

Attorney General

Statement of Strategy

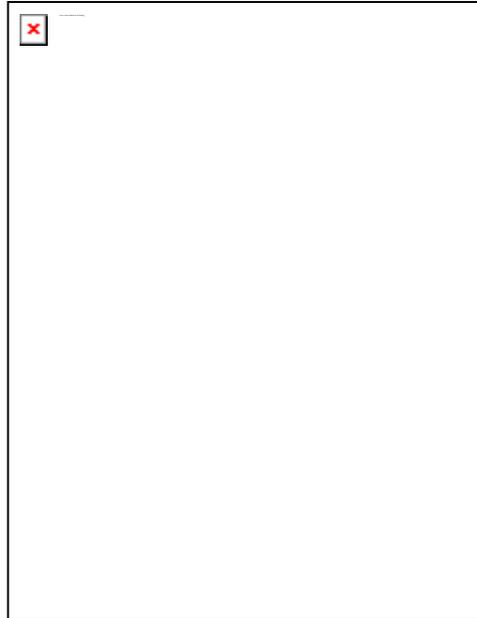
1999 – 2002

MISSION STATEMENT

**The Mission of the Office of the
Attorney General**

**is to provide the highest standard
of professional legal services**

**to Government, Departments and
Offices.**



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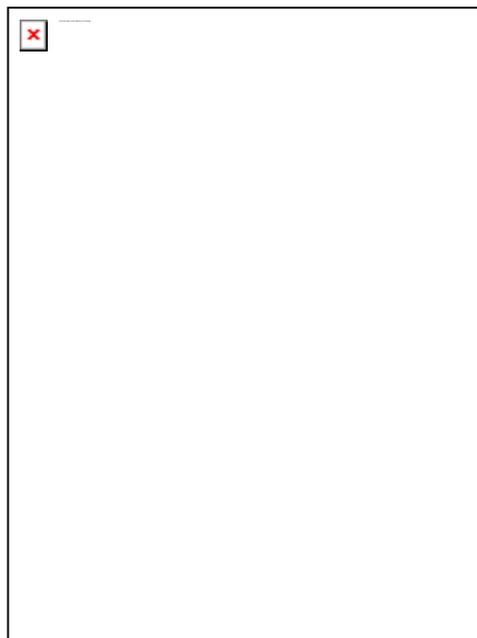
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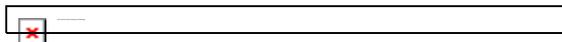
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Foreword by Attorney General

This Statement, which I have approved, updates the first Statement of Strategy prepared under the Public Service Management Act, 1997. My predecessor, Mr. David Byrne SC, consented to the application of the Act to the Office of the Attorney General. The decision was informed by a process of discussion and consultation within the Office, including those of the Chief State Solicitor and the Parliamentary Draftsman, and had the full support of the Office. This decision and the key objectives set out in the Statement represent the significant commitment to the continuing development of the Office and to providing the highest standard of professional legal services to Government, Departments and Offices.

Michael McDowell, SC
Attorney General



Foreword by Director General

This Statement sets out the key objectives of the Office until 2002. The role of the Office is to assist the Attorney General in carrying out the functions of advising the Government and in carrying out other functions specifically conferred by the Constitution and by legislation. Our Office operates in a complex environment 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. We must provide the highest standard of professional legal services to the Attorney General, Government, Departments and Offices through a staff of highly skilled public lawyers who are the foremost experts in the areas relevant to its mission. Efficient delivery of these legal services requires an office organisation participated in by all of its staff and which ensures an effective and productive

working relationship for all who work in it. The Statement sets out our key objectives and how we will achieve them. It frankly acknowledges the challenges to be faced in doing so. I am delighted to pay tribute to the commitment and professionalism of all the staff in the Office and their involvement in the development of these strategies which we are now in the process of implementing.

Finola Flanagan
Director General

INTRODUCTION

In carrying out its responsibilities, the Office of the Attorney General will be guided by this Statement of Strategy. This Statement sets out in broad terms our objectives for the next three years. This Statement builds on our first Statement published in 1997 and updates the Statement approved by the former Attorney General, Mr David Byrne SC, in 1999.

