weekly
Audit Committee	Quarterly
Risk Management Committee	Quarterly
Financial Management Committee	Monthly
ICT Governance Group	Quarterly
Directorate/PO meetings	Monthly
Civil Service Management Board	Monthly
<i>Less Formal meetings</i>	
Divisional meetings	Monthly
Divisional Business Review meeting	Quarterly

SENIOR MANAGEMENT STRUCTURES

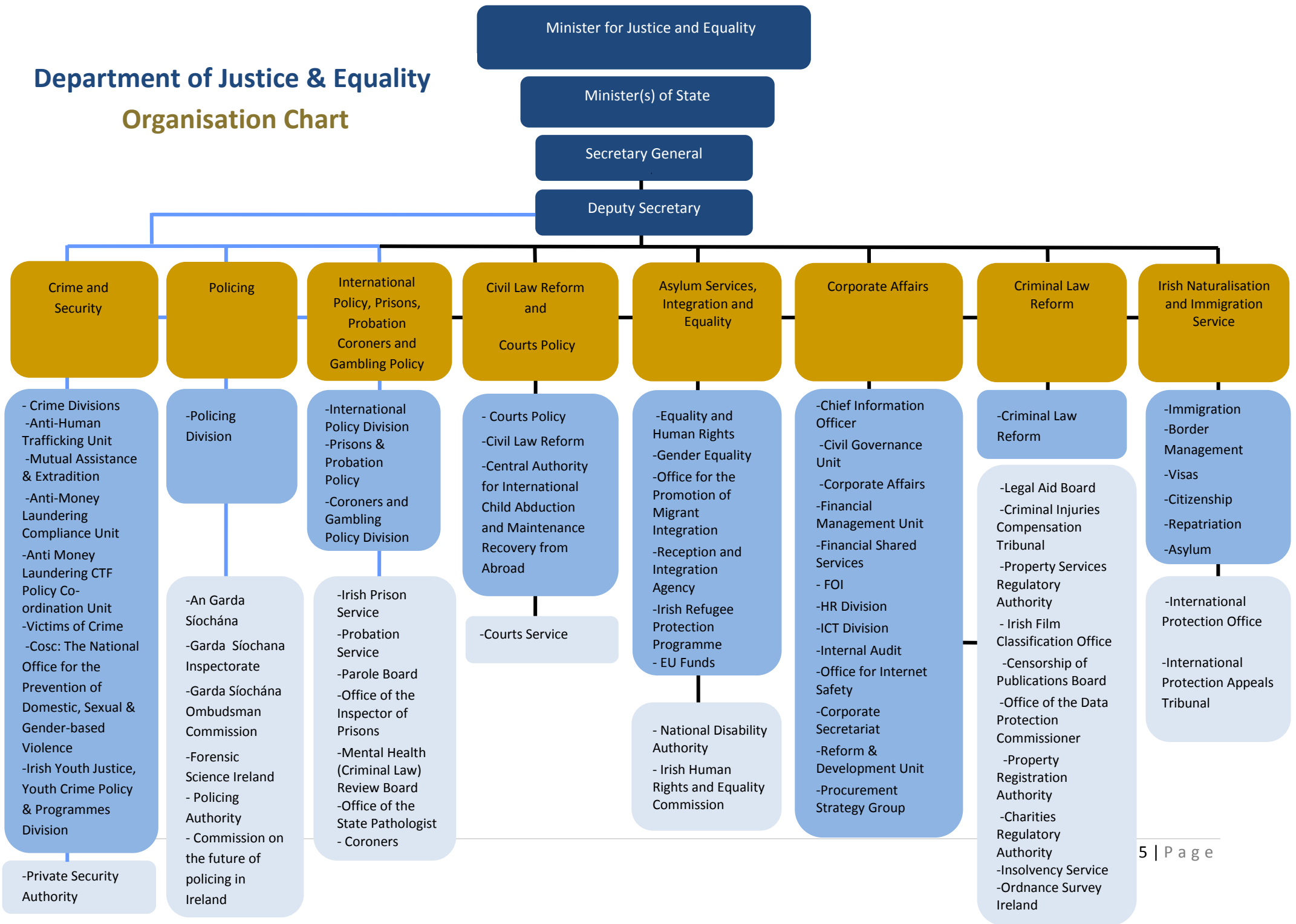
The structures can be summarised as follows:

1. The **Minister** decides policy and is legally the corporation sole¹ of the Department.
2. The **Secretary General** is the senior civil servant and non-political head of the Department. The Secretary General is responsible for the overall management, strategic planning and leadership of the Department. The Secretary General is the Accounting Officer for the Department of Justice and Equality (Vote 24) and the Irish Prison Service (Vote 21) and in this regard has responsibility for safeguarding the funds under the control of the Department and for ensuring economy and efficiency in the running of the Department.
3. The **Deputy Secretary** is the second most senior Civil Servant and deputises for the Secretary General as and when required. The Deputy Secretary is responsible for the implementation of crime, security and policing policies and, in particular, for matters relating to the criminal justice system.

¹ Minister and Secretaries Act 1924 - 2011

Department of Justice & Equality

Organisation Chart



SECRETARY GENERAL

Noel Waters is Secretary General since October 2014, having been permanently appointed in 2016. His duties include being the Civil Service Head of the Department, Accounting Officer, Chair of the Department's Management Board and member of the Civil Service Management Board. A Deputy Secretary position (currently vacant) generally deputises for the SG but also has particular responsibility for Criminal Justice. (A draft report on the Department's structure has also recommended the creation of a second Deputy Secretary post to cover the rest of the organisation).

MANAGEMENT BOARD

The Secretary General chairs the Management Board who assist him in the management of the Department. The Board is a key element of the Department's governance and its purpose is to provide strategic leadership, vision and direction to the Department's staff and agencies; operating as a trusted advisor to the Minister; and ensuring effective and robust governance and oversight leading to a safer, fairer and more inclusive Ireland in which to live, work and do business.

MEMBERSHIP

Currently the Board has 18 members (plus a Secretary).

Secretary General – Chair	Noel Waters
Deputy Secretary - Vice chair	Vacancy
DG, Irish Prison Service	Michael Donnellan, Director General
Assistant Secretaries	
Policing	John O'Callaghan
Crime & Security	Peter Mullan
INIS (Irish Naturalisation and Immigration Service)	Michael Kirrane (Acting DG)
Civil Law Reform and Courts Policy	Conan McKenna
International Policy, Prisons and Probation Policy and Coroners and Gambling Policy	Jimmy Martin
Asylum Services, Integration & Equality	Carol Baxter
Corporate Affairs	Oonagh McPhillips
Criminal Law Reform	Michael Flahive
Directors and Principal Officers	
Director, Crime Division	Marion Walsh
Director, Probation Service	Vivian Geiran
Chairperson /Vice-Chairperson of the PO Forum	Doncha O Sullivan/ Ben Ryan
Head of Communications and Corporate Secretariat	Patrick Forsyth
Head of Reform and Development Unit	Vacancy
Head of Strategic Human Resources	Martina Colville
Secretary to the Board	Bernadette Phelan

The activities of the Board are guided by a rolling work programme prepared twice yearly.

Senior Management Team



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY



Noel Waters
Secretary General

Vacancy

Deputy Secretary
General
Criminal Justice System



Peter Mullan

Assistant
Secretary

-Crime &
Security



Marion Walsh

Director

-Crime



John O'Callaghan

Assistant
Secretary

-Policing



Jimmy Martin

Assistant
Secretary

-International
Policy
-Prisons &
Probation
Policy
-Coroners and
Gambling
Policy



Conan McKenna

Assistant
Secretary

-Civil Law
Reform

-Courts
Policy



Oonagh McPhillips

Assistant
Secretary

-Corporate
Affairs



Michael Flahive

Assistant
Secretary

-Criminal
Law Reform



Carol Baxter

Assistant
Secretary

-Asylum
Services,
Integration
& Equality



Michael Kirrane

Director
General
(Acting)

-Irish
Naturalisation
&
Immigration
Service



Michael Donnellan

Director
General

-Irish Prison
Service



Vivian Geiran

Director

- Probation
Service



Governance of Agencies

The Department of Justice and Equality has responsibility for 30 associated bodies, both statutory and non-statutory. A list of the Justice Sector Organisations is attached at **Appendix 1**.

The Department oversees and holds these bodies to account on behalf of the Minister in line with the Code of Practice for the Governance of State Bodies. This includes evaluating the bodies' budgets against those set down by the Minister and plans (including strategy statements, corporate plans, key risks), as well as monitoring their performance in meeting objectives and targets (including financial targets).

Structured arrangements are in place to manage the relationships with agencies with a view to enhanced accountability and driving better performance across the sector. Formal governance meetings are held at least twice annually between the member of the Management Board with responsibility for the Agency and the relevant head of each Agency. Further details are set out in the Governance Framework.



Reform

DEPARTMENTAL REFORM – ORGANISATIONAL CULTURE

Following the Report of the Independent Review Group (Toland) in 2014, which identified a series of recommendations, the Department has implemented a comprehensive change programme over the past three years in parallel with similar actions set out in the Civil Service Renewal Plan. The Review Group made recommendations in areas such as culture; leadership and structure; audit and risk management; corporate functions and IT systems; and benchmarks. Significant progress has been made in implementing these recommendations as outlined below and the work of embedding and sustaining the changes continues to be prioritised in the Department.

The following recommendations, which mirror many of the actions set out in the Civil Service Renewal Plan, have been implemented :

- The Department's Management Advisory Committee was reconstituted as a Management Board, new personnel were appointed, both from within the Department and externally, and lateral mobility put into effect. A new Deputy Secretary post (currently vacant) was created in April 2015 to provide more cohesive leadership across the criminal justice portfolio and the Secretary General was permanently appointed in October 2016. Both the Minister and the Minister of State for Equality, Immigration and integration meet on a monthly basis with the full Management Board.
- Following consultation, a Culture and Values Charter was published in 2016 with the objective of fostering a more outward facing, listening organisational culture. These values are fed into all induction and leadership training with a view to informing the way in which the Department communicates with staff and stakeholders. It is recognised that changes to organisational culture takes sustained effort over time and a cross grade team, led by the Secretary General, is working to ensure that this continues to be embedded in the organisation. A stocktake of progress made and future priorities has just commenced.
- Robust supporting processes have been put in place to enhance leadership and oversight of the Department and wider sector and to facilitate more effective management and governance of the strategic objectives. A Corporate Governance Framework for the Department was published in April 2016. Since 2015 an annual Strategic Plan has been published, which draws together in one single plan all the strategic priorities across the Department. As mentioned previously the OnePlan facilitates and documents monthly oversight of these priorities and reports are published twice annually.
- Risk management processes have been significantly strengthened and the Department's Audit Committee which has a majority of external members has reviewed its processes
- The Department has also put in place revised systems and procedures to ensure that all correspondence is handled appropriately which specifies that high priority correspondence is brought to the attention of the Minister and relevant officials and followed up in a timely manner.
- The Report made several recommendations regarding relationship management and oversight of Agencies, all of which have been implemented. Agency performance and governance

arrangements have been formalised and strengthened through formal Performance/Service Delivery Agreements and Frameworks agreed with 24 key agencies including An Garda Síochána. In addition, the Policing Authority was established in January 2016 to bring a new and dedicated layer of public accountability to the administration of policing services and drive necessary changes in the policing system and its practices.

- Formal structures were put in place to support communication and collaboration with the agencies in the Justice and Equality sector: the Civil Agencies Network covers a range of diverse agencies and meets quarterly to share information and best practise while the Criminal Justice Strategic Committee, comprising the heads of all the relevant agencies, was established in 2015. The Strategic Committee also meets quarterly and is driving effective collaboration through a detailed work-plan on a range of shared interests from international cooperation, data needs and interoperability to leadership development and victims services.
- A programme of work in regard to Data and Information has been developed and is being taken forward in cooperation with the Office of the Government Chief Information Officer, including a system providing real time support to the front-line Joint Agency Response to Crime (JARC) programme, the rollout of an e-Submissions system and the development of the Justice and Equality Hub, to facilitate better collaboration and information sharing between the Department and its stakeholders and the provision of data and management information to support the development of more evidence based policy;
- Many of the Review Group's recommendations related to Human Resources management and a professional Head of Strategic Human Resources was appointed in 2016. A three year workforce plan has been developed which directly supports the Department's 2016-2019 Strategy and informs recruitment and deployment of available resources to effectively deliver on the Department's business objectives as well as identifying training needs. The 2017 training plan includes risk management, customer service, leadership development and performance management. The Department is also developing its HR capacity, including the recent implementation of a business partner model to try to ensure that the business needs, including managed mobility and succession planning, are being met by HR. A HR strategy is being prepared which will reflect the changes being implemented since the Toland Report and which will reflect the internal Change Programme, the forthcoming Civil Service HR strategy and public service reform.
- A Head of Communications was appointed and a strategy covering internal and external communications in support of the change programme published in 2016.
- New structured governance arrangements with An Garda Síochána have also been introduced. A Governance Framework Document is in place which makes provision, amongst other things, for regular Governance meetings including tripartite meetings involving the Department, An Garda Síochána and the Policing Authority. Senior officials meet monthly with An Garda Síochána to oversee progress on strategic and resource matters such as the Modernisation and Renewal Programme, IR issues, Garda recruitment, civilianisation, ICT, and Garda buildings. The Department also participates in the Garda ICT Oversight Board monitoring the ongoing ICT Programme which forms an integral part of the Modernisation and Renewal Programme. In addition, arrangements are in place for quarterly meetings involving the Department, An Garda

Síochána and the Policing Authority in the context of the Authority's statutory functions in relation to advising the Minister with regard to Garda resources.

PUBLIC SECTOR REFORM

The Department of Public Expenditure and Reform are leading development of a new Public Sector Reform Plan to cover 2017 – 2020.



Financial Allocations

SUMMARY

- The Justice Vote Group consists of 8 Votes - the Department of Justice and Equality, An Garda Síochána, Irish Prison Service, Courts Service, Property Registration Authority, the Irish Human Rights and Equality Commission, the Policing Authority and the Valuation Office. The latter three votes are relatively recent inclusions in the Vote Group.
- The Justice Vote Group is the 4th largest vote group in the public sector after the Social Protection, Health and Education sectors.
- The total gross allocation for the group in 2017 is €2.572 billion of which €2.392 billion relates to current expenditure and the balance of €180 million is capital expenditure.

The breakdown between the votes is as follows:

	Gross Current Expenditure €000	Gross Capital €000	Total €000	% Pay and Pensions (of current)	Accounting Officer
Garda Síochána	1,522,878	89,070	1,611,948	89%	Commissioner -Noirín O'Sullivan
Department of Justice and Equality	436,610	7,405	444,015	35%	Secretary General, Justice and Equality - Noel Waters
Prisons	305,044	22,330	327,374	78%	Secretary General, Justice and Equality - Noel Waters
Courts	79,397	60,683	140,080	65%	CEO, Courts Service - Brendan Ryan
Property Registration Authority	27,731	560	28,291	86%	CEO, PRA – Liz Pope
Valuation Office	11,368	-----	11,368	73%	CEO, Valuation Office - John O'Sullivan
Irish Human Rights and Equality Commission	6,531	100	6,631	54%	Director, IHREC – Lawrence Bond
Policing Authority	2,712	-----	2,712	63%	CEO, Policing Authority – Helen Hall
Total	2,392,271	180,148	2,572,419	77%	

KEY ISSUES FOR 2017:

Continue to work with the Department of Public Expenditure and Reform to manage any emerging pressures in expenditure in 2017. These are likely to relate, in particular, to additional payroll costs in the Garda Vote mainly relating to overtime arising from the necessary response to serious crime and to counter the threat of international terrorism and the impact of the Labour Court pay award in 2016.



Human Resources Dimension

BROADER HR CONTEXT FOR JUSTICE SECTOR

There are currently some 23,500 staff employed across the Justice Sector of which approx. 13,000 are Gardaí. Total pay and pension costs in the sector is €1.838 billion.

The breakdown of the staff complement for the Department and bodies under the aegis of the Minister is as follows:

Staffing across the Justice Sector (Full Time Equivalents) at 22nd May 2017	
Department of Justice and Equality and Bodies serviced by Dept – (see chart on next page for breakdown)	1,985.9
Agencies	
Legal Aid Board	372.4
Garda Síochána Ombudsman Commission	82.4
Garda Civilians (including Industrial Civil Servants)	2,019.0
Garda Síochána	13,156.0
Garda Trainees	617.0
Irish Prison Service (including 125.0 administrative staff)	3,319.5
Courts Service	996.1
Property Registration Authority*	490.9
Family Mediation Service	40.5
National Disability Authority	32.5
Ordnance Survey Ireland*	219.3
Valuation Office*	117.1
Policing Authority	21.0
Total Staff (including Agencies)	23,469.6

Note: Since January 2016, the Department was assigned responsibility for Ordnance Survey Ireland and the Valuation Office, which together with the PRA, are due to be merged into a new body Tailte Éireann when the necessary legislation has been enacted



Justice Sector Level 1 Strategic Priorities

The Department has 23 Level 1 Actions in the OnePlan that are reported on monthly to the Management Board. There are an additional 96 Level 2 Actions being actively progressed and reported on quarterly. The full list of Actions is at Appendix 4

Project ID	Project	SRO (Dept.)	End Date
PROGRAMME 1: A Safe, Secure Ireland			
3.1.1.1	Accelerate recruitment to bring Garda numbers to 15,000. Double the Garda reserve to support local patrols and crime reduction initiatives. Increase further civilianisation to free up more Gardaí to focus on frontline policing services (delegating court attendances and release from desk work) <i>Covering PfG Commitments 11.1.1, 11.1.2, 11.1.3 - included in monthly MinMAC Report</i>	John J. O'Callaghan Asst. Secretary Policing Division	31/05/2021

In line with the Programme for Government commitments and the Five Year Reform and High-level Workforce Plan for An Garda Síochána, this project seeks to expand the size of the Garda workforce to 21,000 by 2021 to be comprised of 15,000 Gardaí, 4,000 civilians and 2,000 Reserves. Plans are on track to recruit 800 Trainee Garda and 300 Reserves this year. Of 500 civilian posts planned for 2017, 137 have been sanctioned, 43 of which will back-fill vacancies created by redeployment of Garda members to policing duties.

3.1.2.1	Drive and oversee the agreed five-year reform programme in the AGS in line with the Government Decision of 19/07/2016 in conjunction with the Policing Authority including: roll-out of Divisional policing model, development of workforce planning capacity; ensuring effective monitoring and reporting mechanisms are in place. (Phase 1)(SRO Garda Commissioner Nóirín O'Sullivan) <i>Covering PfG Commitment 11.2.2 - included in monthly MinMAC Report</i>	John J. O'Callaghan Asst. Secretary Policing Division	30/12/2021
---------	--	---	------------

The Five Year Reform and High-level Workforce Plan for An Garda Síochána combines the implementation of agreed recommendations of the Garda Inspectorate report 'Changing Policing in Ireland' and the Programme for Government commitments aimed at increasing Garda visibility. The agreed recommendations aimed at AGS are being implemented through the Commissioner's Modernisation and Renewal Programme 2016-2021 (MRP). The Policing Authority are monitoring implementation by AGS and reporting progress to the Department on a quarterly basis. The second progress report received from the Policing Authority at the end of April records uneven progress. The Authority states that the pace of implementation is difficult to determine given that not all of the projects are managed within the formal Modernisation and Renewal Programme structures.

3.1.3.13	Criminal Law (Sexual Offences) Bill 2015	Michael P. Flahive, Asst. Secretary Criminal Law Reform	31/12/2017
----------	--	---	------------

The Criminal Law (Sexual Offences) Act 2017 provides for a number of matters including: strengthens existing legislation relating to child sexual exploitation; replaces existing laws relating to sexual acts with persons with certain disabilities, provides for the criminalisation of the purchase of sexual services and makes a number of amendments to existing criminal evidence laws, including regulating the disclosure of counselling records in sexual offence trials. Parts 1, 2, 3, 4, 7 and 8 (excluding 46, 47, 51(b) & 52) commenced with effect from 27 March 2017. Criminal evidence provisions to be commenced by year end.

3.1.3.15	Criminal Justice (Corruption) Bill	Michael P. Flahive, Asst. Secretary Criminal Law Reform	30/09/2017
----------	------------------------------------	---	------------

Work on drafting a new Criminal Justice (Corruption Offences) Bill is nearing completion and this is a Government priority for both publication and enactment this year. The Bill will repeal and replace the seven previous Prevention of Corruption Acts 1889 to 2010 and will introduce some additional offences. It will clarify the liability of corporate bodies for offences and will extend the range of penalties available to a court when a person is convicted to include forfeiture of public office. The Bill will make renewed provision for the main requirements of a number of international anti-corruption instruments that Ireland has already ratified. It will provide for recommendations made in the course of evaluations of Ireland by the various European and International Bodies. The Bill will also give effect to some of the recommendations of the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (2012) (Mahon).

3.1.3.16	Criminal Justice (Offences Relating to Information Systems) Bill - enactment	Michael P. Flahive, Asst. Secretary Criminal Law Reform	31/12/2017
----------	--	---	------------

This legislation gives effect to Directive 2013/40/EU on attacks against information systems and certain key provisions of the Council of Europe Cybercrime Convention. The Act provides for a number of new offences relating to unauthorised access to or interference with information systems and their data. This legislation gives effect to Directive 2013/40/EU on attacks against information systems and certain key provisions of the Council of Europe Cybercrime Convention. The Act provides for a number of new offences relating to unauthorised access to or interference with information systems and their data. The Bill was enacted on 24 May 2017. It is proposed to commence the Act very shortly.

3.1.3.17	Implement the EU Victims of Crime Directive - Criminal Justice (Victims of Crime) Bill 2016 Covering PfG Commitment 11.7.1 - included in monthly MinMAC Report	Michael P. Flahive, Asst. Secretary Criminal Law Reform	30/09/2017
----------	---	---	------------

The Criminal Justice (Victims of Crime) Bill, published on 29 December 2016, will introduce for the first time statutory rights for victims of crime. The Bill will transpose into Irish law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime fulfilling a commitment in the Programme for Government to enact legislation to strengthen the rights of victims of crime and their families. Committee Stage (Dáil) was completed on 17 May.

3.1.3.18	Criminal Justice Bill 2016 Covering PfG Commitments 11.5.2 and 11.5.3 - included in monthly MinMAC Report	Michael P. Flahive, Asst. Secretary Criminal Law Reform	31/12/2017
----------	--	---	------------

The Criminal Justice Bill 2016, originally published in December 2016 as the Bail (Amendment) Bill, seeks to improve the operation of the bail system and make the law as effective as possible in protecting the public against crimes committed by persons on bail while also safeguarding the rights of the individual. The Bill will meet the commitment in the Programme for Government to introduce and fast-track legislation providing for stricter bail terms for repeat serious offenders which will strengthen Garda powers to deal with breaches of bail, increase the use of curfews, and introduce electronic tagging for those on bail where requested by Gardaí. The Bill will also place on a statutory footing, a Garda power of detention for a person dangerously intoxicated. The Bill is at Second Stage in Seanad Éireann.

3.1.3.22	Draft and publish the Independent Reporting Commission Bill	Peter T. Mullan	30/09/2017
----------	---	-----------------	------------

Legislation to establish the Independent Reporting Commission in fulfilment of the commitment under the Fresh Start Agreement. The Bill was published on 09 June 2017 and the aim is to have it enacted before the Summer recess.

3.1.7.1	Examine how communities can better engage with CAB including provision of information on the suspected local use of the proceeds of crime and the potential of a smaller CAB being established to target regional assets Covering PfG Commitment 11.2.7 - included in monthly MinMAC Report	Peter T. Mullan, Asst. Secretary Crime and Security Division	31/05/2017
---------	--	--	------------

A paper setting out preliminary considerations is being finalised and will be submitted to the Minister shortly.

PROGRAMME 2: Access to Justice			
3.2.1.1	Examine feasibility of a new public defender system and report to the relevant Oireachtas Committee and Government within 6 months. Covering PfG Commitment 11.2.9 - included in monthly MinMAC Report	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/03/2017

Government Programme commits to examining the feasibility of introducing a Public Defender System with regard to Criminal Legal Aid. This is under examination and a submission to the Minister will be made in June 2017 with a view to deciding next steps to advance project.

3.2.5.1	Progress legislation to reform and update the system of Judicial Appointments, in line with the Programme for Government. PfG Commitment 16.6.1, 16.6.2 - included in monthly MinMAC Report	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/12/2017
---------	--	---	------------

The Bill was approved by Government and published on 1 June 2017 and has been introduced for second stage in Dail. Publication of the Bill gives effect to a number of Government Programme commitments and is a comprehensive reform on all aspects of the Judicial Appointments process.

3.2.5.2	Progress legislation to establish a Judicial Council.	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	30/06/2017
---------	---	--	------------

This involves the establishment of a Judicial Council which will, among other things, provide for a mechanism aimed at dealing with complaints against judges. The Bill was published on 1 June 2017 and presented to Seanad Éireann.

3.2.5.3	Give effect in Irish Law to the Data Protection Regulation and Directive - publication of the Data Protection Bill	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/12/2017
---------	--	--	------------

Completion of the general scheme of a bill giving effect to the Directive and giving further effect to aspects of the Regulation. On 5 May, the Government approved the urgent drafting of the Data Protection Bill 2017, the publication of the General Scheme and the submission of the General Scheme to the Oireachtas Committee on Justice and Equality for pre-legislative examination.

3.2.5.4	Assess options and prepare legislative memo for Government (subject to legal advice) on establishing new dedicated court to sensitively and expeditiously handle mortgage arrears and other personal insolvency cases, including through imposing solutions recommended by new mortgage arrears Resolution Service. PfG Commitment 2.5.10, 2.5.12 - included in monthly MinMAC Report	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	30/06/2017
---------	---	--	------------

The Programme for Government commitment to establish a dedicated Mortgage Court covered three separate elements (i) it would be a dedicated court, (ii) it would impose solutions to a person's mortgage difficulties and (iii) the court would sit in private if requested by the debtor. [REDACTED]

The Cabinet Sub Committee on Housing considered a draft Memo for Government at a meeting in April 2017, which proposed using existing legislation to provide for special Circuit Court sittings at designated locations in each circuit on designated days and with designated judges. The recently launched Abhaile service appears to have significantly reduced the volume of cases coming before the Courts in early 2017. It provides for in-house dedicated Mortgage Arrears advisers in MABS offices across the country specifically to assist and negotiate with financial institutions on the borrowers behalf including access to free independent financial and legal advice. [REDACTED]

3.2.5.5	Civil Liability (Amendment) Bill 2017 to provide for periodic payments orders in catastrophic personal injury cases	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/07/2017
---------	---	--	------------

The Civil Liability (Amendment) Bill 2017 is at present going through the Houses of the Oireachtas. It has been passed by the Seanad and is awaiting Committee Stage in the Dáil. The primary purpose of the Bill is to empower the courts to make awards of damages in cases of catastrophic personal injury by way of periodic payments orders. The Bill will enable persons who have been catastrophically injured to receive the payments relating to their ongoing care in the form of periodic payments (i.e. annual payments for the duration of the person's life) as opposed to the current 'lump sum' system. The Bill will give long-term security to catastrophically injured persons regarding their long-term care needs and addresses judicial concerns that the absence of such legislation has meant that the best option for a catastrophically injured person in the form of a periodic payments order has not been available. The Bill also contains provisions to support the open disclosure to patients of patient safety incidents. The Department of Health is responsible for the open disclosure provisions of the Bill. The Dáil Second Stage was completed on 24 May. Preparation for Committee Stage is underway.

PROGRAMME 5: Leadership in and oversight of Justice and Equality policy and delivery.			
3.5.2.1	Establish the Legal Services Regulatory Authority - implementation of the Legal Services Regulation Act 2015	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	30/06/2017

The Authority was established in October 2016. In December 2016 sections 118 to 120 of the 2015 Act were commenced to enable the conduct of public consultations and reports by the new Regulatory Authority within the statutory periods concerned. These relate to Legal Partnerships, Multi-Disciplinary Practices and certain restrictions on the work of barristers. On 6 April 2017 the Authority commenced its public consultations under section 120 of the Act on certain restrictions on the work of barristers. Roll-out of the Authority's remaining functions, including the introduction of a more transparent legal costs regime; the parallel transition of the Office of the Taxing-Master to that of the Legal Costs Adjudicators; the establishment of a Roll of Practising Barristers under Part 9; and the separate introduction of Pre-Action Protocols in medical negligence cases under Part 15 for which a draft Protocol is being circulated for consultation. Following these steps the key structural reforms of Part 6 of the Act including the new public complaints regime and the appointment of the Legal Practitioners Disciplinary Tribunal, which will deal with both barristers and solicitors, will be commenced. Authority is at final stages of selection and appointment of full-time Chief Executive. The current target is to have the LSRA fully operational by year end.

3.5.2.2	Follow up to enactment of Children and Family Relationship Act, 2015 - commencement of various provisions and Regulations for experts to ascertain the views of the child.	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/12/2017
---------	--	--	------------

The Children and Family Relationships Act 2015 contains new provisions in operation since January 2016 regarding the best interests of children. An important reform is to facilitate the hearing of the voice of the child in any court proceedings where the guardianship, custody or upbringing of, or access to, a child is in question. Section 63 of the Act inserted a new section 32 into the Guardianship of Infants Act 1964, which provides the court with the option to seek a written expert report on the welfare of the child. The section also enables the court to appoint an expert to determine and convey the child's views to the court, so that the child's voice can be heard in the proceedings. These provisions allow the courts to take account of the evolving capacity of children and also give the courts the flexibility to ensure that all children's views can be heard. The Department, in conjunction with the Office of the Parliamentary Counsel and the Department of Children and Youth Affairs, is currently finalising the drafting of regulations under section 32(10). These regulations will specify the necessary qualifications and experience of child's views experts appointed in private family law proceedings and the fees and expenses that may be charged by such experts. The fact that regulations have not yet been made under section 32(10) does not restrict a court's power to appoint a child views expert under section 32 or otherwise to hear the voice of the child in family law proceedings. A revised draft received from OPC is being examined. Courts Service and Legal Aid Board views on fee provisions in the draft are awaited.

3.5.2.3	Follow up to Assisted Decision-making (Capacity) Act, 2015 - to ensure structures in place to enable Act to be commenced.	Conan D. McKenna Asst. Secretary Civil Law Reform and Courts Policy	31/12/2017
---------	---	--	------------

The Assisted Decision-Making (Capacity) Act 2015 provides a modern statutory framework to support decision-making by adults with capacity difficulties. The Act is being commenced on a phased basis. New administrative processes and support measures, including the setting up of the Decision Support Service within the Mental Health Commission, must be put in place before the substantive provisions of the Act can be commenced. A high-level Steering Group is overseeing the establishment and commissioning of the Decision Support Service (DSS) and this work is ongoing. It is intended that the key preparations will be put in place during the remainder of 2017 to allow for commencement orders for the remaining provisions of the Act to be made on a carefully phased basis when the Decision Support Service is ready to roll out the new decision-making support options. The firm intention is that the necessary arrangements will be in place to enable commencement of the substantive provisions of the Act early in 2018. Steering Group meeting held in May, which included a presentation from NDA on their work on non-healthcare codes of practice. PAS recruitment process for Director ongoing.

3.5.3.1	Develop an approach to minimise the impact of Brexit in the areas under the Department's remit, support negotiations as required, and prepare a sector approach to address legislative/operational issues arising therefrom	James O. Martin Asst. Secretary International Policy, Prisons & Probation	31/12/2017
---------	---	--	------------

The Department will continue to input into preparations for the UK exit negotiations, with a particular focus on supporting, through the JHA Section of the Permanent Representation in Brussels, the deliberations of Article 50 Working Party, which held its 1st meeting on 23 May.

As agreed at the Interdepartmental Committee on UK–EU Affairs, all sectoral Brexit workgroups (including those chaired by DJE dealing with the Common Travel Area and with Justice and Security respectively) will review their work so that it is specifically oriented to supporting the Article 50 Negotiations. In addition to this, International Policy Division will continue to have regular ongoing engagement with other relevant areas of the Department, the Permanent Representation in Brussels and Departments of the Taoiseach and Foreign Affairs and Trade, as well as other relevant Departments. The EU Negotiating Guidelines and Directives include welcome provisions on Irish specific issues including the Common Travel Area. On 16 May a group of officials briefed the Joint Oireachtas Committee on Finance/Public Expenditure and Reform on Brexit issues and preparations. Issues concerning customs controls on the border and arrangements with respect to Northern Ireland received particular attention from the Joint Committee members.

3.5.5.1	Budgetary control and Financial Management of Justice and Equality Vote	Oonagh B. McPhillips Asst. Secretary Corporate Affairs	31/12/2017
---------	---	--	------------

Budgets have been devolved to all cost centres and subhead items to support managers in decision making. Monthly Expenditure Reports are provided to the Department's Financial Management Committee (FMC), the Department of Public Expenditure and Reform as well as to DJE Managers to support resource management. Whilst it is too early in the year to identify any discernible trends, there was an underspend of €5.9m on the Justice Vote as at the end of April. The underspend is spread across a range of subheads and is likely to increase as the year progresses.

3.5.5.3	Operate estimates and budgetary control for the Justice Vote Group	Oonagh B. McPhillips Asst. Secretary Corporate Affairs	31/12/2017
---------	--	--	------------

Management and coordination of estimates and budgetary control for the Justice Vote Group. The Justice Vote Group consists of 8 Votes- the Department of Justice and Equality, An Garda Síochána, Irish Prison Service, Courts Service, Property Registration Authority, the Irish Human Rights and Equality Commission, the Policing Authority and the Valuation Office. The total gross allocation for the group in 2017 is €2.572 billion of which €180 million is capital expenditure. The Garda Síochána Vote accounts for 63% of the total budget. Expenditure across the vote group continues to be monitored closely in the context of the existing and new expenditure pressures emerging, in particular in relation to Garda overtime. The Tánaiste made a submission to DPER in relation to priority areas requiring additional funding in 2018 (and beyond). These submissions (current and capital) will form the basis for estimate discussions in coming months. Currently, the main focus is on securing a funding commitment from DPER, in conjunction with OPW, for a replacement facility for the building used by Garda Units in Harcourt Square. Work on the replacement facility needs to commence as soon as possible in order that the State avoids significant financial penalty clauses if the property is not vacated by 31st December 2022. However, this funding priority cannot compromise other key infrastructural projects such as the new Forensic Science Laboratory.

PROGRAMME 6: Develop our People, Culture, Systems and Processes			
3.6.4.1	Publish a Data Strategy	Oonagh B. McPhillips Asst. Secretary Corporate Affairs	30/09/2017

The commitment to publish a Data Strategy flows most recently from the introduction to the Strategy statement "a particular focus [...] make better use of knowledge data and research to underpin and strengthen our work" and the need to align with Public Service ICT Strategy - Data as Enabler and the Central Statistics led National Data Infrastructure. It will seek to actively develop the analytic capacity at all levels of the organisation in the sphere of policy formation and resource allocation. It is intended to have the strategy ready for publication in late Q3 2017. Redrafting and discussion with some stakeholder groups underway. Some structural issues arising on relationship of Data Strategy to ICT Strategy, which will be addressed before publication.



