Alan Shatter, TD, Minister for Justice, Equality and Defence reports on work done during first 16 months of Government
A message from Minister Alan Shatter

“My ambition is that, at the end of the Government’s term in office, we will be seen as the most radical reformist government in the history of the State. I am determined in my privileged role as Minister in two great Departments – Justice and Equality and the Department of Defence – to fully play my part. Being a member of a Cabinet composed of talented colleagues who are committed to public service, to restoring our economic sovereignty and getting our people back to work is truly a privilege. That is the difference between our Government led by An Taoiseach, Enda Kenny and the Fianna Fail led governments of yesteryear. Since I was appointed Minister on the 9 March 2011, I have enacted 11 separate pieces of legislation and an additional 12 Bills are at advanced stages of drafting. In addition, I have prioritised reform across a number of areas to improve efficiency, reduce costs and protect the frontline. I hope that this document serves as a useful resource as well as providing an insight into the work done during the past 16 months.”

Alan Shatter

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Alan Shatter, TD, Minister for Justice, Equality and Defence reports on work done during first 16 months of Government

In the first 16 months as Minister in the Department of Justice and Equality and the Department of Defence, Alan Shatter, TD, enacted the following pieces of legislation:

1. The **Criminal Justice Act 2011** implements crucial reform to facilitate Garda access to essential information, documentation and electronically held information to assist in the investigation of white collar crime. The Act renders it a criminal offence to fail to furnish to the Gardaí information which could prevent the commission of white collar crime or to assist the Gardaí in an investigation into white collar crime. It also introduces important new measures to protect whistleblowers. The Act provides vital assistance to the Gardaí in the completion of investigations which are current as well as providing assistance to them in investigations undertaken in the future. The Act was first successfully invoked in court proceedings in September 2011. The Act fulfils one of the reforms promised in the Programme for Government.

2. The **Property Services (Regulation) Act 2011**, enacted in December 2011, delivered upon a key Programme for Government commitment. The primary purpose of the Act is to set and enforce standards in the provision of property services by auctioneers, letting agents and property management, to improve the quality of information available on the Irish housing market and to provide redress mechanisms for consumers of those services. Minister Shatter formally established the Property Services Regulatory Authority on the 3 April 2012 and appointed a Chairperson and ten ordinary members to the Authority. The Authority has statutory responsibility for the publication of residential property sales prices and the establishment and maintenance of a Commercial Leases Database.

   On the 30 May 2012, Minister Shatter sought expressions of interest from suitably-qualified persons for membership of the Property Services Appeal Board. Members of the Appeal Board were appointed by the Government on the 24 July 2012.

3. The **Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Act 2012** was passed by the Oireachtas on the 12 July 2012. The Act creates an offence of withholding information on serious offences where those offences are committed against a child or a vulnerable adult. Serious offences are offences which carry a penalty of imprisonment for 5 years or more. They include most sexual offences and offences such as assault causing harm, abduction, manslaughter or murder.

   The Act replicates a similar offence which exists in Irish law under the Offences Against the State (Amendment) Act 1998. However, that Act specifically excludes sexual offences from those offences for which there is an obligation to disclose information. This Act addresses this gap, insofar as it
applies to children and vulnerable persons, by expressly including sexual offences in the list of serious offences for which it will be an offence to withhold information.

This Act fulfils one of the legislative commitments made by this Government to strengthen child protection. The Act will complement both the Children First Bill and the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012.

The Act will enter into force in early August 2012.

4. The **Criminal Law (Defence and the Dwelling) Act 2011** clarifies the law concerning the use of force by a householder when under attack by an intruder in their home. It recognises the special constitutional status of an individual’s family home and makes it clear that a person may use reasonable force to defend themselves in their home:

   1) It provides that a person who uses such reasonable force cannot be successfully prosecuted by the State or sued by a burglar in respect of any injury, loss or damage arising from it;
   2) It explicitly provides that a person attacked in the home is not required to retreat;
   3) It extends the right to use such reasonable force to the curtilage of the dwelling and
   4) It acknowledges that in circumstances where it is reasonable to do so, the force used may, unfortunately result in death.

5. The **Criminal Justice (Community Service) (Amendment) Act 2011** imposes an obligation on the courts when considering imposing a sentence of 12 months or less on a convicted offender to first consider requiring the offender to undertake community service. This fulfils a key Programme for Government commitment which states that “We will ensure that violent offenders and other serious offenders serve appropriate prison sentences while at the same time switching away from prison sentences and towards less costly non-custodial options for non-violent and less serious offenders. This will result in a reduction in the prison population and alleviate overcrowding.” The measure is intended to bring about a greater use of Community Service Orders to the benefit of local communities and to save taxpayers’ money in the context of the cost incurred when convicted offenders serve short terms of imprisonment. It is also intended to partially address the current problem of prison overcrowding and the granting of unconditional temporary release to prisoners prior to their becoming eligible for release on remission.

6. The **Criminal Justice (Search Warrants) Act 2012** was passed by the Oireachtas on the 18 July 2012. This Act was drafted on a priority basis and will address the implications of the Supreme Court judgment in Ali Charaf Damache v The Director of Prosecutions, Ireland and the Attorney General delivered on 23 February 2012. The Court found section 29(1) of the Offences against the State Act 1939 to be unconstitutional. Under the new Act, the impugned section is replaced with a provision that will: increase the
availability of judges empowered to issue search warrants under the 1939 Act; and permit a senior member of the Garda Síochána who is independent of the investigation concerned to issue a warrant in urgent circumstances which render an application to a District Court judge impracticable.

7. The Civil Law (Miscellaneous Provisions) Act 2011 implements important reforms across a diverse range of legal areas addressed in over 40 current Acts of the Oireachtas. The reforms apply to the following areas: bankruptcy law; domestic violence; enforcement of District Court Maintenance Orders; the provision of legal aid to victims of human trafficking; provision for civil partners to receive equal treatment to married couples with regard to citizenship matters; express statutory provision for citizenship ceremonies and new citizenship oath; reform of the legal provisions applicable to the appointment of Taxing Masters of the High Court; new arrangements for the protection of documentation furnished to and held by tribunals of inquiry; provision to bring the Family Mediation Service under the aegis of the Legal Aid Board and provision to facilitate the speedy electronic publication of Acts of the Oireachtas on the web immediately upon completion of the legislative process.

8. The Twenty-Ninth Amendment of the Constitution (Judges’ Remuneration) Act 2011 enabled the Houses of the Oireachtas apply to the judiciary the same pension levy and salary reductions that have applied to related pay scales across the public service. The wording for the required constitutional amendment was developed by Minister Alan Shatter in consultation with the Attorney General and approved by the Government on 26th July 2011. The 29th Amendment of the Constitution (Judges’ Remuneration) Bill 2011 was published on the 4 August 2011. The Referendum was passed on the 27 October 2011 with a substantial 79.74% of voters voting in support of the Government amendment. The Act was signed into law by President Michael D Higgins on the 17 November 2011.

9. The Defence (Amendment) Act 2011 provides for amendments to the Defence Acts to expand the potential candidature for appointment to the post of Military Judge and the Director of Military Prosecutions to persons other than members of the Defence Forces and for an amendment to the powers of the Selection Committee to determine a candidate’s qualification for appointment to these posts. In relation to the alternative judge, it also provides for the appointment of a Circuit Court Judge to perform the functions of the Military Judge where the Military Judge is not available for whatever reason. The Act was commenced in full on 9 November 2011. Following a public competition for the post of Military Judge, the Government at its meeting on 3 July 2012 approved the appointment of Mr. Michael Campion as military judge for the Defence Forces. Mr. Campion will be appointed as a Colonel in the Permanent Defence Force with effect from 4 September 2012 for the purpose of taking up the appointment as military judge.

