



Appropriation Account 2012

Vote 5

Office of the Director of Public Prosecutions

Introduction

As Accounting Officer for Vote 5, I am required each year to prepare the appropriation account for the Vote, and to submit the account to the Comptroller and Auditor General for audit.

In accordance with this requirement, I have prepared the attached account of the amount expended in the year ended 31 December 2012 for the salaries and expenses of the Office of the Director of Public Prosecutions.

The expenditure outturn is compared with the sums granted by Dáil Éireann under the Appropriation Act 2012, including the amount that could be used as appropriations-in-aid of expenditure for the year.

The Statement of Accounting Policies and Principles and notes 1 to 5 form part of the account.

Statement of Accounting Policies and Principles

The standard accounting policies and principles for the production of appropriation accounts have been applied in the preparation of the account.

Statement on Internal Financial Control

Responsibility for System of Internal Financial Control

As Accounting Officer, I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Office.

This responsibility is exercised in the context of the resources available to me and my other obligations as Head of Office. Also, any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls is a continuous process and the system and its effectiveness are kept under ongoing review.

Financial Control Environment

I confirm that a control environment containing the following elements is in place:

- financial responsibilities have been assigned at management level with corresponding accountability
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action
- there is an Audit Committee to advise me in discharging my responsibilities for the internal financial control system.

Administrative Controls and Management Reporting

I confirm that a framework of administrative procedures and regular management reporting is in place including segregation of duties and a system of delegation and accountability and, in particular, that

- there is an appropriate budgeting system with an annual budget which is kept under review by senior management
- there are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- a risk management system operates within the Office
- there are systems aimed at ensuring the security of the ICT systems
- there are appropriate capital investment control guidelines and formal project management disciplines
- the Office is compliant with all relevant guidelines regarding procurement and is complying with all circulars relating to the mandatory use of framework agreements and contracts.

Internal Audit and Audit Committee

I confirm that the Office has an internal audit function with appropriately trained personnel, which operates in accordance with a written charter which I have approved. Its work is informed by analysis of the financial risks to which the Office is exposed and its annual internal audit plans, approved by me, are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period. The internal audit function is reviewed periodically by me and the Audit Committee. I have put procedures in place to ensure that the reports of the internal audit function are followed up.

Barry Donoghue
Accounting Officer
Office of the Director of Public Prosecutions

28 March 2013

Comptroller and Auditor General Report for presentation to the Houses of the Oireachtas

Vote 5 Office of the Director of Public Prosecutions

I have audited the appropriation account for Vote 5 Office of the Director of Public Prosecutions for the year ended 31 December 2012 under section 3 of the Comptroller and Auditor General (Amendment) Act 1993. The account has been prepared in the form prescribed by the Minister for Public Expenditure and Reform, in accordance with standard accounting policies and principles for appropriation accounts.

Responsibility of the Accounting Officer

In accordance with Section 22 of the Exchequer and Audit Departments Act 1866, the Accounting Officer is required to prepare the appropriation account. By law, the account must be submitted to me by 31 March following the end of the year of account.

The Accounting Officer is also responsible for the safeguarding of public funds and property under his control, for the efficiency and economy of administration by his Office and for the regularity and propriety of all transactions in the appropriation accounts.

Responsibility of the Comptroller and Auditor General

I am required under Section 3 of the Comptroller and Auditor General (Amendment) Act 1993 to audit the appropriation accounts of all Votes and to perform such tests as I consider appropriate for the purpose of the audit.

Upon completion of the audit of an appropriation account, I am obliged to provide a certificate stating whether, in my opinion, the account properly presents the receipts and expenditure related to the Vote. I am also required to refer to any material case in which

- a department or office has failed to apply expenditure recorded in the account for the purposes for which the appropriations made by the Oireachtas were intended, or
- transactions recorded in the account do not conform with the authority under which they purport to have been carried out.

Under Section 3 (10) of the Comptroller and Auditor General (Amendment) Act 1993, I am required to prepare a report each year, on any matters that arise from the audits of the appropriation accounts or examinations of accounting controls.

Scope of audit

An audit includes examination, on a test basis, of evidence relevant to the amounts and regularity of financial transactions included in the account and an assessment of whether the accounting provisions of Public Financial Procedures have been complied with.

