



OFFICE OF THE ATTORNEY GENERAL

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*Statement of Strategy 2003 – 2005*

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# CONTENTS

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Mission Statement	3
Foreword by Attorney General	4
Introduction by the Director General	5
<b>Section 1: Overview of the Office</b>	<b>7</b>
1.1 Roles and Functions	7
1.2 Organisation, Staffing and Funding	7
<b>Section 2: Analysis of the Working Environment</b>	<b>8</b>
2.1 Introduction	8
2.2 Quality Customer Service	10
2.2.1 Clients: External	10
2.2.2 Clients: Internal	10
2.3 Communication within the Office	11
2.4 Work	11
2.5 Recent Changes	12
2.6 Staff	12
2.7 Management Advisory Committees (MAC)	13
2.8 Partnership Committees	13
2.9 Merrion Street Office - Advisory	13
2.9.1 Advisory Work Generally	14
2.9.2 Legislation	14
2.9.3 Litigation	14
2.9.4 European and International Law	14
2.9.5 Increased Specialisation	15
2.9.6 Anticipated Changes for Advisory Counsel	15
2.10 Chief State Solicitor's Office	17
2.10.1 Anticipated Changes for the Chief State Solicitor's Office	18
2.11 Office of the Parliamentary Counsel to the Government	19
2.11.1 Changes in Drafting Style	20
2.11.2 E-Legislation Project	20
2.11.3 Anticipated Changes for the Office of the Parliamentary Counsel to the Government	21
2.12 Statute Law Revision Unit	21
2.12.1 Background	21
2.12.2 Restatement Project	22
2.12.3 Consolidation and Statute Law Reform and Revision Bills	22
2.12.4 CD ROM Project	22
2.12.5 Chronological Tables	22
2.12.6 Anticipated Changes for the Statute Law Revision Unit	22

2.13	Administration	23
2.13.1	Human Resources	23
2.13.2	Training and Development	24
2.13.3	Finance Unit	25
2.13.4	Audit Committee and Internal Audit	25
2.13.5	Services Unit	26
2.13.6	Clerical Support	26
2.13.7	Change Management	26
2.13.8	Information Technology and e-Government	26
2.13.9	Registry	27
2.13.10	Library and Know-How Services	27
2.13.11	Anticipated Changes for Administration	28
2.14	Law Reform Commission	29
2.15	Cross-Departmental Matters, Working Groups and Tribunals	29
2.16	Departmental Legal Advisers	30
2.17	Staff of Office as Legal Experts Abroad	30
2.18	International Law Issues	30
<b>Section 3:</b>	<b>Key Objectives</b>	<b>31</b>
<b>Section 4:</b>	<b>Implementation of Key Objectives</b>	<b>32</b>
4.1	Key Objective 1	32
4.2	Key Objective 2	33
4.3	Key Objective 3	34
4.4	Key Objective 4	35
4.5	Key Objective 5	36
4.6	Key Objective 6	36
<b>Section 5:</b>	<b>Critical Success Factors for the Achievement of Key Objectives</b>	<b>38</b>
<b>Section 6:</b>	<b>Monitoring and Review</b>	<b>39</b>
6.1	Measurement of Success	39
6.2	Performance Indicators	39
<b>Section 7:</b>	<b>Resource Allocation</b>	<b>41</b>
<b>Appendix I:</b>	<b>Attorney General's Responsibilities</b>	<b>42</b>
<b>Appendix II:</b>	<b>Organisation Chart</b>	<b>44</b>
<b>Appendix III:</b>	<b>External Stakeholders</b>	<b>45</b>
<b>Appendix IV:</b>	<b>Committees and Commissions</b>	<b>46</b>
<b>Appendix V:</b>	<b>Part I – Advisory Counsel</b>	<b>48</b>
	<b>Part II – Chief State Solicitor's Office</b>	<b>48</b>
	<b>Part III – Parliamentary Counsel</b>	<b>53</b>
	<b>Part IV – Administration Units in Merrion Street Office</b>	<b>54</b>



## MISSION STATEMENT

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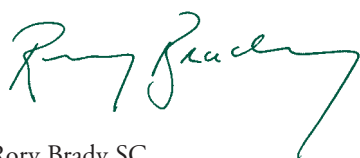
*The Mission of the  
Office of the Attorney General  
is to Provide the Highest Standard  
of Professional Legal Services to  
Government, Departments and Offices*

# FOREWORD BY ATTORNEY GENERAL

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*I welcome the publication of this Strategy Statement for the period 2003 – 2005, which I have agreed with the Director General of my Office.*

This Strategy Statement updates and builds upon the previous Strategy Statement, which covered the period 1999 – 2002. It takes account of developments in the environment within which my Office operates and which have occurred since the last Strategy Statement. It also takes account of the *Programme for Government, 2002 – 2007*. The key objectives set out in this Strategy 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.



Rory Brady SC  
*Attorney General*



Rory Brady SC  
*Attorney General*

# INTRODUCTION

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*The Office of the Attorney General through its various parts (Advisory, Chief State Solicitor's Office, Office of Parliamentary Counsel including the Statute Law Revision Unit) provides a comprehensive legal service to Government on behalf of the Attorney General. This is an enormously important and demanding task which requires forward planning with constant review and adjustment to meet changing demands.*

The Statement of Strategy is the product of the whole Office's thinking and planning for the next three years. The process of developing this Statement of Strategy has involved the Attorney General and every individual section of every part of the Office with the very considerable involvement of the Partnership Committees of the Attorney General's Office, Merrion Street, and of the Chief State Solicitor's Office in the light of consultation with our client Departments and Offices.

The years ahead will be very demanding for us. We are at an advanced stage of implementing a comprehensive new Information Technology Strategy. Shaping this strategy has involved an office-wide focus on developing policies in key work areas and we have produced policies for our case and records management system, document management, e-Legislation, knowledge management, human resources and financial management. I would particularly like to express my appreciation for all of the work in developing these key policies which has been done by many members of the Office including our Information Technology Units who have made valuable contributions to this on-going development.



Finola Flanagan  
*Director General*

Through Partnership we will deliver the requirements of *Sustaining Progress* within the time limits in that Agreement. Doing so will provide many benefits to the Office and to clients such as the publication of our Client Service Guide, Customer Charter, our contribution to "Better Regulation" through restatements, consolidation, revision and codification of statute law, the publication on our website of all statutes and statutory instruments, the development of our Performance Management Development System, IT initiatives and our continued policy of training and development of our staff.

Knowledge, especially legal knowledge, is at the heart of the work of the Office. Management of this knowledge and ensuring that expertise is fully developed, used and retained in the delivery of specialist legal and other services is a major challenge. To achieve this we pay special attention to the continuous development of our library and information services and to training and development of all staff. Altogether this ensures delivery to our clients of the highest standard of professional legal services as our mission statement demands.

Our six carefully chosen “key objectives” in the Statement of Strategy, the strategies to implement them and the indicators to measure their achievement therefore represent the product of much thought by the Office as a whole on what Government’s needs are in our area of responsibility and how we are to deliver them. I am very grateful for this widespread involvement. It means that this Statement of Strategy has been devised largely by those who will implement it through business plans derived from it. It demonstrates the commitment of the whole staff of the Offices to the work of the Office and the part that each person plays in it. I look forward to working with all staff in implementing it over the period of the Statement of Strategy.

I would particularly note the vitally important role that the administrative sections of the Office play in the operation of the Office and the effective delivery to Government Departments and Offices of the legal services they require. They have made a significant contribution to the development of this Statement of Strategy.



Finola Flanagan  
*Director General*



Liam O'Daly  
*Deputy Director General*



Deirbhle Murphy  
*Chief Parliamentary Counsel*



David J. O'Hagan  
*Chief State Solicitor*



# 1 OVERVIEW OF THE OFFICE

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## 1.1 ROLES AND FUNCTIONS

The Attorney General is the legal adviser to 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 legislative or judicial branches, or to the President. Nor does the Attorney General furnish legal advice to 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 Counsel to the Government and the Office of the Chief State Solicitor. The main functions of the Office of the Attorney General are;

- to provide legal advice to Government, Departments and Offices
- to draft legislation
- to provide litigation services
- to provide solicitor services, including conveyancing and other transactional services.

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

## 1.2 ORGANISATION, STAFFING AND FUNDING

The Office has a current authorised staffing complement of 364 – 127 in the Merrion Street Office and 237 in the Chief State Solicitor's Office. An Organisation Chart is at Appendix II. The Office has an annual budget in the order of €44 million in 2003, €14 million for the Merrion Street Office and €30 million for the Chief State Solicitor's Office.

# 2 ANALYSIS OF THE WORKING ENVIRONMENT

## 2.1 INTRODUCTION

A new Government Programme, the *Programme for Government, 2002 – 2007*, is in place. In accordance with the Public Service Management Act 1997 all Government Departments and Offices are required to produce new Statements of Strategy. Clearly as a legal services provider to Government the strategic priorities of the Attorney General's Office are to a large extent determined by those of Government and by client Departments and Offices who implement Government policy. How the Office goes about giving effect to those priorities and, in the process, maintaining a vibrant and fulfilling working environment for its staff in the future making optimum use of all its resources, is the challenge for the Office. The overall Strategy of the Office is legal specialisation. This has been the case, as a matter of strategic choice since 1995, and through successive Statements of Strategy, each designed to embed further this principle in practice. It is this strategy that has enabled the Office to meet the increasing complexity of both the internal environment and the legal environment in which it operates. This strategy is central to many other strategic choices. It drives the Office's Human Resources Management and Training and Development policies and the delivery of professional library, research and know-how resources and services.