The Attorney General is the legal adviser of the Government and a constitutional officer. The clients of the Attorney General and the Attorney's Office are the executive branch of Government, that is to say, the Government as a whole, its individual members and the Departments they head. (Because of the doctrine of the separation of powers, it is important to note that the Attorney General does not as a general rule furnish legal advice to the other branches of Government, that is to say, the President or the legislative or judicial branches. Nor does the Attorney General furnish legal advice to individual members of the public.) By virtue of Article 30.1 of the Constitution and section 6 of the Ministers and Secretaries Act, 1924 and the ninth part of the schedule to that Act, the Attorney General has control and responsibility for the Office of the Parliamentary Draftsman and the Office of the Chief State Solicitor, which form constituent parts of the Office. The main functions of the Office are:

- the provision of legal advice
 - the drafting of legislation
- the provision of litigation services
 - the provision of conveyancing and other transactional services
- the provision of a solicitor's service to the Director of Public Prosecutions (in this regard, upon implementation of the Nally Report (of the Public Prosecution System Group) pursuant to Government decision of 5 October 1999, there will be appointed a Solicitor to the Director of Public Prosecutions. The provision of a solicitor's service to the Director of Public Prosecutions will be transferred from the Attorney General's Office and the Chief State Solicitor's Office to the Solicitor to the Director of Public Prosecutions).

The role of the Office of the Attorney General, including all its officers, is to assist and to advise the Attorney General in carrying out the functions of advising

Government and in performing other functions specifically conferred by the Constitution and legislation. Under the Public Service Management Act, 1997 authority for management of the Office, monitoring policies that affect the Office and the delivery of specified outputs devolves on the Head of the Office, who is the Director General.

The Office has a staff of 284 and an annual budget in the order of £28 million.

The Attorney General is based in Government Buildings, where the Director General, Legal Assistants and the Parliamentary Draftsman's Office are located (Merrion Street Office). The Chief State Solicitor's Office is separately situated in Osmond House beside Dublin Castle and closer to the Four Courts. The Hearing Loss Section is separately located in South Frederick Street, Dublin.

The Attorney General's responsibilities are listed in detail in Appendix I.

ANALYSIS OF THE WORKING ENVIRONMENT

The development of our key objectives involved an analysis of the environment in which the Office operates, both internal and external. Key factors affecting the Office's internal environment are the recent legislative changes, in particular the Public Service Management Act, 1997 and the Freedom of Information Act, 1997 and the programme of change being developed under the Strategic Management Initiative. On 1 September 1998, the Attorney General's predecessor, Mr David Byrne SC, consented to the Public Service Management Act, 1997 applying to the Office.

Clients: The principal clients of the Attorney General and his Office are the Government itself, its individual members and the Departments they head. In practice the officers in this Office mainly deal with departmental officials with whom close working relationships are often developed. The Attorney General attends Government meetings and advises Government on matters that arise there. In its advisory work the Office has no role in formulating Government policy, although when members of the Office are involved in cross-departmental groups (see Appendix II) they are frequently fully involved in the same way as other members of the group in formulating the report and recommendations. The Office provides a legal advisory, legislative drafting, conveyancing and solicitor service to its clients. The Attorney General and his Office perform their advisory functions as a service for the Government as a whole. The Chief State Solicitor also acts as solicitor for the Director of Public Prosecutions.

Work: The legal work of the Office runs from the routine to the very complex. The Office is unique amongst law practices because of the scope and variety of the work it carries out. This includes the type of work that may also be done by private lawyers including private solicitors, practising barristers and academic lawyers. However, the work of the Office involves much that is particular to a public law office, for example advising on and drafting legislation, advising on matters of public law and legal policy, defending judicial reviews against the State and providing a solicitor service for the Director of Public Prosecutions.

The legal work of the Office involves analysis and solution of legal problems presented by Departments and Government in relation to all areas of public administration. It often involves assessing, sometimes at short notice, the legal implications of complex schemes and facts, and involves significant research in order to reply adequately to a Department's query. These queries often touch on highly significant and controversial public events and decisions.

Much of the work of the Office is required on an urgent basis. Therefore, advice, drafts of legislation, litigation, conveyancing and other transactional work must be furnished under extreme pressure. The Office must be capable of responding to such urgent demands and be sufficiently flexible in its practices to re-prioritise work as necessary.