10. The Jurisdiction of Courts and Enforcement of Judgments (Amendment) Act 2012 was taken at all Stages in Dáil Éireann on 1 March 2012 having completed its passage through the Seanad in December 2011. The objective
of the Bill is to implement the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007. It also specifically applies to orders made in family cases. The 2007 Lugano Convention is to ensure that the same regime will apply for the recognition and enforcement of judgments moving between Switzerland, Norway and Iceland and the EU as the regime which at present prevails within the European Union for judgments coming from the Member States. The 2007 Convention was concluded by the European Community in May 2009 and has since been ratified by all of the relevant EFTA countries.

11. On the 18 July 2012 the **European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012** completed its passage through the Oireachtas. The purpose of the Act is to provide a mechanism to enable Ireland to give effect in Irish law to Surrender Agreements entered into by the European Union with countries other than Member States of the Union. The Act provides that the Minister for Foreign Affairs and Trade, following consultation with the Minister for Justice and Equality, may by order apply all or any of the provisions of the European Arrest Warrant Act 2003, which would otherwise apply only to Member States, to a third country where there is an EU Agreement on surrender with that country.

This will enable Ireland to give effect, in Irish law, to the Agreement between the EU and the Republic of Iceland and the Kingdom of Norway on surrender. It will also enable the terms of the European Arrest Warrant Act to be applied to any other countries with which the EU may have surrender agreements in the future, without the need for further primary legislation.

In addition to the above legislation the following additional Bills have been prioritised by the Minister and are passing through the Oireachtas or are at an advanced stage of drafting:

12. The **Personal Insolvency Bill 2012**, published on the 29 June 2012, will radically reform our insolvency legislation by introducing three new non-judicial debt settlement systems for unsustainable secured and unsecured debt. These include a:

1) Debt Relief Certificate to allow for the full write-off of qualifying unsecured debt up to €20,000, after a one-year moratorium period;
2) Debt Settlement Arrangement for the agreed settlement of unsecured debt of €20,001 and over and
3) a Personal Insolvency Arrangement for the agreed settlement of both secured and unsecured debt of €20,001 and over.

The Personal Insolvency Bill will also continue the reform of the Bankruptcy Act 1988, begun in the Civil Law (miscellaneous Provisions) Act 2011 and critically, includes the introduction of automatic discharge from bankruptcy, subject to certain conditions, after 3 years in place of the current 12 years.
The General Scheme of the Bill was published on the 25 January 2012 and was furnished to the Joint Oireachtas Committee for Justice, Defence and Equality for their consideration. The views of the Committee were published on 6th March 2012. In line with the EU/IMF Programme of Financial Support for Ireland the finalisation of the Bill was arranged on a priority basis. The Personal Insolvency Bill 2012 completed Second Stage in the Dáil on the 18 July 2012. The Committee Stage will commence in September 2012.

The Minister for Justice and Equality is keen to ensure that, once the legislation has been passed, the Service can make an immediate impact. As a measure of the importance of the issue, the Minister for Public Expenditure and Reform granted on an exceptional basis an exception to the moratorium on recruitment and promotion, so as to permit an open, public competition to recruit the Director-designate of the Insolvency Service.

The role of the Director of the Service will be crucial given the high profile nature of this post and the expectation of the Government, the external funding partners, the banking and financial services sector and the public generally that the Insolvency Service will operate successfully from the moment it opens its doors. The Bill completed second stage in the Dáil on the 18 July 2012.

13. The Legal Services Regulation Bill 2011 was published by Minister Shatter on the 12th October, 2011. Second Stage began in the Dáil on the 16 December 2011. In addition to giving effect to key structural reforms included in the Programme for National Recovery 2011-2016, the Bill also meets a number of the State’s key commitments in the EU/IMF Programme of Financial Support for Ireland aimed at structural reform building on the recommendations of the Legal Costs Working Group and the Competition Authority. Together, these provisions are intended to:

1) promote competition and transparency in the organisation and provision of legal services in the State and in relation to legal costs;
2) provide for independent regulation of the legal profession and an independent complaints system to determine allegations of lawyers misconduct, and
3) better balance the respective interests of the public, consumers and legal professionals in their respective provision and consumption of legal services and to provide for greater competition.

Second Stage of the Bill completed on 23 February 2012. Committee Stage of the Bill is due to take place in the Dáil following the summer recess.

On the 6 July 2012, Minister Shatter hosted a Conference on “Regulatory Reform for a 21st-Century Legal Profession”. The Conference provided an opportunity for lawyers, consumers and other stakeholders to share, first hand, some of the international experience in implementing the modernisation and reform of legal services in other common law countries and to share some of the lessons that have been learned along the way. This Conference fed into the ongoing consideration of the Legal Services Regulation Bill 2011 which is set to modernise the provision of legal services in the State and to bring
greater transparency to the way legal costs are determined and charged to consumers.

14. The **National Vetting Bureau Bill 2012**, published on the 20 July 2012, will make statutory provision for the vetting of persons employed in circumstances where they have access to children and vulnerable adults and will provide for the use of soft information. The general scheme of the Bill was published on Wednesday, 27 July 2011 and was considered by the Oireachtas Joint Committee on Justice, Defence and Equality who reported in November 2011. The Committee’s views are available on the Oireachtas website.

15. On the 19 June 2012 the Government approved the general scheme of the **Criminal Justice (Corruption) Bill 2012**. This Bill, when enacted, will clarify and strengthen the law criminalising corruption. It will replace seven overlapping corruption Acts stretching back to Victorian times. Specifically, the Bill will replace and update existing offences relating to giving or receiving bribes. It will also introduce new offences in relation to corrupt influence peddling. Stiff penalties of up to 10 years imprisonment and unlimited fines are envisaged for persons convicted on indictment. In addition the Courts are to be given new powers to remove public officials from office and to exclude them from holding office for up to 10 years. The general scheme of the Bill has been referred to the Joint Oireachtas Committee on Justice, Defence and Equality for its consideration prior to formal drafting by the Office of the Parliamentary Counsel to the Government.

16. On the 4 May 2012, Minister Shatter announced the publication of the **Criminal Justice (Spent Convictions) Bill 2012**. The Bill provides for certain convictions to become spent after a number of years conviction-free have elapsed so that people are assisted in returning to the workplace. The length of time that a person must remain conviction-free ranges from 3 to 7 years depending on the sentence originally imposed by the courts. Custodial sentences of 1 year or less as well as a range of non custodial sentences are covered by the Bill. The Bill completed Second Stage in the Senate on 13 June 2012.

17. On the 5 June 2012, the Minister for Justice published the general scheme of the **Irish Human Rights and Equality Commission Bill 2012**. This followed a decision made in October 2011 whereby the Government agreed in principle to merge the Irish Human Rights Commission and the Equality Authority into a new Human Rights and Equality Commission. The purpose of this change is to promote human rights and equality issues in a more effective, efficient and cohesive way. The essential objective of this body will be to champion human rights, including the right to equality. It will play a key role in:

- encouraging State authorities to put respect for human rights and equality at the heart of their policies and practices;
- monitoring compliance with international and constitutional human rights standards;
- helping people to understand what their rights are and how to protect them;
• promoting political debate on human-rights and equality issues, in particular by providing consultative opinions on proposed legislation;
• appearing before the superior courts as amicus curiae (‘friend of the court’) to assist the courts with the interpretation of human rights standards;
• investigating human rights and equality concerns, and
• publishing and promoting research and reports on human rights and equality issues.