The volume of legal work in the Office is largely dependent on the demands of Government, Departments and Offices. The volume has increased and the Office has responded by introducing further specialisation by both Advisory Counsel and Parliamentary Counsel in the Merrion Street Office and by solicitor and legal staff in the Chief State Solicitor's Office and by increasing staff numbers to

undertake the work. Increased specialisation and staff numbers have enabled the Office to provide a better service to Government, Departments and Offices. The increase in volume has been caused by Government's greatly expanded legislative programme, far greater recourse to law and litigation, an increase in EU activity and the requirement of Oireachtas scrutiny of EU measures. The increase in litigation against the State has resulted in the need for its strategic management including mass claims (i.e. categories of claim where many cases of the same type or which raise the same legal issue arise) against the State. The recent Government decision to cap numbers in the public service and indeed to reduce them over the next three years will mean that the Office will be required to prioritise its services to clients. This will pose a particular challenge.

The development of the key objectives set out in this Strategy Statement involved an analysis of the environment in which the Office operates, both internal and external. The Office is currently undertaking intensive policy and process reviews in the context of the Office's new Information Technology Plan which is scheduled for completion by early 2005. The projects under the Plan were chosen specifically to address the major operations of the Office. All of the projects will improve organisational efficiency and ensure that the Office will establish formal policies in these areas and be in a better position to meet the objectives and strategies set out in this Statement of Strategy. They will enhance the commitment to the delivery of legal services of the highest quality to clients.

- The development of a **file and records management policy** to consider how documents, records and correspondence are to be maintained on both the virtual electronic file and the corresponding physical file and how they are to be managed and what information is required to deliver reports to enhance the management of the Office, will improve organisational efficiency and rationalise file maintenance. The development of this policy will assist in the selection of an appropriate electronic case and records management system.

- The implementation of a new **electronic case and records management system** to record, maintain and track in a central repository all files, precedents and contact information held by both Offices, will also improve organisational efficiency by providing case and matter analysis and the maximum possible automation of the Office's case management needs. This new system, when implemented, will be the central system with which interfaces will be developed with the other main business systems to provide both financial and non-financial information to support improved managerial decision-making and control, performance measurement and evaluation, thus enabling an increased focus on outputs and greater transparency in the use of resources.
- The new **financial management system**, which will be in place by end of 2004 as part of the IT Plan, will provide financial information that will enable the Office to demonstrate how it spends its Estimates' allocations and how staff spend their time.
- In the context of the e-Government initiative, the Office has initiated a project, in conjunction with the Houses of the Oireachtas, to develop and implement an **e-Legislation solution**. The aim of the system will be to support the process of authoring and managing legislation through its lifecycle and to avail of any opportunities for process improvements.
- The development of the Office's **knowledge management strategy**, where knowledge gained can be captured, shared, re-used and enhanced will also improve organisational efficiency and ensure that the Office will be in a better position to meet the objectives and strategies set out in this Statement of Strategy and enhance the commitment to the delivery of legal services of the highest quality to clients.
- The development of a **human resources strategy** and related policies will support and contribute to the achievement of a culture of Partnership, support and development within the Office.

Reviews have entailed an identification of strengths, weaknesses, opportunities and threats with a view to improving the delivery of service to clients. The analysis of the working environment also took account of political, economic, social and technical factors and their impact on the Office, such as the e-Government agenda, Better Regulation and current trends in European Union relations.

The key objectives, strategies and critical success factors set out in this Statement of Strategy take account of the developments in the environment within which the Office currently operates and of the *Programme for Government 2002 – 2007*. The Office must respond to the ever-increasing demands for advice, drafts of legislation and other legal services from Government, Departments and Offices. Notwithstanding the fact that the Office has limited control over the very diverse and complex economic, political and legal environment in which it operates, it can dictate the standards by which it responds through analyzing the current and future impact and by developing the necessary strategies in order to maximise opportunities and minimise threats to achieving the Office's objectives.

The Office is taking a particular interest in the development of IT within the courts system. These developments will have a major impact on the day-to-day business of filing proceedings, communicating with the Courts Service and conducting litigation generally. The Office welcomes these developments and is preparing to engage fully with all of the expected changes and to utilise the benefits which they will bring and to support the Courts Service and the judiciary to the fullest extent.

The Office has co-operated with the Courts Service and with its consultants in the development of the IT strategy for the courts. Members of the Office's legal and IT staff are also members of the Supreme Court Group on Computerisation. The Office is committed to being to the forefront of legal offices with full capacity to utilize the new service. The Office has been made aware of proposals to pilot selected IT practices in appeals to the Supreme Court and has offered to participate in these pilots.

The Office has also undertaken many initiatives to meet the wider needs of clients. These include the following:

- Statute Law Revision Unit's programme of statute law revision and consolidation, the Unit's Restatement project and its involvement in the Better Regulation initiative through the development of a policy for improving access to and coherence of statute law;
- The Irish Statute Book on CD-ROM, 1922 to 2001, published in 2002 and updating of the Office's web-site;
- European Convention on Human Rights (ECHR) training and education of civil service legal staff in general areas of ECHR law and in their specific areas of specialisation;
- Circulation to Departments and Offices of the Office of the Parliamentary Counsel's Drafting Checklist and Guidelines on the preparation of Statutory Instruments;
- Hosting of the bi-annual meeting of the Attorneys General and Chief Justices of the Member States of the European Union in Farmleigh in May, 2002;
- Hosting of an International Conference on the theme of *Legislative Drafting – Emerging Trends* in Dublin Castle in October, 2000;
- Assignment of an Advisory Counsel from the Office on a three-month *stage* to work with the Irish Judge on the European Court of Justice;
- Participation in CMOD courses on the legislative process which entails Parliamentary Counsel giving a lecture as part of the course.

The Office has identified the main external stakeholders with whom it engages and who may have the potential to effect on the Office's ability to deliver legal services of the highest quality. The diagram at Appendix III identifies these stakeholders.

## 2.2 QUALITY CUSTOMER SERVICE

### 2.2.1 Clients: External

The principal clients of the Attorney General and his Office are the Government, its individual members and the Departments they head. The Office also participates in a significant number of Committees and Commissions listed at Appendix IV. In practice staff mainly deal with departmental officials with whom good working relationships are developed. The Attorney General attends Government meetings and advises Government on matters that arise. 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 they are frequently fully involved in the same way as other members of the group in formulating reports and recommendations.

Whilst the Office has improved client service in recent years the challenge now facing it is to strengthen and build upon the commitment to the delivery of legal services of the highest quality to clients. This commitment to provide a professional service to the highest standard, taking into account the needs of clients, is set out in the Office's *Client Service Guide 2002 – 2004*. The Office understands that the co-operation of Government, Departments and Offices is a necessary prerequisite to the delivery of a quality service. To this end the Office's Client Service Guide sets out specific measures for enhancing the standard of services and for securing valuable feedback from clients as to the range, type and quality of the service provided. The Office is committed to publishing an Annual Report, in the English and Irish languages, on its activities including a progress report on the achieving of commitments to clients.

### 2.2.2 Clients: Internal

The challenge to deliver quality services promptly to Government, Departments and Offices is made all the greater by the ever-increasing volume of work received in 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 adequately resourced through the provision of appropriate training, administrative and clerical support, IT and library/information and knowledge management services. In this climate, the Office recognises the need to maximise the effective use of available resources and to meet staff expectations in relation to a more open and rewarding working environment. To this end 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 staff is recognised as one of the main strengths of the Office. The Office is committed to a staff development policy so as to ensure that it continues to have a highly motivated and skilled workforce.

The fact that all staff are bound by the Official Secrets Act and by professional duties of confidentiality, the requirement for an objective, independent, ethical and confidential service is strongly emphasised in all induction and continuing staff training. The Office is committed to the principles of equality, particularly as enshrined in the Employment Equality Act 1998 and the Equal Status Act 2000, in the recruitment, development and promotion of staff and in the selection of external advisers and consultants.

## **2.3 COMMUNICATION WITHIN THE OFFICE**

The Office recognises that good communications between all staff is essential for the Office to function effectively. In particular, effective communication between management and the rest of the staff is essential for a harmonious and productive working environment.

Partnership Committees in the Merrion Street Office and in the Chief State Solicitor's Office have been in existence for a number of years now and have contributed greatly in this area. The Partnership Committee in the Merrion Street Office has retained communications as an office core competency for the

next annual cycle of the performance and management system. This will result in the Merrion Street Office and its staff focusing on communication, both for the Office externally and internally and for individual development, in the first year of this Statement of Strategy. The Partnership Committee in the Merrion Street Office has established a representative sub-committee to examine and make recommendations on internal communications within that Office. Internal communication procedures have also been developed by the Partnership Committee in the Chief State Solicitor's Office. The importance of a range of diverse, appropriate effective communications mechanisms for providers of legal services cannot be underestimated.

The Office is conscious of the need to ensure that all its staff have an opportunity to contribute to its development. In this connection the Office will seek to ensure that all members of staff have an equal opportunity to participate in internal and external working groups and committees which focus on aspects of the Office's development. The Office is also conscious of the need for continuous review of the efficiency of the Office, its practices and procedures. One of the focuses of the studies in relation to the implementation of the IT Plan is to review existing practices and procedures to identify ways in which they can better promote the delivery of a quality service. Good communication is at the heart of the effectiveness of Office practices and procedures and this is one of the issues to be examined in the context of their reorganisation.