The Office maintains a unified, co-ordinated approach to litigation and legal services. It possesses an experience and depth of understanding in many specialised areas of the law unlikely to be found, or to be sufficiently well developed, in private legal firms. The Merrion Street Office possesses a know-how/knowledge management system to enable consistency in legal advice which will be upgraded as a result of the forthcoming IT Plan. Steps towards sharing the know-how/knowledge management system between the Chief State Solicitor's Office and the Merrion Street Office have been initiated.

External Environment: The volume of work, over which the Office has very limited control, is dependent on the demands of Government, Departments and Offices. The volume of work has increased annually for more than a decade and it is expected that this trend will continue. This increase has been caused by Government's greatly expanded legislative programmes, far greater recourse to law and litigation (particularly with the emergence of mass claims against the State for example arising out of Army deafness and childhood abuse), the legal advices and legislative drafting required as a result of the State's membership of the European Union, an increased involvement in international organisations and an increase in the number of international agreements which bind the State.

In recent years, law has become increasingly complex and increasingly liable to change (both as a result of legislative change and developments in judicial thinking in Irish and European courts) and this poses a major challenge to the lawyers of the Office in their work. The vast amount of legal information now made more accessible through information technology has contributed to this complexity. To ensure that the State's activities are legally sound and to meet and anticipate legal challenges to the State's activities, the Office must be able to provide a cadre of highly skilled public lawyers who are the foremost experts in the areas relevant to its mission.

These factors combined and the growing complexity of society – due, for example, to rapid economic growth, educational advances and developments in information technology – have increased the challenge to deliver quality services promptly to Government, Departments and Offices. This challenge, however, is made all the greater because of certain constraints placed on the Office arising from limitations of resources and current market/economic conditions leading to problems in recruiting of staff.

Cross-departmental matters: As well as creating new demands on the resources of the Office, a number of recent developments have provided an increased opportunity for staff to participate in cross-departmental projects and groups. The resolution of legal issues arising from the Good Friday Agreement – reached on 10 April 1998 – and the drafting of consequential legislation, including

human rights legislation, have presented a significant challenge to the Office given the timescales involved.

The Office is also involved with other cross-departmental groups covering a wide range of matters such as company law enforcement, financial services, planning and infrastructural reforms, abortion, asylum and immigration, the Garda Síochána, Criminal Legal Aid and the Strategic Management Initiative (see Appendix II). Apart from participating in review groups established by Government, members of the Office also participate in international organisations such as UNCITRAL (The United Nations Commission on International Trade Law) and the Hague Conference on Private International Law. The large number of tribunals and inquiries which have been instituted in the recent past have also placed demands on the services of the Office; as has the setting up of the Criminal Assets Bureau. These developments have provided an additional dimension to the work of the Office and allowed for more active participation by members of the Office in civil service-wide initiatives.

The Office has actively promoted changing the way the State handles accidental personal injury and property damage compensation claims made against it from one which is based on litigation and advancing pleadings to one which focuses on early, cost-effective settlement on a commercial basis.

The Office actively participates in training programmes organised by the Centre for Management and Organisation Development (CMOD), Department of Finance for Departments on the legislative process. Members of the Office frequently address other groups about the work of the Office including, in particular, delegations from EU accession and pre-accession States.

A project has been commenced, with CMOD, to develop a software package for drafting legislation to be shared with the Bills Office and with Departments and Offices. This will also facilitate the updating of the Irish Statute Book on CD-ROM.

Staff: The Office, having regard to its workload and range of activities, operates with a relatively small number of professional lawyers, technical, administrative, clerical, specialist support and contract staff. In order to cope with its workload and to provide the full range of legal services required, the Office employs private practitioners, in particular practising barristers, to appear on behalf of the State in the courts and to provide advices. Private solicitors are occasionally employed in exceptional cases. In its work, the Office comes into regular contact with and deals regularly with private practitioners. The advice of academic lawyers is occasionally sought.

The Office of the Attorney General has a structure of professional, technical and general service staff, each with different training and recruitment requirements, career patterns and work organisation. The lawyers employed in the Office operate a relatively non-hierarchical, collegiate structure, which allows a sense of professional independence to exist. To be eligible for appointment in the Merrion Street Office, a lawyer must have obtained a professional qualification and must have practised as a lawyer. Solicitors are eligible for appointment in the Chief State Solicitor's Office immediately on qualification. These entry requirements ensure that the lawyers employed have the ability and some of the experience necessary for the job but training in legal matters and on the job training in the special work of the Office described above continues throughout their career in the Office.

