

OFFICE OF THE ATTORNEY GENERAL

ANNUAL REPORT 2001

Incorporating
Progress Report on Implementation of
Statement of Strategy 1999-2002





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1. INTRODUCTION



As the Attorney General since 6 June 2002 it gives me great pleasure to introduce the Annual Report for the Office of the Attorney General for 2001. The annual report incorporates and expands on the

First Progress Report on the Statement of Strategy, 1999-2002, for the Office which was presented to my predecessor, Michael McDowell SC, on 31 May 2001. It is the second annual report produced for the Office. I am particularly pleased that mechanisms have been put in place to ensure that an annual report on the work of the Office will be prepared and published in future years.

The year 2001 was a typically busy one for the Office providing legal advice to Government, ministers and departments, drafting legislation, providing litigation services

and conveyancing and other transactional services to the State. Following the transfer of responsibility for criminal prosecution from the Office of the Chief State Solicitor to the Office of the Director of Public Prosecutions, there has been a major reorganisation of the Chief State Solicitor's Office. The work of the Office as a whole has been affected by the creation of the State Claims Agency which will handle a great deal of the work in the personal injury claims against the State formerly dealt with by the Attorney General's Office.

Additional resources have been made available over the last number of years to enable the Office keep up with changes both in the law and in the civil service itself as well as to deal effectively with its growing workload. In 2001 and 2002 this resulted in additional personnel being recruited in all areas of the Office. The Office is therefore in a position to function and meet the challenges in the years immediately ahead.

I would like to take this opportunity to thank all staff in both the Office in Merrion Street and the Chief State Solicitor's Office, for their enthusiasm in and dedication to their work.

**Rory Brady SC
Attorney General**

FOREWORD



I would like to express my appreciation to all the staff of the Office, those working in the Attorney General's Office, the Parliamentary Counsel's Office and the Chief State Solicitor's Office,

for their dedication and hard work during the period covered by this our second annual report. The Office is very fortunate to have an excellent administration without which it could not effectively deliver the legal services that Government requires.

The role of the Office of the Attorney General is to assist the Attorney General in carrying out his constitutional role as adviser to the Government in matters of law and legal opinion. The Statement of Strategy of the Office sets down as a key objective for the Office maintaining and developing the

provision of specialist legal services to Government departments and offices. The emphasis on specialisation is essential in order to meet the increase in volume and complexity of work and other challenges that arise from new and developing areas of law.

To ensure that staff are in a position to provide these specialist legal services, a major emphasis is placed on our Library and Know How Units and on continuing education. The Office is alive to the need to develop and adapt to changes in the legal and wider environment and seeks to anticipate these changes.

To this end, it is implementing a new information technology strategy which includes an improved electronic case and records management system, an electronic legislation drafting package and a knowledge management system. The Irish Statute Book on CD-ROM with statutes, statutory instruments and Chronological Tables from 1922 to 2001, will be published shortly. This will update the original version which included materials up to 1998. The Office has also embarked on an education programme for lawyers in the civil service in relation to the European Convention on Human Rights.

Finola Flanagan
Director General

2. REPORTS, STATEMENTS OF STRATEGY AND CLIENT SERVICE GUIDE

SECOND ANNUAL REPORT

- 2.1 This is the second annual report on the Office of the Attorney General. The first was in respect of the period April 1996 to July 1997, published on 21 May 1998. In addition a number of statements of strategy for the Office have been published.

STATEMENTS OF STRATEGY

- 2.2 In March, 1997, a statement of strategy for the Office for the period 1997 to 1999 was published. Following the application of the Public Service Management Act, 1997, to the Office with effect from 1 September 1998, a *Statement of Strategy 1999 - 2002* was published and laid before the Houses of the Oireachtas in May 1999. This was updated following the appointment of a new Attorney General in July 1999, and a *Revised Statement of Strategy 1999 - 2002* was presented to him, published and laid before the Houses of the Oireachtas in July 2000. That statement of strategy is available on the Office web site. A new statement of strategy for the Office for the period 2003 - 2005 is being prepared for publication in late 2002.

FIRST PROGRESS REPORT ON STATEMENT OF STRATEGY 1999 - 2002

- 2.3 In accordance with section 4(1)(b) of the Public Service Management Act, 1997, the Office presented its first *Progress Report on the Statement of Strategy 1999 - 2002* to the Attorney General on 31 May 2001. A copy of this progress report, which was placed on the Office website, is at Annex A.

STRUCTURE OF THIS ANNUAL REPORT

- 2.4 This report brings the material in the first *Progress Report on the Statement of Strategy* up to date as well as reporting more generally on developments in the Office in 2002.

FUTURE ANNUAL REPORTS

- 2.5 The Office will in future years publish as early as possible each year an annual report for the previous year incorporating a progress report on the statement of strategy.

CLIENT SERVICE GUIDE

- 2.6 In June 2002 the Office prepared a *Client Service Guide 2002 - 2004* which was copied to clients and placed on the Office website. A copy of the guide is at Annex B.

3. ROLE AND FUNCTIONS OF THE ATTORNEY GENERAL AND OFFICE OF THE ATTORNEY GENERAL

ROLE AND FUNCTIONS OF THE ATTORNEY GENERAL

- 3.1 The Attorney General is legal adviser to the government and attends government meetings. The Attorney advises the government on the constitutional and legal issues which arise prior to or at Government meetings, including whether proposed legislation complies with the provisions of the Constitution, Acts and Treaties of the European Union or other international treaties to which Ireland has acceded. The Attorney General also advises as to whether the state can ratify international treaties and conventions. The Attorney General represents the State in all legal proceedings involving the State.
- 3.2 The Attorney General is legal adviser to each government department and certain public bodies. The Attorney General is representative of the public in all legal proceedings for the enforcement of law and the assertion or protection of public rights. The Attorney General defends the constitutionality of Bills referred to the Supreme Court under Article 26 of the Constitution. The Attorney General retains certain prosecution functions; for example, under the Fisheries (Amendment) Act, 1978. The Attorney General has a function in deciding whether warrants under the Extradition Acts, 1965 to 1994, should be endorsed or not and to advise in extradition cases.
- 3.3 The powers, duties and functions of the Attorney General are found in Article 30 of the Constitution, in legislation, principally the Minister and Secretaries Act, 1924, in constitutional convention and in judicial decision.
- 3.4 The Attorney General has functions in respect of the Law Reform Commission under the Law Reform Commission Act, 1975. The Attorney General also has functions in respect of legislative programming and is a member of the Government Legislation Committee which is chaired by the Government Chief Whip.

- 3.5 The Attorney General has functions under the Attorney General's Scheme. (This is a non-statutory scheme under which the Attorney General funds certain legal proceedings not covered by legal aid – see Annex C).

ROLE AND FUNCTIONS OF THE OFFICE OF THE ATTORNEY GENERAL

- 3.6 The Office of the Attorney General (AGO) incorporates the Office of the Parliamentary Counsel to the Government (OPC) and the Office of the Chief State Solicitor (CSSO). The framework within which the Office operates, therefore, is the constitutional position of the Attorney General and the Office's *Statement of Strategy, 1999-2002*. The structure of the Office is unique in that it is an independent law office supporting the role of a constitutional officer, yet it is a key part of the machinery of government.
- 3.7 There are three principal legal advisory functions carried out by the Office as a whole, i.e. the provision of legal advice (Advisory Counsel), legislative drafting (Parliamentary Counsel) and the provision of litigation, conveyancing and other transactional services (Chief State Solicitor's Office).

RESPONSIBILITY FOR MANAGEMENT OF OFFICE

- 3.8 The Director General of the Office of the Attorney General, who is also the most senior Advisory Counsel, is the head of the Office of the Attorney General as a whole within the meaning of the Public Service Management Act, 1997, and has responsibility for the management of the Office. The Director General is the Accounting Officer for the Merrion Street Office which incorporates the OPC while the Chief State Solicitor is Accounting Officer for his Office.

ORGANISATION CHART

- 3.9 An organisation chart for the Office is at Annex D.

4. MAIN DEVELOPMENTS IN 2001 AND TO DATE IN 2002

MODERNISATION OF THE OFFICE

- 4.1 Since publication of the *First Annual Report* on the Office in May 1998, much time and effort has been devoted to continuing the modernisation of the Office. The Public Service Management Act, 1997, applies to the Office since 1 September 1998, and the roll-out of the Strategic Management Initiative has been accelerated. Business plans for the period December 2000 to April 2002, were put in place for each section of the Office, including the Office of the Chief State Solicitor, all staff received training on aspects relating to the Performance Management Development System and role profiles were agreed for each staff member. The year 2002 requires the preparation of revised business plans and a new statement of strategy for the period 2003 to 2005. This is in train in consultation with all staff in the Office.
- 4.2 To reflect the modernisation of the Office, a Management Advisory Committee (Main MAC) representative of senior management of both Offices is in place to advise the Director General on issues of common concern to both Offices. Separate Management Advisory Committees are also in place in both Offices to advise the Director General and Chief State Solicitor, as appropriate. Initially, these Advisory Committees were preoccupied by issues arising from the Strategic Management Initiative and organisational issues. The focus during 2001 was extended to deal with policy and work issues and this focus is being maintained in 2002. The Merrion Street MAC and the Chief State Solicitor's Office MAC now meet once a month and the Main MAC every two months.

REORGANISATION WITHIN THE OFFICE

- 4.3 All parts of the Office have been reorganised to meet the changing needs of clients, departments and offices.
- 4.4 The workload of the Office continued to grow both in quantity and complexity. In May 2001, the legal assistants were retitled advisory counsel and, in November 2001, the advisory functional groups were increased from three to five.
- 4.5 In September 2000, the name of the Office of the Parliamentary Draftsman was retitled the Office of the Parliamentary Counsel to the Government and reorganised into three groups, each having responsibility for providing drafting services to specific government departments.
- 4.6 The year 2001 saw a resolution of the protracted industrial relations situation in the Office of the Chief State Solicitor. Additional staffing and better conditions were negotiated with staff interests as part of a major reorganisation process. A Chief Prosecution Solicitor to the Director of Public Prosecutions was appointed, support staff made available and accommodation provided for occupation in January 2002. Formal transfer took place of responsibility for criminal prosecutions from the Office of the Chief State Solicitor to the Office of the Director of Public Prosecutions in December 2001. In that month, the new State Claims Agency also came into operation. It has relieved the Chief State Solicitor's Office in respect of some work related to personal injury and tortious claims.
- 4.7 In the Merrion Street Office an appointment was made in January 2001 to a new post of Training and Development Officer. Priority was given to training for the Performance Management Development System and induction of new staff. A training plan was overseen by an Education and Training Committee, which is a sub-committee of the Office's Partnership Committee. A dedicated Training Officer was appointed to the Office of the Chief State Solicitor in August 2002.

- 4.8 An internal auditor was appointed in July 2001, in respect of the Merrion Street Office and the Office of the Chief State Solicitor. This is a new post and the work of the auditor is being overseen by an Audit Committee which includes an independent representative from the private sector. It is intended to appoint further external representatives to that committee.
- 4.9 Responsibility for ensuring that fees due to barristers and solicitors are paid on a regular and timely basis was assigned to a specified official in the Office of the Chief State Solicitor and a similar assignment was made in the Merrion Street Office. This resulted in the payment of many fees incurred in previous years being settled and a new system was put in place to ensure that fees are paid at least once in every three month period to barristers and solicitors. The bulk of the backlog in the processing of old fees has now been cleared and efforts are continuing to finalise any outstanding cases.
- 4.10 A new Change Management Unit was put in place from 6 June, 2002, with the assignment of an assistant principal to assist the Management Advisory Committee and heads of administrations in both the Merrion Street and the Chief State Solicitor's Office in implementing the programme of change arising from initiatives such as the Strategic Management Initiative (SMD), Delivering Better Government (DBG), Performance Management Development System, Public Service Management Act, Quality Customer Service, Management Information Framework (MIF), Irish Language etc., within the Offices. A higher executive officer, sanctioned by the Department of Finance in respect of the implementation of MIF in the Merrion Street Office, took up duty on 2 September 2002.

NEW INFORMATION TECHNOLOGY PLAN

- 4.11 A new Information Technology Plan for the Office was prepared by Price Waterhouse Coopers Ltd. and its

implementation over a three year period in tandem with the Office of the Chief State Solicitor commenced in July 2001. This is providing a major challenge for the Office but the result of its successful implementation will be enormous. Chapter 10 expands on the work of the IT Units in both offices.

NEW STAFF

- 4.12 The latter half of 2001 was marked by the biggest ever intake of new staff – advisory, drafting, administrative and clerical, in the Merrion Street Office and legal, administrative and clerical staff in the Office of the Chief State Solicitor. This is providing the Office with a big challenge in ensuring that the new staff are properly trained and integrated into the work of the Office. In 2001 the staff complement in the Merrion Street Office increased by 34 per cent and recruitment to fill vacant posts has continued in 2002.
- 4.13 Following the transfer of staff in the criminal prosecution sections to the DPP's Office, a complement of 237 staff was agreed for the re-organised CSSO. This represented a significant increase on the staffing complement for the civil sections remaining in the CSSO. It was possible to recruit only some of the extra staff immediately because of accommodation shortages. Additional office accommodation is expected towards the end of 2002 when remaining vacancies will be filled.

DEATH OF ARTHUR PLUNKETT

- 4.14 In March 2001, Mr. Arthur Plunkett, former Deputy Senior Legal Assistant in the Merrion Street Office, died after a long illness. Arthur served up to the time of death as a full-time member of the Law Reform Commission. Although quite ill, he attended the launch of Commission documents by the then Attorney General less than a month before his death. Arthur will be sadly missed by all his colleagues to whom he was always available to share and encourage.

PARTNERSHIP COMMITTEE

- 4.15 In June 1999, the Merrion Street Office established a Partnership Committee in accordance with the *Partnership 2000* agreement. The preparatory process for establishing the committee involved management and unions and resulted in agreed operating arrangements which ensured that unions, management and staff were involved in the process and represented on the Partnership Committee from the beginning. Staff representation on this committee also included contract staff.
- 4.16 The Partnership Committee meets every two months. Each staff member in the Office is represented by either a management, union or staff member. Any concerns raised by staff are brought to the committee's attention by their representatives. A suggestion box is also provided in the canteen for staff to place any ideas in relation to matters which might be raised at Partnership. Minutes of each meeting are e-mailed to all committee members and posted on the database which can be accessed by all staff.
- 4.17 A major focus of the Partnership Committee since May 2001 has been staff training and development. The Partnership Committee held a number of extraordinary meetings to agree the format of the role profile form and other performance management-related issues. The Training and Development Sub-Committee of Partnership assisted in the organisation of the first induction training programme for new staff which was held in November 2001.
- 4.18 A Communications Sub-Committee of Partnership was set up to look into current levels of communication in the Office, to complete a communications 'map' and to identify whether gaps in the internal communication exist.

- 4.19 Other issues addressed by Partnership included the IT Plan, email and password policies, the new Financial Management Information Framework, Client Service Guide, Progress Report on Performance Indicators, accommodation, security, the travel pass scheme and communications within the Office in respect of which a sub-committee was also established. The Office was one of nine chosen in 2001 by CMOD to carry out a review of the progress of partnership in the civil service. The Partnership Committee took part in a half-day review. Other members of staff participated in this review by attending workshops outside the Office. All staff in the Office participated in a survey carried out by consultants on SMI and specifically on the progress made in the Office. The Partnership Committee also considered the report emanating from the review.
- 4.20 More recently, the Partnership Committee was invited to identify core competencies which will play a key part in the formulation of a new statement of strategy and these were agreed.

PERFORMANCE MANAGEMENT PROJECT TEAM

PURPOSE

- 4.21 The Performance Management Project Team in the Merrion Street Office was established in May 2001. The purpose of the group is to oversee the implementation of the Performance Management Development System (PMDS) in the Office and to make recommendations to the Partnership Committee and the Management Advisory Committee (MAC) for consideration and adoption in the Office.

MEMBERSHIP OF THE TEAM

- 4.22 The Team is representative of all areas of the Office and includes an external representative nominated by the Irish Management Institute.

ISSUES DISCUSSED

4.23 Among the issues discussed were the Office's business plans, sectoral performance indicators, values, core competencies, behaviours and attributes, role profile forms including use and storage, training, confidentiality, span of control/ratios, clash conflict/appeal process, management style, interim review, memoranda to the MAC and Partnership and parking lot issues. The parking lot covered matters raised and any other issues highlighted throughout any of the PMDS training sessions to date. These were discussed and any recommendations made by the Performance Management Project Team (PMPT) were forwarded to the Partnership Committee and MAC for discussion/adoption/action as appropriate. Minutes of all the meetings are posted on the Office Procedures, Minutes database and can be accessed by all staff.

ROLE PROFILE FORMS

4.24 The PMPT devised generic role profile forms appropriate to the different areas of the Office. There was full consultation regarding the role profile forms throughout the Office until the final draft role profile form was submitted to the Partnership Committee and MAC for approval. The role profile forms were circulated for completion by all staff by the end of September 2001. The final page of the role profile

forms covered training needs and these were given to the training and development officer for assessment of the general training needs of the Office. It was agreed that new staff should not complete a role profile form until they have completed three months service in the Office. Interim review meetings were held in January 2002 and final assessment reviews in May 2002. The Law Reform Commission are making arrangements to have their administrative and clerical staff trained in PMDS.

4.25 The first cycle of PMDS has now been successfully rolled out, following completion of the final annual review phase during July 2002. The Office is currently engaged in the second round of role profile formulation.

OTHER GROUPS ON WHICH THE OFFICE WAS REPRESENTED

4.26 A list of the many groups on which the Office is represented is at Annex E.

MEETING OF ATTORNEYS GENERAL AND CHIEF JUSTICES IN MAY 2002

4.27 A major undertaking for the Merrion Street Office involved preparation for the meeting in Dublin of the Attorneys General and Chief Justices of the Member States of the European Union which took place in Farmleigh at the end of May 2002.

5. ADVISORY COUNSEL IN THE OFFICE OF THE ATTORNEY GENERAL

COMPOSITION AND DUTIES

- 5.1 The Advisory side of the Attorney General's Office comprises barristers (advisory counsel) who specialise in specific areas of law. The advisory counsel were known as legal assistants up to May 2001. The authorised staff on the advisory side was thirty, including seven new advisory counsel posts authorised in November 2000, and three personnel seconded to posts abroad – one of these returned to the Office in March 2002 and another is due back in October 2002. The third is serving with the Permanent Representation in Brussels.
- 5.2 The principal duty of the advisory counsel in the Office is to assist the Attorney General in performing his functions, powers and duties. The range of subjects covered is broad, but the activities themselves fall broadly into three categories:
- a) the provision of advice
 - b) the direction of litigation and
 - c) involvement in the provision of a drafting service to government departments.
- 5.3 Advisory counsel work closely with lawyers in both the Office of the Parliamentary Counsel in relation to advising on legal issues in the drafting of legislation and the Chief State Solicitor's Office in relation to advising on the conduct of litigation and other legal advice.

PROVISION OF ADVICE

- 5.4 The range of advisory work normally undertaken by the Office is very broad, including constitutional and administrative law, commercial law, public international law and criminal law – in fact, any legal issue on which government or a department or office may require legal advice. Advice frequently has to be provided under extreme pressure of time. Requests for advice may be received from the Government as a whole, from Ministers, or from civil servants in Government departments or offices. Requests from Government or

ministers are usually made directly to the Attorney General. An advisory counsel is usually assigned to assist the Attorney in dealing with such a request. Most requests for advice, however, come from civil servants in departments or offices. Such requests either come directly to the Office, or via the Chief State Solicitor's Office.

REORGANISATION OF FUNCTIONAL GROUPS

- 5.5 With effect from the end of November 2001, each of the five specialist groups has a group co-ordinator who is an advisory counsel grade 1 (equivalent to an assistant secretary). Each group takes responsibility for specified areas of work grouped together in broad categories. The group co-ordinators have a combination of both professional and managerial responsibilities. Administrative support for advisory counsel is provided by a number of clerical officers. Each group has a complement of two dedicated clerical support staff who are familiar with the business of the group.

Details of the groups and their areas of responsibility are as follows:

Group A has responsibility in the areas of health, Garda compensation, Attorney General's Scheme, Attorney General's Functions, cultural issues, human rights, justice, the Criminal Injuries Compensation Board, prisons, licensing, nuclear law and Anglo-Irish issues.

The group has a group co-ordinator and four other advisory counsel.

Group B has responsibility in the areas of intellectual property, private international law, casual and occasional trading, statistics, Statutory Instruments Act, health litigation, censorship, State Claims Agency, tribunals and inquiries, adoption, assisted human reproduction, education, family law, health and safety prosecutions and environmental law.

The group has a group co-ordinator and five other advisory counsel.

Group C has responsibility in the areas of state aids and state grants, competition law, aquaculture, broadcasting, credit unions, double taxation agreements, electricity, sea fisheries prosecutions, fisheries, government contracts, international trade law, the foreshore, law of the sea, gas, postal law, public procurement, road haulage and buses, shipping law, revenue law, single currency, Oireachtas reform, harbours, national infrastructure, Gaeltacht, forestry, Irish Coastguard Service, Commissioners of Irish Lights, army deafness, public service, defence, arts and air transport.

The group has a group co-ordinator and four other advisory counsel.

Group D has responsibility in the areas of the tourism body, agriculture, relator actions, ethics law, electoral law, company law, banking law, insurance law, landlord and tenant law, planning law, telecommunications law, Information Society Services law, social welfare law, appropriation and public expenditure, civil service authorities, bankruptcy, insolvency and liquidation, charities and the Comptroller and Auditor General.

The group has a group co-ordinator and four other advisory counsel.

Group E has responsibility in the areas of European Union law, institutional issues, EU horizontal issues, fundamental rights in the EU, Law Reform Commission, justice and home affairs issues, fraud, extradition, asylum and immigration, mutual assistance in criminal and civil matters, public international law, data protection law and freedom of information law.

The legal attaché to the Permanent Representation to the European Union in Brussels is also in this group.

The group has a group co-ordinator and five other advisory counsel.

RECRUITMENT OF ADVISORY COUNSEL

- 5.6 Five vacancies existed in respect of newly created posts as advisory counsel Grade III at end-May 2001. A further vacancy arose when one of that grade appointed in December 2000, successfully competed for a more senior posting in the Office of the Director of Public Prosecutions.
- 5.7 During the summer of 2001, a civil service competition was held in respect of the foregoing vacancies. This resulted in a panel being established from which five joined the Office in the second half of 2001. A further appointment was made in early 2002. This represents the largest ever intake into the Office from such a competition.

LEGAL ATTACHÉ TO THE PERMANENT REPRESENTATION IN BRUSSELS

- 5.8 In late 2001, the legal attaché, who had served for four years in the post, returned to the office and was replaced by another advisory counsel. The role of the legal attaché includes furnishing legal advice and briefing diplomats in the Permanent Representation in Brussels (PRB) on a range of legal issues, both European and domestic. It also provides extensive consultation and contact with the Office of the Attorney General. The future role of the attaché will involve continuing the current functions but with particular emphasis on the growing area of Justice and Home Affairs, the debate on the future of the European Union, the Inter-Governmental Conference of 2004 and Ireland's Presidency of the European Union, also in 2004.

WORK OF ADVISORY COUNSEL IN 2001

Irish Language

5.9 The Office provided legal observations on the Official Languages Equality Bill, which was presented to the Seanad on 11 April 2002. There had been a number of legal cases in relation to the translation of Acts of the Oireachtas, statutory instruments and Rules of Court. There have also been two sets of judicial review proceedings against the State claiming a right to simultaneous translation of the proceedings in a criminal case.

Referenda in the justice area

5.10 The Office was involved in giving advice on the referendum to remove all references to the death penalty and, in particular, to amend Article 15.5 of the Constitution so as to prevent any future Government making provision for the death penalty. In addition, the Office provided detailed advice on the necessity for a constitutional referendum in order to enable the State to ratify the Rome Statute of the International Criminal Court and on the insertion of Article 29.9 in the Constitution. Work was also carried out in relation to the proposed amendment in relation to judicial conduct. In 2002 the Office advised in relation to the abortion referendum and the second referendum on the Nice Treaty. The Office also advised in relation to challenges to referenda – in particular the cases of Bhreathnach and Patrick O’Doherty regarding voting rights for prisoners. The appeal in the O’Doherty case was listed on 12 March 2002 when the Supreme Court endorsed the referendum certificate issued by the returning officer, thereby rendering it final.

Nuclear Law

5.11 The following are among the matters that required a large input by advisory counsel and the Chief State Solicitor's Office.

- (a) The involvement of the State in the consultation process in the UK regarding the justification of discharges from the MOX plant at Sellafield.

- (b) After the commissioning of the plant in October 2001, the commencement of proceedings under the Oslo and Paris Convention on the Protection of the Marine Environment in the NorthEast Atlantic (OSPAR Convention).

- (c) The commencement of proceedings under the United Nations Convention on the Law of the Sea (UNCLOS). Provisional measures were sought before the International Tribunal of the Law of the Sea (ITLOS) in Hamburg in November 2001. That court made an order on 3 December 2001, requiring Ireland and the United Kingdom to co-operate and enter into consultations in order to:

- (i) exchange further information with regard to the possible consequences for the Irish Sea arising out of the commissioning of the MOX plant;
- (ii) monitor risks or the effects of the operation of the MOX plant for the Irish Sea;
- (iii) devise, as appropriate, measures to prevent pollution of the marine environment which might result from the operation of the MOX plant.

The State is also considering making an application under EU law.

This has been a major project requiring a detailed interaction of scientists, State lawyers, policy makers, Irish counsel and UK counsel who are specialists in international environmental law and law of the sea. In July 2002, the Office engaged an experienced UK counsel to assist in the matter.

5.12 The Office participates in the Ministerial Committee on Nuclear Safety chaired by the Minister of State at the Department of the Environment and Local Government. It is also involved in the case of Short & Others –v– Ireland, the Attorney General and BNFL, a legal action instituted by certain residents in the

Dundalk area in relation to Sellafield. There is also considerable involvement by the Office on the development of law in this area on EU and international planes.

Anglo Irish

5.13 Among the matters in which the Office was involved are:

- (a) Legal aspects of discussions arising out of the crisis in the peace process.
- (b) Interdepartmental groups to advise Government on matters relating to Northern Ireland.
- (c) Challenges by prisoners seeking early release under the provisions of the Good Friday Agreement.

Human Rights

5.14 In April 2001 the European Convention on Human Rights Bill, which is intended to give effect to the European Convention on Human Rights in domestic law, was published. In the Good Friday Agreement, the Irish Government had promised to bring forward measures to strengthen and underpin the constitutional protection on human rights drawing on *inter alia* the European Convention on Human Rights in the Good Friday Agreement. The Irish Government has also promised to establish a Human Rights Commission, which was formally established after the Human Rights Commission (Amendment) Act, was signed in July 2002. Although the European Convention on Human Rights Bill fell with the last Government, it is expected that a Human Rights Bill will be introduced by the new Government.

5.15 Both the pending implementation of the European Convention on Human Rights and certain decisions from the European Court of Human Rights in Strasbourg showing the breadth of Convention rights, highlighted the necessity for the Office to further develop its expertise in human rights law. Two in-house training seminars were held with valuable and stimulating lectures provided by both domestic and

international experts in the field of human rights law. Further, lawyers in the Office were encouraged to attend a series of external lectures concerning a broad range of human rights legal issues. An ECHR education working group was established to increase awareness and to promote education on the Convention in the Offices of the Attorney General and the Chief State Solicitor and among legal advisers in government departments. A strategy was planned which involves *inter alia* education – on the approach of the European Court of Human Rights, the interaction of different articles of the Convention and individual articles – and workshops on the implications of the Bill. The first phase of this education – six hours of lectures on the approach of the court and the interaction of articles of the Convention – was planned for September 2002.

5.16 Legal advice was provided regarding the signature of Protocol No.12 and ratification of Protocol No.7 of the European Convention on Human Rights in addition to legal advice on a number of applications against the State to the European Court of Human Rights. The Office was involved in the Interdepartmental Committee and in the Irish delegation which participated in the 58th session of the UN Committee on Economic, Social and Cultural Rights in Geneva which examined Ireland's Second Report in May 2002.

Family Law and Social Issues

5.17 In 2001 a number of important legal questions concerning family life, and children in particular, arose – mass litigation by victims of childhood abuse, the Laffoy Commission, claims by persons with special education needs, child abduction and litigation involving placement of disturbed children in care.

International Issues

5.18 There is increasing activity at an international law level in many areas as a direct result of the increasing mobility of the European and worldwide workforce. Parts of a family unit may be resident or domiciled in different

jurisdictions. This fact alone can pose complex questions of public and private international law in relation to the recognition and enforcement of family law and judgements on divorce, judicial separation, custody access and maintenance, and also in relation to adoption and abduction. The Office has dealt with these issues during 2001 both at domestic level, and in international fora, including at working groups and drafting committees of the Council of Europe and the Hague Conference on Private International Law. This work has resulted in a number of new international conventions, and proposals for domestic legislation.

Medico-Legal Issues

5.19 The Office has also dealt with a range of important medico-legal issues, including advisory work in relation to the Abortion Referendum, the Commission on Assisted Human Reproduction, the Lindsay Tribunal, and devising a compensation scheme for Haemophiliacs infected with HIV or Hepatitis C.

5.20 Another very active area of work has arisen in relation to the environment, with the protracted negotiations on the Kyoto Protocol on climate change and the emission of greenhouse gases. Serious legal issues and litigation before the Court of Justice have arisen in relation to waste disposal, the quality of drinking water, and the protection of habitats.

EU Matters

5.21 The Office advised on proposals for Treaty amendments in Intergovernmental Conferences, on any consequent referenda and on implementing domestic legislation.

5.22 The Office also advised on questions involving reforms of Community institutions, the competence of those institutions to act pursuant to legal bases, the inter-institutional balance, on horizontal questions concerning the use of new forms of legal instrument in the second and third pillars and codification of community instruments.

Tribunals

5.23 In addition to the Laffoy Commission, the Office furnished advice in relation to the Hepatitis C (Lindsay) Tribunal, the Tribunal of Inquiry into certain Planning Matters and Payments (Flood), the Tribunal of Inquiry into payments made to former Minister Michael Lowry TD and to former Taoiseach Charles J. Haughey (Moriarty), the Post Mortem Inquiry (Dunne), the Abbeylara Inquiry (Barr) and on the establishment of the Inquiry into Donegal Garda Division (Morris).

Ethics Law

5.24 A substantial amount of legal advice was given during the drafting of the Standards in Public Office Act, 2001, and subsequent thereto.

Electoral Law

5.25 Legal advice was given on the implications of the McKenna/Hannifin/Coughlan decisions.

Company Law

5.26 Advice was given on many aspects of company law both during the drafting of the Company Law Enforcement Bill and on other diverse issues. Advice was given on prosecution of company law offences.

5.27 Advice was given in relation to EU proposals affecting company law.

5.28 Advice was given to the relevant Department on the powers of the board of the ESB to issue debentures or stock to the public prior to and during the drafting of the Electricity (Supply) (Amendment) Act, 2001. Advice was given on proposals to regulate auditors of PLCs and limited liability companies.

Appropriation and Public Expenditure

5.29 Issues dealing with Appropriation and Central Fund have arisen in the context of proposals to earmark funds for specific purposes rather than for inclusion in the Central Fund. Advice has been given on these issues.

Charities

5.30 The Attorney General has a role to intervene for the purpose of protecting charities and offering advice and assistance to the Court in the administration of charitable trusts. A substantial amount of advice was given in this area.

Coinage and the euro

5.31 A substantial amount of advice in this area was given to the euro Changeover Board and government departments on the impact of the euro on existing laws and in answer to queries raised by departments.

Garda Compensation

5.32 The Attorney General has a role in advising the Minister for Justice, Equality and Law Reform in relation to claims for compensation brought by Gardaí in respect of malicious injuries pursuant to the provisions of the Garda Síochána (Compensation) Acts, 1941 and 1945. The Office advised as to whether the issue of malice should be admitted and nominated counsel to act for the minister in the application to the High Court.

Relator Actions

5.33 Private litigants are entitled to sue to assert public rights to enforce the law or to restrain a breach of the law by injunction at the relator of the Attorney General; otherwise the private individual would not have locus standi to bring the action. Private individuals sought and were granted the consent of the Attorney General to bring relator proceedings over public rights of way which have been blocked off.

Planning and Development

5.34 Following the enactment of the Planning and Development Act, 2000, the Office advised on the interpretation thereof and issues arising therefrom. In addition, the Office advised on and directed litigation in relation to planning matters to which the State was a party.

LAW REFORM COMMISSION

5.35 The Commission is an independent statutory body established under the Act whose main functions are to keep the national law under review, and in accordance with the Act, to undertake examinations and conduct research with a view to reforming the law and to form proposals for law reform.

5.36 During 2001 the commission prepared a Consultation Paper on the Mental Element for Homicide, and a Report on the Statutes of Limitation and Claims in Contract and Tort (other than for Personal Injury). In 2002, the Commission prepared Consultation Papers on Prosecution Appeals in Cases brought on Indictment, Penalties for Minor Offences and a Report on Indexation of Fines; Review of Developments.

5.37 In 1998 the Government established a Consultative Committee under the auspices of the Attorney General's Office. The Consultative Committee comprises representatives of the Law Reform Commission, members of certain government departments (Departments of the Taoiseach, Foreign Affairs, Finance, Justice, Equality and Law Reform and Enterprise, Trade and Employment) the Bar Council, and the Law Society. The function of the committee is to assist the Attorney in his consultations with the Commission in relation to research programmes, and to identify specific topics for examination by the commission, and to monitor the implementation of recommendations of the commission. The Consultative Committee met on five occasions in 2000, on four occasions in 2001 and on one occasion to the end of July 2002. The Second Programme for Law Reform for the period 2000-2007 detailing the commission programme for examination of certain branches of the law was laid before the Houses of the Oireachtas on 20 February 2001. It resulted from detailed discussion between the Attorney General and the commission.

Other

5.38 The Office had a significant input in the following areas:-

- Prison law, including general advice, personal injuries litigation, prisoner transfer applications, habeas corpus and judicial review applications by prisoners.
- Appeals to the High Court on points of law from the Hepatitis C Compensation Tribunal.
- Issues arising out of health legislation and the medical and pharmacy professions.
- Matters relating to courts and judges especially matters for which the Minister for Justice, Equality and Law Reform is responsible.
- General criminal law.
- Defamation, including cases against the State and legal advice on the scheme of the Defamation Bill.
- Garda discipline, recruitment and conditions.
- Mental health, including legal challenges against the State and advice on the Criminal Law (Insanity) Bill and the Mental Health Act, 2001.
- Liquor Licensing.

6. OFFICE OF THE PARLIAMENTARY COUNSEL TO THE GOVERNMENT

INTRODUCTION

6.1 In September 2000, the name of the Office was changed from the Office of the Parliamentary Draftsman to the Office of the Parliamentary Counsel to the Government (OPC). The OPC comprises a team of specialist lawyers (drafters) trained to a high level in the discipline of drafting of legislation.

MISSION

6.2 The mission of the OPC is to provide the highest standard of professional legislative drafting service to its clients and to maintain information on the progress of the drafting of legislation. It is a constituent part of the Office of the Attorney General.

WORK

6.3 The main work of the OPC is to draft Government Bills to be introduced into the Houses of the Oireachtas. When a minister obtains Government approval for the drafting of a Bill, it is referred through the Attorney General to the OPC for drafting. The Bill is then assigned for drafting to a drafter whose function it is to draft the Bill. An integral part of the work of the OPC is providing drafting advice to each instructing department so that the policy of the department is given full effect through clear and precise language. Where the legislation raises legal issues other than drafting, the drafter may seek the advice of advisory counsel in the Office of the Attorney General. Drafting legislation is itself a law specialisation. Work is distributed to drafters having regard to each drafter's previous experience, workload and the priority of the proposed legislation.