## **2.4 WORK**

The Office is unique amongst law practices due to the scope and variety of the work it undertakes. This includes the type of work that may also be done by private lawyers including private solicitors, practicing 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, advising on EU proposed instruments and legal policy, defending judicial reviews against the State and dealing with State property.

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

Requests for advice, drafts of legislation, litigation, conveyancing and other transactional work are often urgent. The Office must be capable of responding to such demands and be sufficiently flexible in its practices and in its skills to re-prioritise work and respond to the query 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. There have been a number of knowledge management initiatives, including the recruitment of a know-how officer and the development of a legal know-how database to facilitate the effective sharing of knowledge and consistency in legal advice. An improved knowledge management strategy is currently being developed in the context of the Office's new IT Plan. The objective of the strategy will be to provide a framework for identifying, capturing, delivering and re-using the Office's organisational knowledge to enable greater work efficiency and enhance the delivery of high quality legal services.

## 2.5 RECENT CHANGES

In recent years the Office has experienced a period of change with major staff, organisational and information technology improvements.

These developments include;

- the introduction of the Strategic Management Initiative;
- the introduction of the Performance Management and Development System;

- continued development of and focus on specialisation of Advisory Counsel;
- the Office consenting to the provisions of the Public Service Management Act;
- the development of the business planning process;
- the greater focus on Quality Customer Service;
- the development and implementation of a new IT Plan.

Such developments have placed greater focus on the Office's need to be more responsive to client needs, more performance and results oriented and with the capacity to provide excellent value for money. The establishment of a new Change Management Unit which services both the Merrion Street Office and the Chief State Solicitor's Office has enabled the Office to adopt a more co-ordinated approach to implementing the change programme arising from these developments.

## 2.6 STAFF

The Office, having regard to its workload and range of activities, operates with a relatively small number of professional lawyers, professional technical and administrative staff, and specialist contract staff. As part of its function in providing litigation services to Government Departments the Office employs practising barristers to appear on behalf of the State before the courts. The Office sometimes also seeks advice from practising barristers in specialised non-litigious matters. Private solicitors are occasionally employed where necessary. In its work, the Office comes into regular contact, and deals regularly, with private practitioners, occasionally from abroad. There is significant and ongoing co-operation between the lawyers of the Office and the Departmental legal advisors. The advice of academic lawyers is occasionally sought.

The lawyers in the Office operate in a collegiate environment. They give independent and objective legal advice on the issues raised.

The success of the Office is increasingly dependent on high quality support staff and systems underpinned by well-developed information technology and a knowledge management strategy.

Both the Merrion Street Office and the Office of the Chief State Solicitor have their own administration divisions with staff providing Human Resources, Finance, Training and Development, Services, Clerical Support, Registry, shared Internal Audit and Change Management, Information Technology and Library services as well as the Private Offices of the Attorney General, Director General, Chief Parliamentary Counsel and Chief State Solicitor.

## **2.7 MANAGEMENT ADVISORY COMMITTEES (MAC)**

The Management Advisory Committees (MAC) will continue to ensure that all key strategic, business and management decisions for the Office are discussed collectively before any relevant issues are further developed in a partnership approach involving management, unions and staff. There are monthly meetings of the separate Management Advisory Committees in the Merrion Street Office and the Chief State Solicitor's Office. In addition to senior lawyers, the Heads of Administration in both Offices are also members of MAC. There are also weekly meetings in the Merrion Street Office between the Director General, Deputy Director General and Advisory Counsel Group Co-ordinators to discuss legal issues and weekly meetings between the Chief Parliamentary Counsel and Parliamentary Counsel Group co-ordinators to discuss drafting issues. A joint Merrion Street Office/Chief State Solicitor's Office MAC meeting takes place every second month. The agenda and minutes of MAC meetings are made available to all staff in the Merrion Street Office on its Lotus Notes Database system. The MAC will periodically review the implementation of the strategies set out in this Strategy Statement.

## **2.8 PARTNERSHIP COMMITTEES**

The Office recognises the importance of the continuance of the partnership approach in developing the change culture in the Office as initiated by Partnership 2000. This partnership approach has been fundamental to the achievement of change to date and will be continued over the period of this Strategy Statement. Partnership Committees have been established in the Merrion Street Office and the Chief State Solicitor's Office since 1999. Both committees have Office-wide representation, deal with core Office-related matters and the implementation of SMI including the Performance Management and Development System. Sub-committees of Partnership in the Merrion Street Office are looking at issues such as the Performance Management Development System, Training and Development as well as Communications generally within the Office. The Partnership Committees will play an integral role in the implementation of the strategies set out in this Strategy Statement.

## **2.9 MERRION STREET OFFICE – ADVISORY**

There are thirty-one Advisory Counsel. Advisory Counsel must, in order to meet the entry requirements, have practised as barristers for a period of at least four years. Hence collegiate professionalism is the underlying ethos of the Office.

Advisory Counsel must give objective, independent advice on the issues referred to them. Depending on the importance or sensitivity of a particular issue, they may either advise Departments directly or prepare submissions for the Attorney General which the Attorney then uses in the formulation of advice. Advisory Counsel perform a number of functions, the principal ones being advising Departments generally and in relation to draft legislation and assisting in the conduct of litigation involving the State.

These functions are as follows:

### *2.9.1 Advisory Work Generally*

Advice is sought in all areas, touching upon the work of all Government Departments. The breadth of this subject range is enormous, including domestic, EU, international and constitutional legal issues.

### *2.9.2 Legislation*

Advisory Counsel advise Departments on General Schemes for legislation and on legal issues as they arise during the drafting of both primary and secondary legislation and constitutional amendments. In this regard Advisory Counsel work closely with Parliamentary Counsel and the Attorney General in giving legal and constitutional advice on specific issues which are referred by Parliamentary Counsel. Advisory Counsel also advise Departments on legal issues that arise during the negotiation of draft European legislation in Brussels.

### *2.9.3 Litigation*

Advisory Counsel assist in the conduct of litigation involving the State, seeking specific directions from the Attorney General when required. They deal not only with individual cases but also with important overall issues, such as how to deal with categories of mass claims (i.e. categories of claim where many cases of the same type or which raise the same legal issue, arise). Advisory Counsel work closely with solicitors and legal executives in the Office of the Chief State Solicitor and local State Solicitors throughout the country. Advisory Counsel advise on all non-personal injury litigation against the State and on some personal injury litigation involving the State. Domestic litigation includes claims for judicial review usually involving challenges to the decision of a lower court or to the decision of a Minister or a State agency. It also includes constitutional challenges to legislation and claims for breaches of constitutional rights in a diverse range of subjects such as special education, equality and anti-discrimination, asylum and immigration, fisheries prosecutions, planning law, jurisdiction of the courts, prisoner release and remittal of sentences, extradition and Freedom of Information Act law.

The State Claims Agency has, since December, 2001, been responsible for those personal injury claims which have been delegated to it. These are categories of claims likely to be capable of early settlement. Advisory Counsel continue to advise on those personal injury claims not delegated to the State Claims Agency.

While barristers are briefed to appear for the State in court and to prepare the necessary documentation, Advisory Counsel generally direct the conduct of the litigation, giving effect to the instructions of the client Departments who are involved in the litigation and to the specific directions of the Attorney General. Advisory Counsel have the advantage of an overview of most of the litigation involving the State and endeavour to maintain not only a strategic viewpoint but to keep client Departments informed of the possible consequences of the litigation for them and for other Departments of State.

### *2.9.4 European and International Law*

Advisory Counsel advise on the conduct of European and international litigation such as EU litigation before the European Court of Justice (ECJ), the Court of Human Rights in Strasbourg and in international arbitrations such as the MOX case. There is ongoing contact between Advisory Counsel and the Department of Foreign Affairs's Legal Division in relation to such issues.

The Office has an EU Co-ordination Group dealing with the legal elements of the significant and ongoing developments in the European Union. Legal and constitutional advice arising from Ireland's membership of the European Union has been a feature of Advisory Counsel work for many years. In order to meet the need for legal advice during the course of negotiations on European instruments and to provide legal advice generally in relation to Ireland's membership of the Union, the Office has, since 1996, assigned an Advisory Counsel as Legal Counsellor on secondment to the Permanent Representation of Ireland in Brussels. The role of the Legal Counsellor has been an intrinsic element of the effective functioning of the Permanent Representation and of the Office. There is ongoing and close liaison and co-operation between the Office and the Legal Division of



the Department of Foreign Affairs with a view to ensuring a coherent and co-ordinated approach to the legal advice provided within the civil service.

Advisory Counsel are also assigned by the State as national experts in certain international fora (see Section 2.17).

### *2.9.5 Increased Specialisation*

Advisory Counsel must have a specialised knowledge of constitutional, European, human rights and administrative law. These areas impact upon the advice Advisory Counsel give whatever their specialist area of law.

Advisory Counsel are divided into Groups, each of which focuses on a number of areas of law, some of which fall within the same broad area (see Appendix V). Each Group has a Co-ordinator who fulfils a combination of both professional and managerial responsibilities. Each Group has four or five Advisory Counsel, two or more of whom are assigned to individual specialisms. Administrative support for each Group is provided by two dedicated clerical officers who are familiar with the business of the Group. Each Group forms a distinct business unit for management purposes.