The success of the Office is increasingly dependent on high quality support staff and systems such as library, know-how and information services supported by well developed information technology. Both the Merrion Street Office and the Office of the Chief State Solicitor have their own administration divisions with staff handling personnel, finance, services, typing, clerical support, registry, information technology and library services as well as the private offices of the Attorney General, Director General, Parliamentary Draftsman and Chief State Solicitor.

Communication within the Office: Good communication between all staff is essential for the Office to function effectively. In particular, effective communication between management and the rest of staff is essential for a harmonious and productive working environment. The establishment of Partnership Committees in the Merrion Street Office and in the Chief State Solicitor's Office have contributed greatly in this area. The Office is committed to the possibility of all staff contributing to its development through involvement in internal working groups and committees and through the dissemination to all the Office of their deliberations.

Training: The Office sees continued training and development opportunities as essential. In an increasingly busy office, it is necessary to set time aside to provide for such training and development opportunities and to allow for participation in them. The Merrion Street Office has developed a further education programme to assist lawyers to maintain and develop expertise in both general areas of law (constitutional and administrative law) and in specialist areas of law and is expanding the programme to enable all staff to have the maximum opportunity for further training, education and development. Many staff acquire or have acquired qualifications including degrees and diplomas in their own time. The Institute of Public Administration (IPA) were engaged to identify the training needs in the Office of the Chief State Solicitor and following a survey produced their report on the 30th July 1998. A sub-group of the Partnership Committee of the Office examined the IPA report and made recommendations to the Partnership Committee relating to the training requirements of the Office and action programmes to implement their recommendations are now being undertaken by the Partnership 2000 Committee. In particular, the Office recognises the need to provide training in management responsibilities and to this end arrangements are in train to implement management and personal development programmes.

Library and information services: The work of the Office requires the support of library, know-how and information services providing access to all relevant information sources. These are highly developed in the Merrion Street Office, where a professional Law Librarian/Information Manager has been employed since 1995. A Know-How Officer has been recruited to further develop a culture of sharing internal information and expertise. The library, know-how and information services use the latest developments in information technology.

Library and information services have undergone significant development in the Office of the Chief State Solicitor since the appointment of a professional Law Librarian in 1999.

Departmental legal advisers: Some Departments and Offices now have their own legal advisers or have staff with legal qualifications who advise their Ministers or Departments on matters of departmental concern. Some also draft their own statutory instruments without recourse to the Office of the

Parliamentary Draftsman. In this way the full legal service available to the State is no longer highly centralised and there are arrangements in place to ensure that the roles are complementary and there is no conflict with the role of the Attorney General as adviser to the Government.

Recent changes: Commencing in early 1995, the Office has been going through a period of change, with major staff, organisational and information technology improvements.

Merrion Street Office - advisory: During 1995 several reports were compiled in relation to the Merrion Street Office bringing about fundamental change in management and structures which continue to be implemented. Since 1995 there has been a rapid growth in the size of the Office, which had been starved of resources for many years. Increasing specialisation of law had made it appropriate that the lawyers should specialise to a significant degree. To allow for specialisation and to encourage teamworking within the Office, the work of the advisory side of the Office has been divided into three functional groups one of which incorporates the work for the co-ordination of European Union law including a Legal Counsellor in the Permanent Representation in Brussels. Each group is co-ordinated by a Second Legal Assistant (Assistant Secretary) and each 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. The Office continues to develop and refine methods by which greater specialist legal knowledge is engendered. At the same time it is essential to ensure that the expertise of all advisory staff is maintained in the general areas of law such as constitutional and administrative law.

Chief State Solicitor's Office: Changes recommended in the *Organisation and Management Review of the Office of the Chief State Solicitor* by Deloitte & Touche, dated November 1996, were accepted in principle by the Government in December 1996. The Review found the Office of the Chief State Solicitor to be seriously underresourced and thus not in a position to meet the demands placed on it effectively and efficiently. In particular, it was found to lack sufficient solicitors and technical and other staff to support them. Though staffing has been increased following the Review, understaffing continues to be a serious problem. The Review found a need to improve the organisation structure, management skills and accountability within the Office. The Office of the Chief State Solicitor has now been organised into four distinct legal divisions and an administration division with fourteen sections thereunder. The Head of each Division has a combination of professional and managerial responsibilities and together with the Personnel Officer and the Chief State Solicitor forms the senior management team in the Office. This reorganisation has brought with it a greater degree of specialisation.