STRUCTURE

6.4 The Chief Parliamentary Counsel is the head of the OPC and, within the Office of the Attorney General, has overall responsibility for the legislative drafting services provided by it. He has responsibility within that Office for the human resources allocated to each drafting group.

6.5 The OPC is organised into three groups, each having responsibility for providing drafting services to specific government departments. Each group is headed by a group manager (a person of at least assistant secretary grade), who has responsibility for managing the delivery of drafting services of the OPC to the departments allocated to his or her group.

STAFFING

6.6 There are sixteen permanent drafting staff in the OPC, three of whom joined the Office in the second half of 2001 and two in early 2002. In addition there are four consultant drafters. Two are domestic drafters who have been in the Office for some years, one is a former drafter in Hong Kong and Australia who joined the Office in March 2001 and is currently abroad but due to return to the Office in January 2003, while the fourth is a former legislative counsel in Canada (British Columbia) who previously served in the Office for a one-year period and rejoined in October 2001. In 2001, a further three drafters were on secondment, two of whom are with the Statute Law Revision Unit (SLRU) and the third with the Ansbacher Inquiry (she was promoted within the Department of Enterprise, Trade and Employment). Subsequently, this third drafter took up a permanent post in the Competition Authority.

6.7 The Office has, since October 2000, employed a Research Officer - Drafting Services who reports directly to the Chief Parliamentary Counsel. One of the key roles he plays is in the development of a consistent approach in legislative drafting. To this end, he has produced a series of Drafting Practice Papers on topics including Offence and Penalty Provisions; Transitional and Savings Provisions; Establishment of Statutory Bodies; and Licensing. In addition to this, he has produced a number of reports aimed at generating internal discussion on matters which relate to the Office. For example, the Reports completed to date include: The Amendment of Acts by Secondary Legislation; A Report Examining Explanatory

Memoranda; Report on the Implementation of the Law Reform Commission Report on Statutory Drafting and Interpretation. He has also played an active role in the preparation of a number of Statute Law Restatements under the direction of the Statute Law Revision Unit (SLRU).

- 6.8 In March 2001, an administrative officer was assigned to support the reorganisation and new working arrangements of the OPC. The initial appointment was made on a temporary basis for a twelve-month period. The administrative officer was closely involved in the provision of training, including assisting in the implementation of new induction procedures for drafters. He assisted in the preparation of draft business plans and client service guides, as well as providing monthly statistical reports on the work of the Office. He also provided briefing material on a range of matters, including the *First Progress Report on the Statement of Strategy 1999 - 2002*. He served on the Internet Redesign Group, and was responsible for providing information regularly to update the content of the website of the Office of the Attorney General as it relates to the OPC. He operated a staff management role in relation to the administrative support staff in the Office. In June 2002, a new administrative officer was assigned to the post, also on a twelve-month secondment.
- 6.9 Administrative support for drafting services is provided by seven permanent clerical officers (CO). At present they are filled by five full-time COs and four job-sharing COs. One of the permanent COs is the private secretary to the Chief Parliamentary Counsel and one is attached to the SLRU.

VISITING DRAFTERS

- 6.10 In March 2001, a drafter from Botswana completed a six-month period of work experience in the OPC and SLRU. She worked on several drafting projects while here. In August 2001, two advisory counsel from the Office for Legislation in Slovenia (Ljubljana) worked in the OPC for one month on a number of drafting projects, including the implementation of EU Directives.
- 6.11 In 2001 the OPC was again involved in drafting a significant amount of primary legislation. Fifty-two Government Bills were published, including five Bills to amend the Constitution (see Annex F). In 2002, up to July, twenty-four Government Bills were published.
- 6.12 The Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001, was drafted to deal with the situation relating to abortion which has existed since the X Case judgment of 1992. A novel element in the proposal is that the voters had available to them the proposed text of the Bill to be put before the Oireachtas on this matter if the amendment to the Constitution was to be carried. If that subsequent Bill was passed by the Oireachtas, then it could not be changed except by a further referendum. In the event the proposed amendment was not passed in the referendum.
- 6.13 At times the Office must work under extreme time pressures to react to matters of urgent national concern. Nowhere was this better illustrated than in respect of legislation to assist in dealing with the foot and mouth crisis. In March 2001 the Bill giving rise to the Diseases of Animals Act, 2001, was drafted and presented four days after the OPC received the first drafting instructions from the Department of Agriculture, Food and Rural Development. In the same month twelve statutory instruments were drafted which dealt with restrictions on movement of livestock and prohibitions in respect of certain imports.
- 6.14 In the wake of the terrorist attacks in the United States of America on 11 September 2001, a number of Bills were published which were drafted by the OPC. These included the Bills for the Extradition (European

DRAFTING DEVELOPMENTS IN 2001

Union Conventions) Act, 2001, which gives effect to two European Union Conventions on Extradition and proposes changes to our general extradition law, and the Air Navigation and Transport (Indemnities) Act, 2001, which confers on the Minister for Public Enterprise (Minister for Transport from June 2002) power to grant or renew an indemnity to an air navigation undertaking in respect of specified risks.

6.15 Other topical pieces of legislation drafted or enacted in 2001 included:

- Broadcasting Act, 2001, which is the largest Broadcasting Bill enacted and deals with digital broadcasting, placing Teilifis na Gaeilge on a statutory footing and revising the broadcasting complaints procedure
- Mental Health Act, 2001, the objective of which is to reform existing legislation concerning the involuntary detention of people for psychiatric care and treatment, to provide for a review procedure for decisions to detain, and to establish a mechanism to measure and regulate standards of care and treatment
- Sex Offenders Act, 2001, which places an obligation on certain persons convicted of sex offences to notify certain basic information to the Garda Síochána
- Local Government Act, 2001, which provides for a major revision of the law relating to local government and replaces a significant number of Acts dating back as far as 1836
- Euro Changeover (Amounts) Act, 2001, which ensured that the State was ready for the introduction of the euro on 1 January, 2002
- Twenty-first Amendment of the Constitution (No. 2) Bill, 2001, which provided for the abolition of the death penalty
- Twenty-second Amendment of the Constitution Bill, 2001, which dealt with the establishment of a body by legislation to investigate the conduct of judges in certain circumstances and the amendment of the Constitutional provision regarding the removal of judges from office (not put to the people in a referendum)
- Twenty-third Amendment of the Constitution Bill, 2001, which provides for the ratification by the State of the Rome Statute of the International Criminal Court
- Twenty-fourth Amendment of the Constitution Bill, 2001, which dealt with the ratification by the State of the Treaty of Nice (not approved of by the people in the referendum)
- Waste Management (Amendment) Act, 2001, which provides for a plastic shopping bag levy
- Courts and Court Officers Bill, 2001, which provides for a number of miscellaneous amendments to legislation relating to judges and the courts, including a provision allowing the appointment (subject to certain conditions) of solicitors as judges of the High Court and Supreme Court
- European Convention on Human Rights Bill, 2001, which will facilitate the bringing of cases involving alleged breaches of rights under the Convention in Irish courts
- Dormant Accounts Act, 2001, which provides for the transfer of funds from bank accounts which have been dormant for fifteen years or more to the Dormant Accounts fund administered by the National Treasury Management Agency
- Pensions (Amendment) Bill, 2001, which provides for a Pensions Ombudsman and the introduction of Personal Retirement Savings Accounts
- Public Health (Tobacco) Bill, 2001, which will give effect to the proposals in the Government's policy document 'Towards a Tobacco Free Society'

- Railway Safety Bill, 2001, which provides for the establishment of a Railway Safety Commission, safety systems, investigation of railway accidents and testing for intoxicants
- Disability Bill, 2001, which provides for better accessibility by disabled people to public buildings, services and employment and confers additional powers on the National Disability Authority
- In 2002, a substantial volume of drafting work was undertaken by the OPC prior to the general election in May 2002.

6.16 In all, fifty-five Public Bills were enacted in 2001 (see Annex G) and a total of 265 files relating to statutory instruments were opened. In 2002, up to the end of July, twenty four Public Bills were enacted and a total of 187 files relating to statutory instruments were opened.

6.17 Consultations took place with the Law Reform Commission regarding the Interpretation Bill, 2000, particularly in the context of its report on Statutory Drafting and Interpretation: Plain Language and the Law (December 2000, LRC 61-2000). It is hoped that aspects of that report will be reflected at Committee Stage of the Bill.

6.18 A Drafting Manual is now available electronically on a database to all legal staff within the Merrion Street Office. The manual deals with the structure of legislation, including standard components of Acts and layout, and the use of language within legislation. Work by the OPC on the *Statutory Instruments: Drafting Checklist and Guidelines* has been finalised. It consists of checklists for the composition of draft statutory instruments and guidelines on drafting and the correct style to be used both in the OPC and by government departments. The Drafting Checklist and Guidelines has been circulated to all government departments and

The committee oversees each proposed Government Bill from the time of its inclusion in the Government's legislative programme to the completion of its progress through the Houses of the Oireachtas.

6.19 Staff attended a number of seminars during the year, on such subjects as the European Convention on Human Rights, information technology and typing skills. All permanent staff members attended the first and second stages of training for the Performance Management Development System. In addition, a general induction course was provided to newly appointed staff in November, 2001 and the Chief Parliamentary Counsel provided a training course for three permanent drafters appointed to the Office in 2001.

CROSS-DEPARTMENTAL MATTERS

Government Legislation Committee

6.20 The OPC continued its participation in the Government Legislation Committee, a co-ordinating committee chaired by the government chief whip, the purpose of which is to prioritise legislative proposals and to facilitate the implementation of the Government's legislation programme by ensuring a continuous, up-to-date and accurate assessment of progress in the preparation of legislation by

- estimating likely dates for presentation of texts of Bills to Government for approval and for subsequent publication;
- subject to Cabinet decision, assigning of a drafting priority to Bills where the heads of the Bill (i.e. the departmental instructions for the drafter of the Bill) have been approved by Government;
- preparing and agreeing the draft press release, for approval by Government, on the Government's legislation programme (published three times a year before the commencement of each Dáil session).

The Committee oversees each proposed Government Bill from the time of its inclusion in the Government's legislative programme to the completion of its progress through the Houses of the Oireachtas.

Centre for Management and Organisation Development (CMOD) Training Programmes on the Legislative Process

6.21 A number of drafters continue to participate in training programmes organised by CMOD on the legislative process. These programmes are generally attended by officials in government departments who are in the course of preparing draft schemes of Bills for submission to Government. They provide an opportunity to explain the role of the Government Legislation Committee and to indicate requirements in relation to instructions furnished by departments requesting the OPC to draft Government Bills.

e-Government

6.22 As part of its commitment to the e-Government initiative, the OPC and the IT Unit in the Merrion Street Office have been in discussions with a number of interested parties (Houses of the Oireachtas, Department

of the Taoiseach, CMOD, and the BASIS and OASIS project groups) with reference to the legislative process. It is hoped to implement a system, in consultation with these bodies and in conjunction with the e-Parliament agenda of the Houses of the Oireachtas, which will support the processing and management of legislation text and attendant indexes through the legislation life cycle. This would cover the processes from initial drafting of legislation, through parliamentary debate and consideration, to its availability to the public in searchable electronic form on the Internet and on CD-ROM. Adopting a joint approach with the Houses of the Oireachtas will assist in leveraging efficiencies accruing from the common demands of both Offices from such a system.

6.23 In addition, the OPC is represented on the Content Management Stakeholders Group established in November 2001 by CMOD. The purpose of this group is to provide an input to the CMOD development team examining the requirements of a Content Management System across the public service taking account of e-Cabinet and e-Parliament systems and the Public Services Broker architecture.

7. STATUTE LAW REVISION UNIT

General

7.1 Anyone who needs to consult legislation will appreciate the need for consolidated statutes and looks with envy at jurisdictions that have statutes revised (i.e. easily accessible volumes of legislation). In an effort to remedy the problems caused by frequent amendments and the absence of a policy for making legislation accessible, the Statute Law Revision Unit (SLRU) was established in February 1999, with the mission of drawing up and implementing a programme of statute law revision and consolidation. Two drafters have been seconded from the Office of the Parliamentary Counsel to the Government to staff the Unit. In order to ensure that its work fitted in with political and administrative priorities, the SLRU has held consultations with departments and offices, in close consultation with the Department of the Taoiseach, so as to formulate a policy on improving accessibility to legislation and to improve the coherence of the Statute Book.

Access

7.2 The SLRU has improved access to legislation by making available on the Office website the Chronological Table to the Statutes from 1922 to 1999 (the tables that enable the user to identify if an Act has been amended since its enactment). These Tables are being brought up to date to cover the period to the end of 2001 and from Spring 2003 they will be maintained in an up-to-date manner continuously.

Further progress will be made on improving access to legislation in the following ways.

- A revised CD-ROM will be made available in the late Autumn of 2002 showing the statutes, statutory instruments and the Chronological Tables of the Statutes from 1922 to 2001.
- An enhanced webpage will be put on the website of the Office of the Attorney General in 2002 showing the statutes, statutory instruments and the Chronological Tables of the Statutes from 1922 to 2001.

- Improved functionality in the presentation of the chronological tables will be achieved in the website of the Office and this improvement will facilitate access to the information concerned.
- A sustainable policy has been put in place and work is underway to bring the web page up to date in real time by the end of 2003.
- More detailed policy proposals have been drawn up by the SLRU in relation to making available legislation enacted pre-1922. Implementation of this policy is dependent on the development of the services to be provided by the Houses of the Oireachtas in relation to the making available of legislation electronically and on other e-government projects.
- More detailed policy proposals were drawn up in relation to the making available of a subject index to the statutes and statutory instruments but implementation of this policy is dependent on the development of other e-government projects.

Coherence

7.3 The SLRU has worked with the Central Regulatory Resources Unit of the Department of the Taoiseach to develop a policy on restatement and consolidation. The first step in the development of a policy to improve the coherence of legislation will be the enactment of the Statute Law (Restatement) Bill, 2000. This Bill, when enacted, will enable the Attorney General to publish administrative consolidations of legislation which will be certified by the Attorney General and will be capable of being cited in court as prima facie evidence of the law.

7.4 In the period leading up to the enactment of the Statute Law (Restatement) Bill, the SLRU has undertaken a number of restatement projects including a restatement of the Sale of Goods Acts in consultation with the Director of Consumer Affairs and a restatement of the Defence Acts in co-operation with the Department of Defence. The SLRU has, therefore, developed a working model for restatement and has drawn up a Guide to

restatement. These will be used to facilitate the implementation of a policy of restatement when the Bill is enacted.

7.5. The Unit has also drawn up, in consultation with the Department of the Taoiseach and all Departments and Offices, a programme of restatement and consolidation.

7.6. The SLRU:

- drafted the Stamp Duties Consolidation Act, 2000
- drafted the Industrial Design Act, 2000
- is currently drafting a Capital Acquisitions (Consolidation) Bill on the instructions of the Office of the Revenue Commissioners
- is working with the Department of Enterprise, Trade and Employment on the consolidation of Companies Acts
- is working on a Water Services Bill and an Archaeological Heritage Bill with the Department of the Environment.

OECD

7.7. In July and August of 2000 the Director of the SLRU was seconded to the OECD to assist in the drafting of Chapter 2 (Government Capacity to produce High Quality Regulations) of a report published in 2001 entitled *Regulatory Reform in Ireland*. Many of the recommendations of that Report were adopted by

Government and, as a result, the Unit has focussed on policies improving the coherence of legislation in Ireland (restatement and consolidation) and improving access to legislation.

Policy development

- 7.8 As regards procedural and substantive proposals to achieve greater coherence of the Statute Book, three specific policies were proposed by the Unit to the Working Party established by the Taoiseach to implement the OECD Report on *Regulatory Reform in Ireland*:
- the enactment of the Statute Law (Restatement) Bill, 2000
 - the development of a policy whereby restated Acts would be revised and re-enacted by means of a special legislative procedure
 - the implementation of a policy in relation to statutory instruments whereby statutory instruments that were revised more than three times would be consolidated.

The outcome of these proposals has been that the proposals have been put on the national agenda for implementation or further consideration. The *Agreed Programme for Government between Fianna Fail and the Progressive Democrats (June 2002)* includes a commitment to publishing a criminal code and keeping it up to date by means of Statute Law Restatement legislation (p.25).

Regulatory Reform

- 7.9 The SLRU has played a useful role in the development of the national policy on Regulatory Reform Policy into a proposed national policy on Better Regulation through the involvement of the Director of the Statute Law Revision Unit in the work of the High Level Group appointed by Government to implement the OECD report on *Regulatory Reform in Ireland*.
- 7.10 The outcome from that work was the publication in February 2002 of the Consultation Document *Towards Better Regulation*.
- 7.11 That document further elaborates in Chapter 6 (*Efficiency and Effectiveness of the Public Service*) more detailed proposals in relation to clarity, coherence, effectiveness and accessibility of regulations. These proposals, drafted by the Statute Law Revision Unit of the Office of the Attorney General, will inform the

development of a national policy on regulatory reform.

- 7.12 The policy will be more fully articulated in a White Paper on Regulatory Reform which will be published in the late Autumn of 2002 following a period of consultation and further consideration of the issues by the High Level Group appointed by the government to report to government on the implementation of the OECD report *Regulatory Reform in Ireland*.
- 7.13 A working party of the High Level Group will report to the High Level Group by the late Autumn of 2002 on proposals for the development of a policy on Regulatory Impact Assessment. That policy will represent best practice on regulatory impact analysis adapted for use by the Irish public service. The Office of the Attorney General has been represented on that working party by the Director of the Statute Law Revision Unit.

8. ADMINISTRATION SERVICES

MERRION STREET OFFICE

Staffing

- 8.1 At the end of 2001 the Office had a complement of 125 staff, an increase in numbers of thirty-two (or 34 per cent) in twelve months. Of these staff 113 were permanent positions, twelve on contract and a total of 16.5 positions were vacant. Most of the vacant posts have now been filled.
- 8.2 In addition to several internal competitions during 2001, the Office held two major competitions in conjunction with the Civil Service Commission in order to recruit legal staff. Early in the year written examinations and interviews were held to fill parliamentary counsel (Grades I and II) posts and in July 2001, interviews took place to fill advisory counsel (Grade III) vacancies. The outcome of these competitions is that eight barristers and solicitors joined the Office with a further three in early 2002.
- 8.3 On the advisory counsel side there were thirty sanctioned posts. Following a comprehensive recruitment campaign in conjunction with the Civil Service Commission, six barristers joined the Office.
- 8.4 On the parliamentary counsel side there were twenty-one sanctioned posts of which four remained vacant at the end of 2001. Following a competition in early 2001, three new members of staff joined the Office in the second half of 2001, with a further two in early 2002. There were four consultant drafters working with the Office on a contract basis.
- 8.5 On the administration side there were fifty-eight sanctioned posts of which 7.5 were vacant at the end of 2001. Four of these vacancies related to IT specialist positions and these were filled by May 2002. The remaining vacancies primarily related to staff required for typing duties. By its nature, the Office relies on typing staff more than most other departments or offices and difficulties were experienced in 2001 in attracting suitably qualified staff. However, the situation has improved and a full typing staff complement was in place as of July 2002.
- 8.6 In order to meet the demands of the growing Office, additional staff were placed in the HR unit, the finance unit, the services unit and registry during 2001.
- 8.7 There were sixteen other positions in the Office. With the exception of the Attorney General's personal staff, a telephonist and the contract typist, these positions relate to permanent library staff and legal researchers on contract. The Office has filled the four vacancies which existed in these areas at the end of 2001.
- 8.8 In relation to persons with disabilities, the Office has been in touch with the Civil Service Commission to alert them to the availability of suitable facilities in the Office and its willingness to employ people with disabilities. However we remain at a level of 2.5 per cent, possibly due to the fact that a significant proportion of our staff are barristers or solicitors and consequently statistics for this Office would reflect the proportion of disabled persons in those professions. Wheelchair facilities were installed in the Office building in 1998.
- 8.9 In relation to the gender make-up of the Office, we already exceed the gender balance targets for future years published by other departments and offices. We have set no specific targets but will consider the issue in the context of the human resources plan for the Office. Below are the details of the gender make-up of each grade as of July 2002. The figures are in respect of permanent staff and do not include the two officers currently on secondment.

Grade	Female	Male
	No.(%)	No.(%)
Director General	1 (100)	0 (0)
Chief Parliamentary Counsel	0 (0)	1 (100)
Deputy Director General	0 (0)	1 (100)
Assistant Secretary level	4 (44)	5 (56)
Principal Officer level	10 (50)	10 (50)
Assistant Principal level	9 (41)	13 (59)
Higher Executive Officer level	5 (71)	2 (29)
Executive Officer level	5 (63)	3 (37)
Staff Officer level	4 (80)	1 (20)
Clerical Officer level	34 (94)	2 (6)

Of staff at or above the level of assistant principal, 44 per cent are female and 56 per cent are male.

In relation to recruitment, the following are the details of the composition by gender and grade of new entrants:

Grade	Female	Male
	No. (%)	No. (%)
Assistant Principal level	6 (55)	5 (45)
Higher Executive Officer	0 (0)	1 (100)
Executive Officer/ Junior Systems Analyst	1 (50)	1 (50)
Staff Officer level	0 (0)	1 (100)
Clerical Officer level	14 (88)	2 (12)
Total	21 (68)	10 (32)

HUMAN RESOURCES UNIT

8.10 The Human Resources Unit, retitled from that of Personnel Unit during 2001, has a staff of five. During 2001, in addition to the normal day-to-day tasks, the Human Resources Unit implemented the two pay increases under the PPF and a further two pay increases under the Buckley Report. Further work included the conversion of electronic and other records to the euro and the implementation of new regulations pertaining to parental, maternity and other leave, as required. Since the inception of PMDS, the HR Unit has been involved in the administration of this system and anticipates

further work in this area. The unit is considering replacing the existing PAS system with Peoplesoft, the new Civil Service Human Resources Management System. Staff members of the HR Unit are involved with the Training and Development Committee, the Performance Management Project Team and the Partnership Committee.

8.11 Work on the components of a draft human resources plan for the Office – training and development, staff induction, PMDS, recruitment, probation, exit interviews, monitoring of staff policies and so on – was progressed in 2002.

HUMAN RESOURCES TRAINING

8.12 The Office is responding to the need to develop its former 'Personnel' function into comprehensive Human Resource Management. The HR manager underwent training by the IPA and CMOD which has been specially designed for civil service HR needs. The course finished in June 2002. As a more immediate response, the Office sought Department of Finance sanction to create a post of Training and Development Officer (HEO level) in the Office and the Office's first Training Officer was appointed in January 2001.

8.13 Initially the officer was primarily involved in PMDS training for all staff but her role is constantly being developed by the Office. A Training and Development Committee, with representatives from all areas of the Office, was set up in July 2001, to advise and assist the work of the Training and Development Officer including the drawing up of an Office policy on training and development. The Committee meets weekly.

8.14 In the past, most staff training and development was a mixture of 'on the job' and courses and seminars identified by staff themselves. However, with the appointment of the Training and Development Officer there is now a more structured and consistent approach and value for money can more readily be assessed. The

committee finalised an induction programme for new entrants. The committee is currently engaged in drawing up a programme for management training.

8.15 New procedures are now in place as follows:

- (a) There is now a general induction checklist that will be implemented by the Human Resources Unit for each new member of staff that joins the Office.
- (b) There is also a specific induction checklist for each section/unit within the Office. These checklists are now being used for all staff who commence employment in the Office.
- (c) A new 'Employee Handbook' and 'Employee Handbook Clerical Support' have been developed. Both documents are now finalised and will be presented to all new staff on commencement of employment in the Office. The 'Employee Handbook' will be given to all new ACs and PCs while the 'Employee Handbook Clerical Support' will be given to administration support staff. Subjects covered in the handbooks include Overview of the Partnership Committee, Health and Safety Procedures and the Employee Assistance Service.
- (d) There is now a one-day induction programme that runs periodically for new members of staff. Items covered include: Personnel Issues, Health and Safety issues and Introduction to PMDS.

8.16 Other training and development that has taken place in 2001:

- a) All staff in the Office attended training in PMDS. Training for PMDS was five days in all and was broken down into sessions of two days, two days and one day. The first two-day session was held in early Summer 2001, the second in early Autumn 2001 with the last session in Spring 2002.
- b) Management training on bullying and harassment issues was given to all members of the Management Advisory Committee (MAC).

- c) A number of seminars were organised for staff in the Office. For example, there were two seminars on the subject of the 'European Convention of Human Rights'.
- d) Courses were organised throughout the year in the standard software applications used in the Office such as Word 97 and Lotus Notes 4.6.

8.17 Formal procedures were put in place for all training requests that will be paid for by the Office. An official Training Authorisation Form is now in operation and must be completed in full prior to bookings on courses, conferences etc. The implementation of this procedure enables the Training and Development Officer to maintain accurate training records for all staff and ensure consistency and value for money in all training provided.

8.18 The Office also commenced dealing with the issue of training evaluation by putting in place formal evaluation forms that must be completed after attendance at courses or conferences. These forms will assist when assessing the effectiveness of training and development provided to staff in the Office.

8.19 The total expenditure on training and development in 2001 was approximately €179,000. The budget for 2002 is €248,000.

INTERNAL AUDITOR

8.20 The Office had been aware for some time of the need to introduce internal audit practices. To this end the Office received Department of Finance sanction for the position of Internal Auditor to be shared between the Merrion Street Office and the Chief State Solicitor's Office. The auditor joined the Office in July 2001 and since then has undergone formal training and has familiarised himself with the systems and practices of both Offices and has prepared initial audit reports and drawn up a draft business plan and brochure on the internal audit function. An Audit Committee representing both Offices, with an external member, was

put in place in April 2002 to advise, direct and evaluate the audit work. It is intended to extend representation on the Audit Committee by the appointment of two more external members.

FINANCE UNIT

- 8.21 The Finance Unit has a staff of five. During 2001, the Finance Officer took on the additional duties of Fees Officer in the Office to liaise with the Fees Officer in the Office of the Chief State Solicitor in ensuring that fees to barristers and solicitors are paid regularly.
- 8.22 The changeover to the euro from 1 January 2002, required the putting in place of an implementation plan to ensure that the necessary arrangements were in place.
- 8.23 The Finance Unit is actively involved in the implementation of the Management Information Framework (MIF). The Finance Officer participates in the Project Management Group. The Office, jointly with the Office of the Chief State Solicitor, engaged Deloitte and Touche Consultants to undertake a study on Phase I of the MIF and on the accounting systems generally in both Offices, and this was delivered in August 2002.
- 8.24 The expenditure incurred by the Merrion Street Office during each of the years 1996 to 2001 and the Estimate for 2002 is set out at Annex H and a Report on Payment Practices for 2000 and 2001 under the Prompt Payments of Accounts Act 1997 is set out at Annex J.

SERVICES UNIT

- 8.25 The Services Unit, currently comprising five persons, was set up in 1998 to deal with all areas relating to the maintenance and upkeep of the building, accommodation issues, procuring of all office supplies, security arrangements, telephone communications and

entertainment. In 1998 two designated Service Officers were assigned by the Department of Finance to the Office. In December 1999 the Office purchased an X-Ray security screening system for the purposes of screening all mail received in the Office. In September 2001, the electronic asset register was set up. In July 2001, two safety representatives for each level within the Office were assigned.

ACCOMMODATION

- 8.26 In March 1998, the Merrion Street Office completed renovation work on its building. The numbers requiring accommodation increased substantially in 2001 and in 2002. As a result of this growth, the Office reviewed utilisation of existing office space to ensure adequate facilities for all. Larger rooms were reassigned to units of staff, while staff requiring single occupancy rooms were relocated to smaller rooms. These moves enabled the Office to cope with short-term needs. In relation to medium-term needs, it was necessary to engage in some building modification work. In conjunction with the OPW, work commenced in October 2001, to convert basement space into a larger canteen and to convert the existing canteen space into four useable rooms (accommodating eight members of staff). This building work was completed early in 2002 and cost in the region of £276,000 (€350,000). In preparation for this work, basement space was freed up in August 2001, by consolidating existing file storage areas through the installation of higher capacity storage facilities.
- 8.27 Another building project was the extension and improvement of the IT server room. Due to the increased utilisation of IT and increased staff numbers, additional space was required. The cost of this project which commenced in December 2001, and was completed by September 2002, was approximately €336,000.

8.28 Planning continued in 2001 and 2002 in relation to modifications to the reception area which are necessary from a security and safety viewpoint and in relation to converting a room into a training and development facility. Work on the latter is completed and it is being fitted out. Work on the reception area is expected to get underway and be completed by end 2002.

FREEDOM OF INFORMATION ACT, 1997

8.29 The commencement date for the Freedom of Information Act, 1997, was 21 April, 1998. This Act established three new statutory rights:

- a legal right for each person to access information held by public bodies;
- a legal right for each person to have official information relating to himself/herself amended where it is incomplete, incorrect or misleading;
- a legal right to obtain reasons for decisions affecting oneself.

8.30 The Act asserts the right of members of the public to obtain access to information to the greatest extent possible consistent with the public interest and the right to privacy of individuals. Access to information under the Act is subject to certain exemptions and restrictions. Section 46 (1) (b) specifies that the Act does not apply to a record held or created by the Attorney General or the Office of the Attorney General, other than a record concerning the general administration of the Office.

8.31 A statistical breakdown of the number of requests received in 1998, 1999, 2000, 2001 and to end of July 2002, by the Merrion Street Office, including a breakdown of the decisions reached on those requests, is shown in Annex L. During 2001, the Office updated its Guide to the Functions and Records of the Office: Freedom of Information Act Section 15 and 16 Reference Book, which is available on the Office's website.

REGISTRY

8.32 The registry, with a staff of seven persons, handles all of the incoming post to the Office. It has responsibility for attaching correspondence to the appropriate file and referring it to the section responsible for action.

8.33 In December 2000, registry arranged for the microfilming of the correspondence registers. During 2001 and early 2002 the registry, as part of the move to higher storage units, undertook a major task in tidying files etc. A consultancy firm, Arcline, was engaged by the Merrion Street Office in 1999 and again in 2000 to help with this work as part of a three-year contract to identify records for transfer to the National Archives Office under the National Archives Act, 1996. Registry oversaw the transfer of a large number of files to the National Archives Office on 11 December 2001. Work is currently underway on examining records for transfer in Autumn 2002.

9. OFFICE OF THE CHIEF STATE SOLICITOR

INTRODUCTION

9.1 The current functions of the Chief State Solicitor are to act as solicitor to Ireland, the Attorney General and government departments and offices. During almost all the period covered by this report the Chief State Solicitor also acted as solicitor to the Director of Public Prosecutions. Other functions include:

- carrying out all conveyancing of State property, including Landlord and Tenant and other land law matters;
- furnishing of legal advice on the various matters that are submitted by government departments and offices and the drafting of the necessary accompanying legal documents;
- preparing and presenting all prosecutions initiated by ministers or government departments;
- acting as agent of the Government before the European Court of Justice;
- acting for the State in enquiries under the Tribunals of Enquiry (Evidence) Acts 1921-1998, and supplying legal staff to act for the tribunals, the public interest and other relevant State authorities;
- providing a solicitor service in all civil courts and tribunals in which the State or any State authority is involved;
- discharging functions under the 1965 Hague Convention on the Service Abroad of Judicial and Extra-judicial Documents in Civil or Commercial Matters;
- representing the State and State authorities including the Director of Public Prosecutions in taxation of costs before the Taxing Masters.

The Chief State Solicitor's Office has two distinct staff groupings, a head office complement based in Dublin and thirty two local State Solicitors who undertake State work on a contract basis for areas outside of Dublin.

STRATEGIC MANAGEMENT FRAMEWORK

9.2 The fundamental vision driving the Office is contained in the Statement of Strategy of the Office of the Attorney General 1999 - 2002. This strategy cascades into the business plans of the Office and in particular into the Overarching Business Plan of the Office dated 17 May 2001.

9.3 The Office's strategic and business focus as it relates to IT, Know-How and Management Information Framework are evidenced in a report of PriceWaterhouseCoopers (PWC), dated 3 July 2001, (relating to IT Strategy) and a study of financial management and MIF by Deloitte and Touche commissioned in late 2001, which was finalised in August 2002. These studies (particularly PWC) constitute the framework within which strategic IT decisions have been made and the manner in which the Office (with the Merrion Street Office) is organised to achieve its IT objectives.

9.4 The principal drivers within the Office are the Management Advisory Committee (MAC) and the Partnership Committee. The strategic vision of the Office is reflected in its staff induction policies, its approach to the implementation of the Performance Management Development System (PMDS) and the planned development of its Customer Action Plan initiative. The approach of the Office to the development of its work systems is largely related to its work on IT development.

IMPLEMENTATION OF NALLY REPORT

9.5 One of the principal business plan achievements in the year under review was the implementation of the recommendations of the Report of the Public Prosecution System Study Group ('the Nally Report') referring to the transfer of the prosecution functions of the CSSO to the Office of the Director of Public Prosecutions. The transfer of functions was sensitive from an industrial relations point of view and the management of the transfer was very much bound up with the process which led to the resolution of the industrial relations problems. The formal transfer took place on 3 December 2001 with the actual move to new premises in late January 2002. From that time the solicitor functions in the prosecution of crime passed to the newly created Office of the Chief Prosecution Solicitor (OCPS).

The steps taken to give effect to the transfer included:

- the negotiation of an industrial relations settlement with professional and technical staff within the CSSO
- the negotiation of an industrial relations settlement with clerical and administrative staff within the CSSO which put in place a new clerical support arrangement for the future needs of the CSSO and for the OCPS
- the filling of promotional posts in both Offices at all grades
- the selection of staff to move from CSSO to OCPS
- the provision of medium-term accommodation for OCPS (a task for the OCPS)
- the transfer of solicitors, legal technical staff and clerical / administrative staff from CSSO to OCPS
- the transfer of files and responsibilities
- the establishment of a transitional committee to oversee transfer details and issues arising.

INDUSTRIAL RELATIONS

PROFESSIONAL AND TECHNICAL STAFF

9.6 For a number of years industrial relations involving professional and technical staff within the Office were difficult. These culminated with the service of a notice that professional and technical staff would withdraw services on 11 December 2000. Industrial relations action was suspended following the appointment of John Dowling to report into the issues underlying the industrial unrest. His report, entitled 'Report on Matters in Dispute Between the Chief State Solicitor's Office and Legal Staff of the Office Represented by IMPACT', issued on 23 February 2001. On 18 April 2001 a document entitled 'Roll Out Document' issued from the Office with detailed proposals for professional and technical staff. This document was described as forming 'a rider to the management proposals to settle the industrial dispute within the Office of the Chief State Solicitor'. It comprised a proposed timescale for the implementation of the proposals contained in 'Blueprint for Progress' (as revised by the recommendations of the Dowling Report) and also for the implementation of the Nally Report. The terms proposed in the 'Roll Out Document' were accepted by the parties.

Some of the principal features of the proposals included:

- the introduction of a new recruitment level scale for solicitors that included a facility for multiple increments after three and six years
- the introduction of an apprenticeship system for legal technical officers
- the introduction of enhanced career structure for professional and technical staff
- the establishment of legal technical posts at principal officer level (one in each office)
- an increase in the number of higher level posts for legal technical staff

- the establishment of a new Asylum Law Division within the CSSO
- increased staffing at professional and technical grades and arrangements for recruitment
- replacement by competition of former promotion methods
- creation of additional principal posts for solicitors for specialist functions
- implementation of Nally with agreement as to selection process, numbers and grades.