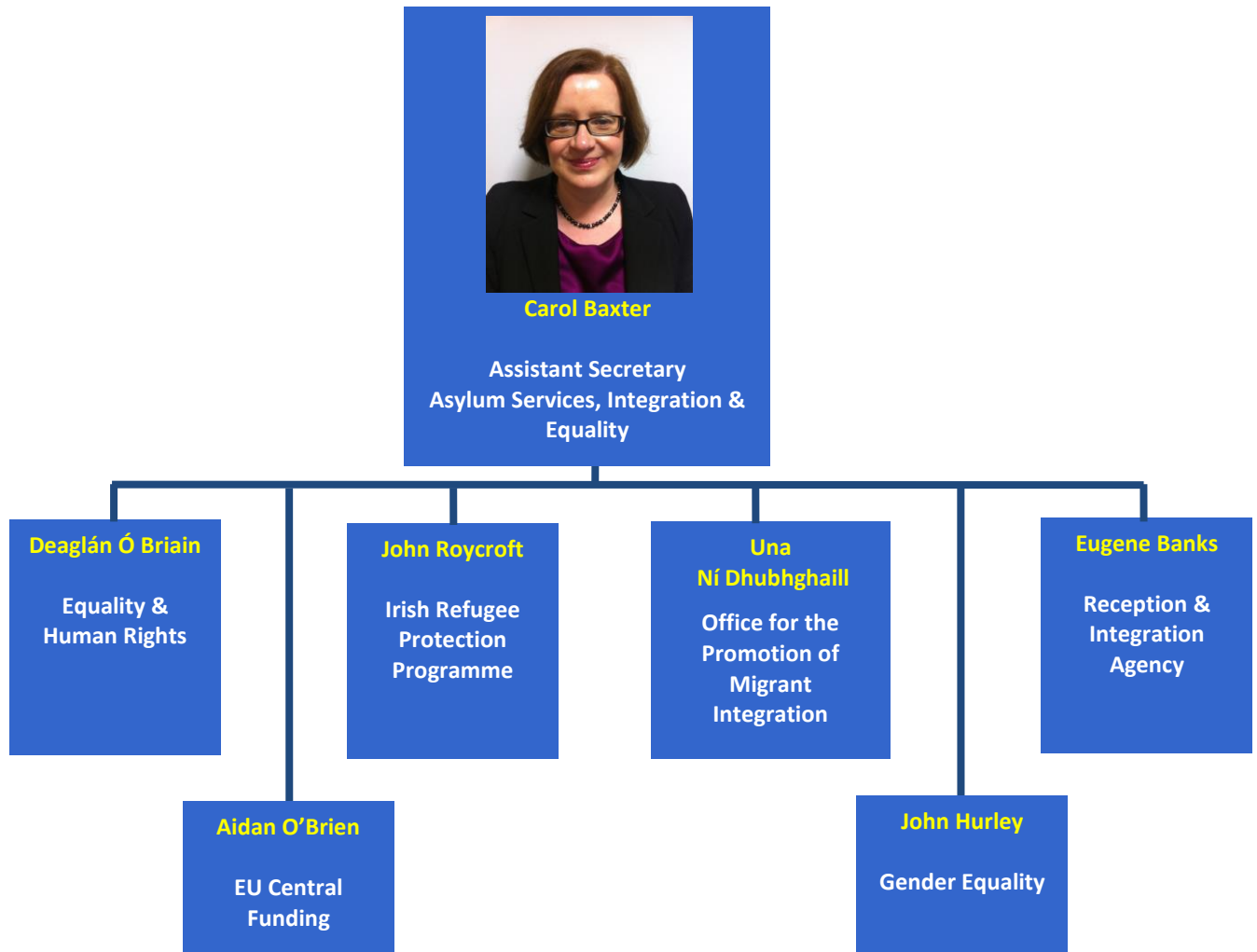
Justice Sector Key Issues 2017

INTRODUCTION

The pages following cover the key priority issues identified in the department. It sets out the key immediate/important issues within each Assistant Secretary/Director area of responsibility along with the medium/long term issues and anticipated challenges i.e. 6 months onwards.

Contact details for the Management Board members are attached in **Appendix 2** and for the Principal Officers (Heads of Divisions) at **Appendix 3**.

Asylum Services, Integration & Equality & EU Funds



RESPONSIBILITIES

Carol has been assigned responsibility at Assistant Secretary level for:

- addressing issues of equality, discrimination, tolerance and diversity in respect of all nine grounds covered by the Equality legislation and for ensuring that Government commitments and international obligations on equality and human rights are delivered;
- the Office for the Promotion of Migrant Integration (OPMI) which is responsible for developing, driving and coordinating integration policy across other Government Departments, agencies and services, including the promotion of the integration of legal immigrants into Irish society, the establishment of new structures for this purpose, the management of the resettlement of refugees admitted as part of the United Nations Resettlement Programme and the administration of funding from national and EU sources to promote integration;
- the Reception and Integration Agency (RIA) which ensures that the material needs of asylum seekers, in the period during which their applications for international protection are being processed, are met, through the provision of accommodation and ancillary services under the Direct Provision system

Irish Refugee Protection Programme (IRPP) and Integration

IRISH REFUGEE PROTECTION PROGRAMME

The Irish Refugee Protection Programme (IRPP) was established by Government Decision on 10 September 2015 as a direct response to the humanitarian crisis that developed in Southern Europe as a consequence of mass migration from areas of conflict in the Middle East and Africa. Under this programme, the Government has pledged to accept a total of 4,000 persons into the State by the end of 2017: 2,622 through the EU relocation mechanism established by two EU Council Decisions in 2015 to assist Italy and Greece; 1,040 (519 by the end of 2016 and the remainder in 2017) under the UNHCR-led refugee resettlement programme currently focussed on resettling refugees from Lebanon; and the balance through other mechanisms some of which are still to be decided (see Table 1 below). It might be noted that the actual numbers of asylum seekers that Ireland is obliged to take under the second Council Decision has never been formally confirmed as the addendum to that Decision which sets out respective Member State allocations has never actually been amended. Ireland is operating on the basis of informal provisional figures.

In a further gesture of humanitarian assistance towards the most vulnerable caught up in the migration crisis and following a debate in the Dáil, the Government also committed to taking up to 200 unaccompanied minors from France who were previously resident in the migrant camp at Calais. These initiatives therefore leave just a small residual balance to be allocated from the Government decision to take 4,000 persons.

See Table 1 below for details of the breakdown of the proposed intake of 4,000. This overall commitment is not time limited, although portions of it are e.g. the relocation Decisions and the first tranche of 520 refugees.

Table 1: Breakdown of proposed intake of 4,000

Relocation Strand	Numbers
Council Decision 2015/1523	600
Council Decision 2015/1601	2,022
Total Relocation	2,622²
Resettlement Strand	
Government Decision 09/06/15	520
Government Decision 06/07/16	260
Government Decision 29/11/16	260
Total Resettlement	1,040
Total Unaccompanied Minors Calais	(up to) 200
Mechanism as yet undecided	138
Grand Total	4,000

² 2,622 is composed of 1,089 Greece, 623 Italy and 910 unallocated.

RESETTLEMENT STRAND OF THE PROGRAMME

Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them. The Government announced in that Ireland would accept 520 persons for resettlement over an 18-month period to the end of 2017. This was almost double the figure proposed for Ireland by the European Commission and was delivered a year ahead of the Commission deadline. (519 of these actually arrived and 517 have already been housed in local communities). The Government announced in 2016 that it was extending the resettlement programme to take in a further 520 refugees from Lebanon in 2017, most of whom are of Syrian origin. 260 of these refugees have arrived in Ireland. A further 291 proposed cases were interviewed during a selection mission to Lebanon in March/April 2017, with approximately 266 approved for travel to Ireland in Quarter 3 2017. Ireland will then have taken approximately 1,070 persons under the resettlement strand. **See Table 2 below for details of the breakdown of the resettlement intake from 2015 to-date.**

Table 2: Profile of Resettlement Refugees to-date

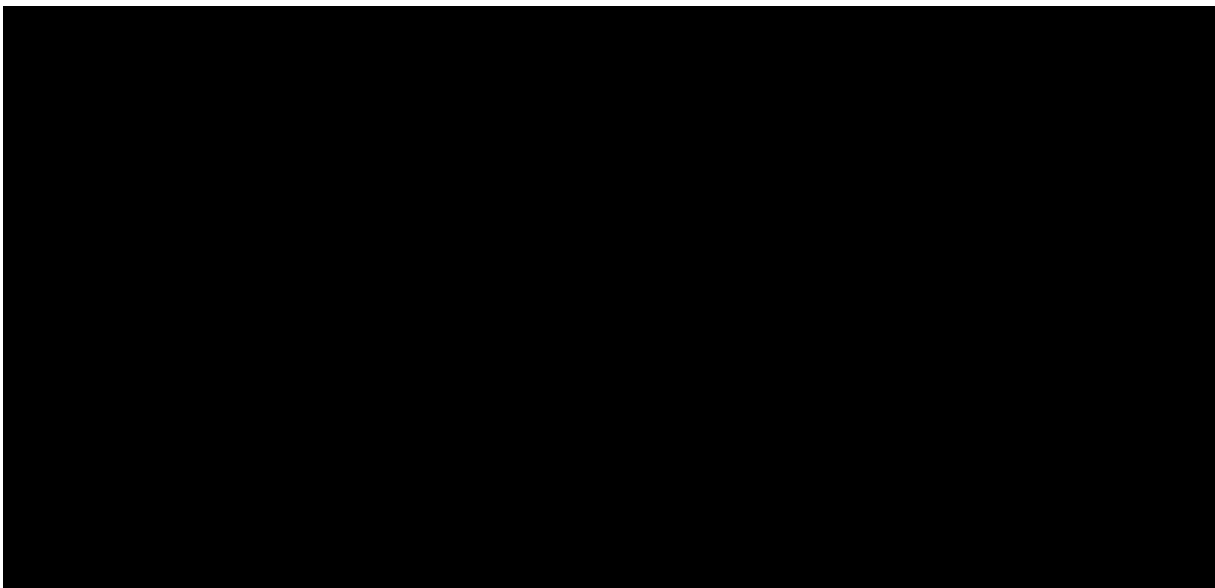
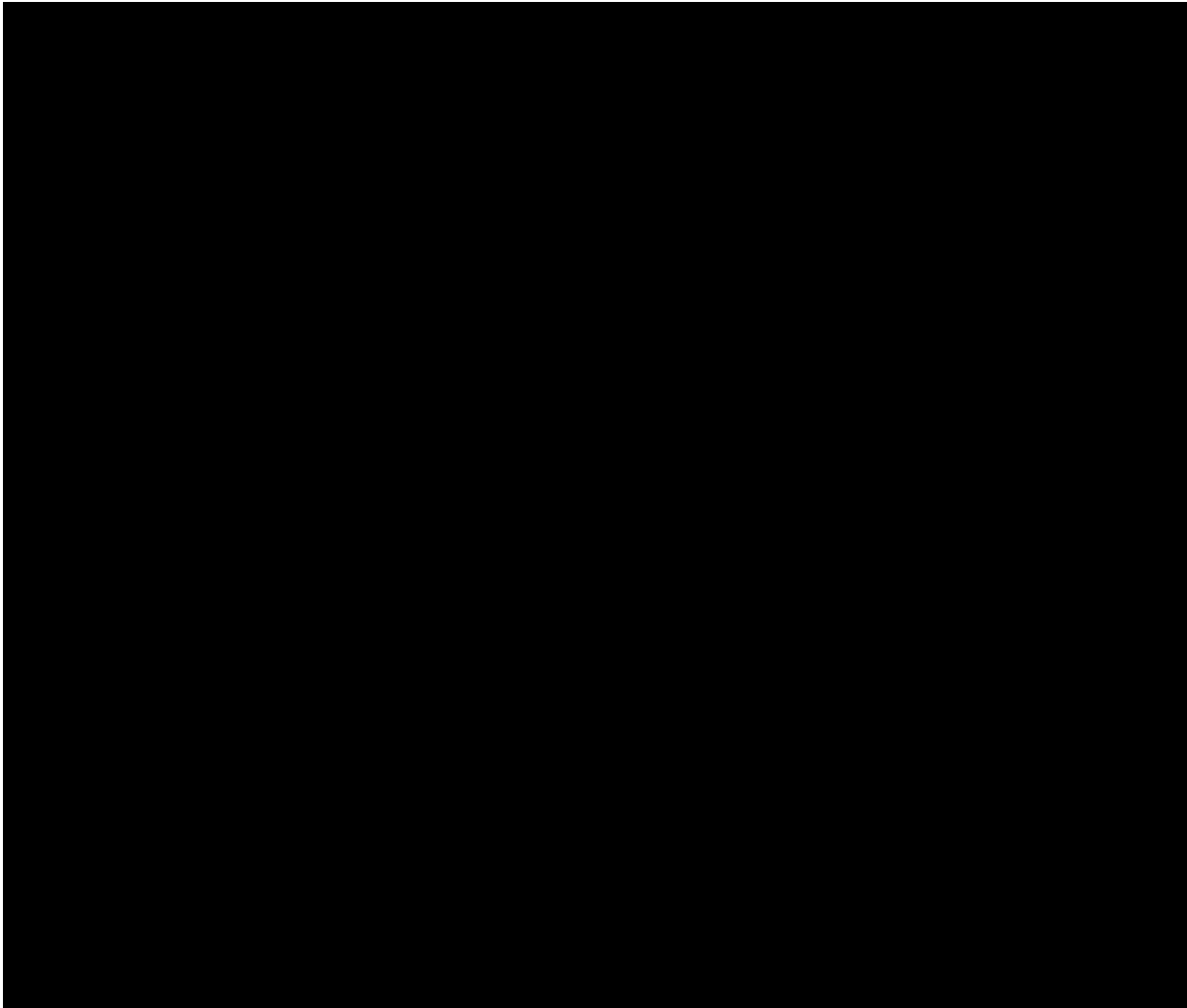
Total People	Adults	Minors	Minor Age Breakdown		
			Age 0-4	Age 5-12	Age 13-17
779	363	416	110	239	67

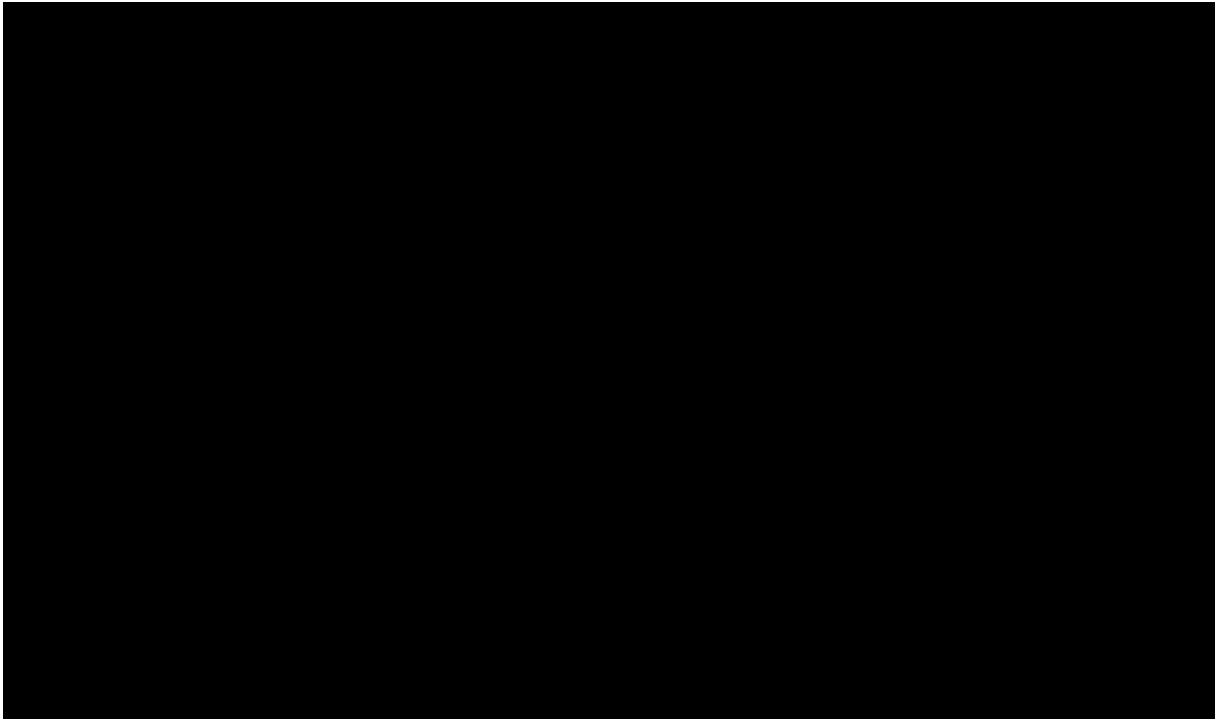
RELOCATION STRAND OF THE PROGRAMME

Ireland has to-date taken in 459 asylum seekers from Greece. Of the 459 arrived to-date, 38 have been housed in the community using both local authority housing and accommodation pledged to the Red Cross. Approximately 100 more are due to be housed over the next two months and approximately 160 are scheduled to be housed in the community in quarter 3, 2017. A further 344 asylum seekers have been interviewed for relocation to-date and 264 of those have been cleared for entry to Ireland. Three missions to Greece are planned in June, July and September. Prior to each mission a pledge for up to 100 persons will be made to Greece. It is envisaged that Ireland will have met its commitment for 1,040 by September 2017, if numbers are available from Greek Asylum Services under the relocation programme. The challenge for the IRPP is scaling up the programme sufficiently to deal with the unprecedented numbers arriving and to put in place plans to disperse arrivals in multiple counties. Resources are being reallocated internally within Justice and also externally in terms of secondments of several officials from key Departments and Agencies to the IRPP. **See Table 3 below for details of the breakdown of the intake from 2016 to-date.**

Table 3: Profile of Relocation Asylum Seekers to-date

Total People	Adults	Minors	Minor Age Breakdown		
			Age 0-4	Age 5-12	Age 13-17
459	276	183	70	82	31





MAIN ISSUES ARISING

There are 3 main issues which are arising with IRPP programme delivery:

1. Difficulties in procuring further Emergency Reception and Orientation Centres (EROCs) in which to accommodate arrivals, which in turn slows the rate at which asylum seekers can be brought from Greece to Ireland.
2. Inability to find suitable accommodation in communities in a reasonable timeframe for those who are ready to move out of the EROCs and into the community.
3. Difficulties with service provision to our arrivals whether in EROCs or in the community. This is emerging as a very significant issue.

INTEGRATION STRATEGY AND SUPPORTS

MIGRANT INTEGRATION STRATEGY

A new comprehensive Migrant Integration Strategy was launched by the Tánaiste and Minister of State in February. This Strategy, which covers the period 2017 to 2020, contains 76 actions that will be implemented by Government Departments and Agencies across a range of public policy and service provision areas including:

- Promoting Intercultural Awareness and Combating Racism and Xenophobia
- Education
- Access to Public Services and Social Inclusion
- Employment and Pathways to work
- Active Citizenship

To support the process of implementing the Strategy, a monitoring and co-ordination Committee is being established and will be Chaired by the Minister of State. The Committee will include representatives of leading NGOs working on migrant integration, as well as the relevant Government Departments and Agencies. It is due to hold its first meeting later this month.

NATIONAL INTEGRATION FUNDING PROGRAMME

Significant funding supports are being made available to civil society organisations working in support of migrant integration. In addition to the EU grants allocated earlier this year, a further 14 projects were selected following an open call for proposals under the National Integration Funding Programme. This Programme is worth €600,000 per year over three years. The projects will be delivered in a range of locations across the country.

Examples of the integration projects selected for funding include:

- A nationwide project to support English language acquisition.
- An employment and integration project in Dublin for vulnerable and socially-excluded immigrants, which will increase the employability of members of the target group.
- A Cork-based project providing practical support and advice to immigrants.
- A nationwide anti-racism project involving children and young people.

EU FUNDING FOR INTEGRATION

The Government is also using European Union funding to support migrant integration. Under the Asylum, Migration and Integration Fund, €4.5 million has been made available over 3 years to support civil society organisations delivering asylum and integration projects nationwide. Further AMIF funding is being channelled to local authorities and local community organisations via the IRPP. European Social Fund support of €3.3 million over 4 years has been allocated to migrant employability projects.

COMMUNITIES INTEGRATION FUND

A small grant scheme worth €500,000 in total has been established to support local community-based integration projects. Selection of projects under this scheme is also by way of an open call for proposals which took place in February/March. There was a very large response to this call and the assessment of applications has just been completed and a list of recommended recipients was approved by the Management Board on 6 June and by the Tánaiste on 7 June. Applicants are now to be informed, following which the outcome of the call will be made public and an event to mark it hosted by the Minister of State is scheduled for 13 June.

UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (UNCERD)

Ireland signed the Convention on the Elimination of All Forms of Racial Discrimination in 1968 and ratified it in December 2000 whereupon it became binding on Ireland in international law. The procedure attached to this Convention requires that all State Parties submit a bi-annual progress report. There are 178 Parties to the Convention. As a result, the Committee on the Elimination of Racial Discrimination (CERD) has invited a number of State Parties to submit combined reports covering two and three reporting periods to alleviate the workload of the examining committee and their own workload. Ireland's 5th, 6th and 7th Reports to CERD are currently in preparation and due to be completed in 2017.

Reception and Integration Agency (RIA)

The Reception and Integration Agency (RIA), a functional unit of the Department's Irish Naturalisation and Immigration Service (INIS), is responsible for providing accommodation and ancillary services for asylum seekers, programme refugees resettled in Ireland and those relocated to Ireland under the Irish Refugee Protection Programme. This is commonly known as the Direct Provision system.

RIA's current accommodation portfolio comprises 32 centres throughout the State accommodating approximately 4,600 persons, over a third of whom are accompanied children. This represents a continuing steady decline in numbers being accommodated – down from the 7,002 persons who were being accommodated the end of 2008.

The Estimate Provision for RIA in 2017 is €66.6 million. This is accounted for in Subhead E5 of the Vote of the Office of the Minister for Justice and Equality (Vote 24). This estimate includes the cost of accommodation and ancillary services for all those seeking international protection. It does not cover educational, legal, medical or social welfare costs for asylum seekers. Expenditure has steadily declined from the 'high point' of €91.5 million spent in 2008.

Key immediate issues

- Being in a position to respond to any rapid increase in demand for accommodation and in particular for asylum seekers (programme refugees and those relocated under the IRPP are accepted into Ireland in a more planned and managed manner);
- Implementing the relevant and approved provisions of the Working Group report on Improvements to the Protection Process including Direct Provision; and
- Complying with new EU tendering procedures for contracts for the provision of accommodation and related services in all accommodation centres across the State.

EU Funds

The EU Funds Unit has responsibility for the administration of a number of EU Funds to promote gender equality and migrant integration. The Unit organises and manages open calls for funding; paying out grants to successful organisations; providing support to the implementing organisations to administer grants effectively; provides monitoring and evaluation of the projects in accordance with EU regulations; provides relevant data and information to enable successful claims to be made to the relevant EU funds.

The relevant funds are the European Social Fund (ESF) amounting to €14m and the Asylum Migration and Integration Fund (AMIF) for €38m. Both funds cover the period of 2014 to 2020.

Following an open call for proposals in late 2016, the EU Funds Unit has awarded €4.5m to 20 projects under the AMIF and €8.5m to 23 projects under ESF for a period of up to 4 years. The first tranche of payments to the projects amounting to €3.6m has been made in May/June 2017.

SUMMARY OF RESPONSIBILITIES:

- Disability policy coordination, including ratification of UN Convention on Rights of Persons with Disabilities (CRPD), liaison with National Disability Authority and Disability legislation;
- Traveller and Roma policy co-ordination;
- Development of LGBTI Strategy;
- Equality legislation (Equal Status Acts and Employment Equality Acts), including negotiation at EU level of Anti-Discrimination Directive, Work Life Balance Directive and European Accessibility Act;
- Family Leave legislation (Carer's, Maternity, Adoptive Parental and Paternity leave), progression of proposed Family Leave Bill and Programme for Government commitment re additional parental paid leave in 1st year;
- Reporting on Human rights issues to UN, CoE and coordination of D/Justice and Equality responses to DFAT queries and requests for material, including on Universal Periodic Review (UPR), International Convention of Civil and Political Rights (ICCPR), Convention on Elimination of All forms of Discrimination Against Women (CEDAW);
- Participation in EU and Council of Europe work on fundamental/ human rights issues, including re role of National Human Rights Institutions (NHRIs), civil society, protection of people with disabilities, Roma and Travellers;
- Liaison with Irish Human Rights and Equality Commission (Ireland's NHRI, and equality body for EU law purposes).

Key immediate issues

DEVELOPMENT OF NEW DISABILITY INCLUSION STRATEGY

This new Strategy will replace the previous Strategy/Implementation Plan, which expired at end-2015, and will take a whole-of-Government approach to disability issues, including setting out high-level objectives and detailed actions in areas of education, employment, provision of public services, health, income support, and personal safety and autonomy. The Strategy was approved by Government for publication on 30 May 2017 and will be launched soon.

COMPREHENSIVE EMPLOYMENT STRATEGY

The **Comprehensive Employment Strategy for People with Disabilities** is a ten-year Government Strategy that was launched in October 2015. The guiding objective of the Strategy is that people with disabilities who are able to, and want to work should be supported and enabled to do so.

RATIFICATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

Ireland signed the Convention on the Rights of Persons with Disabilities in 2007 and since then, successive Governments have emphasised Ireland's strong commitment to proceed to ratification as quickly as possible, taking into account the need to ensure all necessary legislative and administrative requirements under the Convention are met.

NATIONAL TRAVELLER AND ROMA INCLUSION STRATEGY

The new National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021 replaces the previous integration strategy, which expired at end-2015. The new Inclusion Strategy takes a whole of Government approach to improving the lives of Travellers and Roma in Ireland in practical and tangible ways. It was launched on 13 June 2017.

COUNCIL OF EUROPE FRAMEWORK CONVENTION

Ireland's 4th report to the Council of Europe under the Framework Convention on the Protection of National Minorities is due. The report was approved by Cabinet on 30 May 2017 and is ready for submission to the Council.

UNIVERSAL PERIODIC REVIEW & UNJ TREATY REVIEWS

Ireland took part in the UN Universal Periodic Review (UPR) process on 11 May 2016 and the UN Convention Against All Forms of Discrimination Against Women (CEDAW) on 15 February 2017. These reviews form an examination of Ireland's human rights situation carried out by other UN member states/committees. An Irish delegation attends these reviews which are headed by the Minister and comprises officials from various Departments, along with the Ambassador and officials from the Permanent Mission. Full briefing and speaking points are provided in advance of such appearances.

FAMILY LEAVE BILL

The Family Leave Bill, heads of which have been published, will review all existing family leave legislation such as parental leave, carer's leave, maternity leave, and adoptive leave and consolidate this legislation into one Act. Discussions have taken place with the Department of Social Protection in relation to the commitment in the Programme for Government to significantly expanding paid leave in the first year of a child's life. Following planned further consultations with the other key departments, a paper will be submitted to the Senior Officials Group and Cabinet Committee on Social Policy and Public Service Reform, in which political guidance is sought.

Key Medium/Long Term Issues

LGBT

While formal and legislative equality for LGBTI people has been achieved, much remains to be done at the level of society. We will commence the development of an overall LGBTI inclusion strategy later this year. The high level objective of the proposed strategy has been tentatively stated as to bring about the necessary changes in society so that LGBTI people are valued throughout society and that discrimination against them is prevented. Rather than a conventional business planning approach by Government Departments, discussion with stakeholders will focus on (a) setting out the overall objectives, (b) defining the necessary preconditions for achievement of those objectives and, then (c) agreeing detailed actions necessary to achieve those preconditions.

The role of the Gender Equality Division is to promote equality of opportunity between women and men through the development, implementation and monitoring of appropriate policies and positive action measures in the context of the Department's High Level Goal of an "Equal and Inclusive Society". Among the responsibilities of the Division are: co-ordination in the implementation of the National Strategy for Women and Girls 2017–2020; negotiation of EU proposals for instruments on gender equality; ESF funding in respect of Training for Women Returning to the Workforce and Women's Entrepreneurship; funding of the National Women's Council of Ireland (NWC) as the representative body for women's organisations; funding of the National Collective of Community Based Women's Networks (NCCWN); participation in meetings of the United Nations, Council of Europe, EU and OECD in relation to gender equality; preparation of periodic reports under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the promotion of gender mainstreaming in decision-making.

Key immediate issues

IMPLEMENTATION OF THE NATIONAL STRATEGY FOR WOMEN AND GIRLS 2017-2020: STRATEGY COMMITTEE MEETING JUNE/JULY

The publication on 3 May 2017 of the new National Strategy for Women and Girls 2017-2020 achieved one of the key commitments for gender equality in the Programme for a Partnership Government. The Strategy is a whole-of-Government statement of priorities in relation to the advancement of women and girls in all areas of Irish society. The Strategy sets out 139 actions grouped under 6 high-level objectives. Its overall goal for the 2017-2020 period is to change attitudes and practices preventing women's and girls' full participation in education, employment and public life at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing, or at risk of experiencing, the poorest outcomes.

Actions under the Strategy to be advanced in 2017 by Gender Equality Division include the following:

- Prepare an options paper on implementation of the Programme for Government commitments to address the gender pay gap, with specific reference to the introduction of wage surveys for companies of 50+ employees. Initiate dialogue with stakeholders to address the gender pay gap, with a focus on development of information resources and tools to explain and assess the gender pay gap at organisational level (actions 1.21-1.23).
- Undertake preparatory work to commission an independent review of the situation of women in the governance and senior management of companies in Ireland (actions 4.1-4.2) and promote the business case for diversity.
- Undertake preparatory work with the DCYA on consulting children and young people on addressing gender-stereotyped norms (action 3.2).
- Prepare an options paper on initiatives to encourage men and boys to be champions of gender equality (action 3.4).

The Gender Pay Gap is the difference between the average gross earnings of female and male employees, shown as a percentage of men's hourly earnings. A Private Members Bill, the Irish Human Rights and Equality Commission (Gender Pay Gap Information) [PMB] Bill 2017, was proposed by Labour Party Senators Bacik, Humphreys, Ó'Riordáin and Nash and passed Second Stage in the Seanad on 24 May. The Bill would provide for assigning to IHREC powers to make mandatory information disclosure schemes under which employers would compile and publish information relating to the pay of their male and female employees. The Government did not

oppose the legislation in principle, but has concerns about the specific approach proposed in the Bill. The main points of concern are that the proposal gives the initiative to develop schemes solely to IHREC which may choose not to use its powers, while its timing preempts the stakeholder consultation planned under the National Strategy for Women and Girls.

Key Medium/Long Term Issues

IRELAND TO CHAIR UNCSW IN 2018 AND 2019 SESSIONS

The Commission on the Status of Women (CSW), a functional commission of the United Nations Economic and Social Council (ECOSOC), is a global policy-making body established in 1946 and dedicated exclusively to promoting gender equality and the empowerment of women. Its mandate is to prepare recommendations on promoting women's rights in political, economic, civil, social and educational fields.

WOMEN IN DECISION-MAKING

The **Electoral (Amendment) (Political Funding) Act 2012** (for which the Department of Housing, Planning, Community and Local Government is responsible) introduced provisions to encourage the selection of a greater number of women candidates at Dáil general elections. Section 42 of that Act provides that qualified political parties will face a reduction of half of their State funding under the Electoral Acts if they do not have at least 30% women and 30% men candidates in the Dáil general election. This will then rise to 40% after 7 years. The new National Strategy for Women and Girls commits the Department of Housing, Planning, Community and Local Government to work to promote and assist women candidates, and investigate potential supports to promote the participation of women in the 2019 local government elections (action 4.5).

There has been a longstanding commitment to **gender balance on State Boards** and, in 1993, Ireland introduced a target of 40% representation of each gender on such boards. The gender breakdown of board members in February 2017 was 38% female and 62% male. This is the highest proportion of female board members since the target was introduced.

EMPLOYMENT AND WORK/LIFE BALANCE

Under the National Strategy for Women and Girls, the Division will seek to identify and introduce initiatives to support women returning to work from maternity leave (action 1.3), and initiatives to increase the employment rate of women (action 1.13).

FUNDING ADMINISTERED BY THE DIVISION

A positive action programme is making funding available for a variety of projects to activate women for employment and to promote female entrepreneurship. The **Women Returning to the Workforce and Women's Entrepreneurship Programme** is funded as part of Ireland's ESF Operational Programme, PEIL. Funding of €4 million over three years is being made available under the European Social Fund for initiatives targeted at women who are currently detached from the labour market, but wish to take up paid employment.

CONSTITUTIONAL PROVISION ON WOMEN IN THE HOME

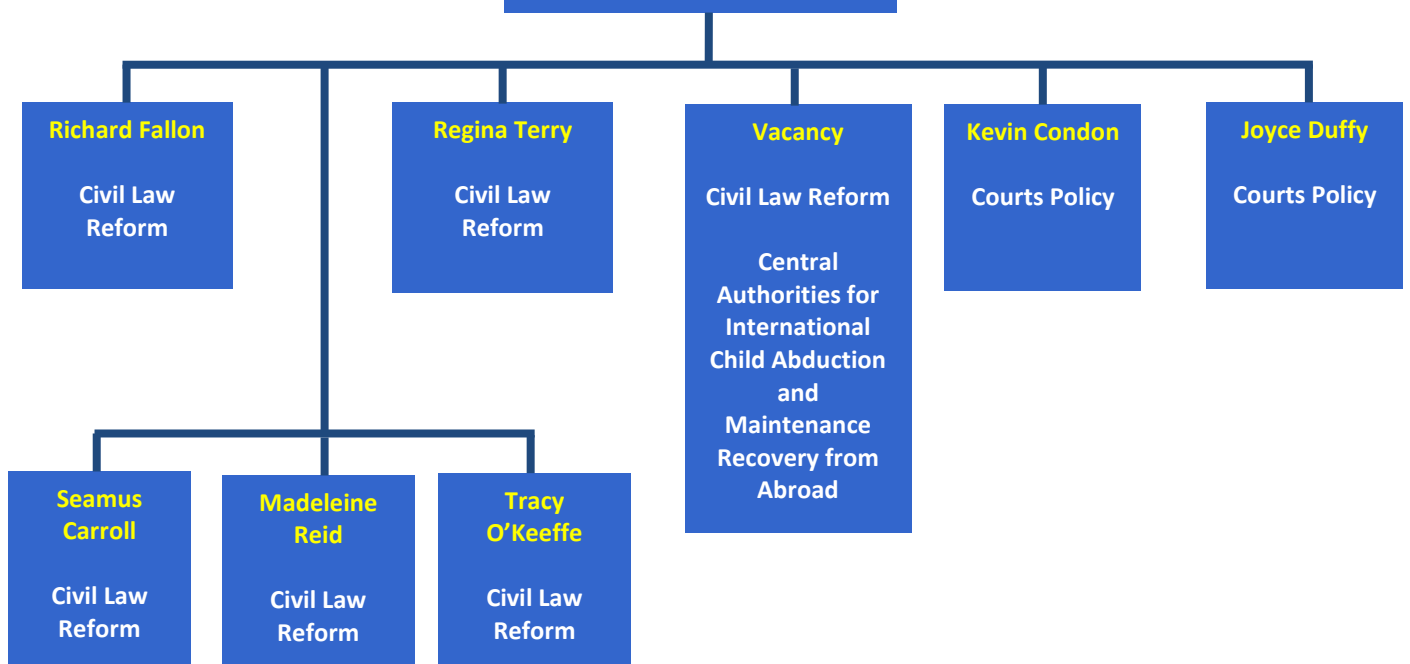
Article 41.2 of the Constitution recognises the role of women in the home and provides that the State shall endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home. The Convention on the Constitution in its Second

Report recommended amendment of Article 41.2 to include carers in the home, and not just mothers, and inclusion also of carers beyond the home. The State should be required to offer a “reasonable level of support” to ensure that carers “shall not be obliged by economic necessity to engage in labour”. It also made recommendations proposing the incorporation of the principle of gender equality into the Constitution and calling for gender-inclusive language throughout the text. A Task Force, composed of senior officials from the Equality and Civil Law Divisions of the Department of Justice and Equality, was charged with addressing these recommendations. A report was prepared by the Task Force and submitted by the then Minister for the information of the Government, and subsequently published in October 2016. The Task Force favoured amendment of the Article, which is out of date in its present form. However, it recommended that support of carers should be “as determined by law” in order to ensure that the Government and Oireachtas remain responsible for decisions on the allocation of public funds and the determination of public policy regarding carers more generally. Alternatively, the Task Force recommended that support for carers be dealt with in Article 45 of the Constitution which contains Directive Principles on Social Policy and is not cognisable by the courts. The Task Force recommended that the issue of the incorporation in the Constitution of the principle of gender equality should be considered further in the wider context of the relevant recommendations of the Constitutional Review Group (1996) and that this Department pursue the issue of gender-inclusive language in the text of the Constitution further in consultation with the Attorney General’s Office. Considerable work on gender-inclusive language was done by the All-Party Committee on the Constitution in the 1990s. That Committee presented a gender-inclusive version of the English text of the Constitution and a gender-inclusive version of the Irish text was subsequently prepared for the Committee. A commitment was given in the Programme for a Partnership Government to hold a referendum on Article 41.2.1, regarding a “woman’s life within the home”. The new National Strategy for Women and Girls provides for the Department to take action in this regard by 2020 (action 3.1).