On the 6 October 2011 Minister Shatter announced the appointment of a Working Group to advise him on the establishment of a new and enhanced Human Rights and Equality Commission. The Working Group Report which was published on 20 April 2012 advised the Minister on practical arrangements in relation to the merger of the Human Rights Commission and the Equality Authority, including issues in relation to powers and functions for the new body.

18. On 1 March Minister Shatter published the general scheme of the Mediation Bill 2012. The objective of the Bill is to promote mediation as an alternative to court proceedings to reduce legal costs, speed up the resolution of disputes and relieve the stress involved in court proceedings. Minister Shatter is anxious to ensure that individuals involved in disputes regard mediation as preferable to court litigation. The draft Bill was forwarded to the Joint Oireachtas Committee for Justice, Defence and Equality for their consideration. The Report of the Committee on the Bill was published on the 21 June 2012.

19. On the 17 April 2012, Minister Shatter published the general scheme of the Criminal Records Information System Bill 2012. The Bill will codify the procedures to apply in relation to the exchange of criminal records data with other states. The Bill also creates a specific obligation on the Gardaí to inform other states when citizens of those states are convicted of criminal offences in Irish courts. Equivalent obligations are currently being legislated for in all EU Member States in accordance with the provisions of an EU Framework Decision. The Bill will provide for the Garda Commissioner to act as a central authority with responsibility for maintaining a national criminal records register which will include centralised records of both domestic and foreign criminal convictions.

20. Gambling Bill: On the 21 September 2011, Minister Shatter announced that the Government has agreed to his proposal to start work immediately on new legislation to modernise our laws on gambling. Minister Shatter stated that no provision would be made for large resort style casinos such as have been proposed by some promoters but that statutory provisions will permit modest size casinos. The number will be limited and every application will be subjected to vigorous checks, including deep and extensive checks on the promoters.

21. On the 6 June 2012, Minister Shatter announced that the Government approved the Heads of the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2012. The Bill will refine the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 in
light of the experience of its operation over the past two years. The Bill is aimed at enhancing Ireland’s compliance with Financial Action Taskforce (FATF) standards following its evaluation of the 2010 Act. The publication of the general scheme of the Bill is to enable consultation with relevant sectors on the proposed changes prior to the detailed drafting of the Bill.

22. The Civil Defence Board Bill 2012: On 12 July 2011 the Minister secured Government approval to dissolve the Civil Defence Board and transfer its functions, property, rights, liabilities and other responsibilities to the Department of Defence. At a subsequent meeting on 30 August 2011 the Government approved the drafting of the Civil Defence Repeal Bill. The Bill is currently being drafted and it is anticipated that it will be published in September 2012.

The proposed transfer of functions will result in verifiable savings and will allow management to develop the provision of training support, which is a key demand in a voluntary organisation like Civil Defence rather than duplicating the corporate governance of the Department.

23. Landlord and Tenant Law Reform Bill 2012: Launched a consultative process on a draft Bill in relation to a much needed and long overdue overhaul and consolidation of landlord and tenant law. Submissions were invited, by the 31 May 2011, from interested parties. The Government has subsequently approved drafting of the Bill. The Minister expects the Bill to be published in 2012.

Other initiatives the Minister has prioritised over the past 16 months include:

24. Ministerial Transport: Changed arrangements for Ministerial transport resulting in estimated savings of €4 million per year.

25. State Visits: As Minister for Justice, Equality and Defence, Minister Shatter had political responsibility for the necessary security and protection arrangements put in place by An Garda Síochána and the Defence Forces and for their participation in civil ceremonies and events during the visits in 2011 to this State of HRH Queen Elizabeth II and President Barack Obama.

26. Capital Announcement: On the 17 July 2012 the Government announced an additional €2.25 billion domestic infrastructure stimulus to create much needed jobs. Of this a total of €190m will be invested in a range of Garda and courts capital projects as well as a new laboratory for the State Pathologist. The Government has approved the provision of three new Garda Divisional Headquarters for the Dublin South Central, Galway and Wexford Divisions. In addition the Government has approved court refurbishment developments in Cork, Mullingar and Waterford as well as new courts buildings in Drogheda, Letterkenny, Limerick and Wexford. Finally, the facility for the Office of the State Pathologist and the Dublin Coroner known as the "medico-legal centre", which had been postponed due to lack of funding, is to be completed.
27. Progress on clearing of backlog of applications for citizenship and new Citizenship Ceremony: When the new Government came into office on 9th March 2011 there was a backlog of approximately 22,000 citizenship applications awaiting decision, approximately 17,000 of which had been awaiting decision for in excess of 6 months and many for in excess of 3 years. In his first 16 months in office Minister Shatter has determined some 28,000 Citizenship applications. In the year 2010, 7,800 such applications were determined. Minister Shatter put in place improved systems for more efficiently processing Citizenship Applications and arranged for more user friendly application forms and web access to such forms. In addition, the Minister devised and presided over the first formal Citizenship Ceremony ever held in this State. A total of 51 ceremonies took place in the period 9 March, 2011 to 14 June, 2012. Citizenship Ceremonies will continue to be scheduled into the future.

28. Referendum on Article 34 of Constitution: On the 17 July 2012, Minister Shatter announced that the Government approved, in principle, proposals for a number of major reforms to our Courts Structures. The proposals, accepted by his Government colleagues, will require the holding of a Constitutional Referendum and have the potential to achieve some of the most significant changes to the courts structures which had remained largely unchanged since 1924.

An amendment to Article 34 of the Constitution, as proposed, would permit the establishment of additional superior courts including, for example, the establishment of a Civil Court of Appeal and a new separate Family Court structure. This proposal would also allow the Oireachtas to consider the establishment of other specialist superior courts, should they be required. The work to be undertaken will also consider the constitutional change required to enable the State to participate in any arrangement providing for the establishment of a European Patent Court.

The Government also agreed that consideration should be given to other constitutional changes including, for example, possible amendments to Article 26 dealing with the reference of a Bill by the President to the Supreme Court. We need to review the procedure whereby the Supreme Court is confined to delivering one judgment only and no minority judgment may be delivered in the determination of an Article 26 application. This may create an artificial appearance of unanimity and consideration is being given to whether there should be greater transparency and whether it is in the public interest that individual members of the court should be enabled to deliver individual judgements.

Also, consideration is to be given to conferring a power on the Supreme Court to determine whether a Presidential reference of a Bill to the Supreme Court under Article 26 should be capable of rejection by that Court for such adjudication due to the absence of a proper factual or evidential basis on which to conduct such adjudication.
Consideration is also to be given to possible amendments to Article 26 and Article 34, in respect of Bills referred by the President to the Supreme Court, to enable possible future constitutional challenges to Bills already upheld as constitutional following such reference. For example, such further constitutional challenge could be appropriate with regard to legislation where a question arises not addressed by the Supreme Court in its original decision under Article 26, and/or following the lapse of five years or some other specified period from the date of the original decision.

With regard to the establishment of a Court of Civil Appeal other issues also arise for consideration such as whether, following the High Court adjudicating in a constitutional matter, an appeal should be made directly to the Supreme Court or whether the Court of Civil Appeal should play a role.

Finally consideration will be given to adding a secular oath as an optional alternative to the current form of judicial declaration contained in Article 34.5.