ADMINISTRATIVE AND CLERICAL STAFF

9.7 Negotiations with the Civil and Public Service Union (CPSU), the union representing clerical staff, were held in advance of the transfer of the criminal prosecution work to the Office of the Chief Prosecution Solicitor. The main issues dealt with related to:

- staff numbers
- opportunities for promotion
- methods of promotion
- introduction of a trainee law clerk scheme
- selection of staff for transfer.

The Office's proposals were accepted by the CPSU on 5 November 2001.

A move to a more competitive promotion regime in the clerical grades was agreed and introduced by the holding of internal competitions for promotion to staff officer and executive officer vacancies.

ORGANISATIONAL CHANGES

INTERNAL RE-ORGANISATION

9.8 Plans for a major re-organisation of the divisional and sectional organisation of the Office were finalised late in 2001 and were implemented in early 2002. The new structure would reflect the changing work demands of client departments.

9.9 The two strongest influences on the re-organisation were, firstly, the need to equalise work levels and responsibilities more efficiently across divisions and sections and to balance workloads across divisions. In particular, this required a rationalisation of existing civil litigation functions. Secondly, the new organisation was designed to create a more efficient basis upon which to provide solicitor services more clearly focused on the needs of clients.

9.10 Allied to the requirement to relate legal services to the needs of clients, was the business need to provide a structure that could adapt to the changing needs of the State, i.e. an organisation capable of responding rapidly to a changing legal environment. The new demands being anticipated at that time included demands in the area of refugee/asylum law and commercial contracts.

9.11 An Asylum Section, established within a new Asylum and Civil Litigation Division, is fully operational and acts in the defence of State litigation on refugee, asylum, nationality, immigration and deportation matters. A need has been identified for the establishment of a dedicated Commercial Contracts Section. The establishment of this section is currently at the planning stage.

9.12 The Office has responded significantly to the creation of the State Claims Agency. A liaison committee involving the Office, the Office of the Attorney General and the State Claims Agent now meets on a regular basis to review policy issues and case issues. In particular the group considers practice in sensitive areas such as asbestos litigation, European Convention points and novel causes of action. A re-organised Personal Injuries Section now services some of the legal needs of the agency and handles the defence of all pre-agency personal injuries in co-operation with the agency.

9.13 The Office has undertaken a strengthening of its clerical and administrative supports. The most noteworthy changes have included an increase in staff in its IT section, the appointment of a Human Resources Officer, the dismantling of the typing pool and integration of support staff into legal sections and the planning for the introduction of the Documentation Centre. The work of Partnership in the review of the role of clerical support staff was highly influential on some of these developments. Further strengthening of support services will be necessary in the near future, especially to service the additional demands that the rollout of MIF will create.

DEVELOPMENT OF SPECIALIST SERVICES

9.14 The search for opportunities to develop specialist solicitor services for the State continued during the year and specific proposals were brought forward during 2002. The significant increase in the volume of work arising in the area of employment law within the civil service has been noted by the Office. This may signal a need for a more focused organisation of solicitor services for client departments in this area of practice.

OUTSOURCING WORK

9.15 The Office's Overarching Business Plan indicates circumstances in which it is appropriate to outsource certain legal work. The Office can report that the provision of solicitor services was outsourced in two infrastructural cases of major national importance. In both cases the process of selection of the legal firms was managed by the Office and the Office maintained a close involvement in the provision of the service. The Office was involved in the negotiation of fee arrangements in these cases and in the establishment of methodology for the interview and engagement process.

HUMAN RESOURCES

9.16 The provision of quality legal services is dependant to a major degree on the expertise and commitment of staff at all levels. The strategies set out to achieve the Office's main objectives emphasised the development of staff and support systems with particular reference to training, personal development, career structures and performance management.

RECRUITMENT AND RETENTION

9.17 The Office had for some time found difficulty in recruiting professional and technical staff. During 2001, some improvement became evident arising at least to some extent from the enhanced pay scales and career structure but also related to the changing employment market nationally. Contract recruitment has proven beneficial in that contract solicitors can be engaged in small numbers evenly throughout the year. The Office has also benefited by the use of the Law Society's website for the recruitment of contract solicitors and legal executives. This website has proven to be an extremely effective point of contact with solicitors interested in contract recruitment.

9.18 A confined competition for solicitor and legal technical staff was held in Summer 2001. The Office intends to have a Civil Service Commission competition in late 2002 and twice yearly thereafter, if necessary, until full staff numbers are reached.

9.19 The ability to recruit the full staff complement during the year was limited by accommodation shortages. The transfer of the criminal prosecution sections would have provided some vacant space but this was delayed and had not taken place by the year end.

The following table gives recruitment statistics for 2001.

Recruitment 2001

Staff Group	Numbers Recruited	(Male)	(Female)
Solicitors	30	10	20
Legal Executives	10	6	4
Clerical / Admin	27	7	20
	67	23	44

Note: the above figures reflect the recruitment of additional staff numbers approved in advance of the establishment of the Office of the Chief Prosecution Solicitor. Some of those recruited transferred to that Office on its formal establishment in December 2001.

The improvements in pay scales and promotional opportunities combined with other staff development initiatives have contributed to the improvement in staff retention rates. During 2001, there was a relatively low level of turnover of experienced permanent legal staff.

The following table illustrates exit patterns during the period, excluding Nally movements.

Staff Group	Movements to within Public Service	Retirements	Resignations
Solicitors	3	0	5
Legal Technical	1	0	3
Clerical / Admin	6	1	6

Note: the figures do not include staff working in the criminal sections that transferred to the Office of the Chief Prosecution Solicitor.

The number of clerical/administrative staff leaving during the period was significant – twelve in all. Resignations at legal technical level consisted of one short term contract member and one permanent member of staff and did not constitute a significant retention problem. Two solicitors moved on promotion to the Office of the Director of Public Prosecutions as professional officers and one solicitor moved on promotion to another State office. Four solicitors resigned, but as two were short term contract staff the total number resigning was not problematic.

HUMAN RESOURCE OFFICER

9.20 During the year sanction was obtained for the appointment of a human resources officer and arrangements were made to fill the post, on a four year loan basis, by means of a competition within the civil service, organised by the Civil Service Commissioners. The grade at which recruitment was made is assistant principal.

TRAINING

9.21 The Office has been anxious to create an environment in which staff are encouraged to identify training needs and opportunities and in which their learning initiatives are supported with leave and fees. A dedicated training officer post at HEO level has been authorised and the appointment was made in August 2002.

Details of formal training activities during 2001 are set out in the following table.

Numbers	Training	Trainer
177	Personal	IMI
201	Development	IMI
102	PMDS-I	IMI
12	Mentoring	JJ O'Dwyer
4	Effective Communications	Montague Communications
14	Developing to Principal Solicitor Grade	JJ O'Dwyer
15	Developing to Assistant Principal Solicitor (Higher) Grade	Montague Communications
10	Competency Development for Principal Legal Executive Applicants	JJ O'Dwyer
25	Interview Training (Contract Staff – 1)	JJ O'Dwyer
6	Interview Training (Contract Staff – 2)	JJ O'Dwyer
6	Foundation Course Legal Practice (Public Sector)	DIT
30	Advancement to Staff Officer/EO Grade	Conor Hannaway/IMI
3	Project Management	IPA
4	Keyboard Skills	Pitman/Irish Times
2	Knowledge Management	Ark Group
43	Induction	CSSO staff

Formal Training - 2001

In addition, the Office operated the refund of fees scheme for training in the following areas:

Diploma in Public Management	1
Refugees and Public Law	1
Accounting Technician	1
Legal German	2
ECDL	2
Diploma in Legal Studies (DIT)	9
Diploma in Applied European Law	2
Computer Programming	2
Management and Employee Relations	1
Employment Law (UCD)	5

Also, solicitors were supported in attending the continuing legal education programme of the Law Society (CLE).

- 9.22 The total expenditure on training courses, refund of fees, seminars etc. during 2001 was approximately €235,000.
- 9.23 Internal training was provided on an ongoing basis by the Law Librarian (Internet use, property law, use of legal databases), by individual staff members presenting papers to colleagues, by the preparation of training manuals and the arrangement of lectures by outside experts on specific topics.
- 9.24 The need for induction of new staff was identified by Partnership and policy for the provision of induction training was developed. Participation in induction is mandatory for all new staff. During the period under review three induction courses were held for a total of forty-three members of staff. In addition two courses were held to train twelve staff as mentors for new recruits.
- 9.25 The development of clerical staff has been supported by way of the provision of training in the Foundation Law Practice course of the DIT and by way of refunds of fees for clerical staff studying for the Diploma in Legal Studies of the DIT. The Office is also introducing a Law Clerk trainee scheme for its clerical staff.
- 9.26 The IT Plan recommended the implementation of a number of new core technologies to support future business systems. The importance of relevant and focused technical training for IT staff is recognised by the Office and the Office is committed to providing suitable training as and when required. The IT Unit maintained a high level of support and assistance to staff within the Office in their use of technology.

INTRODUCTION OF COMPETITIONS FOR PROMOTIONS

9.27 During 2001 a competitive promotion regime was introduced for professional and technical grades with the agreement of the union involved. Initially two out of every three promotions were by competition but full competition applies from 2002 on. Competition has also been introduced for 50 per cent of clerical/administrative promotions due for filling internally. The operation of a competitive system has been supported by the following:

- agreement with staff, Partnership and unions on interview system
- training in interview preparation, career development and grade expectations
- statement of competencies for posts in vacancy notices.

DEVELOPMENT

9.28 The Performance Management Development System was rolled out successfully during the year with the first phase – the performance planning stage – taking place in the Chief State Solicitor's Office in December 2001/January 2002. Two days training for the first phase of PMDS was provided to all staff by the Irish Management Institute in June/July 2002 but it was necessary to defer the commencement of the performance planning stage until December 2002 pending the transfer of the criminal section in the Office and the staff in that section to the Chief Prosecution Solicitor's Office.

9.29 A PMDS Project Group was appointed by the Management Advisory Committee (MAC) of the office to support the Chief State Solicitor and MAC in introducing PMDS to the office of the Chief State Solicitor. The role of the Project Group is to co-ordinate and facilitate the implementation of PMDS in

the office of the Chief State Solicitor and to report and make recommendations on its implementation to MAC and Partnership in the Office. The Project Group has developed a reporting system to ensure PMDS is in place and a system to monitor and evaluate the implementation process. The Project Group holds monthly meetings and communicates on a regular basis with managers/supervisors by way of e-mails and meetings.

9.30 The core competencies identified to help the jobholder achieve more effective results and to contribute to improved performance and personal development and to reflect the values of the Office were Managing People, Customer Service, Technical Capabilities and Teamwork.

9.31 The Partnership Committee was actively involved in all stages of the planning and roll out of PMDS.

9.32 In terms of impact, PMDS is seen as an integral part of the modernisation of the Office and has been accepted by management and staff. However, it is still too early to evaluate its impact in meaningful terms.

PARTNERSHIP

9.33 A Partnership Committee has been in existence for several years in the Office. The committee meets monthly. Work is planned and progress reviewed at special annual review days. Partnership has the following sub committees:

- Communications Group
- Flexi-time
- E-working
- Accommodation
- Work practices.

Reports considered at Partnership included:

- MAC meetings
- Sub-committees
- PMDS Group
- IT Manager.

9.34 The main issues for consideration by Partnership during the period under review included:

- the departure of crime staff to the newly created Office of the Chief Prosecution Solicitor in the Office of the Director of Public Prosecutions, including the arrangements for selection of staff, promotional process, temporary and medium term accommodation
- business planning
- the re-organisation plans for the Office, i.e. the changes to the divisional and sectional organisation and responsibilities
- accommodation issues and, in particular, the re-distribution of office space in the wake of the transfer of crime staff, the accommodation of new contract staff, the availability of office space at Conyngham Road, and the proposals for additional office space at Werburgh Street
- extension of flexi-time (or similar system) to solicitor and technical grades with particular reference to the opportunity to support family friendly policies within the office but also with reference to the difficulty of devising a satisfactory scheme for staff heavily involved in court work
- e-working, home working and working from remote locations – this is a medium term project
- presentation of documentation: this concerns standards for the production of documentation, including lay out and format standards, logo, review of stationery suite
- training
- the introduction of performance management, the training therefor, and the PMDS project group
- development of protocol for use of external e-mail
- bullying and harassment policy
- development of the National Treasury Management Agency (NTMA) and impact on CSSO
- development of Documentation Centre for CSSO
- recruitment at all grades
- mentoring process
- customer action planning.

9.35 Partnership has identified the need for a common IT skills standard for legal staff and clerical and administrative staff working within the legal sections. A proposal has been made for the development and roll out of this standard and this project is on-going. Partnership has also identified the additional skills needs of clerical staff working in the legal sections in the aftermath of the redistribution of the typing pool. These skills are mainly in the areas of key boarding and document production and courses are being provided currently. A sub-group of Partnership sat as the selection board for providers of training for the personal development and management development courses provided by the Office last year.

FAMILY FRIENDLY POLICIES

9.36 The Office facilitates job sharing, a-typical working weeks, term time and other family friendly initiatives. The Office operates a flexi-time system for clerical and administrative staff. Partnership has committees on flexi-time and on e-working (which is seen as a possible medium term initiative).

There was much debate during the year on the introduction of flexi-time (or similar system) for professional and technical staff – many of whom have work hour demands tied rigidly to court times. The question has not been satisfactorily resolved but the Office is anxious to devise a scheme that will give family friendly benefits to professional and technical staff and, at the same time, will not interfere with the requirement to be present to attend to court duties and duties associated with court. It is expected that a solution will be found.

FINANCIAL MANAGEMENT

FINANCIAL MANAGEMENT REFORM

9.37 The Office in conjunction with the Merrion Street Office commissioned Deloitte and Touche to report on the development of a new financial management system and on existing financial control. The purpose of the report was to enable the Office address the question of financial systems which would support both the budgetary process and process of reporting financial performance indicators. The consultants presented an interim draft report to the Office on 28 March 2002 and a final report was presented to the Office on 2 August 2002 and is currently under consideration. An MIF group, under the chair of the Chief State Solicitor, has been formed to guide the development of management information within both Offices and especially in so far as will impact on the selection or specification of a file management system.

The requirement for accurate and robust financial management performance data will have major repercussions for the Office in the way in which it goes about its daily business. This will arise from the additional duties of divisions and sections in the management of their budgets and in the tracking and recording of the costs of the services they provide. An open debate of the issue would be welcomed and is likely to be introduced at Partnership when the final report of the consultants has been received.

COUNSELS' FEES

9.38 A new computerised system for the payment of counsels' fees commenced on the 1 October 2001. It was designed to record all services provided by counsel, the amounts being paid in a case, and to pay fees on a quarterly basis. Each service is invoiced separately, processed through the system and paid. Objectives are to provide a quality assurance system for the payment of counsel which has consistency and reflects good practice as to value for money. It is intended that counsel will be paid per service in the quarter after the quarter in which an invoice has been received.

COSTS RECOVERY

9.39 It is settled Office policy to seek orders for legal costs in actions where State parties have been successful. Greater efforts have been made to collect these costs. During the year, and as part of the re-organisation of the Office, a new Legal Service Section, was established and responsibility for the legal enforcement and collection of legal costs has been assigned to this section. This function will have a high priority.

ACCOMMODATION

9.40 The authorised staffing complement of the Office has increased at a significant rate. Insufficient accommodation proved a major impediment to the early recruitment of extra resources. Despite the fact that office accommodation was recovered and redistributed to remaining staff after the departure of crime staff, the office accommodation is still very inadequate. Acquisition of additional space was the subject of ongoing discussion with the Office of Public Works.

REGULATORY REFORM AND POLICY ANALYSIS

9.41 Regulatory reform and policy analysis are not part of the mainstream business of the Chief State Solicitor's Office but the Office will assist the Office of the Attorney General in these issues where requested to do so.

The Office has, however, contributed to the overall drive for regulatory reform and policy analysis in the following respects:

1. The Advisory Division has identified a need to reform the powers of ministers to enter into commercial contracts and, in particular, to amend the Ministers and Secretaries Act 1924, as amended, in this regard. A modern Executive Powers Bill has been recommended to the Office of the Attorney General. This need was identified during the course of planning by the division for the establishment of the new Commercial Contracts Section.
2. The Office continues its involvement in the prosecutorial group planning the implementation of the remaining Nally Report objectives. This involvement is at Assistant Chief State Solicitor level.

3. Participation in the Judicial Review Management Group (JRMG) under the aegis of the Attorney General.
4. Participation on the sub-group with responsibility for advising the interdepartmental implementation group on issues arising from existing legal procedures and on procedures that should apply in relation to the PIAB and within the PIAB (Personal Injuries Assessment Board).
5. Participation of two officers of CSSO on the Supreme Court Working Group on Computerisation.
6. Participation in the Liaison Committee with the State Claims Agency.
7. Participation in the Transition Committee CSSO/OCPS in connection with the Nally Transfer.
8. Participation on the Law Reform Commission Working Group on Judicial Review.

QUALITY CUSTOMER SERVICE

9.42 The following two quotations are taken from the Office's *Overarching Business Plan*, prepared by Mr. J.J. O'Dwyer.

To understand the full range of client requirements in terms of specialist legal service and legal practice areas of major importance to Government. To have in place a system which ensures that professional and technical staff are fully up to date in their fields of specialisation.

To achieve a satisfactory alignment between skills and perspective of CSSO personnel with the public management needs of client departments. To provide such a client focus as will achieve this alignment. To develop reputation as 'team player' in providing solicitor services which support the mission of client departments. To develop awareness of client's policy framework and guidelines within which they operate.

Initially, the focus of attention on quality customer service issues was on the development of an awareness of the value of customer care and on the development of support within the Office for a re-organisation of work around the needs of the client. The principal fora for this discussion were at MAC, Partnership, staff briefings, induction and staff training events. In particular, the training provided in connection with management development and PMDS were extremely useful for developing consensus on the need for a quality customer service.

At the same time, the Office commenced the development of practices as regards meetings with clients. The need for a formal Customer Action Plan was identified in the Overarching Business Plan of the Office and the preparation of a draft plan commenced early in 2002 and the Office's Client Service Guide, 2002 - 2004, incorporating the Chief State Solicitor's Office Customer Action Plan, 2002 - 2004 was published on the Office's website in July 2002.

On the 18 January 2001, as part of the policy of improving services to clients, the Conveyancing Division held a workshop in the Chester Beatty Library, Dublin Castle on the topic 'Managing Protected Structures under Planning and Development Legislation'. This was the first occasion that the Chief State Solicitor's Office held such a workshop. Representatives from various government departments and the local authorities attended. Due to the large number of requests for places at the workshop, a repeat session was held on the 30 May 2001.

EQUALITY

9.43 The Office's commitment to Equality of Opportunity is set out in the Overarching Business Plan.

The following table shows the distribution of gender according to grade within the Office at the end of

Grade	Male	Female
Chief State Solicitor	1	0
Assistant Chief State Solicitor	4	1
Deputy Assistant Chief State Solicitor	6	4
Principal Solicitor	6	3
State Solicitor	12	25
State Solicitor (Contract)	14	13
Principal Legal Executive	1	0
Deputy Principal Legal Executive	1	0
Assistant Principal Legal Executive	4	2
Higher Legal Executive	5	11
Legal Executive	4	1
Legal Executive (Contract)	0	2
Law Clerk (Contract)	1	0
Principal Officer	1	0
Assistant Principal Officer	1	0
Higher Executive Officer	2	2
Executive Officer	2	6
Staff Officer	2	9
Clerical Officer	10	45
Services Officer	4	0
TOTAL	81	124

2001 and will constitute a benchmark for the study of development of gender equality issues into the future.

Training for all staff in equality as a customer service issue (including as an issue for staff as the internal customer) has been identified as one of the implementation issues arising.

There is a strict requirement for best gender balance on the promotional interview boards. There is a practice of using best gender balance in contract recruitment interviews and use of male only or female only board is discouraged where at all possible. Frequently, contract interview boards will have more than one female interviewer.

WORK REVIEW – 2001

9.44 Workloads continued to increase during the year resulting in ongoing staff resource difficulties in many areas. The agreement on numbers and gradings in June represented a framework on which to address the varying demands on the Office. As mentioned elsewhere in this report, accommodation constraints delayed the recruitment of the full staff complement.

The hearing loss workload continued as a new settlement policy by the client department gathered pace. Caseloads increased in the high profile asylum and child abuse categories, while tribunals of inquiry and CAB required dedicated staff on a continuing basis.

The following paragraphs comment on the main areas.

JUDICIAL REVIEW AND RELATED CASES

9.45 The range of cases covered is huge, many are high profile, politically sensitive, attract considerable publicity and invariably involve strict time limits and complex issues of administrative, constitutional and European law. These cases are often appealed to the Supreme Court and occasionally referred to the European Court of Justice. The related cases include habeas corpus, cases stated, adoption cases, transfer of sentenced persons cases, letter of requests from foreign tribunals and service of documents under EU Council Regulation No. 134/2000 on the service abroad of judicial and extra judicial documents in civil and commercial matters. In the year 2001 the cases received were:

- 186 judicial reviews
- 8 adoption
- 12 transfer of sentenced persons cases
- 4 cases stated
- 7 letters of request from foreign tribunals

- 247 documents for service under EU Council Regulation No.134/2000.

Apart from representing the State and State authorities, such as all government ministers, the Commissioners of Public Works and the Commissioner of An Garda Síochána, the Office also represented governors of prisons, district and circuit court judges, revenue appeals commissioners, the Adoption Board, coroners, the Chief Clerk of the Dublin Metropolitan District, social welfare deciding officers, the Clerk of the Dáil, the Master of the High Court, the Office of the Civil Service and Local Appointments Commission, the Registrar of Births, Deaths and Marriages, the Labour Court, the Employment Appeals Tribunal, the Garda Síochána Complaints Board, the members of Garda Disciplinary Board of Inquiry and the Rent Tribunal in recent judicial reviews.

The volume of habeas corpus and judicial review applications relating to asylum cases is on the increase and further increases are anticipated as additional Garda resources are assigned to this work.

CHILDHOOD ABUSE

9.46 The media concentration on this topic in the past number of years has led to an increase in awareness of the issue and a large number of actions. Many of the cases relate to abuse which occurred in orphanages, day schools, residential industrial schools, remedial schools, welfare homes, detention centres and in adopted homes. In excess of 2000 case files have been opened. The Office has given legal advice to the Department of Education and Science in relation to the setting up of the Residential Institutions Redress Board and the ongoing proceedings of the Commission to Inquire into Child Abuse (Laffoy Commission).

MOX CASE

9.47 This case concerns the development at Sellafield of a new facility for reprocessing spent nuclear fuel into a new fuel known as mixed oxide fuel or MOX. The first dispute relates to the United Kingdom's failure to provide information to Ireland pursuant to a request by Ireland under the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic "OSPAR Convention". In June 2001 Ireland formally requested the constitution of an arbitral tribunal under the Convention and arbitrators were appointed. A set of rules were agreed and the Permanent Court of Arbitrators in the Hague was decided upon as the venue. The parties are presently exchanging pleadings and a date for the arbitration is fixed in the Hague for 21 to 25 October this year. The second dispute relates, inter alia, to Ireland's claim that there will be pollution of the sea and that there are risks associated with movements of material to and from and storage of material at the plant. In October 2001, Ireland served an application on the United Kingdom pursuant to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The application by Ireland for provisional measures to prevent the authorisation by the United

Kingdom of the Mox plant was refused by the International Tribunal for the Law of the Sea sitting in Hamburg in November 2001. Arising from this, arbitral proceedings between Ireland and the United Kingdom under the 1982 Convention have commenced. Pleadings are in the course of being exchanged by the parties and a provisional hearing date has been set for June or July 2003.

CORRIB GAS FIELD

9.48 The €600 million development of the Corrib Gas Field is one of the largest cases at present. Arthur Cox, Solicitors, have been retained as external legal advisors and the legal services are being managed by the CSSO. It is the first gas field that has been developed in Ireland for over thirty years and a wide range of legal issues has had to be addressed since work on the project began.

EMPLOYMENT LAW

9.49 There are an increasing number of employment cases covering such aspects as bullying, harassment and complaints of discrimination under the Employment Equality Act, 1998.

10. INFORMATION TECHNOLOGY

IT UNIT IN THE MERRION STREET OFFICE

- 10.1 The main functions of the IT Unit are to develop and manage IT systems, infrastructure and resources within the Office, in line with the business objectives of the Office.
- 10.2 The general activities of the Unit comprise the following:
- IT Strategy development and implementation
 - IT systems development/procurement, implementation and on-going management and development
 - IT infrastructure development/procurement implementation and on-going management and development
 - management and administration of IT operations functions
 - IT resource management and development
 - end-user support.

IT PLAN

- 10.3 While the original IT systems developed in 1995 to support the work of the Merrion Street Office served the Office well in the past, in recent years it was clear that they were no longer meeting the needs of the Office. The Office, in conjunction with the Office of the Chief State Solicitor, engaged PriceWaterhouseCoopers (PWC) at the end of 2000 to develop an IT Plan, aligning future investment in IT with the Office's business objectives and priorities.
- 10.4 The new IT Plan was delivered to the Office in July 2001. It recommended an IT strategy underpinned by approximately thirty distinct projects. A number of the IT infrastructure projects commenced in the second half of 2001 and the Office also commenced preparations to address some of the key business systems projects. The main business systems projects cover the areas of case

and records management, legislation drafting/management, financial management and knowledge management. Two project managers, one each from the legal sides of the Merrion Street and Chief State Solicitor's Office, were assigned to oversee the case and records management project.

WORK MANAGEMENT SYSTEMS

- 10.5 A number of new systems were developed in-house to meet user demands. Amendments were carried out using in-house resources to the existing work management systems to facilitate new user requirements. These systems will need to be maintained for the foreseeable future pending the implementation of the new systems recommended in the IT Plan.
- 10.6 A detailed assessment of the requirements to ensure euro compliance was also carried out during 2001 and the necessary remedial work was completed before the end of the year.
- 10.7 With the expansion of the IT services and facilities being provided by the IT Unit and the implicit expansion in space and infrastructure required, the Office had outgrown its existing IT suite. The IT Unit specified requirements and possible new designs and layouts for a state-of-the-art IT suite to house the Office's expanded IT installation. Work commenced on installing the new suite towards the end of 2001 and was completed in mid-2002. The new suite will provide a sound platform on which to implement the strategy recommended in the IT Plan.

INTERNAL AND EXTERNAL COMMUNICATIONS

- 10.8 A new Office website which was designed and developed in-house was launched in the summer of 2001. The site will be kept under review and any opportunities for its enhancement will be availed of.

10.9 A new website was also developed in-house by the Office for the Law Reform Commission. The Law Reform Commission did not have a web presence prior to this and approached the Office for advice and assistance. The IT Unit developed a website for the Commission. The new website was launched in February 2001.

10.10 During 2001 modifications were made to one of the Merrion Street conference rooms to enhance its suitability for presentations. The new permanent facilities have proved to be of great benefit to the Office and are regularly used.

INFORMATION AVAILABLE AT DESKTOPS

10.11 The IT Unit has continued to update the CD-based information sources available to staff of the Office.

INFORMATION TECHNOLOGY TO SUPPORT THE LIBRARY, KNOW-HOW AND INFORMATION SERVICES

10.12 A new Library Enquiry System was developed in-house to manage requests for assistance/information made to the Merrion Street Library and the IT Unit continued to take opportunities to enhance the dissemination of information to staff throughout the Office.

PROVISION OF TRAINING AND SUPPORT ON INFORMATION SYSTEMS

10.13 The IT Plan recommended the implementation of a number of new core technologies to support future business systems. The IT Unit received training in some of these technologies during 2001. The importance of relevant and focused technical training for IT staff is recognised by the Office and the Office is committed to providing suitable training as and when required. The IT Unit maintained a high level of support and assistance to staff within the Office in their use of technology.

LEGISLATION DRAFTING

10.14 In the context of e-government, the Office has been in discussions with a number of government departments and offices with a view to e-enabling the legislative process. Specifically, it is hoped to implement a system, in consultation with other affected stakeholders and in conjunction with the e-Parliament agenda of the Office of the Houses of the Oireachtas, which will support the processing and management of legislation text and attendant indexes through the legislation life cycle. This would cover the process from initial drafting of legislation, through Parliamentary debate and consideration, to its availability to the public in searchable electronic form on the web and on CD-ROM. Adopting a joint approach with the Office of the Houses of the Oireachtas will assist in leveraging efficiencies accruing from the common demands of both offices from such a system. The IT Unit, along with the Office of the Parliamentary Counsel, is actively involved on behalf of the Office of the Attorney General in this project.

THE STATUTES AND STATUTORY INSTRUMENTS ON CD ROM AND THE INTERNET

10.15 The original project to make the entire body of Act, Statutory Instrument and Chronological Table material from 1922-98 available in a searchable electronic format was completed at the end of 1999 with the release of the Irish Statute Book on CD-ROM. A project to make the Act and SI material available on the Office's website was completed in September 2000 and at the end of 2001 the Chronological Tables on the website were also updated. The CD-ROM and web-based facilities have proved to be an invaluable resource for a wide user community and particularly for those involved in the legal sector. Following a competitive tendering process during 2001, a contract was awarded to update the Irish Statute Book CD-ROM with material from 1999 to 2001 and work is progressing on this project with a view to publication in late 2002. The material will also be made available on the Office's website.

STAFFING

10.16 The authorised staff for the unit at the commencement of 2001 was five. Three extra posts were sanctioned by the Department of Finance in July 2001, on publication of the new IT Plan. However, difficulty in recruitment meant that for most of 2001 the unit was staffed by three people. The extra posts sanctioned in July 2001 were filled in 2002. One clerical post has remained vacant since March 2001, and the Civil Service Commission are making efforts to have it filled as soon as possible.

IT UNIT AT CSSO

IT PLANNING PROJECT

10.17 The original IT systems developed in 1997 to support the work of the Office have served the Office well in the past. However, in recent years it was clear that they were no longer meeting the needs of the Office in a changing environment. The Office, in conjunction with the Office of the Attorney General, engaged PriceWaterhouseCoopers at the end of 2000 to develop an IT Plan, aligning future investment in IT with the Office's business objectives and priorities.

DEVELOPMENTS

10.18 The new IT Plan was delivered to the Office in July 2001. It recommended an IT strategy underpinned by approximately thirty distinct projects. A number of the IT infrastructure projects commenced in the second half

of 2001 and the Office also commenced preparations to address some of the key business systems projects. The main business systems projects cover the areas of case and records management, legislation drafting/management, financial management and knowledge management. Two project managers, one each from the legal sides of the Attorney General's Office and Chief State Solicitor's Office, were assigned to deal with the case and records management project.

10.19 A number of new systems were developed in-house to meet user demands. Amendments were carried out using in-house resources to the existing work management systems to facilitate new user requirements. These systems will need to be maintained for the foreseeable future pending the implementation of the new systems recommended in the IT Plan.

10.20 A detailed assessment of the requirements to ensure euro compliance was also carried out during 2001 and the necessary remedial work was completed before the end of the year.

10.21 A new Office website which was designed and developed by IT staff in the Office of the Attorney General was launched in the summer of 2001. Pages containing information on the Chief State Solicitor's Office are located on the site. The pages will be kept under review and any opportunities for its enhancement will be availed of.

11. LIBRARY AND KNOW-HOW SERVICES

LIBRARY AND KNOW-HOW UNIT IN MERRION STREET OFFICE

- 11.1 The unit continued to provide high quality law library facilities and information services during 2001. The unit acquired, organised, disseminated and facilitated the use of legal information in a variety of formats. The primary clients of the unit were the Attorney General, advisory counsel, Office of the Parliamentary Counsel to the Government and the Statute Law Revision Unit.
- 11.2 The Unit provided these users with:
- an online library catalogue (WebCat) and a legal know-how database
 - information/legal research services
 - training on legal information databases
 - current awareness services
 - access to a wide range of legal materials in house
 - access to external libraries and information services
 - loans and inter-library loans service
 - document delivery service.
- 11.3 The unit managed the development of WebCat and the know-how database. Library staff also managed and developed the legal information content of the Intranet and an increasing number of legal information resources and services were made available electronically. AGO legal staff now have access to over thirty legal CD-ROM and Internet databases. Legal research tools are delivered via the desktop where possible.
- 11.4 The unit also provided library/information services to other law offices of the State, departmental legal advisers, librarians and civil servants. An increasing number of legal information queries and queries about the use of the Irish Statute Book website from the general public was also dealt with.

UNICORN COLLECTION MANAGEMENT SYSTEM

- 11.5 A key initiative for the library during 2000 was the upgrading of the Unicorn Collection Management System (comprising WebCat and WorkFlows) and its implementation as a multi-library system in the Chief State Solicitor's Office and the Law Reform Commission. The library was the first library in Ireland to implement Unicorn in a multi-library environment.
- 11.6 The implementation of the multi-library system was a cost-effective way of providing improved library facilities in the three offices. It is now possible to search the catalogues of the three libraries simultaneously. Systems administration support for the multi-library system is provided by library and IT staff in the Office.
- 11.7 Library staff are responsible for describing and classifying all library materials on WebCat so that users can identify and locate relevant resources. International standards such as the Moys Classification and Thesaurus for Legal Materials, AACR2 and MARC are used for this work. Over 6,000 new entries were added to the library catalogue during 2000/2001 including nearly 2,000 textbooks.

STAFF

- 11.8 The unit is managed by an information manager and for most of 2000/2001 was staffed by an assistant librarian, trainee librarian, know-how officer and library assistant. The assistant librarian, trainee librarian and know-how officer were employed on a contract basis. A number of legal research assistants were recruited to the unit on a contract basis during 2001 to assist with the provision of legal research services.

11.9 Sanction was received for the appointment of a systems librarian and research librarian on a permanent basis to ensure that the unit can continue to meet the information requirements of the Office's legal staff. The systems librarian was appointed in May 2002 and the research librarian in July 2002.

11.10 Librarians maintained contact with other library and information professionals through membership of the British and Irish Association of Law Librarians (BIALL), the Institute of Information Scientists and the Library Association of Ireland. BIALL held its annual conference in Cork in June 2001 at which the Attorney General gave the keynote address on the theme of delivering the law.

11.11. The information manager participated in the Electronic Irish Statute Book Committee, Project Management Team and the Information Technology Steering Committee.

LIBRARY AND INFORMATION SERVICES IN CSSO

11.12 The library and information service continued to develop its resources and services. The library's

primary role is to ensure staff have access to a modern library/legal information service and the necessary information and know-how resources to support them in their work. Law library facilities were provided to over 200 staff located in Little Ship Street and South Fredrick Street. In addition, it also handled enquires from State Solicitors, Gardaí, government departments and solicitors to the tribunals. The library offered a range of library/information services to legal staff of the CSSO, including:

- loans and inter-library loans service
- legal research
- current awareness services
- training on legal information databases
- document delivery services
- Land Registry/Company Office searches.

Key developments in the library and information service included:

- electronic legal information
- library services outside Osmond House
- implementation of the Unicorn Library Management System.



OFFICE OF THE ATTORNEY GENERAL

ANNEX A

First Progress Report on the Statement
of Strategy 1999 - 2002 (May 2001)



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FOREWORD

Attorney General

This is the First Progress Report on the Statement of Strategy 1999 - 2002 for the Office of the Attorney General. It has been prepared pursuant to section 4(1)(b) of the Public Service Management Act 1997. Your predecessor, Mr. David Byrne, S.C., consented to the application of the Act to the Office with effect from 1 September, 1998. A Revised Statement of Strategy was presented to you and published in July 2000.

Considerable progress has been made in implementing the Statement of Strategy, which covers both the Merrion Street Office and the Chief State Solicitor's Office. I am confident that this progress will be maintained and indeed accelerated in the period up to 2002. Increased and better trained staffing, improved technology, greater specialisation, enhanced communications throughout the Office, combined with the dedication of staff in the Merrion Street Office and the Chief State Solicitor's Office, augur well for the future.