Civil Law Reform and Courts Policy



Conan McKenna
Assistant Secretary
Civil Law Reform
Courts Policy



RESPONSIBILITIES

Conan McKenna has responsibility at Assistant Secretary level for:

- the preparation of legislation relating to civil law that does not come within the functional remit of any other specific Government Department, as well as servicing the legislative needs of other divisions within the Department;
- liaison and mutual co-operation with other countries in regard to international child abduction and maintenance recovery;
- participation in international meetings at the European Union, Council of Europe and United Nations in relation to civil law matters dealing with the drawing up of agreements, treaties and other international instruments on matters of mutual interest and the preparation of legislation to give effect in the state of EU civil law instruments;
- the discharge of ministerial functions in relation to the courts, including: all constitutional and legislative matters related to judicial appointments and salaries and appropriate oversight of the Courts Service;
- the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on courts issues (The responsibility for the management of the courts system is conferred on the Courts Service, as a statutory body);
- all aspects of policy, secondary legislation, financing and management of the Criminal Legal Aid Scheme.

Key immediate issues:

This section is divided into 4: (i) Bills in drafting; (ii) Bills which have not yet gone to drafting; (iii) Bills enacted in 2015 which must be implemented in 2016 and (iv) other non-Bill issues.

BILLS IN DRAFTING

JUDICIAL COUNCIL BILL 2017

This Bill was published in June 2017 following a decision of the Government on 30 May 2017. It is expected to be enacted before the end of 2017.

The Bill provides for the establishment of a Judicial Council that will promote excellence and high standards of conduct by judges. It also provides a means of investigating allegations of judicial misconduct and, in this context, a Judicial Conduct Committee, which will have lay representation, will be established. The ongoing support and education of judges will be facilitated through a Judicial Studies Committee and through Judicial Support Committees. A Sentencing Information Committee will allow for the collation and dissemination of sentencing information to judges and persons who are not judges.

CIVIL LIABILITY (AMENDMENT) BILL 2017 (PERIODIC PAYMENTS ORDERS)

This Bill is at present going through the Houses of the Oireachtas. It has been passed by the Seanad and is awaiting Committee Stage in the Dáil.

The primary purpose of the Bill is to empower the courts to make awards of damages in cases of catastrophic personal injury by way of periodic payments orders. The Bill will enable persons who have been catastrophically injured to receive the payments relating to their ongoing care in the form of periodic payments (i.e. annual payments for the duration of the person's life) as opposed to the current 'lump sum' system. The Bill will give long-term security to catastrophically injured persons that their long-term care needs will be covered for the duration of their lives and addresses the concerns raised repeatedly by the courts that the absence of such legislation has meant that the best option for a catastrophically injured person in the form of a periodic payments order has not been available. The Bill also contains provisions to support the open disclosure to patients of patient safety incidents. The Department of Health is responsible for the open disclosure provisions of the Bill.

DOMESTIC VIOLENCE BILL 2017

There is considerable interest among organisations supporting victims of domestic violence for early enactment of the Domestic Violence Bill. The purpose of the Domestic Violence Bill 2017 is to consolidate and reform the law on domestic violence to provide better protection for victims. The Bill is a key element of the Second National Strategy on Domestic, Sexual and Gender Based Violence and will assist in enabling Ireland to ratify the Council of Europe's Convention on Combating Domestic Violence and Gender-based Violence (Istanbul Convention). The Bill commenced Seanad Committee Stage on 31 May 2017.

MEDIATION BILL 2017

Target is for 2017 enactment.

This has been keenly awaited, not only to improve the situation as regards settlement of disputes but also as part of an overall programme to reduce costs in the legal system. The general objective is to promote mediation as a viable, effective and efficient alternative to court proceedings thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings. The Bill builds on the recommendations of the Law Reform Commission in their 'Report on Alternative Dispute Resolution – Mediation and Conciliation' and is designed to meet a commitment in the previous Government's Programme for the Government for National Recovery (2011 – 2016). The Bill is currently awaiting Dáil Committee Stage which is expected during June 2017.

DATA PROTECTION BILL

Target is publication of the Bill in Autumn 2017 and enactment before Easter 2018 – essential since the Regulation will have direct effect in May 2018.

The EU data protection package agreed in 2015 presents major legislative challenges for the Department. In January 2012, the European Commission tabled:

- a Proposal for a General Data Protection Regulation (GDPR) and
- a Proposal for a Directive on the processing of personal data in the criminal justice area.

These were subsequently adopted and will enter into force in May 2018. Implementation of the package will require the following:

- The enactment of primary legislation by this and various other Departments in order to benefit from the Regulation's permitted exemptions to strict application of the data protection rules and safeguards where justified by important public interest reasons;
- The enactment of primary legislation by this Department to transpose the Directive;
- A significant increase in resources of the Office of the Data Protection Commissioner.

The General Scheme of the new Data Protection Bill, which comprises the elements necessary in relation to the Regulation and the transposition of the Directive, as agreed by Government in April 2017 and published/sent for pre legislative scrutiny by the relevant Oireachtas Committee. It is currently in urgent drafting in the Office of the Parliamentary Counsel.

JUDICIAL APPOINTMENTS COMMISSION BILL 2017

This Bill was published on 1 June 2017 following a decision of the Government on 30 May 2017. It is expected to be enacted during the remainder of 2017.

Public consultations were conducted in 2014 on proposed reform of the Judicial Appointments system. The focus of the consultations was on the protection of the independence of the Judiciary, a review of the eligibility criteria for appointment, an examination of possible reforms of the Judicial Appointments Advisory Board process, and a consideration of diversity aspects of selection and appointment. The Bill will give effect to Government commitments to establish a new Judicial Appointments Commission with a lay majority and a lay chairperson, to reduce to 3 the number of recommendations for judicial appointment made to the Minister by the Commission; it will extend the system of recommendations to all judicial positions and to serving judges who wish to be considered for appointment to a higher court, provide a new support Office to the Commission and provide that recommendations for judicial appointment will be based on merit.

The Government is supporting the **Thirty-Fifth Amendment of the Constitution (Divorce) Bill 2016**, a Private Members' Bill introduced by Deputy Josepha Madigan. This Bill has passed Second Stage in the Dáil and is awaiting pre-legislative scrutiny by the Committee on Justice and Equality in accordance with Standing Order 141. The Bill proposes to amend Article 41.3.2 of the Constitution to reduce the time period that spouses applying for a divorce must have lived apart from at least 4 years during the previous 5 years to at least 2 years during the previous 3 years. The Government has agreed to bring forward amendments to this Bill at Committee Stage to propose the removal of all the conditions for the grant of a divorce set out in Article 41.3.2 of the Constitution. This would not be intended to take away the regulation of divorce and matters associated with it, but it would mean that the conditions for the grant of a divorce would be prescribed by Act of the Oireachtas and not in the Constitution.

BILLS NOT YET IN DRAFTING:

COURTS AND CIVIL LAW (MISCELLANEOUS) BILL

Target for 2017 is publication of the General Scheme in July 2017, following which the Bill will be drafted during the remainder of 2017.

The General Scheme of the Courts and Civil Law (Miscellaneous) Bill is in preparation. It is necessary to get this enacted this year as it is essentially tidying up/making provision for a number of long standing and pressing items relating to Courts etc which were intended to be included in legislation last year but were not ready for inclusion. The main items in the Bill at present relate to **Electronic Courts Provisions** to provide for centralisation and automation of court processes including the electronic filing of debt claims online and statements of truth. **District Court Retirement Provisions:** change the retirement age for judges of the District Court from 65 years to 70 years. **District Court to High Court "Promotion":** to provide that a judge of the District Court is qualified for appointment as a judge of the High Court on effectively the same basis as a judge of the Circuit Court i.e. after 2 years service as a District Court Judge and **a number of amendments to the Gaming and Lotteries Act 1956.**

CRIMINAL LEGAL AID REVIEW AND NEW CRIMINAL LEGAL AID BILL

Target for 2017 is for publication of the General Scheme of Bill with a view to early drafting and enactment during the first half of 2018.

Legislative reforms are being prepared to update the legal framework for the provision of criminal legal aid. The main purpose of the legislation is to transfer responsibility for administration of the Scheme from the Minister to the Legal Aid Board and to introduce new processes with a view to increasing the efficiency of the criminal legal aid system and to provide for greater control of costs.

FAMILY COURTS BILL

Target for 2017 is publication of General Scheme and finalisation of consultations plus Government agreement on final shape of Bill for drafting.

Preparation is advanced on the General Scheme of a Family Courts Bill to provide for the establishment of a family court which would deal with family law and domestic violence cases as well as cases involving the taking of a child into care. The General Scheme is being developed following consultation with the judiciary, the Courts Service, the Legal Aid Board, the Law Society and other relevant stakeholders. The key decisions for the Minister will relate to the geographic spread of courts, the number of judges assigned and the resources available to the family courts.

The details of what resources will be necessary on the ground and the necessary judicial, staff and capital (e.g. court facilities and IT facilities) are currently being worked through in a joint working group with the Courts Service and the Legal Aid Board and this work will be completed in Autumn 2017 following which the General Scheme may be brought forward for Government approval.

INTERNATIONAL RECOVERY OF CHILD SUPPORT (HAGUE CONVENTION) BILL

Implementation of EU obligations regarding cross-border family maintenance orders – Target for 2017 is finalisation, and publication of the draft Scheme for this Bill as it is overdue at the EU level.

The Hague Convention on the International Recovery of Child Support, and the Hague Protocol on the Law Applicable to Maintenance Obligations, establish a system for cross-border recognition and enforcement of family maintenance orders which is intended to be simple, speedy and low-cost. The EU is a party to the Convention and Protocol on behalf of the EU Member States, including Ireland. Ireland has already implemented the Convention and the Protocol, as regards other EU Member States, by Regulations which took effect in 2011. These account for the vast majority of cross-border maintenance orders where recognition and enforcement is requested. However, we are also obliged as a matter of EU law to implement the Convention and Protocol in relation to a small number of non-EU States (e.g. Norway) which are party to the Convention and Protocol. This further implementation was due with effect from August 2014, but competing legislative priorities have prevented it being completed.

BILLS ENACTED IN 2015 AND UNDER IMPLEMENTATION

Extensive work will also be required during 2016 to fully implement the following Bills which were enacted in 2015:

COURTS ACT 2017

This Act enables the introduction of the Third Payment Option for the payment of fixed penalties for Road Traffic Offences. It is being implemented in conjunction with the commencement of s44 of the Road Traffic Act 2010 by the Minister for Transport, Tourism, Transport and Sport. It provides the technical basis to provide a third opportunity for the payment of a fixed charge rather than a court appearance and should, therefore, enhance compliance while reducing the burden on court and Garda time and resources.

LEGAL SERVICES REGULATION ACT 2015

Implementation: Establishment of Legal Services Regulatory Authority

The Legal Services Regulatory Authority, whose establishment day was 1 October 2017, is at the final stage of public recruitment of a long-term Chief Executive. On 31 March 2016, the Regulatory Authority presented respective reports under sections 118 and 119 of the 2015 Act to the Tánaiste that were laid before the Houses – these deal with new business structures for the delivery of legal services, namely Legal Partnerships and Multi-Disciplinary Partnerships. On 6 April 2017 the Authority commenced its public consultations under section 120 of the Act on certain restrictions on the way barristers can work. The Authority has just completed its first annual report which has been noted by Cabinet and laid before the Houses.

Alongside these developments, the emphasis right now is on the managed roll-out of the Authority's remaining functions. Current areas of focus include the introduction of a more transparent legal

costs regime and the parallel transition of the Office of the Taxing-Master to that of the Legal Costs Adjudicators under Part 10 of the 2015 Act in conjunction with the Courts Service; the establishment of a Roll of Practising Barristers under Part 9; and the separate introduction of Pre-Action Protocols in medical negligence cases under Part 15. Following these steps the key structural reforms of Part 6 of the Act including the new public complaints regime and the appointment of the Legal Practitioners Disciplinary Tribunal which will deal with both barristers and solicitors, will be commenced.

The Chairperson and members of the Legal Services Regulatory Authority, its Interim Chief Executive, and the Department are working closely to ensure that we can successfully coordinate the identification of the necessary steps and commencements by the Department, and the delivery, by the Authority as the new independent statutory regulator, of the various remaining provisions concerned. While it remains the intention that the Legal Services Regulatory Authority will come into substantive regulatory mode in these areas during the latter part of this year and early in 2018, the phased start-up of its various functions will need careful resourcing and project management.

ASSISTED DECISION-MAKING (CAPACITY) ACT 2015

This Act comprehensively reforms the law relating to people with capacity difficulties and abolishes adult wardship and was enacted in December 2015. The immediate issue is to undertake the actions needed to establish the Decision Support Service (in the Mental Health Commission), the body responsible for informing the public about the Act and for supervising all interveners operating under it. The post of Director of the DSS was advertised by the Public Appointments Service on 7 April and it is expected that the Director will be in place during the summer. It is intended that the key preparations will be put in place during the remainder of 2017 to allow the Act to be commenced on a carefully phased basis when the Decision Support Service is ready to roll out the new decision-making support options. The firm intention is that the necessary arrangements will be in place to enable commencement of the substantive provisions of the Act early in 2018.

FINES (PAYMENT AND RECOVERY) ACT 2014

The Act was commenced in January 2016 and provides for alternatives to imprisonment for non-payment of fines. The process to support payment of fines by instalment commenced in January 2016 and other provisions - for example relating to attachment of earnings, community service and debt recovery - will roll out progressively. Careful oversight of the arrangements and their effectiveness, and engagement with relevant agencies is required.

CIVIL DEBTS PROCEDURES ACT 2015

This Act provides for the enforcement of court judgments in relation to certain debts, the making by the District Court of attachment of earnings orders and deduction from payments orders in certain circumstances, and amends existing legislation to remove references to the imprisonment of debtors for non-payment of debt. Commencement of the Act is contingent on the putting in place of appropriate procedure by the Department of Social Protection in respect of deduction from payments orders, and the making of Rules of Court and Commencement Orders. The issue of implementation of the provisions of the Act has been raised and discussed with the Department of Social Protection and has been the subject of a letter to the Minister for Social Protection from the Minister for Justice on 23 November 2016 to which a reply is awaited (though the two Departments did hold a meeting on foot of that letter).

PRESSING ISSUES OTHER THAN BILLS

HOME MORTGAGE ARREARS/INSOLVENCY/BANKRUPTCY

The number of mortgage accounts for principal dwelling houses in arrears fell further in the fourth quarter of 2016 - marking the fourteenth consecutive quarter of decline. At the end of 2016, 33,447 accounts were in home mortgage arrears of over 720 days. The total number of Civil Bills for repossession lodged in Q1 2017 was 633, a monthly average of 211 applications. The monthly average for the equivalent quarter in 2015 was 552, while that for 2016 was 401. The trend in repossessions therefore appears to be downward.

PERSONAL INSOLVENCY

The most recent Insolvency Service statistics show a continued growth in new applications for personal insolvency solutions. Indeed, applications appear to be increasing substantially and steadily, from 1331 in 2014 to 2028 in 2015, and 3329 in 2016. This trend is increasing, with 1,302 new applications in Q1 2017, compared with 570 in Q1 2016.

BANKRUPTCY

Bankruptcy adjudications have been increasing at a moderate rate over the last few years, from 448 in 2014 to 479 in 2015, and 526 in 2016. This trend seems to be continuing, with 138 new adjudications in Q1 2017, compared with 111 in Q1 2016.

ABHAILE

In October 2016, the new national Mortgage Arrears Resolution Service (Abhaile), was launched by the Tánaiste and the Minister for Social Protection to provide help to insolvent homeowners to resolve unsustainable mortgage arrears.

Under Abhaile, home owners at risk of losing their homes are provided with access to free expert financial and legal advice and assistance, so they can put in place solutions to their mortgage arrears, with priority to allowing them to remain in their home where that is a sustainable option.

- A total of 6,971 vouchers for free financial or legal advice were issued through Abhaile between July 2016 and May 2017.
- 5,287 vouchers were issued for financial advice or assistance from a Personal Insolvency Practitioner (PIP).
- 1527 vouchers were issued for legal advice or assistance from a solicitor
- 157 legal aid certificates were issued for court reviews where creditors had refused a personal insolvency proposal including the borrower's home mortgage arrears
- An Abhaile Duty Solicitor was present at 313 Circuit Court repossession lists over July 2016 to April 2017, to meet and assist unrepresented borrowers.
- The Duty Solicitors helped a total of 1,028 borrowers up until the end of April 2017. They are scheduled to provide the service at a further 181 Court lists between May and August 2017.

Preliminary analysis of applications by the ISI shows that the majority of borrowers availing of financial advice through Abhaile were in more than two years mortgage arrears. Reaching this cohort of homeowners was a particular objective for the Scheme. A national communications campaign to increase awareness of the free help available under Abhaile was launched in February 2017 by the Tánaiste and the Minister for Social Protection, and is continuing. The campaign aims to

reach those who are not engaging or have not been able to engage with their lender, inform them of the help available, and encourage them to avail of the Abhaile service through MABS. It consists of radio spots, digital advertisements, local area marketing, a public relations campaign and outdoor advertising.

REVIEW OF PERSONAL INSOLVENCY LAW

On 30 March 2017, the Tánaiste, in consultation with the Minister for Finance, launched a public consultation on personal insolvency law in Ireland.

The consultation encompasses:

- (i) the statutory review of personal insolvency solutions under Part 3 of the Personal Insolvency Acts, (this is required by s. 141 of the Acts, and covers Debt Relief Notices, Debt Settlement Arrangements and Personal Insolvency Arrangements), and
- (ii) more specifically, a review of thresholds and processes for Personal Insolvency Arrangements, including for unincorporated small and medium entrepreneurs, in accordance with Government's commitment to review this issue under the *Programme for a Partnership Government* (chapter 2 Mortgage Arrears).

The closing date for submissions is 30 June 2017, and submissions are expected to be published on the Department's website. On completion of the review, the Minister for Justice, in consultation with the Minister for Finance will prepare a report with conclusions, which will be laid before each House of the Oireachtas. In addition, a reformed EU Regulation on cross-border insolvency will take effect at national level from June 2017, while a newly announced EU legislative initiative in 2016 to harmonise national insolvency frameworks will require careful scrutiny and input.

OFFICE OF THE TAXING MASTER

Taxing Masters are independent office holders attached to the High Court. There are currently two Taxing Masters who perform functions of a judicial nature in respect of legal costs with the aim of establishing a fair relationship between the services rendered and the cost of those services.

[REDACTED]

[REDACTED] The Legal Services Regulation Act (when commenced) replaces the Office of the Taxing Master with a new Office of Legal Costs. A joint working group between the Department and the Courts Service and includes the two Taxing Masters is currently working through the issues to prepare for the establishment of the new Office. It is anticipated that the new Office will be established in the first half of 2018.

COMMUNITY JUSTICE INTERVENTION INITIATIVE (COMMUNITY COURT)

The Department led a Working Group of Justice Sector officials to consider options for moving forward on the proposal to establish a Community Court. Building on the recommendations of the Joint Oireachtas Committee on Justice, Defence and Equality, the Working Group considered proposals to enhance the approach to tackling low level offenders and effectively addressing their offending behaviour through a Community Justice Intervention type programme. This would be a diversion from the courts system in a way that has the potential to respond more effectively to one-off and repeat, low level offending with the emphasis on speedy processing aimed at reducing the risk of re-offending and would also offer quick referral to the necessary services. The Department wishes to build on this work and is considering a number of possibilities including the creation of a

statutory conditional cautioning system which is being considered in the context of a comprehensive inter-agency examination.

FILLING OF JUDICIAL VACANCIES

Courts Policy Division prepares the necessary Memoranda for Government in regard to judicial appointments. In accordance with articles 13.9 and 35.1 of the Constitution, judicial appointments are made by the President acting on the advice of the Government. On 23 May, the Government nominated 2 High Court judges, 1 Circuit Court judge and 1 District Court judge to fill existing vacancies. The Government also agreed in principle to nominate 2 Circuit Court judges and 1 District Court judges to fill pending vacancies to arise in the next few months.

[REDACTED]

[REDACTED]

COUNTY REGISTRAR ISSUES

A recruitment competition is currently being completed by the Public Appointments Service to fill County Registrar posts in Tipperary and in Westmeath/Meath. The PAS is to forward its recommendations shortly in regard to the appointments to the two positions for the decision of Government. We will then submit a Memorandum for Government for the Minister's consideration. For information there are 15 County Registrars. The County Registrar is a Statutory Officer of the Circuit Court and they perform a number of quasi-judicial functions conferred on them by statute - for example holding motions courts and case progression hearings, conducting arbitrations under the Landlord and Tenant (Ground Rents) Acts and the taxation of costs. They are independent in the exercise of these functions and appeals against their decisions are made directly to the circuit court judge.

Key medium/long term issues:

LEGAL AND RELATED (E.G. INSURANCE) COSTS IS AN EMERGING PRESSING ISSUE

The two components of this are the constant references to excessive legal costs and the costs of going to Court and resolving disputes – access to justice issues - in Ireland as opposed to other countries. Associated with this is the escalating cost of insurance for all types of insurance which has been raised as a longer-term problem for individuals, small businesses and specified professionals such as doctors. This Department is not responsible for insurance matters but there are strong crossovers between the legal and insurance systems. A number of measures enacted in the Legal Services Bill (such as excessive costs complaints; new rules about lawyers fees; the new system for legal costs adjudication, introduction of new business models to encourage competition in legal services and introduction of Pre Action Protocols for medical negligence cases) will directly ameliorate issues regarding both legal and (some) insurance costs. However there may be both scope and early pressure for options for a more comprehensive State intervention to tackle costs across the legal system. The Department is the designated organisation for implementing a number of the recommendations arising from the recent report of the Costs of Insurance Working Group on motor insurance which was chaired by Minister of State Eoghan Murphy (Department of Finance). These recommendations relate to such areas as insurance fraud, the provision of proper information on legal costs in personal injuries actions, the analysis of the effects of the changes in Courts' personal injuries jurisdictions in 2014 and cooperation with Department of Jobs, etc. on a number of initiatives relating to PIAB and courts related matters.

CORONERS LEGISLATION

There is a pressing need for comprehensive reform of the outdated and fragmented Coroner system, to improve governance, better support Coroners in providing a key public service, and increase value for taxpayers. On 23 May 2017, the Government approved a proposal from the Tánaiste and Minister for Justice to draft as a matter of priority the Coroners (Amendment) Bill 2017. The Bill will ensure mandatory reporting, post-mortem examination and inquest in cases of maternal death. It will also extend the legal aid provisions, introduced for certain inquests in the Civil Law (Miscellaneous Provisions) Act 2013 to a family member of the deceased at the inquest in cases of maternal death. The Bill reflects the contribution of Deputy Clare Daly, through her Private Members Bill, Coroners (Amendment) Bill 2015. The Coroners Bill 2007, a Government Bill seeking to effect a comprehensive reform of the coroner system, which completed Second Stage in the Seanad on 4 October 2007 but which was not restored to the Order Paper last year, is under detailed review in the Department of Justice and Equality.

DEFAMATION AND BLASPHEMY

The Defamation Act 2009, which reformed various aspects of defamation law, contains a statutory obligation to undertake a further review 5 years later. On 1 November 2016, the Tánaiste and Minister for Justice and Equality commenced a public consultation process, as part of the statutory review of the Act. The review process will include an analysis of the 40 submissions received, meetings with stakeholders, a comparative review of defamation laws in other jurisdictions, and a draft report and options paper to the Minister. By the end of September 2017 it is intended to publish the outcomes of the review and proposed legislative responses. In September 2014, the Government agreed to hold a referendum on removing the offence of blasphemy from the Constitution (Art 40.6.1(i)), in response to the 6th Report of the Convention on the Constitution. The Programme for a Partnership Government also proposes that a number of referenda be held, including a referendum on the question of removing the offence of blasphemy from the Constitution. A decision on the scheduling of the blasphemy referendum will be made by Government in the light of its Legislative Programme, subject to completing the necessary further consultations and preparing the necessary Referendum Bill and the accompanying amending legislation regarding the statutory offence of blasphemy.

CIVIL LAW AND EU/INTERNATIONAL MATTERS

Within the EU there is a well established framework for cooperation in the civil law area. The subject range is diverse but covers matters such as the recognition and enforcement of judgments (including judgements in relation to family matters such as divorce and maintenance), service of documents, the taking of evidence, the use of mediation etc. In the context of Brexit the unwinding of the instruments dealing with these matters vis-a-vis the UK may be on the table. Also under this category is participation in international meetings held under the aegis of the European Union, the Council of Europe, The Hague Conference on Private International Law, and the United Nations in relation to civil law matters dealing with the drawing up of agreements, treaties and other international instruments on matters of mutual interest. Where negotiations lead to agreed instruments this can give rise to the need for legislation, both primary and secondary to give effect in the state to those instruments

COURTHOUSE CAPITAL PROJECTS

In July 2012 the Government announced an investment package which includes seven courthouse projects, with new courthouse buildings being developed using the Public Private Partnership model in Drogheda, Letterkenny, Limerick and Wexford and substantial refurbishment and extension works to existing courthouses to be carried out in Cork, Mullingar and Waterford. Contracts were signed in December 2015 with BAM, the selected main contractor. Construction is well advanced in all 7 locations and they are expected to be delivered in 2017 with the first one – Drogheda within the next few weeks. There are also plans for a dedicated Family Law and Children’s Court building in Smithfield, with accommodation for a new Supreme Court and Courts Service HQ offices agreed by Government in 2015 and included in the Government’s multi-annual capital expenditure programme for 2016-2021. A business case for the project, which is to be developed by way of Public Private Partnership, is currently being examined by the Department and discussed with the Courts Service.

ADVERSARIAL FAMILY LAW SYSTEM

There is a general interest among judges, family law practitioners and childcare experts in developing a less adversarial family law system as reducing the level of familial conflict in the separation / divorce process is known to benefit children. Enabling parents to keep a focus on the interests of their children is crucial to the best interests of the child. At the same time, judges need more support in identifying how best to protect a child’s best interests in the context of family breakdown. The Mediation Bill and the Family Courts Bill provide legislative vehicles to develop a less adversarial approach to family law. However, it is likely that resource issues will need to be addressed as the development of support options to move families away from the current adversarial processes will require additional funding. On the other hand, increased funding for support options and for alternative dispute mechanism may lead to savings in the legal aid costs falling to be met by the State.

“STALLED” BILLS

There are a number of fairly major pieces of legislation which are stalled in the drafting system and where because of the extensive legislative programme of 2011-2015 either the Department or the AGO/Drafters – or both – have not been in a position to progress these. These include major overhaul of the Landlord and Tenant legislation which replaces out of date legislation going back hundreds of years in some cases with a more modern regime, the inevitable result of which will be to simplify the law and reduce costs of litigation in this complex area. A second stalled project relates to sale of alcohol and reform of the liquor licensing laws, again to consolidate and simplify the law in this complex area and again with the potential to significantly reduce costs and complexity in the legal system in this area.

JURIES BILL

Following on from the Law Reform Commission Report on Jury Service 2013 [LRC 107 – 2013], early work is ongoing with regard to the formulation of a Juries Bill to update the Juries Act 1976. Amongst a wide range of policy objectives, the Department is currently considering the fact that the existing law and processes for jury selection do not involve selection of juries from panels that are

representative of the community, i.e. they are limited to Irish citizens and exclude long term residents including EU citizens. The Department is also looking at the lack of accommodation for persons with issues around physical or mental capacity, who, with reasonable support and accommodation, would have the capacity to act as a juror and the extent to which the availability of wireless technology might allow jurors in the jury room to search online for information about an accused rather than limit their decision to the evidence presented. A number of divisions within the Department will be involved in moving this work forward and it is hoped that draft heads of a Bill will be brought before the Minister in the Autumn.

CENTRAL AUTHORITIES FOR INTERNATIONAL CHILD ABDUCTION, MAINTENANCE RECOVERY AND FOR THE EUROPEAN ACCOUNT PRESERVATION ORDER

The Central Authorities Unit is part of the Civil Law Division and carries out functions on behalf of the Minister in relation to a number of EU and international instruments dealing with parental child abduction/ access/placement of children in care across jurisdictions and the recovery of family maintenance from abroad. In relation to outgoing applications, it assists applicants with their applications; it forwards these to the relevant authorities abroad, and monitors their progress as well as acts as a conduit for communications and requests in relation to these. It also organises legal aid where appropriate in relation to incoming applications. This involves liaison with An Garda Síochána, the Legal Aid Board, the Child and Family Agency and the Courts Service. Decisions with regard to whether a child should be returned/placed in care in another jurisdiction rests with the competent authorities in the relevant jurisdiction, usually a judicial authority. Similarly, the establishment and enforcement of maintenance obligations are usually decided by the relevant judicial authority too. The key objective is to ensure that applications are dealt with in an effective and timely manner by the Central Authority and any appropriate support is provided throughout the progression of these applications.

Corporate Affairs



Oonagh McPhillips
Assistant Secretary
Corporate Affairs



RESPONSIBILITIES

Oonagh McPhillips is assigned responsibility at Assistant Secretary level for:

- a range of corporate functions, including Finance/Estimates/Budget-setting across the sector, human resources, health & safety, strategic management, governance, information & communications technology, procurement, audit, and support for the Department's Ministers and Management Board;
- driving the Justice and Civil Service reform programmes within the Department and those State Agencies under the remit of the Department;
- ensuring the appropriate resourcing of the Department of Justice and Equality and its agencies and, where appropriate, those agencies and offices in the wider Justice sector.

Key immediate issues:

RESOURCE ALLOCATION: FINANCE – CURRENT EXPENDITURE PRESSURES 2017; CAPITAL REVIEW; ESTIMATES 2018

Ongoing monitoring of expenditure pressures, particularly in relation to overtime expenditure in the Garda Vote. Details have been provided to DPER, in the context of the mid-term Capital Review, of additional capital requirements for the sector over the period 2018 and 2021 inclusive. There are a number of key infrastructural requirements including additional funding and a re-phasing of expenditure for the new Forensic Science laboratory in Backweston, Co. Kildare. In conjunction with OPW, discussions are ongoing with DPER in relation to the funding for a new facility for the Garda Dublin HQ in Harcourt Square. OPW has arranged a new non-renewable lease on the property which is due to conclude in December, 2022 with a significant financial penalty clause if the property cannot be vacated on this date. [REDACTED]

A list of priority expenditure areas have been identified and submitted to DPER in relation to additional funding requirements for 2018. This submission will form the basis for estimates discussions over the next few months.

RESOURCE ALLOCATION: HR

In common with other Departments, there are significant ongoing challenges filling key posts in the Department and its agencies. A number of promotions and retirements

DATA AND INTEROPERABILITY

Building on the success of a number of pathfinder projects, an ICT and Data Strategy is currently in development. Along with key projects in the immigration area, the priority is the development, on a phased basis, of an ICT hub linking the key operational areas of the criminal justice system and providing business intelligence to support policy development.

REFORM

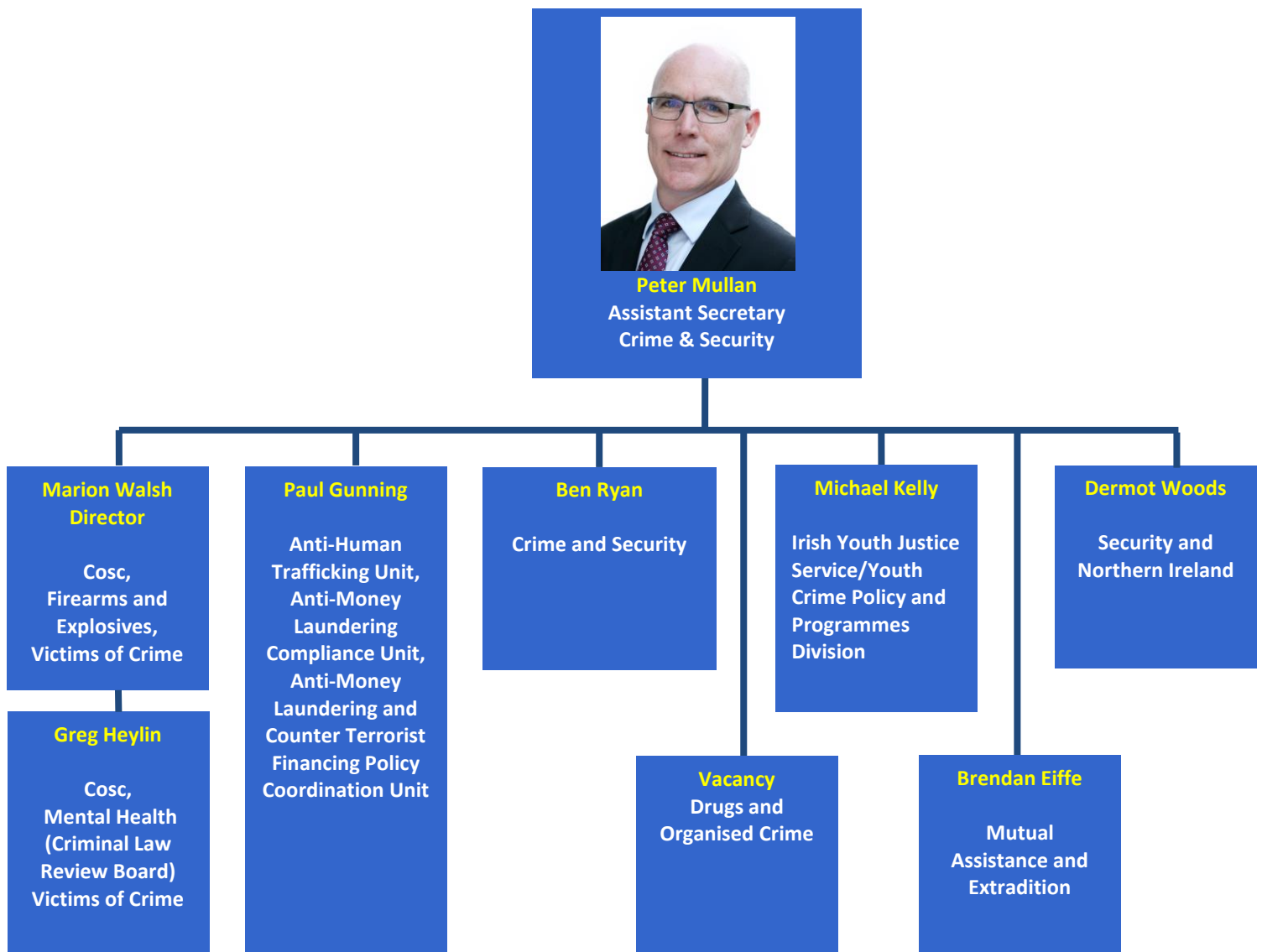
As set out previously, significant progress has been made on reform. Current priorities include implementation of the Department's structure review; a stocktake of progress and identification of priorities for next phase of reform.