A Partnership 2000 Committee was established in the Chief State Solicitor's Office in February 1999 to engage management, unions and staff at all levels in developing and implementing action programmes to progress the modernisation of the Office and as a means of involving staff in the ongoing business of the Office and in identifying and addressing organisational and work-related issues and challenges generally.

A study was carried out by CMOD in January 1999, following a request from the Chief State Solicitor's Office, to examine the work procedures within the Office in consultation with staff; to recommend any changes in procedures which are necessary for the operation of an efficient work management system; and to develop a system which will efficiently track and assist work processes within the

Office while making the maximum use of information technology. Arising out of this study, a report was produced by CMOD entitled *Recommendations for Change in the Chief State Solicitor's Office to Support the Work Management System*. The Change Management Report raised fourteen issues to be considered and dealt with and it was decided by the Partnership 2000 Committee of the Office that these issues would be examined by small sub-committees who would report back to the Partnership Committee with implementation options and action programmes. Because of pressure of work in the Office it was clearly not possible to tackle all fourteen items simultaneously. Accordingly, in June 1999 it was decided, for a start, to establish sub-groups to address three issues in the CMOD report: training, internal communications and human resources. These sub-groups have now produced their Reports to the Partnership Committee which is implementing and monitoring action programmes in reference on an ongoing basis.

The Government has accepted the need for a State Claims Agency and has decided that it should be established under the auspices of the National Treasury Management Agency. Legislation is in the course of preparation. The relationship between the Chief State Solicitor, which currently undertakes all legal work on State personal injury and property damage cases, and the proposed State Claims Agency is at present uncertain.

Osmond House, the premises in which the Office of the Chief State Solicitor is situated, was completely refurbished and re-occupied in November 1998. The Office now has facilities geared specifically to its needs with space for proper filing, library and IT services. Nonetheless, office space remains inadequate due to expansion since the original plans were drawn up and further expansion will cause increased accommodation needs.

Parliamentary Draftsman's Office: In June 1999, with the facilitation and assistance of the Institute of Public Administration, a review of the process of drafting legislation was undertaken with a view to improving its efficiency so as to ensure that the service provided to each Government Department addressed specific client needs. In addition, the review also took account of the function performed by the Government Legislation Committee and attempted to identify new procedures to facilitate the planning and implementation of the Government Legislation Programme. Following this review, a number of internal organisational changes have been made in the Office of the Parliamentary Draftsman and further proposals concerning revised arrangements in relation to the planning and implementation of departmental legislative programmes will be presented to Government for approval. The key elements of the new organisational arrangements are as follows:

- (a) The Office of the Parliamentary Draftsman has been divided into three groups. Each Group has responsibility for the provision of drafting services to a specific number of Government Departments.
- (b) Each Group is headed by a Group Manager (not below the rank of Assistant Parliamentary Draftsman, reporting to the Parliamentary Draftsman).
- (c) Each Group Manager has the responsibility for managing the delivery of the drafting services of the Office to the Departments allocated to his or her

Group. It is intended that the Group Managers will liaise with a person not below the rank of Assistant Secretary in each Department in relation to the legislative programme of the Department.

The revised arrangements will:

- provide a more actively managed relationship with Departments (through Group Manager system)
- ensure a more systematic and standardised approach to drafting work
- provide a better service to Departments, ensuring continuity and consistency of contacts, and ensuring achievement of deadlines
 - facilitate better planning in the Office of the Parliamentary Draftsman through agreement of annual work programmes
 - clearly define the responsibilities of the Office and Departments
 - provide a more systematic approach to the allocation of work among draftsmen
 - discourage arbitrary changes/requests from Departments since such will be clearly seen to have consequential effects on the departmental working programme – of that Department
 - improve the drafting process through actual performance improvements, but also because the Group Manager is actively managing the relationship with the Department.

The Office is in the process of preparing a drafting manual for bills and for statutory instruments which will ensure a consistent approach to drafting and which will increase efficiency.