The specialisation of Advisory Counsel referred to above began in the Merrion Street Office in 1995. This strategy has been kept under review. In 2001 the Office sought to identify those specialisms which might be reprioritised or even shed, those in which sufficient expertise had been gained and new areas of law which might require additional, substantial specialisation within the Office. Following this review and the recruitment of additional Advisory Counsel, the Office established five specialist Groups in December, 2001. The specialist areas covered by the original three Groups and new areas of law in respect of which it was anticipated the Office would be asked to advise were assigned amongst the five new groups.

With the growth of the Office and the increased specialisation has come the need for electronic systems to ensure that all Advisory Counsel and Parliamentary Counsel are aware of the advice given on similar or parallel issues by other Advisory Counsel or Parliamentary Counsel.

The development of a knowledge management strategy, which is detailed elsewhere in the Statement of Strategy (paragraph 2.13.10), serves the purpose of ensuring access to relevant external information and internal Office advises. Regular meetings to discuss legal issues and the circulation of all outgoing advice in certain specialised areas are also in place to promote awareness amongst Advisory Counsel and other lawyers of the advice given by their colleagues.

Details of the Groups and their areas of specialisation are set out at Part I of Appendix V.

### *2.9.6 Anticipated Changes for Advisory Counsel*

Changes in the legal environment in which the Office provides its services will affect both the areas in which Advisory Counsel work and the manner in which they carry out that work over the next three years.

- The European Convention on Human Rights Bill is expected to be enacted in 2003 and State entities will be required to apply the standards of the Convention in fulfilling their functions. An increased demand for advice on ECHR issues, its impact on existing and proposed legislation and on domestic jurisprudence is inevitable.
- A review of the conduct by the State of EU litigation before the European Court of Justice is currently underway within the Office. The Treaty of Nice has brought about a number of changes to the procedures before the Court and may for the first time result in Chambers of the Court composed of judges who do not come from a common law tradition. As a result, a fundamental examination of Ireland's approach to its EU litigation procedures and to the State's interventions before the Court is appropriate at this time. Proposals for changes or new structures arising out of this review will require consultation and involvement of Government Departments.

- The State Claims Agency will in time handle the majority of the claims for personal injuries against the State. New compensatory fora are planned such as the Personal Injuries Assessment Board and the Redress Board in relation to childhood abuse. It seems likely that these will diminish some of the volume of litigation handled by Advisory Counsel but may increase other aspects of their work, such as judicial review of decisions taken by some of the new boards.
- Increased scope for co-ordination arises from having defined groups of Advisory Counsel dealing with specific categories of cases. This co-ordination will facilitate the strategic management of litigation on behalf of the State in the future.
- With the introduction of Oireachtas Scrutiny of EC/EU instruments, legal advice will be sought at earlier stages in the development of instruments and within tight deadlines. Departments will, in some instances, seek the advice of the Office in preparing the notification to the Oireachtas of EC/EU legislation which is contemplated. Departments may require legal advice during the course of negotiation of instruments in the context of informing the Houses of the Oireachtas of the stance taken on particular issues. Advisory Counsel will be involved at an earlier stage in many instruments.
- EU legal work has expanded considerably in the recent past and is likely to continue to do so over the period of this Statement of Strategy. In particular, the Convention on the Future of Europe continues to give rise to the need for constant and ongoing legal advice. Ireland will have the Presidency of the Union in 2004 and it is anticipated that, as a consequence, there will be an increase in legal advice being sought in those areas of EU law in which the Presidency is promoting new legal instruments or initiatives. The Office will also be responsible for chairing some legal committees and working groups. The Intergovernmental Conference which will finalise the Convention will seek to agree upon a new draft Constitutional Treaty for the Union.

This process and the possible referendum requirements will give rise to important legal and constitutional issues. The changes to the EC/EU which will be brought about as a result of the Convention are likely to give rise to a need for increased specialisation in EU institutional and constitutional law.

- Certain sectoral areas of EU work are likely to expand considerably over the next three years. In the areas of justice and home affairs, human rights, equality and equal treatment, environment and private international law there will be a substantial increase in work as the European Union exercises greater competence in these fields.
- Intervention by the State in cases before the European Court of Justice is currently under review within the Office. An Advisory Counsel from the Office has been assigned on a three-month stage to work with the Irish Judge on the European Court of Justice so as to increase understanding of the European Court of Justice, the European Commission and other member States and parties' approach to this litigation. Other lawyers will repeat this process. The benefit to the State of an Advisory Counsel with direct experience of the procedures and practices of the Court will facilitate the anticipated increased level of interventions in cases by the State before the ECJ.
- Because of an increased general awareness about the value of State contracts, advice is being sought of the Office more frequently in respect of public procurement and contract terms. In response to this increased need it is proposed to establish a Commercial Contracts Section in the Chief State Solicitor's Office to provide the necessary expertise in this area.
- The increasing complexity of the environment in which Government operates on both a national and international level has given rise to a number of key cross-cutting issues. These are handled primarily through the mechanism of inter-departmental committees and working groups. Both the number and importance of such issues

are likely to increase over the next three years. The Merrion Street Office already plays a role on these committees and groups (which are listed in Appendix IV to this Statement). This work poses new challenges for the provision of legal services and demands new methods of working and communicating. These challenges must be met by the Office in co-operation with client Departments.

- Entirely new areas of law are emerging with advances in technology. To take one example, bioethical and medico-legal issues arising from developments in the fields of GMO's, stem cell research and assisted human reproduction will pose novel health, environmental and intellectual property questions for Government and the Office in the next three years. The emergence of new areas such as those, pose strategic questions for the Office in achieving the correct balance between them and more established areas of law. Growth in the number of requests for complex advice in such areas is expected.
- Significant and complex EC Directives and Regulations on various company law issues will require implementation during the period of the Statement of Strategy. There are, in addition, important proposals for Directives on various company law matters, in particular arising out of the Final Report of the High Level Group of Company Law Experts entitled *Final Report of the Group on a Modern Regulatory Framework for Company Law in Europe*. It is anticipated that the request for advice in this area will substantially increase both in the amount of work and in the complexity thereof.
- As outlined in paragraph 2.1 the implementation of the Office's Information Technology Plan, which incorporates projects that address the major business processes of the Office, will bring about some important cultural and process changes during the period of this Statement of Strategy. The move towards the primacy of the electronic file, which will facilitate the management of files, will greatly improve organisational efficiency and

rationalise file maintenance. This greater use of electronic files will also deliver the management information that will be needed to give effect to the key objectives and strategies set out in this Statement of Strategy. There will be a need to prepare a detailed and well worked out plan to communicate the benefits to the Office of the implementation of all IT projects currently underway. This should ensure acceptance of the changes and promote an understanding by all staff of the new approach to file management including, in particular, the move to the primacy of the electronic file and the obligation of staff to input all necessary information. There will also be a need to ensure appropriate co-ordination of the implementation of the IT Plan as a whole, but in particular, with regard to the e-Legislation project and the alignment of that project with the e-Government projects. The Office will be required to implement the functionality of the Case and Records Management solution on a phased basis so as to ensure the timely delivery of core systems. Finally, the Office recognises that there will be a requirement to develop a detailed training plan for the new systems designed around the specific needs of users in order to make the optimal use of the new technology and of IT resources insofar as support issues are concerned.

## 2.10 CHIEF STATE SOLICITOR'S OFFICE

The Chief State Solicitor's Office has undergone significant changes in recent years and its structures were re-organised in early 2002 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 ongoing implementation of the modernisation programme (SMI) and with strong emphasis on the role of mission, Statement of Strategy, business planning, Partnership and PMDS.

The Office is building up to full strength and hopes to have achieved this target by early 2003. Clearly the fullest achievement of the objectives is dependent on achieving a full staffing complement but nonetheless it expects to achieve substantial progress in delivering its objectives before then.

The range of work of the Office is huge, many matters are high profile, politically sensitive, may attract publicity and sometimes involve emergency applications to court, strict time limits and complex issues of law. Court cases are often appealed to the Supreme Court and occasionally referred to the European Court of Justice.

The Office is now organised along the lines of five 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. It also takes into account some of the future demands expected of the Office such as the capability to respond to litigation grounded in ECHR jurisprudence, increased levels of involvement with the ECJ, the delivery of legal services to support the Programme for Government in relation to nuclear safety and the capability to respond effectively to the roll-out of developments in computerised procedures in conducting court business. It also takes account of the management challenges for the Office and,

in particular, the challenges created by the programme for public service modernisation.

The divisional and sub-divisional organisation is set out in Part II of Appendix V. The nature and range of legal services provided by the Office is also set out at that point.

In addition, the Office manages the local State Solicitor service whereby some State legal work arising locally is transacted by local State Solicitors. Over the years the State has received an excellent service from its local State Solicitors and has benefited enormously from their loyalty, commitment and skill. These State Solicitors are appointed by the Attorney General and remain 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, in criminal matters, will transfer from the Chief State Solicitor to the Director of Public Prosecutions in 2003 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.

### *2.10.1 Anticipated Changes for the Chief State Solicitor's Office*

Most of the changes described for Advisory Counsel (see Para. 2.9.6) will also affect the staff of the Chief State Solicitor's Office.

In terms of the internal environment of the Chief State Solicitor's Office major changes are anticipated arising out of the implementation of the IT Plan and the Management Information Framework.

The anticipated changes can be summarised as follows;

- The introduction of a new file and records management system,
- The implementation of a computerised case management system,
- The development of a knowledge management application,
- The development of a new financial management system with capability to exercise the MIF requirements of the Office with particular regard to financial and costs related indicators,
- The introduction of systems to monitor management information of non-financial indicators,
- The implementation of a new computerised human resources management system.