AGENCY MATTERS

There is a commitment to review the Criminal Injuries Compensation Scheme (which has been operating since 1974) to examine whether victims of domestic violence will be included in the scheme. An internal scoping exercise is ongoing regarding this category and a complete scheme review is to be initiated (most likely via Law Reform Commission).

DEPARTMENT ACCOMMODATION

The lease on 94 St. Stephen's Green (containing the Department's Crime and Security Directorate), expires in June 2018



RESPONSIBILITIES

Peter Mullan is assigned responsibility at Assistant Secretary level for:

- policy and issues arising in relation to general crime, organised crime (including drugs), national security, Northern Ireland, road traffic law enforcement, human trafficking, victims, domestic violence, extradition and mutual assistance, money laundering, terrorist financing and private security policy, money laundering compliance in specific areas and firearms and explosives;
- leading teams to deal with various aspects of crime and security, in conjunction with other criminal justice agencies;
- ensuring the Minister is in a position to fulfil his/her responsibilities to the Oireachtas in the area of crime and security;
- fulfilling commitments in relation to, and participating in, EU and other international developments.

Key immediate issues:

CRIME STATISTICS - BURGLARY AND PROPERTY CRIME

Crime trends and relevant policing and crime prevention responses are monitored on an ongoing basis in consultation with the Garda authorities and other relevant agencies. The CSO will be publishing the latest quarterly crime statistics towards the end of June and they will be comparing Q1 2016 with Q1 2017. It will be the first time that the two periods being compared will both have been while Operation Thor was in effect for the entirety of both periods, so it is likely that the marked decrease in burglary (e.g. 30% for the full year of 2016 compared to 2015) will be of a much smaller magnitude, if there is a decrease at all.

OTHER CRIME TRENDS

While many of the major crime categories have shown a decrease in 2016, trends can fluctuate and Gardaí have to deploy resources accordingly. Since the early part of 2016 considerable resources have dedicated to countering violent gang-related crime in the Dublin area, including armed support, and Gardaí have achieved significant drugs and firearms seizures and arrests, as well as targeting the proceeds of crime. With the approach of summer Gardaí may need to focus more on public order issues, particularly related to the misuse of alcohol. (Conversely, in the winter months household property crime tends to be a bigger issue). Other crime issues which may be highlighted periodically include knife crime, on-street drug dealing, sexual offences, metal theft (including electrical cable and beer kegs) and rural crime including the impact of burglaries on rural communities as well as the theft of farm machinery and livestock.

WHITE COLLAR CRIME

Following the direction of the Judge to dismiss the Sean Fitzpatrick trial proceedings, there is an increased focus on white collar crime and what can be done to ensure such criminals are brought to justice. While the Fitzpatrick trial itself was based on investigations carried out by the Office for the Director of Corporate Enforcement, which is under the remit of the Minister for Jobs, Enterprise and Innovation, there are already calls for more to be done in terms of penalising white collar criminals.

ROAD SAFETY ENFORCEMENT - THIRD PAYMENT OPTION

The 'Third Payment Option' in relation to paying fixed charge notices for certain motoring offences is due to go live on 1st June. This Project will improve the operation of the fixed charge/penalty points system, reduce the need for persons to attend court and is also expected to generate revenue and to result in savings in Garda and Court time.

There will be a lot of focus on how useful it is to ensure better compliance with road safety legislation and reducing the number of cases struck out in Court for claimed non-service of fixed charge notices or summonses.

ROAD SAFETY ENFORCEMENT - MAT CHECKPOINTS / FCPS ISSUES

Following internal examinations within An Garda Síochána issues of concern were identified in relation to the recording of data pertaining to MAT Checkpoints and breath tests and the issuing of unwarranted summonses for Fixed Charge Notice Offences. Internal national examinations remain underway within An Garda Síochána into both issues. A dedicated team, under Assistant Commissioner Michael O'Sullivan, has been established to investigate in detail the MAT issues. An interim report was submitted to the Policing Authority in April 2017, the final report is awaited. Under Section 62O(6) of the Garda Síochána Act, 2005 (as amended), a report on its oversight of these matters has been requested from the Policing Authority. In particular, the Authority is to conduct an investigation examining all issues arising, addressing to the extent possible the reasons why these issues have arisen; the incidence and scale of the issues; and the solutions implemented to ensure there is no recurrence.

STARDUST ASSESSMENT PROCESS

Judge Pat McCartan has been in contact with the Stardust Relatives and Victims Committee to assess the new evidence they claim to hold, in order to determine whether or not it warrants the establishment of a Commission of Investigation. The Committee has not yet submitted its report to the Judge and is looking for the payment of a six-figure sum for historical monies before they do so. Attempts to resolve the impasse are ongoing but problematic.

Key medium/long term issues:

ONGOING DEVELOPMENT OF CRIME POLICY

In addition to the specific issues highlighted above, policing and crime prevention responses are under continuous development with a view to addressing a range of other types of crime. Individual cases are often the subject of considerable public attention, and certain types of offending can come to the fore from time to time, and may require specific responses. The Department assists in coordinating particular initiatives aimed at disrupting criminal activity and improving crime detection and prevention. These include the Joint Agency Response to Crime (JARC), involving An Garda Síochána, the Prison Service and the Probation Service working together to better manage how they jointly manage prolific offenders.

CRIMINAL JUSTICE STRATEGIC COMMITTEE

The Department is facilitating the work of the Criminal Justice Strategic Committee, which was established in 2015 comprising the heads of the relevant organisations to provide collaborative leadership across all aspects of the Criminal Justice system. The Committee has identified a range of shared projects designed to improve outcomes across the criminal justice system, including in relation to victims, data needs, exhibits management, alternatives to prosecution, international criminal justice cooperation and youth justice. While a number of the projects are long term in nature, certain sub-groups finalised their work in 2016 and implementation of their reports is being progressed.

GARDA INSPECTORATE REPORT ON CRIME INVESTIGATION (NOVEMBER 2014)

A range of measures are underway in relation to the Report's recommendations, including under the aegis of a Garda Implementation Steering Group and the Garda Strategic Transformation Office. A Criminal Justice Strategic Committee (see above) has been established, as part of the overall justice sector reform programme, and as also recommended by the Inspectorate. An Expert Group on Crime Statistics, chaired by the CSO, has also been established and the report will be published in the coming days. The CSO recommenced publication of recorded crime statistics at end June 2015, together with a detailed analysis of how the issues raised by the Garda Inspectorate impact on the quality of crime data. An Garda Síochána is implementing a range of measures to address the issues identified by the Inspectorate and the CSO. The CSO published another such report in 2016, noting improvements made and intends to publish further reports to monitor progress.

CHILDREN FIRST

Crime Division represents the Department on the Children First Interdepartmental Committee and chairs the Children First (Justice Sector) Implementation Committee. The Division is working bilaterally with relevant Justice agencies with regard to Children First implementation, with a particular focus on preparing for the new requirements which are likely to come into effect this year.

Drugs and Organised Crime

Key immediate issues:

NATIONAL DRUGS STRATEGY

A National Steering Committee, under the auspices of Health, was established to develop a new **National Drugs Strategy** for the period post 2016. A range of complex issues with potential implications for the criminal justice system were discussed in this forum including issues such as drug debt intimidation, drug law enforcement and 'decriminalisation'. The Strategy is expected to be launched by the Minister of State at the Department of Health in the coming weeks.

Key medium/long term issues:

CORRUPTION

With regard to **international corruption evaluations**, Ireland is a party to a number of international agreements, including the Council of Europe's Group of States against Corruption, the United Nations Convention against Corruption and the OECD Convention on Combating Bribery of Public Officials in International Business Transactions and is subject to the evaluation processes associated with these conventions. Ireland is due to commence the second cycle of evaluation under the UNCAC in July of this year. In addition in the coming 6 months Ireland will be subject to ongoing monitoring with regard to outstanding recommendations under the OECD Convention

CRIMINAL ASSETS BUREAU

The ongoing programme for the development and strengthening of the work of the Criminal Assets Bureau is continuing. Legislation was introduced in July 2016 which provided for immediate seizure of assets and decreased the value of assets that may be seized to €5,000. Significant work has been undertaken in line with the Departments management of governance of its bodies/agencies, to enhance governance arrangements with the Bureau. In line with the Programme for Partnership Commitments, work is ongoing on the strengthening of the Asset Profiler Programme.

CYBERCRIME

Cybercrime issues have increasingly placed significant demands on this area (along with other areas in the Crime and Security Directorate). Work is ongoing in examining how best to manage this area.

Security and Northern Ireland Division

Key immediate issues

AMENDMENTS TO THE LAW ON INVESTIGATORY POWERS TO SUPPORT ONGOING EFFORTS TO COMBAT TERRORISM AND SERIOUS CRIME

Proposals to update the law in respect of investigatory powers (notably the powers to intercept communications) available to An Garda Síochána, particularly with regard to modern means of communications, are being prepared and will require to be progressed as a matter of priority. Modernising our authorities' capabilities in this regard is a priority.

RETAINED COMMUNICATIONS DATA

The Communications (Retention of Data) Act 2011 on law-enforcement access to telecommunications and internet meta-data (not content) is being reviewed in light of a European Court of Justice ruling in December 2016. Amendments to the law will be necessary and work is ongoing in this regard as a matter priority. The Act is subject to a number of challenges in the High Court, both constitutional and in the context of criminal proceedings. The report of former Chief Justice John Murray's review of the law on access to retained communications data includes analysis and recommendations that are relevant in this regard.

RENEWAL OF EXISTING LEGISLATIVE PROVISIONS

Certain provisions of the Offences Against the State (Amendment) Act 1998 (counter-terrorism) and Section 8 of the Criminal Justice (Amendment) Act 2009 (certain organised crime offences to be heard in the Special Criminal Court) will continue in force until 30 June 2017. Resolutions passed by the Oireachtas will be required before the end of June if the provisions are to be continued in force for a further 12 months. The Garda Authorities consider these provisions to be essential. The Government has approved the proposal to renew them and arrangements are in train in respect of Oireachtas time for the resolutions.

SUPPORTING EU AND INTERNATIONAL EFFORTS TO COUNTER TERRORISM

The Division has responsibility for the management of a number of EU files dealing with security and counter terrorism (including law enforcement aspects of countering violent radicalisation, including online radicalisation) and servicing EU Working Groups including the Standing Committee on Operational Co-operation on Internal Security (COSI) and the Terrorism Working Party (TWP). The significantly increased threat from international terrorism to Europe related to instability in the Middle East and North Africa and the potential threat from 'foreign fighters' returning to Europe. This remains a major source of concern at EU level. There is a very significant and sustained increase in business activity related to this policy area for this Division and to address this properly there will need to be an increase in the current capacities.

TALKS ON THE FORMATION OF THE NI EXECUTIVE

A third round of talks on forming a new Executive in Northern Ireland begin on 12 June. Among the many issues that are involved in the talks are measures to deal with the legacy of the troubles, including mechanisms to co-operate with ongoing inquiry processes in Northern Ireland into troubles-related deaths and ways to seek to implement provisions in the Stormont House Agreement of 2014 dealing with the past. These are issues on which this Division leads and significant input, in co-operation with the Department of Foreign Affairs and Trade, to the talks process will be required.

Key medium/long term issues

NORTH-SOUTH SECURITY AND CRIMINAL JUSTICE CO-OPERATION:

There is close and ongoing contact with counterparts in Northern Ireland in respect of co-operation in criminal justice and security matters, and this will need to be maintained and enhanced, in particular in the light of the UK's exit from the EU.

There is a long-standing framework of criminal justice co-operation, involving the two Justice Departments and the criminal justice agencies North and South that is overseen by the two Justice Ministers. There is a comprehensive programme of ongoing actions taking place across the range of justice issues. Once a new Justice Minister has been appointed in Northern Ireland it will be important to arrange an early bilateral meeting in this framework.

There is a close, ongoing relationship with counterparts in the Northern Ireland Office in respect of the security challenges from republican paramilitary groups that are common to both jurisdictions. Again, this will need to be maintained and enhanced, in conjunction with ongoing co-operation with Home Office counterparts in the context of the UK's exit from the EU.

RESOURCES FOR DEVELOPMENT OF CAPABILITIES TO COUNTER INTERNATIONAL TERRORISM:

Additional resources were provided to the Garda and the immigration authorities to enhance their capacity to prevent and to respond to threats from international terrorism given the evolving nature of that threat, the requirements of the EU-level response and developing requirements in respect of

immigration security. The level of resources available and required will need to continue to be kept under close review with the Garda Authorities given the evolution of this threat.

DEVELOPMENT OF CRIMINAL RECORDS CERTIFICATE:

The Garda employment vetting service has been developed greatly in recent years and is very firmly focused on the core objective of protecting children and vulnerable adults from harm. There is a genuine requirement in other spheres for employers to have access to the criminal history of prospective employees. There is also a need in certain circumstances for individuals to be able to produce criminal history information, for example emigration purposes. Proposals are being developed for a criminal records certificate to address this need – they will require legislation to be put in place.

Firearms and Explosives Division

including oversight of Private Security Authority (PSA)

Key immediate issues:

REFORM OF FIREARMS LICENSING

Implementation of the package of firearms measures on the licensing of firearms in Ireland announced by the Minister for Justice and Equality on 18 September 2015, including the establishment of a new Firearms Assessment and Appeals Authority (FAAA) and a centralised licensing system for restricted firearms (by An Garda Síochána), pending the establishment and determination of the FAAA to determine what firearms should be licensable.

INCREASED CONTROLS ON REALISTIC IMITATION FIREARMS

Submissions have been received on a recent consultation paper and Department is now consulting with other member states regarding their controls before finalising proposals on the way forward.

NIGHT-TIME SHOOTING

A draft report has been prepared by the night-time shooting working group, chaired by the National Parks and Wildlife Service,.

PRIVATE SECURITY POLICY

Appointment of Board of the Private Security Authority. The term of office of the appointment of the current Board of the Private Security Authority (PSA) expires on 21 July 2017. The process to appoint the 11 member Board has commenced.

Key medium/long term issues:

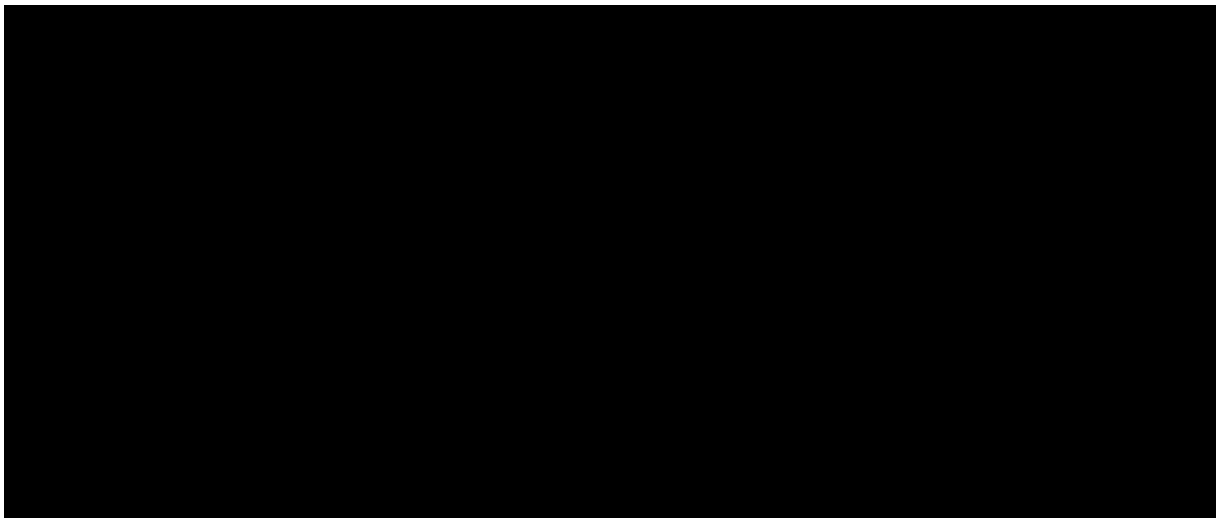
REVISION OF THE EU FIREARMS DIRECTIVE

The revision strengthens the EU firearms legislative framework with rigorous controls on the acquisition and possession of firearms and by improving the sharing of information on firearms, reinforcing their traceability and standardising marking. The Directive will come into force on 13 June 2017 after which there is an 18 month deadline for the implementation of the general provisions and a 30 month deadline for implementation of data management provisions. Ireland already meets most of the controls required - the main transposition work will involve meeting firearms data requirements.

EXPLOSIVES

To advance the formal drafting of the Explosives Bill approved by Government for drafting in 2008.

The existing legislation, i.e. the 1875 Explosives Act, is now very much out of date. The continued absence of modern legislation is giving rise to difficulties in terms of enforcement and interpretation. The Bill proposes to replace in its entirety and to repeal the 1875 Explosives Act.



Cosc – The National Office for the Prevention of Domestic, Sexual and Gender-based Violence

Key immediate issues:

SECOND NATIONAL STRATEGY ON DOMESTIC, SEXUAL AND GENDER-BASED VIOLENCE

The second national strategy on domestic, sexual and gender-based violence, 2016-2021 was launched in January 2016. It is a whole of Government approach to the issues in the title of the strategy. It has three components:

- Prevention – awareness / education / training
- Provision of services to victims and holding perpetrators to account, and
- Implementation / monitoring / data / research.

Implementation and monitoring of the strategy's actions is underway involving key State and non-State actors. One of the key actions of the strategy is a six year awareness raising campaign. The campaign "What would you do?" was launched in November 2016 and is initially focused primarily on domestic violence (the campaign will deal with sexual violence in the period 2019-2021). Funding of €950,000 was secured for 2016 and 2017. Management and monitoring of the campaign is underway. The national strategy also contains those legislative and administrative actions required to enable Ireland ratify the Council of Europe Convention on preventing and combating violence against women (Istanbul Convention). Ireland signed the Convention in November 2015 and the Government agreed a multi-annual action plan towards ratification of the Convention. The target date for implementation of those actions is Quarter 1 2018.

Key Medium/long term issues

- Monitor and implement the 64 actions contained in the second National Strategy on Domestic, Sexual and Gender-based violence, 2016-2021, and any additional actions that are added over this period.
- Ensure that the actions required for the ratification of the Istanbul Convention are implemented by Quarter 1 2018 in order to enable Ireland to ratify the Convention.

Victims of Crime Office

Key immediate issues:

VICTIMS DIRECTIVE

The European Union Directive 2012/29/EU (known as the Victims Directive) which establishes minimum standards on the rights, support and protection of victims of crime came into effect from 16 November 2015 across the European Union. However, Ireland is not in a position to fully transpose the Directive pending the enactment of the Criminal Justice (Victims of Crime) Bill 2016, which is currently well advanced in the Oireachtas having passed Committee Stage on May 17. While pending the enactment of the legislation, at an operational level arrangements have been put in place by the criminal justice agencies to ensure that the rights conferred by the Directive are provided to victims of crime within existing legislation and on a non-statutory basis, non transposition of the Directive leaves Ireland open to infringement proceedings being pursued against us by the European Commission.

Key medium/long term issues:

FUNDING

Continue to process and oversee the funding of 58 voluntary sector organisations providing a wide range of support services to victims of crime and for which €1.712m is being made available from the Department in 2017.

DOMESTIC VIOLENCE BILL

There is considerable interest among domestic violence stakeholders for early enactment of the Reformed and Consolidated Domestic Violence Bill. The Bill is a key element of the Second National Strategy on Domestic, Sexual and Gender Based Violence and will assist in enabling Ireland to ratify the Council of Europe's Convention on Combating Domestic Violence and Gender-based Violence. The Bill was published in February 2017 and Committee Stage commenced in the Seanad on 31 May 2017. The Bill when finalised in the Seanad will then need to pass through all necessary stages in Dail Eireann.

Anti-Money Laundering/Counter Terrorist Financing (AML/CTF) Policy Co-Ordination Unit

Key immediate issues:

FINANCIAL ACTION TASK FORCE

Ireland is one of 35 members worldwide of the Financial Action Task Force (FATF) an inter-governmental body established in 1989 by the G7 to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. In November 2016 Ireland was subject to a review by FATF to assess the effectiveness of systems in Ireland to combat money laundering and terrorist financing. The overall co-ordination of Ireland's response to this evaluation is being led by the Department of Finance while the Anti-Money Laundering/ Counter Terrorist Financing (AML/CTF) Policy Co-ordination Unit co-ordinates this Department's policy response. The Mutual Evaluation Report on Ireland is due to be published in July/August 2017. In this Report the FATF will rate Ireland as 'high', 'substantial', 'moderate' or 'low' on 11 Immediate Outcomes.

- To assist Criminal Law Reform Division in the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing (4AMLD).
- Publish the 2016 Annual Report on Money Laundering and Terrorist Financing.

Key medium/long term issues:

- Address any actions arising from the FATF review.
- Implement provisions in legislation resulting from the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing.
- Assist Criminal Law Reform Division with the transposition of the 5th EU Anti-Money Laundering Directive which is due to be published this year.
- Examine the legislative options to implement the commitment in the Programme for Government in relation to 'Cash for Gold'.

Anti-Money Laundering Compliance Unit (AMLCU)

The role of the AMLCU is to monitor money laundering compliance with national legislation among Trust or Company Service Providers; High Value Goods Dealers, Tax Advisers, external Accountants and Private Members' Clubs.

Key immediate issues:

- Continue to monitor compliance with money laundering requirements under the legislation and implement a risk-based approach to supervision.
- Enhance linkages and two-way information/intelligence flows with other Agencies, notably An Garda Síochána and CAB.
- The Unit carries out authorisation for Trust or Company Service Providers as opposed to regulation. The fact that the Department has a role in the matter may lead to criticism of the Department in the event that any authorised entity comes to adverse public attention.
- Continue to work with IT to complete the development of a new database and develop an online authorisation application system for Trust or Company Service Providers.

Key medium/long term issues:

- Continuous awareness programmes to reach out to all businesses about their money laundering requirements.
- Address any recommendations or remedial actions that flow from the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing (4AMLD) and the FATF evaluation.
- Assess the capacity (size and skills) of AMLCU to undertake the work given the likely recommendations by the FATF in relation to a lack of resources to adequately supervise the range of sectors falling within the remit of the Department of Justice and Equality.
- Give consideration to whether the AMLCU might be better placed elsewhere.
- The 4AMLD provides for the regulation of gambling services except in circumstances of proven low risk. A risk assessment of the gambling sector is currently being undertaken and in the event that gambling services in Ireland are deemed higher than low risk, it is likely that the AMLCU will need to be expanded to take on the regulation of the gambling sector for the purposes of money laundering and terrorist financing. This is a short-term measure pending the enactment of the Gambling Control Bill.

Mutual Assistance & Extradition Division

The Mutual Assistance & Extradition Division is an operational unit dealing with the execution of European Arrest Warrants (EAW), international extradition and mutual legal assistance requests (requests for evidence or assistance in relation to criminal offences or investigations in other EU States).

Key medium/long term issues:

- **Requests for evidence held by Internet Service Providers (ISPs)**

A feature of mutual legal assistance is the increasing volume of requests received for specified evidential material held by ISPs, a disproportionate number of which are based in Ireland. The ongoing migration of data by ISPs to Ireland (and the building of new server plants) may have significant resource implications across the criminal justice sector. The Department and other agencies are monitoring events

- **European arrest warrants (EAW)/extradition**

The Minister (as Central Authority) has a quasi-judicial role as regards the EAW (determining whether a warrant is fit for application for endorsement in the High Court, anticipating points of objection, reverting to foreign judicial authorities, etc.).

[REDACTED]

- **European Investigation Order (EIO)**

At a policy level, Irish participation in the European Investigation Order is under review. Ireland and Denmark had opted out of the adoption of the measure.

[REDACTED]

[REDACTED] There are legal/operational issues and there are institutional issues.

[REDACTED]

[REDACTED] It is clear that primary legislation and operational structures will have to be in place before entry by Ireland into the measure can take place.

Anti-Human Trafficking Unit

The Anti-Human Trafficking Unit (AHTU) has primary responsibility for the co-ordination and development (in conjunction with other Governmental, Non-Governmental and International organisations) of the Government's response to Human Trafficking. Reporting and evaluation obligations exist with the EU, UN, ILO, OSCE, Council of Europe and US. A Second National Action Plan, published in October 2017, sets out actions to be considered and implemented over the coming years.

Key immediate issues:

- **GRETA** - In 2016 Ireland was evaluated by Council of Europe Group of Experts on Trafficking (GRETA) regarding our implementation of the *Council of Europe Convention on Action Against Trafficking in Human Beings*. Their report, due to be published in July, is expected to repeat some existing recommendations and criticisms. Action will be required to demonstrate we are engaging with at least some of these, such as:
 - The question of independent domestic monitoring of our response to human trafficking;
 - Procedures for identifying individuals as victims of trafficking;
 - Services and support for victims of human trafficking, in particular their accommodation.
- **National Referral Mechanism** - The AHTU are currently conducting a review of the services and supports available for victims of trafficking.
- **Victim Identification** – The Competent Authority for identification of victims is An Garda Síochána. The review will seek to address if that should change.
- **TIPs Report** - The US Congress publishes an annual report assessing the actions of countries around the world in the fight against trafficking in persons. Ireland has obtained a Tier 1 (top range) rating for the past seven years. The 2017 TIPs report is due to be published in July.
- **Victims implicated in criminal behaviour** - A 2015 High Court Judgment (in a cannabis grow house case) found that there were shortcomings in the procedures and guidelines for identification of victims of trafficking where the potential victim is suspected of involvement in criminal offences. While certain operational measures are now in place to manage risks in these situations, draft guidance and guidelines to be followed in such cases remains under review by An Garda Síochána.

Key medium/long term issues:

A number of issues will need to be addressed over the coming year, including:

- Financial support for NGOs providing services in the area of trafficking;
- Measures arising subsequent to the criminalisation of the purchase of sex under the Criminal Law (Sexual Offences) Act 2017 – in particular awareness-raising and statutory review of the efficacy of the Act, insofar as trafficking is concerned;
- The effects of any changes in immigration and asylum policy, in particular the impact of the International Protection Act 2015, for non EEA nationals claiming to be victims of human trafficking;
- Consideration of support structures which may be required for victims of the soon to be created offence of Forced Marriage (where AHTU also has policy responsibility);
- Ongoing professional training and awareness-raising in relation to trafficking, both for labour exploitation and sexual exploitation.

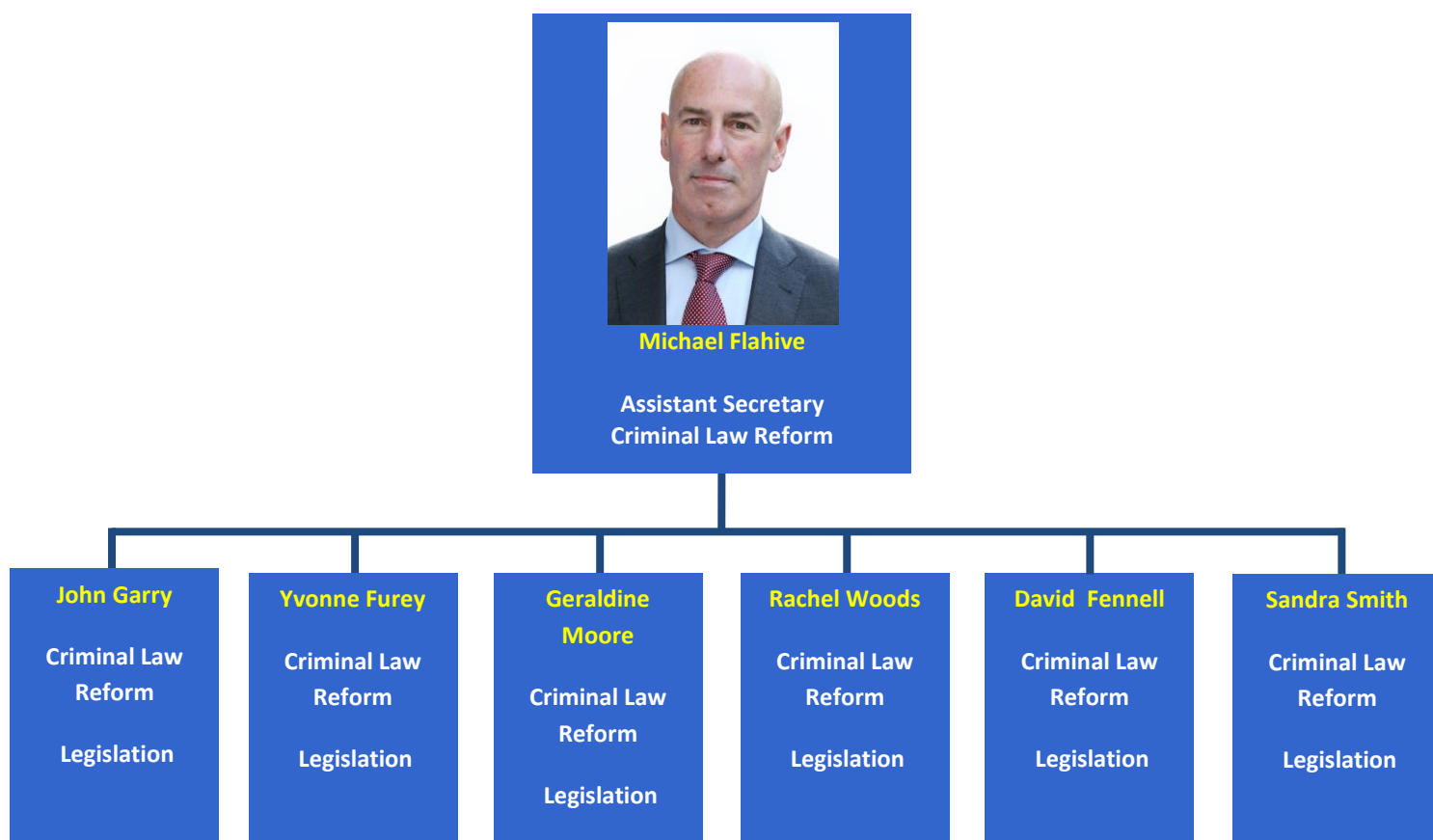
Key immediate issues:

- Continue to support the statutory Diversion Programme by overseeing the effective operation of the Garda Youth Diversion Project (GYDP) network.
- Effectively manage the monitoring and reporting requirements of funding support provided under the European Social Fund.
- Effectively manage the delivery of initiatives financed from the Dormant Accounts Fund.
- Oversee and drive the implementation of the “Tackling Youth Crime – Youth Justice Action Plan 2014-2018” (YJAP).
- Review of the Garda Diversion Programme
- Youth - Joint Agency Response to Crime (Y-JARC)

Key medium/long term issues

- Diversion Programme for 18 to 21 year olds.
- Develop and implement the Research Evidence into Policy, Programmes and Practice (REPPP) Project.
- Review the operation of new Garda Youth Diversion Project service delivery model in Kerry.
- Commissioning of Garda Youth Diversion Project services.
- Work To Learn Programme

Criminal Law Reform



RESPONSIBILITIES

Michael Flahive is assigned responsibility at Assistant Secretary level for:

- advising the Minister and Government on policy development in the area of criminal law reform;
- drawing up legislative proposals for approval by Government;
- keeping criminal law under review to identify potential reforms for consideration by Government; engaging in and promoting research and assessing reports and submissions from advisory and research bodies, most notably the Law Reform Commission.
- advising the Minister and Government on the position regarding Private Members' Bills.

Key immediate issues:

BILLS BEFORE THE HOUSES

- **Criminal Justice (Victims of Crime) Bill 2016**

The Criminal Justice (Victims of Crime) Bill, published on 29 December 2016, will introduce for the first time statutory rights for victims of crime. The Bill will transpose into Irish law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime fulfilling a commitment in the Programme for Government to enact legislation to strengthen the rights of victims of crime and their families. The implementation date for transposition of the Directive was 16 November 2015. The Bill has completed Committee Stage in Dáil Éireann.

- **Criminal Justice Bill 2016**

The Criminal Justice Bill 2016, originally published on 8 December 2016 as the Bail (Amendment) Bill, seeks to improve the operation of the bail system and make the law as effective as possible in protecting the public against crimes committed by persons on bail while also safeguarding the rights of the individual. The Bill will meet the commitment in the Programme for Government to introduce and fast-track legislation providing for stricter bail terms for repeat serious offenders which will strengthen Garda powers to deal with breaches of bail, increase the use of curfews, and introduce electronic tagging for those on bail where requested by Gardaí. The Bill also places on a statutory basis a Garda power to detain intoxicated persons. The Bill has completed passage through Dáil Éireann and is currently before the Seanad.

- **Parole Bill 2016 [Private Member's Bill]**

This Bill was published by Deputy Jim O'Callaghan. The Bill provides for establishing a Parole Board on a statutory basis to determine releases from prison of long sentence offenders. The Bill sets out the criteria to be considered in deciding on the release of prisoners which include risk to public safety and the extent to which release will facilitate the prisoner's reintegration into society. The Bill also provides for the suspension and revocation of parole orders. The Bill requires considerable amendment and it was agreed by Government in April 2017 that amendments would be prepared in consultation with Deputy O'Callaghan. The Bill has completed Committee stage in Dáil Éireann and is awaiting Report Stage. Work on preparing amendments for report stage is ongoing.

BILLS ON THE GOVERNMENT LEGISLATIVE PROGRAMME FOR PUBLICATION THIS SESSION

- **Criminal Justice (Corruption Offences) Bill**

Work on drafting a new Criminal Justice (Corruption Offences) Bill is nearing completion and this is a Government priority for both publication and enactment this year. It is intended that the Bill will repeal and replace the seven previous Prevention of Corruption Acts 1889 to 2010 and will introduce some additional offences. The Bill will clarify the liability of corporate bodies for offences. It will extend the range of penalties available to a court when a person is convicted to include forfeiture of public office. The Bill will make renewed provision for the main requirements of a number of international anti-corruption instruments which Ireland has already ratified. It will provide for recommendations made in the course of evaluations of Ireland by the various European and International Bodies. The Bill will also give effect to some of the recommendations of the Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (2012) (Mahon).

- **Criminal Justice (Money Laundering & Terrorist Financing) Bill**

The Bill will give effect to the 4th EU Money Laundering Directive. The deadline for transposition is 26th June 2017.