29. **Cash for Gold:** On the 19 June 2012 Minister Shatter published a Report on the Cash for Gold Trade which examines cash for gold transactions having regard to relevant criminal justice considerations. The report helps crystallise the key issues that have arisen around the cash for gold phenomenon. The Minister has formally requested the Joint Oireachtas Committee on Justice, Defence and Equality to consider the content of the report; that it considers holding hearings on the issues raised in this report and that it obtains the views of all relevant interested parties. It is further proposed that thereafter it will make such report and recommendations to the Houses of the Oireachtas and to Government as it deems proportionate and appropriate in the public interest.

30. **Surrogacy Guidelines:** On the 21 February 2012, Minister Shatter published a Guidance Document on citizenship, parentage, guardianship and travel document issues in relation to children born as a result of surrogacy arrangements entered into outside the State. The Guidance Document provides information to people who intend to enter surrogacy arrangements outside the State on the practical and legal considerations arising under Irish law where the commissioning parents intend to bring the child to live with them in the State.

31. **Civilian Staff Dublin Airport:** In January 2012 Minster Shatter launched a new pilot project where civilian staff from the immigration area of his Department (INIS) took up duty as Immigration Officers at Dublin airport. Ever since immigration checks have been put in place (1930’s) this role has been discharged exclusively by the Garda Síochána. This initiative means that, in due course, Gardaí will be available for redeployment by the Garda Commissioner to frontline policing duties.

32. **Streamlined Immigration Procedures:** On the 25 April 2012, Minister Shatter renewed streamlined immigration procedures to apply to passenger and crew of cruise liners for the 2012 season. These arrangements, which were first operated last year, will facilitate the easy embarkation of visitors on cruise ships at ports of entry to the State. While immigration controls are a
necessary feature of worldwide travel, this initiative shows that the immigration system can also be used to facilitate economic activity such as tourism and thereby help to create and safeguard jobs.

33. **Reduction in fees payable under the Criminal Legal Aid Scheme:** The Criminal Legal Aid Scheme in 2011 cost an estimated sum in excess of €57 million, being €10 million more than originally budgeted for by the previous government in Budget December 2010. A sum of €47 million was available under the December 2011 Budget for Criminal Legal Aid in 2012 and the decrease in fees will contribute to the necessary reduction in Criminal Legal Aid costs. The Minister for Justice, Equality and Defence, following the approval of the Minister for Finance, signed new Regulations into law imposing a reduction of 10% in the fees payable under the criminal legal aid scheme. The Regulations came into force on the 13th July 2011.

The Regulations apply to various fees payable to solicitors and counsel under the Criminal Legal Aid Scheme for appearances in the District Court and for appeals to the Circuit Court and in the fees payable in respect of essential visits to prisons and other custodial centres and for certain bail applications. The decrease also applies to fees payable under the Ad-hoc Garda Station and CAB Schemes and to payments to professionals engaged by the defence as expert witnesses and to those providing translation/interpretation services.

34. **Consolidation and Closure of Garda Stations:** On the 5 December 2011, Minister Shatter announced plans, prepared by the Commissioner under the draft policing plan for 2012, for the closure of 31 Garda stations throughout the country and for a reduction in the public opening hours of 10 Garda stations in the Dublin Metropolitan Region. The plan also formally recognises the closure of eight other Garda stations which, while still listed as Garda stations, are already non-operational and will not re-open. When the Government was formed there were 703 Garda Stations, 47 of which were in Dublin. An Garda Síochána, like all public service agencies, must introduce new efficiencies so as to make the best possible use of available resources. This will mean focusing resources on frontline operational services. In some cases it will mean using a different model for delivering a policing service to a local community, through a rationalisation of Garda stations and revised patterns of patrols. It is expected that there will be a further consolidation of Garda Stations in 2013.

35. **Graduation Ceremonies:** Minister Shatter presided over graduation ceremonies of members of An Garda Síochána and of the Garda Reserve in Templemore and the commissioning ceremony of members of the 86th Army Cadet class in the Curragh.

36. **Garda Retirements & Promotions:** There is a requirement in the EU/IMF agreement for a reduction in public sector numbers and An Garda Síochána, like every other public sector organisation must carry its fair share of that reduction. The total number of departures from An Garda Síochána in January and February 2012 was 260. At the end of February, Garda strength was 13,635 – similar to the level in 2007. The Government and the Commissioner
are committed to maintaining frontline services to the highest level possible. This will be achieved by real and substantial reform in An Garda Síochána under the Croke Park Agreement. For example a **new Garda roster system** was introduced in April 2012. This new roster will more closely match the availability of resources with the policing demands. On Tuesday 7 February 2012 a significant number of **new appointments** were announced - 33 in all including 2 Assistant Commissioners, 8 Chief Superintendents and 23 Superintendents. The consequential vacancies at Sergeant and Inspector level will also be filled by the Commissioner - this means 66 new appointments in those ranks. More recently, on the 17 July 2012 Minister Shatter announced the appointment by the Government of 1 Assistant Commissioner, 4 Chief Superintendents and 13 Superintendents in An Garda Síochána. The vacancy in the senior civilian post of Chief Administrative Officer is also to be filled. This strengthening of senior Garda management will not only enhance the Force’s operational capacity, but reinforce its managerial effectiveness at a time of continuing reform.

37. **Investor and Entrepreneur (Jobs) Schemes:** On the 24 January 2012, Minister Shatter secured Government approval for the introduction of two significant new immigration initiatives offering Irish residency to (non EEA) migrant entrepreneurs and investors who meet certain set criteria. The purpose of the new programmes is to support direct or indirect job creation by harnessing the investment resources and entrepreneurial potential of migrants. The new initiatives are known as:

1) The Immigrant Investor Programme, and the  
2) The Start-up Entrepreneur Programme

Both programmes formally commenced on the 15 April 2012. To qualify for the Immigrant Investor Programme the migrant must make an investment of a designated type, ranging from a €2m specially created low interest Government Bond, a capital investment in an Irish business that creates or protects jobs to a €500k endowment in the cultural, sporting educational or health areas. Investment in property may also qualify in certain cases.

The Start-up Entrepreneur Programme provides that migrants with a good business idea in the innovation economy and funding of €75k can be given residency in this State for the purposes of developing their business.

38. **Visa Waiver Programme:** Minister Shatter devised and launched Ireland’s first formal Visa Waiver Programme to assist in the promotion of Ireland as a quality business and leisure destination in markets which would not have been regarded as traditional source countries for tourism to Ireland. Under the provisions of the Programme, nationals of 16 specified countries that presently need a visa to enter Ireland and who obtain a visa to enter the UK for a short term visit do not need to obtain a separate visa to include a visit to Ireland on their itinerary. In addition, special arrangements have been put in place to facilitate visits to this State by nationals of these 16 countries who are long-term residents in the UK. On the 12 March 2012 Minister Shatter announced the extension of the Visa Waiver Programme for a further four year period.
from the original end date of October 2012 to October 2016. In addition nationals from the 16 countries, who are long term legal residents in the UK or the Schengen area, will have the cost of an Irish visa waived should they wish to visit Ireland. It is hoped that this arrangement will encourage a substantial increase in tourist visits to Ireland and in particular, result in a significant number of people who visit London for the 2012 Olympics also visiting Ireland.

39. Recognition of Foreign Civil Partnerships and Gay Marriages: Minister Shatter made an Order, on December 19th, under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 prescribing certain registered relationships entered into by same sex couples in other jurisdictions as entitled to be treated as equivalent to civil partnership under Irish law. The Order came into effect on 25 December 2011 and details 32 countries/states in respect of whom registered relationships are now recognised. The registered relationships to which recognition is now being extended include: Civil Partnerships from the Isle of Man, Civil Partnerships from South Africa, Civil Unions from Illinois, USA, Marriages from New York, USA, Domestic Partnerships from Oregon, USA, and Civil Unions from Rhode Island, USA.