Finola Flanagan
Director General

31 May, 2001

MISSION STATEMENT AND KEY OBJECTIVES TO PURSUE MISSION

The mission of the Office of the Attorney General is to provide the highest standard of professional legal services to Government, Departments and Offices

The Office will pursue its mission through the following five key objectives which are set out in the Statement of Strategy:

- To maintain and develop the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices.
- To have an office management and organisation which ensure efficient delivery of legal services to Government, Departments and Offices and which ensure an effective and productive working relationship which take into account the public service change programme.
- To develop a human resource management strategy linked to the overall objectives of the Office.
- To ensure that staff have access to the necessary information through the ongoing development of appropriate library services, information and knowledge management systems and continuing education.
- To contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State.

OBJECTIVE 1

To maintain and develop the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices, the Office will:

- continue to identify the areas of law, including new and developing areas, in relation to which the

Office is required to provide specialist legal services so as to furnish a comprehensive professional legal service to Government, Departments and Offices and to enable the Attorney General perform the functions specifically conferred by the Constitution and legislation. In particular, the Office will:

- continue to develop and improve the system of specialist divisions/groups;
- in relation to the drafting function, implement the programme of the Statute Law Revision Unit; and
- continue to keep abreast of legal and organisational developments in other law offices in Ireland and abroad;
- provide organisational structures, including systems for the distribution of work within the Office, within which lawyers will have the necessary opportunity to develop and practise particular areas of law taking due account of the preferences of the lawyers to specialise in particular areas of law;
- maintain and develop the expertise of each lawyer in the core areas of constitutional and administrative law;
- complete the implementation of the recommendations contained in the report on the redesign of the drafting process concerning the re-organisation of the Parliamentary Draftsman's Office;
- complete and bring into use the drafting manual for the Parliamentary Draftsman's Office;
- continue participation by members of the Office in the activities of law societies and organisations and professional bodies.

PROGRESS ACHIEVED

ADVISORY SIDE OF MERRION STREET OFFICE

- 1.1 The Advisory side of the Merrion Street Office has operated on the basis of functional groups since early 1997. Each group is headed by an Advisory Counsel Grade I (Assistant Secretary) who monitors throughput of files and ensures that certain target objectives, such as the disposal of the work in a timely manner, are met. Specialisation has enabled the advisory counsel (formerly legal assistants) to increase their expertise, to handle the increased workload of the Office more efficiently, facilitating the exchange of information and the strengthening of a team, rather than an individual, approach to work.
- 1.2 The volume of work received in the Merrion Street Office has increased across all areas of law. In particular, developments relating to company law, flotations, IPOs, e-commerce, childhood abuse cases, freedom of information, human rights, refugee, asylum and immigration, privatisation, and public procurement issues, have become major areas of demand. An increase in staff numbers of seven was sanctioned in June, 2000, including an additional post of Advisory Counsel Grade I. Three additional Advisory Counsel Grade III joined the Office in December, 2000/January, 2001, with another five expected to join following a recruitment competition to be held in mid-2001. The intention is to have four functional groups on the Advisory side and the arrangements for this reorganisation are currently taking place.
- 1.3 A number of informal groups also operate within the Merrion Street Office, such as the monthly legal issues meeting (where legal issues of general concern can be raised), the regular group meetings by the different legal advice groups, the "Co-ordinators" meetings attended by Advisory Counsel Grade I, the Deputy Director General and the Director General, relating to legal and related developments within the Office, twice

a week, the meeting of Advisory Counsel with responsibility for asylum to discuss asylum issues (weekly), and meetings of the group looking at the reorganisation of specialisms in the Office.

OFFICE OF THE PARLIAMENTARY COUNSEL TO THE GOVERNMENT

- 1.4 The reorganisation of the Office of the Parliamentary Counsel to the Government (formerly Parliamentary Draftsman's Office) has taken place. A full review of the drafting process within the Office was undertaken so as to put in place structures and procedures to improve the efficiency and effectiveness of the process. The Office of the Parliamentary Counsel to the Government has been reorganised into three groups, each having responsibility for providing drafting services to a specific number of Government Departments. Each group is headed by a person not below the rank of Parliamentary Counsel (Assistant Secretary). The Parliamentary Counsel are responsible for working with Departments to manage the programme of work for that Department. The Office is headed by the Chief Parliamentary Counsel and weekly management meetings are held with the group heads.

The reorganisation of the Office was initiated with the needs of the legislative programme and the Government Legislation Committee in mind. At the same time new measures were introduced by the Government Chief Whip to facilitate the work of the Legislation Committee. These include agreeing adequate time scales in advance in relation to the preparation of Bills identified for a particular Dáil session. This enables the regulation of the flow of instructions to the Office of the Parliamentary Counsel to the Government to ensure sufficient time for the process of consultation and policy review required in the preparation of complex and lengthy legislation, and monitoring the progress on transposition of EU Directives by the Committee.

1.5 Sanction was received in November, 2000, to recruit an additional seven Parliamentary Counsel. These posts were advertised in November, 2000, written competition held on 5 February, 2001, interviews held on 21 - 23 May, 2001 and appointments are expected to be made shortly.

1.6 In August, 2000, the Interpretation Bill was presented to Dáil Éireann by the Taoiseach. The purpose of the Bill is to repeal the provisions of a number of earlier Interpretation Acts, to update the language of other provisions and, in some cases, broaden their scope. In addition, new provisions will enable legislation to be enacted with simpler interpretation provisions. The Bill was prepared and drafted within the Office of the Parliamentary Counsel. Consultations have taken place with the Law Reform Commission, particularly in the context of its Report on Statutory Drafting and Interpretation: Plain Language and the Law and aspects of that Report will be reflected at Committee Stage of the Bill.

1.7 Work on the drafting manual in the Office of the Parliamentary Counsel is nearing completion and a working draft is available electronically on a database to all legal staff within the Merrion Street Office. The manual deals with the structure of legislation (standard components of Acts and layout) and the use of language within legislation.

A checklist and guidelines for the preparation of Statutory Instruments is being prepared in the Office of the Parliamentary Counsel to the Government. It consists of checklists for the composition of a draft instrument and guidelines on drafting and the correct style to be used. It is hoped the checklist and guidelines will be an on-going project which can be improved upon.

Complementing the work on the drafting manual (and the Statutory Instruments, Checklist and Guidelines), a

Research Officer - Drafting Services was engaged in October, 2000, on a one-year contract basis by the Office. His role is to undertake research, in close collaboration with Parliamentary Counsel, into key areas of drafting where consistency of approach would be useful. To date, the Research Officer has conducted research into immunity clauses, licensing, offences and penalties, authorised officers, savers and transitional provisions and the establishment of bodies. This research and subsequent research is, and will continue, to form the basis for further work by him, in conjunction with Parliamentary Counsel, to develop a consistent approach by drafters in those areas.

1.8 In March, 2001, a consultant drafter from abroad joined the two domestic consultant drafters. Plans for the recruitment of a further consultant drafter from abroad in Autumn 2001 are at an advanced stage. Following a meeting between the Attorney General and the Attorney General of Botswana, it was agreed that the Office would take a member of the latter's staff on secondment, in order to gain experience and develop the process of jurisprudence in Botswana. She joined the Office for a six-month period from October, 2000, to April, 2001, and was involved in many drafting projects.

1.9 In March, 2001, an Administrative Officer was assigned to support the Drafting Office reorganisation and new working arrangements. The initial appointment has been made on a temporary basis for a 12- month period.

STATUTE LAW REVISION UNIT

1.10 The Statute Law Revision Unit was established in 1999 to draw up and implement a programme of statute law revision and consolidation. It has been recognised in the Report of the Law Offices of the State Strategic Review Group, and in Reducing Red Tape- An Action Programme for Regulatory Reform in Ireland, that a programme of statute law revision and consolidation was essential for the creation and maintenance of an accessible Statute Book which in turn is central to the effective operation of the

legal system. The first part of the programme of the Unit has been to research and make recommendations in respect of new policies to deal with the problems associated with the Statute Book. It has made recommendations to the Attorney General in respect of policies on consolidation, revision and the management of the Chronological Tables to the Statutes and Statutory Instruments (popularly referred to as the 'Indexes to the Statutes').

The first of these recommendations led to the publication of the Statute Law (Restatement) Bill, 2000, which is expected to be enacted later in 2001. The Bill will permit the Attorney General to make available administrative consolidations (consolidations that are prepared by the Office of the Attorney General in consultation with Departments). These consolidations, to be known as restatements, will not alter the substance of the legislation and, when certified by the Attorney General, may be cited in court as prima facie evidence of the law set out in it. Work is continuing on the development of policies for the revision of Statutes and the publication or making available electronically of 'indexes' to the Statutes and Statutory Instruments.

- 1.11 A programme of consolidation and revision is being prepared in consultation with all Government Departments, Offices and the Central Regulatory Reform Resources Unit in the Department of the Taoiseach, in accordance with the Recommendations of Reducing Red Tape – An Action Programme of Regulatory Reform in Ireland.
- 1.12 As part of a policy of increasing accessibility to the Statute Book, the Office has made Statutes and Statutory Instruments available on CD-ROM from 1922 to 1998. Work is at an advanced stage to make available a CD-ROM covering 1922 to 1999, and thereafter to make CDs available with those materials in as up-to-date manner as possible.

The Website of the Office also displays the Statutes and Statutory Instruments from 1922 to 1998 and work is at an advanced stage to enable those materials to be brought up to 1999, and thereafter to make the information available in as up-to-date manner as possible.

The Office has also published a Chronological Table to the Statutes (1922 to 1995) and indexes to the Statutory Instruments are available up to 1995.

Work is at an advanced stage to enable the Chronological Table to the Statutes and the Indexes to the Statutory Instruments to be brought up to date and to make them available on the website of the Office.

Consideration is also being given to the publication of a subject index to the Statutes and the making available electronically of the pre-1922 Statutes.

LEGAL ATTACHÉ TO THE EU

- 1.13 The assignment in 1996 of a Legal Assistant from the Merrion Street Office to act as legal attaché to the Permanent Representation to the European Union has proved successful and the role has expanded and developed in scope and depth. It is now a central and intrinsic element of the effective functioning of the Permanent Representation in Brussels. The evolution of the role has enabled the early involvement of the Office in all important EU negotiations including Treaty reform, the Inter-Governmental Conference and the Convention on the Charter of Fundamental Rights.
- 1.14 The coming into force of the Treaty of Amsterdam and the addition of Title IV to the EC Treaty by the Fourth Protocol, combined with the Schengen Protocol and the vastly increased activity in the area of Justice and Home Affairs generally, have led to rapid growth of the requirement within the Permanent Representation for legal advice.

CHIEF STATE SOLICITOR'S OFFICE

1.15 In the Chief State Solicitor's Office, an Asylum Section was established in the Civil Litigation Division in November, 2000, to meet the ever-increasing demands for legal services in this area. Specialised groups have also been set up in the Civil Litigation Division to deal with the following class-type actions that have emerged in recent years: -

- Childhood Abuse Compensation cases – group of 12 dealing with over 1,000 current claims
- Garda Hearing Loss Compensation cases – group of 5 dealing with 109 current claims
- Health Impairment Compensation cases as a result of exposure to asbestos – group of 2 dealing with 31 current claims.

1.16 In January, 2001, the Conveyancing Division established a series of teams to undertake work on behalf of specified departmental clients. The team approach has been adapted in the Division, as distinct from sectional organisation, with three team leaders having the same management role as section leader elsewhere in the Office.

1.17 In November, 2000, the Office retained the services of a firm of Town Agents to look after outdoor duties such as filing documents in the Courts, Land Registry and Registry of Deeds.

PARTICIPATION IN THE ACTIVITIES OF LAW SOCIETIES AND ORGANISATIONS AND PROFESSIONAL BODIES

1.18 The Office encourages participation in the activities, organisations and professional bodies and familiarisation with legal and organisational developments in other law offices in Ireland and abroad. In October, 2000, the Office paid the patronage fee of €50,000 arising from Ireland's membership of the Academy of European Law, Trier. The Academy is a continuing education and

discussion centre for lawyers throughout Europe and legal staff from the Office regularly attend events from the Academy's conference programme. Also, legal staff regularly attend briefings and seminars held in the Institute of European Affairs. The Institute provides an independent forum for the development of Irish strategic policy responses to the process of European integration, through research, publications, expert working groups, briefings and seminars.

1.19 Both parts of the Office pay the subscription of members of each Office to the Corporate and Public Services Solicitors' Association. The Chief State Solicitor's Office is also represented on the Corporate and Public Sector Committee of the Law Society.

LEGAL AND ORGANISATIONAL DEVELOPMENTS IN OTHER LAW OFFICES IN IRELAND AND ABROAD

1.20 Legal staff of both parts of the Office have continued to attend educational conferences, seminars and meetings on legal subjects, both in Ireland and abroad. In March, 2001, the Director General and the Chief State Solicitor attended a one-week course in Harvard University, Massachusetts, USA entitled 'Leading Professional Services Firms'. The course was aimed at managing partners and senior departmental heads of law firms, accounting firms, investment banks and other professional service bodies.

In March, 2000, legal staff attended the Tech Show Conference organised by the American Bar Association in Chicago and also visited private practices and a Government Department to examine how these Offices utilised IT systems. Staff in both Offices have also visited some of the major practices in Dublin to inspect their IT applications and, more recently, their e-mail policies.

In February, 2001, legal staff from the Merrion Street Office met with officials in the UK's Home Office and also with members of the legal profession, to discuss the

current operation of the UK Human Rights Act, 1998, in the context of the implementation of the European Convention on Human Rights Bill, 2001. These meetings were considered relevant in relation to seeking to establish equivalent levels of protection for the purposes of the Good Friday Agreement.

In 1998, an Advisory Counsel from the Merrion Street Office visited law offices in the United Kingdom to identify areas of common interest. Also, in December, 2000, Advisory Counsel paid a courtesy visit to the Irish judges of the Court of Justice of the European Communities and the Court of First Instance in Luxembourg.

KEY OBJECTIVE 2

To have an office management and organisation which ensure efficient delivery of legal services to Government, Departments and Offices and which ensure an effective and productive working relationship which take into account the public service change programme, the Office will:

- ensure that time is allotted so as to allow for both the efficient discharge of day-to-day business and for the work required to plan, develop, monitor and review key objectives;
- approach development at all levels within the Office on the basis of partnership, good communication and shared interest;
- continue to develop its management structures;
- improve internal and external communication systems;
- examine how the further use of information technology can support achievement of our key objectives and in particular will:

- develop and implement a new IT Plan for the Office which takes into account the different business arrangements in the Offices, having regard to the need for information exchanges between them
- develop financial management information systems
- ensure greater co-ordination of IT between the Merrion Street Office and the Chief State Solicitor's Office;

- continue the programme of document and record management;
- continue to develop the Office's work management systems;
- develop a comprehensive Office procedures manual;
- develop and enhance all corporate services within the Office;
- put internal audit procedures in place;
- develop effective performance indicators;
- seek feedback from Government, Departments and Offices including through client surveys.

PROGRESS ACHIEVED

MANAGEMENT EXPERTISE

- 2.1 The management expertise has been actively expanded in the Office by a number of specific activities including the development of an Office strategy by senior management (under the guidance of an outside consultant and attendance at management training in the case of the Chief State Solicitor's Office) and greater involvement by the Management Advisory Committees

in the general management of both parts of the Office. The Merrion Street Office is also devising a programme for management training.

ADMINISTRATION ORGANISATION IN THE MERRION STREET OFFICE

2.2 The organisation of the administration side of the Merrion Street Office is now much more streamlined. The previous arrangement, of most non-personnel related work being handled by a central General Office, meant that too many of the immediate day-to-day demands were being funnelled into a single section. In 1998, this was reorganised into separate Personnel (now expanded to Human Resource Management which includes a Training and Development Officer), Finance and Services Units. In April, 2000, the position of Systems and Services Manager, which had encompassed the Personnel, Finance and IT functions was divided, and a second Assistant Principal Officer appointed. The Administration side now has two posts at AP level, one having responsibility for Human Resource Management and the other for Information Technology.

REVIEW OF ORGANISATIONAL ARRANGEMENTS IN THE CHIEF STATE SOLICITOR'S OFFICE

2.3 The organisational arrangements for the delivery of a quality service to customers are kept under constant review. The Office has been studying the organisational implications of developments in the structure of the State's legal services, particularly the recommendation in the Nally Report to transfer criminal prosecution work to the Director of Public Prosecutions and the establishment of the State Claims Agency. A Solicitor to the Director of Public Prosecutions was appointed in November, 2000. It is intended that the formal transfer of responsibility for the Criminal Division will take place in October, 2001, when temporary accommodation becomes available in Upper Abbey Street, Dublin.

PARTNERSHIP

2.4 In June, 1999, the Merrion Street Office established a Partnership Committee in accordance with the Partnership 2000 Agreement. The preparatory process for establishing the Committee involved management and unions and resulted in agreed operating arrangements which ensured that unions, management and staff were involved in the process and represented on the Partnership Committee from the beginning. Staff representation on this Committee also includes contract staff. The Committee's Action Plan focused on certain key issues, i.e., training, bullying in the workplace, and communications. A Group working under the auspices of the Partnership Committee was asked to report on the training needs of support staff including, in particular, staff who are new to the Office and prepared an Induction Manual, which is made available to all new staff. To build on this, another Group produced a 'starter pack' booklet that is a distillation of the key information that new staff would find particularly useful. A Support Colleague Programme has been launched which complements the Civil Service-wide A Positive Working Environment. The Partnership Committee meets every two months. Issues being addressed by the Partnership Committee include Staff Training and Development, Team Building, Performance Management, Equality, Flexible Working Arrangements, Customer Service and Accommodation. The Partnership Committee is currently involved in the examination of Business Plans and the extrapolation from them of sectoral performance indicators.

2.5 A Partnership Committee has been in existence in the Chief State Solicitor's Office since February, 1999. Many staff members have contributed extensively to the success of Partnership by serving on sub-committees and undertaking a variety of tasks under the Partnership umbrella. Initially an outside facilitator was employed to get Partnership in the Office up and running; the facilitator has now completed his task. The practice now is that all major organisational, procedural and other

developments are discussed at Partnership before any change takes place. The Partnership Committee has examined Business Plans and the extrapolation from them of sectoral performance indicators.

COMMUNICATIONS

- 2.6 Communications within the Merrion Street Office is a key area for discussion at the full Partnership Committee. The minutes and agenda of Management Advisory Committee meetings are available to all staff within the Office on the Office's Intranet, along with the minutes of the other in-house committees. It is policy to have staff from different parts of the Office involved in committees and working groups where appropriate. Practical initiatives through the Partnership Committee include a 'Who's Who' database with the photographs of all staff in the Office. Generally, as the Office is a relatively small one, any member of the Office speaks to another as the need arises without the need for formal arrangements.
- 2.7 On the legal side of the Merrion Street Office, there are a number of group meetings which assist in the improvement of internal communications – the Advisory Counsel general issues meetings (monthly), the Advisory Counsel/Parliamentary Counsel general issues meetings (tri-monthly), the Advisory Counsel group meeting and 'Co-ordinators' meetings which deal with management and organisation as well as purely legal issues and the meeting of Advisory Counsel with responsibility for asylum to discuss asylum issues (weekly). The Director General meets with the Statute Law Revision Unit (weekly) to discuss issues relating to the work programme of the Unit. Parliamentary Counsel meetings are also held regularly. The individual Advisory Counsel and Parliamentary Counsel groups meet regularly.
- 2.8 In the Chief State Solicitor's Office, the development of communications structures has improved through

Partnership. Arrangements have been put in train to meet representatives of client Departments on a regular basis. Preliminary work on the provision of a client guide has been undertaken. Within the Office, a Communications Group under the auspices of Partnership recommended a range of communication methods and these were implemented and are continually monitored by the Group. The measures taken include regular section meetings, meetings with the Chief State Solicitor and the issuing of reports on discussions at MAC.

TELEPHONIST SERVICE IN THE MERRION STREET OFFICE

- 2.9 In August, 1999, the Merrion Street Office installed its own PABX, giving the Office for the first time its own dedicated telephonist service. The Office had previously shared the telephone system with the Department of the Taoiseach. The majority of calls are received through the main switch, while many more are received directly by staff through the PABX Direct Dialling Inwards facility.

INFORMATION TECHNOLOGY PLAN

- 2.10 Work started early in 2001 on the preparation of the IT Plan, 2001-2004 for the Office. The preparation will be in two phases – the development of information, application and technical strategies, and the preparation of a three-year IT development and investment programme. The request for tenders was prepared, and responses evaluated, by a Project Board representative of both the Merrion Street Office and the Chief State Solicitor's Office. The RFT included a mandatory requirement that the high level of interaction within the Office, and the fact that the functions carried out by each of its constituent areas are distinctly different, be taken into account. The contract was awarded at the end of December, 2000, to PriceWaterhouseCoopers and the new IT Plan is expected to be made available in June, 2001.

RECORDS MANAGEMENT IN THE MERRION STREET OFFICE

- 2.11 The Merrion Street Office of the Attorney General is committed to a records management programme to ensure that it has control over all its documents, as early as possible in their life cycle. Registry was one of the first areas in the Merrion Street Office to change procedures through using electronic systems. Registry provides considerable added value to correspondence received, by providing an initial profile of items indicating the subject matter and work category of the correspondence. The separate registry systems for the Advisory Counsel functions and the Office of the Parliamentary Counsel were merged in late 2000 into a single Registry for the legal work of the Office. The IT Plan 2001 - 2004 will assess and develop record management systems to ensure that it delivers the full potential for management information.
- 2.12 The Merrion Street Office has developed (in-house) separate but integrated Administration Filing and Correspondence Tracking systems. These systems record and track all non-legal matters in the Office. At present they are separate from the Legal Registry. The IT Unit has also developed a number of bespoke systems for use within specific Units of the Office. The development of a system for recording details of the Office's capital asset details commenced during 2000, and will go live shortly. Amendments to the Work in Progress (WIP) databases were carried out to facilitate the amalgamation of the Registries and the recording of Childhood Abuse matter details. A new Enquiry system was developed for the Library.
- 2.13 Preliminary planning work has been done in the Chief State Solicitor's Office towards the provision of full, up-to-date and current records in advance of the development of any new systems to be introduced in the Office as a result of the PriceWaterhouseCooper review of IT systems.

FINANCIAL MANAGEMENT INFORMATION SYSTEMS

- 2.14 In July, 2000, the Merrion Street Office developed (in-house) a new comprehensive Accounts system for handling all invoices received in the Office. This enhanced Financial Management System ensures the effective and efficient use of the Office's financial resources thereby ensuring compliance with the provisions of the Prompt Payment of Accounts Act, 1997. The Department of Finance continue to provide a paying agent service to the Office and the management reports generated by the system complement those generated by the Financial Management System in that Department.
- 2.15 The Merrion Street Office and the Chief State Solicitor's Office have recently assigned a staff member from each Office to co-ordinate the implementation of the Management Information Framework in the Offices. While some work has been undertaken in both Offices, more rapid progress is expected during 2001.

INTERNAL AUDIT PROCEDURES

- 2.16 Consultation is ongoing between the Merrion Street Office and the Chief State Solicitor's Office with a view to putting in place internal audit procedures. It is expected that an internal auditor will be appointed in June, 2001.

NATIONAL ARCHIVES OBLIGATIONS

- 2.17 During 1999 and early 2000, the Merrion Street Office began a project to bring its obligations up to date under the National Archives Act, 1986. An independent company, ARCLINE Ltd., was contracted to examine all the Office's pre-1970 records. The company operated under the instruction and guidance of the Office. As a result of the project, almost 10,000 records were transferred to the National Archives in July, 2000, allowing 1970 records to be transferred in December, 2000. Records withheld are being reviewed.

2.18 The Chief State Solicitor's Office deposited a large number of records with the Public Records Office in the early 1980s. The CSSO has an exemption from the National Archives in relation to the destruction of certain categories of records after specific time periods. The CSSO proposes to engage a consultant to review its records so as to ensure that it meets its obligations under the National Archives Act, 1986.

BUSINESS PLANS

2.19 Draft Business Plans have been prepared for all sections of the Office and a number of staff from the Office attended a course run by the Centre for Management and Organisational Development (CMOD) of the Department of Finance on Performance Management and Development in December, 2000. The Irish Management Institute (IMI) have commenced a programme for all staff in the Merrion Street Office in the period May - June, 2001, which will provide the necessary training for the commencement of performance management.

2.20 In consultation with the IMI, performance indicators for the various staff categories in the Office are being identified. The Office will submit these sectoral performance indicators to the Quality Assurance Group in the coming weeks in order to comply with the terms of the Programme for Prosperity and Fairness (PPF). The Chief State Solicitor's Office overarching Business Plan has been prepared and approved at Partnership. Consultation with the Unions are nearing completion and MAC will sign off on the plan in the near future. This process is also underway in the Merrion Street Office.

CLIENT SERVICE GUIDE

2.21 Work on a draft Client Service Guide is proceeding. It is intended to have a Guide in place in the third quarter of 2001.

OFFICE MANUALS

2.22 A first draft of separate Office Manuals for the Merrion Street Office and the CSSO were prepared during 2000. These comprehensive drafts require considerable further work before they can be introduced in the Offices.

KEY OBJECTIVE 3

To develop a human resource management strategy linked to the overall objectives of the Office, the Office will:

- take all necessary steps to recruit appropriately qualified staff and minimise vacancies;
- seek to put in place career structures which will attract and retain suitably qualified staff;
- develop a performance management process with objective measures of performance that is reliable, consistent and relevant, designed to enhance development of all staff and which will include:
 - defining the skills and competencies needed by members of the Office for their work;
 - providing on a planned basis, all necessary training (including training for management responsibilities) and the necessary resources for training in order to develop those skills and competencies;
 - reviewing and appraising on an ongoing basis organisational, team and individual performance;
 - having an open and transparent system of promotion;
 - building feedback mechanisms to enable the Office to monitor progress in the achievement of objectives.

PROGRESS ACHIEVED

RECRUITMENT IN THE MERRION STREET OFFICE

- 3.1 The Office of the Attorney General is an independent law Office but is subject to the same pay and staff numbers controls as all Government Departments. Additional posts were sanctioned in June and November, 2000, and February, 2001, for the advisory, drafting and administration sides of the Merrion Street Office. Some posts were subsequently filled and arrangements to fill the remaining vacant posts are in train. A meeting between the Office and the Office of the Civil Service Commission to identify the needs of the Office took place on 6 March, 2001. This has been followed up by way of a further meeting on 24 April, 2001 and telephone contacts.
- 3.2 The Merrion Street Office has recruited specialist staff, many on contract, for functions such as drafting, Know-how, Library, indexing, research and typing. In addition, a second Assistant Principal Officer has been appointed on the administrative side of the Office so that the Information Technology and the Human Resource Management responsibilities are now separated. In total 80 persons were recruited to various posts throughout the period from June, 1999. Interview boards were convened to deal with the recruitment and all boards, with the exception of some for the engagement of temporary typists, included a member from outside the Office so as to ensure impartiality and broad perspective.
- 3.3 After receiving sanction from the Department of Finance in November, 2000, the Merrion Street Office appointed its first Training and Development Officer in January, 2001, who is part of the Human Resources Unit. The role of the officer is designed to draw together the various existing training and development options available to the Office with a view to ensuring the most effective utilisation and development of all staff resources. The Training and Development Officer has prepared a Business Plan and key aspects will include Performance Management training and induction of

new staff to the Office. The Training and Development Officer will draw on the recommendations of Report No. 38 of the Comptroller and Auditor General to the Dáil, on Training and Development in the Civil Service. A new, dedicated training room will be provided, which will allow for more focused and systematic training in the Office.

RECRUITMENT IN THE CHIEF STATE SOLICITOR'S OFFICE

- 3.4 There was considerable negotiation with the Department of Finance and the Unions in the Chief State Solicitor's Office about the resourcing of that Office and, in particular, issues around starting pay and retention. The negotiations concluded at the end of April, 2001, following which the relevant unions balloted their members. Eventually, after a rebalot by one of the unions, the proposals were accepted on 5 May, 2001. Approval has been obtained to increases in staff numbers over most areas of the Office. Some recruitment of the extra staff has already taken place and the main recruitment campaign will commence in June, 2001. The CSSO has developed a recruitment campaign plan with the assistance of an independent consultant. The CSSO has also been in contact with the Civil Service Commission in relation to recruitment.
- 3.5 Negotiations with the Staff Side in the CSSO, which included the introduction of more attractive recruitment grade structures and improved career opportunities, have been satisfactorily concluded. A comprehensive package of improvements including a professional starting scale with progression to £40,000 in six years, a major improvement in promotional opportunities, a large increase in staff numbers and a variety of other concessions was offered to the Staff Side. This comprehensive package is seen as providing a platform for the recruitment and retention of high quality staff. Inability to reach agreement with the Staff Side on these proposals hindered progress in these areas to a considerable extent up to now.

- 3.6 A new apprenticeship scheme for technical staff in the CSSO was introduced in November, 2000. This involved the payment of full salary during participation in the Law Society Professional and Advanced Courses. At present, one technical staff member is benefiting from the scheme and it is hoped that more technical staff will avail of the scheme in the future. Furthermore, it is intended to use the scheme as an incentive to attract new staff in the Offices' recruitment campaign plan.
- 3.7 Members of the clerical staff in the CSSO have been encouraged to undertake courses of legal studies with a view to qualifying for entry to the technical grades. A number of staff are currently attending the Dublin Institute of Technology and the refund of fees arrangements are being applied. The introduction of revised entry qualifications for the technical recruitment grades, which included the abandonment of the requirement for experience in a private solicitor practice, has removed a major obstacle to the entry of clerical staff to the technical stream.
- 3.8 The training and development function in the CSSO is operated at present from within the Human Resource Management Division.

INDUCTION OF NEW STAFF IN THE CHIEF STATE SOLICITOR'S OFFICE

- 3.9 A sub-committee of the Partnership Committee in the CSSO was established to advise on a suitable induction regime for new staff to that Office. A draft report by the sub-committee has been prepared and a programme accepted at partnership. The first induction course will take place in June, 2001. A mentoring scheme for new recruits has commenced.

BUSINESS PLANS

- 3.10 The process of preparing Business Plans for all areas of the Office is in progress. The process is being steered by a Business Planning Group representative of both the

Merrion Street Office and the Chief State Solicitor's Office. The Business Plans are a key component in the Performance Management and Development System and are necessary in order to formulate sectoral performance indicators. In that context the Business Plans for all areas of the Merrion Street Office are currently being reviewed in consultation with the Partnership Committee in the Office.

PERFORMANCE MANAGEMENT

- 3.11 Like other Civil Service Departments and Offices, the Office is in the process of introducing a Performance Management system. Some training for staff has already taken place and currently a strategy for rolling out the system throughout the Offices is in place with a view to having all staff attend a formal introduction to the new system by mid-2001.

MANAGEMENT AND DEVELOPMENT TRAINING

- 3.12 Management and development training has been provided for all staff with managerial responsibilities in the Chief State Solicitor's Office. An outside training organisation (IMI) has been engaged to provide personal development training, including some managerial modules, for any staff willing to attend. It is anticipated that over one hundred staff will attend. It is intended that a similar initiative for all relevant staff will be advanced in the Merrion Street Office and the Training and Development Officer is currently examining the matter. The Director General has undertaken, and a member of the legal staff from each part of the Office are currently undertaking, a two-year masters degree course in Public Sector Management under the auspices of Trinity College, in the Irish Management Institute in Sandyford, Co. Dublin. The Director General and the Chief State Solicitor attended a one-week management course in Harvard University, USA, in March, 2001 and entitled 'Leading Professional Services Firms'. The course was aimed at managing partners and senior departmental heads of law firms, accounting firms, investment banks

and other professional service bodies and dealt with internal and external leadership issues that might affect firms.

HUMAN RESOURCE FUNCTION WITHIN THE OFFICES

3.13 A sub-group of Partnership in the Chief State Solicitor's Office produced the most extensive report to date on the Human Resource function with a wide variety of recommendations. A working group was subsequently set up with a remit to prioritise the recommendations and advise on implementation methods in respect of that Office. Its first report was produced towards the end of 2000.

3.14 The Merrion Street Office is also considering how the Human Resource function in Merrion Street is being enhanced from a more limited Personnel Unit to a fully functioning Human Resources Unit covering all aspects of human resource management. In that context, a Training and Development Committee is being established to oversee all aspects of training and development.

KEY OBJECTIVE 4

To ensure that staff have access to the necessary information through the ongoing development of appropriate library services, information and knowledge management systems and continuing education, the Office will:

- continue to develop integrated library, know-how and information services throughout the Office including:
 - providing a high quality, pro-active law library and information service with an emphasis on making information available at the desktops;

- developing the Office Intranet site into a key information resource;
- exploiting the Office's know-how;
- circulating current awareness bulletins;
- providing the appropriate information technology to support the library, know-how and information services and the dissemination of information generally throughout the Office;
- continue to promote and develop a culture within the Office as a whole of sharing knowledge and experience, including through:
 - having regular meetings to discuss legal issues of general interest;
 - regular communication and teamwork within specialist groups and divisions;
 - development of the know-how database;
 - current awareness bulletins;
 - in-house seminars;
- provide training and support to ensure that all staff are able to make full use of the Office's information systems;
- ensure that staff have the opportunity to avail of continuing legal and other relevant training and education;
- develop information technology systems that support these aims.

PROGRESS ACHIEVED

MERRION STREET LIBRARY AND KNOW-HOW UNIT

- 4.1 The library and know-how areas in the Merrion Street Office have been merged into one unit. The primary role of the Library and Know-how Unit is the provision of integrated law library facilities and information and know-how services to the Attorney General, Advisory Counsel and Parliamentary Counsel.

The library's client base has grown and now includes other law offices of the State, departmental legal advisers, government librarians, civil servants and law libraries in other jurisdictions. Legal information queries and queries about the use of the Irish Statute Book CD-ROM/website from the general public are also dealt with.

- 4.2 The Unit is managed by a Law Librarian (Assistant Principal grade) and is staffed by an Assistant Librarian, Know-how Officer, Trainee Librarian and a Library Assistant (Clerical Officer). The Assistant Librarian, Trainee Librarian and Know-how Officer have been recruited on a contract basis. The Know-how Officer is a barrister and the Assistant Librarian and Trainee Librarian are professionally qualified librarians. These specialist staff are required on a permanent basis to ensure that an appropriate level of library and know-how services are provided to legal staff. There are ongoing discussions on this matter with the Department of Finance.
- 4.3 The Unicorn Library Management System was selected following a competitive tendering process and was installed in 1997-1998. This system was upgraded and implemented in the Chief State Solicitor's Office and the Law Reform Commission as a multi-library system during 2000. The multi-library system provides legal staff with access to the catalogues of the three libraries.

- 4.4 The Unit is responsible for the management and development of the know-how database. The know-how database was established in early 1999 and is being further developed by the current Know-how Officer and the Law Librarian. The know-how process is reviewed on an ongoing basis by the Know-how Officer to ensure that it meets the requirements of its primary users.

- 4.5 User services, provided by the Unit, include loans, inter-library loans, document delivery, current awareness bulletins, legal research and training on electronic legal information sources. The current awareness bulletins bring together contributions from library staff, the Know-how Officer and the Parliamentary Counsel Research Officer. The ongoing evaluation, selection and acquisition of legal resources in print and electronic format and the cataloguing/classification of these resources is undertaken by the Unit.

- 4.6 There is an emphasis on the desktop delivery of legal research tools. The know-how database, library catalogue, legal CD-ROMs and a range of other legal research tools are available on the desktops of legal staff. The Unit is responsible for the management and development of the legal information content on the office Intranet which is available on every desktop. An increasing number of library and know-how resources and services are available via the Intranet.