FINALISE AND PUBLISH BILLS/STATUTORY INSTRUMENTS URGENTLY REQUIRED BY EU OR INTERNATIONAL OBLIGATIONS

There are six Bills/Statutory Instruments being drafted in the Office of the Parliamentary Counsel which are to implement EU requirements or other requirements of international law. These are as follows:

- Criminal Justice (Money Laundering & Terrorist Financing) Bill (EU Directive – deadline for transposition June 2017)
- European Union (Freezing and Confiscation of Instrumentalities and Proceeds of Crime) Regulations 2016 (deadline for transposition of EU Directive October 2016)
- Criminal Records Information System Bill [EU Framework Decision - deadline for transposition expired]
- Transfer of Sentenced Persons and Transfer of Execution of Sentences Bill [EU Framework Decision – deadline for transposition expired]
- Criminal Justice (Mutual recognition of Decisions on Supervision Measures) Bill
- Criminal Justice (Mutual recognition of Probation Judgments and Decisions) Bill

DRAFT GENERAL SCHEMES OF BILLS URGENTLY REQUIRED BY EU OBLIGATIONS

- **Criminal Justice (Passenger Name Record) Bill**

This legislation is required to give effect to EU Directive 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. The deadline for transposition of the Directive is 25 May 2018. The Bill will reflect the aims of the Directive and regulate the transfer from air carriers of PNR data of passengers on international flights, as well as the processing of this data by the competent authorities. The Directive requires air carriers to provide Member States' authorities with the PNR data for flights entering or departing the EU. It also allows, but does not oblige, Member States to collect PNR data for selected intra-EU flights. However, in view of the current security situation in Europe, all Member States have indicated that they will make use of this possibility for selected internal flights. The Directive provides for the establishment or designation of a competent authority to act as a Passenger Information Unit (PIU) which will receive the PNR data from air carriers and exchange data and processing results with other Member States and Europol. The PIU will be required to ensure that data protection requirements are complied with. The preparation of a General Scheme of the Bill is currently being finalised prior to consultation with the competent authorities and seeking Government approval for formal drafting of the Bill in the Office of the Parliamentary Counsel.

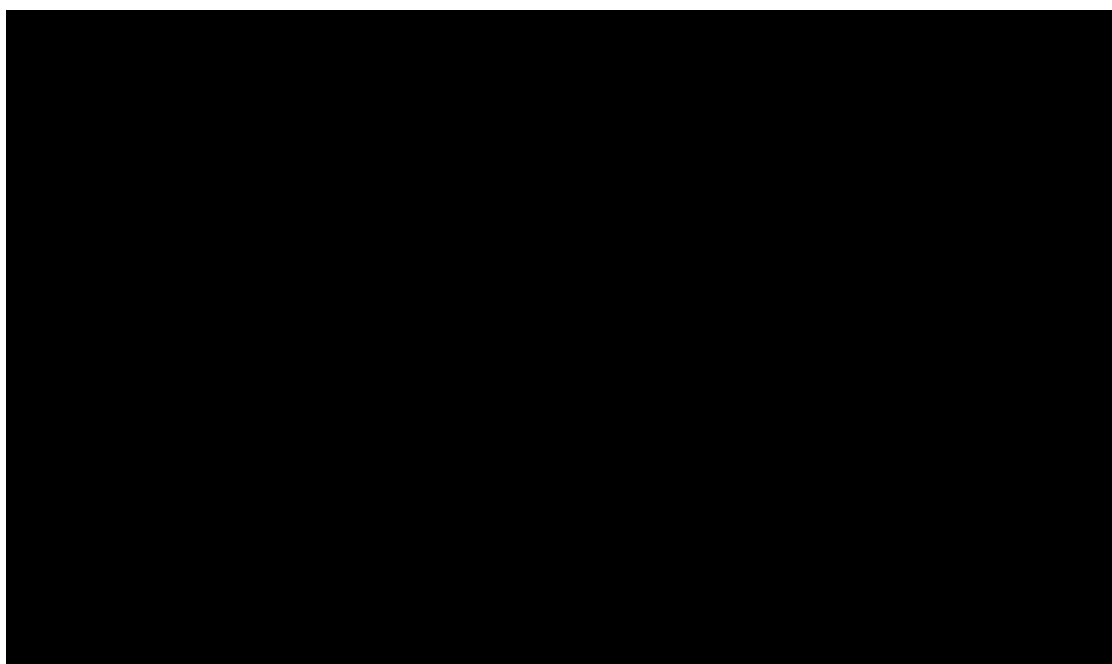
- **Criminal Justice (Theft and Fraud Offences) (Amendment) Bill**

The Bill will provide for the transposition of Directive 2014/62/EU on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA. Counterfeiting offences are already provided for in the Criminal Justice (Theft and Fraud Offences) Act 2001 and accordingly transposition of the Directive will be effected by amendment to that Act. As currency matters generally come within the remit of the Central Bank of Ireland, the Department is consulting with relevant officials of the Bank in preparing the General Scheme of a Bill. Some urgency attaches to transposition of this instrument as the EU Commission has given formal notice of its intention to commence infringement proceedings against Ireland for non-transposition of the Directive.

- **Europol (Amendment Bill) 2017**

This Bill will provide for the measures necessary for the transposition of the Europol Regulation (EU) 2016/794. The Regulation repeals and replaces Council Decision 2009/371/JHA which was given effect in the Europol Act 2012 Act. That Act established the European Police Office (EUROPOL). Amendment of the 2012 Act is necessary to ensure full transposition of the Regulation and a number of minor/technical amendments will be made in the Bill in order to align the Act with the text of the Regulation. Advices on the amendments necessary have been sought from the Office of the Attorney General with a view to progressing the scheme as soon as possible.

DRAFT GENERAL SCHEMES OF THE BILLS URGENTLY REQUIRED



Key medium/long term issues

BILLS/GENERAL SCHEMES

There are a number of other Bills and General Schemes being prepared which are important, but which do not have the deadlines which apply to the measures outlined above.

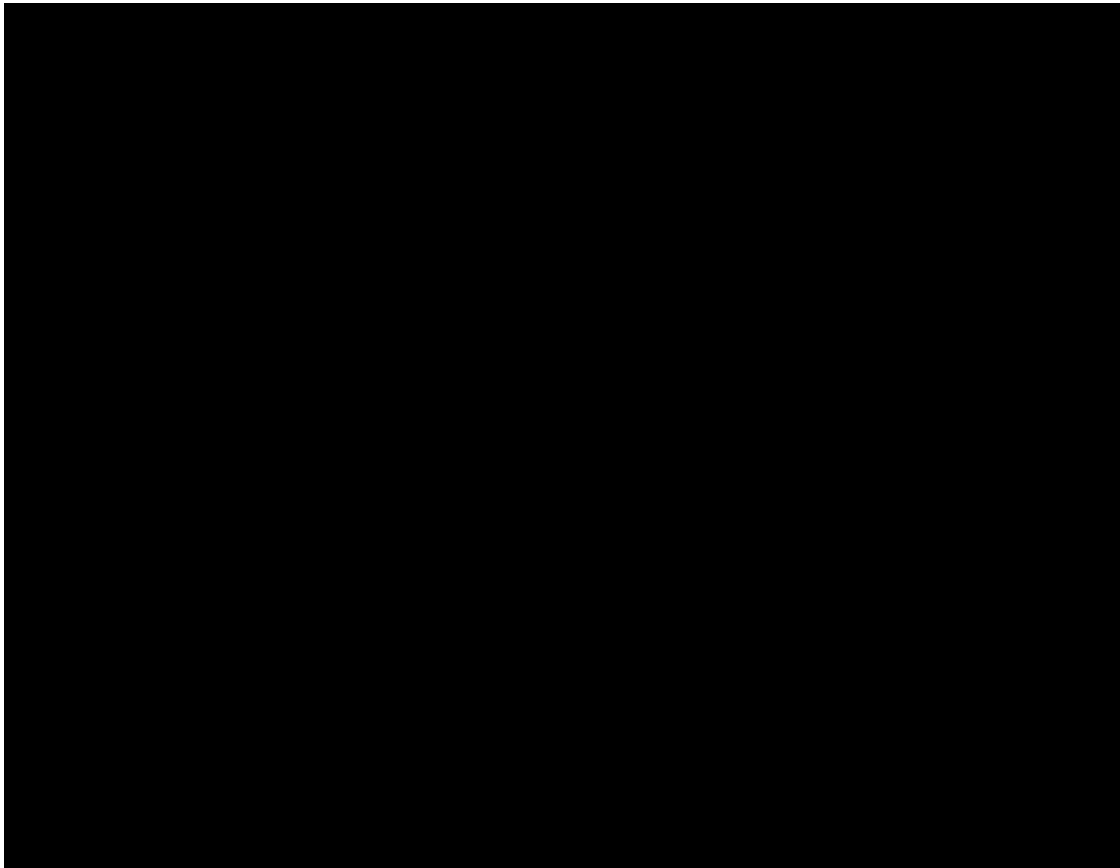
The Bills are the:

- Criminal Justice (Community Sanctions) Bill

The General Schemes are the:

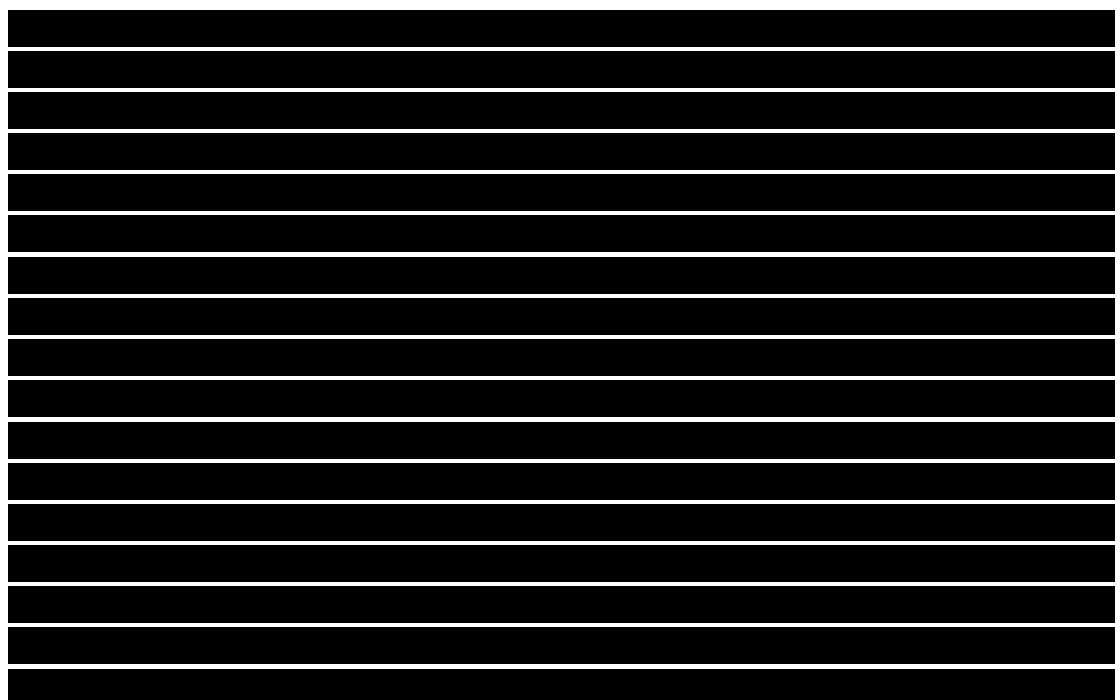
- Sex Offenders (Amendment) Bill
- Non-Fatal Offences against the Person (Amendment) Bill [target of Q4 2017 under published second national strategy on domestic, sexual and gender-based violence]
- Inspection of Places of Detention Bill
- Cybercrime Bill
- European Arrest Warrant Act (Amendment) Bill
- Criminal Procedure Bill
- Criminal Justice (Miscellaneous Provisions) Bill which will include:-
 - Harmful communications,
 - firearms measures,
 - extraterritoriality in relation to the Istanbul Convention, and
 - amendments to two non-fatal offences to make them fixed charge notice offences.

OTHER ISSUES



- **GRECO**

GRECO is the Council of Europe Anti-Corruption Body. In 2014, GRECO completed an evaluation of corruption prevention in Ireland in relation to the Judiciary, prosecutors and members of parliament. At that time, the evaluation team made 11 recommendations to Ireland.



Challenge to the legality of committal warrants issued in respect of non-payment of fines

The State has decided to appeal a High Court decision of 5 May 2017 on Judicial Review cases (*Gavin Owens and Patrick Dooley v the Director of Public Prosecutions, the Commissioner of An Garda Síochána and the Minister for Justice and Equality*) in relation to the legality of committal warrants issued in respect of non-payment of fines. The judgment quashed the committal warrants of the two applicants and directed that fines recovery procedures instead be initiated by the DPP under section 7 of the 2014 Fines (Payment and Recovery) Act.

The 2014 Act introduced new fines payment and recovery options (including attachment of salary or pension orders, recovery orders or community service in lieu), prior to any consideration of a sentence. However, these new procedures were not in place when the two applicants had been convicted and failed to pay their fines by the due date (the regime then was "pay the fine or go to prison"), as the 2014 Act had not yet been commenced. The State had contended that the Act did not have retrospective application as it contains no retrospective or transitional provisions. However, influenced by the fact the committal warrants were issued in these cases post commencement of the 2014 Act, the High Court decided that the fines payment and recovery options under that Act should apply, thereby effectively conferring some retrospectivity on the legislation. The State believes that it has strong grounds for the appeal that is due to be heard in the Court of Appeal on 26 June 2017.

- **Constitutional challenge to section 27A (Possession of firearm or ammunition in suspicious circumstances) of the Firearms Act 1964**

The Plaintiff in this case [REDACTED] has appealed to the Court of Appeal a High Court decision of [REDACTED] which upheld the constitutionality of minimum mandatory sentence provisions for repeat firearms offences, in particular section 27A(8) of the 1964 Firearms Act which deals with second or subsequent firearms offences. The Plaintiff, [REDACTED] received a 5 year suspended sentence from the Dublin Circuit Criminal Court in [REDACTED]. However, the 1964 Act provides for mandatory minimum sentences of at least 5 years, with the possibility of up to 14 years, for repeat firearms convictions. The DPP successfully appealed the sentence on grounds of undue leniency and in its judgment of [REDACTED] the High Court imposed a term of 5 years imprisonment. The appeal in relation to the constitutional challenge is due to be heard in the Court of Appeal on [REDACTED]

The Law Reform Commission examined the issue of mandatory minimum sentences for second or subsequent offences in its report of June 2013 and found that these sentencing regimes are inconsistent with the fundamental principles of justice and the principles of consistency and proportionality in sentencing and that they appear to create a risk of disproportionate sentencing in restricting the ability of the courts to take account of the individual circumstances of each offender. The Commission recommended the repeal of a number of mandatory minimum sentences, including subsection 27A(8) of the Firearms Act 1964 (being challenged here), and that the use of mandatory minimum sentencing regimes should not be extended to other forms of repeat offending. The Review Group on penal policy made a similar recommendation in July 2014.



RESPONSIBILITIES

Jimmy Martin is assigned responsibility as Assistant Secretary level for:

INTERNATIONAL POLICY / BREXIT UNIT

- co-ordinating and monitoring the Department's European and international business, particularly cross cutting issues which may involve a number of Divisions and Departments this work is carried out by dedicated offices in Dublin, Brussels and Strasbourg;
- providing supports for both the Minister and the Department in discharging our EU and Council of Europe responsibilities and in communicating and representing Ireland's interests at the Justice and Home Affairs Council and other high level fora;
- developing an approach to minimise the impact of Brexit in the areas under the Department's remit, support negotiations as required, and prepare a sector approach to address legislative/operational issues arising therefrom.

PRISONS AND PROBATION POLICY

- the strategic review of penal policy and driving the implementation of the recommendations on penal reform of the Penal Policy Review Group;
- working with the Irish Prison Service and the Probation Service to achieve a reduction in reoffending through the rehabilitation and reintegration of offenders;
- provision of advice to the Minister on penal matters and responsibility for Ministerial appointments to Prison and Probation related bodies;
- progression of matters relating to the work of Coroners and the Office of the State Pathologist and the implementation of the ExGratia Scheme for the benefit of those women who were admitted to and worked in the Magdalen Laundries.

CORONERS AND GAMBLING POLICY

- ongoing review of the provisions of 2007 Coroners Bill in the context of reform of the law and consideration of proposed administrative structures;
- review and further develop the policies contained in the Gambling Control Bill, which published in July 2013.

International Policy

Key immediate issues:

JUSTICE AND HOME AFFAIRS COUNCILS

The Presidency of the Justice and Home Affairs Council rotates among Member States every six months. Generally, during each six-month Presidency, there is one informal Justice and Home Affairs Council (JHA) held in the capital city of the Presidency, one formal Council held in Brussels and one formal Council held in Luxembourg. In addition, extraordinary meetings of the Council may be convened if required.

Malta holds the Presidency of the Council until 30 June with Estonia then taking over the role. Estonia has scheduled its informal JHA to take place on 7 July in Tallinn. Two additional meetings of the Council are scheduled to take place on 12/13 October and 7/8 December with a further two possible meetings pencilled in for the six-month period. Attendance at the JHA is at Ministerial level supported by officials from Brussels and Dublin.

CURRENT ISSUES AT JHA

The issues that currently feature prominently at Council include: Reform of the Common European Asylum System; Responding to continuing migration challenges, including the EU Relocation Programme and the EU Resettlement Programme; Counter Terrorism, including measures to combat radicalisation; EU Information Systems and Interoperability; Criminal Justice in Cyberspace including eEvidence, Encryption and Data Retention.

A number of Schengen measures, e.g. proposal for establishing a European Travel and Information Authorisation System (ETIAS) also feature regularly on Council agendas. However, as Ireland does not take part in the Schengen acquis we are not participating in these measures.

BREXIT

The UK Government triggered Article 50 on 29 March 2017. EU Negotiating Guidelines and detailed Negotiating Directives have now been agreed. A new ad hoc Working Party on Article 50 has been set up. This group will be the sole dedicated Brexit-related Council working group and will meet in different and flexible formats. Its primary aim will be to provide guidance from Member States to the Commission negotiators. The Department is inputting into the Article 50 Working Party through our Permanent Representation in Brussels. The first meeting of the group was held on 23 May.

BREXIT STRUCTURES

The International Policy Division has been assigned responsibility for leading on Brexit related matters. A weekly update and discussion on Brexit matters takes place at the Management Board of the Department. A regular update on Brexit matters is provided to the Minister at the monthly MinMac meetings in addition to briefing on specific issues as they arise. There is a Departmental working group co-ordinating the Department's approach to specific issues, extra staff have been assigned to our Brussels office and a person has been designated in Brussels to lead the Justice input into negotiations.

The Department participates in the Inter Departmental Group on EU-UK Affairs chaired by the Department of the Taoiseach. Six working groups have been established and the Department chairs two – the Common Travel Area Group and the Justice and Security Group and participates in two others - Customs Controls and Northern Ireland.

The Department is also participating actively in the overall programme of consultation and engagement, which is being co-ordinated by the Department of An Taoiseach, and is contributing to the political and diplomatic contacts with other Member States and the EU institutions. The Department has also participated in engagement with EU Commission officials on preparations for Brexit negotiations, led by the Department of the Taoiseach.

There are regular discussions both at Ministerial and official level with our relevant counterparts both in Northern Ireland and in Britain on the issues raised by Brexit in the context of normal ongoing interaction and co-operation between the two jurisdictions, including in the context of the regular ongoing meetings of the Common Travel Area Forum, co-chaired by the Department and the UK Home Office.

Key medium/long term issues:

BREXIT

The challenges opposed by Brexit will continue in the medium term. Under Article 50, the EU Treaties will cease to apply to the UK two years from the date of its notification letters, which will be in March 2019. Within this two year timeframe, an “exit deal” must be negotiated and sufficient time allowed for its ratification by the European Parliament. The exit deal negotiations can be extended with agreement by all involved. The future relationship deal is likely to take longer than two years. For example, the EU-Canada trade deal took over 5 years to negotiate.

JUSTICE AND HOME AFFAIRS

At EU level, it is expected that the Reform of the Common European Asylum System, Counter Terrorism and Criminal Justice in Cyberspace will continue to be key in the medium to long term.

Key immediate issues:

APPOINTMENT OF INSPECTOR OF PRISONS

The position of the Office of the Inspector of Prisons - a statutory, independent office established under the Prisons Act 2007 – is currently vacant. Judge Michael Reilly, the previous holder of the post, died suddenly on 26 November 2016. The previous Minister agreed that the post be filled by open competition and sanction has only recently been received from DEPR to publicly advertise for his replacement at a salary equivalent of Assistant Secretary.

UNCAT REPORT

Ireland has been invited to appear before the UN Committee in Geneva, Switzerland on 27 and 28 July 2017 in relation to the recent report on implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

LEGAL PROCEEDINGS BY PRISONERS IN RELATION TO SLOPPING-OUT (LACK OF IN-CELL SANITATION)

We are awaiting a significant High Court judgement on 28 July, 2017 in relation to a 'test case' (*Gary Simpson –v- Governor of Mountjoy Prison & others*) about slopping-out (lack of in-cell sanitation). The case involves claims that the State has breached a prisoner's right to dignity, the right not to be subjected to inhumane and degrading treatment, the right to bodily integrity and to protection of health. [REDACTED]

MAGDALEN LAUNDRIES REDRESS SCHEME

The Magdalen Laundries Redress Scheme has to date resulted in awards of over €25 million to 674 applicants. A High Court judgement delivered earlier this month requires a review of the particular application and more detailed information to be given but does not on first reading have any significant wider implications for the Magdalen scheme.

Key medium/long term issues:

IMPLEMENTATION OF THE PENAL POLICY REVIEW GROUP RECOMMENDATIONS

- The Penal Policy Review Group was established in 2012 and reported to the Minister for Justice and Equality in July 2014. The report titled 'Strategic Review of Penal Policy' contains 43 recommendations and sets out the adoption of a penal policy with the dual purposes of punishment and rehabilitation both in the imposition and management of criminal sanctions.
- The Penal Policy Implementation Oversight Group (IOG), chaired by Dr. Mary Rogan, reports to the Minister every six months on the progress made in implementing the recommendations made by the Penal Policy Review Group.

- One of the overarching findings of the Penal Policy Review Group is that crime is a question of social as well as penal policy and that a whole of Government approach is required in respect of Penal Policy and to reducing reoffending. Dr. Ruth Barrington was subsequently appointed by the Tánaiste and Minister for Justice & Equality as Chairperson of this Group which is entitled the **'Interagency Group on co-operation for a Fairer and Safer Ireland'**. The Interagency group consists of 18 members from a broad representation of Departments & public bodies. Three meetings of this Group have been held to date and terms of reference were recently agreed. A programme of work is now being discussed.

TRANSFER OF SENTENCED PRISONERS (TOSP)

We are currently considering the implications – both legal and administrative – of the judgement of the Irish Supreme Court (by majority of 4 to 3) delivered on 12 July, 2016 in the case of “Fintan O’Farrell, Declan Rafferty and Michael McDonald” relating to TOSP legislation. The Court dismissed an appeal by the State against orders of the High Court directing the release of three dissident Republicans from prison. [REDACTED]. Pending the conclusion of the consideration of the Judgment, which may well indicate a need for legislative change, no further transfers of prisoners from abroad to Ireland are taking place.

Key immediate issues:

CORONERS POLICY

- Contribute to the process of priority drafting of an urgent Bill to amend the Coroners Act 1962 to provide for a mandatory approach to the reporting to, and investigation of, by a coroner of a range of deaths including maternal deaths and other related matters.
- Continue arrangements for the transfer of responsibility for staffing and operation of the Dublin Coroner office from Dublin City Council (DCC) to the Department by 1 January, 2018. This transfer will include the Dublin City Mortuary which is co-located with the Office of the State Pathologist in in the former Garda station in Whitehall. This will involve intensive and ongoing engagement with DCC, the Department's HR Division, DPER and the Dublin Coroner.
- Continue discussions with the Irish Hospital Consultants Association on their demands for significantly increased fees for pathologists to conduct coroner post-mortem examinations.

OFFICE OF THE STATE PATHOLOGIST

A new Deputy State Pathologist needs to be recruited before the end of the year to replace Dr. Mike Curtis who is retiring shortly. In the longer run, a training post will be established in the Office of the State Pathologist to "grow our own" forensic pathologists given the worldwide shortage of persons trained in this speciality.

GAMBLING POLICY

A significant number of amendments to the Gaming and Lotteries Act 1956 have been prepared for inclusion in the Civil Law and Courts (Miscellaneous Provisions Bill) 2017. These will address issues concerning minimum age for gambling activities, realistic stake and prize amounts and a clearer setting out of the circumstances for the conduct of certain activities.

Key Medium/Long Term issues:

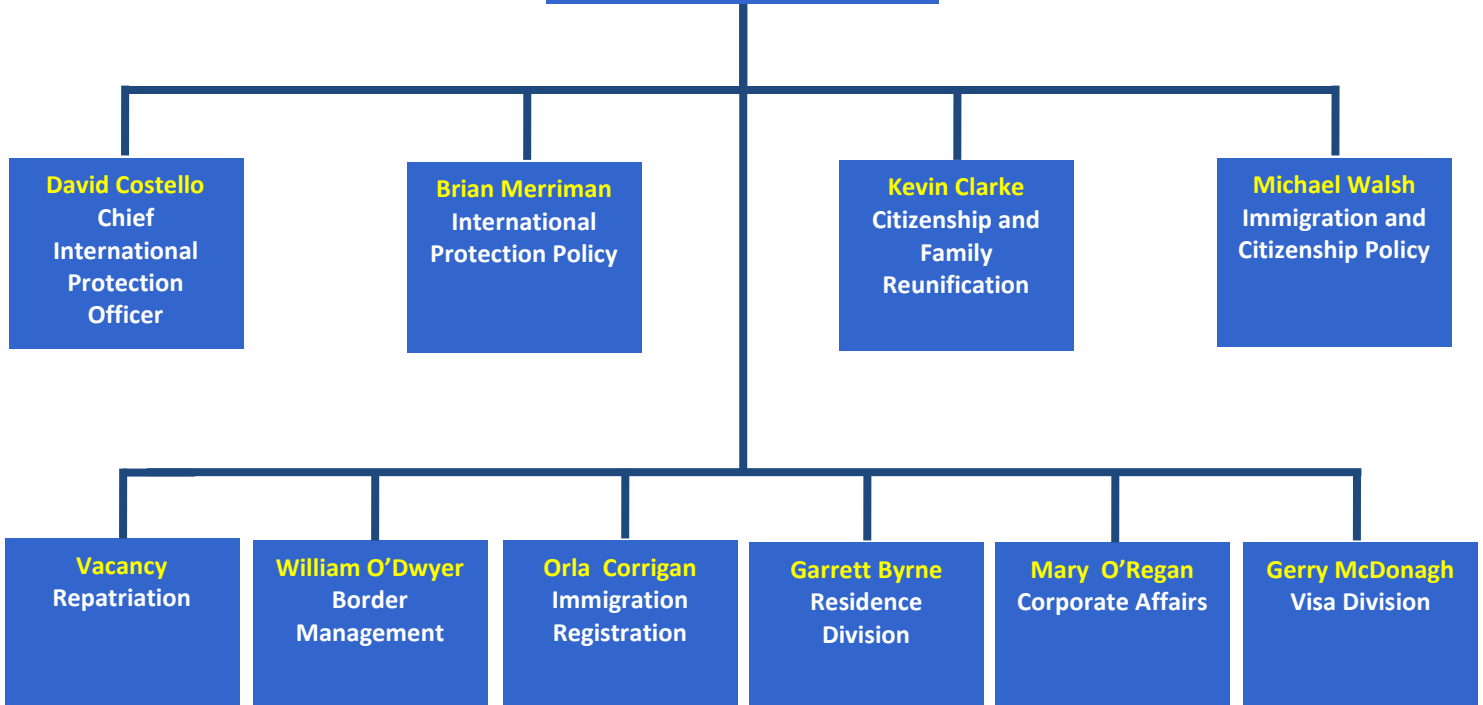
CORONERS POLICY

Appoint a second coroner for Dublin to deal with the huge workload and backlogs. (D/PER sanction obtained in 2011). The appointment of two new Deputy Coroners for Dublin would be consequent on the appointment of a second Coroner.

GAMBLING POLICY AND REGULATION

- Continue discussions with relevant stakeholders on the shape of future gambling policy suitable for this large, multi-billion euro economic activity, with significant cross-border and electronic on-line operations.
- Consider the optimum approach to regulation of this complex area.

Irish Naturalisation and Immigration Service (INIS)



RESPONSIBILITIES

Michael Kirrane is assigned responsibility as Acting Director General of INIS for:

- the ongoing development, leadership and implementation of policies and strategies relating to immigration (including visas), international protection, border management and citizenship;
- advising the Minister and Government on policy development in the immigration area;
- regular review and refinement of such policies and strategies having regard to ongoing developments in Ireland, within the European Union and the International arena.

Irish Naturalisation and Immigration Service (INIS)

INIS deals directly with a large volume of customers across a wide range of immigration related matters. Applications for visas, residence and citizenship received by INIS increased once again in 2016 and indications are that they will increase further in 2017. For example last year:

- 124,000 entry visa applications (short and long stay) were received,
- 10,000 persons were granted citizenship and
- approximately 96,000 new or renewed immigration permissions were issued.

Ireland operates an open regime for legal migration and continues to be an attractive destination for migrants to come to work, study, business purposes and to settle here. Tourism from key international markets, such as the Far East, is also expanding and INIS plays a key role in helping to support the growth in the economy through its visa regime. During 2016, around 14 million immigration checks were carried out at Dublin Airport with approximately 4,000 persons refused leave to land at ports of entry last year.

INIS is a non-statutory body of the Department also has responsibility for policy development for all aspects of immigration and International Protection related matters for the State. Following the enactment and commencement of the International Protection Act 2015, the International Protection Office replaced the Office of the Refugee Application Commissioner (ORAC). This Office is independent in the exercise of its functions in relation to applications for International Protection. Appeals of decisions at first instance can be made to the International Protection Appeals Tribunal (IPAT). The new arrangements provide for a Single Application Procedure designed to speed up decision making and consequently leading to a reduction in the length of time applicants spend in Direct Provision.

INIS and its related bodies as outlined above have a staff level of around 736 Full Time Equivalents. Its overall expenditure budget for 2017 is €131.5m of which €66.5m comprises of the cost of supporting the Direct Provision system, €38.64m in pay and the balance on a range of non-pay costs including legal costs, costs associated with deportations, etc. In addition, income of over €40.5m is generated from a range of fees including fees for citizenship, visas and registration fees for non-EEA persons who are in the State for longer than 90 days.

INIS works closely with the Garda National Immigration Bureau (GNIB) on a range of enforcement and related matters.

Key immediate issues:

BREXIT AND MAINTAINING THE INTEGRITY OF THE COMMON TRAVEL AREA

Both the Irish and British Governments have made it clear that it is their wish to maintain the Common Travel Area arrangements after the UK leaves the European Union. Both Governments have also expressed their commitment to ensuring there is no return to a so-called 'hard border' between both parts of the Island. Furthermore, the EU Negotiation Guidelines adopted by the European Council on 29 April 2017 refer to the Union's commitment to the unique circumstances of the island of Ireland, including the aim of avoiding a hard border. The Guidelines also state that the Union should recognise existing bilateral agreements and arrangements between the UK and Ireland, which are compatible with EU law. Maintaining and enhancing the security of the CTA is a key aspect in ensure it is not open to abuse and continues to operates and deliver its benefits to the State after the UK exit the EU.

INTERNATIONAL PROTECTION - PRIORITY ACTION AREAS

The Single Application Procedure of the International Protection Act commenced on 30th December 2016 introducing significant reform of the multi layered sequential protection process. With the provision of additional resources to address the significant number of cases in the current system, the intention is to process the approximately 4,000 cases on hands as quickly as possible and to reach a point whereby new cases will be dealt with within a 9 month timeframe. The provision of staff resources to achieve this is an immediate priority. In addition, the Supreme Court has issued a key judgment on 31st May on the right of asylum seekers to work and has adjourned consideration of the order the Court should make for a period of six months. The court has invited parties to make submissions on the form the order should take in the light of circumstances then pertaining. The Department is urgently examining the impact of this judgement which has wider implications for other Departments and agencies.

ENHANCEMENT OF BORDER CONTROLS INCLUDING ONGOING SECURITY CHECKS

The control of the State's borders is kept under regular review to reflect current and emerging situations and needs to respond to existing and emerging threats and abuses including against the background of ongoing security and terrorism threats in Europe. A range of measures, including significantly increased use of information technology and checking systems being deployed at ports of entry. In that regard, a number of projects are under way to utilise automated systems to assist in border security. This includes the implementation of Advance Passenger Information (API) systems and following on this, the introduction of Passenger Name Recognition (PNR) systems in accordance with the EU Directive. The implementation of these systems dovetails with enhanced cooperation with the UK in the protection of the Common Travel Area (CTA), and as part of Ireland's continued participation in the US Visa Waiver Programme (US VWP).

JUDICIAL REVIEWS

A number of high profile judicial reviews are ongoing with potentially significant implications for the Department. These include seeking to prevent the enforcement of deportation orders, claims for damages in relation to delays in processing, mandamus challenges relating to individual cases, etc. The impacts of recent significant cases regarding right to work for asylum seekers (as outlined above) and those relating to students will require early policy and implementation.

Key medium/long term issues:

MEASURES TO COMBAT ABUSES OF THE SYSTEM AND SIGNIFICANT LEGAL CASES

There is a range of measures in place to identify and address abuses in the immigration system. Areas commanding specific focus at this point include:

(a) EU Treaty Rights cases

There has in particular been an exponential increase in visa applications for the purposes of exercising EU Free Movement Rights. There are concerns around potential abuse of the EU Directive in relation to many such cases. The cases generally concern UK citizens who seek to use the Free Movement Directive to apply for a visa for a spouse / family member from a non-EEA Member State. A multifaceted approach is currently being adopted, including vigorously defending Court actions taken against the State, investigation of cases of suspected abuse in cooperation with the Garda National Immigration Bureau and working with our counterparts in other jurisdictions. There are currently in the order of 10,000 such cases on hands and a specific unit has been established to process them. Similarly, in-county EU Treaty Rights applications have increased significantly and a similar approach is being adopted where abuses are suspected. Of course, many applications are genuine and are processed as quickly as possible but other cases require investigation before a decision can be made.

(b) Marriages of convenience (sham marriages)

INIS has worked closely with the Garda National Immigration Bureau on investigations through Operation Vantage which targets individuals suspected of such marriages and in particular those facilitating such activities and seeking financial gain as a result. There is significant cross agency cooperation with INIS, GNIB, Work Place Relations Commission (formally NERA), Dept. Social Protection and the General Registration Office. Arising from this operation, immigration permissions have been refused and in some cases, previous permissions revoked. Deportation orders have issued as a result.

REVIEW THE IMMIGRANT INVESTOR PROGRAMME

The programme has been hugely successful in attracting to date in excess of €300 million of inward investment to the State. The Programme offers Irish residence to high net worth non-EEA nationals who make a qualifying investment in Ireland. The limit for the scheme was recently raised to €1m and a further review is under way based on experience to date.