Participation in the Government Legislation Committee: The Office of the Parliamentary Draftsman participates in the work of the Government Legislation Committee – a co-ordinating committee chaired by the Government Chief Whip and which also includes the Attorney General, Programme Managers to the Taoiseach and Tánaiste, the Leader of the Seanad and a representative of the Department of the Taoiseach. The Committee 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.

Following a Government decision, in November 1998, approving proposals concerning the introduction of a structured management system for the Government Legislation Programme, the role of the Government Legislation Committee has been significantly enhanced. It is entrusted with the task of prioritising legislative proposals and planning the implementation of the Government's Legislation Programme. This is an important step in ensuring more effective co-ordination between Departments as policy formulators and the Parliamentary Draftsman's Office as legislation drafters and is essential to the successful implementation of the Legislation Programme. In addition, the Government Legislation Committee has decided to monitor the transposition of EU Directives and Regulations in order to take our European Union obligations into account when determining drafting priorities for the Government Legislation Programme.

Statute Law Revision Unit: The Review Group on the Law Offices of the State recommended that the State should draw up a programme of statute law revision and consolidation and implement it on a phased basis having careful regard to the

costs and benefits of each statute law revision and consolidation project. This recommendation followed a recognition that statute law should be reasonably accessible to the public at all times. The Review Group considered that the most appropriate mechanism would be to establish a small unit to undertake this task. The unit, run by a Director with a significant level of experience in the drafting of legislation, would operate as a distinct entity within the Office of the Attorney General. Following a Government decision, the post of Director of Statute Law Revision Unit has recently been filled. Since his appointment, the Director has worked closely with the Department of the Taoiseach on the development of a programme for statute law revision and consolidation in the context of the Regulatory Reform Agenda.

Irish Statutes on CD-ROM: In 1999 the first issue of the Irish Statute Book 1922–1998 on CD-ROM was released. It contains the Acts, most statutory instruments and the Chronological Tables 1922–1998 and represents the first phase of a project to make the complete statute book available in electronic format. The CD-ROM is available from the Government Publications Sales Office and also on the Internet at the Office's website (www.irlgov.ie/ag). This database of statute law represents a major step in making the law more accessible to the public and will be updated regularly.

Organisation/Administration: The increasing demands on the legal services have had a corresponding impact on organisation and administration of the Office. An expanding office, new management and electronic infrastructure create their own demands. In addition, legislative change, such as the Public Service Management Act, the Freedom of Information Act and the Prompt Payments of Accounts Act, impinges on the nature and volume of the services to be provided by administrative staff. Strategic management initiatives involve major change in the way many administrative functions are undertaken. All lead to an increasingly complex work environment and the need to develop and keep under critical review human resource management systems, records and document management systems, financial management procedures and information, staff training and development programmes, participative structures and to make the best possible use of technology and information systems.

MAC: Meetings of the Management Advisory Committee (MAC) take place in the Merrion Street Office and in the Chief State Solicitor's Office regularly. In addition to senior lawyers, the Heads of Administration in both the Office of the Attorney General and the Chief State Solicitor's Office are members of the MAC. A joint Merrion Street/Chief State Solicitor's Office MAC meeting takes place every second month.

Partnership Committee: Pursuant to the Agreement in relation to Partnership Structures in the Civil Service in accordance with Partnership 2000 for Inclusion, Employment and Competitiveness, a Partnership Committee has been established in the Merrion Street Office. Progress is being made in relation to matters in the Committee's Action Plan.

Gender Equality: Pursuant to "Delivering Better Government: A Programme of Change for the Irish Civil Service" (May 1996), the Office of the Attorney General is committed to a policy of equality of opportunity as an essential feature of effective human resource management.

Client survey: In a client survey sent to Departments and Offices in November 1998, the Office sought the assessment by its clients of the advisory, drafting and solicitor services provided by it. Information was sought on the quality of advice

and of drafts of legislation and on the advisory, drafting and litigation process. The responses are being taken into account for the purposes of a Client Service Guide being prepared at the moment.

CRITICAL SUCCESS FACTORS FOR THE ACHIEVEMENT OF KEY OBJECTIVES

The primary output of the Office is the provision of the highest quality of professional legal services and advice to Government, Departments and Offices in accordance with its mandate. These services and advice will allow Government, Departments and Offices in turn to perform their functions. We have identified the key objectives necessary for the Office to achieve its mandate. The factors critical to success in achieving these key objectives are staff, structures, management including human resource management, resources, information and communication.