The audit involves obtaining sufficient evidence to give reasonable assurance that the appropriation account is free from material misstatement, whether caused by fraud or other irregularity or error. I also seek to obtain evidence about the regularity of financial transactions in the course of the audit. In forming the audit opinion, the overall adequacy of the presentation of the information in the appropriation account is evaluated.

Opinion on the appropriation account

In my opinion, the appropriation account properly presents the receipts and expenditure of Vote 5 Office of the Director of Public Prosecutions for the year ended 31 December 2012.

I have obtained all the information and explanations I considered necessary for the purposes of my audit. In my opinion, proper books of account have been kept by the Office. The appropriation account is in agreement with the books of account.

Seamus McCarthy
Comptroller and Auditor General

17 September 2013

Vote 5 Office of the Director of Public Prosecutions Appropriation Account 2012

	2012		2011
	Estimate provision	Outturn	Outturn
	€000	€000	€000
Programme Expenditure			
A Provision of prosecution service	40,528	39,890	37,820
Gross expenditure	40,528	39,890	37,820
<i>Deduct</i>			
B Appropriations-in-aid	975	1,043	1,043
Net expenditure	39,553	38,847	36,777

Surplus for surrender

The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer.

	2012	2011
	€	€
Surplus to be surrendered	706,295	6,485,688

Analysis of administration expenditure

	2012		2011
	Estimate provision	Outturn	Outturn
	€000	€000	€000
i Salaries, wages and allowances	13,750	13,321	13,230
ii Travel and subsistence	109	97	101
iii Training and development and incidental expenses	1,016	965	850
iv Postal and telecommunications services	270	287	241
v Office equipment and external IT services	841	607	438
vi Office premises expenses	802	747	509
vii Consultancy services and value for money and policy reviews	37	34	25
	16,825	16,058	15,394

Notes to the Appropriation Account

1 Operating Cost Statement 2012

	2012	2011
	€000	€000
Programme cost	23,832	22,426
Pay	13,321	13,230
Non pay	2,737	2,164
Gross expenditure	39,890	37,820
<i>Deduct</i>		
Appropriations-in-aid	1,043	1,043
Net expenditure	38,847	36,777
Changes in capital assets		
Purchases cash	(117)	
Depreciation	515	
Loss on disposals	41	
	439	466
Changes in net current assets		
Decrease in closing accruals	(458)	
Decrease in stock	7	
	(451)	(2,628)
Direct expenditure	38,835	34,615
Expenditure borne elsewhere		
Net allied services expenditure (note 1.1)	3,197	3,451
Notional rents	238	240
Net programme cost	42,270	38,306

1.1 Net Allied Services Expenditure

The net allied services expenditure amount is made up of the following estimated amounts in relation to Vote 5 borne elsewhere.

	2012	2011
	€000	€000
Vote 7 Finance	60	98
Vote 12 Superannuation and Retired Allowances	1,121	1,400
Vote 13 Office of Public Works	1,829	1,765
Vote 20 Garda Síochána	187	188
	3,197	3,451

2 Balance Sheet as at 31 December 2012

	Note	2012 €000	2011 €000
Capital assets	2.3	681	1,120
Current assets			
Bank and cash	2.4	338	785
Stocks	2.5	70	77
Prepayments		149	122
Other debit balances		443	160
Net liability from the Exchequer	2.7	69	37
Total current assets		1,069	1,181
Less current liabilities			
Accrued expenses		2,590	3,021
Other credit balances	2.6	850	982
Total current liabilities		3,440	4,003
Net current assets		(2,371)	(2,822)
Net assets		(1,690)	(1,702)
Represented by:			
State funding account	2.1	(1,690)	(1,702)

2.1 State Funding Account	Note	2012 €000	2011 €000
Balance at 1 January		(1,702)	(3,864)
Funding drawn down	2.2	42,044	40,228
Non cash expenditure – notional rent	1	238	240
Net programme cost	1	(42,270)	(38,306)
Balance at 31 December		(1,690)	(1,702)

2.2 Funding drawn down	Note	2012 €000	2011 €000
Disbursements from the Vote			
Estimate provision	Account	39,553	43,263
Surplus to be surrendered	Account	(706)	(6,486)
		38,847	36,777
Expenditure (cash) borne elsewhere	1	3,197	3,451
Total funding drawn down		42,044	40,228