UNDOCUMENTED MIGRANTS

Over a number of years an ongoing campaign by NGOs and others calling for the introduction of an earned regularisation programme for undocumented migrants. The Joint Committee on Justice, Defence and Equality has endorsed the recommendations. Various PQ replies have indicated that the Government cannot engage in a general regularisation programme. Further engagement on this can be expected.

c) **ICT Developments**

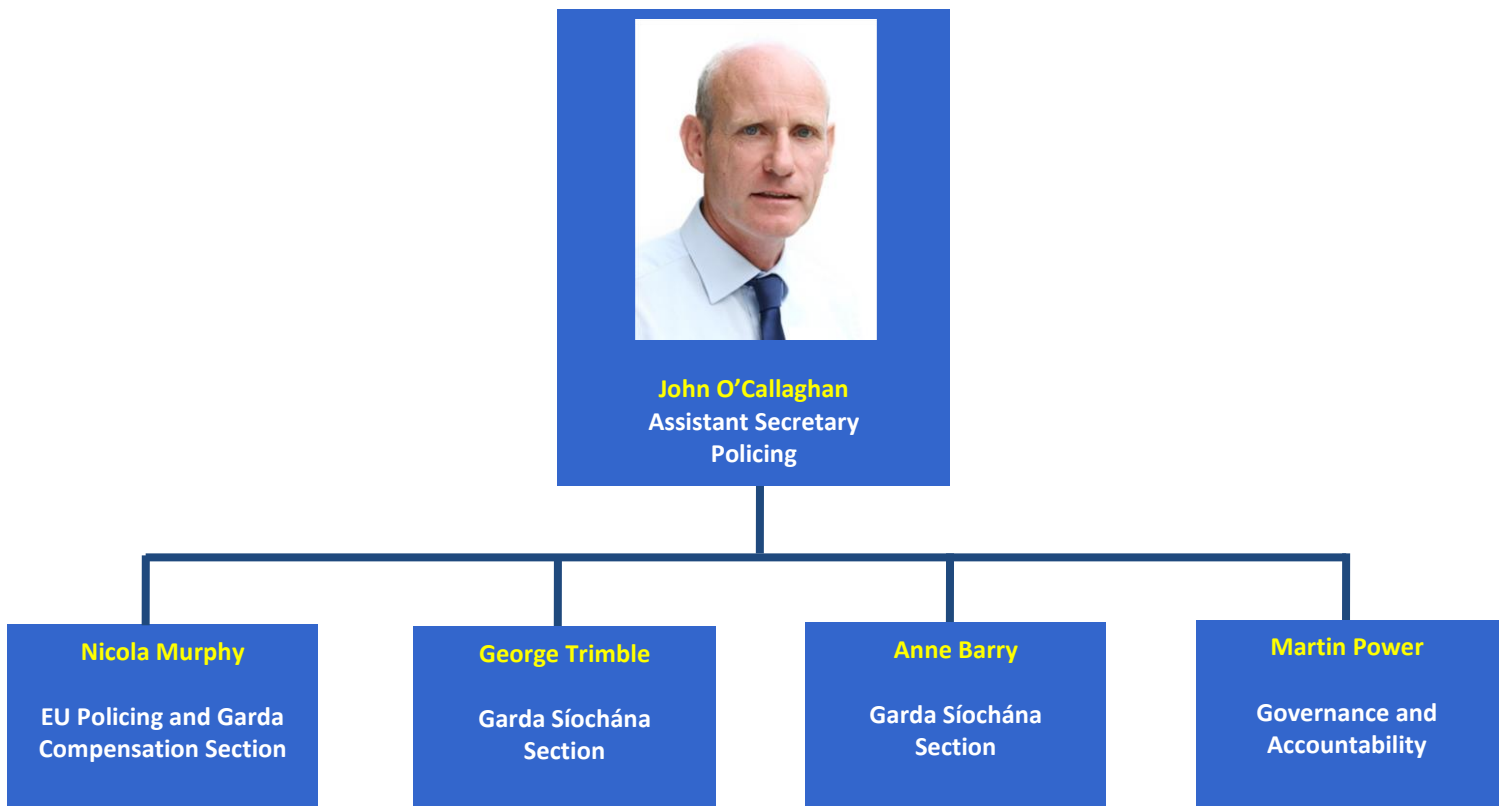
A new ICT strategy has been developed for INIS with focus on delivery of a range of systems aimed at improving security (including border security in particular), as well as the introduction of systems designed at improving processes and procedures and the quality of service provided to the customer. Such systems include the introduction of Advance Passenger Information Systems, Passenger Name Recognition, linkages to EU systems, etc. Also, there are well developed plans to introduce on-line application processes linked to pre-clearance of applicants, enabling customers to have obtained an immigration permission before they travel to the State.

REPORT OF THE WORKING GROUP ON IMPROVEMENTS TO THE PROTECTION PROCESS

The Department is reaching conclusion in relation to the implementation of the recommendations of the *Report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and other Supports to Asylum Seekers*.

The Department has recently undertaken a consultation exercise with relevant Departments and Divisions on the current status of the 173 recommendations. The analysis shows that 92% of the recommendations have either been fully implemented or are in the process of being implemented. This includes a significant number of recommendations which are being addressed under the International Protection Act.

Policing Division



RESPONSIBILITIES

John O'Callaghan is assigned responsibility at Assistant Secretary level for:

- promoting and supporting the development and implementation of policies and reforms in An Garda Síochána;
- maintaining an overview of An Garda Síochána expenditure;
- assisting in the development and implementation of a range of Garda human resource issues, including recruitment, promotions, dismissals, retirements and re-appointments;
- managing the Department's role in the performance management framework of An Garda Síochána, including the development of Policing Priorities Strategy Statements and Policing Plans for An Garda Síochána;
- resourcing and supporting the work of the Garda Síochána Ombudsman Commission (GSOC), the Garda Inspectorate and the Policing Authority;
- monitoring the progress on cases taken against An Garda Síochána in which the Minister is a named party;
- management of inquiries, historic and current, concerning Garda related matters;
- managing and enhancing the system of compensation for malicious injuries received by members of the Garda Síochána.

The Garda Síochána Section comprises three units: Human Resources/Reform; Finances/Other Resources; and Industrial Relations.

The Human Resources/Reform Unit is responsible for:

- developing policy in relation to human resources in AGS in terms of numbers and composition and overseeing the provision of such resources in conjunction with other stakeholders including the Policing Authority and Department of Public Expenditure and Reform;
- supporting best practice in the HR area including in relation to recruitment, promotion, discipline etc
- promoting and supporting reforms in An Garda Síochána in relation to its administration and operation;
- supporting the Commission on the Future of Policing in Ireland

FIVE YEAR REFORM AND HIGH-LEVEL WORKFORCE PLAN FOR AN GARDA SÍOCHÁNA

The Government approved a Five Year Reform and High-level Workforce Plan for An Garda Síochána on 19 July 2016. The plan addresses the implementation of both the agreed recommendations of the Garda Inspectorate report ‘Changing Policing in Ireland’ (December 2015) (which examined the operation and administration of An Garda Síochána and made so 80 main recommendations in relation to the structures of An Garda Síochána, its deployment practices, culture, human resources practices and financial management) and the Programme for a Partnership Government commitments aimed at increasing the visibility of An Garda Síochána.

Reforms

The headline reforms in the Plan are further civilianisation of the Garda organisation and the roll-out of a new Divisional model of policing. An Garda Síochána currently has a low percentage of civilians in its workforce (14%) in comparison to other police services and the planned doubling of the number of civilians from 2,000 to 4,000 (20%) will bring it more in line with international norms. The replacement of the current District model of policing with a Divisional model will see responsibilities allocated on a functional rather than geographical basis, subject to modifications to ensure the close relationship with communities is maintained in large rural Divisions. The Divisional model will be rolled-out on a phased basis starting with a pilot programme in the four Divisions of DMR South Central, Cork City, Galway and Mayo.

The Government has agreed that the Garda Commissioner’s Modernisation and Renewal Programme 2016-2021 (MRP), published in June 2016, will be the vehicle for the implementation of the agreed recommendations of the Inspectorate report aimed at her organisation. The Policing Authority at the request of the Minister are monitoring and assessing implementation by An Garda Síochána and providing quarterly progress reports. The first report was received in January 2017 with the second received at the end of April. Both reports have been published on the Department’s website and there is a commitment to publishing future reports.

The second report indicates that progress to date has been mixed with some progress on a number of initiatives but concerns expressed in relation to the civilianisation agenda, including the commitment to it at national and local level from Garda management and also the capacity to recruit the skills required for HR, ICT, etc. areas that are critical to the reform programme, notwithstanding that funding and sanctions are in place. This presents a potential risk to the wider reform programme. The Authority outlines what actions it intends to take over the next quarter in its report. However, in view of the concerns raised the Minister requested the Garda Commissioner for a response by with a view to a meeting thereafter to discuss how any blockages can be overcome. That response is awaited. There is continuing engagement at an official level with the Garda Management, the Policing Authority and the Department of Public Expenditure and Reform in relation to progressing the civilianisation agenda. It is anticipated that the second report will be the main subject for discussion at the next public meeting of the Commissioner with the Authority which is to take place later this month.

Key immediate issues:

- Receipt of Commissioner’s response to the second progress report and meeting with Commissioner to discuss how any blockages can be overcome so as to ensure that the reform programme gains momentum and that its credibility is not undermined;
- Completion by AGS of a workforce plan for 2017 and 2018 as a minimum to detail capacity/skills gaps to be filled by civilians and redeployment plan for significant numbers of Gardaí carrying out administrative/technical duties.

Workforce

The high-level workforce plan envisages an overall Garda workforce of 21,000 by 2021 comprising 15,000 Garda members, 4,000 civilians and 2,000 Reserves. The overall number of personnel available to An Garda Síochána at the end of March 2017 was close to 16,000, comprising 13,090 Gardaí, 658 Garda Reserve members and over 2,000 civilians.

Budget 2017 provided funding for the recruitment of 800 trainee Gardaí, 300 Reserves and up to 500 civilians to support the reform programme.

Garda members

Number of members by year 2007 - 2016

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
13,755	14,412	14,547	14,377	13,894	13,424	13,159	12,799	12,816	12,943

Garda strength peaked in 2009 when recruitment stopped due to the moratorium. The numbers fell each year from 2010-2014. Recruitment recommenced in 2014 leading to numbers stabilising in 2015 and are now on an upward trend with the strength expected to increase to 13,500 by the end of 2017 - an increase of 700 since recruitment resumed. Taking account of projected retirements, reaching a strength of 15,000 Gardaí by 2021 (as per the Programme for Government)

will require some 2,400 new members to be recruited on a phased basis over the next three years in addition to the 2,000 that will have been recruited by the end of this. So far this year there have been two intakes of 200 Garda trainees with a further two intakes scheduled for August and November, giving a total intake of 800 for the year. The projected figures for the coming years in order to reach 15,000 Gardaí by 2021 are as follows:

Recruitment 2016 -2021

	2015	2016	2017	2018	2019	2020	2021
Intake		650	800	800	800	800	300
Attestations		390	900	800	800	800	700
Departures		263	300	300	300	300	300
Net increase		125	600	500	500	500	400
Total	12,816	12,943	13,543	14,043	14,543	15,043	15,443

Assumptions:

*300 members retire each year from 2018 to 2021 - further analysis of this projection is ongoing
Four intakes of 200 Trainee Garda each year from 2017 to 2020 with reduced intakes thereafter to offset retirements.*

A competition for trainee Gardaí closed recently. Approximately 5,200 applications have been received. This is considered to be a strong response particularly given that it is less than 12 months since the last competition in September 2016. Given the time lag between the announcement of a competition and the first trainees entering the College - up to 12 months (including vetting which can take up to 6 months) and the further 8 months before a trainee is attested and assigned to a station - it is critical that planning in relation to increasing the strength of sworn members begins at least 2 years out.

Garda Reserve

There has been a substantial reduction in the strength of the Reserve in recent years from a peak of 1,164 in 2013 to 658 currently. The fall-off arises from a range of factors, not least the lifting in 2014 of the moratorium on recruitment of trainee Gardaí which has affected Reserve numbers in two ways - firstly some 200 serving Reserves have successfully applied to become trainee Gardaí and, secondly, resources in both An Garda Síochána and in the Public Appointment Service have been focused on delivering an accelerated programme of recruitment of full time members of An Garda Síochána.

Budget 2017 has provided funding for the recruitment of 300 Garda Reserves. A new recruitment campaign for Reserves, which closed on 13 April, attracted 2,394 applicants and of those 1,593 were successful at the first on-line questionnaire stage. Interviews commenced on 27 May. Having regard to the selection process, the stringency of vetting, and the demands on training capacity, Garda management has indicated that the best that can be achieved this year is that 300 new Reserves will have been selected with a proportion having started training. In view of this, no increase in the strength of the Reserve can be anticipated this year.

Civilians

Budget 2017 provided funding for the recruitment of up to 500 civilians to fill critical capacity and skills gaps in the organisation including in the areas of corporate supports, change management, human resources and financial management. To date, the Policing Authority (with the consent of the Department of Justice and Equality and the Department of Public Expenditure and Reform) has approved 137 of these positions including two new senior posts of Executive Director Strategy and Change Management and Executive Director Legal and Compliance. 43 of the initial 137 sanctioned posts will go towards back filling vacancies created by the redeployment of Garda members to frontline policing duties. Garda management has indicated that some 30% of the total 500 civilians to be recruited this year will lead to redeployment opportunities. A 5 year workforce plan (including a redeployment plan having regard to 1,500 potential posts for redeployment identified by the Inspectorate in 'Changing Policing in Ireland') was required to be prepared by the Commissioner, in conjunction with the Authority, before the end of 2016. This report remains outstanding, however the Department is currently working with An Garda Síochána, the Policing Authority and the Department of Public Expenditure and Reform to ensure its completion as soon as possible.

The Government has also agreed in principle to the appointment of a senior civilian to take responsibility for data management/quality. Garda management is engaging with the Policing Authority in relation to the job specification.

Key immediate issues:

- It is vital that sufficient funding is secured in Budget 2018 for the continued implementation of the workforce plan – 800 Garda trainees, 500 civilians to backfill redeployed Gardaí and address critical skills/capacity issues, and 300 Reserves.

INTERIM INTERNAL AUDIT REPORT IN RELATION TO THE GARDA COLLEGE TEMPLEMORE

This Report which was completed by the Garda Internal Audit Section (GIAS) is currently the subject of an examination by the Public Accounts Committee. The Commissioner forwarded a copy of the report to the Department on 27 March 2017. The Commissioner had already accepted the recommendations of the report when it was in draft form and had put in place arrangements to progress the implementation of the recommendations. That work is ongoing.

On receipt of the final Report, and in view of the gravity of the issues raised, the Minister immediately requested the Policing Authority to oversee the implementation of the recommendations and to report back to her on a quarterly basis in relation to progress being made. The Authority has indicated that it expects to submit its first report in July.

The Department is represented on the Steering Committee (established by An Garda Síochána) which is overseeing the implementation of the recommendations with the objective of bringing matters to a conclusion as quickly as possible. Garda management has engaged external financial expertise to assist in this work and is also engaging with the Attorney General's Office in relation to a range of legal issues which must be resolved.

The Report contains serious criticism of the financial systems and controls in place in the College. GIAS can give no assurances that the financial controls are compliant with either public financial procedures or the Garda Finance Code. The main issues of concern highlighted by the report are as follows:

- the running of the College in such a manner as to create a substantial cash surplus which was not included in the Appropriation Account and not subject to public scrutiny - in essence the College was being run on an off-balance sheet basis;
- arising from this mode of operation the existence of a large number of bank accounts and investment accounts linked to the College;
- while the College restaurant and shop were compliant regarding the payment of payroll tax liabilities, there is a potential tax liability on the profit from the restaurant and shop;
- Garda staff assigned to administrative roles in the College with no training/experience in administration and no knowledge of public financial procedures, etc.
- the Garda College Sportsfield Co Ltd. owns/leases lands adjacent to the College which were acquired some decades ago with funds accumulated from capitation fees paid by trainee Gardaí - some of the lands are leased to the Templemore Golf Club;
- Garda members who were directors of Garda College Sportsfield Co Ltd. may have outstanding obligations under Ethics in Public Office legislation;
- the legal status of the College restaurant employees is unclear;
- the lease of lands at Dromad Farm (owned by OPW) by An Garda Síochána and the use of funds arising from the lease.

The audit focuses on the period 2009 to 2016 as the period during which financial records are legally required to be kept for audit purposes. GIAS considers that further auditing is required particularly in the period 2002 to 2008 (subject to available records) and to further examine some issues in the 2009 to 2016 period. For this reason the report is labelled an “interim report”.

More detailed briefing in relation to this matter can be provided if required.

Key medium/long term issues:

COMMISSION ON THE FUTURE OF POLICING IN IRELAND

The Commission on the Future of Policing in Ireland was established in May 2017 to undertake a comprehensive examination of all aspects of policing, including all functions currently carried out by An Garda Síochána (including community safety, state security and immigration). It will also examine the full range of bodies that have a role in providing oversight and accountability for their activities: the Policing Authority, the Garda Inspectorate, the Garda Síochána Ombudsman Commission, the Department of Justice and Equality and Government.

The Commission is chaired by Ms. Kathleen O'Toole, Chief of the Seattle Police and a former Chief Inspector of the Garda Inspectorate and member of the Patten Commission. Each member of the Commission has an impressive track record in their respective field and, combined, the membership provides a good balance between domestic and international perspectives and between academia, operational policing, human rights, business, change management, and governance.

Among the issues that the terms of reference address, are the:

- structures and management arrangements required for the most effective delivery of policing;
- appropriate composition, recruitment and training of personnel;
- culture and ethos of policing;
- appropriate structures for oversight and accountability; and
- legislative framework for policing.

The Terms of Reference also call on the Commission to have regard to:

- existing and emerging issues identified as key challenges for Ireland's model of policing;
- best practices in the policing models of other countries focused towards greater effectiveness and efficiency, and fostering public confidence in policing;
- previous reports concerning policing in Ireland; and
- any specific challenges to delivering consistent structural and cultural reform in policing.

The Commission will be required to consult widely in the course of its work. An important feature of the Terms of Reference is that they make clear that the Commission can come forward with recommendations at any point before its final report if they identify solutions to problems that it considers should be addressed in the short-term. The Commission's final report is due in September 2018.

It held its first meeting on 24 May 2017 and its second meeting on 8 June. It is essential that the Commission be at arm's length from the Department. Arrangements are in train to provide it with its own accommodation and a full-time secretariat.

Garda Síochána Section – Finance and Resources Unit

FINANCIAL POSITION

Some €1.61 billion was allocated to the Garda Vote for 2017. This is an increase of approximately €60 million over the allocation for 2016 (€1.55 billion as per the 2016 REV) and includes approximately €88.5 million for Garda overtime this year.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MID-TERM REVIEW OF CAPITAL PLAN

The Department of Public Expenditure and Reform has initiated the mid-term review of the Government’s Capital Plan. The review will entail a progress report on capital spending and implementation of capital projects and programmes since the publication of the Plan.

The Tánaiste wrote to the Minister for Public Expenditure and Reform on 28 February 2017 setting out, amongst other things, Garda capital requirements amounting to some [REDACTED] to comprehend such matters as the SIS II project, the Garda station Public Private Partnership (PPP) bundle, new Garda aircraft (including helicopters), Fitzgibbon Street reopening, Military Road development (replacement for the Harcourt Square complex), Property Exhibit Management System (PEMS) and developments for the Garda College.

CURRENT EXPENDITURE REVIEW

The Department of Public Expenditure and Reform has initiated a current expenditure review to enable it to consider, in an evidence-based way, Departments’ financial requirements for the purposes of the 2018 estimates. The Tánaiste wrote to Minister for Public Expenditure and Reform on 24 March 2017 setting out, amongst other things, Garda requirements amounting to some €117 million to comprehend such matters as the accelerated recruitment programme, training needs, uniforms, body armour and overtime.

GARDA FLEET

The Government's Capital Plan 2016 – 2021 provides €46 million for investment in the Garda Fleet to ensure that An Garda Síochána has a modern, effective and fit for purpose fleet. The capital investment over the last 2 years has delivered some 874 new vehicles. There is some €4 million available for additional purchases for the fleet in 2017.

GARDA ICT

Some €330 million, including €205 million under the Capital Plan, is being invested in Garda ICT infrastructure over the period 2016 to 2021. This major investment will allow An Garda Síochána to deploy the latest cutting edge technologies in the fight against crime and will facilitate progress on important reforms arising from the Garda Inspectorate's report on Crime Investigation.

GARDA STATION BUILDING AND REFURBISHMENT PROGRAMME 2016-2021

The Garda Station Building and Refurbishment Programme 2016-2021 is an ambitious 5 year Programme that will benefit over thirty locations around the country and includes over €60 million of Exchequer funding as part of Government's Capital Plan 2016 – 2021 as well as a major Public Private Partnership project. It will provide new stations and modernise older stations at key locations around the country, ensuring safe, modern working environment for members and staff of An Garda Síochána as well as fit-for-purpose facilities for visitors, victims and suspects.

NEW GARDA HEADQUARTERS

In addition to the Programme, over €100 million has been provided for new Divisional Headquarters in Kevin Street, Dublin and Wexford, as well as for a new Regional Headquarters in Galway. Each of these projects is underway and they are expected to be completed in 2017.

REOPENING OF FITZGIBBON STREET GARDA STATION

As part of the North East Inner City Initiative announced by the Taoiseach on 20 July 2016, it was decided, following consultation with the Garda Commissioner, that Fitzgibbon Street Garda station would be reopened. Following the acceptance of a Working Group report with a recommended option for the development, a submission for funding of some €8.5 million has been made in the context of the mid-term review of the Capital Plan. In the meantime, OPW and AGS are working closely with a view to developing the brief and carrying out as much of the preparatory work on the building that can be done in advance of a final decision on funding.

HARCOURT SQUARE/MILITARY ROAD

A new lease arrangement on the Garda Headquarters at Harcourt Square was negotiated by the OPW for 6 years commencing on 1 January 2017, and a key element of the arrangement is that vacant possession must be handed up by the end of the lease on 31 December 2022. Failure to do so will result in the imposition of a significant penalty on the State of [REDACTED]. A site in the possession of the OPW at Military Road, Dublin has been identified as suitable for a replacement facility and the estimated cost of the development as at January 2017 [REDACTED]. The requirement for the new facility was included as a priority development in the Department's submission, and that of the OPW, for the mid-term review of the Capital Plan. Initially, it was intended that the new development would proceed by way of a PPP. However, the Department of Public Expenditure and Reform favours a traditional Exchequer-funded approach and both the OPW and the Department are agreeable to this. There is ongoing correspondence with DPER in relation to funding.

REVIEW OF GARDA DISTRICTS

On foot of a commitment in the Programme for Government, the Garda Síochána Inspectorate, at the request of the Policing Authority, is carrying out a review of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities. The Authority has informed the Inspectorate that the review should take account of:

- the changing environments in rural, developing urban and suburban areas;
- the views of local communities;

- the allocation to and deployment of Garda resources at the local policing level, including the use of the Garda Reserve, Garda facilities and Garda equipment; and
- relevant recommendations made in previous Inspectorate reports.

The review will be comprehensive including a consultative process with local communities. It is the view of the Garda Síochána Inspectorate that the review should be completed within the first half of 2018.

PILOT TO RE-OPEN 6 GARDA STATIONS

The Programme for Government, commits the Government to launching a pilot scheme to reopen 6 Garda stations, both urban and rural, to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. The Tánaiste has requested the Garda Commissioner, while fully cognisant of her statutory functions in relation to the distribution of Garda resources in the State, to identify for reopening 6 stations that were closed under the Garda Síochána District and Station Rationalisation Programme. Work has been ongoing in An Garda Síochána to identify the 6 stations for inclusion in the pilot and a report from the Commissioner was received last week and a decision taken at Government on 13 June.

LAUNCH OF COMMUNITY BASED CCTV GRANT AID SCHEME

The Tánaiste secured €1 million in Budget 2017 to launch a new round of community CCTV schemes in line with the Programme for Government commitment to providing investment in CCTV systems. The scheme was launched on 13 April 2017.

Under the scheme, which will be administered by the Department, eligible community groups can apply for grant-aid of up to 60% of the total capital cost of a proposed CCTV system, up to a maximum grant of €40,000. Upon approval of the grant, the applicant will receive an up-front payment of 50% of the grant with the balance to be paid when the system is fully operational. Full details of the grant aid package including guidelines, application forms, code of practice and other relevant documentation are all available to download from the Department's website.

The Industrial Relations Unit was set up in recognition of the requirement to review the industrial relations structures for the Garda Síochána following on from the resolution of the dispute at the end of 2016, the publication of the Horgan Report in December 2016 and the decision (published May 2014) of the European Committee of Social Rights in the case taken by the European Confederation of Police (EuroCOP).

The Industrial Relations Unit is responsible for:

- supporting the Working Group on Industrial Relations Structure in An Garda Síochána;
- maintaining interim industrial relations' processes in advance of the implementation of permanent structures following the reports of the Working Group;
- developing policy in relation to industrial relations in AGS in conjunction with other stakeholders including Garda management, the representative Associations and the Department of Public Expenditure and Reform;
- engaging with Garda management and representative Associations as appropriate on IR issues as they arise;

Key immediate issues:

ENGAGING WITH GARDA ASSOCIATIONS IN THE CONTEXT OF THE NATIONAL PAY TALKS

The Government agreed in the formal response to the EuroCOP decision that the Garda Associations would have full inclusion in any negotiations on the continuation of the Lansdowne Road Agreement, and that they would participate on an equal basis with other public sector representative bodies. The talks have now concluded with the publication of a text by the Workplace Relations Commission. Although the Associations remain unaffiliated to ICTU and the Public Services Committee they were facilitated by the Department and the WRC with 'separate but equal' representation. Following some clarification of issues they will now proceed to ballot their members with regard to acceptance of the WRC proposals.

ISSUING OF THE FIRST REPORT OF THE WORKING GROUP ON INDUSTRIAL RELATIONS STRUCTURES IN AN GARDA SÍOCHÁNA

The timeframe for the Working Group to submit its First Report to the Minister and to the Minister for Jobs, Enterprise and employment has been extended from 31 May to 7 July to allow further time for the Garda Associations to make submissions. The First Report relates to defining and implementing the arrangements – including any new legislation - to allow access for the Garda Associations to the WRC and the Labour Court, and the status of the Associations under any new legislation. Following this Report new legislation, and changes to existing legislation, will be drafted as required to be considered by Government before the end of the year.

DEVELOPMENT AND MAINTENANCE OF INTERIM INDUSTRIAL RELATIONS STRUCTURES

In advance of the acceptance and implementation of the recommendations of the Working Group interim arrangements are to be put in place to support transitioning to the new internal IR structures. These will build on and strengthen existing processes while also developing a pathway enabling all stakeholders to adopt the new structures with minimum disruption.

Key medium/long term issues:

ISSUING OF THE SECOND REPORT OF THE WORKING GROUP ON INDUSTRIAL RELATIONS STRUCTURES IN AN GARDA SÍOCHÁNA

The terms of reference of the Working Group provide for a Second Report to issue in October 2017 to address the practical operations of industrial relations in AGS, including internal dispute resolution processes, the roles of the relevant Ministers (PER, J&E and JEI), and resourcing issues for the stakeholders involved. It is intended that the Garda Associations will be fully engaged with the Working Group in this phase.

DEVELOPMENT OF PERMANENT INDUSTRIAL RELATIONS STRUCTURES FOR AN GARDA SÍOCHÁNA

Following acceptance of the Second Report of the Working Group it is intended, subject to the necessary legislative changes, to fully implement the internal and external IR structures to give effect to the recommendations contained in both reports. The internal structures will build on the interim processes and dispute resolution mechanisms in conjunction with the Garda Associations. The external structures, including access to the WRC and Labour Court and any other recommendations, will be developed in conjunction with all relevant stakeholders and Departments.

Governance & Accountability

The Governance and Accountability section of the Policing Division has responsibility for the following areas of work:

- The completion of the process began under the Independent Review Mechanism (IRM) which examined complaints made about Garda misbehaviour or inadequacies in the investigation of the complaints and whether there were actions which the Minister could take;
- Supporting the Garda Síochána Ombudsman Commission (GSOC) in its work;
- Supporting the Garda Síochána Inspectorate (GSI) in its work;
- Departmental support for the work of Commissions of Investigation or other statutory or non-statutory inquiries under our remit.

GARDA SÍOCHÁNA INSPECTORATE

The Garda Síochána Inspectorate was established in July 2006 under Part 5 of the Garda Síochána Act 2005 (as amended). Its objective is to ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness as measured by reference to the best standard of comparable policing services. In furtherance of this objective, the Inspectorate carries out inspections or inquiries, and it may also advise the Minister or the Policing Authority with regard to best policing practice.

The Garda Inspectorate consists of 3 members. The current team consists of **Mr. Robert Olson (Chief Inspector) and Ms. Pauline Shields**. There is a member vacancy due to the appointment of Mr. Mark Toland to GSOC in December 2016. The terms of office of the current members expires on 29 June 2017. A competition is currently underway through the Public Appointments Service to fill the vacancy for Chief Inspector and Inspector. The successful candidates will be appointed by the Government when the results of the competition become available. As Ms. Shields was appointed in October 2016, the Government has agreed to her re-appointment as a member without having to compete.

Reports on inspections or inquiries made by the Garda Inspectorate must be submitted to the Minister and laid before the Houses of the Oireachtas. To date, the Inspectorate has produced 11 reports. Its *Crime Inspection* report of 2014 and the *Changing Poling in Ireland* report of 2015 have significantly shaped Garda reform. The Government's Five Year Reform and High Level Workforce Plan for An Garda Síochána of 2016 drew on recommendations made by the Inspectorate, as did the Garda Commissioner's Modernisation and Renewal Programme 2016-2021.

COMMISSIONS OF INVESTIGATION AND OTHER INQUIRIES ESTABLISHED UNDER THE COMMISSIONS OF INQUIRY ACT 2004 AND THE GARDA SÍOCHÁNA ACT 2005

- **The MacLochlainn Commission of Investigation**
The MacLochlainn Commission was established in August 2014 under the Commissions of Investigation Act 2004. Its terms of reference require it to undertake a thorough investigation of the fatal shooting of Mr. Ronan MacLochlainn by members of the Garda Síochána in the course of an attempted armed robbery in Co. Wicklow in May 1998. Ms. Mary Rose Gearty is the Sole Member. The Commission has concluded its hearings and is due to report by **31 May 2016**. However, the Commission has not yet reported because in May 2016 an application was brought

to the High Court by one party seeking a direction pursuant to Section 35(1)(b) of the 2004 Act that the report be amended before it is submitted to the Minister. The decision of the Court is awaited. To date, this Commission has cost € 1.153m, including €231K on third party costs.

- **The O'Higgins Commission of Investigation**

The O'Higgins Commission of Investigation was established to investigate and report on certain matters relative to the Cavan/Monaghan Division of the Garda Síochána. The Minister referred the report to the Garda Commissioner and asked her to report the further measures that might be taken to prevent a recurrence of the particular issues dealt with in the report. A copy was also forwarded to the Policing Authority in the context of its statutory role in relation to oversight of An Garda Síochána. The Policing Authority has held two public meeting with senior Garda management to discuss the report's recommendations.

The total cost of the Commission was €1.784m, including third party costs of €438K. However, these figures are provisional as [REDACTED] to the rate for legal fees which were payable under the Commission's Guidelines. [REDACTED]

[REDACTED] The case is up for mention on 19 June 2017 when it is understood a hearing date will be set. [REDACTED]

Following the publication of the O'Higgins report, Sgt. McCabe alleged that Garda management has sought to misrepresent him before the O'Higgins Commission of Investigation. In June 2016, the Minister referred the matter to GSOC for investigation in the public interest (Section 102 of the Garda Síochána Act). As the records relating to this matter were records of a commission of investigation, they could only be released on foot of a High Court order. GSOC secured the necessary order in January 2017 and the Department handed over the relevant records in February 2017. GSOC decision is awaited.

- **Inquiry under Section 109 of the Garda Síochána Act 2005**

In June 2015 the Minister for Justice and Equality initiated an inquiry in accordance with Section 109 of the Garda Síochána Act 2005. The decision arose following public concern after the tragic death of Sergeant Michael Galvin who had been the subject of a GSOC investigation into Garda interaction with Ms. Sheena Stewart who died as a result of a road traffic incident on 1 January 2015. The inquiry was conducted by Mr Justice Frank Clarke of the Supreme Court. The report was received in the Department of Justice and Equality on 4 May 2016. Following the advice of the Attorney General, particularly in relation to a prosecution which is pending arising from the road traffic incident, the Tánaiste decided to publish only Part I of the report for the present. The Tánaiste indicated to Sgt. Galvin's widow that she would consider publishing more of the report when the criminal case was finalised. The criminal case has not yet concluded. The Department has sought the views of GSOC and the Garda Commissioner on the question of the publication of further parts of the report.

THE INDEPENDENT REVIEW MECHANISM (IRM)

The Independent Review Mechanism (IRM) consisted of a Panel of seven independent Senior and Junior Counsel to review complaints alleging Garda misconduct and allegations of inadequate investigations into those complaints. The purpose of the review was to establish whether there was any action which the Tánaiste could take to resolve the complaint. Recommendations were given in all 320 cases, which the Minister accepted. The range of matters covered by the complaints was very wide. Reasons stated for no further action include cases where the complaints fell outside the remit of the review (for example because they concerned civil claims, Coroner's decisions), ongoing matters such as court actions or GSOC investigations and the necessity to respect principles of due process. Cases recommended for further action (for example referral of cases to GSOC for investigation, request to the Garda Commissioner for a report and the setting up of 5 inquiries under section 42 of the Garda Síochána Act 2005) have been followed through.

Inquiries under Section 42 of the Garda Síochána Act 2005

The Inquiries were established on 15 May 2017 by Orders signed by the Minister. The Inquiries are to conclude no later than six months from the date of their establishment (15 Nov 2017) and an interim report is to be provided after 3 months (mid August).

Four of the cases involve fatalities:

- i. James Clancy was fatally injured in a road traffic accident in December 1987. Judge Mary Collins, retired judge of the District Court, has been appointed to inquire into the storage and retention of investigation files relating to the death and the Garda Síochána investigation into certain allegations made in 2005 in relation to it.
- ii. Shane Tuohey died at Clara in County Offaly in February 2002. A week after his disappearance his body was recovered from the River Brosna. His Honour Judge Donagh McDonagh, retired judge of the Circuit Court, has been appointed to inquire into the conduct and adequacy of the investigations conducted by the Garda Síochána into this death.
- iii. John Kelly died by drowning in Britain Quay, Dublin 2 in October 2008. The Honourable Mr. Justice Daniel Herbert, retired judge of the High Court, has been appointed to inquire into responses made on the night of his death by the Garda Síochána, and the conduct and adequacy of the Garda Síochána investigation conducted thereafter.
- iv. Patrick Nugent died following receiving injuries at Bunratty Folk Park in February 1984. Judge Patrick Clyne, retired judge of the District Court, has been appointed to inquire into the adequacy of the Garda Síochána investigations and disciplinary inquiries that took place between 1984 and 1986 following his death.
- v. The fifth case involves allegations of fraud made against Mr Frank Mulcahy, the chief executive of the small business representative body, ISME, in the late 1990's. Judge Patrick McMahon, retired judge of the District Court, has been appointed to inquire into the Garda Síochána investigations into the accusations of financial irregularity made in 1999 against him.

GARDA LEGAL ACTIONS

The Department, on behalf of the Minister, monitors the progress of civil actions (claims for damages) arising from the use of Garda powers, such as wrongful arrest [REDACTED] or assault arising from enforcement. Civil actions may also arise from Gardaí in relation to their conditions of employment or their treatment at work.

[REDACTED]

[REDACTED] While the expenditure for these cases comes from the Garda vote, the Minister may be required to give instructions on particular cases at key stages of the process. Cases which raise matters of policy usually are included on the Attorney General's Sensitive Cases List which is circulated by way Memorandum for the Information of the Government three times a year. Approximately 32 cases on the March 2017 Memo concern Garda matters.

THE DISCLOSURES TRIBUNAL

On 7 December 2016, the Tánaiste received from Mr. Justice Iarfhlaith O'Neill the report of his Review relating to two protected disclosures, which were made to the Tánaiste by members of An Garda Síochána in early October. Sergeant Maurice McCabe, the author of comprehensive protected disclosures, and Superintendent David Taylor, a former Press Officer to the Garda Síochána, alleged that a campaign was being run by senior Gardaí to discredit Sergeant McCabe. Mr Justice O'Neill recommended that a Commission of Investigation under the Commissions of Investigation Act 2004 should be established to ascertain the truth or falsity of the allegations made in the protected disclosures. He also proposed terms of reference for the Investigation.