We have identified the following as essential requirements for successfully achieving our key objectives:

- expert lawyers and technical and support staff committed to achieving the Office's mandate
- effective human resource management including a system of performance management
 - career structures to attract and retain suitably qualified staff for the purpose of achieving the Office's mandate
 - structures within the Office to allow for necessary specialisation
 - office management systems which support our key objectives
 - excellent information management systems
 - formulation of business plans
 - appropriate performance indicators
- all necessary resources including sufficient staff and accommodation to meet the demands on the Office
- a clear understanding of the priorities of Government and Departments
- proper, well-thought-out instructions and information from Departments
- good communication with **staff**, Government, Departments and Offices.

CONSTRAINTS

The above critical success factors have to be seen in the light of certain constraints imposed on the Office, arising from present market/economic conditions. Recruitment and retention of legal, technical and administrative staff are constrained by relatively low salary levels on offer in the civil service in general as compared to the private sector.

In reviewing our strategy we have decided that, to achieve our mission over the next three years and to meet the challenges that will face the Office, the following are our five key objectives:

- 1. To maintain and develop the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices.**
- 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 that takes into account the public service change programme.**
- 3. To develop a human resource management strategy linked to the overall objectives of the Office.**
- 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.**
- 5. To contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State.**

IMPLEMENTATION OF KEY OBJECTIVES

Key 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.

Our strategies to achieve this objective will be to:

- 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 to 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
 - 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.

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 that takes into account the public service change programme.

Our strategies to achieve this objective will be to:

- 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:
 - 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
 - achieve 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.

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Key objective 3

To develop a human resource management strategy linked to the overall objectives of the Office.

Our strategies to achieve this objective will be to:

- 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, 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.

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.

Our strategies to achieve this objective will be to:

- 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 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.

Key objective 5

To contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State.

In addition to those matters referred to in key objectives 1 to 4, our strategies to achieve this objective will be to:

- 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, Institute of Public Administration and European Commission training programmes;
- through the Legal Counsellor, continue to provide advice to the Permanent Representation in Brussels.

MONITORING AND REVIEW

The Office will carefully monitor and review its performance and progress towards the achievement of its key objectives through its Management Advisory Committee, performance management, publication of an annual report, partnership structures and through feedback which it will seek from its clients.

Measurement of success

The success of the Office's strategies will be measured by:

- formally and informally, ascertaining directly from Government, Departments and Offices whether their needs for professional legal services have been met;
- critically assessing the efficiency of the Office and its existing procedures by internal review, including obtaining feedback from staff and from the examination of information obtained from the Office's information systems;
- conducting benchmarking exercises to assess the provision of the Office's legal services and the Office's efficiency against other legal practices and relevant organisations in both public and private sectors;
- monitoring the achievement of the Office's key objectives set out in this Statement of Strategy, in particular through partnership structures;
- identifying the reasons for deficiencies and taking the necessary steps to remedy them.

RESOURCE ALLOCATION

Implementation of the Statement of Strategy will require decisions on resource allocation and prioritisation. The new financial management systems will enable the Office to identify the costs of its services more systematically. The greater autonomy to the Office provided by the administrative budget will allow the Office to decide how it can most effectively allocate resources to ensure achievement of the objectives of the Office and to meet its needs. In particular, funds will need to be allocated to the development of its new human resource management strategy and to staff training.

APPENDIX I – ATTORNEY GENERAL'S RESPONSIBILITIES

- As legal adviser to the Government the Attorney General attends Government meetings. The Attorney General advises the Government on all the constitutional and legal issues which arise in connection with 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. This also includes advice by the Attorney General as to whether the State can ratify international treaties and conventions.

- The Attorney General represents the State in all legal proceedings involving the State.
 - 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 advises the Minister for Finance in relation to escheated estates.
- The Attorney General has a protective role in relation to charities and in particular in relation to a change in objects of a charity.
- The Attorney General retains certain prosecution functions, for example under the Fisheries (Amendment) Act, 1978.
 - The Attorney General has a statutory function in deciding whether warrants under the Extradition Acts, 1965 to 1994, should be endorsed or not, and advises in extradition cases.
 - The Attorney General has functions in respect of the Law Reform Commission under the Law Reform Commission Act, 1975.
- The Attorney General has functions in respect of legislative programming and is a member of the Government Legislative Committee which is chaired by the Government Chief Whip.
- 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.)

