

Committee of Public Accounts**2011 Annual Report of the C&AG and Appropriations Accounts****Vote 19: Justice and Equality****Chapter 15: Lease of Accommodation for a Probation Service Project****Vote 19: Justice and Equality****Update**

The Vote reference was changed from Vote 19 to Vote 24 in 2012.

The estimate and provisional expenditure for 2012 have been included for each subhead at **Appendix A**.

Vote Summary

The Justice and Equality vote is one of five votes in the Justice Group of Votes. The others are An Garda Síochána, Prisons, Courts and Property Registration Authority.

The Justice Vote accounts for 16% of gross expenditure in the Justice Vote Group, with An Garda Síochána with 63% of expenditure being the largest vote in the Group.

The expenditure breakdown for the Justice Vote in 2011 was comprised of over 36% in pay and pensions related expenditure, 0.7% in capital and the remainder of 63% in non-pay current expenditure.

There were 2,295 fulltime equivalent employees paid from the Vote at the end of December 2012.

The Justice Vote includes over 60 individual subheads including the administrative areas of the Department, Commissions and Special Inquiries, Legal Aid (Civil and Criminal), Immigration and Asylum, Probation Service, Equality Integration and Disability, Charities and a range of other services including offices and agencies such as the Office of Data Protection Commissioner, Criminal Assets Bureau, Forensic Science and State Pathology Laboratories, Garda Ombudsman Commission etc.

In line with developments in performance budgeting across the Public Sector, the Department of Justice Vote has been restructured on a programme basis for 2013 under the following seven headings;

- A- Maintain a Secure Ireland
- B- Work for Safe Communities
- C- Facilitate the Provision and Administration of Justice
- D- Promote Equality and Integration
- E- Represent Ireland's Justice Interests Abroad
- F- Contribute to Economic Recovery

The detailed breakdown of the subheads under each of the programmes is at **Appendix B**.

Other changes since 2011

Legal Aid Board

The budget for the Legal Aid Board has been rationalised in 2012. The former subhead D.2 Asylum Seekers Task Force – Legal Aid is now reflected as part of the grant-in-aid for the Legal Aid Board.

In addition the budget for the Family Mediation Service has transferred to the Legal Aid Board from the Family Support Agency, which is part of the Department of Children and Youth Affairs.

Irish Youth Justice Service

Certain functions in relation to the Irish Youth Justice Service (including Children Detention Schools) transferred to the Department of Children and Youth Affairs with effect from 1 January 2012. This involved a budgetary transfer of circa €18 million.

The funding for the Community Programmes which includes Garda Youth Diversion and Young Persons Probations projects is accounted for under the Justice and Equality Vote.

EU Presidency

An allocation of €1.2164 million was made available in 2012 and a further €2.020 million in 2013 in relation to the Departments responsibilities under the EU Presidency.

Personal Insolvency Service

A new subhead for this service was established in 2012.

A specific budget of €7.5 million was set aside in 2013 for the establishment and operation of the new service. The break-down between pay and non-pay is €4.8 million and €2.7 million respectively.

It is anticipated that the new service will having a staffing level of 91 when fully operational.

Irish Human Rights and Equality Commission

In anticipation of the enactment of the legislation for the new body to replace the Equality Authority and Human Rights Commission, there is a combined allocation for the two bodies reflected in the estimates for 2013.

Equality Tribunal

Responsibility for the Equality Tribunal together with related staff and budget resources have transferred to the Department of Jobs, Enterprise and Innovation with effect from 1st January, 2013.

This move reflects the rationalisation of the industrial relations/employee rights institutions - Labour Court, Labour Relations Commission, Employee Appeals

Tribunal, National Employment Rights Authority and Equality Tribunal into single agency under the Department of Jobs, Enterprise and Innovation.

Office of the State Pathologist

Initial development of the Office of the State Pathologist facilities at a site owned by Dublin City Council at Marino had been progressed as an exchequer funded project through a joint venture between the Department and Dublin City Council (DCC). The objective was that a new state of the art laboratory would provide facilities for the State Pathologist and the Dublin Coroner.