ESTABLISHMENT OF THE TRIBUNAL OF INQUIRY

On 14th February 2017, the Tánaiste, given the public interest issues involved, secured Government approval for the establishment of a Tribunal of Inquiry to investigate protected disclosures made under the Protected Disclosures Act 2014 and certain other matters. The Disclosures Tribunal was appointed on 17th February 2017 when the Tánaiste signed the 'Tribunals of Inquiry (Evidence) Act 1921 (Appointment of Tribunal) Instrument 2017'. The Instrument appoints Mr Justice Peter Charleton, a judge of the Supreme Court, as the sole member of the Tribunal.

First Interim Report of the Tribunal

On 17th May 2017, the first interim report of the Tribunal, as required by the Resolutions establishing the Tribunal, was submitted to the Clerk of the Dáil. The Report *inter alia* outlines the Tribunal's work to date, details of represented parties before the Tribunal as well as the Tribunal's timetable for the work that remains to be done.

- Counsel for the Tribunal made an opening public statement on 14 June 2017.
- The first set of public hearings are expected to take place in July and will focus on whether or not the files of State Agencies such as the HSE and Túsla were created and distributed by senior members of an Garda Síochána so as to invent or further a false allegation of sexual abuse against Sergeant Maurice McCabe.
- Public hearings in September will focus on concerns as to the possible creation of files by the same State Agencies to discredit Garda Keith Harrison and his family.
- In November, public hearings will deal with the matter of what may have been briefed to Superintendent Taylor for dissemination to journalists by former Commissioner Martin Callinan

and Commissioner Nóirín O Sullivan. The allegations concerning a meeting between Martin Callinan and John McGuinness, T.D., was also be examined.

- The Tribunal hopes to inquire in December into the RTE broadcasts of 9th May 2016 and whether Commissioner O’Sullivan was influencing the terms of these broadcasts in some way. Cognisance will also be taken of the report of the O’Higgin’s Commission which is part of the evidence before the tribunal, i.e. whether false allegations were inappropriately relied upon by the Commissioner during the hearings before Mr. Justice Kevin O Higgins.

GARDA SÍOCHÁNA OMBUDSMAN COMMISSION

The Garda Síochána Ombudsman Commission provides the public with an independent and effective civilian oversight of policing. The Garda Ombudsman has been operational since 9th May 2007 and is responsible for receiving and dealing with complaints made by members of the public concerning the conduct of members of the Garda Síochána. The legislative basis for the Garda Síochána Ombudsman Commission (GSOC) is Part 3 of the Garda Síochána Act 2005 (as amended). The new Commission was appointed on 12 December 2016 with the Chairperson, Justice Mary Ellen Ring, reappointed for a five-year term and the two Commissioners, Mark Toland and Kieran Fitzgerald, appointed for four-year terms respectively. GSOC has a hugely important role in ensuring that public confidence in the Garda Síochána is safeguarded. It has extensive powers under the 2005 Act to enable it to carry out its responsibilities. Significant changes were made to the powers of GSOC in recent years including making GSOC a designated body for receiving protected disclosures.

Among the immediate to mid-term issues arising in relation to GSOC are:

- The Government agreed on 7 March, 2017 the drafting of Heads of a Bill to amend the Garda Síochána Act 2005, in particular Part 4 of the Act which relates to complaints and investigations by GSOC.
- The Chairperson has been critical of what she perceives as a lack of progress with legislative changes. The Department has met with GSOC to discuss these changes. The Commission on the Future of Policing is a significant new factor to be considered. The Commission, which is to report in September 2018, clearly has implications on the oversight architecture for policing.
- The Department favours the approach of focusing on specific issues that have the potential to improve the effectiveness of GSOC to carry out its remit. On that basis, change could be achievable within approximately 18 months. Clearly that would be dependant on legislative priorities and outside factors.
- The specific changes should be of a type that would have significant and immediate impact for GSOC. These could include for example, removing GSOC involvement in minor service level complaints; GSOC to determine whether informal resolutions applicable without the requirement for consent, reasons to be given to GSOC for disciplinary findings, an obligation on Commissioner to comply with requests for information from GSOC.

PROTECTED DISCLOSURES

The manner in which Garda whistleblowers have been dealt with by An Garda Síochána has been the subject of considerable controversy over a number of years. The Protected Disclosures Act came into effect on 15 July 2014. The Act was part of the then Government's comprehensive approach to enhancing the protections available to whistle-blowers, including members of the Garda Síochána. Under the Act, members of the Garda Síochána may communicate their concerns to the Garda Commissioner, as their employer if they so choose, or they may make a disclosure to GSOC, which is a statutorily independent body, for investigation. Where a Protected Disclosure is made to GSOC, the Act provides that GSOC may, if it appears to be desirable in the public interest to do so, investigate the disclosure. The legislation allows that an individual employed by a public body may also make a Protected Disclosure to the Minister with responsibility for that body. Since the Act came into effect, 8 complaints have been received in which the Protected Disclosures Act has been cited. These are from individuals who either are, or were, employees/members of the Garda Síochána. Of these, 6 were members or retired members and 2 were civilian or former civilian employees. 1 complaint was made in 2015, 3 in 2016 and 4 in 2017.

EU Policing, Policing Authority and Garda Compensation Section

The EU Policing, Policing Authority and Garda Compensation Section of the Policing Division has responsibility for the following areas of work:

- managing and coordinating the Department's relationship with the Policing Authority;
- managing the relationship between the Department and Forensic Science Ireland (FSI), including in relation to corporate governance and resource issues, and overseeing the implementation of the DNA database;
- implementation of the Schengen Acquis, the Passenger Names Records (PNR) Directive and the Prüm information exchange Council Decisions;
- carrying out the Minister's responsibilities under the Garda Compensation Acts 1941 and 1945, i.e. approving/refusing applications for compensation made in relation to Gardaí maliciously killed or injured in the course of their duties.

POLICING AUTHORITY

The Policing Authority is an independent agency established to oversee the performance of An Garda Síochána of its functions relating to policing services. The Authority was established on 1 January 2016 and has an extensive range of functions, including:

- Reviewing:
 - The adequacy of the corporate governance arrangements and structures within the Garda Síochána;
 - The arrangements for the recruitment, training and development of Garda members and civilian staff;
 - The adequacy of the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of Garda members and civilian staff;
 - The arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure their most beneficial, effective and efficient use;
- Nominating persons for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner, following a selection process undertaken by the Public Appointments Service;
- Appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner; and removing them for stated reasons relating to policing services;
- Appointing persons to senior civilian positions;
- Setting priorities and performance targets for An Garda Síochána, approving the annual policing plans and the 3 year Garda Strategy statement;
- Establishing a Garda Code of Ethics.

At least four times a year, the Authority will hold meetings with the Garda Commissioner in public in relation to these functions.

FORENSIC SCIENCE IRELAND (FSI)

FSI is an executive agency of the Department of Justice and Equality. It is based in Garda Headquarters in Dublin. FSI delivers independent expert opinion, advice, training and research to support the Irish criminal justice system. FSI provides a range of services in this regard, from crime scene attendance to presentation of evidence in court and all of the analysis in between. The work of FSI plays a vital part in the investigation and prosecution of criminal offences. FSI is responsible for the operation of the national DNA Database System. The Database was launched in November 2015 and will constitute a major intelligence resource for the investigation of crime. The database is being populated with samples taken from persons suspected/convicted of serious crime and from crime scenes, and there have already been a number of matches providing important breakthroughs in investigations.

Key immediate issue - FSI:

The need for a new purpose built forensic science laboratory appropriate to the State's requirements is long-standing. Well-advanced plans for a new facility in Backweston, Co. Kildare were cancelled in 2009 as a result of the financial crisis. The Government's capital plan 2016-2021 allocated €45m for the construction of the laboratory with work due to commence in 2019. However, due to the deteriorating circumstances of the conditions in FSI, €6 million was provided in the Department's Vote to enable the commencement of building work in 2017. This funding has been earmarked for a variety of enabling works, including electricity and gas connections, the installation of fibre line to the site and works to the main entrance. In its submission to the mid-term review of the Capital Plan the Department sought an increase of funding and an acceleration of the draw-down of this funding to allow completion of the project by 2020. The cost of construction and fit-out will only be known once the tendering process is complete although revised figures from OPW indicate it should be in the region of [REDACTED]

EU OBLIGATIONS – SCHENGEN INFORMATION SYSTEM, PRÜM DECISIONS AND PASSENGER NAME RECORDS (PNR)

Schengen Information System

The 2nd generation Schengen Information System (SIS II) is a state-of-the-art EU-wide IT system which allows for an easy and automated exchange of information between national border control authorities, customs and police authorities in different jurisdictions. Ireland is now one of only two Member States not participating in SIS, the other being Cyprus which for political reasons cannot participate. Advanced preparations to develop a national interface with SIS II were abandoned in 2009-2010 as a result of the extremely difficult financial situation that then prevailed. Funding was secured for SIS II in the Revised Estimates for 2016 and it was announced that implementation of the measures necessary for Ireland's participation in SIS II would proceed as quickly as possible. The total timeframe to implement the necessary systems and structures in An Garda Síochána to support the integration with SIS II is estimated to be at least 24 months, at a cost [REDACTED]. The SIS contract was signed in December 2016, and the detailed design scoping is now underway. The European Commission has commenced infringement proceedings against Ireland in relation to its failure to comply with Council Decision 2002/192/JHA, which authorised Ireland to participate in certain aspects of the Schengen Acquis. This increases the pressure to come into compliance with that decision as soon as possible.

Prüm Decisions

The Prüm Decisions are an EU Council Decisions binding on all Member States. Prüm introduced procedures for exchange between Member States of DNA data, fingerprint data and vehicle registration data (VRD), meaning that such data can be compared automatically with that held in the databases of other EU States. Implementation of Prüm was meant to have taken place by August 2011. Ireland is not yet connected to any other MS in relation to any of these three types of data exchange. The European Commission commenced infringement proceedings against Ireland in September 2016, and in May 2017 issued a Reasoned Opinion, the second stage of proceedings. A response to the Reasoned Opinion is due in July 2017. An Garda Síochána is responsible for implementing the fingerprints element of Prüm. Work is under way to make the technological enhancements necessary to meet the requirements to exchange fingerprint data. It is currently expected that initial data exchange testing should commence by end September 2017. Forensic Science Ireland has primary responsibility for implementing the DNA element of Prüm. One prerequisite for this implementation was the DNA Database, which was launched in November 2015. DNA profile matching is currently a highly manual process, and two key projects are under way to automate the process so FSI can comply with the required response times. In parallel, FSI is moving to the Department's IT shared services, to stabilise their systems and take advantage of economies of scale. The Department of Transport, Tourism and Sport has primary responsibility for implementing the VRD element of Prüm. While there is a technical readiness to begin commencement of the exchange of this type of data, additional legislative data protection provisions need to be introduced. The Department of Transport, Tourism and Sport is working on these provisions.

PNR

Directive (EU) 2016/681 of 27 April 2016 on the use of passenger name record (PNR) data establishes at Union level a common legal framework for the transfer and processing of such data. The Council adopted this Council Directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Ireland will have until 25 May 2018 to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. Under the Directive, each Member State is required to set up a Passenger Information Unit (PIU) with the resources necessary for it to fulfil its functions.

Government approval was received on 31 March 2017 for:

- (i) the establishment of a Passenger Information Unit (PIU) on a centralised basis; and
- (ii) the need to legislate for the use of PNR data by the PIU and to determine its operational capacity in conjunction with the competent authorities; and

Government also noted the following:

- (i) that the PIU will require approximately 75 staff at an estimated cost of €5 million per annum when fully operational; and
- (ii) that a Director and Data Protection Officer will be appointed immediately to commence work.

A final decision has not been made on whether the PIU should fall under the remit of An Garda Síochána or the Department of Justice and Equality. It is recommended that the final decision on the "ownership" if the PIU be delayed until closer to the enactment of the legislation transposing the Directive. EU funding has been made available to member States to establish national PIUs and Ireland has received €977,365 for this purpose. Ongoing running costs of the PIU will have to be borne by the State.

Key immediate issue - PNR:

It is vital that the Director of the PIU is appointed as soon as possible. DPER sanction is required for this role and is awaited.

Key medium/long term issues:

Schengen Information System and Prüm Decisions

The implementation of Ireland's obligations under the Schengen Information System (SIS II) and Prüm Decisions are important in terms of the law enforcement benefits they will bring to us and our EU partners and to ensure our standing is maintained at EU level. Both of these projects were negatively affected by the financial crisis but there is now a renewed determination to make progress. There is increasing pressure from Europe to meet our obligations in this regard, particularly in light of the need for international cooperation to combat the threat from international terrorism. Infringement proceedings have been initiated on both projects. The implementation of SIS II is a major project, and governance structures for the project between An Garda Síochána and the Department have been put in place. Detailed design scoping is under way. In addition, the Department is coordinating an overall Schengen compliance project, to ensure that all of the necessary legislative and operational measures to achieve full compliance are in place. The implementation of the Prüm Decision comprises three parts: exchanges of information on fingerprints, on DNA and in respect of vehicle registration data (VRD). It is expected that declarations of readiness can be made in all three data categories between September and November 2017, and the Department is monitoring progress carefully.

PNR

The European Commission has issued an implementation plan for all Member States which requests that the PIU be established one year before transposition date (May 2017) and for the technical framework to be in place six months in advance of the final transposition deadline (November 2017). Legislation should be in place by the date of transposition at the latest (25 May 2018).

GARDA COMPENSATION

The functions of the Minister in deciding whether to approve or refuse an application for compensation by a Garda member maliciously injured on duty are carried out by officials, who assess applications against various criteria set out in legislation and legal precedents set in previous cases. There are 80 cases in the Department awaiting assessment. Work is continuing on the development of a new statutory framework for dealing with Garda Compensation claims. This was an agreed commitment under the Croke Park Agreement.

Key immediate issue:

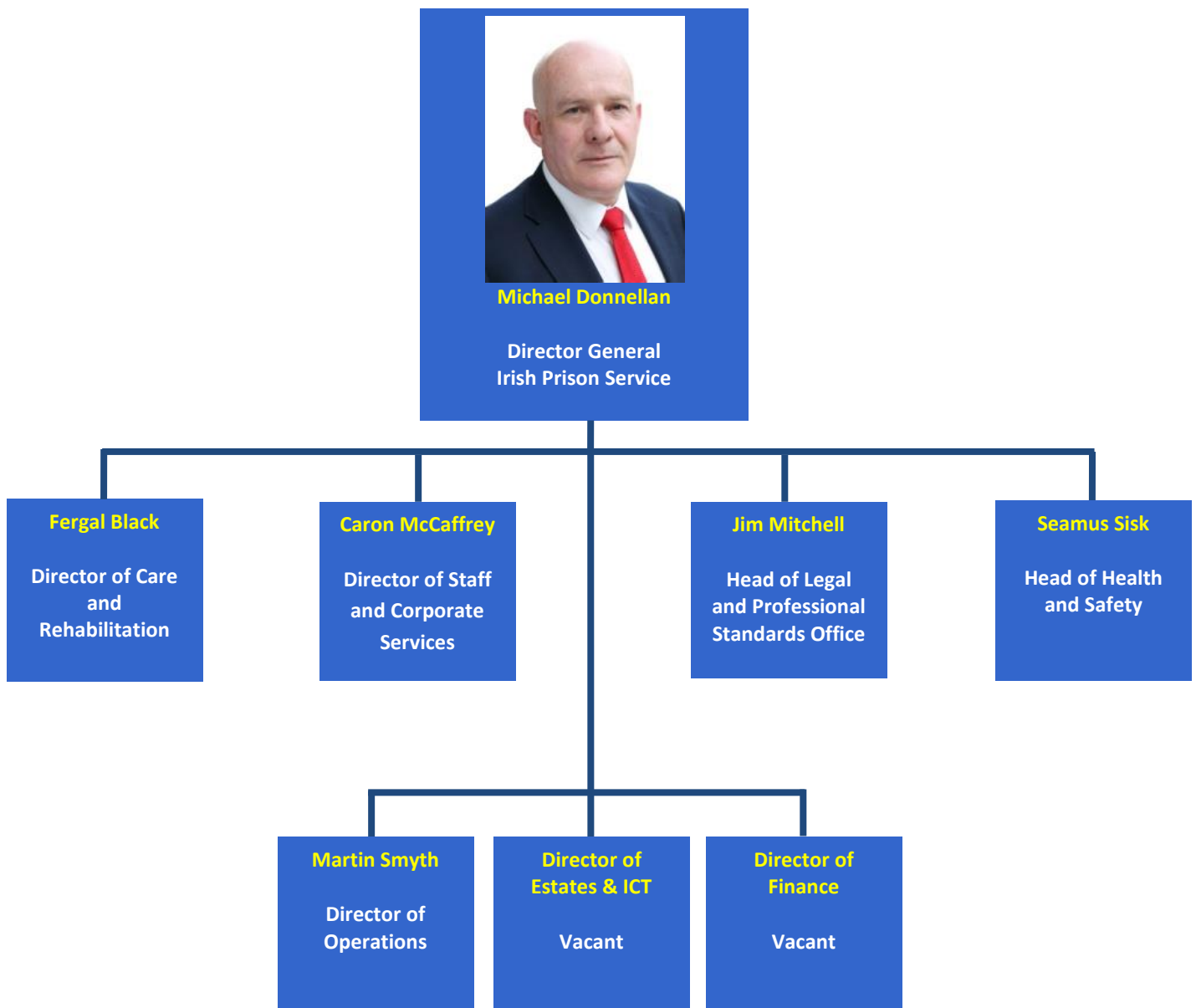
On 9 May 2017, the Government approved the General Scheme for the Garda Síochána (Compensation) Bill 2017.

This new legislation is intended to repeal and replace the Garda Síochána (Compensation) Acts 1941 to 1945 which provides the statutory framework for Garda compensation claims.

In summary, the Scheme aims to:

- repeal and replace the current legislative framework for Garda compensation, which has been in place for 76 years, with a more effective and efficient scheme giving rise to reduced legal and administrative costs,
- make provision for an independent assessment of quantum by the PIAB in accordance with the Book of Quantum, and
- provide for the management of claims by the State Claims Agency, which will also facilitate a risk assessment facility to afford An Garda Síochána the opportunity to avoid risks identified.

Irish Prison Service (IPS)



RESPONSIBILITIES

Michael has been assigned responsibility as Director General of the Irish Prison Service for:

- providing safe and secure custody with dignity of care for people committed to prison;
- reducing the risk of harm to the public and the likelihood of reoffending by providing rehabilitation for people in prison;
- working with the Probation Service to create an integrated offender management programme;
- assisting people in prison maintain family relations and contact with the wider community.

Irish Prison Service (IPS)

The Irish Prison Service (IPS) operates as an executive agency within the Department of Justice and Equality. It is headed by a Director General currently supported by 5 Directors. The IPS deals with male offenders who are 17 years of age or over and female offenders who are 18 years of age or over. It is administered centrally with its headquarters located at Longford.

There are 12 institutions in the Irish Prison System consisting of 10 traditional "closed" institutions, two open centres, which operate with minimal internal and perimeter security. The majority of female prisoners are accommodated in the purpose built "Dóchas Centre" with the remainder accommodated in Limerick Prison.

The Irish Prison Service budget is circa. €310 million per annum and has a staff compliment of 3,186. As of 01/06/17 there were 3,714 prisoners in custody with a bed capacity of 4,273 which allows for the safe and secure custody for all categories of prisoner. This equates to an occupancy rate of 87%. There were 300 persons on Temporary Release.

STRATEGIC PLAN 2016-2018

The Prison Service has introduced and is implementing a new strategic Plan for the period 2016 – 2018. This Strategy sets out the key Strategic Actions the Service will take, in partnership with stakeholders, and is built on 4 key pillars namely:

1. Strategic Action 1: Staff Support
2. Strategic Action 2: Prisoner Support
3. Strategic Action 3: Victim Support
4. Strategic Action 4: Enhancing Organisation Capacity

The Strategy is supported by a number of additional Plans and Strategies including:

- Communications and Engagement Plan 2016-2018
- Capital Strategy 2016 – 2021
- Psychology Service Strategy 2016-2018 and
- Joint IPS/ETBI Education Strategy 2016 – 2018

Through the delivery of these Strategies and by working with partner Agencies, the Irish Prison Service will deliver on its mission of “Providing safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities”.

MODERNISATION OF PRISON ESTATE

The Irish Prison Service continues to progress and deliver on its plan to eliminate the practice of slopping out, while simultaneously providing improved accommodation and education/Work Training facilities for prisoners. Visiting facilities to maintain and improve family links, which play a vital role in a prisoner’s rehabilitation also continue to be improved. These advances will lead to an enhanced living environment for prisoners and working environment for staff across the prison Estate.

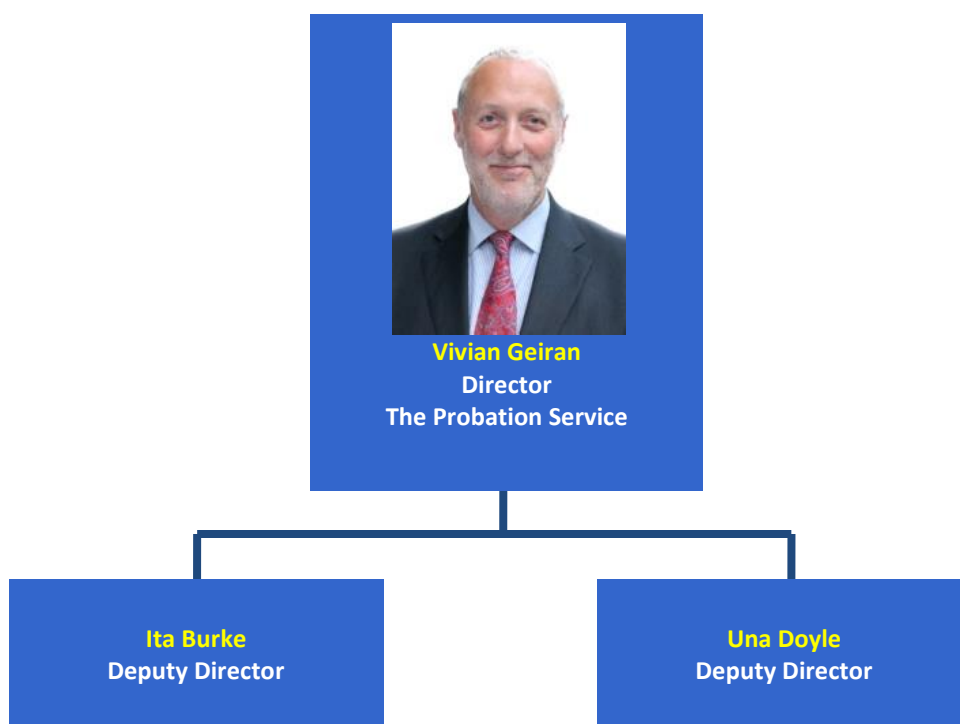
With the construction of a new prison in Cork which opened on 12 February 2016 and the refurbishment of Mountjoy, which is scheduled to be completed this year, 98% of prisoners now have access to in-cell sanitation. The new facility in Cork was built on a site immediately adjacent to the existing prison and is designed to accommodate 296 prisoners.

Over the lifetime of the current Irish Prison Service Capital strategy, plans for a new cell block and a new female prison unit in Limerick along with plans for the construction of a new maximum security unit at Portlaoise prison to replace the existing outdated "E" block will be progressed. Taken in tandem these two developments will result in the final elimination of the practice of "slopping out" across the entire of the Irish Prison estate. The quarterly census of the prison population shows that in April 2017, of the 3,750 prisoners in custody, 56 (approximately 1% of the prison population) were subject to slopping out. This figure has reduced from 1,003 persons (28% of the prison population) in 2010.

2017 KEY PRIORITY CAPITAL PROJECTS

- Portlaoise Prison █████ - the IPS have committed capital expenditure in 2017 to Phase 1 of the Portlaoise redevelopment project & this entails a refurbishment of the outdated E Block & the Demolition of the D Wing;
- Castlerea Prison █████ – Phase A of project including new visits building, stores building and prisoner reception area;
- West Dublin Campus █████ – Refurbishment works to Unit 5 Wheatfield and F Block Cloverhill to begin in 2017;
- Mountjoy refurbishment and Masterplan █████ – initial works and new school, road resurfacing;
- Dóchas Refurbishment █████ – initial works;
- IPS College █████ – refurbishment of existing facility;
- Other projects and consultancy █████ – including small works, window replacement in Midlands, fire system and CCTV upgrades.

The Probation Service



RESPONSIBILITIES

Vivian is a member of the Management Board and Director of the Probation Service which is an agency of the Department with a national remit whose role is to contribute to public safety through the management of community sanctions and measures. This is achieved through the effective assessment and management of offenders and by working closely with a wide range of statutory, community and voluntary organisations to deliver services.

The Service has just over 400 staff located in over 35 community based offices in every county, as well as having staff based in all fourteen prisons. Probation Service staff provide probation supervision, community service, community return, offending behaviour programmes and specialist support services both to adults and young offenders on a national basis. In 2016 the Service worked directly with almost 15,000 offenders in the community. On any one day, the Probation Service is managing in excess of 10,000 offenders in the community and in custody, working closely with the Courts Service, the Irish Prison Service (IPS), An Garda Síochána, the Irish Youth Justice Service (IYJS), the Parole Board and many organisations in the community.

The Probation Service Strategy 2015-2017 sets out its strategic direction, identifying and highlighting Probation Service priorities and providing a high level framework for its annual work plans. Key goals identified are:

1. Promotion and delivery of Community Sanctions and Offender rehabilitation.
2. Strengthening the Service to the Courts.
3. Collaboration with Criminal Justice Partners.
4. Developing a more victim-sensitive approach.
5. Engaging with the Community.

PRIORITIES AND ISSUES

Having regard to the *Strategic Review of Penal Policy (July 2014)* and the *Probation Service Strategy 2015- 2017*, and the *Joint Strategy on the Management of Offenders 2016 – 2018* priorities for further developing the availability of community sanctions over the next 3-5 years include:

- **Integrated Offender Management** including cross functional and joint agency collaboration between the Probation Service, An Garda Síochána and the Irish Prison Service in the management of prolific offenders, the provision of targeted community based programmes to tackle violent offenders and burglars; - The Joint Agency Response to Crime, JARC has been operating in four Dublin locations, was formally launched September 2016 and extended to further locations – Limerick City, Waterford City and Dundalk.
- **Cost-effective direct alternatives to custody**, including the on-going work outlined in the *Joint Irish Prison Service/ Probation Service Strategy* i.e. further expansion of the Community Return Scheme and post custody supervision arrangements with the Irish Prison Service.
- **Expansion of Community Service** with the introduction of the Fines (Payment and Recovery) Act, 2014. It is envisaged that first enforcement notices will issue nationally in June with court dates for September. As Community Service is one of the sanctions available to the Court further recruitment of Community Service Supervisors will be necessary in the short/medium term to meet increasing demands and fill existing gaps. Numbers of referrals are expected to increase substantially.
- **Victim–offender mediation**, as part of the Probation Service response to the implementation of the EU Directive addressing the rights, supports and protection of victims of crime.
- **Targeted age appropriate interventions, both in the community and in detention, to divert young persons/young adults from the criminal justice system**, in collaboration with the Irish Youth Justice Service.
- **Service user engagement** in the on-going development and delivery of service.
- Development and implementation of **Probation Service practice standards and inspection**.
- **ICT, Data Management and Information Sharing** by expanding our ICT capacity and increasing efficiencies through the creating of common systems with our Criminal Justice Partners to improve data collection, management and information sharing for the effective management of offenders.

Appendix 1

Justice Sector Organisations

STATUTORY BODIES: These are bodies established by law			
Bodies	Functions	Established	Line Division
An Garda Síochána	Policing and national security in the State	Garda Síochána Acts 1924-2005	Policing Division
Courts Service	Manage the Courts, support the judiciary and provide high quality and professional services to all users of the courts.	Courts Service Act 1998	Courts Policy
Criminal Assets Bureau	To target the assets, wherever situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal conduct	Criminal Assets Bureau Act 1996	Crime Division
Garda Síochána Inspectorate	To carry out inspections or inquiries in relation to any particular aspects of the operation and administration of An Garda Síochána	Garda Síochána Act 2005	Policing Division
Insolvency Service of Ireland	Operation of personal insolvency arrangements. Authorisation of Personal Insolvency Practitioners	Personal Insolvency Act 2012	Civil Governance Unit
Irish Human Rights and Equality Commission	To protect and promote human rights and equality in Ireland	Irish Human Rights and Equality Commission Act 2014	Equality Division
Legal Aid Board	Provision of civil legal aid and advice	Civil Legal Aid Act 1995	Corporate Services Division
Mental Health (Criminal Law) Review Board	Review of detention of patients in the Central Mental Hospital	Criminal Law (Insanity) Act 2006	Prisons and Probation Policy
National Disability Authority	Provision of advice on disability policy and practice	National Disability Authority Act 1999	Equality Division
Ordnance Survey Ireland	Creation and maintenance of the definitive mapping records of the State.	Ordnance Survey Ireland Act 2001	Civil Governance Unit
Office of the Inspector of Prisons	Inspection of prisons, advisory	Prisons Act 2007	Prison and Probation Policy

Policing Authority	Overseeing the performance of An Garda Síochána in relation to policing services in Ireland	Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015	Policing Division
Property Registration Authority	Management and control of the Land Registry and the Registry of Deeds, promotion and extension of the registration and ownership of land	Registration of Deeds and Title Act 2006	Civil Governance Unit
Valuation Office	State property valuation agency – the provision of accurate, up-to-date valuations of commercial and industrial properties.	Valuation (Ireland) Act 1852; Valuation Act 2001	Civil Governance Unit
Garda Síochána Ombudsman Commission	To receive complaints made by members of the public concerning the conduct of member of An Garda Síochána, exercise power in relation to these complaints, issue guidelines, report results of investigations to the Garda Commissioner and DPP as appropriate, draw up protocols	Garda Síochána Act 2005	Policing Division
Office of the Data Protection Commissioner	Standards, inspections, investigation and enforcement of personal data protection	Data Protection Act 1988	Civil Governance Unit
International Protection Office	To process applications for international protection under the International Protection Act 2015 and to also consider, as part of a single procedure process, whether applicants should be given permission to remain.	International Protection Act 2015	International Protection Policy/INIS
Censorship of Publications Board	Power to prohibit from publication books or periodicals found by the Board to be obscene.	Censorship of Publications Act 1929	Civil Governance Unit
Charities Regulatory Authority	Regulation of Charities Sector	Charities Act 2009	Civil Governance Unit

Irish Film Classification Office	Examination and certification of films, videos and DVDs	Censorship of Films Act 1923 as amended by the Civil Law (Miscellaneous Provisions) Act 2008	Civil Governance Unit
Private Security Authority	Regulation of the private security industry in Ireland	Private Security Services Act 2004	Crime Division
Property Services Regulatory Authority	Operation of a licensing system, enforcement of standards, investigation and adjudication of complaints and management of compensation fund	Property Services Regulation Act 2011	Civil Governance Unit
Censorship of Publications Appeal Board	To consider appeals against Prohibition Orders issued by the Censorship of Publications Board	Censorship of Publications Act 1946	Civil Governance Unit
Classification of Films Appeal Board	Appeals in relation to classification decisions made by IFCO	Censorship of Films Act 1923 as amended by the Civil Law (Miscellaneous Provisions) Act 2008	Civil Governance Unit
Private Security Appeal Board	Consideration of appeals by members of the security industry against licensing decisions made by the PSA	Private Security Services Act 2004	Crime Division
Property Services Appeal Board	To hear and determine appeals against certain decisions made by the Authority	Property Services (Regulation) Act 2011	Civil Governance Unit
International Protection Appeals Tribunal	Considers appeals against recommendations made by an International Protection Officer that the Minister refuse Refugee Status and or Subsidiary Protection Status and other appeals as provided for under the International Protection Act 2015.	International Protection Act 2015	International Protection Policy/INIS
Valuation Tribunal	To deal with appeals against decisions of the Commissioner of Valuation on the valuation of commercial properties for rating purposes	Valuation Act 1988	Civil Governance Unit
Other statutory office			
Coroners	To look into the circumstances of a sudden, unnatural, unexplained, violent or unnatural death	Coroners Act 1962	Prison and Probation Policy

NON STATUTORY AGENCIES:**These are bodies established on an administrative basis by the Minister**

Commission for Support of Victims of Crime	Assist with the development of strategies and policies to support the victims of crime	Established March 2005	Victims of Crime Unit
Criminal Injuries Compensation Tribunal	Considers compensation applications from or on behalf of people who have suffered injury or death as a result of violent crime	Established 1974	Corporate Services Division
Forensic Science Ireland	Assist the investigation of crime providing scientific analysis and expert advice	Established 1975	Policing Division
Irish Prison Service	Provision of safe, secure custody for people committed to prison by the courts and the management of custodial sentences	Prisons Acts 1826-2007	Prisons and Probation Policy
Office of the State Pathologist	Provide independent advice on matters relating to forensic pathology and to perform post-mortem examinations in cases where foul play is suspected	This body operates on an administrative basis	Prisons and Probation Policy
Parole Board	Recommendations on the sentence management of prisoners	Est. administratively April 2001	Prisons and Probation Policy
Probation Service	Provision of probation supervision, community service, offending behaviour programmes and specialist support services	Probation of Offenders Act 1907	Prisons and Probation Policy

Appendix 2 Contact Details for Management Board Members June , 2017

MB Member	Area of Responsibility	Divisions/Sections in this area	Contact Address	Telephone Number	Email
Noel Waters Secretary General	Secretary General		51 St Stephen's Green Dublin 2		
Vacancy Deputy Secretary	Criminal Justice System		51 St Stephen's Green Dublin 2		
Carol Baxter Assistant Secretary	Asylum Services, Integration and Equality EU Funds	Equality	Bishop's Square Redmond's Hill Dublin 2		
		Irish Refugee Protection Programme			
		Office for the Promotion of Migrant Integration			
		Reception & Integration Agency			
Michael Donnellan Director General	Irish Prison Service	Irish Prison Service	IDA Business Park Ballinalee Road Longford		
Michael Flahive Assistant Secretary	Criminal Law Reform	Criminal Law Reform	Montague Court Montague Street Dublin 2		
Vivian Geiran Director General	Probation Service	Probation Service	Haymarket Smithfield Dublin 7		
Michael Kirrane Director General (Acting)	INIS	International Protection Policy	13/14 Burgh Quay Dublin 2		
		Border Management Unit/ DIS			
		Citizenship			
		Family Reunification			
		Immigration and Citizenship Policy			
		Repatriation			
		Residence Division			
		Registration			
		Visa Division			
Shared Services					

MB Member	Area of Responsibility	Divisions/Sections in this area	Contact Address	Telephone Number	Email
James Martin Assistant Secretary	Prisons & Probation Policy	Prisons & Probation	Montague Court Montague Street Dublin 2	[REDACTED]	[REDACTED]
	Coroners and Gambling Policy	Coroners and Gambling			
	International Policy	International Policy			
Conan McKenna Assistant Secretary	Civil Law Reform	Civil Law Reform	Bishop's Square Redmond's Hill Dublin 2	[REDACTED]	[REDACTED]
		Central Authorities for International Child Abduction and Maintenance Recovery from Abroad			
	Courts Policy	Courts Policy			
Oonagh McPhillips Assistant Secretary	Corporate Affairs	Chief Information Officer	51 St Stephen's Green Dublin 2	[REDACTED]	[REDACTED]
		Reform and Development Unit			
		Corporate Affairs			
		ICT			
		Financial Shared Services			
		HQ Financial Management Unit			
		Procurement Strategy Group			
		Internal Audit			
		Corporate Secretariat			
		Office for Internet Safety			
		Civil Governance			
		Freedom of Information			
		Human Resources			

