



An Roinn Dlí agus Cirt
Department of Justice

A review of structures and strategies to prevent, investigate and penalise economic crime and corruption

Implementation Plan

Background

The Hamilton Review Group's recommendations consist of a broad range of short, medium and long-term measures to enhance the capacities of the relevant agencies and Government Departments¹ to combat economic crime and corruption across legislative, policy and regulatory fields. The introduction and implementation of new anti-corruption and anti-fraud measures informed by the recommendations contained in the Hamilton Review Group Report, is a commitment contained in the Programme for Government. This action plan for the implementation of the recommendations of the Hamilton Review Group is set out under the following themes:

- 1) Structural/Systemic
- 2) Resourcing
- 3) Legislative

1. STRUCTURAL/SYSTEMIC RECOMMENDATIONS

1	Establish at the centre of Government and on a permanent basis a cross-sectoral partnership based Advisory Council against Economic Crime and Corruption to advise and make proposals on strategic and policy responses to economic crime and corruption.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Draft and consult on the terms of reference for the Advisory Council to address ownership, functions, structures, reporting, accountability.	Q1 2021	DOJ
	Lead Department and terms of reference agreed	Q2 2021	DOJ
	Select and, subject to Government approval, appoint Council Chairperson and members of the Advisory Council	Q3 2021	Lead Department (LD)
	Put in place Council executive support team	Q3 2021	LD

¹ See Appendix I for a list of initialisms and acronyms of the relevant agencies and Government Departments referred to in the implementation plan

2	Develop a multi-annual strategy for combatting economic crime and corruption and an accompanying action plan.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Consult with key stakeholders on the preparation of a multi-agency strategy and action plan	Q4 2021	LD/Advisory Council
	Conduct public consultation on the development of a multi-annual strategy to combat economic crime and corruption	Q4 2021	LD/Advisory Council
	Prepare draft strategy and action plan	Q1 2022	LD/Advisory Council
	Submit strategy and action plan to Government for approval	Q1 2022	LD/Advisory Council

3	Establish on a formal and permanent basis, a forum of senior representatives from the relevant bodies².		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Invite members to be part of forum of senior representatives	Q1 2021	DOJ and Operational bodies
	Prepare draft terms of reference for Forum	Q1 2021	DOJ/relevant bodies
	Agree forum Chair	Q2 2021	DOJ/relevant bodies
	Terms of reference agreed	Q2 2021	DOJ/relevant bodies
	Schedule first meeting of forum	Q2 2021	DOJ

2. RESOURCING RECOMMENDATIONS

4	Develop a long term strategic plan to ensure adequate resources are available to the Garda National Economic Crime Bureau (GNECB).		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Develop plan for phased increase of resources within GNECB	Q2 2021	AGS
	Separately identify the relevant Garda Síochána resources to be seconded to ODCE/CEA in line with AGS' new operating model and in keeping with the ODCE/CEA's	Q2 2021	AGS/DETE/ODCE/DOJ

² Including An Garda Síochána (GNECB), CBI, CCPC, ODCE, ODPP, Revenue, SIPO

statutory functions and Government's vision for the new CEA		
Submit plan for approval by Policing Authority/DOJ	Q2 2021	AGS
Prepare and submit business case to DPER for appropriate resources in line with Estimates process	end July 2021	AGS/DOJ

5	Review the capacity of the Standards in Public Office Commission (SIPO) to ensure that resources allocated to the Ombudsman, to meet the budgetary needs of SIPO, are ring-fenced for use, for that purpose alone.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
		<i>Responsible Body</i>
	Review resource levels within SIPO in tandem with the review of the Ethics legislation	Q3 2021
	Provide for SIPO budget allocation separately in Estimates process	Q4 2021
		SIPO/DPER
		DPER

6	Review the resourcing of the Office of the Director of Public Prosecutions (ODPP) to manage and support the prosecution of financial crime.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
		<i>Responsible Body</i>
	Develop plan for phased increase of resources in ODPP in respect of financial crime	Q2 2021
	Prepare and submit business case to DPER in line with the Estimates process	end July 2021
		ODPP
		ODPP/DPER

7	Develop a formal and continuous joint training programme for investigators of economic crime and corruption.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
		<i>Responsible Body</i>
	Consult with relevant stakeholders on training needs	Q3 2021
	Examine existing training programmes in other jurisdictions	Q3 2021
	Develop suitable training programme and agree with stakeholders	Q4 2021
		Forum
		Forum
		Forum

8	Engage with the judiciary on the development of judicial training in respect of complex economic crime /corruption cases, and on the possibility of judicial specialisation in this area.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Refer action to the Judicial Council and engage on whether such training is envisaged by the Council's Judicial Studies Committee.	Q1 2021
		<i>Responsible Body</i>
		DOJ/Judicial Council

9	Develop a centralised Government framework for the procurement of electronic documentary analysis and e-disclosure systems, which can be accessed by the relevant law enforcement bodies on a shared basis as required.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Develop RFT for framework and engage with OGP to undertake procurement process	Q2 2022
	Evaluate tenders and agree contract	Q3 2022
		<i>Responsible Body</i>
		DPER/Forum
		DPER/Forum/OGP

3. LEGISLATIVE RECOMMENDATIONS

10	Conduct a comprehensive review of any legislation necessary to facilitate the optimal exchange of information and intelligence between investigative agencies to ensure the necessary clarity on the respective roles and powers of agency personnel under a Joint Agency Task Force model.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Agree the type of information and intelligence required to be shared	Q3 2021
	Examine existing legislation enabling the sharing of information between investigative agencies and identify any gaps arising	Q3 2021
	Develop proposals to bridge any legislative gaps identified relating to the sharing of information and intelligence	Q4 2021
		<i>Responsible Body</i>
		DOJ/Forum
		DOJ/Forum
		DOJ/Forum