- 4.7 The library's resources include textbooks, journals, Irish unreported judgements, law reports, legislation, legal CD-ROMs, commercial online databases and the Intranet/Internet. The library also has subscriptions to the Trinity College Information Service and the Institute of Advanced Legal Studies, London. Other external libraries/information services, in Ireland and the UK, are used on a pay-as-we-use basis.

4.8 The librarians are active members of professional associations such as the British and Irish Association of Law Librarians and the Library Association of Ireland. The librarians attend relevant conferences and training sessions.

CHIEF STATE SOLICITOR'S OFFICE LIBRARY

4.9 The Chief State Solicitor's Office Library provides law library services to the legal staff of that Office. The library was established in March, 1999, following the appointment of a professional librarian.

4.10 The Library's primary clients include the staff of the Chief State Solicitor's Office located in Osmond House, South Fredrick Street (Army Deafness Section) and solicitors to the Criminal Assets Bureau (Harcourt Square). It also handles inquires from other Government Departments and solicitors to the Tribunals and State Solicitors. In total the Library offers direct support to approximately 130 legal staff.

4.11 The Library is currently managed by a Law Librarian and staffed by one Library Assistant (at Clerical Officer grade). The latter joined the library in June, 2000.

4.12 The IT Unit in the CSSO has worked closely with the Librarian in order to develop the library services to the highest level.

4.13 The Library offers a range of library/information services to legal staff – loans, inter-library loans, current awareness services, training, document delivery services and legal research. The Library's collection includes textbooks, legislation, journals, law reports, Irish unreported judgments, legal CD-ROMs and online commercial databases and the Internet. During 1999, a review of the existing collection was carried out and new stock (hard copy and electronic) were added.

The Library has access to, and back-up from, external library/information service providers including Trinity

College Dublin Information Service, the Institute of Advanced Legal Studies in London, Legal Information Resources (Sweet & Maxwell) and the British Library. The Library can therefore draw on external sources to complement its own collections.

4.14 The Library has invested in desktop legal research tools for staff. Key legal CD-ROM titles have been networked across the Office. Some additional CD-ROM titles are available on a stand-alone basis in the Library. Additional online commercial legal research databases are also available to Library staff and CSSO personnel. The library catalogue will be made available to staff on their desktops during 2001. It is envisaged that many library resources and services will be made available via an Intranet. The Library has invested in desktop legal research tools for staff. Key legal CD-ROM titles have been networked across the Office. The library catalogue will be made available to staff on their desktops during 2001. The Librarian is currently researching the use of Intranets in law offices with view to using an Intranet as a way of offering library services and legal current awareness services to staff.

Some additional CD-ROM titles are available on a stand-alone basis in the Library. Additional online commercial legal research databases are also available to Library staff and CSSO personnel.

During 1999-2001, the Library provided current awareness services designed to keep legal staff up to date with legal/legislative developments and conference information.

4.15 During 2000, the Library installed an automated library system. The Unicorn Collection Management System, which was installed in the Attorney General's Office library in 1997 - 1998, was upgraded and implemented in the CSSO and the Law Reform Commission as a multi-library system during 2000. The multi-library system provides legal staff with access to the catalogues

of the three libraries. As of February, 2001, the process of cataloguing the CSSO collection has begun and the collection will be classified according to the an established classification scheme for legal libraries, Moys Classification and Thesaurus for Legal Materials.

- 4.16 The IT Unit has provided facilities for the Librarian to conduct in-house training courses on library applications. The Library ran a series of training sessions for staff over 2000. These training sessions were delivered by the Librarian and by external trainers and covered legal research CD-ROMs and Internet training. A training programme is also being planned for 2001. The Library has continued to run induction sessions for new staff. All of these programmes have received a positive response and were well attended.

The Library also held an information session on using libraries for legal research, for clerical staff, commencing the Diploma in Legal Studies in 2000/01.

- 4.17 The Librarian has completed an IMI Management course aimed at Managers in the CSSO. The Librarian has maintained contact with library professionals through membership of the British and Irish Association of Law Librarians and various special interest groups of the Library Association of Ireland.

IT UNIT IN THE MERRION STREET OFFICE

- 4.18 Given the reliance and increasing importance of Information and Communications Technologies (ICTs) to the functioning of the Office of the Attorney General, the Merrion Street IT Unit continued to provide a high level of service to staff of the Office. Most of the work management, information and research services and systems on which the Office depends are IT-based. The services provided by the Office's IT Unit ranged from the day-to-day Helpdesk requirements of staff to the on-going maintenance and enhancement of existing systems to the in-house

development of a number of new bespoke systems to meet identified requirements in specific areas. Office-wide, a Library Management System, a system to allow network-based sharing of research CD-ROMs at the desktop, access to the Internet and an Office Intranet were implemented. The Office's website and Intranet were also further developed in line with user requirements.

The Office's preparation of its computer systems for the rollover to the Year 2000 entailed a detailed evaluation of all IT hardware and software systems and the identification and resolution of any issues arising. This work ensured a smooth rollover of IT systems to the New Year.

A number of in-house and external training courses on the IT systems available to the staff of the Office were arranged during 1999 and 2000. Feedback on the courses has been very positive and the Office will maintain its commitment to ensuring that staff are well-trained to make best possible use of the IT systems at their disposal. It is proposed to have a dedicated training room in place before the end of 2001, which will allow for more focused and systematic training to be developed

Members of the IT Unit are actively involved on a number of Government IT Committees and Working Groups.

IT UNIT IN THE CHIEF STATE SOLICITOR'S OFFICE

- 4.19 The role of the IT Unit in assisting with the achievement of the aims of Key objective 4 has already been referred to in some of the preceding paragraphs. In general the IT Unit has continued to provide both in-house and external training in all applications in use in the Office. Feedback on all these courses has been very positive.

The IT Unit has continued to provide a high level of support to all users ranging from day-to-day support to maintaining and developing systems to users' requirements. A Clerical Officer was appointed to the IT Unit to deal with helpdesk calls.

All systems were examined and upgraded as necessary to ensure a smooth rollover to the Year 2000. Efforts are continuing to ensure a smooth transition to the euro in 2002.

Stocks of PCs and printers are constantly monitored to ensure that equipment is available to cope with any new staff appointed to the Office. Contracts are kept in place to ensure availability

CONTINUING EDUCATION

4.20 A Continuing Education Group was established by the Merrion Street Management Advisory Committee in March, 1998. The Group arranged a monthly series of seminars on a wide range of legal subjects designed to promote awareness of current developments in law and to enhance key skills such as time management and writing.

The seminars have ranged from a summary of an individual's experience on leave of absence, to an international conference. The content of the seminars organised by the Group has been determined by suggestions from members of the Office and suggestions made by members of the Group.

4.21 The Training and Development Committee in the Merrion Street Office will engage with the Human

Resources Unit and develop all aspects of training and development. The Committee will work with the Training and Development Officer to enhance continued education possibilities.

4.22 An international conference on the theme of Legislative Drafting – Emerging Trends was hosted by the Merrion Street Office in Dublin Castle in October, 2000. The conference was opened by the Attorney General and papers were given by prominent legislative counsel from Ireland and abroad, leading academics and members of the judiciary.

4.23 An educational seminar was held on 18 May, 2000, dealing with the issue of nuclear law. This seminar was confined to the public service and was attended by lawyers from the Office and the Chief State Solicitor's Office, members of staff of the Radiological Protection Institute of Ireland, the Department of Public Enterprise, the Department of Marine and Natural Resources, the Department of the Environment and Local Government, the Department of Health and Children and the Department of Foreign Affairs (Legal Division).

4.24 A seminar on the European Convention of Human Rights was held in March, 2001. It was addressed by Dr. Gerard Hogan, S.C., and attended by staff of the Merrion Street Office and the Chief State Solicitor's Office. The seminar provided an introduction and practical guide to the Convention and its likely implications for the work of both offices. It is intended to have a follow-up seminar with a different perspective later in 2001

KEY OBJECTIVE 5

To contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State, the Office will in addition to those matters referred to in Key Objectives 1-4:

- support the Law Reform Commission in its key role in reviewing, examining and formulating proposals for law reform;
- support consultation and the development of effective relationships with other law offices and legal advisers;
- continue to contribute to the work of interdepartmental groups and other working groups and expert groups;
- continue to attend and contribute to the maximum extent to the Government Legislation Committee;
- explore the feasibility of the development of civil service-wide IT links to facilitate drafting of legislation;
- continue to provide indexes to the statutes and statutory instruments;
- continue to publish the statutes and statutory instruments on CD ROM and the Internet;
- continue to contribute to civil service, IPA and EU Commission training programmes;
- through the Legal Counsellor, continue to provide advice to the Permanent Representation in Brussels.

PROGRESS ACHIEVED

LAW REFORM COMMISSION

- 5.1 A Consultative Committee on Law Reform was established in March, 1998, to assist the Attorney General in his consultations with the Law Reform Commission about a new programme for law reform. It will also assist the Attorney in the selection of specific topics to be referred to the Commission and in monitoring progress on the implementation of the Hague, UNCITRAL and UNIDROIT Conventions. The Committee is chaired by the Merrion Street Office and includes representatives of key Government Departments, the Bar Council, the Law Society and the Law Reform Commission. The draft second programme for law reform was referred to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights, approved by the Government and was published in February, 2001.
- 5.2 The Law Reform Commission is funded through a Grant-in-Aid from the Vote of the Merrion Street Office of the Office of the Attorney General. In 1998, the allocation to the Commission was increased to enable development of an IT system and to meet costs associated with the move to new premises. The Office of the Attorney General completed the in-house development of a new website for the Commission which was launched in February, 2001. Access to the Office's electronic Library System has also been implemented for the Commission.

LAW OFFICES CONSULTATIVE GROUP

- 5.3 In its Report of June, 1997, the Review Group on the Law Offices of the State recommended the establishment, on a trial basis, of a consultative group

among the Law Offices to facilitate communication, co-operation and co-ordination among the law offices and to provide a forum for discussion on issues of shared concern. The membership of the Committee comprises the Law Offices, the Revenue Solicitor, the Law Reform Commission and Legal Advisers in Government Departments. There continues to be a high level of business contact and meetings between relevant Law Offices on particular issues and this seems to be more appropriate at present.

CROSS-DEPARTMENTAL PROJECTS

5.4 The Merrion Street Office and the Chief State Solicitor's Office have continued to be closely involved in cross-departmental projects and initiatives on a wide range of topics and listed in the Statement of Strategy. The Office has since become involved in new Groups, e.g. the Management Group for Judicial Review and Asylum cases.

GOVERNMENT LEGISLATION COMMITTEE

5.5 The Merrion Street Office continues to participate in the work of the Government Legislation Committee and the Attorney General and officials from the Office attend weekly meetings of the Committee. This continued representation is extremely important to the functions performed by the Committee in relation to the prioritisation of the Government Legislation Programme and in assisting the Office of the Parliamentary Counsel in planning its work.

eGOVERNMENT PROJECT AND ELECTRONIC STATUTE BOOK

5.6 As part of its commitment to the e-Government initiative, the Merrion Street Office met with a number of other Government Offices to explore the feasibility of, and possible approaches to, making the legislative process more accessible. The Office intends to commence a joint project with the Houses of the Oireachtas during 2001, the scope of which will cover

legislation drafting, parliamentary debate/consideration of legislation and the publication of legislation in electronic format on the web and CD-ROM.

- 5.7 The material available on Chronological Tables to the Statutes and Statutory Instruments covers the period 1922 to 1995. Steps are being taken to bring these up to date and to make them available on the website of the Office.
- 5.8 The Irish Statute Book, 1922-1998, containing the Acts of the Oireachtas, Statutory Instruments and Chronological Tables, was made available on CD-ROM in late 1999. The CD may be purchased from the Government Publications Sales. In 2000, the Electronic Statute Book was converted into a format suitable for hosting on the Internet and was published on the Office's website in September, 2000. A request for tender to update the Electronic Statute Book to include 1999 and 2000 material issued in April, 2001, and tenders are being received in advance of the closing date of 6 June, 2001.

DEVELOPMENT OF EFFECTIVE RELATIONSHIPS WITH OTHER LAW OFFICES

5.9 The Merrion Street Office and the Chief State Solicitor's Office continue to support consultation and the development of effective working relations with other law offices and legal advisers. In the development of the Corrib Gas Field Resource, specialist legal expertise from a private firm of solicitors was retained to assist the Office in advising the relevant Department and drafting relevant documentation. Separately, in a large commercial case with international dimensions, another private firm of solicitors was instructed and retained. The CSSO held regular meetings with lawyers from both the Office and the firm and officials from the relevant Department in attendance. In another case involving extra-territorial litigation relating to breaches of State copyright, a firm of UK solicitors was instructed and retained. Also, the CSSO instructed specialist counsel

from overseas in Ireland's objection to a planning application in another jurisdiction.

CONTRIBUTION TO OUTSIDE TRAINING PROGRAMMES

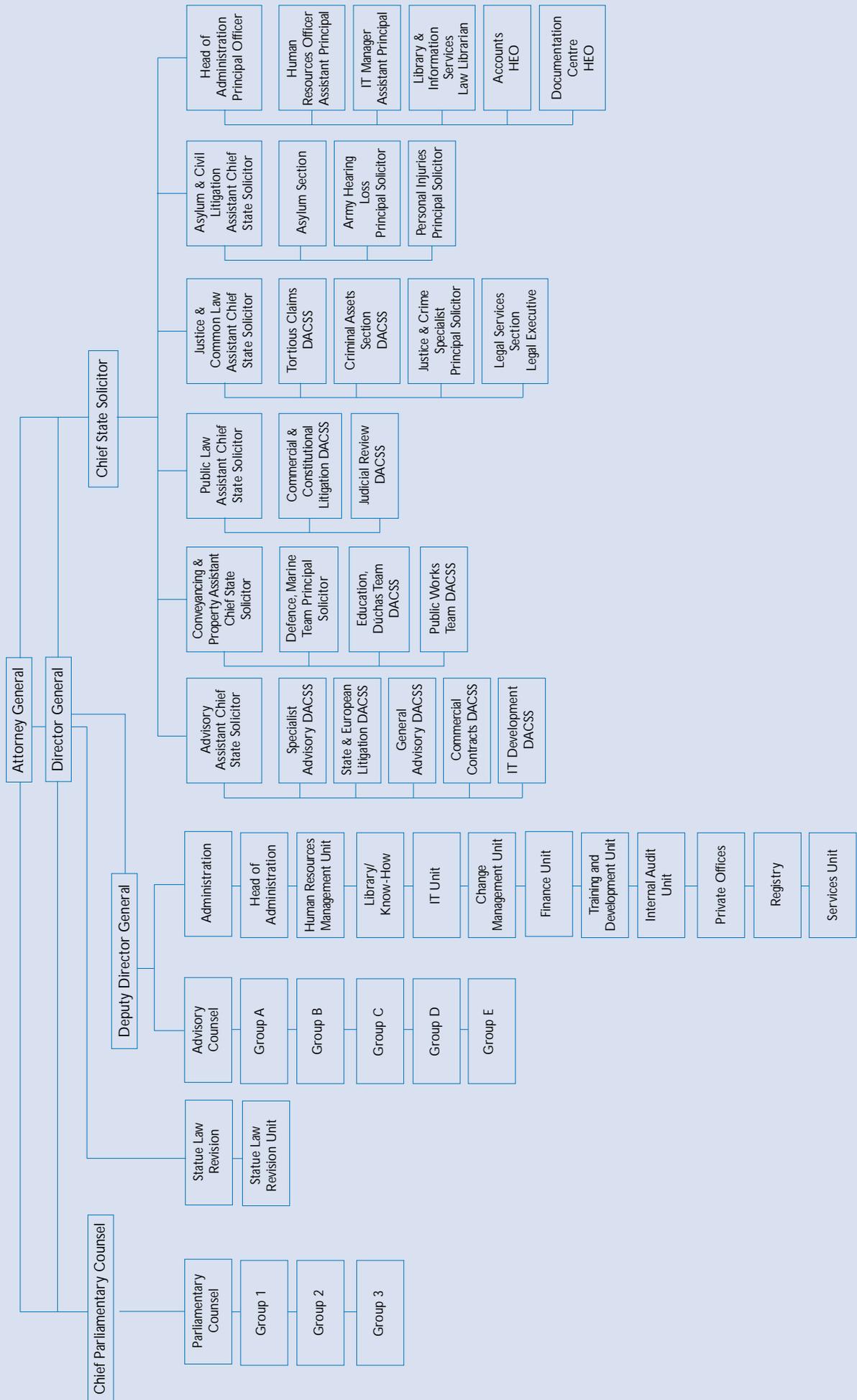
- 5.10 The CSSO hosted a seminar for Prison Governors and Assistant Prison Governors on the preparation of personal injury cases and discovery principles and practices as part of the Irish Prisons Service Training Programme. Also, the CSSO hosted a workshop on Managing Protected Structures under Planning and Development Legislation. This workshop was organised mainly for personnel from the Office of Public Works and the Department of Defence. The Office also co-hosted Conveyancing Law seminars with a number of Government Departments.
- 5.11 The Merrion Street Office is frequently requested by the European Commission and the Institute of Public

Administration to participate in the training programmes for the Accession States.

A member of the Parliamentary Counsel to the Government gave a lecture on the procedures used to transpose European Union Directives for

- a series of workshops organised by the EU Commission in Cyprus in May, 2000
- a seminar organised by the Polish Parliament on 'Parliamentary Legislative Services and Approximation of Laws' in Warsaw in June, 2000
- a 'Training Programme in European Affairs for Central and East European Diplomats' organised by the Institute of Public Administration (co-funded by the EU Commission and the Department of Foreign Affairs on 27 October, 2000, for civil servants from the Accession Countries (on Adoption of Member States to EU Legal System)).

ORGANISATION CHART



OFFICE OF THE ATTORNEY GENERAL
MERRION STREET OFFICEEXPENDITURE FOR THE YEARS 1999 AND 2000
AND ESTIMATE PROVISION FOR 2001

	1999	2000	2001
	Outturn £'000	Outturn £'000	Est. £'000
Administration			
Salaries, Wages & Allowances	2,650	3,035	4,698
Travel and Subsistence	149	147	195
Incidental Expenses	286	396	503
Postal & Telecommunication Services	53	65	109
Office Machinery & Office Supplies	335	324	404
Office Premises Expenses	81	147	219
Consultancy Services	468	271	1,139
Total Administration	4,022	4,385	7,267
Other Services			
Contributions to International Organisations Law Reform Commission (Grant-in-Aid)	13	54	30
General Law Expenses	868	906	1,007
General Law Expenses	129	66	120
Gross Total	5,032	5,411	8,424
Less Appropriations-in-Aid	17	17	10
Net Total	5,015	5,394	8,414

CHIEF STATE SOLICITOR'S OFFICE

EXPENDITURE FOR THE YEARS 1999 AND 2000
AND ESTIMATE PROVISION FOR 2001

	1999	2000	2001
	Outturn £'000	Outturn £'000	Est. £'000
Administration			
Salaries, Wages & Allowances	8,474	8,022	10,163
Travel and Subsistence	39	110	152
Incidental Expenses	301	468	533
Postal & Telecommunication Services	251	234	353
Office Machinery & Office Supplies	380	410	593
Office Premises Expenses	136	58	236
Consultancy Services	17	35	135
Total Administration	9,598	9,337	12,165
Other Services			
Fees to Counsel	6,257	5,198	6,500
General Law Expenses	3,525	2,624	4,000
Gross Total	19,380	17,159	22,665
Less Appropriations-in-Aid	861	434	147
Net Total	18,519	16,725	22,518

REPORT OF PAYMENT PRACTICES FOR 1998 AND 1999

OFFICE OF THE ATTORNEY GENERAL, MERRION STREET

GENERAL

1. All relevant payments made on behalf of this Office by our paying agent, the Department of Finance Accounts Branch, comply with the terms of the Prompt Payment of Accounts Act, 1997. It should be noted that the Act does not apply to payments in respect of legal fees.

LATE PAYMENTS

2. Payments totalling £5.1 million in 1998 and £5 million in 1999 were made from the Office of the Attorney General's Vote. Payments totalling £1.8million in 1998 and £1.4 million in 1999 were in respect of payments to which the Act applies. There were no late payments made during 1998 and 1999.

Statement of Compliance with the Prompt Payment of Accounts Act, 1997

All relevant payments made by the Office of the Attorney General, complied with the terms of the Prompt Payment of Accounts Act, 1997.

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January, 1998. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest penalties arising. Furthermore, financial procedures in place in the Office are regularly monitored and reviewed including procedures to ensure compliance with the Act.

CHIEF STATE SOLICITOR'S OFFICE

Prompt Payment of Accounts Act, 1997

Report of Payment Practices and Statistics for 1999

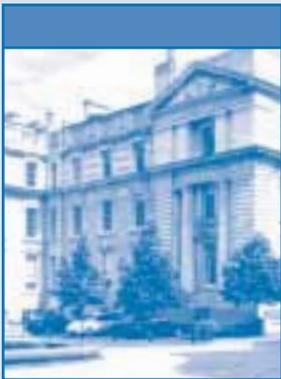
The CSSO has computerised systems in place that are designed to monitor and control compliance with the terms of the Act.

Generally, payments fall due on expiry of the statutory 45 days. Where shorter periods are specified on invoices, this requirement is complied with. In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

Two categories of suppliers of services to the CSSO do not come within the scope of the Act. Counsels' fees are excluded on the basis of legal advice. Payments to solicitors engaged by people involved in litigation against the State where costs are awarded to the plaintiff are covered by the Courts Act, 1981 which has its own interest payment provisions.

Statistics – Period January to December 1999

Total value of all payments	£3,804,336
Total value of all late payments (Under £250 inclusive)	£156,459
Value of late payments in excess of £250	£120,033
Value of late payments as % of total payments	4.11%
Number of late payments in excess of £250	72
Amount of interest paid	£2,145
Amount of interest as a % of total payments	0.056%
Broad indication of length of delays (Invoices in excess of £250)	43 days



OFFICE OF THE ATTORNEY GENERAL

ANNEX B

Client Service Guide 2002 - 2004



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FOREWORD

The Office of the Attorney General is committed to maintaining and improving the delivery of quality client service. The commitment to excellent client service is a fundamental theme of Delivering Better Government (1996) and receives renewed support from the social partners in the Programme for Prosperity and Fairness (PPF).

The Office of the Attorney General is conscious of the need to provide the highest level of service to our clients. The Attorney General has control and responsibility for the Office of the Parliamentary Counsel to the Government and the Office of the Chief State Solicitor which are constituent parts of the Office of the Attorney General.

The Client Service Guide, agreed following consultation with the relevant Partnership Committees, details the agenda we have set ourselves for the next two years to maintain and improve our existing client service. We are confident that we can meet these targets.

The flexibility, commitment and willingness of staff to adapt and embrace change have been a key building block in our success to date.

This Client Service Guide ensures that a suitable framework exists within the Office of the Attorney General for the implementation of the principles of quality client service and for making further improvements in the years ahead.

Finola Flanagan
Director General

David J. O'Hagan
Chief State Solicitor

Kieran Mooney
Chief Parliamentary Counsel

1. THE ROLE OF THE OFFICE OF THE ATTORNEY GENERAL

The principal roles of the Office are:

- to support and advise the Attorney General in carrying out the duties of that office;
- to provide the highest standard of professional legal services to Government, Departments and Offices;
- to draft legislation;
- to provide litigation services;
- to contribute to effective public service by encouraging and participating in the co-ordination of the legal services of the State;
- to ensure efficient delivery of legal services to, and an effective and productive working relationship with, Government, Departments and Offices taking into account the Public Service Change Programme.

2. CLIENTS OF THE OFFICE

2.1 EXTERNAL CLIENTS

The principal clients of the Attorney General and the Office are the Government itself, its individual members and the Departments they head. The Office also services and participates in a significant number of Committees and Commissions listed in Appendix 1. The Office provides legal advisory and legislative drafting services to its clients. A wide range of legal issues are dealt with by the Office and these are detailed in Part 1 of Appendix 3.

2.2 INTERNAL CLIENTS – STAFF OF THE OFFICE

The Office recognises that the quality of service provided by its staff to the external clients of the Office is, to a large extent, dependant on the quality of support provided to them internally. Such internal support can include ensuring that staff are resourced through the provision of appropriate training, administrative and clerical support and IT systems.

The Office is committed to ensuring that its staff are properly supported and consulted with regard to service delivery issues and are equipped to carry out their functions. The dedication of our staff is recognised as one of the main strengths of the Office. We are committed to a staff development policy to ensure that we continue to have a highly motivated and skilled workforce.

The Office has put in place business plans for each division of the Office and has provided training for staff for the purposes of implementing the Performance Management and Development System.

2.3 PROGRESS TO DATE

The Office has been reviewing its organisation and practices over a number of years under the Strategic Management Initiative. Considerable progress has been made in implementing the Office's Statement of Strategy 1999-2002. Further initiatives are being implemented including a new IT Plan, a Case and Records Management System, a Financial Management Information Framework and the creation of a Change Management Unit.

This Guide sets out specific measures for enhancing the standard of our services and for securing valuable feedback from both our clients within Departments and Offices and our own staff on how further improvements might be effected.

2.4 MEMBERS OF THE PUBLIC

It is important to note that the Attorney General and the staff of the Office do not give legal advice to members of the public or undertake any legal research on their behalf. Members of the public who wish to seek legal or political advice should consult their own advisers.

Bills, Acts of the Oireachtas, Statutory Instruments and other Government publications are available from the Government Publications Sales Office, Molesworth Street, Dublin 2.

2.5 FREEDOM OF INFORMATION ACT 1997

The Freedom of Information Act 1997 applies only to a record held or created by the Attorney General or by the Office of the Attorney General concerning the general administration of the Office.

3. ORGANISATION AND LEGAL, ADMINISTRATIVE AND SUPPORT SERVICES

3.1 ORGANISATION

The Office of the Attorney General has an authorised complement of 125 staff comprising 30 Advisory Counsel, 20 Parliamentary Counsel and 75 administrative staff. Clients are referred to the organisation chart at Appendix 2.

3.2 ADVISORY COUNSEL

The Advisory side of the Office is divided into five specialist groups covering all legal specialisms. It comprises barristers (Advisory Counsel) each of whom specialises in a variety of specific areas of law. The principal duty of the Advisory Counsel is to assist in the performance of the Attorney General's functions and duties. Each Group has dedicated clerical support staff familiar with the business of the Group. The range of subjects covered is extensive but the activities themselves fall into three broad categories, namely:

- (a) the provision of advice;
- (b) the direction of litigation;
- (c) involvement in the provision of a drafting service to Government Departments.

3.2.1 WORK OF ADVISORY COUNSEL

The Office has put in place structures and systems to accommodate and address all routine queries as well as requests for urgent advice on significant legal and constitutional issues. There is a high degree of specialist legal knowledge within the Office. Advisory Counsel work closely with lawyers in the Office of the Parliamentary Counsel in relation to advising on legal issues arising in the drafting of legislation and with the Chief State Solicitor's Office in relation to advising on the conduct of litigation and other legal matters.

The range of advisory work normally undertaken by the Office is very broad and includes constitutional law, administrative law, European law, commercial law, public international law and criminal law – in fact, all areas of legal work in respect of which Government or a Department or Office may require legal advice. Advice is frequently provided under extreme pressure of time. Requests for advice may be received from the

Government as a whole, from Ministers, or from civil servants in Government Departments or Offices. Requests from Government or Ministers are usually made directly to the Attorney General. An Advisory Counsel is usually assigned to assist the Attorney in dealing with such a request. Most requests for advice, however, come from civil servants in Departments or Offices. Such requests either come directly to the Office or via the Chief State Solicitor's Office.

3.2.2 STRUCTURE

Each of the five specialist groups has a group co-ordinator who is an Advisory Counsel Grade 1 (equivalent to an Assistant Secretary). Each group takes responsibility for specified areas of work grouped together in broad categories. The group co-ordinators have a combination of both professional and managerial responsibilities. Administrative support for Advisory Counsel is provided by a number of clerical officers. Each group has a complement of 2 dedicated clerical support staff who are familiar with the business of the Group.

Details of the Groups and their areas of responsibility are set out in Part 1 of Appendix 3.

3.3 PERMANENT REPRESENTATION TO THE EUROPEAN UNION

The Office has assigned an Advisory Counsel to be seconded as legal attaché to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the legal attaché has become an essential and intrinsic element of the effective functioning of the Permanent Representation. The role is very varied and involves a wide range of functions and duties.

The legal attaché furnishes legal advice to the representatives of all Government Departments who are members of the Permanent Representation on the wide range of legal issues which arise on a day-to-day and often very urgent basis. Due to the participation of the legal attaché in important EU negotiations, including Treaty reform and other significant legislative developments, the Attorney General is now involved

from an early stage in advising on significant EU legal issues. The role involves furnishing oral and written advices, opinions and briefings on matters of EU law, domestic legal and constitutional issues which arise in the context of Ireland's membership of the Union. This service facilitates the seeking and provision of legal advice in respect of community initiatives and seeks to ensure that Departments are aware of, and as up-to-date as possible with, their obligations under European law. The diplomatic aspect of the role includes extensive consultation, briefing and negotiations within the Council for the protection and promotion of the State's legal interests.

3.4 PARLIAMENTARY COUNSEL TO THE GOVERNMENT

The Office of the Parliamentary Counsel to the Government (OPC) comprises a team of specialist lawyers (drafters) trained to a high level in the discipline of drafting legislation. The mission of the OPC is to provide the highest standard of professional legislative drafting service to its clients and to maintain information on the progress of the drafting of legislation.

3.4.1 WORK

The main work of the OPC is to draft Government Bills to be introduced into the Houses of the Oireachtas and to draft secondary legislation, where appropriate, for Government Departments or Offices, including instruments transposing EU legislation into domestic law under the European Communities Act 1972. An integral part of the work of the OPC is providing drafting advice to each instructing Department or Office so that the policy of that Department or Office is given full effect through clear and precise language.

3.4.2 STRUCTURE

The Chief Parliamentary Counsel is the head of the OPC and, within the Office of the Attorney General, has overall responsibility for the legislative drafting services provided by it.

The OPC is organised into three groups, each having responsibility for the provision of drafting services to specific

Government Departments and Offices. Each group is headed by a group manager who is of a rank not lower than Parliamentary Counsel (equivalent to an Assistant Secretary). The Group Manager has responsibility for managing the delivery of the drafting services of the OPC to the Departments and Offices allocated to his or her group.

Administrative support for the OPC is provided by an administrative officer and 7 clerical officers. Each group has dedicated clerical support staff familiar with the business of the Group. One of the clerical officers acts as Private Secretary to the Chief Parliamentary Counsel and one is attached to the Statute Law Revision Unit.

Details of the Groups and their areas of responsibility are set out in Part 2 of Appendix 3.

3.5 STATUTE LAW REVISION UNIT

The mission of the Statute Law Revision Unit (SLRU) is to draw up a programme of statute law revision, restatement and consolidation in the context of the Regulatory Reform Agenda and to co-operate with the Department of the Taoiseach on the development of a 'Better Regulation' policy. Two drafters have been seconded from the OPC to staff the SLRU, one of whom, a Parliamentary Counsel (equivalent to an Assistant Secretary), is the Director of the SLRU.

3.6 ADMINISTRATION AND SUPPORT SERVICES

This division of the Office is headed by the Head of Administration (Principal Officer). Details and contact information are set out in Part 3 of Appendix 3 in respect of the following-

- Library and Know-how Unit
- Change Management Unit
- Human Resources Unit
- Director General's Private Office
- Attorney General's Private Office
- Chief Parliamentary Counsel's Private Office.
- Internal Audit Unit
- IT Project Development
- Finance Unit
- Registry
- IT Unit
- Services Unit

4. OUR COMMITMENT TO DELIVERING A QUALITY SERVICE

4.1 OBJECTIVES

The Office of the Attorney General fulfils all relevant statutory obligations including those set out in the Freedom of Information Act 1997, the Data Protection Act 1988, the Employment Equality Act 1998 and the Equal Status Act 2000.

The Office is committed to providing a professional service to the highest standard, taking into account the needs of its clients. The co-operation of Government Departments and Offices is, of course, a necessary prerequisite to delivery of a quality service; the Office and the Departments and Offices it advises all have the same aim – that of delivering better government – and in the face of this aim, they operate as a team.

As regards all requests for advice – whether on issues which may later become the subject matter of a Memorandum for Government or otherwise – the Office, in order to carry out its functions, needs to receive requests for advice which clearly identify the legal issues and refer to the relevant legislation, as set out in Appendix III to the Cabinet Handbook. Time is required for an adequate consideration of the issues and this, too, is a matter which Departments should factor into their requests.

Regarding matters for Government, Government Departments and Offices can also contribute to the quality of the service the Office delivers by ensuring compliance with the Cabinet Handbook as regards Memoranda for Government; ensuring that legal issues are identified and advice obtained on them before the Memorandum is circulated and abiding by the time limits set in Appendix II to the Cabinet Handbook.

Where advice is being sought in respect of legislation or where instructions are given to draft legislation, Government Departments and Offices can greatly facilitate and speed up the drafting of the legislation by ensuring that all policy issues have been identified and resolved before such a request is made or instructions given and by providing adequate, well-considered and appropriate instructions in respect of the drafting of legislation.

The Office is aware that our clients may be subject to conditions outside their control which affect the urgency with which they require advice and the quality of the brief which they prepare in seeking the advice. The Office has, accordingly, the capacity to adapt in cases of real emergency.

In the provision of a quality service, the Office complies with the Cabinet Handbook and clients of the Office are referred to the Cabinet Handbook with a view to ensuring prompt delivery of service. For ease of reference the following extracts from the Cabinet handbook are set out in Appendix 4:

- Guidelines for Departments in respect of the preparation of the General Scheme of a Bill (Appendix II to the Cabinet Handbook).
- Guidelines for Government Departments or Offices seeking legal advice from the Office of the Attorney General (Appendix III to the Cabinet Handbook).

4.2 AN ETHICAL AND CONFIDENTIAL SERVICE

The Office will observe a high standard of public and commercial ethical standards in the discharge of its functions. All staff are bound by the Official Secrets Act and by professional duties of confidentiality.

The requirement for an ethical and confidential service will be strongly emphasised in all induction and continuing staff training.

4.3 COMMITMENT TO EQUALITY OF TREATMENT

In the delivery of our services, the Office is committed to fairness, equality of treatment and impartiality. The Office is committed to principles of equality, particularly as enshrined in the Employment Equality Act 1998 and the Equal Status Act 2000. These principles will be adhered to within the Office and particularly in the recruitment, development and promotion of staff and in the selection of external advisers and consultants.

4.4 IRISH LANGUAGE

The Office supports the provision of services through Irish, giving practical expression to the Government's commitment to delivering quality service to Irish speakers made in *Delivering Better Government* (1996). The Office is committed to encouraging the development of skills and proficiencies in the Irish language within the Office and to supporting and participating in Civil Service Irish language training initiatives.

The Office will continue to endeavour, where necessary and appropriate, to provide a service in the Irish language and will co-operate with the Chief State Solicitor's Office in briefing and working with Irish speaking counsel in appropriate cases.

4.5 CONSISTENCY OF ADVICE

The Office co-operates closely with the Chief State Solicitor's Office to ensure consistency of advice as between both Offices. Ability to co-operate fully with the Chief State Solicitor's Office will be enhanced by the development of the knowledge-management component of the IT strategy.

Advisory Counsel and Parliamentary Counsel meet on a monthly basis to exchange information and experiences on

legal issues arising and this forum provides an opportunity for short presentations to be given on topical issues of concern of both a drafting and advisory nature. Advisory Counsel and Parliamentary Counsel meet separately also to discuss matters of specific relevance within their own areas of responsibility.