The Attorney General is responsible for acting as lawyer for the State in virtually all civil litigation in which the State or its officers in an official capacity are parties. Usually the State is the defendant.

The Attorney General is involved in litigation in all courts of the State and in the Court of Justice of the European Communities. The advisory side of the Attorney General's Office furnishes legal advice and prepares, sometimes with the assistance of outside counsel, written pleadings in relation to litigation in which the State is a party before the Court of Human Rights in Strasbourg. The Department of Foreign Affairs acts as agent for Ireland in cases before the Court of Human Rights in Strasbourg.

The precise involvement of Solicitors, Law Clerks, Legal Assistants and the Attorney General himself in litigation is dependent on the importance of the case and the legal difficulties involved therein. The mechanism of this involvement is that the Solicitor or Law Clerk handling the case seeks directions from a Legal Assistant, who will either give directions personally or in important and complex cases will seek directions from the Attorney General.

The role of the Office of the Parliamentary Draftsman derives from section 6 of the Ministers and Secretaries Act, 1924, Government Procedure Instructions and established practice and includes:

- drafting Government Bills (including Bills containing proposals to amend the Constitution);
- drafting, or settling drafts, of statutory instruments that are made by the Government;

- drafting or settling any statutory instrument to be made by a Minister of the Government, a Minister of State or the Revenue Commissioners;
- drafting or settling any statutory instrument to be made by a person (other than a Minister of the Government) or body authorised in that behalf by statute, if requested to do so by a Minister of the Government or a Minister of State where the Minister has the statutory function of approving the draft concerned;
- preparing indexes to the statutes and the statutory instruments;
 - drafting Bills, revising and reforming legislation (statute law revision);
 - drafting Consolidation Bills (statute law consolidation).

The functions of the Chief State Solicitor are to act as solicitor to Ireland, the Attorney General, the Director of Public Prosecutions and Government Departments and Offices. 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 solicitor for the Director of Public Prosecutions and for the Garda Síochána in the preparation and presentation of cases in all criminal courts in which a prosecution solicitor is required, in addition to representing those parties in applications for Judicial Review;
- 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, any State Authority or the Attorney General 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 part-time local State Solicitors based in the main towns outside Dublin.

- Assistant Secretaries Network
 - Claims Agency
- Commission on Assisted Human Reproduction
- Commission on the Private Rented Residential Sector
 - Competition and Mergers Review Group
 - Constitution Review Group
 - Consultative Committee on Law Reform
- Consultative Committee on the Law Offices of the State
 - Criminal Legal Aid Review Group
- Expert Group on Proposals arising out of Garda S.M.I. Report
- Expert Inter-agency Working Group on the Prisons Service
 - Firearms Legislation Review Group
 - FOI Interdepartmental Working Group
 - FOI Users Network Group
 - Government Legislation Committee
- Interdepartmental Committee on Hearing Loss Litigation
- Interdepartmental Group on the National Children's Strategy
- Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities
 - Interdepartmental Working Group on Abortion
 - International Maritime Organisation Legal Committee
 - IT Managers Network
 - Library Managers Network
 - Ministers and Secretaries Group on European Matters
- Northern Ireland (various bodies dealing with Northern Ireland matters)
 - Personnel Officers Network
 - Public Prosecution System Study Group
 - Secretaries General and Heads of Offices Group
- Single Regulatory Authority Implementation Advisory Group
- Standing Interdepartmental Committee on Human Rights
- Steering Committee on the Audio and Audio/Video Recording of Garda Questioning of Detained Persons
- Steering Group on Systems Review of Department of Agriculture and Food
 - Strategic Management Initiative Implementation Groups
 - Tax Strategy Group
 - The Hague Conference on Private International Law
- The Management Group for Judicial Reviews in Asylum Cases
 - The Working Group on a Courts Commission
 - Third Pillar Steering Group
 - Tribunals and Inquiries
- UNCITRAL (The United Nations Commission on International Trade Law)
- Working Group on Bail Applications to the High Court – A Review of Current Practices and Procedures
- Working Group on Company Law Compliance and Enforcement
 - Working Group to Review Coroners Services