The Chief State Solicitor's Office is working with the Office of Public Works to obtain a new office premises and the relocation this will entail will be a significant change.

In terms of the legal service environment in which the Chief State Solicitor's Office operates the Office anticipates intensification in service in the following areas:

- Asylum and Immigration Law,
- Nuclear Safety,
- Commercial Contracts,
- Public Ethics Issues,
- Litigation concerning children,
- Extradition and European Arrest Warrants,
- Tribunals and Commissions,
- Natural Resources,
- State Property.

## 2.11 OFFICE OF THE PARLIAMENTARY COUNSEL TO THE GOVERNMENT

The Office of the Parliamentary Counsel to the Government (OPC), formerly known as the Office of the Parliamentary Draftsman, is a constituent part of the Attorney General's Office. The primary function of the OPC is to draft Government Bills, statutory instruments to be made by the Government and, as appropriate, to draft or settle statutory instruments to be made by Ministers, Ministers of State and a number of State bodies.

The mission of the OPC is to provide a legislative drafting service at the highest professional standard to its clients.

Parliamentary Counsel work closely with Advisory Counsel in relation to drafting matters. In the course of the drafting of legislation by Parliamentary Counsel complex legal issues frequently arise. Where Parliamentary Counsel are of the opinion that any issue requires legal advice from an Advisory Counsel, he or she seeks such advice. This, on occasions, may involve the advice of the Attorney General personally. Since 1999, a protocol regarding procedures to be adopted in these matters has been in place.

The Office of the Parliamentary Counsel is fully involved, and integrated with, the management and operation of the Merrion Street Office.

In common with the rest of the Office, the primary strategy of the OPC is legal specialisation. Like Advisory Counsel, Parliamentary Counsel are formed into groups to deal with specific legal subject matter. The OPC has created an organisational structure of three groups each of which has responsibility for the legislative needs of five Government Departments and allocated staff members accordingly. The Government Departments allocated to each of the three groups and the staffing allocated to them are set out in Part III to Appendix V. An advantage of this system is that client Departments get to know and to develop working relations with the Parliamentary Counsel who may be engaged either intensively or for lengthy periods of time (or both) on the item of drafting of political or policy importance to that Department.

The function performed by the Government Legislation Committee (GLC) in relation to the prioritisation of legislation is central to the successful implementation of the Government's Legislation Programme.

GLC co-ordinates and oversees the progress of Government Bills from the time of inclusion in the Government Legislation Programme to enactment into law. It prioritises legislative proposals, co-ordinates planning for future legislation and monitors the progress of those prioritised Bills.

The Committee is chaired by the Government Chief Whip and its members include the Attorney General, the Chief Parliamentary Counsel, the Programme Managers to the Taoiseach and the Tánaiste, the Leader of the Seanad and representatives of the Department of the Taoiseach and the OPC.

In carrying out its functions the GLC consults with the OPC and Government Departments for the purpose of preparing in each Parliamentary session a list of Government Bills which are proposed to be drafted and published within the time period of that Parliamentary session. A weekly progress report on the drafting of these Bills is prepared by the OPC, providing essential information concerning the achievement of these goals.

The progress reporting strategy has now been applied to drafting of secondary legislation that arises out of our membership of the European Union.

The Committee provides a mechanism for mediating between the competing claims of Departments for the services of Parliamentary Counsel and the planning of work for each Dail Session assists in the regulation of the flow of instructions to the OPC. Following the enactment of the European Union (Scrutiny) Act 2002 and the enhanced arrangements for Oireachtas Scrutiny of EU measures, there is an increased awareness of the necessity to closely monitor the compliance of the State with our obligations to transpose Directives in a timely manner and to enact any necessary legislation to comply with the new form of measure introduced by the Treaty of Amsterdam, namely, framework decisions which are increasingly used in the field of Justice and Home Affairs.

As framework decisions can only be implemented by means of primary legislation, the Legislation Committee must now ensure that the time limit for the implementation of these measures is adhered to and that this work is also factored into the Legislation Programme. This is a new challenge for both Government Departments and the OPC which may require adjustments to be made to the overall planning process undertaken by the Committee.

The enactment by the Oireachtas of the Statute Law (Restatement) Act 2002 re-emphasises the desirability of legislating for discrete areas of law in separate enactments to facilitate the preparation of restatements. The OPC will draw the attention of instructing Departments to this objective.

### *2.11.1 Changes in Drafting Style*

The OPC is conscious of the need to modernise the statute book and to improve the accessibility of statute law, and to this end has introduced drafting style changes over recent years. The amendment of existing legislation is now, wherever possible, done by expressly stating the provision that is being amended so that the amendment is clear and capable of being noted in the chronological tables to the statutes (see Section 2.12.5). This style change is a strategy that, it is hoped, will meet the needs of those persons, which include the OPC's external and internal clients, using the statute book, for clarity and certainty regarding amendments to existing legislation. To facilitate Departments in this regard the OPC has compiled a drafting manual entitled "*Statutory Instruments: Checklist and Guidelines*" to assist Departmental officials in preparing statutory instruments.

### *2.11.2 E-Legislation Project*

As part of its commitment to the e-Government initiative, the OPC has been in discussions with a number of interested parties (Houses of the Oireachtas, Department of the Taoiseach, Centre for Management and Organisational Development in the Department of Finance and the Business Access to State Information Services – BASIS and Public Service Information for Life – OASIS project groups) with

particular reference to the legislative process. It is hoped to implement a system, in consultation with these bodies and taking account of the e-Democracy 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. It is hoped that collaboration will result in a system which would cover the processes from initial drafting of legislation, including the process of providing legal advice on legislative proposals and texts within the Office of the Attorney General, through parliamentary debate and its availability to the public in searchable electronic form on the internet and on CD-ROM. Adopting a joint approach where possible with the Houses of the Oireachtas will assist in leveraging efficiencies accruing from the common demands of both the Office and the Houses of the Oireachtas from such a system

### *2.11.3 Anticipated Changes for the Office of the Parliamentary Counsel to the Government*

Most of the changes described for Advisory Counsel (see Para. 2.9.6) will also affect the staff of the Office of the Parliamentary Counsel to the Government.

Specific challenges which the OPC will face over the next three years include;

- the ever-increasing need to produce draft legislation in many diverse areas of law and of varying complexity and urgency;
- balancing this increasing need with the very specific training and development requirements of Parliamentary Counsel.

In addition, the alignment of this Statement of Strategy with the e-Government and e-Cabinet initiatives will present many challenges to the Office so as to ensure appropriate integration between the Office and the appropriate stakeholders. Implementing a system to support the processing and management of legislation text and indexes through the legislation life cycle will entail changes to work processes in the Office of the Parliamentary Counsel.

A specific challenge for the OPC is the relatively lengthy “lead in” time required to train Parliamentary Counsel. To meet this challenge following the recruitment of a number of Parliamentary Counsel it was decided to draw up a detailed Training Plan to ensure consistency of approach to the training being delivered by different business units of the OPC and to set out the work required of the new staff during their period of training and probation. The delivery of proper training to staff is a challenge for the Office given the ongoing demand for the production of draft Bills within shorter timescales. Notwithstanding the demand for Bills, it will be necessary to allocate time to the full implementation of the Training Plan to ensure that the new Parliamentary Counsel are in a position to undertake more complex work as soon as possible in order to assist in the delivery of the Legislation Programme.

Also, the OPC will continue to participate in the Government Legislation Committee to facilitate the planning of drafting work and to achieve optimum use of resources through prioritisation etc. Strategically more needs to be done over the next three years to derive maximum benefit from this mechanism.

## **2.12 STATUTE LAW REVISION UNIT**

### *2.12.1 Background*

The Statute Law Revision Unit was established in February, 1999, to draw up and implement a programme of statute law revision and consolidation. In order to undertake this task, it has become engaged in the wider process of developing a policy for improving access to and coherence of statute law. This policy has been most recently articulated in *Towards Better Regulation*. (Department of the Taoiseach, April 2002).

The following four aspects of the work of the Unit are worth particular mention.

### *2.12.2 Restatement Project*

The Restatement project represents the most tangible output of the Unit. The project involved drafting the Statute Law (Restatement) Act 2002 and undertaking a number of 'pilot' restatements. The Act will allow the publication of administrative consolidations.

Restatements are laid before the Houses of the Oireachtas but are not debated. Restatements do not alter the law but set out in a more coherent format a series of Acts that have amended each other. Restatements may be cited in court as *prima facie* evidence of the law set out in them.

### *2.12.3 Consolidation and Statute Law Reform and Revision Bills*

The Unit drafted the Capital Acquisitions Tax (Consolidation) Bill 2002 and work is at an advanced stage on a National Monuments Consolidation Bill and a Water Services Bill together with a number of consolidations of statutory instruments.

### *2.12.4 CD ROM Project*

The Unit participated in the work of the CD-ROM project which resulted in the publication of a new CD-ROM of the Irish Statute Book from 1922 up to the end of 2001 including all primary and secondary legislation and the Chronological Tables to the Statutes. Consideration is now being given to how future iterations of this work will integrate with other projects such as the e-Legislation project and the plans of the Houses of the Oireachtas to make legislation available electronically.

### *2.12.5 Chronological Tables*

The Unit recently supplied the Chronological Tables for the Acts enacted in 2001 so that the Acts, Statutory Instruments and Chronological Tables could be made available on a CD-ROM and on the web page of the Office. Work is underway on the Chronological Tables for 2002 which will be available on the web page of the

Office in 2003. The strategy will then be to bring and maintain them up to date pending developments in the e-Government project.