The contract for the development was awarded to Michael McNamara and Company by DCC with construction commencing in early 2010. On 11th November, 2010 NAMA appointed a receiver to Michael McNamara and Company. As a result, all construction work on the new laboratory ceased and this gave rise to complex legal, public procurement and other considerations. The Department of Justice and Equality has contributed almost €2.8 million to the project.

Under the current capital envelope, there was insufficient funding available to restart the project at Marino through exchequer funded capital. As a result, other options to recommence the project have been examined including the completion of the build under a Public Private Partnership arrangement. Although initially included in the PPP, after further consultation with the NDFA and DCC, it was decided that this was not a viable option and it would be difficult to attract attention from the market given the specialised and complex nature of the build.

It is also the case that the partially completed early stage structure in Marino had deteriorated due to weathering to a point where it was unstable and represented a health and safety risk. As children had also been trespassing on the site this was a particular concern. Advice was received that the structure should be demolished and this has now been completed under the auspices of DCC.

An alternative proposal is now being pursued which is to utilise the former Whitehall Garda Station as a site for the development of the State Laboratory.

Subject to further assessment of the suitability of the site and a full analysis of the likely costs involved, this option may be the best way to ensure that the current highly unsatisfactory State Pathology and Coroners facilities are replaced at the least cost to the State in the shortest time period.

DCC retains in the region of €792,730 from funding allocated to the original project including the remainder of a security bond paid by the Project Bonds Man.

Chapter 15: Lease of Accommodation for a Probation Service Project

Update

The expenditure incurred on the project to date remains at just over €2 million which includes refurbishment, professional fees, VAT on the creation of the lease, rent and property management charges. The Department ceased making rent payments from September 2011 on the basis that it could not continue to expend public money on premises that the State could not use, and further, has an

obligation to try to recoup money already expended. Receivers were appointed in February 2012.

As set out in the Comptroller and Auditor General's Report, the Department relied on the advices of the Chief State Solicitor's Office in relation to the signing of the Lease on the premises at Wolfe Tone Street. The Comptroller and Auditor General has found that it is reasonable for the Department to have done so.

The status of the Lease remains in dispute between the Department and the Landlords/Receiver and the architect for the Landlords/Receiver. Public discussion of the facts of the case would prejudice negotiations and any litigation that may be issued by either the State against the Landlords and/or architect, or by the Landlords against the State.

As regards the project itself, from January 2013 the main activities of the Bridge Project take place in the Probation Service Offices in Dublin 1 where Probation Officers assigned to work with Bridge are also located. The Community Employment Scheme which is attached to the Bridge project operates from Ballybough Community Centre with this arrangement due to be reviewed at the end of August 2013.

			Estimate provision	Outturn	Estimate provision	Provisional Outturn
		€'000	€'000	€'000	€'000	€'000
Administration						
A.1.	Salaries, wages and allowances		20,678	20,913	21,017	21,136
A.2.	Travel and subsistence		457	301	489	322
A.3.	Training and development and incidental expenses		3,768	4,082	4,168	3,388
A.4.	Postal and telecommunications services		1,133	1,235	1,133	1,012
A.5.	Office equipment and external IT services		6,467	7,027	5,985	5,211
A.6.	Office premises expenses		1,517	2,379	1,817	1,978
A.7.	Consultancy services and value for money and policy reviews		173	36	73	225
A.8.	Research		483	13	233	22
A.9.	Financial shared services		11,123	10,219	11,213	10,254
A.10.	EU Presidency		-	-	1,264	983
Commissions						
B.1.	Commissions and special inquiries					
	<i>Original</i>	7,247				
	<i>Supplementary</i>	1,200	8,447	9,152	10,499	6,216
B.2.	Independent International Commission (grant-in-aid)		596	7	-	-
B.3.	Independent Monitoring Commission (grant-in-aid)		518	444	-	-
B.4.	Human Rights Commission (grant-in-aid)		1,097	1,097	1,425	1,425
Legal Aid						
C.1.	Legal Aid - criminal (no. 12 of 1962)					
	<i>Original</i>	47,552				
	<i>Supplementary</i>	10,000	57,552	56,118	47,552	50,534
C.2.	Legal Aid Board (grant-in-aid)		24,125	24,125	32,922	32,922
C.3.	Free legal advice centres		98	98	98	98
Immigration and Asylum						
D.1.	Irish Naturalisation & Immigration Service (INIS)					
	<i>Original</i>	46,882				
	<i>Supplementary</i>	5,568	52,450	53,036	47,632	43,485
D.2.	Asylum seekers task force - legal aid					
	<i>Original</i>	6,445				
	<i>Supplementary</i>	-800	5,645	6,245	-	
D.3.	Asylum seekers accommodation		67,492	69,460	63,497	62,329
Other Services						
E.1.	Garda Complaints Board		320	229	220	185
E.2.	Office of the Data Protection Commissioner		1,458	1,450	1,458	1,562

