

**Opening Statement by Minister of State and Chief Whip,  
Ms Hildegarde Naughton T.D.**

**Meeting of the Select Committee on Finance, Public  
Expenditure and Reform, and the Taoiseach**

**Consideration of 2023 Supplementary Estimates**

**Thursday 23<sup>rd</sup> November, 1.30pm**

Thank you for this opportunity to appear before the Select Committee today as you consider this request for a Supplementary Estimate.

€4.5 million supplementary estimate is requested for Vote 5, the Office of the Director of Public Prosecutions. Also, a technical supplementary estimate of €1,000 must be requested for the Department of the Taoiseach to allow reallocation of funds between budget lines.

A detailed briefing for each of these Votes has been supplied to the Committee in advance of this meeting.

### **Vote 5 DPP**

The key function of the Office of the DPP is to provide a prosecution service that is independent, fair and effective for the people of Ireland. While the Taoiseach has certain responsibilities to the Oireachtas for administrative matters in the Office of the DPP, the Office operates independently of the Department.

The Net Estimate for the Office of the DPP (Vote 5) for 2023 is €55.318m. This provides for the salaries and expenses of the Director and her staff, the cost of the Local State Solicitor service, fees to counsel engaged by the Director to prosecute cases in the various courts, and legal costs awarded against the State arising out of judicial review and other legal proceedings.

A Supplementary Estimate of €4.5 million is being sought for 2023 which represents an 8% increase in the Net allocation.

The need for the Supplementary Estimate arises from greater than budgeted expenditure on A3 – Fees to Counsel, A4 – General Law Expenses and A5 – Local State Solicitor Service. Savings elsewhere on the Vote are insufficient to offset the need for a Supplementary Estimate.

There are a range of factors which give rise to the need for this Supplementary Estimate. I will address these in the order in which they are listed in the Vote.

### **A3 – Fees to Counsel**

Expenditure on Counsel Fees is, to a large extent, dependent on the level of activity in the Courts at any time, and so is always difficult to forecast.

The projected overspend of approximately €4.9m on this Subhead can be attributed to a general increase in the number of indictable prosecutions directed across all the courts, and to a significant increase in activity in the Central Criminal Court.

The number of judges assigned to this Court, which deals with the prosecution of murder and rape, has increased from five to ten. As a result, there has been a very significant increase in Court sittings, trials and lists to be supported by the Office of the DPP.

Further pressure on the Fees to Counsel subhead comes from the cost of a small number of complex long running trials. At the end of October, the fees payable in these cases exceeded €2 million. These factors have resulted in a significant increase in court activity.

The factors giving rise to the overspend in 2023 are likely to continue into 2024. I would inform the Committee that an additional allocation of €2.5 million has been added to this Subhead for 2024.

It is worth noting that while the volume of fees being paid by the Office has increased, the rates which we pay our barristers did not increase. The fee rates in 2023 are still 26% below those which were paid in 2008.

However, the Office of the DPP notes that the Department of Public Expenditure, NDP Delivery and Reform recently provided sanction, in principle, to increase counsel fees rates by 10% from 2024.

## **A4 – General Law Expenses**

The General Law Expenses subhead covers the payment of legal costs awarded by the Courts in judicial review matters and other legal proceedings.

The number of such claims is small, averaging 70 in a year. Most of them are settled for modest amounts. Approximately half settle for less than €10,000, with a further 30% settling for under €30,000. However, in a small number some cases the award will be significantly higher.

The projected overrun of €727,000 in the 2023 expenditure is principally due to large awards in three cases. These cases were settled on behalf of the Office by the State Claims Agency who manage third-party legal cost claims against State authorities.

## **A5 – Local State Solicitor Service**

There is an anticipated overspend of €1.232 million on this subhead arising from the payment of arrears due under the State Solicitors contracts which provide for increases to be paid in line with civil service pay adjustments.

The overspend covers increases accruing from October 2020 to current date, with just over half of the amount relating to the current year and the balance relating to payment of arrears. An additional allocation of €1.2 million has been added to this Subhead for 2024 to address the pressures on this subhead.

The additional expenditure I have advised the Committee of amounts to a total of €6.843 million. However, anticipated savings of €2.343 million on the Administration Pay subhead will reduce the amount required by way of Supplementary Estimate to €4.5 million.

## **Vote 2 Department of the Taoiseach**

Turning to the request for a technical supplementary estimate for the Department of the Taoiseach. The Department is seeking to reallocate its funding so that savings on budget lines can be used to offset increased expenditure on the Commissions of Investigation and Citizens' Assembly subheads.

To allow the Oireachtas to vote on the technical supplementary an additional €1,000 must be requested on the Department's 2023 Estimate bringing the net 2023 Estimate to €38.746 million.

## **Commissions of Investigation**

The IBRC Commission's report on the Siteserv transaction was received in July 2022 and it was subsequently published and debated in both the Dáil and Seanad.



In October 2022, the then Taoiseach accepted the Commission's recommendation that it would serve no useful purpose to investigate the remaining 37 transactions covered by its Terms of Reference.

The settlement of third party legal costs related to the IBRC Commission is ongoing. The Department has no control over the pace and timing of such claims. The Legal Costs Unit in the State Claims Agency NTMA deal with third-party bills of costs from the Commissions.

The National Asset Management Agency Commission of Investigation was established in June 2017 to investigate the sale by NAMA of its Northern Ireland portfolio, known as Project Eagle. Its latest report in July 2023 requested a further extension to its timeframe for reporting, this time until the end of March 2024.

To date, expenditure on both Commissions of Investigation is €5.5 million with an additional €650,000 estimated to be incurred by the end of the year. This will lead to an overall shortfall in the subhead of €1.879 million which will be offset by savings from Subhead A.4 Tribunal of Inquiry.

### **Citizens' Assembly**

Moving to the Citizens' Assembly subhead. The Citizens' Assembly on Drugs Use has concluded its series of six meetings and will submit its final report and recommendations to the Oireachtas by the end of this year.

Both the Oireachtas and Government will consider the report in detail and give a comprehensive response to the recommendations in due course. It will be a matter for Government to propose which Oireachtas Committee will consider the report.

A total of 36 recommendations have been agreed which set out a high-level 'direction of travel' for drug policy, while leaving the detailed working out to the Oireachtas and Government.

This subhead was allocated a nominal provision of €535,000 in Estimates 2023, in advance of a Government Decision on the establishment of the Citizens' Assembly. €1.9m is the estimated final year costs for the six meetings of the Drugs Use Assembly and the final meeting of the Assembly on Biodiversity held in January 2023.

As signalled to the Committee in March by the Taoiseach, during its scrutiny of Estimates 2023, savings from the Tribunal of Inquiry and Administration subheads will be used to offset this €1.356 million expenditure shortfall.

This expenditure provides for the staff assigned to the Assembly's secretariat and all operational costs of the Assembly's meetings including facilitators, technical support, accommodation and venue hire.

I welcome the opportunity to discuss the Supplementary Estimates with Deputies.

**ENDS**