MB Member	Area of Responsibility	Divisions/Sections in this area	Contact Address	Telephone Number	Email
Peter Mullan Assistant Secretary	Crime & Security	Crime	94 St Stephen's Green Dublin 2	[REDACTED]	[REDACTED]
		Drugs & Organised Crime			
		Security & NI & British-Irish Intergovernmental Secretariat			
		Firearms & Explosives			
		Mutual Assistance & Extradition			
		Anti-Money Laundering Compliance Unit			
		Anti-Money Laundering and Counter Terrorism Policy Co-ordination Unit			
		Mental Health (Criminal Law) Review Board			
		Cosc			
		Victims of Crime Unit			
		Anti-Human Trafficking Unit			
Irish Youth Justice Service/Youth Crime Policy and Programmes Division					
John O'Callaghan Assistant Secretary	Policing	An Garda Síochana Section	51 St Stephens's Green Dublin 2	[REDACTED]	[REDACTED]
		Governance and Accountability			
		Policing Authority Section			
Doncha O Sullivan PO	Chair of PO Forum		Montague Court Montague Street Dublin 2	[REDACTED]	[REDACTED]
Vacant PO	Reform and Development Unit		51 St Stephen's Green Dublin 2	[REDACTED]	[REDACTED]
Ben Ryan PO	Deputy Chair of PO Forum		94 St Stephen's Green Dublin 2	[REDACTED]	[REDACTED]
Patrick Forsyth PO	Corporate Secretariat		51 St Stephen's Green Dublin 2	[REDACTED]	[REDACTED]

MB Member	Area of Responsibility	Divisions/Sections in this area	Contact Address	Telephone Number	Email
Martina Colville PO	Human Resources Division		51 St Stephen's Green Dublin 2	██████████	██████████
Marion Walsh Director	Firearms & Explosives Division		94 St Stephen's Green Dublin 2	██████████	██████████
	COSC				
	Victims of Crime				
Bernadette Phelan Secretary	Secretary		51 St Stephen's Green Dublin 2	██████████	██████████

Appendix 3

Contact Details for Principal Officers

Areas of Department	Divisions/Sections	Contact Address	Principal Officers	Telephone Number	Email Address
Civil Law Reform & Courts Policy	Civil Law Reform	Bishop's Square, Redmond's Hill, Dublin 2.	Seamus Carroll Richard Fallon Madeleine Reid Regina Terry Tracy O'Keeffe		
	Central Authorities for International Child Abduction and Maintenance Recovery from Abroad	Bishop's Square, Redmond's Hill, Dublin 2.	Vacancy		
	Courts Policy	51 St. Stephen's Green, Dublin 2	Kevin Condon Joyce Duffy		
Corporate Affairs	Corporate Secretariat Office and Head of Communications	51 St Stephen's Green Dublin 2	Patrick Forsyth		
	Chief Information Officer & Procurement Strategy Group	51 St. Stephen's Green, Dublin 2.	Alec Dolan		
	Corporate Affairs	51 St. Stephen's Green, Dublin 2.	Eileen Leahy		
	Financial Shared Services	Deerpark Road, Killarney, Co. Kerry	Seamus Clifford		
	HQ Financial Management Unit	51 St. Stephen's Green, Dublin 2.	Tim Maverley (Professional Accountant)		
	Human Resources Division	51 St. Stephen's Green, Dublin 2.	Martina Colville		
	Internal Audit Division	51 St. Stephen's Green, Dublin 2.	Walter Johnston		
	Reform & Development Unit	51 St. Stephen's Green, Dublin 2.	Vacant		
	Civil Governance Unit	51 St. Stephen's Green, Dublin 2	John Laffan		

	ICT	51 St. Stephen's Green, Dublin 2.	John Kennedy		
Crime and Security	Crime	94 St. Stephen's Green, Dublin 2.	Ben Ryan		
	Drugs & Organised Crime	94 St. Stephen's Green, Dublin 2.	Vacancy		
	Security & Northern Ireland	94 St. Stephen's Green, Dublin 2.	Dermot Woods		
	Firearms & Explosives	94 St. Stephen's Green, Dublin 2.	Marion Walsh		
	Mutual Assistance & Extradition	94 St. Stephen's Green, Dublin 2.	Brendan Eiffe		
	Anti Money Laundering , Counter Terrorist Funding Policy Co-ordination Unit, Anti- Human Trafficking Unit	51 St. Stephen's Green, Dublin 2	Paul Gunning		
	Mental Health (Criminal Law) Review Board & Cosc	Montague Court, Montague Street, Dublin 2.	Greg Heylin		
Criminal Law Reform	Criminal Law Reform/Legislation	Montague Court, Montague Street, Dublin 2.	John Garry David Fennell Geraldine Moore Sandra Smith Rachel Woods Yvonne Furey		
Asylum Services, Integration & Equality	Equality and Human Rights	Bishop's Square, Redmond's Hill, Dublin 2.	Deaglán O'Bráin		
	Irish Refugee Protection Programme		John Roycroft		
	Office for the Promotion of Migrant Integration		Una NíDhubhghaill		
	Reception & Integration Agency		Eugene Banks		

	EU Central Funding		Aidan O'Brien		
--	--------------------	--	---------------	--	--

International Policy	International Policy	Montague Court, Montague Street, Dublin 2.	Doncha O Sullivan Antoinette Doran Perm Rep Brussels		
Irish Naturalisation & Immigration Service (INIS)	International Protection Office	Timberlay House, 79 – 83 Lower Mount Street, Dublin 2	David Costello		
	International Protection Policy	13/14 Burgh Quay, Dublin 2.	Brian Merriman		
	Border Management/DIS Programme	13/14 Burgh Quay, Dublin 2.	William O'Dwyer		
	Citizenship Tipperary	Dundrum Road, Tipperary Town, Co. Tipperary.	Kevin Clarke		
	Dublin	Chapter House 26/30 Upper Abbey St, Dublin 1.			
	Family Reunification Unit	Chapter House 26/30 Upper Abbey St, Dublin 1.	Kevin Clarke		
	Immigration & Citizenship Policy	13/14 Burgh Quay, Dublin 2	Michael Walsh		
	Repatriation	Chapter House 26/30 Upper Abbey St, Dublin 1.	Vacancy		
	Residence Division	13/14 Burgh Quay, Dublin 2.	Garrett Byrne		
	Registration	13/14 Burgh Quay, Dublin 2	Orla Corrigan		
Corporate Affairs	13/14 Burgh Quay,	Mary O'Regan			

		Dublin 2.			
	Visa Division	13/14 Burgh Quay, Dublin 2.	Gerry McDonagh		

Policing Division	An Garda Síochána Section	51 St. Stephen's Green, Dublin 2.	Anne Barry George Trimble David Gilbride		
	Governance & Accountability Section	51 St. Stephen's Green, Dublin 2.	Martin Power		
	Policing Authority Section	51 St. Stephen's Green, Dublin 2.	Nicola Murphy		
Prisons & Probation Policy	Prisons & Probation Policy	Montague Court, Montague Street, Dublin 2.	Noel Dowling		

Executive Offices (Non Statutory Departmental Bodies)

These bodies are established on an administrative basis within the Department

Anti Human Trafficking Unit	51 St Stephen's Green Dublin 2/	Paul Gunning	PO		
Anti Money Laundering Compliance Unit	51 St Stephen's Green Dublin 2/	Paul Gunning	PO		
Cosc	94 St Stephen's Green Dublin 2/ Montague Court, Montague Street, Dublin 2.	Marion Walsh	Director		
		Greg Heylin	PO		
IYJS/Youth Crime Policy and Programmes Division	Dún Aimirgin 4 th Floor, 73-79 Mespil Road Dublin 4	Michael Kelly	PO		
Office for Internet Safety	51 St Stephen's Green Dublin 2	Eileen Leahy	PO		

Victims of Crime Office	94 St Stephen's Green Dublin 2/ Montague Court, Montague Street, Dublin 2.	Marion Walsh	Director	[REDACTED]	[REDACTED]
		Greg Heylin	PO	[REDACTED]	[REDACTED]

3.1 A SAFE, SECURE IRELAND

3.1.1 To develop an effective, visible and accountable police service

3.1.1.1	We will progress accelerated recruitment to bring Garda numbers to 15,000, double the Garda reserve to support local patrols and crime reduction initiatives and increase further civilianisation to free up more Gardaí to focus on frontline policing services (delegating court attendances and release from desk work). (Level 1)	Assistant Secretary, Policing Division	Q1-Q4 Overall to Q4 2021
3.1.1.2	We will support the Policing Authority, Garda Inspectorate and GSOC in the performance of their functions in relation to An Garda Síochána (AGS). (Level 4)	Assistant Secretary, Policing Division	Q1 - Q4
3.1.1.3	We will ask the Policing Authority to oversee a review of: boundaries of police divisions and dispersement of Garda Stations to ensure both an efficient and optimum geographical distribution of stations and minimal response times; deployment and rostering arrangements with a view to strengthening this vital link with communities with a view to enhancing community policing units. Implementation of a pilot scheme to reopen 6 stations both rural and urban to determine possible positive impacts that such openings will have on criminal activity. (Level 2)	Assistant Secretary, Policing Division	Q1 – Q4 Overall to Q2 2018
3.1.1.4	An Garda Síochána will bring specialist units involved in the fight against all forms of serious crime up to full strength as soon as possible. (Level 2)	Assistant Secretary, Policing Division	Q1 - Q4 Overall to Q4 2021
3.1.1.5	We will establish Garda Business Fora in urban centres allowing Gardaí and businesses to work together to improve public safety, ensure a safe night-time economy and respond to crimes against businesses. (Level 4)	Assistant Secretary, Crime and Security	Q3

3.1.2 To drive and oversee the agreed programme of reform and investment in An Garda Síochána

3.1.2.1	We will Drive and oversee the agreed five-year reform programme in the AGS in line with the Government Decision of 19/07/2016 in conjunction with the Policing Authority including: roll-out of Divisional policing model, development of workforce planning capacity; ensuring effective monitoring and reporting mechanisms are in place. (Level 1)	Assistant Secretary, Policing Division	Q1- Q4 Overall to Q4 2021
3.1.2.2	An Garda Síochána will introduce a National Operating Framework and Performance Accountability Framework. (Level 2)	Assistant Secretary, Policing Division	Q3
3.1.2.3	An Garda Síochána will implement a new intelligence led policing infrastructure, which will increase the ability of An Garda Síochána to detect crime and make our communities safer places for all. (Level 2)	Assistant Secretary, Crime and Security	Q1 - Q4
3.1.2.4 Over arching	We will implement the Garda Capital Programme: to upgrade ICT infrastructure, further invest in the Garda fleet and provide new and refurbished Garda Stations throughout the country. (Level 2)	Assistant Secretary, Policing Division	Q2 - Q4 Overall to Q4 2021
3.1.2.5	An Garda Síochána will continue to develop its Major Investigations Management Systems (MIMS) (Level 2)	Assistant Secretary, Policing Division	Q1 - Q4
3.1.2.6	An Garda Síochána will procure ICT Skilled Resources (SRO Nóirín O Sullivan, Commissioner) (Level 2)	Assistant Secretary, Policing Division	Q4

3.1.3 To provide policy, operational and legal frameworks to reduce and prevent crime, tackle reoffending, and develop more secure communities

3.1.3.1	We will review options to bring forward the work undertaken in respect of White Paper on Crime incorporating the National Anti-Crime Strategy. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.3.2	We will safeguard urban centres and the night-time economy by properly resourcing An Garda Síochána in targeting the sale and supply of illicit drugs on our streets. (Level 2)	Assistant Secretary, Crime and Security	Q1
3.1.3.3	We will Extend Garda Youth Diversion Projects for young people promoting restorative justice having regard to trends in youth crime. (Level 2)	Assistant Secretary, Crime and Security	Q1- Q4 Overall to Q4 2018
3.1.3.4	We will take forward the remaining recommendations in the Garda Inspectorate Report on Crime Investigation, including liaising with CSO with regard to their view of the issues raised. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.3.5	We will take forward recommendations in the Garda Inspectorate Report on the Fixed Charge Processing System (Penalty Points) and related measures in the field of road safety, including implementation of '3rd Payment Option'. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.3.6	We will continue to support and prioritise community crime prevention schemes including Neighbourhood Watch and Text Alert. Strive for consistency in supports for community groups and examine direct funding opportunities for community schemes and groups. Introduction of National Regional support officers in conjunction with An Garda Síochána (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.3.7 Over arching	We will encourage collaborative joint planning and interagency partnership approaches by all Criminal Justice agencies.	Assistant Secretary, Crime and Security	Q1 - Q4
3.1.3.7	We will deliver the Annual Criminal Justice Strategic Committee Work Programme. (Level 2)	Assistant Secretary, Crime and Security	Q1 - Q4
3.1.3.8	We will monitor and progress the J-ARC Joint Agency Response to Crime through the High Level Group. (Joint Agency SROs: Vivian Geiran, Director, Probation Services and Michael Donnellan, Director General IPS) (Level 2)	Assistant Secretary, Crime and Security	Q4

3.1.3.9	We will support investment in CCTV at key locations along the road network and in urban centres. (Level 2)	Assistant Secretary, Policing Division	Q2
3.1.3.10	We will implement the Recommendations of the Cost of Insurance Working Group that are relevant to this Department. (Phase 1) (Level 2)	Assistant Secretary, Crime and Security	Q4 Overall to Q4 2018
3.1.3.11	We will ensure a whole of Government approach to Penal Policy and addressing offender behaviour to reduce reoffending. (Level 2)	Assistant Secretary, Prisons, Probation & International Policy	Q1 – Q4
3.1.3.12	We will implement the Second National Action Plan to Prevent and Combat Human Trafficking in Ireland. (Level 4)	Assistant Secretary, Crime and Security	Q1 - Q4 Overall to Q4 2020
3.1.3.13 Overarching	We will develop and manage legislative proposals for Criminal law in accordance with the Government's Programme (Level 1+)	Assistant Secretary, Criminal Law Reform+	Q2 – Q4
3.1.3.13	Criminal Law (Sexual Offences) Bill 2015 (Level 1)	Assistant Secretary, Criminal Law Reform	Q4
3.1.3.14	Criminal Justice (Suspended Sentences of Imprisonment) Bill 2016 (Level 1)	Assistant Secretary, Criminal Law Reform	Q4
3.1.3.15	Criminal Justice (Corruption) Bill (Level 1)	Assistant Secretary, Criminal Law Reform	Q3
3.1.3.16	Criminal Justice (Offences Relating to Information Systems) Bill 2016 – enactment (Level 1)	Assistant Secretary, Criminal Law Reform	Q4
3.1.3.17	We will implement the EU Victims of Crime Directive - Criminal Justice (Victims of Crime) Bill 2016 (Level 1)	Assistant Secretary, Criminal Law Reform	Q3
3.1.3.18	Criminal Justice Bill 2016 [Formerly the Bail (Amendment) Bill 2016] (Level 1)	Assistant Secretary, Criminal Law Reform	Q4
3.1.3.19	Draft Section 32 Order under European Arrest Warrant Act 2003 (Level 2)	Assistant Secretary, Crime and Security	Q2
3.1.3.20	Reform of firearm licencing; implementation of package of reforms (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.3.21	Examine the need for amendment to the Communications (Data Retention) Act 2011 (Level 2)	Assistant Secretary, Crime and Security	Q2

3.1.3.22	Draft and publish the Independent Reporting Commission Bill (Level 2)	Assistant Secretary, Crime and Security	Q3
3.1.3.23	Amendments to Interception and Surveillance Legislation (Level 2)	Assistant Secretary, Crime and Security	Q4

3.1.4 To promote National Security, tackle terrorism and serious and organised crime

3.1.4.1	We will develop programmes to enhance responses to security threats. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.4.2	We will actively engage with Government Departments and agencies as well as relevant partners in other jurisdictions to tackle terrorism and serious and organised crime. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.4.3	We will contribute to the structural review of decision-making arrangements across the common areas of security and defence (Level 4)	Assistant Secretary, Crime and Security	Q4
3.1.4.4	We will develop the necessary technical and legal infrastructure to give effect to other EU measures concerning police cooperation including implementing the PNR Directive (Phase 1) (Level 2)	Assistant Secretary, Policing Division	Q1 2018
3.1.4.5	We will advance the implementation of Schengen Information System (SIS II) and the implementation of automated information sharing under the Prúm decisions. (Level 4)	Assistant Secretary, Policing Division	Q1 – Q4

3.1.5 To enhance North-South cooperation to combat terrorist activity and cross border organised crime

3.1.5.1	We will strengthen and develop cross border bodies and services in Northern Ireland and implement the Fresh Start Agreement. (Level 2)	Assistant Secretary, Crime and Security	Q3
3.1.5.2	We will support and enhance the work of the Joint Agency Task Force to tackle cross-border organised crime. (Level 4)	Assistant Secretary, Crime and Security	Q4

3.1.6 To establish institutions to address the legacy of conflict in Northern Ireland

3.1.6.1	We will cooperate with Government Departments, North and South, and with the UK Government on establishing the institutions under the Stormont House Agreement to address the legacy of conflict in Northern Ireland. (Level 4)	Assistant Secretary, Crime and Security	Q4
---------	---	--	----

3.1.7 To combat money laundering and terrorist financing

3.1.7.1	We will examine how communities can better engage with CAB including provision of information on the suspected local use of the proceeds of crime and the potential of a smaller CAB being established to target regional assets. (Level 1)	Assistant Secretary, Crime and Security	Q2
3.1.7.2	We will implement the 4th EU Money Laundering / Terrorist Financing Directive. - Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill. (Level 2)	Assistant Secretary, Criminal Law Reform	Q3
3.1.7.3	We will contribute to the International Financial Action Task Force Review prior to publication in mid-2017 and undertake to implement Recommended Actions thereafter. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.1.7.4	We will review the existing Proceeds of Crime legislation and we will ensure that adequate resources are provided to support the work of the Criminal Assets Bureau in tackling money laundering and to target the proceeds of crime. (Level 2)	Assistant Secretary, Crime and Security	Q3



3.2 ACCESS TO JUSTICE

3.2.1 To ensure Courts & Legal Aid systems are providing a high quality and professional service that is accessible, efficient & effective

3.2.1.1	We will examine the feasibility of a new Public Defender system and report to the relevant Oireachtas Committee and Government within 6 months. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q1
3.2.1.2	We will support the delivery of the Courts Service capital Programme, including PPP Projects. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.1.3	We will transfer responsibility for criminal legal aid to the Legal Aid Board. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.1.4	We will develop mediation as an alternative to court proceedings – progression of the Mediation Bill. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.1.5	We will commission an annual study on court efficiency and sitting times, benchmarked against international standards, to provide accurate measurements for improving access to justice. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.1.6	The Courts Service will extend the Courts Service online (CSOL) programme to provide for the management and administration of all licensing applications to the Circuit and District Court including online public access to a nationwide Licensing Register. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.1.7	We will collaborate with criminal justice agencies on procedural reforms, cost savings and minimising actions, in particular extending the use of video conferencing to additional court venues and prisons nationwide. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.2.1.8	We will resource the Courts, particularly the Circuit Court, to deal with increased non-summary prosecutions of serious crimes. (Level 4)	Assistant Secretary, Civil Law Reform / Courts Policy	Q1- Q4 Overall to Q2 2019

3.2.2 To modernise the Family Justice system

3.2.2.1	We will develop a new Family Court system. Policy development in respect of Family Court. Family Court Bill – to establish a dedicated Family Court. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.2.2	We will establish a Family Justice Forum to identify ways to streamline and improve the broader system for resolving family difficulties. (Level 2)	Assistant Secretaries, Civil Law Reform / Courts Policy & Corporate Affairs	Q4
3.2.2.3	The Courts Service will proceed with the development of the Dublin Family Court facility at Hammond Lane – design phase. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2

3.2.3 To develop appropriate structures and systems to handle mortgage arrears and other personal insolvency cases

3.2.3.1	Review the thresholds and the processes for Personal Insolvency Arrangements (including SMEs) and raise where appropriate (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q3
3.2.3.2	We will monitor the impact and effectiveness of personal insolvency processes and refine and develop structures and systems where required. (Level 2)	Assistant Secretary Civil Law Reform / Courts Policy	Q3

3.2.4 To support the development of competent, caring and efficient services to victims of crime

3.2.4.1	Develop victim support services including Garda Victim Support Offices as a single point of contact in accessing support and information. (Level 2)	Assistant Secretary, Crime and Security	Q4
3.2.4.2	Oversee the implementation of the second National Strategy on Domestic, Sexual and Gender-based Violence (Implementation of Istanbul Convention). (Level 2)	Assistant Secretary, Crime and Security	Q4

3.2.5 To provide an improved legislative basis for judicial standards and implement best practice for judicial appointments as well as other civil law reforms to meet the changing needs of society

3.2.5.1	We will progress legislation to reform and update the system of judicial appointments, in line with the Programme for Government. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q1
3.2.5.2	We will progress legislation to establish a Judicial Council. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.2.5.3	We will give effect in Irish law to the Data Protection Regulation and Directive. – Publication of Data Protection Bill. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.5.4 Over arching	We will advance proposals for Civil Law Reform / Courts Policy in accordance with the Government’s legislation programme and in consultation with stakeholders	Assistant Secretary Civil Law Reform / Courts Policy +	Q1 - Q4
3.2.5.4	Assess options and prepare legislative memo for Government (subject to legal advice) on establishing new dedicated court to sensitively and expeditiously handle mortgage arrears and other personal insolvency cases, including through imposing solutions recommended by new mortgage arrears Resolution Service. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.2.5.5	Civil Liability (Amendment) Bill 2017 to provide for periodic payments orders in catastrophic personal injury cases (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q3
3.2.5.6	Civil Law and Courts (Miscellaneous Provisions) Bill (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.5.7	International Recovery of Child Support (Hague Convention) Bill - to implement the Hague Convention on International Recovery of Child Support and other forms of family maintenance, regarding non-EU States) (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.2.5.8	We will continue the review of the Gambling Control Bill 2013 with a view to legislative action. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4

3.2.5.9	Courts (No. 2) Bill 2016 – Implementation of 3rd Payment Option (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.2.5.10	We will implement the Civil Debt Procedures Act, 2015 - to provide for the deduction of income/social welfare payments from source in order to enforce debts to which legislation applies. It also provides for the abolition of imprisonment of debtors for non-payment of civil debts. (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.2.5.11	We will progress the reformed and Consolidated Domestic Violence Bill (Level 2)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.2.5.12	Review Defamation Act 2009 (Level 2)	Assistant Secretary Civil Law Reform / Courts Policy	Q3
3.2.5.13	Complete merger of the Property Registration Authority (PRA), Valuation Office and Ordinance Survey Ireland (OSI) to form Tailte Éireann – Publication of Bill (Level 2)	Assistant Secretaries, Corporate Affairs Civil Law Reform/ Courts Policy	Q4
3.2.5.14	Improve the operational capacity of the coroner service, with particular reference to the Dublin region. This will take place in the context of a review of potential new legislation to comprehensively modernise coronial law and structures. (Level 2)	Assistant Secretaries, Prisons, Probation & International Policy, Civil Law Reform / Courts Policy	Q2
3.2.5.15	Garda Síochána (Compensation for Malicious Injuries) Bill – publication (Level 2)	Assistant Secretary, Policing Division	Q4



3.3 AN EQUAL AND INCLUSIVE SOCIETY

3.3.1 To promote equality and inclusion in Irish society

3.3.1.1 Over arching	We will engage with civil society, the social partners and other stakeholders and lead cross-departmental collaboration to develop, publish, implement and monitor policies and strategies to promote equality and social inclusion and to overcome inequalities. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1-Q4
3.3.1.1	New Disability Inclusion Strategy 2016 – 2019 - publication (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q2
3.3.1.2	We will monitor implementation of the comprehensive Strategy on the Employment of Persons with Disabilities. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1-Q4
3.3.1.3	Implement the Migrant Integration Strategy (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1-Q4
3.3.1.4	We will publish the National Women’s Strategy. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q2
3.3.1.5	We will publish a revised National Traveller and Roma Inclusion Strategy (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1
3.3.1.6	We will develop an LGBTI Inclusion Strategy (Level 4).	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.7	We will ratify the UN Convention on the Rights of Persons with Disabilities (CRPD). (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.8	We will review the role of the National Disability Authority (Phase 1). (Level 2)	Assistant Secretary,	Q4

		Asylum Services, Integration & Equality	
3.3.1.9	We will negotiate at EU Level in respect of the EU Accessibility Directive and coordinate Ireland's position across all relevant Departments and agencies. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.10	We will ratify the Convention on the International Protection of Adults. (Level 4)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.3.1.11	We will implement the Programme for Government commitment to require companies with 50 or more staff to complete wage surveys. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.12	We will develop initiative to increase Female Representation on State boards to 40%. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.13	We will introduce a policy of providing locally delivered courses for women, comprising a series of training opportunities on self-development and work related skills, to assist a return to the labour market and promote entrepreneurship. (Level 4)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.14	We will administer EU Funding Programmes for Migrant Integration and Gender Equality. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.15	We will promote equality and gender proofing in national policy proposals. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.16	We will reform Family leave to significantly increase parental leave in the first year of a child's life, over a five-year period. (Phase 1) (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4
3.3.1.18	Provide funding to the National Collective of Community Based Women's Networks (NCCWN) (Level2)	Assistant Secretary, Asylum Services, Integration & Equality	Q4



3.4 A FAIR AND BALANCED IMMIGRATION AND PROTECTION REGIME

3.4.1 To ensure a streamlined and effective international protection regime, including improvements to the direct provision system

3.4.1.1	We will implement improvements to State provided accommodation and related services particularly for families. (Level 2)	Director General, INIS, Assistant Secretary, Asylum Services, Integration & Equality	Q1 – Q4
---------	--	---	---------

3.4.2 To support the relocation and resettlement of programme refugees and relocated asylum seekers

3.4.2.1	We will implement the Second Phase of EU and UN resettlement and relocation programmes and promote integration of refugees in our communities. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1 2018
---------	--	--	-------------------

3.4.3 To enhance immigration controls at the State's borders. To continue to effectively operate the Common Travel Area

3.4.3.1	We will civilianise border posts to free up Garda resources for operational duties. (Level 2)	Director General, INIS	Q3
3.4.3.2	We will enhance Border Security including working with UK on further enhancing security of the CTA (Phase 1). (Level 2)	Director General, INIS	Q3 Overall to Q4 2018
3.4.3.3	We will extend the use of Commercial Visa Application Centres as part of the British-Irish Visa Scheme (BIVS) (Phase 2). (Level 2)	Director General, INIS	Q3 Overall to Q4 2018
3.4.3.4	We will introduce EU Residents Permit / Joint EU-format Residence Permit and Public Service Card for Foreign Nationals (Phase 2). (Level 2)	Director General, INIS	Q4 Overall to Q4 2020

3.4.4 To ensure responsive policies in respect of non-EEA nationals resident in the State and effective implementation of these policies

3.4.4.1	We will introduce regular policy reviews of immigration including for students, retirees, workers etc. to respond to changing requirements and demands. (Level 2)	Director General, INIS	Q3
3.4.4.2	We will ensure effective processes for registration of non-EEA nationals, effective dealing with applicants for a wide range of immigration services and citizenship. (Level 2)	Director General, INIS	Q4
3.4.4.3	We will transfer Registration Functions from AGS to INIS. (Phase 1). (Level 2)	Director General, INIS	Q1 Overall to Q4 2019
3.4.4.4	We will implement Process Changes to the service to improve its productivity, quality and customer service such as merging of the Registration and Visa Re-entry functions in Dublin and delivery of on-line services. (Phase 1). (Level 2)	Director General, INIS	Q3 Overall to Q4 2019

3.4.5 To provide a balanced visa regime to enable legitimate visitors, tourists and long term applicants to come here whilst ensuring relevant controls are maintained

3.4.5.1	With regard to implementing EU regulations, we will ensure a stringent and effective approach to speedily refusing bogus applications and facilitating removal from the State. We will increase cooperation with UK in cracking down on the increasing numbers of bogus asylum seekers applying for unmerited asylum status following expiry of their UK Visa. (Phase 1). (Level 2)	Director General, INIS	Q1 2018 Overall to Q4 2018
3.4.5.2	We will implement the new enforcement and deportation provisions in the recently enacted International Protection Act 2015 to get tougher on abuses of our migration system. (Level 2)	Director General, INIS	Q1 – Q4 Overall to Q4 2020



LEADERSHIP IN AND OVERSIGHT OF JUSTICE AND EQUALITY POLICY AND DELIVERY

3.5.1 To provide leadership and strategic direction on Justice and Equality matters building on the Department's Culture Charter

3.5.1.1	We will progress joint strategic planning and collaborations with all Justice and Equality Bodies and other Departments. (Level 4)	Assistant Secretary, Corporate Affairs	Q4
3.5.1.2	We will coordinate and report to the Management Board on delivery of the Department's Strategy and reform programmes as part of the One Plan. (Level 4)	Assistant Secretary, Corporate Affairs	Q4
3.5.1.4	We will continue to work to integrate our Values Charter into how we work as a Department. (Level 4)	Assistant Secretary, Corporate Affairs	Q4
3.5.1.5	Principal Officer led cross-grade Horizon groups to consider selected issues taking a longer term view. (Level 2)	Chair of the Principal Officer Forum	Q3

3.5.2 To ensure implementation of already enacted legislation

3.5.2.1	We will establish the Legal Services Regulatory Authority – Implementation of the Legal Services Regulation Act 2015. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q2
3.5.2.2	Follow up to enactment of Children and Family Relationships Act, 2015 – commencement of various provisions and Regulations for experts to ascertain the views of the child. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.5.2.3	Follow up to Assisted Decision-making (Capacity) Act, 2015 - to ensure structures in place to enable Act to be commenced. (Level 1)	Assistant Secretary, Civil Law Reform / Courts Policy	Q4
3.5.2.4	The Valuation Office will continue to implement the Valuation Act [SRO John O'Sullivan, Commissioner of Valuation]. (Level 2)	Assistant Secretary, Corporate Affairs	Q4
3.5.2.5	We will implement Family Mediation [Legal Aid Board (SRO Barry Murphy)]. (Level 2)	Assistant Secretary, Corporate Affairs	Q3

3.5.3 To enhance international cooperation on justice and equality issues

3.5.3.1	We will develop an approach to minimise the impact of Brexit in the areas under the Department's remit, support negotiations as required, and prepare a sector approach to address legislative/operational issues arising therefrom. (Level 1)	Assistant Secretary, Prisons, Probation & International Policy	Q4
3.5.3.2	We will represent Ireland's interests internationally by fully participating in all relevant EU discussions including criminal, judicial and civil law cooperation, police cooperation and immigration/asylum matters, and by supporting the Tánaiste at Ministerial Councils. (Level 2)	Assistant Secretary, Prisons, Probation & International Policy	Q1 - Q4

3.5.4 To comply with reporting requirements under Conventions

3.5.4.1	We will manage Ireland's examinations under relevant UN and Council of Europe Conventions. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	Q1 - Q4
3.5.4.1	Prepare CERD Report (Convention on Elimination of Racial Discrimination) and submit to UN. (Level 2)	Assistant Secretary, Asylum Services, Integration & Equality	

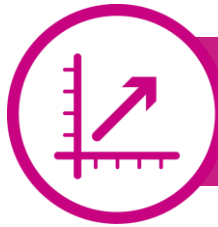
3.5.5 To enable Justice Sector bodies to exercise their functions satisfactorily and ensure effective governance

3.5.5.1	Budgetary control and Financial Management of Justice and Equality Vote. (Level 1)	Assistant Secretary, Corporate Affairs	Q1-Q4
3.5.5.2	We will oversee and monitor expenditure on Justice & Equality Sector Capital Projects. We will ensure that the key prioritised Justice & Equality Sector capital projects are appropriately reflected in the Justice & Equality submission re the Capital Review. (Level 2)	Assistant Secretary, Corporate Affairs	Q1-Q4
3.5.5.3	We will operate estimates and budgetary control for the Justice Vote Group. (Level 1)	Assistant Secretary, Corporate Affairs	Q4

3.5.5.4	We will work with Agencies to put in place Oversight Agreements and regular monitoring in accordance with the requirements of the Department's Corporate Governance Framework and the Code of Practice for the Governance of State Bodies (2016). (Level 2)	Assistant Secretary, Corporate Affairs	Q2
3.5.5.5	We will enhance Irish Prison Service (IPS) organisational capacity to ensure safe and secure custody, dignity and care and rehabilitation of prisoners for safer communities. (Level 2)	Assistant Secretary, Prisons, Probation & International Policy	Q4
3.5.5.6	We will support transition of the Department's Financial Shared Services to the Civil Service Financial Shared Service. (Level 2)	Assistant Secretary, Corporate Affairs	Q4 +
3.5.5.7	We will accelerate construction of the new Forensic Science Laboratory (Phase 1) and develop a plan for the merger of the Garda Technical Bureau and FSI. (Level 2)	Assistant Secretary, Policing Division	Q4

3.5.6 To promote public sector reforms across the sector in order to improve capacity and capability of the Sector

3.5.6.1	We will support the development of the new Public Service Reform Plan and lead it in our sector, developing appropriate Delivery Plans. (Level 4)	Assistant Secretary, Corporate Affairs	Q4
3.5.6.2	We will engage with OPW on implementation of the recommendations in the Property Asset Management Delivery Plan. (Level 2)	Assistant Secretary, Corporate Affairs	Q4



UP OUR PEOPLE, CULTURE, SYSTEMS AND PROCESSES

3.6.1 To be a high performing organisation with a continuous focus on developing the knowledge and skills of staff

3.6.1.1	Implement programme to embed our values and ensure they are lived in all aspects of our work. Support with implementation of commitments in the Human Resources Strategy. (Level 2)	Assistant Secretary, Corporate Affairs	Q1 – Q4
3.6.1.2	Deliver sustained organisational change aligned with the Civil Service Renewal Plan. (Level 2)	Assistant Secretary, Corporate Affairs	Q1 – Q4
3.6.1.3	Implement the Human Resources Strategy and Workforce Plan to align structures and staff with the Statement of Strategy 2016-2019 and resource the Department effectively. Provide learning and development opportunities tailored to the needs of the organisation. (Level 2)	Assistant Secretary, Corporate Affairs	Q1 – Q4

3.6.2 To improve internal and external communications

3.6.2.1	Implement the Communications Strategy – “Communicating Change”. (Level 4)	Assistant Secretary, Corporate Affairs	Q1 – Q4
---------	---	---	---------

3.6.3 To deliver excellent customer service to our stakeholders

3.6.3.1	We will enhance the quality of our engagement with our customers. In particular, the delivery of improvements in our correspondence response times and management systems. (Level 2)	Assistant Secretary, Corporate Affairs	Q4
---------	--	---	----

3.6.4 To ensure better management, integration and use of knowledge, data and research

3.6.4.1	We will publish a Data Strategy. (Level 1)	Assistant Secretary, Corporate Affairs	Q2
3.6.4.2	We will develop a Criminal Justice Operations Hub (Phase 1: design and commence build). (Level 2)	Assistant Secretary, Corporate Affairs	Q4

3.6.4.3	We will develop an Irish Government Economic Evaluation Service (IGEES) Research Programme. (Level 2)	Assistant Secretary, Corporate Affairs	Q4
3.6.4.4	We will implement in association with the OGCIO 'Build to Share Strategy' a range of applications to support administration. (Level 2)	Assistant Secretary, Corporate Affairs	Q1 2018

CREATING A SAFER AND FAIRER IRELAND

Department of Justice and Equality

51 St. Stephen's Green,

Dublin 2.

D02 HK52

Lo-Call: 1890 221 227

Web: www.justice.ie

Twitter: @DeptJusticeIRL