4.6 GOVERNMENT LEGISLATION COMMITTEE

The Attorney General and the Office of the Parliamentary Counsel to the Government participate in the work of the Government Legislation Committee. This Committee is chaired by the Government Chief Whip. It is the co-ordinating Committee that oversees each proposed Government Bill from the time of its inclusion in the Government Legislation Programme to the completion of its progress through the Houses of the Oireachtas. It assists the Government in prioritising legislation. Every week drafters complete, electronically, returns on the progress to date on the Bills that are being drafted or are proceeding through the Houses of the Oireachtas. After checking by the Group Manager concerned and by the Chief Parliamentary Counsel, those returns are sent to the Government Chief Whip to assist the Cabinet in its work. They are sent weekly in advance of the meetings of the Committee.

5. PROVISION OF INFORMATION

5.1 LIBRARY AND KNOW-HOW UNIT

The Library and Know-how Unit exists to support the mission of the Attorney General's Office, which is to provide the highest standard of professional legal services to Government, Departments and Offices.

The primary clients of the Unit are the Attorney General, Advisory Counsel, Office of the Parliamentary Counsel to the Government, Statute Law Revision Unit and AGO administrative and support staff.

The secondary clients of the Unit are the legal staff in the Chief State Solicitor's Office, Law Reform Commission and the Office of the Director of Public Prosecutions, departmental legal advisers and civil servants.

5.2 WEBSITE WWW.ATTORNEYGENERAL.IE

The Office of the Attorney General website provides detailed information on the role of the office and its main constituent parts, being the Office of the Attorney General, Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office. The mission statement, Attorney General's Scheme and relator actions are included.

There is a publications section on the website and it includes information in relation to the Freedom of Information Act 1997 and its application to the Office.

The website also includes a gallery of previous Attorneys General, the Statement of Strategy of the Office, the First

Progress Report on Implementation of the Strategy and a contact page with information on all three constituent offices. The website includes links to other sites of interest with regard to legal issues and shows how to gain access to other Government Departments and Offices.

5.3 IRISH STATUTE BOOK

The website gives access to the Irish Statute Book which includes Acts of the Oireachtas and Statutory Instruments from 1922 - 1998. The Chronological Tables to the Statutes 1922 to 1999 are also available. This database of statute law represents the first phase of a project to make the complete statute book available in electronic format and is a major step in making the law more accessible to the public.

The database is in the process of being updated following which the Acts, Statutory Instruments and Chronological Tables for 1999 and 2000 will be made available on CD-ROM and subsequently on the website.

Queries about the content and functionality of the Irish Statute Book can be emailed to info@ag.irlgov.ie.

The help-desk for users of the Irish Statute Book 1922-1998 CD-Rom is managed for the time being by FirstLaw at 01 679 0370. This help-desk will be superseded by a new help-desk when the upgraded CD-ROM is released and details of it will be available on the CD-ROM.

6. CLIENT SERVICE TRAINING

It is recognised that effective training in client service is essential in achieving our goal of delivering a quality service. We will continue to improve, enhance and formalise our training in client service. The delivery of quality client service is a key Office competency for the Performance Management Development System as implemented in this Office. As part of this, we will continue to pursue the following objectives:

- the Performance Management and Development System (PMDS) will enable us to review the necessary skills and training needs of staff to deliver quality client service;
- the Induction Course for new recruits includes a section on the Office's commitment to client service and identifies what is expected of staff in terms of dealing with our clients. It

also highlights the fact that many of our staff colleagues will also be clients;

- the provision of targeted client service training to staff will be a feature of the overall training programme of the Office.

The Office also continues to refine methods by which greater specialist legal knowledge and expertise is engendered and legal skills developed and maintained and ensures that the expertise of all legal staff is maintained in the general areas of law such as constitutional and administrative law. The Office seeks to ensure that where possible the relevant legal staff anticipate and are facilitated in increasing their expertise and knowledge in respect of emerging legal issues and trends and current legal developments.

7. COMMUNICATIONS

7.1 OBJECTIVES

We aim to communicate well with our clients and carefully monitor and review our performance and progress. In pursuance of this commitment we undertake to do the following:

- provide a structured approach to meaningful consultation with and participation by the client in relation to the development, delivery and review of services;
- ensure meaningful evaluation of services delivery;
- ensure an organised, systematic and regular review of services provided by the Office, including obtaining feedback both formally and informally and ascertaining directly from Government, Departments and Offices whether their needs for professional legal services are being met;
- regularly assess the efficiency of the Office and existing procedures by internal review, including obtaining feedback;
- continue to review and reorganise internal communications systems and procedures to provide the best support for the delivery of a quality service;
- regularly review and update the Office of the Attorney General website to ensure that it is relevant and timely;
- publish an Annual Report on the activities of the Office including a progress report on the achieving of commitments in this Guide.

7.2 CORRESPONDENCE (BY LETTER, FAX OR EMAIL)

Clients are referred to Appendix 5 for contact and correspondence details.

All items of correspondence received in the Office are assigned a daily correspondence number and are recorded, tracked, added to or associated with an existing or new file by our Registry by

means of a number of electronic databases, filing and tracking systems.

Similarly, all internally created documents, memoranda, submissions, minutes of meetings etc., are recorded on those electronic files.

The Office accepts requests for advice and correspondence by email. It should be noted however that such requests for advice and correspondence require to be transmitted to our Registry at registry@ag.irlgov.ie to be processed as described above.

All correspondence issued by this Office carries a file reference, contact name, the telephone and fax numbers and email address.

Where correspondence is received from members of the public it is acknowledged and replied to where and as appropriate.

As stated previously, it is outside the constitutional and statutory functions and remit of the Office of the Attorney General to give legal advice to members of the public. Accordingly, if a request for legal advice is received from a member of the public, in the normal course, that member of the public will receive an acknowledgement stating that the Office does not give legal advice to members of the public.

7.3 CONTACTING THE OFFICE BY TELEPHONE

The Office switchboard is open from 9 am until 6pm, Monday to Friday, and may be contacted at 01-6314000.

Office induction procedures detail telephone techniques for all members of staff.

Messages may be left directly using the voicemail facility, the purpose of which is to enable messages to be left outside Office hours or when a member of staff is unavoidably absent.

The Office does not provide information to members of the public and members of the public do not have direct contact with members of the staff relating to the business of the Office.

A caller seeking general information about the Office will be referred to the Office of the Attorney General website, the Statement of Strategy of the Office, the First Progress Report on the Implementation of the Strategy or the Government Information Services, as appropriate.

Where a member of the public contacts the Office about relator actions or the Attorney General's Scheme, the caller will be given every assistance possible and where appropriate will be referred to section 16 (1) of the Freedom of Information Act 1997 statement which is available at our reception and on the Office of the Attorney General website.

7.4 MEETINGS

Meetings are held with client Departments to review and evaluate the service that the Office is providing and to identify any areas in which the service could be improved. These meetings are held regularly, their frequency being dependent upon the nature of the subject area under review (see paragraphs 8 and 9 for more details about the content of these meetings).

The aim of the Office is to ensure that all meetings are of the highest professional standard. The Office is committed to ensuring that the central three elements are addressed, namely, the manner in which the meeting is conducted, its efficiency

and effectiveness and the need to ensure that account is fully taken of the client's concerns.

Meetings on specific legal files are held between the lawyer assigned to a file and the client Department where it is necessary. The purpose of such meetings can include clarification of the issues involved, to take instructions or review joint progress on a specific file. They may also serve to create a shared understanding of the policy and legal issues involved and the legal constraints applicable to the specific file. In the case of litigation files, an Advisory Counsel will attend consultations with the client Department, the Chief State Solicitor's Office and Counsel, when necessary. One of the functions of the Advisory Counsel at such a meeting is to ensure that all legal issues relating to broader Government policy of which Counsel may not be aware are identified, considered and factored into decisions in the individual case.

7.5 PHYSICAL ACCESS

Our objective is to provide accessible offices that ensure, insofar as is practicable, compliance with occupational and safety standards and as part of this facilitate access for people with disabilities and others with special needs. A programme of works has been carried out in recent years to further improve access and this is regularly monitored.

8. CLIENT FEEDBACK

The Office will maintain an accessible system of dealing with issues of concern regarding the quality of service provided to our clients.

- A systematic and organised approach to the review of the services provided by the Office has been established and is being further developed by establishing continual and regular interim meetings and reviews. This has been done pursuant to the key performance indicators of the business plans of each group within the Office, both Advisory Counsel and Parliamentary Counsel, and pursuant to the Office's sectoral performance indicators.

This process has involved each group, both Advisory Counsel and Parliamentary Counsel, identifying key areas of work which

would benefit from such work reviews and the establishment of such reviews by way of regular meetings (at least once a year, but in relation to most legal areas on a more frequent basis) with sections or divisions of client Departments and Offices. Such meetings are held to gauge feedback from client Departments and Offices as to the delivery of legal services to them by the Office in specific areas.

- A system for feedback from clients has also been established which will identify reasons for deficiencies and indicate the necessary steps to remedy them.
- The Office consults staff of the Office through the Partnership process with regard to service delivery issues.

9. REPORTING AND EVALUATING PROGRESS

It has been necessary to establish methods to monitor and evaluate the performance of this Office from the point of view of delivery of a quality client service. The Office's Management Advisory Committee will examine client feedback on a planned basis and will also consult with staff representatives to gauge performance in this regard.

This is primarily done by way of analysis of the outcome of the work review meetings held by each group outlined in

paragraph 8 and of reports on the implementation of the business plans of each group.

Both client feedback and reporting and evaluating progress as to performance is an integral part of the business plan each of each Advisory Counsel and Parliamentary Counsel group as are key performance indicators.

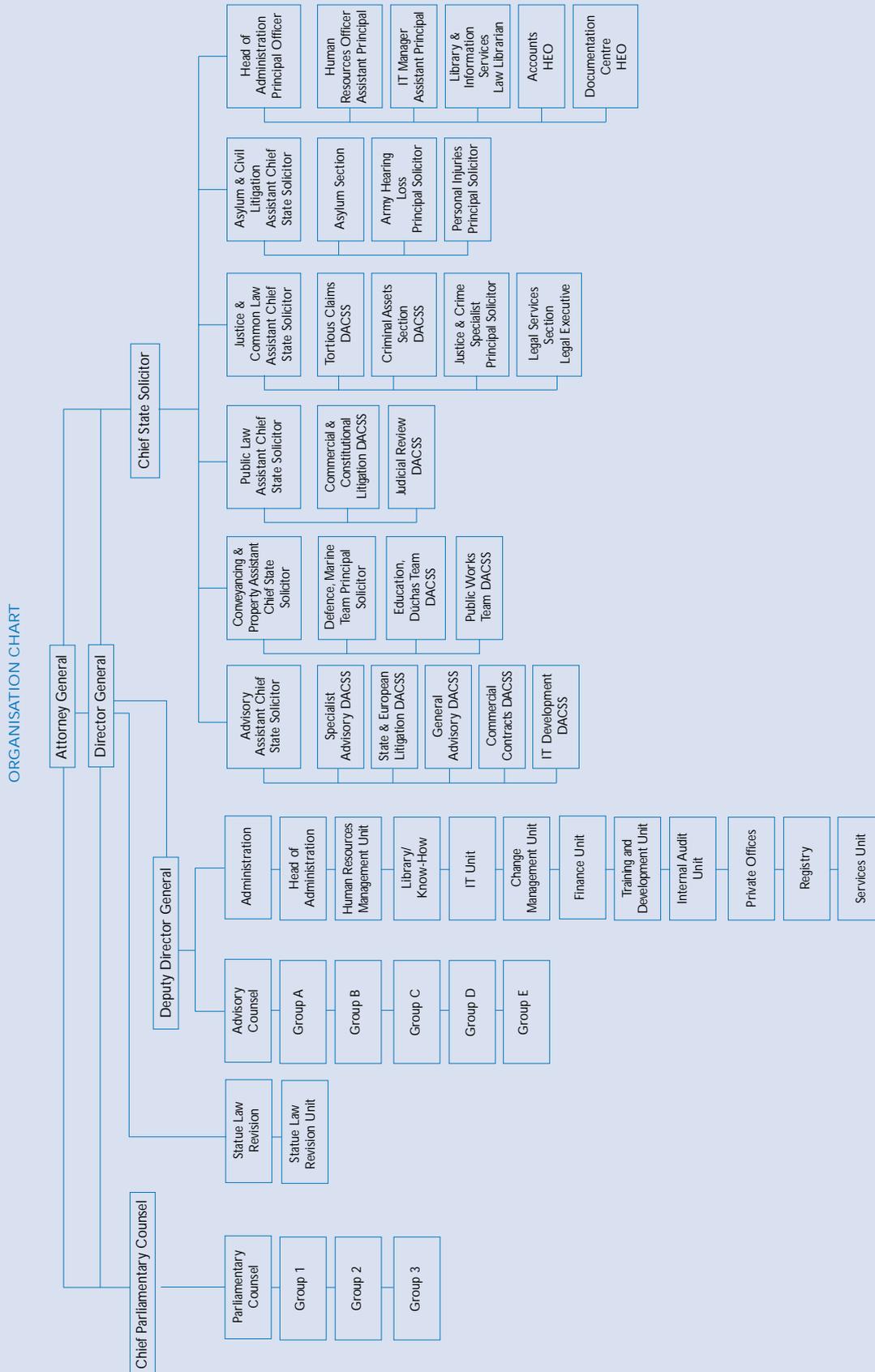
The MAC evaluations will be reported in the Annual Report of the Office.

APPENDIX 1

COMMITTEES AND COMMISSIONS

Advisory Board National Children's Office
 Assistant Secretaries Network
 Change Management Network
 Civil Service IT Group
 Civil Service IT Managers Network
 Civil Service Metadata Group
 Civil Service Training Officers Network
 Civil Service Webmaster Forum
 CMOD Content Managers Stakeholders Group
 Commission on the Assisted Human Reproduction
 Commission on the Private Rented Residential Sector
 Company Law Review Group
 Consultative Committee on Law Reform
 Consumer Advisory Council.
 Council of Europe Committee on Administrative Law
 Council of Europe Committee of Experts in Family Law
 Court Rules Committees
 Cross-Departmental Team on Infrastructure
 Expert Group on Proposals arising out of Garda S.M.I. Report
 Expenditure Reviewers network
 FOI Interdepartmental Working Group
 FOI Liaison Officers Network
 FOI Users Network Group
 Government Legislation Committee
 Hague Conference on Private International Law
 Implementation Group on Compensation Issues
 Interdepartmental Committee on Hearing Loss Litigation
 Interdepartmental Group on EU Justice and Home Affairs
 Interdepartmental Group on the EU Convention
 Interdepartmental Group on Legislative Issues for the Information Society
 Interdepartmental Group on Oireachtas Scrutiny of EU legislation
 Interdepartmental Group on the Presidency of the EU 2004
 Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities
 Interdepartmental Working Group on Compensation Issues
 Internal Audit Network
 International Maritime Organisation Legal Committee
 IT Managers Network
 Library Managers Network
 Management Group for Judicial Reviews in Asylum Cases
 MIF Consultative Committee
 MIF Project Management Sub-Group
 Ministerial Committee on Nuclear Safety
 Ministers and Secretaries Group on European Matters
 'No-Fault' Advisory Group (a working group established to recommend a 'no-fault' scheme of compensation for babies with birth-related brain damage)
 Northern Ireland (various groups dealing with Northern Ireland matters)
 Personal Injuries Assessment Board Implementation Group
 Personnel Officers Network
 PMDS Network
 Post-Nally Committee on Issues Relating to DPP
 Public Prosecution System Study Group
 Secretaries General and Heads of Offices Group
 Senior Officials Group on EU Affairs
 Single Regulatory Authority Implementation Advisory Group
 State Claims Agency Liaison Committee
 Steering Committee for the Pilot Project to establish an on-line small-claims procedure
 Steering Group on Systems Review of Department of Agriculture and Food
 Strategic Management Initiative Communications Sub-Group
 Strategic Management Initiative Implementation Groups
 Tax Strategy Group
 Third Pillar Steering Group
 Tribunals and Inquiries
 UNCITRAL (The United Nations Commission on International Trade Law)
 UNCITRAL Working Group on Arbitration
 UNICITRAL Working Group on Electronic Commerce
 UNICITRAL Working Group on Insolvency
 Wilson Interdepartmental Committee on Trust Fund for Victims of Violence
 Working Group on Accountability of Secretaries General and Accounting Officers
 Working Group on Company Law Compliance and Enforcement
 Working Group on Jurisdiction of the Courts
 Working Group to discuss the implications of the establishment of a Referendum Commission with limited functions
 Working Group to Review Coroners Services

APPENDIX 2 – ORGANISATION CHART



APPENDIX 3

PART 1

Advisory Counsel

Group A has responsibility in the areas of health, garda compensation, Attorney General's Scheme, Attorney General's Functions, cultural issues, human rights, justice, the Criminal Injuries Compensation Board, prisons and licensing, nuclear law and Anglo-Irish issues.

The group comprises a Group Co-ordinator and four other Advisory Counsel.

Group B has responsibility in the areas of intellectual property, private international law, casual and occasional trading, statistics, Statutory Instruments Act, health litigation, censorship, State Claims Agency, Tribunals and Inquiries, adoption, assisted human reproduction, education, family law, health and safety prosecutions and environmental law.

The group comprises a Group Co-ordinator and five other Advisory Counsel.

Group C has responsibility in the areas of state aids and state grants, competition law, aquaculture, broadcasting, credit unions, double taxation agreements, electricity, sea fisheries prosecutions, fisheries, Government contracts, international trade law, the foreshore, law of the sea, gas, postal law, public procurement, road haulage and buses, shipping law, revenue law, single currency, Oireachtas Reform, harbours, national infrastructure, Gaeltacht, forestry, Irish Coastguard Service, Commissioners of Irish Lights, army deafness, public service, defence, arts and air transport.

The group comprises a Group Co-ordinator and four other Advisory Counsel.

Group D has responsibility in the areas of the tourism body, agriculture, relator actions, ethics law, electoral law, company law, banking law, insurance law, landlord and tenant law, planning law, telecommunications law, Information Society Services law, Social Welfare law, appropriation and public

expenditure, civil service authorities, bankruptcy, insolvency and liquidation, charities and the Comptroller and Auditor General.

The group comprises a Group Co-ordinator and four other Advisory Counsel.

Group E has responsibility in the areas of European Union law, institutional issues, EU horizontal issues, fundamental rights in the EU, Law Reform Commission, justice and home affairs issues, fraud, extradition, asylum and immigration, mutual assistance in criminal and civil matters, public international law, data protection law and freedom of information law.

This group also comprises the legal attaché to the Permanent Representation to the European Union in Brussels.

The group comprises a Group Co-ordinator and five other Advisory Counsel.

PART 2

Parliamentary Counsel

Group 1 has responsibility for drafting legislation for the following Departments and Offices:

- Agriculture and Food
- Finance (including the Revenue Commissioners)
- Communications, Marine and Natural Resources
- Transport
- Taoiseach

The group comprises a Group Manager, three other Parliamentary Counsel and one contract drafter.

Group 2 has responsibility for drafting legislation for the following Departments:

- Defence
- Education and Science
- Enterprise, Trade and Employment
- Environment and Local Government
- Social and Family Affairs

The group comprises a Group Manager, three other Parliamentary Counsel and one contract drafter.

Group 3 has responsibility for drafting legislation for the following Departments:

- Community, Rural and Gaeltacht Affairs
- Foreign Affairs
- Health and Children
- Justice, Equality and Law Reform
- Arts, Sport and Tourism

The group comprises a Group Manager, two other Parliamentary Counsel and one contract drafter.

PART 3

Administration and Support Services to the Office of the Attorney General

Head of Administration Pat O’Sullivan
 Contact details Tel. 631 4066
 Fax. 676 1806
 Email: pat_osullivan@ag.irlgov.ie

Section Human Resources Unit
 Section head Padraig McMahon
 Contact details Tel. 631 4016
 Fax. 676 1806
 E-Mail: padraig_mcmahon@ag.irlgov.ie

- Service provided
- To facilitate the recruitment of staff to the Office
 - To ensure that payroll details are kept up to date and all changes are implemented in good time
 - To create, maintain and monitor records relating to staffing levels and staff attendance
 - To organise internal competitions and to assist in the holding of external competitions

Client Dept of Finance, Office of Civil Service and Local Appointments Commissioners, Dept of the Taoiseach, Dept of Social, Community and Family Affairs, Office of the Revenue Commissioners, staff of the Office, course organisers

Section Library and Know-How Unit
 Section head Madelaine Dennison
 Contact details Tel.631 4109
 Fax. 631 4197
 E-Mail: madelaine_dennison@ag.irlgov.ie

- Service provided
- The provision of law library facilities and legal information and know-how services

Client Office of the Attorney General
 Office of the Parliamentary Counsel to the Government
 Other Government Departments and Offices

Section IT Unit
 Section head Brian Scannell
 Contact details Tel. 631 4069
 Fax. 676 1806
 E-Mail: brian_scannell@ag.irlgov.ie

- Service provided
- IT Strategy development and implementation

Service provided	<ul style="list-style-type: none"> • IT systems development/procurement, implementation and on-going management and development • IT infrastructure procurement, implementation and on-going management and development • End-user support 	Service provided	<ul style="list-style-type: none"> • Provide advice, assistance and guidance on control and good practice • Carry out audits on all areas of the AGO and CSSO and produce reports of findings to the Audit Committee, MAC and the relevant line managers • Provide assurance to the Accounting Officers as to the adequacy of the Office's internal control system
Client	Staff of the Office, suppliers, CMOD, Office of the Houses of the Oireachtas	Client	Staff of the AGO and CSSO, Internal Audit Committee, C&AG
Section	IT Project Development	Section	Change Management Unit
Section head	Anne Barron	Section head	Paul Gibney
Contact details	Tel. 631 4010 Fax. 676 1806 Email; anne_barron@ag.irlgov.ie	Contact details	Tel. 631 4000 Fax. 676 1806 E-Mail: paul_gibney@ag.irlgov.ie
Service provided	<ul style="list-style-type: none"> • Management of business application projects relating to: <ul style="list-style-type: none"> - development of records management policy; - specification, procurement, integration and implementation of electronic case and matter management system. 	Service provided	<ul style="list-style-type: none"> • To implement change management throughout the Office
Client	IT Steering Committee, Staff of Office	Client	Staff of Office of the Attorney General and Office of the Chief State Solicitor
Section	Registry	Section	Finance Unit
Section head	Mary Daly	Section head	Anne Moroney
Contact details	Tel. 631 4103 Fax. 676 1806 E-Mail: mary_daly@ag.irlgov.ie	Contact details	Tel. 631 4017 Fax. 631 4050 E-Mail: ann_moroney@ag.irlgov.ie
Service provided	<ul style="list-style-type: none"> • Registering all post including electronic e-mails where appropriate and maintaining an efficient filing system 	Service provided	<ul style="list-style-type: none"> • Preparation of Annual Estimates and Multi-Annual Budgets • Negotiate Administrative Budget • Monitor expenditure on a monthly basis • Processing the payment of all invoices promptly • Travel Service – to ensure travel arrangements are made for staff and processing of travel claims • Preparation of Brief for the Director General, as Accounting Officer, for appearance before the Public Accounts Committee
Client	Staff of the Office, CSSO, Government Departments, National Archives Office		
Section	Internal Audit Unit		
Section head	Stephen Brady		
Contact details	Tel. 631 4075 Fax. 676 1806 E-Mail: stephen_brady@ag.irlgov.ie		

<p>Client</p>	<p>Barristers and solicitors, Department of Finance, Law Reform Commission, suppliers</p>	<p>Service provided</p>	<ul style="list-style-type: none"> • To provide administrative secretarial support to the Director General, Deputy Director General and Head of Administration
<p>Section</p>	<p>Services Unit</p>	<p>Section</p>	<p>Chief Parliamentary Counsel's Private Office</p>
<p>Section head</p>	<p>Emma O'Reilly</p>	<p>Section head</p>	<p>Teresa Farrelly</p>
<p>Contact details</p>	<p>Tel. 631 4002 Fax. 676 1806 E-Mail: emma_oreilly@ag.irlgov.ie</p>	<p>Contact details</p>	<p>Tel. 631 4061 Fax. 661 1287 Email: teresa_farrelly@ag.irlgov.ie</p>
<p>Service provided</p>	<ul style="list-style-type: none"> • The maintenance and upkeep of the building • Accommodation/Furniture and Fittings • All non-IT supplies • Security Arrangements • Telephonist Service and Telephone Communications • Liaison with the Telephonists and Service Officers • Arrangements for functions within the Building or in other venues as appropriate 	<p>Service provided</p>	<ul style="list-style-type: none"> • To provide administrative secretarial support to the Chief Parliamentary Counsel
<p>Requests under the Freedom of Information Act 1997</p>			
<p>Client</p>	<p>Office of Public Works, suppliers</p>	<p>Freedom of Information Liaison Officer</p>	<p>Padraig McMahan</p>
<p>Section</p>	<p>Attorney General's Private Office</p>	<p>Contact details</p>	<p>Tel. 631 4016 Fax. 676 1806 Email: padraig_mcmahan@ag.irlgov.ie</p>
<p>Section head</p>	<p>Nora Coyne</p>	<p>Requests for information under the Freedom of Information Act 1997 must be made in writing addressed to:*</p>	
<p>Contact details</p>	<p>Tel. 631 4088 Fax. 662 3969 Email: nora_coyne@ag.irlgov.ie</p>	<p>Padraig McMahan Freedom of Information Liaison Officer Office of the Attorney General Government Buildings Upper Merrion Street Dublin 2</p>	
<p>Service provided</p>	<ul style="list-style-type: none"> • To provide support services to the Attorney General so as to ensure an effective interface between the Attorney and the Office 	<p>* Replies will be made by post only and not email.</p>	
<p>Client</p>	<p>All Departments and Offices, judiciary, members of Bar Council and Law Library</p>		
<p>Section</p>	<p>Director General's Private Office</p>		
<p>Section head</p>	<p>Brian Hendrick</p>		
<p>Contact details</p>	<p>Tel. 631 4070 Fax. 662 1079 Email: brian_hendrick@ag.irlgov.ie</p>		

APPENDIX 4

PART 1

APPENDIX II

GUIDELINES FOR DEPARTMENTS IN RESPECT OF THE PREPARATION OF THE SCHEME OF BILL

Note: The purpose of the following guidelines is to remind Departments which are sponsoring legislation of matters they should have regard to when drawing up Schemes of Bills for the approval of the Government. Failure by a Department to observe these requirements is likely to result in the preparation of the legislation in the Office of the Attorney General taking longer than would otherwise be the case. A Department which has failed to observe the guidelines cannot expect the drafting of its legislation to receive priority over the drafting of legislation for Departments which have observed the guidelines.

Preliminary

1. In the preparation of the Heads of a Bill, it is necessary for the civil servants in a Department promoting legislation to be knowledgeable in the subject matter concerned and with the requirements and procedures of the process for proposed legislation; for that reason they should have thoroughly familiarised themselves with the existing body of legislation and administrative practices to which the Heads will relate to enable adequate Heads to be prepared by them on:

- (a) the substantive matter,
- (b) the administrative requirements or consequences resulting from the substantive matter, and
- (c) the consequential provisions (e.g. amendments and repeals, transitional provisions etc.) necessary in the context of points (a) and (b).

General

2. The Heads and notes should contain sufficient background information to enable the draftsman to see in perspective and in context the facts and the problems which the legislative proposals intend to meet.

- 3. The principal objects of the legislation have to be clearly and fully stated and the heads and notes have to be sufficient to enable the draftsman to see what is the intended result.
- 4. The Heads and notes should refer to all known implications and difficulties, whether legal, social or administrative.
- 5. Although certain supplementary policy implications may only become apparent after discussions with, or a draft has been supplied by, the draftsman concerned, all policy matters that may have a bearing on the draft should be resolved by the Department (including inter-departmental matters) before the Heads are sent for drafting and supplementary policy implications should be resolved as quickly as possible.

Jargon and Technical Language

- 6. The Heads and notes should be expressed in language that will be comprehensible to the draftsman concerned, accordingly:
 - (a) the use of jargon (administrative or otherwise) ought to be avoided;
 - (b) where possible, technical language ought to be avoided and where it cannot be avoided it should be explained.

Use of Precedents

- 7.(a) Where Heads are based on a precedent, that fact should be referred to in the notes to the Head.
 - (b) Where more than one appropriate precedent for a provision is known, each should be referred to and the reason given for the choice of one precedent over the other.
 - (c) Care should be taken to check whether the precedent has been amended for any reason and, if it could be of relevance, drawn to the attention of the draftsman.
 - (d) Where a precedent is taken from another jurisdiction copies of it will have to be supplied to the draftsman (unless he or she indicates otherwise) together with

other relevant provisions (e.g., where appropriate, the definition or interpretation section).

Conventions and EU Directives etc.

8. Where the proposed legislation is for the purpose of implementing international conventions or acts of the European Union, a copy of each relevant Convention or act to be implemented must be supplied to the draftsman together with:

- (a) either in the notes to the Heads or in a comparative table, sufficient information to identify where it is proposed in the Heads to implement each provision of the convention or EU act;
- (b) where a provision is not proposed to be implemented, that fact should be drawn to the attention of the draftsman and the reason for the exclusion should be given;
- (c) where a convention or EU act is amending an earlier one which has already been implemented into Irish Law, copies of all the earlier Conventions and EU acts must be supplied to the draftsman (unless he or she indicates to the contrary) together with sufficient information to identify all the earlier implementing provisions.

Priority

9. Where priority over other Bills is sought for the drafting of a Bill, the request will be communicated by the Government Chief Whip to the Attorney General who will issue instructions to the draftsman concerned.

Provision of Facilities

10. Where a Department considers it appropriate (e.g. urgency or size of proposed Bill) it should discuss with the draftsman concerned whether any facilities could be offered by it which would assist in shortening the timescale for drafting, e.g. the Department holding the material on a word processor for the draftsman, the supplying of the Heads or other material on disk or electronically or the provision of other secretarial facilities.

Other and Special Cases

11. The above guidelines are guidelines for general application, in certain cases they may not all be of direct relevance or applicability because of the nature of the proposed legislation (e.g. the annual Finance and Social Welfare Bills); in such cases direct consultation is necessary on this matter with the draftsman concerned.
12. While these guidelines primarily deal with Bills, they are also generally of relevance to the drafting of statutory instruments, in particular, the drafting of Regulations to give effect to acts of the European Union.

Office of the Attorney General
May 1998.

PART 2

APPENDIX III

GUIDELINES FOR GOVERNMENT DEPARTMENTS OR OFFICES SEEKING ADVICE FROM THE OFFICE OF THE ATTORNEY GENERAL

These guidelines are intended to assist officers of Government Departments or Offices who have occasion to seek legal advice from the Office of the Attorney General. The aim is to ensure that requests for advice are accompanied by all necessary information so as to eliminate unnecessary requests for further information from the Office of the Attorney General which may delay the provision of the advice sought.

1. When advice is being sought on a particular matter, previous relevant advices should be consulted by the Department in advance and should be referred to in the request for advice.
2. A request for advice about a law or statutory instrument which the Department is responsible for administering should, where appropriate, include relevant information about the Department's experience in such administration and the Department's views on the point raised and its reasons for those views.

3. A request for advice should include details of all relevant legislation, primary or secondary, domestic or EU and Treaties or Conventions of which the Department is aware. A copy of the relevant legislation or Treaty etc., with the exception of Acts of the Oireachtas and EU Treaties, should be attached.

The Department should also refer to any relevant court judgements or decisions of which they are aware particularly

if these are unreported or unlikely to be contained in any legal databases.

4. Requests should be as specific and precise as possible. The more specific a request is, the faster it can be dealt with.

Office of the Attorney General
9 October, 1996.

APPENDIX 5

CONTACT AND CORRESPONDENCE DETAILS

The Attorney General is based in Government Buildings, where the Director General, Advisory Counsel, the Office of the Parliamentary Counsel to the Government and the Statute Law Revision Unit are located (Merrion Street Office).

PART 1 OFFICES

OFFICE OF THE ATTORNEY GENERAL

Government Buildings
Upper Merrion Street
Dublin 2

Telephone: 00 353 1 631 4000

Fax: 00 353 1 676 1806

Email: info@ag.irlgov.ie

OFFICE OF THE PARLIAMENTARY COUNSEL TO THE GOVERNMENT

Government Buildings
Upper Merrion Street
Dublin 2

Telephone: 00 353 1 631 4000

Fax: 00 353 1 661 1287

Email: info@ag.irlgov.ie

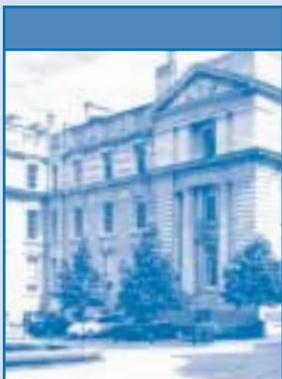
STATUTE LAW REVISION UNIT

Government Buildings
Upper Merrion Street
Dublin 2

Telephone: 00 353 1 631 4000

Fax: 00 353 1 661 1287

Email: info@ag.irlgov.ie



CHIEF STATE SOLICITOR'S OFFICE

ANNEX B (continued)

Customer Action Plan 2002 – 2004



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1 INTRODUCTION

The Office of Chief State Solicitor (the Office) is a component part of the Office of the Attorney General and is the principal provider of solicitor services to the Attorney General and, in turn, to all government departments and offices. The Office also provides solicitor services for certain other State agencies and for certain tribunals.

The services of the Chief State Solicitor's Offices are aligned to the Mission Statement of the Office of the Attorney General. That mission is to provide the highest standard of professional legal services to Government, government departments and government offices.

This customer action plan primarily addresses the solicitor service needs of government departments and offices and agencies that may be described in the ordinary way as being clients of the Office. The plan also addresses two other groups of stakeholders, i.e.,

1. The staff of the Office – the internal stakeholder; and
2. The citizen as represented in his/her dealings with the Office by his/her own solicitor.

The Office intends to make the commitment to quality customer services one of its essential legal service tenets. In due

course the Office would like to pursue appropriate accreditation for its customer service practices. However, it may be premature for the Office to seek accreditation at this time, but the Office or sections within the Office will be asked to consider their readiness to commence the process of accreditation as part of their next business plan. Already a number of initiatives are in progress within the Office which will facilitate a greater level of service to the client and which will facilitate any move towards accreditation. These are:

- A new Information Technology Strategy,¹
- Development of Quality Practice Manuals,²
- Management Information Framework,³
- File and Record Management Policy,⁴
- PMDS,
- Appointment of human resources officer.⁵

The Office is building up to full strength and hopes to have achieved this target by the end of 2002. Clearly the fullest achievement of the objectives is dependent on achieving a full staffing complement but nonetheless we expect to achieve substantial progress in delivering on our objectives before then. At the outset, this plan is intended to cover the period 2002 to 2004 but this time frame is likely to be modified in the light of the review of the Office's Statement of Strategy which is intended to take place later this year.

¹ PriceWaterhouseCoopers, 3rd July, 2001.

² Overarching Business Plan, 17th May, 2001.

³ See the report of the Financial Management Working Group launched by the Taoiseach in July 1999. 'Financial Management in a Reformed Public Service'. Also interim draft report of Deloitte & Touche dated 28th March, 2002, 'Assistance in the Development of a New Financial Management System and Existing Financial Control'.

⁴ This is a component part of the Information Technology Strategy. The development of the policy is likely to be highly influenced by the new international standard ISO 15489 – 1 'Information and Documentation – Records Management'.

⁵ A Civil Service Commission competition is to be held in May, 2002 for the selection of a Human Resources Officer and it is expected that a HR Office will take up the appointment in mid-Summer, 2002.

