

7. Could you please provide an overview of the Working Group “to consider the number of and type of judges required to ensure the efficient administration of justice over the next five years”? In addition, could you please provide more details on the independent research to be carried out by the OECD?

Terms of Reference - Judicial Planning Working Group

- To consider the number of and type of judges required to ensure the efficient administration of justice over the next five years in the first instance, but also with a view to the longer term.
- To consider the impact of population growth on judicial resource requirements.
- To consider, having regard to existing systems, the extent to which efficiencies in case management and working practices could help in meeting additional service demands and/or improving services and access to justice.
- To evaluate the estimated impact of the Covid-19 pandemic on court caseload in the short, medium, and long term and strategies for reducing waiting times to significantly improve on pre-Covid levels.
- To examine the experiences of other jurisdictions (particularly Common Law areas), and obtain accurate and up to date information on judicial practices and case management systems, together with caseload data in relation to Irish courts.
- To consider the costs associated with additional judge numbers, including salaries, allowances, judicial support staff and chambers.
- To review forthcoming and proposed policy and legislative reforms that may impact on the requirement for judge numbers including;
 - Recommendations of the Civil Justice Review
 - The O'Malley Review on victims of crime
 - Family Justice Reform
 - Review of Legal Aid financial eligibility criteria
 - Courts Service Modernisation Programme
 - Commencement of relevant provisions of the Assisted Decision Making Capacity Act 2015
 - Judicial Appointments Commission Bill
 - PfG commitment to establish a new Planning and Environmental Law Court
 - Insolvency Review
 - Economic development.
- To make recommendations for developing judicial skills in areas such as white collar crime.
- To make recommendations on relevant issues such as judicial workload, barriers to entry, efficiency gains, and speed of access to justice.
- To consider the implications of Brexit on the courts in regard to judicial resources and potential increased workloads arising.

17. Following up on the progress of the implementation plan “A review of structures and strategies to prevent, investigate and penalise economic crime and corruption” as regards anti-corruption priorities:

a. Could you update on the state of play of the multi-annual National Strategy to Combat Economic Crime and Corruption and the accompanying Action Plan?

The establishment of the Advisory Council against Economic Crime and Corruption is currently in the final stages. Once the Advisory Council is established, work will begin on developing a multi-annual strategy for combatting economic crime and corruption and the accompanying action plan. This will include public consultations. Our hope is that the national strategy will be drafted during 2022.

b. When do you expect the set-up and start of operations of the new Advisory Council against Economic Crime and Corruption? Do you plan to provide any extra resources and capacity to support its work?

The establishment of the Advisory Council against Economic Crime and Corruption is currently in the final stages. Shortlists of the most suitable candidates for the roles of Chairperson and six ordinary members representing (i) business and financial sector, (ii) academia, and (iii) civil society have been submitted to the Minister for Justice for her to review and to select her nominees for appointment by Government. The secretariat to the Advisory Council will be provided by the Economic Transnational and Organised Crime policy team in the Department of Justice. It is not currently envisaged that any additional resources will be provided to the Advisory Council, but this matter will need to remain under review as the Council commences its work.

18. Could you provide an update on the actions and measures carried as a follow-up on the Hamilton review recommendations, in particular:

a. as regards the development of a centralised Government framework for the procurement of electronic documentary analysis and e-disclosure systems?;

As per the implementation plan for the Hamilton review recommendations, which was agreed by Government and published in April 2021, this action is due to be progressed in Q2 and Q3 of this year. The Forum on Economic Crime and Corruption and Department of Public Expenditure and Reform will work together to develop a request for tender for a framework and will liaise then with the Office of Government Procurement to undertake the procurement process.

b. as regards the revision and legislative gaps identified in the legislation necessary to facilitate the optimal exchange of information and intelligence between investigative agencies?

Since the establishment of the Forum in June 2021, discussions have been ongoing on the issue of information sharing, both in the context of a Joint Action Task Force and in relation to Memoranda of Understanding. Input is being collated from the relevant agencies and departments in order to identify gaps in the existing legislation and allow for the development of legislative proposals, where required, to deliver on the solutions identified. A paper is currently being drafted for discussion at the next meeting of the Forum.

19. Regarding the Criminal Justice (Corruption Offences) Act 2018, could you inform us, if in the past year any new legislation has been proposed under the Government's "White Collar Crime Package"?