2.3 Capital Assets

	Office equipment €000	Furniture and fittings €000	Total €000
Gross assets			
Cost or valuation at 1 January 2012	3,669	1,196	4,865
Additions	102	15	117
Disposals	(116)	(322)	(438)
Cost or valuation at 31 December 2012	3,655	889	4,544
Accumulated depreciation			
Opening balance at 1 January 2012	3,038	707	3,745
Depreciation for the year	424	91	515
Depreciation on disposals	(112)	(285)	(397)
Cumulative depreciation at 31 December 2012	3,350	513	3,863
Net assets at 31 December 2012	305	376	681
Net assets at 31 December 2011	631	489	1,120

2.4 Bank and Cash

	2012 €000	2011 €000
at 31 December		
PMG balances and cash	338	785

2.5 Stocks

	2012 €000	2011 €000
at 31 December		
Stationery	43	49
IT consumables	27	28
	70	77

2.6 Other Credit Balances

	2012 €000	2011 €000
at 31 December		
Amounts due to the State		
Income Tax	455	453
Pay Related Social Insurance	120	120
Professional Services Withholding Tax	236	301
Value Added Tax	38	23
	849	897
Payroll deductions held in suspense	—	85
Other credit suspense items	1	—
	850	982

2.7 Net Liability from the Exchequer	2012	2011
at 31 December	€000	€000
Surplus to be surrendered	706	6,486
Exchequer grant undrawn	(775)	(6,523)
Net liability from the Exchequer	<u>(69)</u>	<u>(37)</u>

Represented by:**Debtors**

Bank and cash	338	785
Debit balances: suspense	443	160
	<u>781</u>	<u>945</u>

Creditors

Due to State	(849)	(897)
Credit balances: suspense	(1)	(85)
	<u>(850)</u>	<u>(982)</u>
	<u>(69)</u>	<u>(37)</u>

2.8 Commitments

The Office had commitments in respect of legal fees at the year end, but the value of these commitments is difficult to estimate accurately, due to the inherent uncertainties and status of outstanding cases. The Office had no other legally enforceable commitments at 31 December 2012 (2011 : nil).

3 Programme Expenditure by Subhead

		2012		2011
		Estimate provision	Outturn	Outturn
		€000	€000	€000
A	Provision of a Prosecution Service			
A.1	Administration - pay	13,750	13,321	13,230
A.2	Administration - non pay	3,075	2,737	2,164
A.3	Fees to counsel	13,000	12,277	13,501
A.4	General law expenses	4,348	5,118	2,622
A.5	Local state solicitor service	6,355	6,437	6,303
		<u>40,528</u>	<u>39,890</u>	<u>37,820</u>

Significant variations

Overall, programme expenditure was €638,000 lower than provided. This was the net result of variances on a number of subheads, as follows.

Description	Less/ (more) than provided €000	Explanation
Administration - non pay	338	Savings arose because costs associated with occupying new accommodation were less than expected.
Fees to counsel	723	Savings arose as a result of cuts in the rates of fees paid to counsel.
General law expenses	(770)	The excess expenditure is due to a small number of expensive cases where the Office was required to pay cost awards.

4 Receipts

4.1 Appropriations-in-aid	2012		2011
	Estimated	Realised	Realised
	€000	€000	€000
1. Miscellaneous	80	156	170
2. Receipts from pension-related deductions on public service remuneration	895	887	873
Total	975	1,043	1,043

Explanation of significant variations

An explanation is provided below in the case of each heading where the outturn varied from the amount estimated by more than €100,000, and by more than 5%. However, no outturn of the Vote met these criteria in 2012.

4.2 Extra receipts payable to the Exchequer

Receipts totalling €233,758 arising from forfeitures ordered by the courts were lodged to the Exchequer.

5 Employee Numbers and Pay

	2012	2011
Number of staff at year end (full time equivalents)	191	196
	2012	2011
	€000	€000
Pay	12,172	12,144
Higher, special or additional duties allowance	193	202
Overtime	38	1
Employer's PRSI	918	883
Total Pay	13,321	13,230

5.1 Allowances and Overtime Payments

	Number of recipients	Recipients of €10,000 or more	Maximum individual payment 2012 €	Maximum individual payment 2011 €
Higher, special or additional duties	62	6	51,846	51,664
Overtime and extra attendance	31	—	3,571	269

Certain individuals received extra remuneration in more than one category.

5.2 Other Remuneration Arrangements

This account includes expenditure of €265,484 in respect of two officers who were serving outside the Office for all or part of 2012 and whose salaries were paid from Subhead A.1.