40. 6th European Gay Police Association Conference: Minister Shatter delivered the Opening Address at the 6th European Gay Police Association Conference in Dublin on the 28 June 2012.

41. Garda Vetting: Minister Shatter secured Government approval for the recruitment of contract staff to assist in tackling backlog and delay in Garda Vetting. At the time of the Minister’s appointment it took an average of 12 weeks to determine vetting applications. This timeline has been reduced to an average of 2 weeks.

42. Criminal Assets Bureau: Minister Shatter initiated at a European Council Meeting of Justice Ministers a process to obtain support from EU Justice Minister for the provision of a European wide framework for the establishment in European Union countries of Criminal Asset Bureaus which replicate the Irish CAB and steps toward the enforcement across the European Union of Court Orders made to seize the proceeds of crime where such proceeds are held in one EU country and have derived from criminal activity in another EU country.

43. Victims of Crime: At meetings of the European Council of Justice Minister Shatter contributed to the development of the newly proposed EU Regulation detailing the rights of victims of crime to provide a uniform protection for such victims across the European Union.

44. Zambrano Judgement: The European Union Court of Justice Zambrano Judgement (March 2011) prevents an EU Member State refusing a parent who has minor dependent children, who are EU citizens, the right to reside in the Member State of residence and nationality of those children:-
At the direction of the Minister, Departmental officials examined all cases before the courts (140 involving 134 applicants) involving Irish citizen dependent children to which the Zambrano judgement (which concerns only children born prior to the 2005 Citizenship Referendum) was relevant. Of the applicants involved in these cases, 120 have had their Deportation Order revoked and have either been granted permission to reside in the State, or invited to make a Visa application to re-enter the State. Negotiations have been ongoing in terms of settlement of the cases and to date a total of 97 cases have been settled. The final costs have yet to be determined. The relevance of Zambrano to others seeking to remain in the State is also under examination and, in the best interests of Irish citizen children, 764 parents have to date been granted Irish residency rights. This sensible and pragmatic initiative is being taken in the best interests of the welfare of eligible minor Irish citizen children and to ensure that the taxpayer is not exposed to any unnecessary additional legal costs.

45. **Visits to Prisons by the Minister:** Since taking office the Minister has visited the following prisons:
   1) Mountjoy Prison
   2) St Patrick’s Institution
   3) Dóchas Centre
   4) Cork Prison
   5) Portlaoise Prison
   6) Midlands Prison
   7) Limerick Prison

The Minister will be making further prison visits during 2012.

46. **Cork Prison:** On 29 February 2012 Minister Shatter announced that consideration is being given to the construction of a new prison in Cork as part of an overall strategy to reduce overcrowding. The Thornton Hall Review Group recommended a new prison at Kilworth, however, the reduced capital envelope in 2012 did not allow this to proceed at this stage. To address chronic overcrowding, while ensuring value for money, the Minister is now exploring the feasibility of replacing Cork Prison with a new prison on the adjacent prison car park site. This would be done within the existing 2012-2016 Justice Capital Programme. The construction of a new, modern 250 space prison would eliminate the practice of prisoners having to slop out. A final decision will be made when detailed plans, design and costs have been finalised.

47. **Limerick Prison:** On the 11 June 2012 Minister Shatter requested the Irish Prison Service to proceed with the preparation of plans for a major redevelopment at Limerick prison. This will include the replacement of the A & B Wings with a new modern 100 cell accommodation block with in cell sanitation, a dedicated committal unit and a high support unit, ancillary support services, additional recreational areas and a new kitchen facility with work training facilities.
48. **Mountjoy Prison**: In March 2012, Minister Shatter visited Mountjoy Prison to inspect the recently refurbished C Division. The refurbishment project saw the introduction of in-cell sanitation in all cells on the C Division. The new C Division also includes a dedicated Drug Free Area on the C3 landing which has been introduced as part of the enhancement of drug treatment services in all closed prisons.

49. **Prison Governance Structures**: On the 18 June 2012, Minister Shatter announced the appointment of three Prison Service Campus Governors, Governor Edward Whelan, Governor Colm Barclay and Governor Martin Mullen as Campus Governors of the Mountjoy Campus, the West Dublin Campus and the Portlaoise Campus respectively. These appointments facilitate the development of the new Campus structures in the prisons, whereby eight separate prison management structures will be combined into three consolidated Campus management structures. The implementation of new Campus Governance management structures, in addition to generating substantial savings at senior management levels, will also greatly facilitate the further development of shared services on each Campus.

50. **Prison Deaths**: Following consultation with Judge Reilly, the Inspector of Prisons, Minister Shatter announced on the 19 April 2012 that the death of any prisoner in the custody of the Irish Prison Service shall be the subject of an independent investigation by the Inspector of Prisons. There can be no questions unanswered when a person in State custody dies. This investigation is in addition and without prejudice to existing mechanisms in place for the investigation of deaths including Garda investigations and inquests by Coroners.


On 10 November, Minister Shatter, announcing the capital allocation available to the Justice Sector in 2012, stated that the reduced capital envelope this year will not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth Prisons in 2012. Work, however, continued in the Midlands prison and in the Dóchas Centre, which together will provide a much needed 370 or so additional prison places. Works are also being undertaken to provide in-cell sanitation in B Block in Mountjoy Prison. This follows the success of the recent upgrade of Mountjoy Prison C division.

Minister Shatter reiterated his strong intention to revisit the timeframe for the implementation of the recommendations of the Thornton Hall Report in 12 months, stating that the Government remains very much committed to addressing the twin problems of overcrowding and poor physical conditions within the prison estate. (See further 46 earlier)
On the 16 September 2011, Minister Shatter delivered a detailed paper on sentencing and prison reform at the Annual Lecture of the Irish Penal Reform Trust.

52. **Prison Reform:** On Tuesday 26 July 2011, the Government decided to abolish the redundant Prisons Authority (Interim) Board, which was set up in 1998. The Board, which has a membership of 12 people, was set up by a previous administration to advise on and guide the management of the prison system pending the creation of an independent statutory Prisons Board. No statutory Board was ever established. The Government’s policy is to abolish agency boards where appropriate and to make agency managers directly accountable to Ministers. The decision to abolish the Board will save more than €100,000 per year. The Inspector of Prisons provides an independent oversight and critique of our prison system and his independence is provided for in the Prisons Act 2007.

Under new proposed arrangements, Visiting Committees will submit their Annual Reports to the Inspector of Prisons who will publish them. At present the Annual Prison Visiting Committee Reports are submitted to the Minister. Visiting Committees will report every two months to the Inspector on any issue that they wish to bring to his attention. They will be able to report any urgent or major issue to him at any time.

Visiting Committees will continue their role of visiting prisons. They will continue to meet with prisoners and liaise on their behalf with prison authorities. But they will be more effective: each Visiting Committee will comprise no more than six members, and only suitable people with a genuine interest in prison issues will be appointed. The Inspector will have independent oversight of their work.

A prison pilot scheme commenced in October, 2011 for the earned early release of prisoners who have served a substantial portion of their sentence, are judged to pose no threat to the community, are of good conduct and agree to undertake supervised Community Service. To date, 105 prisoners have been released under the scheme. Community Service is a condition of release and failure to undertake the required Community Service results in a prisoner having to complete the outstanding prison sentence.