			Estimate provision	Outturn	Estimate provision	Provisional Outturn
			€'000	€'000	€'000	€'000
E.3.	Criminal Assets Bureau					
		<i>Original</i>	7,727			
		<i>Supplementary</i>	-1,300	6,427	6,673	6,410
E.4.	Prisons Inspectorate			413	322	413
E.5.	Coroners service					
		<i>Original</i>	355			
		<i>Supplementary</i>	150	505	517	335
E.6.	Parole Board			291	364	341
E.7.	Forensic Science Laboratory					
		<i>Original</i>	9,119			
		<i>Supplementary</i>	-500	8,619	8,275	8,292
E.8.	State Pathology					
		<i>Original</i>	4,541			
		<i>Supplementary</i>	-3,000	1,541	945	945
E.9.	Compensation for personal injuries criminally inflicted			4,237	4,228	4,237
E.10.	Funding for services to victims of crime			1,321	1,178	1,162
E.11.	Crime prevention measures			217	205	157
E.12.						
	Central Authorities (child abduction, child protection and maintenance debtors)			166	66	166
E.13.	Garda Ombudsman Commission					
		<i>Original</i>	9,242			
		<i>Supplementary</i>	-700	8,542	8,506	8,731
E.14.	Private Security Authority			2,233	2,044	2,343
E.15.	Office of the Garda Inspectorate					
		<i>Original</i>	1,701			
		<i>Supplementary</i>	-600	1,101	1,083	1,241
E.16.	Irish Film Classification Office					
		<i>Original</i>	1,245			
		<i>Supplementary</i>	-575	670	621	845
E.17.	National Property Services Regulatory Authority (NPSRA)			738	637	738
E.18.	Social disadvantage measures (dormant accounts funded)			176	176	250
E.19.	Mental Health (Criminal Law) Review Board			477	511	477
E.20.	Cosc - domestic, sexual and gender- based violence					
		<i>Original</i>	2,416			
		<i>Supplementary</i>	-500	1,916	1,905	2,091
E.21.	Insolvency Service Ireland					1
Probation Service						
F.1.	Probation service - salaries, wages and allowances					
		<i>Original</i>	22,524			
		<i>Supplementary</i>	-600	21,924	21,883	21,992
F.2.	Probation service - operating expenses					
		<i>Original</i>	4,923			
		<i>Supplementary</i>	-300	4,623	4,599	4,723