2 STRATEGIC BACKGROUND

A key strategic objective for the Office is to provide an office management and organisation which ensure efficient delivery of legal services to Government, Departments and Offices and which ensure an effective and productive working relationship which takes into account the public service change programme.⁶ The approach to 'legal service' is also defined strategically as maintaining and developing 'the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices'.

The business philosophy of the Office, in so far as it relates to quality customer service, is set out in its Overarching Business Plan⁷ and contains the following elements, viz:

- To establish sound working relationships with all our clients in which the requirements of our clients are paramount in the delivery of our service.
- To support a culture of regular interaction with all our key stakeholders.
- Continuous attention to identification of client requirements, opportunities for specialist legal service and areas of law of major importance to Government.
- To understand full range of client requirements in terms of specialist legal service and legal practice areas of major importance to Government.
- Embed objective in all organisational processes and especially in processes of communication with clients and in MAC agenda and review processes.
- Continuous development of legal capacity in light of what we learn about client requirements.
- To achieve a satisfactory alignment between skills and perspective of its staff with the public management needs of client departments.
- To develop reputation as 'team player' in providing solicitor services which support the mission of client departments.
- To develop awareness of client's policy framework and guidelines within which they operate.
- To provide training and awareness building to support these objectives.

The Office wants to be able to achieve a goal of top class legal service.

⁶ Key Objective 2, Statement of Strategy of the Office of the Attorney General, 1999 – 2002.

⁷ Overarching Business Plan, 17th May, 2001.

3 ORGANISATIONAL BACKGROUND

The structures of the Office were recently re-organised in the wake of a number of developments including,

- the transfer of the solicitor functions in criminal prosecutions to the Office of Chief Prosecution Solicitor located within the Office of The Director of Public Prosecutions
- the establishment of the State Claims Agency
- the redistribution of the civil litigation case load to provide for a more equitable distribution of case load and functional specialisation
- the introduction of new legal services such as in the areas of asylum and immigration law and commercial contracts
- the opportunity to create more specialist sections and teams with improved alignment to client needs
- the availability of increased resources to the office, especially in terms of staff numbers and the new opportunities for improved staff structure
- the rationalisation of the clerical support arrangements (including the forthcoming establishment of a documentation centre)
- the implementation of the modernisation programme (SMI) and with strong emphasis on the role of mission, Statement of strategy, business planning, Partnership and PMDS.

4 ORGANISATION

The Office is now organised along the lines of 5 legal divisions and an administrative division. Each division is organised into sections (or, in some cases, teams) on the basis of similarity of work or client. The organisation takes account of the principal demands of clients. The divisional and sub-divisional organisation is illustrated in the Chart shown in appendix 1.

The Office's solicitor and legal executive grading structures are set out in appendix 2.

4.1 PUBLIC LAW DIVISION

This division contains two sections, namely, the Commercial and Constitutional Litigation Section and the Judicial Review Section. The Division is headed by an Assistant Chief State Solicitor.

The division has a clerical support complement of 9 staff.

4.1.1 COMMERCIAL AND CONSTITUTIONAL LITIGATION SECTION

The cases dealt with in the Commercial and Constitutional Litigation Section usually go to full plenary hearing in the High, Circuit and, sometimes, the District Court and are frequently appealed to the Supreme Court or referred to the European Court of Justice. Issues of law arising in these cases include areas such as commercial, contract, employment, insurance, planning, housing, public health, social welfare, administrative, constitutional and European Union law. The Section is headed by a solicitor at Deputy Assistant Chief State Solicitor grade. Staffing currently consists of 7 solicitors and 4 legal technical staff and full complement comprises 9 solicitors and 5 legal technical staff.

4.1.2 JUDICIAL REVIEW SECTION

Judicial Review is a legal procedure whereby executive, judicial and administrative decisions (including decisions of Government) are challenged in the High Court by the body or

citizen affected by the decision. Frequently the power of the decision maker is challenged or it is alleged there has been a departure from the principles of natural and constitutional justice in the making of the decision. Such applications are extremely common. All judicial review applications involving government departments and offices and a number of other clients, e.g., the Adoption Board and The Garda Complaints Board, are dealt with in the Judicial Review Section of the Office.⁸

The Section is headed by Deputy Assistant Chief State Solicitor. Staffing currently consists of 7 solicitors and 2 legal technical staff and full complement comprises 9 solicitors and 3 legal technical staff.

4.2 ADVISORY DIVISION

The section carries a wide ranging work load, much of it complex by its nature, which consists mainly of work that does not fit neatly into the portfolio of the work of other divisions or cases where State parties take the initiative in taking court proceedings, i.e., the State as plaintiff or applicant. The division is headed by an Assistant Chief State Solicitor and has a clerical support complement of 6 staff.

There are five sections within the Advisory Division.

4.2.1 SPECIALIST ADVISORY SECTION

This section deals with Tribunal and Inquiry work and with the more complex legal advisory cases. This section is headed by a Deputy Assistant Chief State Solicitor. Staffing currently consists of 3 solicitors and full complement comprises 2 solicitors and 1 legal technical staff.

This Section has had recent major involvement in the representation of State parties before the Tribunal of Inquiry into the Infection with H.I.V. and Hepatitis C of Persons with Haemophilia, and Related Matters (The Lindsay Tribunal).

⁸ Asylum and refugee applications are no longer dealt with in the Judicial Review Section and are handled in the Asylum and Civil Litigation Division.

4.2.2 STATE AND EUROPEAN LITIGATION SECTION

This section deals with litigation before the European Court of Justice (Luxembourg) and extra territorial litigation (e.g., the MOX case before the International Tribunal for the Law of the Sea in Hamburg). It also deals with State plaintiff litigation (including injunctions) and employment cases.

This Section is headed by a Deputy Assistant Chief State Solicitor. Staffing currently consists of 5 solicitors and full complement comprises 4 solicitors and 1 legal technical staff.

4.2.3 GENERAL ADVISORY SECTION

This section deals with general advisory matters and is headed by a solicitor at Deputy Assistant Chief State Solicitor grade. The work can involve company law proceedings, arbitration, adoption matters, mutual assistance requests and providing legal advice in relation to mining and petroleum exploration and development. Staffing currently consists of 4 solicitors and full complement comprises 4 solicitors and 1 legal technical staff.

4.2.4 COMMERCIAL CONTRACTS SECTION

Preparations are underway for the establishment of this new section to advise on and handle certain commercial contracts. The section will also deal with procurement law work.

At start up the section will comprise 4 solicitors.

4.2.5 IT STRATEGY: CASE AND RECORDS PROJECT MANAGEMENT

The Office is in the planning stages of the implementation of a new file and records management policy and in the development of the new computerised case management system. This project will integrate with other strategic IT policies such as MIF, human resource records and knowledge management.

A Deputy Chief State Solicitor from the Advisory Division is assigned as a project manager for the file policy and case management projects.

4.3 CONVEYANCING AND PROPERTY DIVISION

This division consists of three teams each of which is focused on the conveyancing, property law and title issues of clients. The Division is headed by an Assistant Chief State Solicitor. The Division has a clerical support complement of 7 staff.

The Division is organised into the following three teams.

4.3.1 DEFENCE AND MARINE TEAM

This team is temporarily headed by the Assistant Chief State Solicitor but it is intended to be headed by a solicitor at Principal grade in early course. The team handles all property law matters for the the departments of Agriculture, Defence, Marine, Tourism Sport and Recreation and Public Enterprise. In relation to Marine, a major part of the work consists of Leases and Licences of foreshore and sites at Fishery Harbour Centres. The Defence side relates to the sale of such military barracks (and related premises) as are surplus to military requirements and the leasing and licensing of premises. The Tourism end handles the legal requirements in relation to national lottery grant applications, e.g. Deeds of Covenant and Charge. The team also furnishes legal advice on miscellaneous matters, e.g. landlord and tenant problems, title issues, interpretation of legislation etc.

Staffing currently consists of 2 solicitors and full complement comprises 4 solicitors and 2 legal technical staff.

4.3.2 FINANCE EDUCATION, JUSTICE AND DÚCHAS TEAM

This team is headed by a Deputy Assistant Chief State Solicitor and consists of 6 solicitors and 2 legal executives. The team deals with ultimate intestacy cases protecting, administrating and disposing of assets to include real property; Section 49 applications to the Land Registry where the State has an interest due to ultimate intestacy; waivers/applications under sections 28 and 30 of the State Property Act, 1954 (where property of a dissolved company vests in the Minister for Finance) and declarations of ownership under S30 of the State Property Act, 1954.

The Education side deals with purchases/sales, leases and declarations of Trust. The Dúchas work covers the sale / purchase of properties to include national monuments; the acquisition of bogland / turbary rights including cases arising as a result of the cessation of the Turf Cutting Scheme in Special Areas of Conservation pursuant to the EU Natural Habitats Regulations 1997 and arts grants (DCIS ACCESS) where the interest of the Minister is secured by charge.

Staffing currently consists of 5 solicitors and full complement comprises 6 solicitors and 2 legal technical staff.

4.3.3 OFFICE OF PUBLIC WORKS/HEALTH AND CHILDREN TEAM

This team is headed by a Deputy Assistant Chief State Solicitor and comprises 7 solicitors. The bulk of the work involves the acquisition by purchase or commercial leasing of accommodation for the OPW on behalf of Government Departments, including office blocks, shopping centre, business park and industrial estate premises. The work also includes the disposal of surplus property; the acquisition of national school sites; the acquisition of accommodation for asylum seekers; the acquisition of properties for Garda stations; the disposal of former Garda Stations. Up to recently the acquisition of accommodation for the courts was another large area of work. The work for the Department of Health and Children includes the disposal of surplus property; advice on the transfer of hospitals to health boards; the leasing of State property for hospital purposes where appropriate. In addition to dealing with all of the above conveyancing matters, the team provides on-going legal advice in relation to property issues as they arise, e.g. landlord and tenant matters, planning, contract and title matters etc.

Staffing currently consists of 6 solicitors and full complement comprises 7 solicitors.

4.4 JUSTICE AND COMMON LAW DIVISION

This division handles the remainder of the quasi criminal functions of the Attorney General's Office in the aftermath of

the transfer of the solicitor criminal function to the Office of the Director of Public Prosecutions. It also handles a large volume of tortious claims taken against the State (a civil law case load) and it manages the general legal services function of the Office. The Division is headed by an Assistant Chief State Solicitor.

The Division is organised as follows.

4.4.1 JUSTICE AND CRIME

Staffing currently consists of 1 solicitor and full complement comprises 3 solicitors and 1 legal technical staff and deals with:

- the conduct of ministerial prosecutions in the Dublin District and Circuit Courts
- representation of the Attorney General and the State in the High and Supreme Courts in extradition cases
- appearing as solicitor for State parties in licensing applications and before the Coroner's Court
- dealing with the transfer of sentenced prisoners from the United Kingdom under the Transfer of Sentenced Persons Act
- appearing as Solicitor for the State in mutual assistance matters
- appearing in the Dublin District Courts as solicitor for the Attorney General or government department or office in all matters relating to the administration of justice.

4.4.2 CRIMINAL ASSETS SECTION

This section provides solicitor service for the Garda Síochána in matters related to the functions of the Criminal Assets Bureau.

4.4.3 TORTIOUS CLAIMS

This section is headed by a Deputy Assistant Chief State Solicitor and handles a large volume of tortious claims, including claims for negligence, breach of statutory duty, nuisance, defamation, trespass, assault, battery, false imprisonment, liability of occupiers and employers. The section also handles a large volume of cases in the areas of harassment/bullying, hepatitis appeals (and plenary summons cases) and army post traumatic stress litigation. Currently a high percentage of the work of the section relates to institutional abuse cases.

Staffing currently consists of 10 solicitors and 2.5 legal technical staff and full complement comprises 11 solicitors and 4.5 legal technical staff.

4.4.4 LEGAL SERVICES SECTION

This is a new section and is headed by a Principal Legal Executive. Staffing currently consists of 9 legal technical staff and 4 clerical staff and full complement comprises 11 legal technical staff and 4 clerical staff.

The section provides legal services in areas such as preparation of cases for District Court, debt collection, taxing of legal costs, payment of counsels' fees, recovery of State legal costs, preparation and conduct of Garda compensation cases, acceptance of service of legal proceedings.

The section prepares mutual assistance cases for hearing and, likewise, all cases for ministerial prosecution or recovery in the District Court.

4.5 ASYLUM AND CIVIL LITIGATION DIVISION

This division is headed by an Assistant Chief State Solicitor and comprises 3 sections as follows.

4.5.1 ASYLUM SECTION

The Asylum Section handles all asylum, immigration and repatriation cases and works closely with the Attorney General's Office and with the Department of Justice, Equality

and Law Reform and other refugee agencies. The Section is headed by a Deputy Assistant Chief State Solicitor. Staffing currently consists of 8 solicitors and 1 legal technical staff and full complement comprises 10 solicitors and 2 legal technical staff. The section has 6 clerical support staff.

Most of the work of the section is of a litigious nature and necessitates daily attendance before the High Court.

4.5.2 PERSONAL INJURIES SECTION

This section is headed by a Principal Solicitor and handles a high volume of personal injuries litigation in all the courts. The case load includes the defence of a large number of claims delegated to the State Claims Agency under the National Treasury Management Agency (Delegation and Conferral of Functions) Order, 2001.

The section handles personal injuries actions against the Office of Public Works.

Staffing currently consists of 10 solicitors and 1 legal technical staff and full complement comprises 11 solicitors and 1 legal technical staff. The section has 4 clerical support staff.

4.5.3 ARMY HEARING LOSS SECTION

The Army Hearing Loss Section was established in 1995 to deal exclusively with hearing loss litigation brought by members or ex-members of the Defence Forces against the State. Staffing currently consists of 8 solicitors and 4 legal technical staff and full complement comprises 8 solicitors and 8 legal technical staff. The section has 13 clerical support staff.

The section liaises closely with its client, the Department of Defence, in the formation of an overall policy in dealing with these claims and in the defence of each case.

Recently the work of the section in the operation of the 'Early Settlement Scheme' has been augmented by the use of a panel of loss adjusters and this approach is likely to continue into the foreseeable future.

4.6 ADMINISTRATION

This division is headed by a Head of Administration at Principal Officer grade. It consists of 5 sections as follows.

4.6.1 HUMAN RESOURCE SECTION

This is a new section about to be headed by a newly appointed human resources officer at AP grade. As well as having responsibility for the traditional personnel functions, it will also have responsibility for the development of progressive human resource strategy and practice within the Office. Human resource policy will develop in line with developments within the civil service but will also be informed by the discrete corpus of best practice developed internationally for the management of professional services.

The section comprises a staff of 7 persons.

4.6.2 IT SECTION

The IT Section is headed by an IT Manager at AP grade.

Responsibilities include the management, development, maintenance and service of all IT resources, both in terms of hardware and software and with particular reference to the data bases and communications systems which support the legal service functions of the Office.

The section plays a lead role in the implementation of the Office's IT Strategy.

The section has a staff complement of 7 persons.

4.6.3 LIBRARY AND INFORMATION SECTION

The Library and Information Service is headed by a legal librarian and also has an assistant librarian and 1 clerical officer. The law librarian manages the collection of the library, both hard copy and electronic copy and handles a large volume of legal research queries and provides training and research support for all legal staff.

The library maintains links to other important law libraries and also provides a current awareness service for staff as well as desk-top access to a large range of computerised legal research tools.

The Library and Information Service is strongly committed to the development of knowledge management capabilities within the Office and is leading the implementation of strategy in this regard.

4.6.4 ACCOUNTS SECTION

The Accounts Section is responsible for all payments, excluding payroll and a small number of payments processed through the Costs Accounting Section. It is also responsible for maintenance of relevant records and accounts and for ensuring that effective internal control practices are in place. On an agency basis, the Department of Finance Accounts Section provides a payroll service and a payable order/cash account service.

The section has a staff complement of 7 persons.

The Office shares an internal auditor with the Office of the Attorney General and maintains an internal audit programme and an Internal Audit Committee under an independent and external chair.

4.6.5 DOCUMENTATION CENTRE

This will be a new section and will be established shortly. It will be headed by an officer at HEO level and will comprise a total complement of 14 staff. The function of the centre will be to provide all large scale copying and binding services for the Office and also to manage the incoming and outgoing post of the Office, fax and e-mail transmissions and registry functions. Other duties may be assigned from time to time. The section will operate under agreed quality performance standards.

It is intended that customer service issues such as quality and timeliness of arrangements for incoming and outgoing couriered items and the handling and distribution of post and faxes will be better managed.

5 CUSTOMER SERVICE OBJECTIVES

5.1 AN ETHICAL AND CONFIDENTIAL SERVICE

The Office will observe a high standard of public and commercial ethics in the discharge of its functions. All staff are bound by the Official Secrets Act and by professional duties of confidentiality.

The requirement for an ethical and confidential service will be strongly emphasised in all induction and continuing staff training.

As part of its information technology strategy⁹, the Office is preparing a new file and records management policy and a computerised case and file management system. The Office will ensure that the requirements for confidentiality of information are protected in the new systems.

The Office will fulfill its statutory obligations as regards the archiving of files and its practices in relation to this obligation will be reviewed in the development of the new file and record management policy.

5.2 THE LOCAL STATE SOLICITOR SERVICE

Some State legal work arising locally is transacted by local State solicitors who are appointed by the Attorney General and who work, generally, to the Chief State Solicitor. These State solicitors are in private practice and are paid, for the most part, a pre-determined sum each year for their services.

Most of the work transacted by local State solicitors relates to the prosecution of crime and a minor percentage of work arises from instructions on the civil side.

It is anticipated that responsibility for local State solicitors will transfer from the Chief State Solicitor to the Director of Public Prosecutions later in 2002 although further discussion with the local State solicitors has yet to take place and legislation will be required.

It is premature to discuss what future arrangements might be made by the Chief State Solicitor for the transaction of legal

business outside of Dublin. A range of options are under consideration and it is intended that arrangements will be in place to enable a smooth continuation of non-Dublin legal business activity.

5.3 CLIENT MEETINGS

Casework will be organised in such a way as to facilitate regular case work meetings with principal clients or client units. Meetings will be run with courtesy and sensitivity and without unnecessary delay. Meetings will aim to foster a climate of mutual respect between client and solicitor.

The two principal purposes of the meetings will be

- a) to monitor the delivery of quality solicitor services to the client and client satisfaction
- b) to communicate the Office's needs for fullest instructions and its views on the issues in question.

The Office will conduct regular meetings with principal clients (on a range from monthly to four monthly intervals), with the following approach to agenda

- To review progress in legal files from a specially prepared list
- To review priority ratings of matters
- To develop the processes for the giving and taking of instructions in legal cases
- To establish improved working relationships between officers
- To assist in identifying emerging solicitor service needs of clients
- To assist in identifying training and development needs
- To monitor alignment between skills of Office staff and service needs of client
- To share solicitor/client understanding of policy and legal issues and constraints

⁹ PriceWaterhouseCoopers, 3rd July, 2001. The file and record management policy component of the Office's information technology strategy is currently at the stage of preparation of RFT for specialist consultant.

- To consider costs of legal service where that question arises
- To enable a structured approach and meaningful consultation by client in relation to the development, delivery and review of services
- To review standard and quality of solicitor service and to address any concern raised in connection with standard or quality of service.

5.4 COURT HEARINGS AND CONSULTATIONS

In relation to both court hearings and consultations, the Office will ensure that both the client and counsel are adequately briefed and given sufficient notice of date, time and location of the hearing or consultation. Furthermore, the Office will notify all witnesses in a timely manner and will notify the Attorney General's Office in advance of all hearing or consultation arrangements.

In the case of consultations, the Office will ensure, where possible, that a consultation room has been booked and that all parties are aware of the specific purpose of the consultation.

5.5 DOCUMENTATION STANDARDS

All documents created by the Office will

- be technically sound
- reflect the instructions of the client/AGO
- reflect the use of accurate but plain language
- apply professional layout and appearance
- reflect the best use of standardisation and automatic document generation.

All correspondence will state the name and section of the solicitor or legal executive dealing with the matter and the Section of the Office. All minutes will be signed in the name of the solicitor or legal executive writing the minute and will state the grade of the officer and will show the Section to which the officer is assigned.

An appropriate selection of standard documents will be made available in the Irish language by end October, 2002.

The Office will devise and put in place best practice arrangements for the preparation of affidavits for swearing.

5.6 COURT PROCEEDINGS: PROCEDURES FOR ACCEPTANCE OF SERVICE

The Office will accept service of all court proceedings on behalf of clients for whom we act and this function will be administered by the Legal Services Section. Procedures for accepting service of proceedings and for immediate response will be developed by the section and adequately documented.

5.7 SOLICITOR ADVOCACY SERVICE

Traditionally the Office has had a strong competence in solicitor advocacy skills. In the wake of the transfer of the criminal prosecution function to the Office of the Director of Prosecutions, the Office is committed to ensuring that a strong competence remains in the Office to service residual District Court attendance requirements and other areas of practice where advocacy skills are required.

The Office will make appropriate arrangements to maintain and develop those skills. Specifically, the Office will identify the development of advocacy skills as a priority in its training programme and will arrange to avail of specialist Law Society training in the area.

5.8 OUTSOURCING TO EXTERNAL LEGAL FIRMS

The Office will continue to develop skills in the areas of negotiating, contracting, monitoring, management, budgeting and costing of outsourced legal work in areas where this course is necessary and does not contradict the objectives of the Office. The Office will continue to develop an awareness, both internally and externally, as to the advantages and disadvantages (and cost) of outsourcing in different circumstances.

The Office will continue to develop sustainable policies as regards use of external legal service providers under its management and in atypical arrangements. The Office has experience in the selection by tender of external legal advisers and is well placed to advise on the suitability of outsourcing in

any given situation and to manage the outsourcing process for client departments and offices.

Decisions in relation to outsourcing will be made by the Office in consultation with client departments.

5.9 WORKING WITH COUNSEL

Counsel's fees will be processed for payment as fee notes are invoiced. Fees payments will be controlled under scale fee and non-scale fee arrangements. Fees will be processed in the quarter of invoice for payment in the following quarter.

5.10 CONSISTENCY OF ADVICE

The Office will co-operate closely with the Office of the Attorney General to ensure consistency of advice as between both offices. Ability to co-operate more fully will be enhanced by the development of the knowledge management component of the IT strategy.

5.11 WEBSITE AND EXTRANET FACILITIES

The Office wishes to use all available and emerging technologies to ensure maximum access and choice and quality of delivery of its service. The Office is aware of Government policy concerning the Information Society and e-Government particularly as articulated in the Government Action Plan for the information Society. It is anticipated that these policies will be considered in the context of the review of the Office's Statement of Strategy which will take place later this year.

The Office's website can be found at <http://www.gov.ie/ag/theOffice/index.html>. The site is not fully developed and progress in this regard is anticipated¹⁰. The site will contain an appropriate and relevant amount of information in the Irish language and will contain a copy of this plan in both its Irish and English language versions.

The Office intends, inter alia, to maintain a current organisation chart on the website so as to enable client departments ascertain

information on the section and division within which any matter is being transacted.

The website will contain directory style information on local State solicitors and on some other providers of solicitor service for the State.

The Office will co-operate actively with the Courts Service in the development of electronic methods of conducting court business to ensure that the Office is prepared to use such methods once they have become established.

The Office is committed to the introduction of Extranet services whereby clients will have on-line access to case information and is in discussion with two client offices as to how this can be achieved. The Office anticipates that there will be a wider demand for this facility in the near future. The introduction of an Extranet service will take place as part of the roll out of the technology strategy which the Office shares with the Office of the Attorney General and can be expected some time during the currency of this plan.

5.12 RESPONSE CRITERIA

The Office will aspire to reach the following standards.

- In the case of most new matters being referred to the Office, the new file will be opened, registered and assigned to a staff member within 3 working days and a letter will issue to the client indicating the name and reference of the legal officer assigned within 2 further working days.
- Letters (and e-mails), where appropriate, will be acknowledged within 7 working days.
- Where further instructions or other steps need to be taken before addressing the substantive issue raised in any letter, this will be stated to the correspondent.

¹⁰ The Office will have regard to the guidelines set out in 'Web Publication Guidelines for Public Sector Organisations' contained at www.irishgov.ie/taoiseach/publication/default.htm

- All letters from the Office will contain the name of the officer dealing with the matter and his/her telephone extension and e-mail address. (Some exceptions to this practice will be permitted in special circumstances.)
- Where possible, telephone calls (including calls recorded on telephone answering machines) will be answered within 24 hours. This will require special arrangements to facilitate staff involved in court hearings on frequent or for prolonged periods of time. In those circumstances, reasonable extensions of time within which to return telephone calls will not be regarded as delay in service.
- Telephone answering machines will be used by each member of Office staff and the following are the guideline message formats issued to staff
 - Officer's full name – Sorry, I'm not able to take your call at the moment. Please leave your name and number and I will call you back. Thank you.
 - Officer's full name – I am not in the office today but I will be back in the office on [day/date]. Please leave your name and number and I will call you back after I return. Alternatively, if you wish to speak with somebody in the Office and have a touch tone telephone, please dial 'zero' and you will be transferred to the switchboard operator.
 - An 'Out of Office' message will issue in response to all e-mails where a member of the Office is away.
 - Change of personnel: In any case where there is a change of personnel handing a file, an advisory letter will issue to clients, as soon as possible, giving the name of the new legal officer.
- From time to time detailed instructions may require to be given by a Section Head and frequently matters will require particular consideration by a Section Head before allocation of a file. In those circumstances, reasonable extensions of time within which to allocate those files will not be regarded as delay in service.

The Office will maintain a readiness to deal quickly with important and urgent business.

5.13 IRISH LANGUAGE SERVICE

The Office will have regard to the Guidelines for Action Programmes in the State Sector as published by Bord na Gaeilge.

In particular the Office will

- undertake a survey of the ability and fluency of its staff in the Irish language and identify staff at appropriate grades that are able and willing to provide a legal service in Irish. The survey will be undertaken by end October, 2002
- co-operate with the Office of the Attorney General in briefing and working with Irish speaking counsel in appropriate cases
- support and participate in Civil Service Irish language training initiatives
- encourage and support Irish speakers within its staff in the provision of a service through Irish
- have particular regard to the requirements of the Department of Arts, Heritage, Gaeltacht and the Islands for the provision of any legal service through Irish

- prepare, by December 2002, an appropriate set of frequently used standard documents and letters for use in the Irish language
- in selecting external providers of legal service, the Office will consider the suitability of a requirement for an Irish language competence having regard to the subject matter of the legal task being undertaken, its relationship with Irish language/culture policy issues and the requirement for quality customer service
- maintain and publicise a list of competent Irish/English translators and will make available within its library a set of Irish language dictionaries, grammars, terminology collections and a set of bilingual versions of documents and standard letters commonly used within the Office
- ensure that all new signage is bilingual
- where necessary, provide telephonist and receptionist staff with sufficient training to be familiar with basic greetings in Irish.

This Customer Action Plan will be made available in both the Irish and English languages and a copy of the plan in both languages will be made available on the Office's website in early course.

5.14 EQUALITY POLICY

The Office is committed to the principles of equality particularly as enshrined in the Employment Equality Act, 1998, Equal Status Act, 2000 and also in the White Paper on Rural Development and in the National Anti-Poverty Strategy. These principles will be adhered to within the Office and particularly in the recruitment, development and promotion of staff and in the selection of external legal advisers or consultants.

5.15 ACCESS TO OFFICE

The Office will provide clean accessible public offices for staff, visitors and for meetings and consultation purposes. The general office accommodation position is under review at present in the wake of recent re-organisation.

Office accommodation will comply with occupational and safety standards and will also facilitate access for people with disabilities and others with specific needs. Considerable progress has been made over the past year in making Osmond House accessible for wheel-chair users and progress in this regard will be reviewed before August, 2002.

5.16 ISSUES CONCERNING QUALITY OF SERVICE

The Office will handle any such issue raised by a client department or office as follows.

- The Office is anxious to receive feedback from clients concerning quality of service, including quality of service provided by counsel or by expert advisers or witnesses representing State parties.
- Where concerns relate to the performance of an individual member of the Office, these concerns should be raised with that officer in the first instance.
- Where concerns are not then addressed sufficiently, they should be communicated to the appropriate Section Head or, where the appropriate department officer considers it more appropriate, to the Division Head.
- Concerns will be dealt with in a transparent manner and with provision for access by client to the Chief State Solicitor, if necessary, to deal with any unresolved service issues.

- A client will be guaranteed a meeting with a Section Head, Division Head or with the Chief State Solicitor (as sought) to discuss any service issue that has not been otherwise resolved. This meeting will generally take place within 7 days of the request.

5.17 RESPONDING TO POLITICAL REPRESENTATIONS

The Office will respond courteously and in a timely manner to all representations from elected politicians in line with best practice within the Civil Service. However, issues concerning information on the personal affairs of citizens may require to be dealt with in an ethical manner which may restrict members of the Office in discussing certain aspects of any case. Particular ethical considerations apply where the citizen is represented by his or her own solicitor.

The Office will prepare a set of guidelines to enable staff be responsive to the legitimate representation of politicians while, at the same time, complying with all ethical requirements.

5.18 DEALING WITH THE MEDIA

It is the policy of the Office not to discuss any issue with members of the press or other media. Where questions from the press/media relate to the business of clients, such questions will be brought to the attention of the client immediately. Where questions relate to the business of the Office, they are referred immediately to the Government Information Service for its attention. Any departure from this policy in any particular matter can only be authorised by the Chief State Solicitor or by MAC.

6 CITIZEN SERVICE OBJECTIVES

From time to time the Office deals directly with members of the public such as in cases involving lay litigants and in cases involving the administration of escheated estates. In such cases the Office will conduct its dealings with the citizen in a courteous and dignified manner.

The most frequent point of contact between the citizen and the Chief State Solicitor's Office is with the citizen's own solicitor. Accordingly the Office intends to develop its

relationships with solicitor and solicitor bar associations throughout the country.

In particular it is intended to appoint a liaison officer from the Office for each such solicitor or solicitor bar association. The functions of the liaison officer will be to develop relationships with local solicitors and act as a point of contact for general (not case specific) communications between the solicitors' profession and the Office.

7 INTERNAL CUSTOMER: SERVICE OBJECTIVES

The Office will ensure that staff are recognised as internal customers and that they are properly supported and consulted with regard to service delivery issues. These objectives will be pursued under this plan and will be supported under related initiatives within the Office such as

- Information Technology Strategy¹¹
- Management Information Framework¹²
- File and Record Management Policy¹³
- PMDS
- Development of Modern Human Resources Policy and Practice
- Business Planning
- Training.

In particular, the Office will develop its training activities to take account of requirements involved in sustaining a quality customer service focus in its work.

Internal customer objectives will be more fully articulated in the development of the Office's human resource strategies and appropriate indicators will be selected at that stage. Development of human resource strategy is on-going.

The Office will provide training for all staff on 'Dealing with Difficult Clients'.

The Office re-affirms its commitment to Partnership and good relationships with the unions representing its staff.

11 PriceWaterhouseCoopers, 3rd July, 2001.

12 See the report of the Financial Management Working Group launched by the Taoiseach in July 1999, "Financial Management in a Reformed Public Service".

13 This is a component part of the Information Technology Strategy. The development of the policy is likely to be highly influenced by the new international standard ISO 15489 – 1 "Information and Documentation – Records Management".

8 CONTACTING THE CHIEF STATE SOLICITOR'S OFFICE

Postal Address and Location

Chief State Solicitor's Office,
Osmond House,
Little Ship Street,
Dublin 8.

Chief State Solicitor's Office,
(Army Hearing Loss Section),
5 - 9, South Frederick Street,
Dublin 2.

FAX

Currently the most appropriate fax number to use to contact Osmond House is: 01 417 6299. (In addition there are 5 local fax numbers within Osmond House and these can be advised to clients from time to time as appropriate).

The fax number for the South Frederick Street office is 01 478 5985.

The distribution and management of incoming faxes is being reviewed at present with a view to enabling all incoming faxes to be routed directly to the PC of each officer. It is envisaged this will happen during the currency of this plan.

TELEPHONE CONTACT

The main telephone number is 01 4176100 (for both Osmond House and South Frederick Street). The Office also maintains a

'direct line' system which enables a direct telephone contact to the desk of the legal officer (417+extension).

All Officers are provided with voice mail facility.

E-MAIL

The Office utilises e-mail both internally and externally and maintains an e-mail protocol for its proper use. All solicitors and technical officers have desk-top access to e-mail as have the majority of other grades. The effective use of e-mail is encouraged. *However, for control and supervision reasons, the Office discourages the use of e-mail for the transmission of first time instructions in new matters.*

Staff of the Chief State Solicitor's Office can be contacted at [forename]_[surname] @csso.irlgov.ie

A general e-mail address for the Office will be available from 30th June, 2002 and will be registry@csso.irlgov.ie

(The Office can offer Word® password protection on attachments where requested to do so. Currently the Office does not utilise encryption systems but this situation is being examined in the context of IT investment within the Office and developments in this regard within the civil service).

9 REPORTING AND EVALUATING PROGRESS

It is necessary to have methods available to monitor and evaluate the performance of this Office from the point of view of the delivery of a quality customer service. The Office's MAC¹⁴ will examine client and stakeholder feedback on a planned basis and will also consult with representative panels (including staff panels) to gauge performance in this regard.

Progress is ongoing as regards the preparation of standards for the production of documents by the Office and should be

available by July, 2002. It is expected that these standards will be auditable.

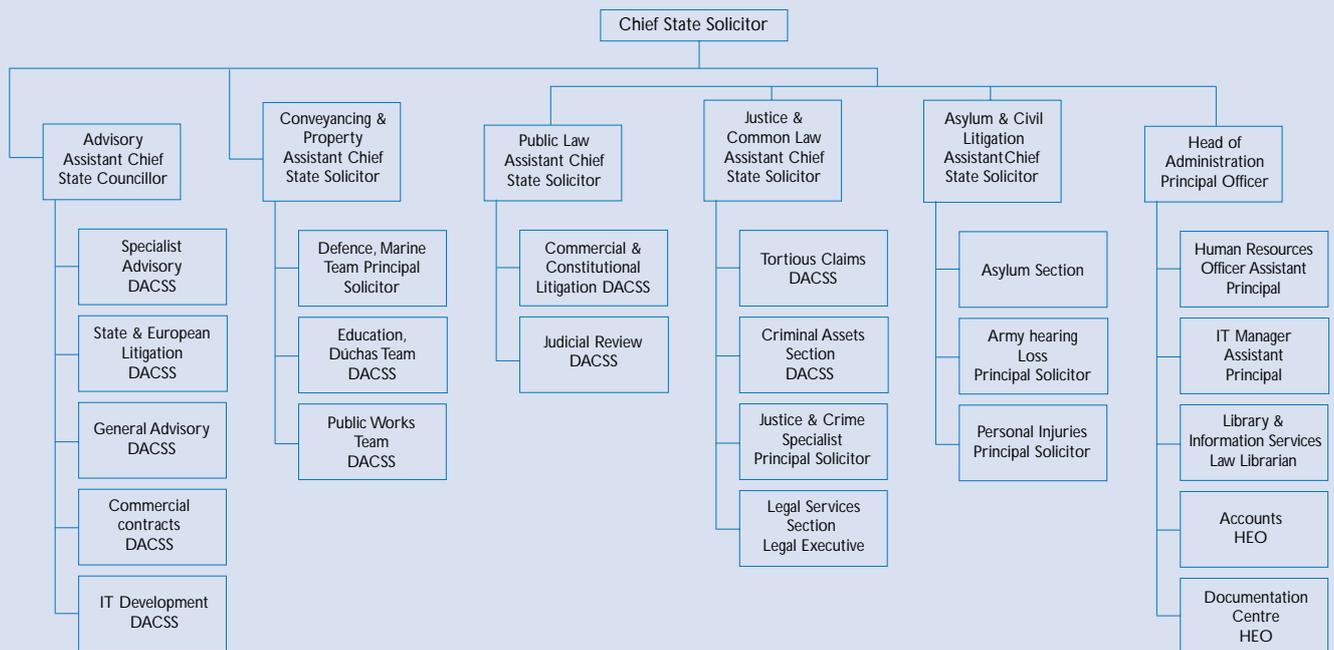
Given the enormous volume of correspondence and telephone contacts with the Office on a daily basis, it is not practical to monitor compliance with Office objectives other than on a random basis.