On the 5 March 2012 the Minister for Justice, Equality and Defence, Alan Shatter TD, the Minister for Health, James Reilly TD, and Ms. Kathleen Lynch, TD Minister of State at both Departments with special responsibility for Mental Health at the Department of Health, announced the establishment of an Interdepartmental Group to examine the issue of people with mental illness coming into contact with the criminal justice system. This is in line with the recommendation of the Thornton Hall Project Review Group. The Interdepartmental Group includes representatives from the Department of Justice and Equality and the Department of Health as well as relevant services including the H.S.E, the National Forensic Mental Health Service, the Garda Síochána and the Irish Prison Service and is jointly chaired by both Departments. The Group is to report back later this year.
53. **Data Protection**: On the 6 March 2012 Minister Shatter launched a consultation process on the European Commission proposal for a new Directive and Regulation on data protection standards within the EU. Submissions were received from a broad range of bodies and have been examined in the Department for the purposes of informing Ireland's input into the discussions which are currently taking place in the relevant EU Working Group. In addition, the Minister has been engaged in substantial discussions at EU level with his Ministerial colleagues in relation to the content of the Commission’s proposals. The proposed Directive and Regulation are intended to replace the 1995 Data Protection Directive which sets standards for the protection of personal data and transfer of such data within the internal market and to countries outside the EU. The Directive was transposed into Irish law in the Data Protection (Amendment) Act 2003.

54. **Future Direction of Legislation on Prostitution**: On the 22 June 2012 the Minister for Justice, Equality and Defence published a discussion document on the future direction of legislation on prostitution to assist the public consultation process on a review of the criminal law in this area. The criminal law is being reviewed primarily because of the changed nature of prostitution in Ireland. Prostitution was once mainly a street-based phenomenon. That is no longer the case. The organisation of prostitution is now much more sophisticated, highly mobile and is easily facilitated by the use of mobile phones and the internet. While there is a significant amount of criminal legislation in this area already, there is always scope for change and improvement. It is important to review the law periodically to ensure it is up to date and comprehensively responds to altered circumstances.

The discussion document has been referred to the Joint Oireachtas Committee on Justice, Defence and Equality who will receive submissions and hold hearings as it deems appropriate.

The Department of Justice and Equality will hold a conference in the autumn to discuss the document. The widest possible participation will be encouraged in order that we have an open and transparent discussion on all aspects of this very important issue.

55. **Magdalene Laundries**: Minister Shatter initiated the first substantive response by Government to address the issue of the circumstances of the women and girls who resided in the Magdalene Laundries. On the Minister’s proposal, agreed by Government, the following has taken place:

1) An Inter-departmental Committee has been established, chaired by Senator Martin McAleese, to establish the facts of State involvement with the Magdalene Laundries, to clarify any State interaction, and to produce a narrative detailing such interaction. Senator McAleese had been asked to provide an initial progress report within three months of the Committee commencing its work. On the 25 October, 2011, the Minister for Justice, Equality and Defence, Alan Shatter TD, published the interim progress report of the Inter-Departmental Committee set up to establish the facts of State involvement with the Magdalene
Laundries. The Minister expects to receive the final report in the coming months.

2) The Minister for Justice, Equality and Defence, Alan Shatter TD and the Minister of State with responsibility for Disability, Equality, Mental Health and Older People, Kathleen Lynch TD met with the four religious congregations and representatives from Justice for Magdalene, Magdalene Survivors Together and London Irish Survivors who represent former residents of the Magdalene Laundries. Their discussions included addressing the following matters:

i. The making available by the congregations all records maintained by them with regard to the residents of the Magdalene Laundries to enable all available information about former residents to be shared with them and also made available for appropriate research purposes.

ii. The provision of information concerning the number of persons currently residing with or in the care of the religious congregations who originally commenced such residence in the Magdalene Laundries and who have remained in their care.

iii. To discuss the putting in place of a restorative and reconciliation process and the structure that might be utilised to facilitate such process.

56. Cloyne Report: On the 13 July 2011, the Minister for Justice, Mr. Alan Shatter, T.D., and the Minister for Children and Youth Affairs, Ms. Frances Fitzgerald, T.D., published the Commission of Investigation Report into the Catholic Diocese of Cloyne. In response, the Ministers brought forward a comprehensive range of measures designed to address not just the type of problem highlighted by the Commission's report on Cloyne but provide the foundation for an immeasurably strengthened system of child protection. These measures include: the Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Bill; the National Vetting Bureau Bill and revised Children First National Guidelines which, following the Government decision, will be placed on a statutory footing.

Following a decision of the High Court on the 16 December 2011, the Department of Justice and Equality published the redacted parts of the Cloyne report on the 19 December 2011.

57. Upward Only Rent Reviews: On the 6 December 2011 the Government announced its decision not to proceed with the legislation to abolish upward only rent review clauses in existing business leases. Substantial work on the preparation of a Bill was completed during the year by the Minister and the decision was taken with a great deal of regret. The Government was advised that any legislative scheme involving interference in the contractual relationships of private parties would find it extremely difficult to survive a Constitutional challenge. In addition, it was advised that any model proposed would require the payment of compensation to landlords whose rights were infringed, in order to ensure that the proposal would be compatible with the Constitution and the European Convention on Human Rights. The
Government is strongly of the view that payment of compensation to landlords in such circumstances could not be justified in the current economic climate. Alternative approaches to addressing the issue were considered. The Minister for Finance outlined in his Budget speech that NAMA will play a role in dealing with the problems caused by upward only rent reviews which apply to NAMA properties. NAMA has now published its policy guidance which will inform the approach to be taken where relevant tenants are experiencing difficulties in paying rents. Where there is a failure to reach agreement on revised contracts the policy guidance provides an opportunity for NAMA to approve rent reductions where it can be shown that rents are in excess of market levels, and that the viability of the tenant is threatened. The policy also provides for the appointment of an independent valuer to ascertain current market rent. Where a tenant is not getting satisfaction he or she can contact NAMA directly.

58. **Meeting with relatives of the disappeared:** On the 25 November 2011 Minister Shatter, together with Minister of State Hugo Swire of the Northern Ireland Office met with the Independent Commission for the Location of Victims' Remains and with members of the families of those who disappeared during the troubles, including those whose family members' remains have been located by the Commission and those whose remains have not been discovered. He assured them of the two Governments continuing support for the Independent Commission for the Location of Victims' Remains and for doing whatever is possible to locate the remains of loved ones and further initiatives that could be taken to seek crucial outstanding information from those may know the whereabouts of remains.

59. **Omagh Support and Self-help Group:** On the 19 July 2012 Minister Shatter met with representatives of the Omagh Support and Self-help Group and received from them a copy of a report they have on events relating to the Omagh bombing on 15 August 1998. The Minister advised the Omagh group that he would consider the report fully. The Minister also indicated to the Group that he will also forward the report to the Garda Commissioner for his consideration.

60. **Private Paddy Kelly Posthumous Award:** On the 16 July 2012 Minister Shatter posthumously awarded the Military Star Medal to Private Paddy Kelly (RIP) who was tragically killed on active service in Ballinamore, Co.Leitrim in 1983. This was the first occasion the Military Star was awarded to a member of the Defence Forces killed on active service within the State. Such award was not possible until Minister Shatter amended the relevant defence force regulations in the autumn of 2011. Prior to then, such award could only be made where a member of the Defence Forces was killed on active service outside the State, for example on UN duty.