The Unit also prepared a policy document on the issues associated with the identification and electronic storage of legislation in operation in Ireland that was enacted prior to 1922 (Pre-1922 legislation). At the time of the publication of this Statement of Strategy discussions are underway with the Attorney General as to the best policy to be adopted to deal with Pre-1922 legislation.

### *2.12.6 Anticipated Changes for the Statute Law Revision Unit*

Four anticipated strategic issues in relation to regulatory reform will have an impact on the work load of the Office during the period of this Statement of Strategy. The first development will be that, as a result of the enactment of the Statute Law (Restatement) Act 2002, there will be an increase in work related to the policy of Restatement (the making of 'administrative' consolidations that may be cited in court as *prima facie* evidence of the Acts restated). The work will involve three activities: advising Departments on the strategy to be adopted to improve access to legislation through a policy of restatement; advising Departments on technical aspects of Restatements and certification of Restatements by the Attorney General as is required by law.

The second anticipated development will be that a greater awareness of the need to improve the accessibility and coherence of legislation is developing in the State as a result of a number of factors including the publication of *Reducing Red Tape, an Action Plan for Regulatory Reform in Ireland (1999)*, *Regulatory Reform in Ireland (OECD, 2001)* and *Towards Better Regulation (2002)*. This awareness has stimulated activity in a number of areas and it is anticipated that there will be an increase in consolidation and revision/reform work.

Of those projects that can be identified at the time of the publication of this report, four require particular attention. A Company Law (Consolidation) Bill will be submitted to the Office in the second quarter of 2003 which will exceed 1,000 sections. The second



project is the codification of all substantive criminal law. The third project, which is the proposed codification of all law relating to the licensing of the sale of alcohol, are also under discussion. The fourth project is consumer law. The Tánaiste has initiated work which will lead to a policy for the modernisation of consumer law.

These projects will require, not only drafting expertise, but will also substantially involve the Office as a whole, in a range of work including providing legal advice on proposed changes to the law and advice to the expert groups established or to be established to examine the form and content of the proposed legislation.

A third anticipated strategic issue that will require consideration in the context of regulatory reform is the proposed White Paper on Better Regulation which is expected to be published mid 2003. It is probable that the White Paper will make proposals in respect of improving the accessibility and coherence of Irish statute law and will refer to issues such as the accessibility of legislation enacted prior to 1922 and still in force in the State as well as the need for a more comprehensive approach to revising legislation. Such proposals would have a substantial impact on the work of the Office.

The fourth issue is that, in the context of e-Government and e-Legislation, the Office will need to give consideration to its policy on the making available of legislation electronically. Even if the function of making legislation available electronically is taken over by the Houses of the Oireachtas, as is anticipated, consideration will have to be given to the role of the Office in the interim and the role of the Office in the long term as regards the making available of the Chronological Tables electronically in association with the Houses of the Oireachtas.

## **2.13 ADMINISTRATION**

Both the Merrion Street Office and the Chief State Solicitor's Office have administrative Units to support the work of legal staff by providing professional support services such as Human Resources, Training and Development, Finance, Services, Clerical Support, Change Management, Information Technology,

Internal Audit, Registry, Library and Know-How Services and Documentation Centre. There is close contact between the Heads of Administration and relevant Unit staff in both Offices and their counterparts in other Law Offices about issues which impact on the Offices. There is also close contact between the Heads of Administration and relevant Unit staff with staff in other Government Departments and Offices about particular issues. The support of the administrative Units is essential to allow the Office to deliver a quality service to Government, Departments and Offices. A note on the Chief State Solicitor's Office Administration is at Part II of Appendix V while the Merrion Street Administration is outlined in Part IV of that Appendix. The work of the Units is outlined below.

### *2.13.1 Human Resources*

The Office recognises that the quality of its legal services is highly dependent on the calibre of the people who provide them. Accordingly the Office will develop human resources strategies in both the Merrion Street Office and the Chief State Solicitor's Office that foster the development and fulfilment of staff and support and develop staff endeavours in fulfilling the mission of the Office. It is expected that such strategies will continue the promotion of the partnership process, i.e., a culture that involves staff in decision making and a continuing commitment to PMDS. It is also envisaged that strategies will include making the best use of appropriate family friendly policies and flexible working arrangements. Training measures will be targeted at the development of competencies and knowledge identified as being necessary for the Office and for individuals and will also aim to encourage personal and career fulfilment. Strategies will reflect international best practice in the management of professional services.

The computerised systems currently used in both the Merrion Street Office and the Chief State Solicitor's Office for maintaining and managing human resource information (i.e., the Personnel Administration System (PAS) and subsidiary systems) will need to be replaced within the next year or so. The Offices are working closely on examining the issues surrounding

a suitable replacement. The implementation of the new human resources system, as part of the implementation of the Office's IT Plan will underpin and enhance the human resources strategy by providing a system that can deliver a more professional and systematic approach to human resource management by bringing together issues such as recruitment, probation, office policies, promotion and staff development.

The Office will continue to be committed to a policy of equality of opportunity as an essential feature of effective human resource management.

### *2.13.2 Training and Development*

Given the strategic focus of the Office as a "learning" or "knowledge-based" organisation, the Office recognises the importance of ensuring that staff have access to continuing training and development opportunities. This is vital to achieving its primary output of providing the highest quality of professional legal services and advice to Government, Departments and Offices in accordance with its mandate. Training and development is given the highest priority and the Office is committed to ensuring that all staff are equipped with the appropriate skills to carry out their work effectively and efficiently.

Training and Development Officers have been appointed in both the Merrion Street Office and the Chief State Solicitor's Office with the responsibility of formalising the training and development function within both Offices. While it is recognised that the training needs of staff in each Office will differ, both Training and Development Officers are working to develop close links between the Offices and, where appropriate, provide training events that cover areas of relevance to staff in both Offices. An example of this is the Project Management course held in October, 2002, which was organized jointly and attended by staff from both Offices. This is in line with the recommendations of the Comptroller and Auditor General in his report *Training and Development in the Civil Service (Report No. 38 of December, 2000)* on the importance of finding effective "in house" responses to training and development needs and to pooling resources for optimum benefit.

To assist the Training and Development Officer in the role, the Merrion Street Office has established a Training and Development Committee. The role of this Committee, which is a sub-group of the Partnership Committee with cross-Office representation, is to assist the Training and Development Officer in identifying and addressing the Office's training needs. The initial focus of the Committee was on induction for new entrants to the Office and training needs arising from the introduction of the Performance Management and Development System.

A training needs analysis at organisational, unit and individual level will be completed in 2003 in the Merrion Street Office. An identification of training needs process has commenced within the Chief State Solicitor's Office and is under the aegis of the Partnership Committee in that Office.

The introduction of the Performance Management and Development System has highlighted many training and development requirements for the Office. The system defines the skills and competencies required in particular jobs and this allows training and development activities to be planned around them.

In the future, training and development will also focus on providing training interventions that will assist the Office with the implementation of the Client Service Guide. The Office will address any training and development issues that arise out of the improved knowledge management strategy and other projects from the IT Plan.

The Office encourages the attendance of all staff at in-house seminars and appropriate external conferences and the production of in-house training manuals and protocols. Staff have participated both at home and abroad in courses on the European Convention on Human Rights (ECHR) and European Union Law.

In view of the necessity that all advises furnished by the Office comply with the provisions of the ECHR, the Office established a working group with representatives from both Offices, for the purposes of education and training legal staff in their specific areas of specialisation. Lectures concerning the ECHR have been and continue to be held by the Office. Library staff in the Merrion Street Office and the Chief State

Solicitor's Office supported the ECHR training initiative by undertaking in-depth ECHR related research, providing a new current awareness bulletin, identifying relevant reading materials, databases etc., and making these available on the Office Intranet and in hardcopy.

The recent recruitment of additional librarians has also enabled the libraries in both Offices to deliver on their commitment to quality research and training services. The Merrion Street Office's library recently launched a formal information skills training programme for library users.

Training and development schemes exist within the Chief State Solicitor's Office whereby clerical and administrative staff can train as legal executives and whereby legal executives can train as solicitors.

Training and Development will focus on providing training interventions to assist the Office in progressing commitments in the Client Service Guide and implementing projects arising from the IT Plan.

### *2.13.3 Finance Unit*

*Delivering Better Government* identified a need for more accountable, transparent, responsive systems and highlighted the need to deliver the best possible value for money. The Department of Finance which provides a paying agency service on behalf of the Merrion Street Office and the Chief State Solicitor's Office will cease from September, 2004, to provide that service insofar as non-pay expenditure is concerned.

Over the three-year period of this Strategy Statement, new financial systems will need to be put in place in the context of the Management Information Framework (MIF). These systems will provide modern accounting systems, support both accrual and cash expenditure reporting, provide comprehensive costing information and link in to non-financial reporting structures in the case and records management system and the Human Resources system.

Sophisticated financial systems are essential to reflect the substantial emphasis on quality and effectiveness in the delivery of services by the Office. Measures to support efforts to improve quality and effectiveness will

be put in place across all business units. In the early stages of the three-year Strategy, effort will concentrate on the identification of all financial and information needs. Completion of this stage will lead to the procurement of a financial package meeting Government accounting and legal office requirements. Different approaches in acquiring the facility will be explored. Staff training and recruitment of accountancy expertise are critical elements in the process.