11	Publish and enact the Criminal Procedure Bill.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Finalise the Scheme of the Bill	Q4 2020	DOJ
	Seek Government approval for drafting of Bill	Q1 2021	DOJ
	Progress the Bill through the Oireachtas to enactment	Q3 2021	DOJ

12	Conduct a review of Ethics in Public Office as set out in the Programme for Government with a view to strengthening the law relating to ethics in public office including to address misconduct by former members of the Oireachtas/Office holders		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Commence review of Ethics Framework	Q2 2021	DPER
	Complete review of Ethics framework	Q4 2021	DPER
	Prepare Scheme of new Ethics Bill and seek Government approval for drafting of Bill	Q1/Q2 2022	DPER
	Progress the Bill through the Oireachtas to enactment	asap thereafter	DPER

13	Amend section 17 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 to allow judges exercise the discretion to impose a timeframe of up to six months for a freezing order.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Develop policy basis for amendment	Q2 2021	DOJ
	Seek legal advice on this recommendation, if necessary	Q3 2021	DOJ
	Develop proposed amendment of section 17 and identify suitable Bill to progress same	Q4 2021	DOJ

14	Extend the powers conferred on An Garda Síochána and the Revenue Commissioners under the Criminal Justice (Surveillance) Act 2009 to other appropriate bodies that have a statutory remit to investigate economic crime or corruption in line with international best practice.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Develop policy basis for amendment to include consultation with relevant agencies	Q2 2021
	Seek legal advice on this recommendation	Q3 2021
	Develop appropriate amendment to the 2009 Act and identify suitable Bill to progress same	Q4 2021

15	Consider amendments to legislation relating to warrants in line with technological advancements to address issues relating to privacy rights.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Include proposed amendments in the General Scheme of the Police Powers Bill	Q1 2021
	Draft and Enact Police Powers Bill	Q3 2022

16	Amend competition law to create a specific offence of bid-rigging or, in the alternative, specify bid-rigging as an offence as a form of market sharing.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	General Scheme of Competition (Amendment) Bill approved by Government	Q4 2020
	Bill approved by Government	Q2 2021
	Bill enacted	Q2 2021

17	Introduce legislation to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Consult with relevant agencies on the legislation required to deliver this recommendation	Q3 2021
	Identify relevant responsible bodies to progress	Q3 2021

18	Establish a statutory framework to allow various relevant agencies to enter agreements or sign up to Memoranda of Understanding (MOU) that refer explicitly to information sharing.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Consult with relevant agencies on the type of statutory framework required	Q3 2021	DOJ/Forum
	Seek legal advice on the agreed proposed statutory framework, if required.	Q4 2021	DOJ/Forum
	Develop legislative proposals to deliver on the proposed framework and identify suitable Bill to progress same	Q4 2021	DOJ/Forum

19	Amend “Custody Regulations” to allow An Garda Síochána to engage an expert from any statutorily-mandated regulatory or investigative body, or an independent expert, to participate in interviewing a detained suspect.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Consultation with stakeholders to identify which specific non-Garda experts should be permitted to participate in interview and the circumstances.	Q1 2021	DOJ
	Draft amendments for inclusion in the Police Powers Bill	Q3 2021	DOJ
	Enactment of the Police Powers Bill	Q3 2022	DOJ

20	Amend the Criminal Justice (Corruption Offences) Act 2018 and the Criminal Justice (Miscellaneous Provisions) Act, 1997 to include a provision for standalone search warrants that will allow any investigating member(s) of An Garda Síochána to require persons subject to arrest warrants to provide the passwords to electronic devices owned or controlled by them.		
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>	<i>Responsible Body</i>
	Consult with AGS and ODCE/CEA in relation to the proposed amendments	Q2 2021	DOJ
	Seek legal advice in relation to the proposed amendment, if required	Q3 2021	DOJ
	Develop proposed amendment to the Acts to deliver this recommendation and identify suitable Bill to progress same	Q4 2021	DOJ

21	Implement Law Reform Commission (LRC) recommendation to amend the relevant provisions of the Criminal Justice (Theft and Fraud Offences) Act 2001 to enhance the prosecution of fraud offences in this jurisdiction.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Develop policy basis for amendment to include consultation with relevant agencies	Q2 2021
	Seek legal advice in relation to the proposed amendment, if required	Q3 2021
	Develop proposed amendment to the 2001 Act to deliver this recommendation and identify suitable Bill to progress same	Q4 2021

22	Consider extension of the powers of detention under section 50 of the Criminal Justice Act 2007 (as amended) to appropriate fraud and corruption related arrestable offences i.e. any offence that carries a term of imprisonment of five years or more.	
	<i>Steps Necessary for Delivery</i>	<i>Timeline</i>
	Assess recommendation in the wider context of the Police Powers Bill amendments and formulate policy position	Q2 2021
	Seek legal advice in relation to any new policy proposal	Q3 2021

Appendix I: List of main initialisms and acronyms used in the implementation plan

AGS	An Garda Síochána
CBI	Central Bank of Ireland
CCPC	Competition and Consumer Protection Commission
CEA	Corporate Enforcement Authority
DETE	Department of Enterprise, Trade and Employment
DOJ	Department of Justice
DPER	Department of Public Expenditure and Reform
GNECB	Garda National Economic Crime Bureau
ODCE	Office of the Director of Corporate Enforcement
ODPP	Office of the Director of Public Prosecutions
OGP	Office of Government Procurement
RFT	Request for Tender
SIPO	Standards in Public Office Commission