61. **Defence Forces:** Minister Shatter secured the agreement of Government that the Permanent Defence Forces would stabilise at 9,500 on an annualised basis up to and including 2014 and would not fall below that number. This brought to an end the continuing decrease in Permanent Defence Force numbers which occurred in previous years. The strength of the Permanent Defence Forces as
at 30th June 2012 stood at 8,857. Recruitment of approximately 600 personnel, consisting mainly of General Service Recruits together with 42 Cadets, is currently underway in order to return the Permanent Defence Force closer to its optimum strength of 9,500. Under the new fully competitive merit-based promotions schemes competitions have been completed for Generals and Officers while Non-Commissioned Officer competitions are ongoing. **Barrack Closures, Increase Efficiency and Re-Organisation:** Minister Shatter secured the agreement of Cabinet for the closure of four army barracks to ensure a more efficient use of resources and to increase the army numbers available for frontline services and agreement that no further barrack closures would occur during the lifetime of the Government. **Re-Organisation of the Defence Forces:** In December 2011 the Minister announced that the Defence Forces would move from a three brigade structure to a two brigade structure. On 17 July 2012 the Minister announced the details of the reorganisation and stated that the two brigade headquarters would be based in Collins Barrack, Cork and in Cathal Bruagha Barracks, Dublin. The re-organisation will enhance operational capabilities within a reduced resource envelope. The implementation of the re-organisation starts immediately.

**62. Defence Forces Participation in Missions Abroad:** In March Minister Shatter secured Government approval to increase the number of personnel deployed with the CSDP mission engaged in the training of the Somali Security Forces, currently called “EUTM Somalia”. Ireland also holds the post of Operations Commander for this mission.

On 24 April 2012, Minister Shatter secured the approval of the Government for the deployment of up to six members of the Permanent Defence Force as unarmed military observers to the United Nations Supervision Mission in Syria (UNSMIS), in response to a request from the United Nations. Six Defence Forces personnel were deployed to the mission area on 11 May 2012. On 20 July 2012, the mandate of the mission was renewed for a further 30 days. At the request of the United Nations the Defence Forces contribution to this mission was reduced to three personnel on 22 July 2012.

On 22 May 2012, Minister Shatter secured the approval of the Government for the continued provision of a contingent of the Permanent Defence Force for service with the United Nations Interim Force in Lebanon (UNIFIL), for a further period of 12 months from 30 May 2012. The formation of a joint Irish-Finnish Battalion in UNIFIL in mid-May 2012 saw the downsizing of the Irish contribution to UNIFIL to some 350 personnel. On 28 April 2012, Brigadier General Patrick Phelan assumed his appointment as Deputy Force Commander UNIFIL for an initial period of one year.

On 26 June 2012, Minister Shatter secured the approval of the Government for the continued provision of:

- up to twelve members of the Permanent Defence Force for service with the UN-authorised-NATO-led International Security Presence in Kosovo (KFOR), for a further period of twelve months beyond June 2012; and
seven members of the Permanent Defence Force, for a further period from July 2012 for service with the UN-authorised NATO-led International Security Assistance Force (ISAF) in Kabul, Afghanistan, subject to renewal of the mandate by the United Nations Security Council beyond 13 October 2012 and to ongoing review by the Minister for Justice, Equality and Defence.

63. Visit to Lebanon: The Minister accompanied President McAleese on her official visit to Lebanon in October 2011. The visit to Lebanon afforded the Minister an opportunity to see, at first hand, the dedication and professionalism of military personnel and the tremendous work done overseas by the Irish Defence Forces. The Minister participated in meetings with members of the Lebanese government which addressed not only peace keeping matters but also the enhancement and development of closer economic ties between Ireland and Lebanon.

64. Callanan Report 19th September: The Minister commissioned and subsequently published the report of Mr Frank Callanan S.C., into the circumstances related to the deaths of Cpl Fintan Heneghan, Pte Mannix Armstrong and Pte Thomas Walsh on 21 March 1989, while serving with C Company, 64th Infantry Battalion in the United Nations Interim Force in the Lebanon (UNIFIL). Mr Callanan was appointed by the Minister, in April 2011, to carry out the inquiry, which encompassed a review of all available documents and interviews with all persons, as considered appropriate by him.

65. Irish Red Cross: The Programme for Government provides for the initiation of a detailed legal review of the basis, structures and governance of the Red Cross in Ireland to improve its functioning in the light of changing circumstances. Changes proposed by the Minister to the Irish Red Cross Order 1939 were approved by the Government on 17 April 2012. The Amendment Order provides a legislative basis for a range of fundamental changes recently made to the corporate governance of the Society. As a consequence of these changes, on 8 May 2012 the Minister secured Government approval for the appointment of four Government nominees to the General Assembly of the Society. Furthermore, in accordance with the commitment made in the Programme for Government, a comprehensive review of all Red Cross legislation has recently commenced.

66. Signing of Memorandum of Understanding to support cooperation between forensic science agencies on the island of Ireland: Obtained Cabinet approval for Memorandum of Understanding for support and cooperation between this State’s Forensic Science Laboratory and the Northern Ireland Forensic Science Laboratory which Memorandum was signed and implemented by Minister Shatter and Minister David Ford in Armagh on the 8 June 2011.

67. The White Paper on Defence: The Minister for Defence initiated the preparation of a Green paper on Defence. In April, a Memorandum for Government setting out the proposed approach and timeframe was circulated to Cabinet colleagues and subsequently approved by Government. The process
of preparing a Green Paper on Defence has commenced and a broad consultative process will be initiated upon publication. When published at the end of 2012, this Green Paper will inform broad discussion about Ireland’s Defence policy. Members of the public and other interested parties, including representative associations, will then be given their opportunity to submit their views on Defence policy and Defence provision. A new White Paper on Defence will be prepared and published by end 2013. The White Paper will encompass a longer time frame that that of the Department of Defence and Defence Forces’ Strategy Statement and inform long term capability requirements for implementation over an extended timeframe.

68. **Implementation of the Defence Forces Medical Services Review:** The recommendations of the PA Consultants Report on the restructuring of the Medical Corps have been designed to meet the demands and needs of the Defence Forces and implementation is progressing. The Minister is committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and overseas. An integrated model for the provision of the required medical services, involving both Medical Corps and outsourced service provision across the full range of services recommended by the PA consultants, is also being progressed. In this regard Request For Information (RFI) from prospective service providers was issued on 1 June to assist in evaluating potential options for market derived solutions to meet the medical requirements of the Defence Forces. A total of 14 proposals were received and these are currently being evaluated.

69. **Ombudsman for the Defence Forces:** The Office of Ombudsman for the Defence Forces is the independent appeals mechanism for the Defence Forces internal Redress of Wrong System. In the period from March 2011 when Minister Shatter was appointed, to June 2011, all 17 outstanding cases were dealt with by him and a final determination issued to the Ombudsman. Minister Shatter gave a final determination on a total of 33 cases in the period March to December 2011 and in the first six months of 2012 a final determination issued to the Ombudsman in respect of an additional 16 cases. The term of the current Ombudsman, Ms Paulyn Marrinan Quinn, is due to expire on 18 September 2012. The position has been advertised and will be filled by open competition run by the Public Appointments Service.

70. **Visits to Military Facilities:** The Minister has visited the following military facilities since his appointment:

   1) The Military Cadet School in the Curragh Camp, Kildare
   2) The Defence Forces Training Centre at the Curragh, Co. Kildare
   3) Cathal Brugha Barracks, Rathmines, Dublin
   4) The Naval Base in Haulbowline
   5) Collins Barracks, Cork
   6) Custume Barracks, Athlone
   7) Dún Uí Mhaolíosa Barracks, Renmore
   8) Casement Aerodrome, Baldonnel
   9) McKee Barracks, Dublin
71. Irish and Finnish Perspectives on European Security and Defence Policy:
On 8th September 2011, the Minister hosted a Seminar in Farmleigh on Irish and Finnish Perspectives on European Security and Defence Policy. The purpose of the meeting was to share perspectives on defence policy issues. This is of mutual benefit as both Ireland and Finland are neutral, militarily non-aligned countries which are members of the EU but not members of NATO. The seminar was very successful and has provided a template for similar meetings with other partners in the future. The seminar was attended by senior personnel from the Ministries of Foreign Affairs and Defence as well as senior military officers from both countries. In addition a number of Academics from both countries attended.