- In November 2017, the Government published a suite of regulatory, corporate governance and law enforcement measures – the 'White-collar crime Package' – aimed at enhancing Ireland's ability to combat corporate, economic and regulatory crime. This included a commitment to "review and strengthen anti-corruption and anti-fraud structures in criminal justice enforcement". To that end, the then Minister for Justice and Equality appointed Mr. James Hamilton, former Director of Public Prosecutions and anti-corruption expert, to act as independent chair of a multi-agency Review Group. In addition to representatives from the principal state agencies and regulatory authorities concerned with the investigation and prosecution of corruption offences, the Group included members from outside the public sector.
- The so-called Hamilton Review represents the latest package of recommendations for revising legislation to address corruption and economic crime.
- There are twelve legislative actions contained in the Hamilton Implementation Plan which span across a number of government departments. I must emphasise that the actions contained in the Implementation Plan are not solely the responsibility of the Department of Justice and will fall to be implemented by a number of other Government Departments and bodies. For instance, matters relating to the ethics in public office review are for the Minister for Public Expenditure and Reform while recommendations to strengthen competition law fall within the remit of the Tánaiste and the Department of Enterprise, Trade and Employment.
- To give an overview on the progress being made on a few of these legislative recommendations:
 - i. The Criminal Justice Procedures Bill has been enacted and was signed into law on 24 May 2021. This will introduce pre-trial hearings once the law has been commenced.
 - ii. The Department of Public Expenditure and Reform are currently carrying out a review of the Ethics Legislation. This will help inform proposals for reform that the Minister for Public Expenditure and Reform intends to bring forward this year.
 - iii. Since the establishment of the Forum in June 2021, discussions have been ongoing on the issue of information sharing, both in the context of a Joint Action Task Force and in relation to Memoranda of Understanding. Input is being collated from the relevant agencies and departments in order to identify gaps in the existing legislation and allow for the development of legislative proposals, where required, to deliver on the solutions identified. A paper is currently being drafted for discussion at the next meeting of the Forum.
 - iv. The General Scheme of An Garda Síochána (Powers) Bill was published in June 2021 and Pre-Legislative Scrutiny of the Bill took place in the Joint Oireachtas Committee in December 2021. This bill will address recommendations in relation to amendments to warrants to allow AGS request passwords to electronic devices and privacy rights, it

will also allow AGS to engage an independent expert to participate in interviewing a detained suspect.

- v. The Department of Enterprise Trade and Employment are progressing the Competition (Amendment) Bill. The bill was published on 31 January and is on the priority list for enactment. This Bill transposes the ECN+ Directive (Directive 2019/1 to empower the competition authorities of EU Member States to be more effective enforcers and to ensure the proper functioning of the internal market).

22. Could you develop on the measures in place to mitigate corruption risks in the Irish investor's residence scheme? Could you give us an overview of the number of applications received in relation to the number of applications rejected, and on what grounds can applications be rejected

The IIP rejection rate is very low, this can be explained reference to the application process itself.

- As all applicants have to undergo and submit an due diligence generated by an independent provider, upon receipt of the due diligence report the applicants will be aware of the contents of the report – if there are matters of concern they will not progress matters – so the IIP are never in receipt of an application to start with.
- It is open to applicants will withdraw their applications, significant numbers do – anecdotally this because the IIP are too slow making a decision and investors have been approved elsewhere, as result the Investor is neither refused nor accepted.

Year	Applications received	Approved applications	Value of Approved Investment
2012	5	2	1,500,000
2013	18	16	12,200,000
2014	30	8	4,450,000
2015	75	71	38,800,000
2016	333	32	18,250,000
2017	324	373	253,700,000
2018	423	156	139,750,000
2019	442	237	209,300,000
2020	339	271	188,400,000
2021	257	261	183,300,000
TOTAL	2,246	1,427	1,049,650,000

Investment Type	Applications received 2021	Applications approved 2021*
Enterprise	92	93
Investment Fund	32	38
REIT	0	0
Endowment	133	130
TOTAL	257	261

*Approvals issued in any year may relate to applications which were received in previous years due to the time taken to process applications.

Nationality	Overall number of approvals
China	1,339
USA	21
Vietnam	10
Saudi Arabia	5
South Africa	4
Rest of the World	45
TOTAL	1,427