The Finance Units in both the Merrion Street Office and the Chief State Solicitor's Office will assist in the implementation of the MIF over the period of this Strategy Statement. Sanction has been received to recruit a professional accountant shared between both Offices and with specific responsibility to oversee the implementation of MIF. The Units will exercise continued control over expenditure through the further development of adequate financial management controls to ensure value for money (VFM).

### *2.13.4 Audit Committee and Internal Audit*

The Merrion Street Office and the Chief State Solicitor's Office jointly appointed an Internal Auditor in July, 2001, to examine, evaluate and report on the adequacy of the Offices' internal Control systems. In March 2002, an Audit Committee was established. This Committee is chaired by an external independent person who is a former President of the Institute of Chartered Accountants. The Committee's membership also includes two other external members, one is a senior civil servant from another Department and the other, a former Audit Partner in a leading firm of chartered accountants.

The Committee has commenced its work by adopting a formal charter. It will continue to develop the role and the work programmes of the internal auditor and will provide guidance and support to the development of Risk Management systems within the Offices over the next three years. Working with the internal auditor the Committee will seek to provide independent evaluation of the internal controls in the Offices so as to ensure the economic and efficient use of resources, compliance with established policies, procedures, laws and regulations, safeguard the Office's assets and

interests from losses of all kinds, including those arising from fraud, irregularity or corruption and ensure the integrity and reliability of information and data retained within the Offices. The Charter of the Audit Committee and the work and functions of the internal auditor also cover the Law Reform Commission (see para. 2.14).

The Offices recognise the importance of identifying, evaluating, prioritising and managing significant risks, financial and non-financial, i.e., threats to the Offices successfully achieving their objectives and possible consequences if they materialise, whether through existing operations or through implementing change. The Offices will endeavour to ensure that human resource strategies are aligned with risk management and control and develop appropriate and effective 'early warning' mechanisms involving staff in the risk management and control process.

### *2.13.5 Services Unit*

The Services Units in both Offices will continue to contribute to the efficiency and effectiveness of the Office over the period of this Strategy Statement in carrying out their responsibilities in the areas of accommodation, procurement of office equipment and supplies, security, telecommunications and entertainment, paying particular attention to value for money.

### *2.13.6 Clerical Support*

The Office recognises the importance of the role that administrative support staff play in assisting all Units in the delivery of legal services of the highest quality in accordance with the Office's mandate. Administrative support staff will endeavour to continue to provide an excellent quality service over the period of this Strategy Statement through the provision of support to all Units, attendance at appropriate training courses to update and improve skills and participation as appropriate on relevant working groups and committees.

### *2.13.7 Change Management*

The Office recognises the importance of the Strategic Management Initiative (SMI) and its objective of improving the management of the civil and public service and to make it more responsive to client needs, more performance and results orientated and with the capacity to provide excellent value for money. The Office sees the continued implementation of SMI as being about delivery of service. In this Office this translates into providing Government, Departments and Offices with the highest standard of professional legal services and, in doing so, making the most effective use of human and financial resources.

To this end a new Change Management Unit was put in place in June, 2002, to assist the Management Advisory Committee in implementing the Programme of Change arising from initiatives such as the Strategic Management Initiative, Delivering Better Government (DBG), Performance Management Development System, Public Service Management Act, Quality Customer Service, Management Information Framework (MIF), Irish Language etc., within the Office. In short, the Office, like much of the rest of the public sector, is going through a very extensive change programme. The Office is conscious of the risks associated with change, being a period when the risk of things going wrong is increased. The risks associated with change need to be carefully analysed and addressed. Over the next three years the Unit will facilitate the Management Advisory Committee in devising and putting in place programmes for change and to either refine or embed programmes already in being in the Office to support the achievement of the Office's key objectives.

### *2.13.8 Information Technology and e-Government*

The Office recognises the important role which Information and Communication Technologies (ICT) have to play in assisting the Office to achieve its objectives and provide a higher level of quality customer service to our clients and in supporting of the wider delivery of e-Government. The Office also recognises the need to deploy strategic and cost-

effective IT solutions to address these requirements. While the original IT systems developed in 1995 in the Merrion Street Office and in 1997 in the Chief State Solicitor's Office, to support the work of both Offices have served the Office as a whole well, the Office is aware of the need continually to develop its systems to meet the needs of the Office. Both Offices therefore engaged *Price WaterhouseCoopers (PWC)* at the end of 2000 to develop a single IT Plan, aligning future investment in IT with the Office's business objectives and priorities.

The new IT Plan was delivered to the Office in July, 2001. It recommended an IT Strategy underpinned by some forty distinct projects. A number of the IT infrastructure projects have been completed since then and it is hoped to complete most of the infrastructure projects before the end of 2003. The Office has also initiated some of the key business systems projects. As indicated in Section 2.1 the main business systems projects initiated cover the areas of case and records management, legislation drafting/management, financial management and knowledge management. Substantial progress has been made on the case and records management project while the other projects are still in the early planning stages. The strategic focus of IT development over the period of this Strategy Statement will be the full implementation of all projects by early 2005.

As has already been stated, another interesting new development is the co-operation of the Office with the Courts Service and its consultants in the development of the IT strategy for the courts. Members of the Office's legal and IT staff are also members of the Supreme Court Group on Computerisation. The Office is committed to being to the forefront of legal offices with full capacity to utilise the new service. The Office has been made aware of proposals to pilot selected IT practices in appeals to the Supreme Court and has offered to participate in these pilots.

### *2.13.9 Registry*

The Registry in the Merrion Street Office handles all the incoming post to the Office. It is responsible for file management and archiving, including identification of

records for transfer to the National Archives. Over the next three years the Registry will have a critical role to play in the implementation of the new file and records management policies and the case and records management system. It will require restructuring to allow for the creation of a Records Centre and the appointment of a Records Management Officer to ensure that these policies are put in place. In that period it is envisaged that the electronic file will become the primary file within the Office.

### *2.13.10 Library and Know-How Services*

The Merrion Street Office's Library and Know-how Unit and the Chief State Solicitor's Office's Library provide legal information resources and services to Office staff, the Legal Counsellor in Brussels, departmental legal advisers and local State Solicitors. The libraries select, acquire and disseminate legal information. The following services are provided; an online library catalogue, a legal know-how database, information and research services, information skills training, current awareness, access to a wide range of legal materials in-house (print and electronic), online company and Land Registry searches, access to external libraries, loans, inter-library loans and document delivery. The libraries are primarily law libraries but access to a range of management and technical information is also provided.

The recruitment of a Know-how Officer in the Merrion Street Office has facilitated the further development of the know-how database in that Office. The know-how database is a highly valuable resource, which aims to make important internal advices, memoranda, opinions and other relevant internal legal materials easily accessible to all staff, thereby ensuring a 'best practice' approach and increasing efficiency. The know-how database is just one of a number of knowledge management initiatives within the Office. The Office is currently developing an improved knowledge management strategy. This will identify IT and non-IT solutions for supporting effective knowledge sharing across the Office. These initiatives and strategies underpin the overall strategy of the Office of increased legal specialisation, a high level of professional expertise and a commitment, where appropriate, to ensure that

consistency in legal advice is given. The initiatives and strategies and any resulting technology will be implemented over the next three years.

The key application in both libraries is the Unicorn Collection Management System. This system is also shared with the Law Reform Commission library. The Merrion Street Office's library provides systems administration support for this multi-library system. Unicorn enables library staff and users in both Offices and the Law Reform Commission to search the collections of all three libraries simultaneously. Unicorn also facilitates the shared cataloguing of legal materials by library staff thereby reducing duplication of work and increasing efficiency. The libraries have recently upgraded to the latest version of the Unicorn software and Unicorn will continue to be developed to meet library staff and user requirements. The recent recruitment of additional librarians to permanent posts in both libraries has facilitated the development of the shared library management system, in particular in the Chief State Solicitor's Office, where a major retrospective cataloguing project is underway.

The key strategies for both libraries for the next three years are to lead the development of knowledge management initiatives for the Office as a whole and to work closely with both library users and information suppliers to ensure that the appropriate resources and services are made available in a cost-effective manner.

### *2.13.11 Anticipated Changes for Administration*

The next three years will pose a number of challenges to both the Merrion Street Office and the Chief State Solicitor's Office from an administrative viewpoint. These include;

- advising and negotiating on the transfer of responsibility for the local State Solicitors from the Attorney General to the Director of Public Prosecutions, on whose behalf they devote over 90% of their time insofar as work on behalf of the State is concerned;

- prioritisation of work and reallocation of staff to meet changing needs of Government, Departments and Office for legal services in the context of tighter budgetary constraints and a reduction in staff numbers;
- full implementation of the IT Plan and, in particular, putting in place a new Case and Records Management System, an e-Legislation Drafting System, a Financial Management Information System and a Human Resources Management System.