			Estimate provision	Outturn	Estimate provision	Provisional Outturn
		€'000	€'000	€'000	€'000	€'000
F.3.	Probation service - services to offenders					
	<i>Original</i>	11,522				
	<i>Supplementary</i>	-1,586	9,936	9,796	11,172	10,350
F.4.	Community service order scheme		2,284	2,058	2,284	2,053
		-				
Equality, Integration & Disability		-				
		-				
G.1.	Equality Authority (grant-in-aid)	-	2,420	2,395	2,984	2,841
G.2.	Equality Tribunal	-	1,775	1,838	2,225	2,259
G.3.	Grants to national women's organisations		405	405	350	350
G.4.	Equality proofing		150	150	-	-
G.5.	Equality Monitoring/Consultative Committees		402	228	430	246
G.6.	Gender mainstreaming and positive action for women		2,203	2,100	2,000	1,647
G.7.	Office for the promotion of migrant integration					
	<i>Original</i>	3,638				
	<i>Supplementary</i>	-500	3,138	2,141	2,502	2,400
G.8.	European Refugees Fund		1,384	1,233	1,500	1,314
G.9.	Status of people with disabilities					
	<i>Original</i>	1,939				
	<i>Supplementary</i>	-1,000	939	865	307	194
G.10.	National Disability Authority					
	<i>Original</i>	4,336				
	<i>Supplementary</i>	-826	3,510	3,335	4,550	3,790
G.11.	Disability projects		122	1	-	-
Charities						
H.1.	Charities regulation		400	238	400	25
H.2.	Charitable donations and bequests office		321	202	440	339
H.3.	Payments to the promoters of certain charitable lotteries		6,000	6,000	6,000	6,000
Irish Youth Justice Service						
I.	Irish Youth Justice Service					
	<i>Original</i>	39,341				
	<i>Supplementary</i>	-3,800	35,541	35,062	17,337	17,165
	Gross Expenditure					
	<i>Original</i>	402,333				
	<i>Supplementary</i>	331				
			402,664	400,451	377,859	356,694
	Deduct:					
J.	Appropriations-in-aid					
	<i>Original</i>	47,139				
	<i>Supplementary</i>	330				
			47,469	50,027	46,639	51,962
	Net Expenditure					
	<i>Original</i>	355,194				
	<i>Supplementary</i>	1				
			355,195	350,424	331,220	304,732

Appendix B- New Programme layout for the Justice and Equality Vote

Programme A- Maintain a Secure Ireland

- A.1- Administration- Pay
- A.2- Administration- Non-Pay
- A.3- Irish Naturalisation and Immigration Service
- A.4- Asylum Seeker Accommodation
- A.5- Garda Complaints Board
- A.6- Criminal Assets Bureau
- A.7- Prison Inspectorate
- A.8- Garda Ombudsman Commission
- A.9- Office Of The Garda Inspectorate
- A.10- Irish Youth Justice Service

Programme B- Work For Safe Communities

- B.1- Administration- Pay
- B.2- Administration- Non Pay
- B.3- Office Of Data Protection Commissioner
- B.4- Funding For Services To Victims Of Crime
- B.5- Crime Prevention Measures
- B.6- Private Security Authority
- B.7- Irish Film Classification Office
- B.8- Mental Health (Criminal Law) Review Board
- B.9- COSC- Domestic, Sexual and Gender Based Violence
- B.10- Probation Service- Salaries, Wages & Allowances
- B.11- Probation Services- Operating Expenses
- B.12- Probation Services- Services To Offenders
- B.13- Community Service Order Scheme

Programme C- Provision And Administration Of Justice

- C.1- Administration –Pay
- C.2- Administration –Non Pay
- C.3- Commissions And Special Inquiries
- C.4- Legal Aid (Criminal)
- C.5- Legal Aid- Custody Issues
- C.6- Legal Aid Board (G-I-A.)
- C.7- Free Legal Advice Centres
- C.8- Corners Service
- C.9- Parole Board
- C.10- Forensic Science Laboratory
- C.11- State Pathology
- C.12- Personal Injuries Compensation
- C.13- Central Authorities
- C.14- Legal Services Regulatory Authorities

Programme D- Promote Equality & Integration

- D.1- Administration- Pay
- D.2- Administration- Non Pay

- D.4- Social Disadvantage Measures (Dormant Accounts Funded)
- D.5- Grants To National Women's Organisations
- D.6- Traveller Initiatives
- D.7- Positive Action For Gender Equality
- D.8- Office For The Promotion Of Migrant Integration
- D.9- European Refugees Fund
- D.10- Disability Awareness Initiative
- D.11- National Disability Authority
- D.12- Charities Regulator
- D.13- Charitable Donations And Bequests Office
- D.14- Payments To The Promotion Of Certain Charitable Lotteries

Programme E- Represent Ireland Justice Interest In International Fora

- E.1- Administration- Pay
- E.2- Administration-Non Pay

Programme F- Contribution To Economic Recovery

- F.1- Administration- Pay
- F.2- Administration- Non Pay
- F.3- National Property Services Regulatory Authority
- F.4- Insolvency Services Ireland

G Appropriation In Aid