The MAC evaluations will be reported in the annual report of the Office.

¹⁴ Management Activity Committee.

APPENDIX 1

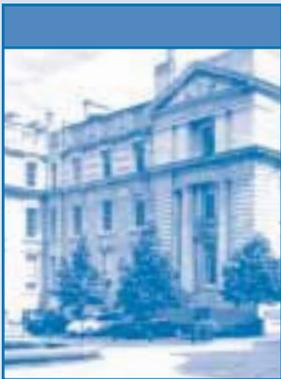
CHIEF STATE SOLICITOR'S OFFICE ORGANISATIONAL CHART
DIVISIONAL AND SECTIONAL ORGANISATION



APPENDIX 2

GRADING STRUCTURES IN CHIEF STATE SOLICITOR'S OFFICE

<p>Solicitor Grades</p>	<p>Chief State Solicitor Assistant Chief State Solicitor Deputy Assistant Chief State Solicitor Principal Solicitor Assistant Principal Solicitor (Higher) State Solicitor</p>
<p>Legal Technical Officer Grades</p>	<p>Principal Legal Executive Deputy Principal Legal Executive Assistant Principal Legal Executive Higher Legal Executive Legal Executive Law Clerk</p>
<p>Administrative and Clerical Grades</p>	<p>Principal Officer Assistant Principal Executive Officer Staff Officer Clerical Officer (incl. HCO) Service Officer</p>
<p>Other Grades</p>	<p>Librarian (Cognate: Civil Engineer and Professional Accountant Grade III). Assistant Librarian</p>



THE ATTORNEY GENERAL'S SCHEME

ANNEX C



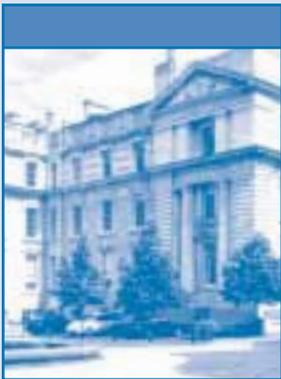
THE ATTORNEY GENERAL'S SCHEME

The provisions of the Attorney General's Scheme in the Supreme Court, the High Court and the District Court are as follows:

1. The Scheme applies to the following forms of litigation (which are not covered by Civil or Criminal Legal Aid):
 - (i) Habeas corpus applications.
 - (ii) Bail Motions.
 - (iii) Such Judicial Reviews as consist of or include Certiorari, Mandamus or Prohibition and are concerned with criminal matters or matters where the liberty of the applicant is at issue.
 - (iv) Applications under section 50 of the Extradition Act, 1965 and extradition applications before the District Court.
2. The purpose of the Scheme is to provide legal representation for persons who need it but cannot afford it. It is not an alternative to costs. Accordingly, a person wishing to obtain from the court a recommendation to the Attorney General that the Scheme be applied must make his or her application (personally or through his or her lawyer) at the commencement of the proceedings and must obtain the recommendation at the commencement of the proceedings.
3. The applicant must satisfy the court that he or she is not in a position to retain a solicitor (or, where appropriate, counsel) unless he or she receives the benefit of the Scheme. To this end the applicant must provide such information about his or her means as the court deems appropriate.
4. The court must be satisfied that the case warrants the assignment of counsel and/or solicitor.
5. If the court considers that the complexity or importance of the case requires it, the recommendation for counsel may also include one senior counsel.
6. The costs payable to the solicitor, and the fees payable to counsel, under the Scheme are at most those which would be payable in a case governed by the Criminal Justice (Legal Aid) Regulations current for the time being, applied *mutatis mutandis*.
7. Where there is more than one applicant, but only one matter is at issue before the court, the solicitor and counsel assigned shall represent all the applicants.
8. The Scheme is an administrative, non-statutory arrangement whereby payments are made out of the vote of the Office of the Attorney General in respect of certain legal costs in the types of litigation referred to in paragraph 1 of the Scheme in which, for the most part, the State is a party (although the State need not be a party to proceedings which are eligible for the Attorney General's Scheme). The Attorney General is not bound by the recommendation of the Court.
9. The Scheme only applies to proceedings of the type referred to in paragraph 1 of the Scheme conducted in the High Court and the Supreme Court and (in relation to extradition cases) the District Court. Where the proceedings are of a type which fall outside the scope of the Scheme, as in for example family law cases, the Scheme cannot be applied to those proceedings because public funds may only be applied for the purpose for which they have been provided by the Oireachtas. It is not within the discretion of the Attorney General to apply public funds to other purposes.
10. The term 'the commencement of these proceedings' in paragraph 2 of the Scheme refers to the commencement of proceedings in a particular court. In other words, an applicant would not be prejudiced from seeking the benefit of the Attorney General's Scheme to be applied to him or her in respect of Supreme Court proceedings by reason of the fact that he or she had not made such an application in

relation to the High Court proceedings. However in these circumstances, the Scheme does not have effect retrospectively to entitle him or her to costs under the Attorney General's Scheme in respect of the High Court proceedings.

11. These are the main conditions relating to the Attorney General's Scheme. The Attorney General and the staff of the Office of the Attorney General are unable to give legal advice to members of the public. Members of the public should obtain their own legal advice as to their entitlement (if any) under the Attorney General's Scheme.

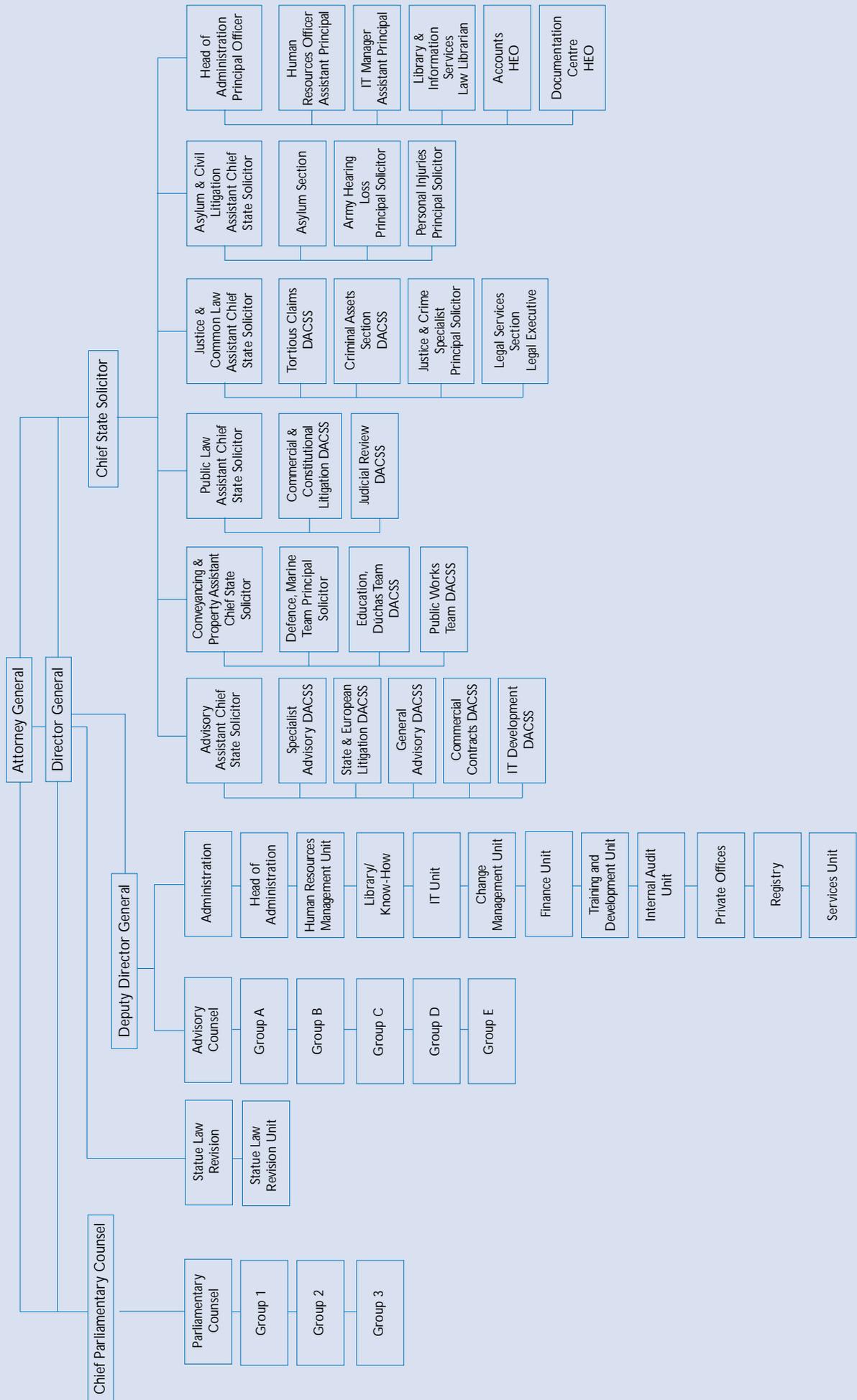


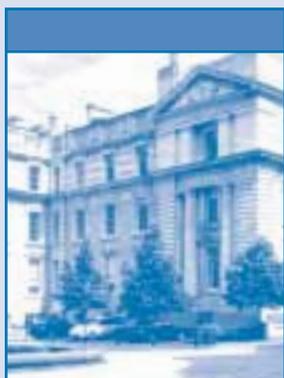
ORGANISATION CHART

ANNEX D



ORGANISATION CHART





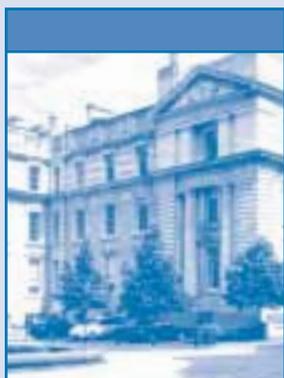
**COMMITTEES AND COMMISSIONS ON WHICH
THE OFFICE WAS REPRESENTED IN 2001 AND 2002**

ANNEX E



COMMITTEES AND COMMISSIONS ON WHICH THE OFFICE WAS REPRESENTED IN 2001 AND 2002

Advisory Board National Children's Office	MIF Consultative Committee
Assistant Secretaries Network	MIF Project Management Sub-Group
Change Management Network	Ministerial Committee on Nuclear Safety
Civil Service IT Group	Ministers and Secretaries Group on European Matters
Civil Service IT Managers Network	'No-Fault' Advisory Group (a working group established to recommend a 'no-fault' scheme of compensation for babies with birth-related brain damage)
Civil Service Metadata Group	Northern Ireland (various groups dealing with Northern Ireland matters)
Civil Service Training Officers Network	Personal Injuries Assessment Board Implementation Group
Civil Service Webmaster Forum	Personnel Officers Network
CMOD Content Managers Stakeholders Group	PMDS Network
Commission on the Assisted Human Reproduction	Post-Nally Committee on Issues Relating to DPP
Commission on the Private Rented Residential Sector	Public Prosecution System Study Group
Company Law Review Group	Secretaries General and Heads of Offices Group
Consultative Committee on Law Reform	Senior Officials Group on EU Affairs
Consumer Advisory Council	Single Regulatory Authority Implementation Advisory Group
Council of Europe Committee on Administrative Law	State Claims Agency Liaison Committee
Council of Europe Committee of Experts in Family Law	Steering Committee for the Pilot Project to establish an on-line small-claims procedure
Court Rules Committees	Steering Group on Systems Review of Department of Agriculture and Food
Cross-Departmental Team on Infrastructure	Strategic Management Initiative Communications Sub-Group
Expert Group on Proposals arising out of Garda SMI Report	Strategic Management Initiative Implementation Groups
Expenditure Reviewers Network	Tax Strategy Group
FOI Interdepartmental Working Group	Third Pillar Steering Group
FOI Liaison Officers Network	Tribunals and Inquiries
FOI Users Network Group	UNCITRAL (The United Nations Commission on International Trade Law)
Government Legislation Committee	UNCITRAL Working Group on Arbitration
Hague Conference on Private International Law	UNCITRAL Working Group on Electronic Commerce
Implementation Group on Compensation Issues	UNCITRAL Working Group on Insolvency
Interdepartmental Committee on Hearing Loss Litigation	Wilson Interdepartmental Committee on Trust Fund for Victims of Violence
Interdepartmental Group on EU Justice and Home Affairs	Working Group on Accountability of Secretaries General and Accounting Officers
Interdepartmental Group on the EU Convention	Working Group on Company Law Compliance and Enforcement
Interdepartmental Group on Legislative Issues for the Information Society	Working Group on Jurisdiction of the Courts
Interdepartmental Group on Oireachtas Scrutiny of EU Legislation	Working Group to discuss the implications of the establishment of a Referendum Commission with limited functions
Interdepartmental Group on the Presidency of the EU 2004	Working Group to Review Coroners Services
Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities	
Interdepartmental Working Group on Compensation Issues	
Internal Audit Network	
International Maritime Organisation Legal Committee	
IT Managers Network	
Library Managers Network	
Management Group for Judicial Reviews in Asylum Cases	



**PUBLIC BILLS ENACTED IN 2001 AND TO JULY
2002 (AND COMPARISON WITH 1996-2001)**

ANNEX F



PUBLIC BILLS PUBLISHED IN 2001 AND TO JULY 2002 (AND COMPARISON WITH 1996-2001)

2001

PUBLIC GENERAL BILLS (52)

Twenty-first Amendment of the Constitution (No. 2) Bill 2001
 Twenty-second Amendment of the Constitution Bill 2001
 Twenty-third Amendment of the Constitution Bill 2001
 Twenty-fourth Amendment of the Constitution Bill 2001
 Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill 2001
 ACC Bank Bill 2001
 Agriculture Appeals Bill 2001
 Air Navigation and Transport (Indemnities) Bill 2001
 Appropriation Bill 2001
 Arramara Teoranta (Acquisition of Shares) Bill 2001
 Asset Covered Securities Bill 2001
 Competition Bill 2001
 Court and Court Officers Bill 2001
 Criminal Justice (Temporary Release of Prisoners) Bill 2001
 Disability Bill 2001
 Diseases of Animals (Amendment) Bill 2001
 Dormant Accounts Bill 2001
 Electricity (Supply) (Amendment) Bill 2001
 Euro Changeover (Amounts) Bill 2001
 European Communities and Swiss Confederation Bill 2001
 European Convention on Human Rights Bill 2001
 Extradition (European Union Conventions) Bill 2001
 Family Support Agency Bill 2001
 Finance Bill 2001
 Gas (Interim) (Regulation) Bill 2001
 Heritage Fund Bill 2001
 Horse and Greyhound Racing Bill 2001
 Horse Racing Ireland (Membership) Bill 2001
 Housing (Miscellaneous Provisions) (No. 2) Bill 2001
 Human Rights Commission (Amendment) Bill 2001
 Irish National Petroleum Corporation Limited Bill 2001
 Law of the Sea (Repression of Piracy) Bill 2001
 Licensing of Indoor Events Bill 2001
 Ministerial, Parliamentary, Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Bill 2001
 Motor Vehicle (Duties and Licences) Bill 2001

Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Bill 2001
 Ordnance Survey Ireland Bill 2001
 Pensions (Amendment) Bill 2001
 Postal (Miscellaneous Provisions) Bill 2001
 Private Security Services Bill 2001
 Public Health (Tobacco) Bill 2001
 Railway Safety Bill 2001
 Referendum Bill 2001
 Residential Institutions Redress Bill 2001
 Road Traffic Bill 2001
 Social Welfare Bill 2001
 Social Welfare (No. 2) Bill 2001
 State Authorities (Public Private Partnership Arrangements) Bill 2001
 Sustainable Energy Bill 2001
 Transport (Railway Infrastructure) Bill 2001
 Waste Management (Amendment) Bill 2001
 Waste Management (Amendment) (No. 2) Bill 2001

PRIVATE MEMBERS' BILLS (17)

Twenty-First Amendment of the Constitution Bill 2001
 Twenty-Fifth Amendment of the Constitution Bill 2001
 Care of Persons Board Bill 2001
 Corporate Manslaughter Bill 2001
 Disability Commissioner Bill 2001
 Disability Commissioner (No. 2) Bill 2001
 Electoral (Control of Donations) Bill 2001
 European Union Bill 2001
 Health Ombudsman Bill 2001
 Housing (Miscellaneous Provisions) Bill 2001
 Human Reproduction Bill 2001
 Independent Garda Ombudsman Bill 2001
 Mental Health (Amendment) Bill 2001
 Prohibition of Female Genital Mutilation Bill 2001
 Pyramid Schemes Bill 2001
 Surgeon General Bill 2001
 Tribunals of Inquiry (Amendment) Bill 2001

2002

PUBLIC GENERAL BILLS (24)

Twenty-sixth Amendment of the Constitution Bill 2002

Arts Bill 2002

Central Bank and Financial Services Authority of Ireland Bill 2002

Civil Defence Bill 2002

Communications Regulation Bill 2002

Criminal Justice (Public Order) Bill 2002

Data Protection (Amendment) Bill 2002

Digital Hub Development Agency Bill 2002

Education for Persons with Disabilities Bill 2002

Electoral (Amendment) Bill 2002

Electoral (Amendment) (No. 2) Bill 2002

Finance Bill 2002

Hepatitis C Compensation Tribunal (Amendment) Bill 2002

Houses of the Oireachtas Commission Bill 2002

Immigration Bill 2002

Medical Practitioners (Amendment) Bill 2002

Minister for the Environment and Local Government

(Performance of Certain Functions) Bill 2002

Money Advice and Budgeting Service Bill 2002

National Economic and Social Development Office Bill 2002

Official Languages (Equality) Bill 2002

Bille na dTeangacha Oifigiúla (Comhionannas) 2002

Ombudsman (Defence Forces) Bill 2002

Ombudsman for Children Bill 2002

Social Welfare (Miscellaneous Provisions) Bill 2002

Tribunals of Inquiry (Evidence) (Amendment) Bill 2002

PRIVATE MEMBERS' BILLS (8)

Twenty-fourth Amendment of the Constitution Bill 2002

Courts Bill 2002

Defence (Amendment) Bill 2002

Electricity Regulation (Amendment) Bill 2002

Fluoride (Repeal of Enactments) Bill 2002

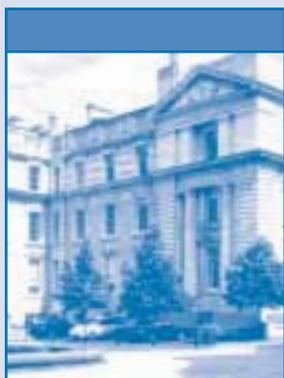
Planning and Development (Wetland Habitats) (Amendment) Bill 2002

Road Traffic (Joyriding) Bill 2002

Victims Rights Bill 2002

Bills published – comparison with 1996 - 2001

Types of Bills	1996	1997	1998	1999	2000	2001	2002
Public Bills : Sponsored by Government Department	49	52	53	47	56	52	24
Public Bills : Sponsored by Private Member	18	23	27	24	14	17	8
Private Bills	0	1	0	0	0	0	0
Total	67	76	80	71	70	69	32



**PUBLIC BILLS ENACTED IN 2001 AND TO JULY 2002
(AND COMPARISON WITH 1996-2001)**

ANNEX G



PUBLIC BILLS ENACTED IN 2001 AND TO JULY 2002 (AND COMPARISON WITH 1996-2001)

2001

PUBLIC GENERAL ACTS (55)

ACC Bank Act 2001
 Adventure Activities Standards Authority Act 2001
 Agriculture Appeals Act 2001
 Air Navigation and Transport (Indemnities) Act 2001
 Appropriation Act 2001
 Asset Covered Securities Act 2001
 Aviation Regulation Act 2001
 Broadcasting Act 2001
 Carer's Leave Act 2001
 Children Act 2001
 Company Law Enforcement Act 2001
 Criminal Justice (Theft and Fraud Offences) Act 2001
 Customs and Excise (Mutual Assistance) Act 2001
 Diseases of Animals (Amendment) Act 2001
 Dormant Accounts Act 2001
 Electoral (Amendment) Act 2001
 Electricity (Supply) (Amendment) Act 2001
 Euro Changeover (Amounts) Bill 2001
 European Communities and Swiss Confederation Act 2001
 Extradition (European Union Conventions) Act 2001
 Family Support Agency Act 2001
 Finance Act 2001
 Fisheries (Amendment) Act 2001
 Health Insurance (Amendment) Act 2001
 Health (Miscellaneous Provisions) Act 2001
 Heritage Fund Act 2001
 Horse and Greyhound Racing Act 2001
 Horse Racing Ireland (Membership) Act 2001
 Housing (Gaeltacht) (Amendment) Act 2001
 Human Rights Commission Act 2001
 Industrial Designs Act 2001
 Industrial Relations Amendment Act 2001
 Irish Nationality and Citizenship Act 2001
 Irish National Petroleum Corporation Limited Act 2001
 Local Government Act 2001
 Mental Health Act 2001
 Ministerial, Parliamentary and Judicial Offices and Oireachtas
 Members (Miscellaneous Provisions) Act 2001

Motor Vehicles Act 2001
 Nitrigín Éireann Teoranta Act 2001
 Oireachtas (Ministerial and Parliamentary Offices)
 (Amendment) Act 2001
 Ordnance Survey Act 2001
 Prevention of Corruption (Amendment) Act 2001
 Protection of Employees (Part-Time) Work Act 2001
 Referendum Act 2001
 Sex Offenders Act 2001
 Social Welfare Act 2001
 Social Welfare (No. 2) Act 2001
 Standards in Public Office Act 2001
 Teaching Council Act 2001
 Transport (Railway Infrastructure) Act 2001
 Trustee Savings Banks (Amendment) Act 2001
 Valuation Act 2001
 Vocational Education (Amendment) Act 2001
 Waste Management (Amendment) Act 2001
 Youth Work Act 2001

2002

PUBLIC GENERAL ACTS (24)

Arramora Teoranta (Acquisition of Shares) Act 2002
 Civil Defence Act 2002
 Communications Regulation Act 2002
 Competition Act 2002
 Courts and Court Officers Act 2002 and Explanatory and
 Financial Memorandum
 Electoral (Amendment) Act 2002
 Electoral (Amendment) (No. 2) Act 2002
 Finance Act 2002
 Gas (Interim) (Regulation) Act 2002
 Hepatitis C Compensation Tribunal (Amendment) Act 2002
 Housing (Miscellaneous Provisions) Act 2002
 Medical Practitioners Act 2002
 Minister for the Environment and Local Government
 (Performance of Certain Functions) Act 2002
 Ombudsman for Children Act 2002
 Pensions (Amendment) Act 2002
 Public Health (Tobacco) Act 2002

Radiological Protection (Amendment) Act 2002
 Residential Institutions Redress Act 2002
 Road Traffic Act 2002
 Social Welfare (Miscellaneous Provisions) Act 2002
 Solicitors (Amendment) Act 2002

State Authorities (Public Private Partnership Arrangements)
 Act 2002
 Sustainable Energy Act 2002
 Tribunals of Enquiry (Evidence) (Amendment) Act 2002

Number of Bills enacted by type of Bill

Types of Bills		1996	1997	1998	1999	2000	2001	2002
Public Bills	Sponsored by Government Department	42	47	55	36	40	55	24
	Sponsored by Private Member	3	0	1	0	2	0	0
Private Bills		0	0	0	0	1	0	0
Total		45	47	56	36	43	55	24



**EXPENDITURE FOR THE YEARS 1996 TO 2001
AND ESTIMATE PROVISION FOR 2002 –
MERRION STREET OFFICE**

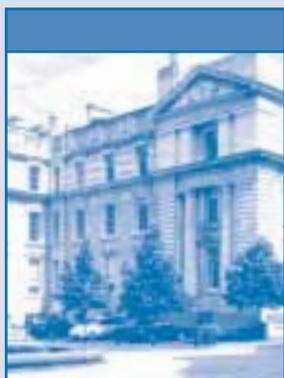
ANNEX H



EXPENDITURE FOR THE YEARS 1996 TO 2001 AND ESTIMATE REVISION FOR 2002
OFFICE OF THE ATTORNEY GENERAL – MERRION STREET OFFICE

	1996 OUTTURN IRE,000	1997 OUTTURN IRE,000	1998 OUTTURN RE,000	1999 OUTTURN IRE,000	2000 OUTTURN IRE,000	2001 OUTTURN euro,000	2002 PROVISION euro,000
<u>Administration</u>							
A1 Salaries Wages and Allowances	6,343	1,990	2,401	2,650	3,035	5,282	6,207
A2 Travel and Subsistence	144	135	136	149	147	201	252
A3 Incidental Expenses	235	223	323	286	396	698	873
A4 Postal and Telecommunication Services	207	73	84	53	65	107	136
A5 Office Machinery and Office Supplies	546	122	177	335	324	442	1,338
A6 Office Premises Expenses	119	548	264	81	147	263	349
A7 Consultancy	524	344	824	468	271	414	1,237
<u>Other Services</u>							
B Fees to Counsel	3,233						
C ¹ General Law Expenses	2,563		(E ¹) 326	(D ¹) 129	(D ¹) 66	(D ¹) 91	(D ¹) 156
D ¹ Defence of Public Servants	-	(B ¹) -	(B ¹) -	-			
E ¹ Contributions to International Organisations	9	(C ¹) 9	(C ¹) 11	(B ¹) 13	(B ¹) 54	(B ¹) 21	(B ¹) 19
F ¹ Law Reform Commission	442	(D ¹) 412	(D ¹) 557	(C ¹) 868	(C ¹) 906	(C ¹) 1,279	(C ¹) 1,348
Total	14,365	3,856	5,103	5,032	5,411	8,798	11,915
E ¹ Appropriations in Aid	153	15	(F ¹) 1	17	17	24	13
Net Total	14,212	3,841	5,102	5,015	5,394	8,774	11,902

I. The figures above are not comparable in all aspects due to the creation, with effect from 1997, of a separate vote for the Office of the Chief State Solicitor, and also to modifications in subhead designation for the period to date.



**EXPENDITURE FOR THE YEARS 1996 TO 2001 AND
ESTIMATE PROVISION FOR 2002 – CSSO**

ANNEX I

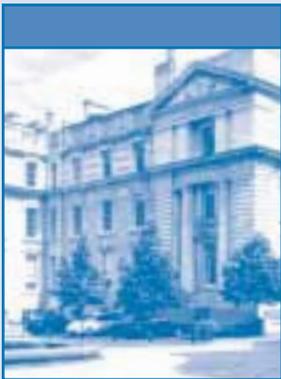


EXPENDITURE FOR THE YEARS 1996 TO 2001 AND ESTIMATE REVISION FOR 2002

OFFICE OF THE ATTORNEY GENERAL – CHIEF STATE SOLICITOR'S OFFICE

	1996 OUTTURN IR£,000	1997 OUTTURN IR£,000	1998 OUTTURN IR£,000	1999 OUTTURN IR£,000	2000 OUTTURN IR£,000	2001 OUTTURN euro,000	2002 PROVISION euro,000
<u>Administration</u>							
A1 Salaries Wages and Allowances	4,485	5,356	6,388	8,474	8,022	12,075	12,951
A2 Travel and Subsistence	17	18	57	39	110	142	207
A3 Incidental Expenses	92	180	205	301	468	769	910
A4 Postal and Telecommunication Services	154	184	193	251	234	367	450
A5 Office Machinery and Office Supplies	281	785	449	380	410	467	2,014
A6 Office Premises Expenses	67	69	769	136	58	102	307
A7 Consultancy	42	19	31	17	35	145	295
<u>Other Services</u>							
B Fees to Counsel	3,233	3,002	4,775	6,257	5,198	7,975	7,707
C ¹ General Law Expenses	2,554	2,285	3,055	3,525	2,624	3,077	4,506
D ¹ Defence of Public Servants	-	(B ¹) -	(B ¹) -	-	-	-	-
E ¹ Contributions to International Organisations	9	(C ¹) 9	(C ¹) 11	(B ¹) 14	(B ¹) 54	(B ¹) 21	(B) 19
F ¹ Law Reform Commission	442	(D ¹) 412	(D ¹) 557	(C ¹) 867	(C ¹) 906	(C ¹) 1,279	(C) 1,348
Total	10,925	11,898	15,922	19,380	17,159	25,119	29,347
E ¹ Appropriations in Aid	142	214	182	861	434	236	189
Net Total	10,783	11,684	15,740	18,519	16,725	24,883	29,158

1. The figures above are not comparable in all aspects due to the creation, with effect from 1997, of a separate vote for the Office of the Chief State Solicitor, and also to modifications in subhead designation over the period to date.



REPORT ON PAYMENT PRACTICES FOR 2000 AND 2001 – MERRION STREET OFFICE

ANNEX J



REPORT ON PAYMENT PRACTICES FOR 2000 AND 2001

OFFICE OF THE ATTORNEY GENERAL, MERRION STREET

GENERAL

1. Most payments made on behalf of this Office are made by our paying agent, the Department of Finance Accounts Branch, which complies with the terms of the Prompt Payment of Accounts Act, 1997. It should be noted that the Act does not apply to payments in respect of legal fees.

LATE PAYMENTS

2. Payments totalling IR£1.3 million in 2000 and IR£2.5 million in 2001 were made from the Office of the Attorney General's Vote in respect of payments to which the Act applies. There were no late payments made during 2000. There were six late payments in 2001 involving the payment of IR£56.83 in interest.

STATEMENT OF COMPLIANCE WITH THE PROMPT PAYMENT OF ACCOUNTS ACT, 1997

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January 1998. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest penalties arising. Furthermore, financial procedures in place in the Office are regularly monitored and

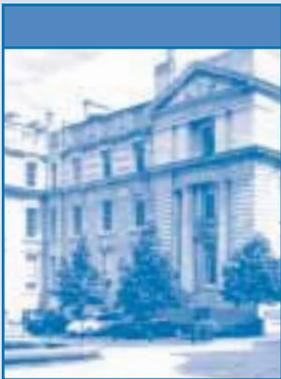
reviewed including procedures to ensure compliance with the Act.

Some lapses occurred in 2001 as shown hereunder.

The payment statistics for 2001 are as follows:

Total value of all payments	IR£2,508,000
Total value of all late payments (under IR£250 inclusive)	IR£2,880.63
Value of late payments in excess of £250	IR£2,753.23
Value of late payment as % of total payments	0.11%
Number of late payments in excess of £250	4
Amount of interest paid	IR£56.83
Amount of interest as a % of total payments	0.002%
Broad indication of length of delays (Invoices in excess of £250)	23 days

Steps have been taken to reduce the likelihood of late payments arising.



REPORT ON PAYMENT PRACTICES FOR 2000 AND 2001 – CHIEF STATE SOLICITOR'S OFFICE

ANNEX K



REPORT ON PAYMENT PRACTICES FOR 2000 AND 2001 – CHIEF STATE SOLICITOR'S OFFICE

The CSSO has computerised systems in place that are designed to monitor and control compliance with the terms of the Act.

Generally, payments fall due on expiry of the statutory forty-five days. Where shorter periods are specified on invoices, this requirement is complied with. In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

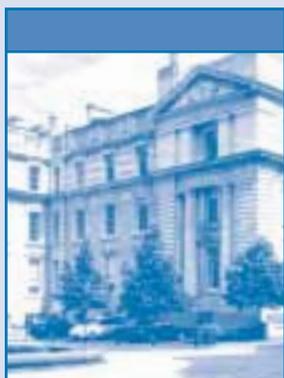
Payments totalling IR£3.52 million in 2000 and IR£3.16 million in 2001 were made from the CSSO's Vote in respect of payments to which the Act applies. In 2000, late payments to the value of IR£236,189 were made by the CSSO. In 2001, late payments by the Chief State Solicitor's Office involved the payment of IR£4,337 in interest.

Two categories of suppliers of services to the CSSO do not come within the scope of the Act. Counsels' fees are excluded on the basis of legal advice. Payments to solicitors engaged by

people involved in litigation against the State where costs are awarded to the plaintiff are covered by the Courts Act, 1981 which has its own interest payment provisions.

The payment statistics for 2001 are as follows:

Total value of all payments	£3,162,360
Total value of all late payments (Under IR£250 inclusive)	£630,336
Value of late payments in excess of £250	£487,040
Value of late payments as % of total payments	19.93%
Number of late payments in excess of £250	371
Amount of interest paid	£4,337
Amount of interest as a % of total payments	0.137%
Broad indication of length of delays (Invoices in excess of IR£250)	28 days



**OFFICE OF THE ATTORNEY GENERAL,
MERRION STREET FOI STATISTICS –
REQUESTS RECEIVED 1998 - 2002 TO DATE**

ANNEX L

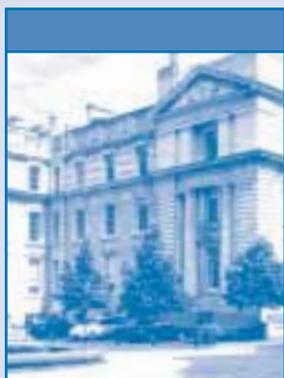


OFFICE OF THE ATTORNEY GENERAL, MERRION STREET
FOI STATISTICS – REQUESTS RECEIVED 1998 – 2002 TO DATE

Office of the Attorney General	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requeste Part Granted
1998	22	6	16	0	4	1
1999	27	7	20	0	2	4
2000	25	3	22	0	4	3
2001	23	4	19	0	3	2
2002 to end July	12	2	10	0	1	1
TOTAL	109	22	87	0	14	11

Office of the Attorney General	Requests Refused	Requests refused under 46(1)(b) (Figure included in total requests refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	Fees No.	Charged Ammount
1998	16	9	1	0	0	6	2	0	Nil
1999	20	17	0	1	0	6	0	0	Nil
2000	17	14	0	1	0	4	0	0	Nil
2001	15	12	0	0	0	2	2	0	Nil
2002 to end July	13	13	0	0	3	0	0	0	Nil
TOTAL	81	65	1	2	3	18	4	0	Nil

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/07/02	109	28	28	2	2	49



**OFFICE OF THE ATTORNEY GENERAL,
CHIEF STATE SOLICITOR'S OFFICE FOI STATISTICS -
REQUESTS RECEIVED 1998 - 2002 TO DATE**

ANNEX M



CHIEF STATE SOLICITOR'S OFFICE

FOI STATISTICS – REQUESTS RECEIVED 1998 – 2002 TO DATE

Chief State Solicitor's Office	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requeste Part Granted
1998	17	14	3	0	11	0
1999	9	3	6	0	4	0
2000	23	11	12	0	14	4
2001	9	6	3	0	5	0
2002 to end July	6	2	4	0	1	0
TOTAL	64	36	28	0	35	4

Chief State Solicitor's Office	Requests Refused	Requests refused under 46(1)(b) (Figure included in total requests refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal ReviewS Received	Appeals to Info Comm.	Fees No.	Charged Ammount
1998	4	4	2	0	1	1	0	0	Nil
1999	4	4	1	0	1	3	1	0	Nil
2000	5	2	0	0	0	1	1	0	Nil
2001	4	3	0	0	0	1	1	0	Nil
2002 to end July	4	3	0	0	1	0	0	0	Nil
TOTAL	21	16	3	0	3	6	3	0	Nil

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/07/02	64	9	2	0	28	25

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