72. Memorandum of Understanding – Ireland’s Participation in the Austro/German Battlegroup 2012:
On 7 February 2012 the Minister obtained Dáil Éireann approval to sign the Memorandum of Understanding for the Austro/German Battlegroup, which will be on standby for the second half of 2012 for peacekeeping and crisis management missions. The Austro/German Battlegroup Memorandum of Understanding is an agreement between the participants, namely Germany, Austria, Czech Republic, Ireland, Croatia and the former Yugoslav Republic of Macedonia, which sets out principles in relation to the operation, deployment and management of the Austro/German Battlegroup.

73. European Defence Agency (EDA) Projects:
On 27 September 2011, Minister Shatter secured Dáil Éireann approval for Ireland’s participation in two EDA projects. One of the projects relates to Chemical, Biological, Radiological and Nuclear (CBRN) Protection and the other relates to Maritime Surveillance. Both of these projects will contribute to Defence Forces capability. At the EDA Steering Board meeting on 30th November the Minister indicated that the Irish Naval Service would act as lead nation in conducting a study on Naval Mariner training. The objective of the study is to review and evaluate what training is currently available across the Union with a view to consolidating European Union capabilities in this area and delivering value for money training for our naval mariners. This study will support the EDA initiative in the area of military capability development called “Pooling and Sharing”. The concept involves groups of Member States coming together and pooling resources so as to retain, maintain and/or enhance their military capabilities which they can make available for Common Security and Defence Policy operations. Ireland is encouraging all Member States to be involved in this study to ensure an efficient use of training resources across the Union.

The two EDA projects Ireland is currently participating in are progressing well, the programme arrangement for the project relating to Chemical, Biological, Radiological and Nuclear (CBRN) Protection was signed in Brussels on the 22 March 2012. The technical arrangement relating to the other project on Maritime Surveillance came into effect on 6 February 2012. With regard to the study on Naval Mariner Training in which Ireland is acting as lead nation, an exercise has been carried out to review and evaluate what training is currently available. An analysis of the results has been carried
out and potential collaborative projects based on this analysis will be identified and discussed with participating Member States.

74. On 3rd October the Minister launched a seminar on “Opportunities in the European Security and Defence Markets”, which was organised jointly by Enterprise Ireland and the Defence Organisation. The objective of the seminar, which was attended by representatives from academia, industry and the European Defence Agency (EDA), was to afford Irish industry and research institutions an opportunity to engage with the EDA, and to hear from the Defence Forces about initiatives in their area of capability development. This is in support of Government policy to promote and support investment in technology research and development and put in place incentives for companies engaged in research and development. The key note address was provided by Madame Claude France Arnould, Chief Executive of the EDA.

75. Cavalry Corp Day 3rd September 2011: The Taoiseach, Mr Enda Kenny, T.D., and the Minister attended the annual Defence Forces Cavalry Corps Remembrance Day at the Defence Forces Training Centre, Plunkett Barracks, Curragh Camp.

76. Ceremony to mark the 50th Anniversary of the death of Trooper Patrick Mullins in the Congo: The Minister attended the unveiling of a monument in Kilbehenny, Co Limerick to Trooper Patrick Mullins, who died as a result of hostile action while on service in the Congo on the 15th September 1961.

77. World War II Deserters: On 12 June 2012, following a request from the Minister for Defence, the Government agreed to issue an apology to those members of the Defence Forces who fought on the Allied side during World War II and were subsequently found guilty of desertion or being absent without leave by a military tribunal or were dismissed from the Defence Forces in accordance with the provisions of the Emergency Powers (No. 362) Order, 1945 (Statutory Rules and Orders No. 198 of 1945). The Minister also secured Government approval to draft the Defence Forces World War II Miscellaneous Provisions Bill 2012 to give effect to terms of the apology. It is intended that the Bill will be published in autumn 2012.

78. In May 2012 the Minister approved an increase in the Minimum Recruitment Age for the Permanent Defence Force from 17 to 18. As the age limit for recruitment is currently provided for under existing Defence Forces Regulations (secondary legislation), it is proposed to implement the change by means of an amendment to the relevant Defence Force Regulations. Work on the proposed regulatory amendments is currently underway. The increase in the minimum age will apply to any new competition advertised in the future.

79. Appointments Advertised: For the first time expressions of interest were sought through public advertisement from suitably qualified and experienced persons for nomination as Ireland's representative to the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT); expressions of interest were also sought.
through public advertisement from suitably qualified and experienced persons for nomination as Ireland’s representative to the European Commission Against Racism and Intolerance (ECRI), expressions of interest were sought from members of the public interested in serving on the 3-person Garda Síochána Ombudsman Commission; advertisements inviting expressions of interest from suitably qualified members of the public who wish to be considered for appointment to the new Property Services Regulatory Authority were published on the 7 December 2011. For the first time in eighty five years a competitive recruitment process in relation to the appointment, by Government, of a Taxing Master of the High Court was conducted by the independent Public Appointments Service (PAS) in September 2011. Two appointments were made on the basis of the PAS recommendations. The Minister for Public Expenditure and Reform granted on an exceptional basis an exception to the moratorium on recruitment and promotion, so as to permit an open, public competition to recruit the Director-designate of the Insolvency Service. In October 2011 expressions of interest were sought via the Department of Justice and Equality website for the position of chairperson and members of the Garda Síochána Ombudsman Commission. These positions were filled in December 2011. On the 25 November 2011, Minister Shatter announced the appointment of the new Director General of the Irish Prison Service with effect from 5th December, 2011. The Director General was selected for appointment following an open competition run by the Public Appointments Service. In February 2012, expressions of interest were sought, through public advertisement by the Public Appointments Commission, from suitably qualified and experienced persons for nomination as members of the Garda Síochána Inspectorate. The Government approved candidates for appointment in May 2012.

80. **Councils of Europe:** The Minister has attended EU Justice and Home Affairs Council Meetings and also EU Defence Ministers meetings to coordinate and cooperate on crucial EU issues of common interest.

81. **Attended various meetings:** with David Forde, Minister for Justice Northern Ireland; Matt Baggott, Chief Constable of the Police Service of Northern Ireland; Theresa May, UK Home Secretary; Owen Patterson, Secretary of State for Northern Ireland and Damien Greene, UK Minister of State for Immigration. The Minister has also, on the margins of EU meetings attended by him and at meetings of the EPP regularly throughout the year met with and discussed issues of common interest with his European Union counterparts.

82. **Winter Ready Campaign 2011:** On the 9 November 2011, the Minister for Justice, Equality and Defence, Mr. Alan Shatter, T.D., in his role as Chairman of the Government Task Force On Emergency Planning launched the Winter-Ready Information Campaign at the National Emergency Coordination Centre in Dublin. This is the first time that such a campaign has been undertaken. The main objectives of the campaign are:

1) To provide practical advice to on how best to prepare for the coming winter.
2) To ensure the public are aware of where advice and help can be found, if needed.
3) To reassure the public that preparations are being made and arrangements have been put in place to ensure that there will be a coordinated response to severe weather events.

ENDS

26 July 2012