Specific issues which arise in respect of the administrative services which support the legal work of both the Merrion Street Office and the Office of the Chief State Solicitor will include;

- putting in place adequate accommodation facilities;
- putting in place appropriate human resource strategies in both Offices;
- putting in place appropriate human resource policies, including training and development initiatives;
- implementing the wide-ranging recommendations of the Internal Auditor as approved by the Audit Committee;
- reviewing the internal audit process taking account of the recommendations of the *Working Group on the Accountability of Secretaries General and Accounting Officers*, and changes in Public Procurement procedures;
- negotiating with the Department of Finance and putting in place appropriate mechanisms for the smooth transfer of responsibility for the payment of non-pay expenditure currently undertaken on behalf of the Offices by the Department of Finance Accounts Branch;
- review of the Partnership process in consultation with the Partnership Committees;
- initiating expenditure reviews so as to ensure value for money and effective delivery of services;

- ensuring adequate reporting arrangements with a view to publication of Annual Reports including Progress Reports on implementation of the key objectives in the Statement of Strategy and the Office's Client Service Guide;
- completing a knowledge management (KM) strategy in March 2003 which will direct the development of knowledge management/sharing processes and resources over the next couple of years;
- There will be an increased emphasis on the electronic delivery of legal information resources and services to the desktop of users. This electronic delivery of resources and services will be supported by formal training programmes, helpdesk facilities etc which will be provided by library staff. These training programmes will further develop the electronic research skills of staff and will increase their awareness of the range of information resources available;
- There will be an increased emphasis on the co-ordination of information resources to ensure that users have access to an appropriate range of services and to ensure value for money.

In addition, the Office recognises the importance of identifying, evaluating, prioritising and managing significant risks, both financial and non-financial, of whether they arise through existing operations or through implementing change. The Office will endeavour to ensure that human resource strategies are aligned with risk management and control and will develop appropriate and effective 'early warning' mechanisms and will involve staff in the risk management and control process.

The development of a human resources strategy and the subsequent implementation of an integrated HRM system that supports the strategic objectives of the Office through its staff will entail the implementation of many changes. An increased focus on human resources management involving a more professional and systematic, approach bringing together issues such as recruitment, probation, office policies, promotion and staff development is required.

## 2.14 LAW REFORM COMMISSION

Under the Law Reform Commission Act 1975, the Attorney General has functions in respect of the Law Reform Commission. The Commission is an independent statutory body established under the Act. Its 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. The Commission is funded by way of a Grant-in-Aid from the Vote of the Merrion Street Office. The Internal Auditor, therefore, also examines, evaluates and reports on the adequacy of the Commission's internal audit systems as part of his wider responsibilities.

Over the next three years the Office will continue to work closely with the Commission as it progresses its *Second Programme for Law Reform for the period 2000 – 2007*. It will also facilitate the Commission in implementing their programme of change under the SMI, including a performance management and development system. The Commission is currently preparing a Strategy and Business Plan for the period 2003 – 2005.

The Office regularly provides assistance to the Commission, particularly in relation to Finance and IT issues. The Commission's library and the libraries in the Merrion Street Office and the Chief State Solicitor's Office are working together to further develop their multi-library management system and to co-ordinate resources and services where appropriate.

## 2.15 CROSS-DEPARTMENTAL MATTERS, WORKING GROUPS AND TRIBUNALS

The Office continues to service and participate in a wide range of cross-departmental projects and groups. Some of these include a non-departmental membership, as in the area of nuclear law, Anglo-Irish issues, Medico-Legal issues and consumer issues. Participation in these projects pose challenges to find new methods of working and communicating effectively.

Commitments in the *Programme for Government, 2002 – 2007* to reform personal injuries law and practice have placed considerable demands on the services of the Office. The Office is actively involved in a number of cross-departmental initiatives in this area.

The bulk of personal injury claims against the State are now defended by the State Claims Agency. The Attorney General has significant statutory powers to seek information from, and give directions to, the Agency in relation to delegated claims, necessitating clear and open channels of communication between the Agency and the Office. The Office will continue to work closely with the Agency and maintain the lines of communication, both formal and informal, which have been established with it.

The Office has retained the management of certain categories of claim, including certain mass claims. Mass claims require careful strategic handling, requiring close and ongoing consultation with client Departments, the Chief State Solicitor's Office, counsel and medical and technical experts. These will continue to pose significant challenges for the Office.

Cross-departmental groups cover a wide range of matters such as EU issues, company law enforcement, financial services, planning and infrastructural reforms, abortion, asylum and immigration, the Garda Síochána, Criminal Legal Aid, Irish Presidency of the EU in 2004 and the Strategic Management Initiative (see Appendix IV).

Apart from participating in review groups established by Government, members of the Office also participate in EU working groups whose work leads to the adoption of EU measures.

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. 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.

A list of Committees and Commissions on which the Office is represented is at Appendix IV.

## **2.16 DEPARTMENTAL LEGAL ADVISERS**

Several Departments and Offices now have their own legal advisers or have staff with legal qualifications who advise their Ministers or Departments and Offices on matters of Departmental and Office concern. Some also draft their own statutory instruments without recourse to the Office of the Chief Parliamentary Counsel. In this way the legal services available to the State are no longer as highly centralised as in the past. 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. The Merrion Street Office's Library and Know-How Unit provides library and information services to departmental legal advisers. Working with legal advisers has many advantages. It also poses challenges to achieve consistency and to ensure clear and effective channels of communication.

## **2.17 STAFF OF OFFICE AS LEGAL EXPERTS ABROAD**

Members of the Office sometimes represent the State as legal experts in a range of international fora. Thus Advisory Counsel attend meetings of the International Trade Law Branch of the United Nations (UNCITRAL), at the Hague Conference on Private International Law and on Working Groups of the Council of Europe. They are also nominated experts to carry out peer reviews of the laws of other Member States of the Council of Europe.

## **2.18 INTERNATIONAL LAW ISSUES**

Consideration is being given to holding a conference or seminar, under the aegis of the Office of the Attorney General, on international law issues currently relevant to Ireland.



# 3 KEY OBJECTIVES

The key objectives have been derived from the mission statement which is to provide the highest standard of professional legal services to Government, Departments and Offices. They are:

- To develop the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices.
- To develop human resource management to support the overall objectives of the Office and to develop the training and development function within the Office.
- To ensure that legal services are delivered in a manner which meet the principles of Quality Customer Service and which take into account the public service change programme.
- To develop Information Technology systems to support and evaluate all professional, transactional, management and service delivery activities of the Office.
- To provide staff with access to the knowledge and information required to deliver high quality services through the provision and development of professional library, research and know-how resources and services.
- To contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State.

## Business Planning Process

The Office is anxious to set clear indicators for the performance of each of its objectives and strategies. Where it is effective to state these indicators in this Strategy Statement, this has been done. However, the Office will continue to develop indicators as part of the business planning process. Accordingly, it is the intention of the Office to state clear performance indicators of its key strategies in the forthcoming business planning cycle and it is the intention that business plans for each Business Unit in the Office will be completed by the end of the first quarter of 2003.

As indicated in Section 7 the key objectives can only be achieved with adequate resource allocation.

# 4 IMPLEMENTATION OF KEY OBJECTIVES

## 4.1 KEY OBJECTIVE 1

*To develop the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices.*

With the increased volume of work received in the Office caused by Government's greatly expanded legislative programme, far greater recourse to law and litigation, the Office has responded by introducing further specialisation by Advisory Counsel, Parliamentary Counsel, solicitor and legal executive staff. The Office can seek to manage how well it responds to the increased demands by seeking to ensure that its specialisation is closely aligned with the needs of client Departments.

The strategies to achieve this objective will be:

### Strategy

Through client surveys and client feedback and own analysis to identify areas of law in relation to which legal advice will be required i.e. anticipate client needs, and to explore the optimum ways for providing this advice.

In particular, to identify;

- current areas which are expanding;
- new areas;
- areas which are declining;
- and, where necessary, to devise protocols for how advice is formulated and presented.

### Indicator

- Each law Business Unit to maintain, by suitable methodology to be described in each unit's business plan, a comprehensive system of

feedback for highlighting new strategic issues, for remedying issues of concern and for facilitating two-way communication from key clients to whom it provides legal services by end-September of each year.

- By end-October of each year, each Business Unit to provide written analysis of the feedback and proposals for dealing with results of the feedback.
- Each Business Unit to implement these proposals.

### Strategy

To ensure that the Office as a whole has the capacity and flexibility to provide specialist legal advice and services as necessary.

### Indicator

- Each law Business Unit to produce a proposal for training and development in identified areas.
- Assignment of lawyers to specialisms in new areas.
- Establishment of a Commercial Contracts Section in the Chief State Solicitor's Office.
- Development, in conjunction with Training and Development Units of proposals for training in areas requiring whole-of-office training e.g. ECHR law.
- Implementation of these training and development proposals.

### Strategy

To advise in a manner that achieves the minimisation of awards/settlements against the State in personal injuries cases. This has two components. In the small number of categories of personal injuries claims still controlled by the Office (and in other forms of mass action), to provide appropriate legal advice directed towards this objective, and to manage groups of claim with common characteristics in a strategic fashion. In relation to those claims delegated to the State Claims Agency where the Attorney retains power of direction, to work closely and collaboratively with the Agency towards an optimal outcome for the State.

#### Indicator

- Timely provision of advices.
- Existence of clear systems and strategies for dealing with categories of mass claim.
- Review systems for sharing information as appropriate with the State Claims Agency.

#### Strategy

To provide appropriate legal advice as to mechanisms of inquiry into matters of urgent or significant public interest. Such legal advice would take cognisance of the desire of Government to adopt mechanisms of inquiry which provide value for money to the taxpayer.

#### Indicator

- Timely provision of accurate advice in this regard.
- Provision of advice in regard to drafting of Committees of Investigation Bill 2002, in accordance with deadlines set by the Government Legislation Committee.
- Provision of legal advice, in the light of the Consultation Paper and Final Report of the Law Reform Commission on the tribunals of inquiry.
- Development of a checklist of issues to be addressed when setting up a new tribunal.

## 4.2 KEY OBJECTIVE 2

*To develop human resource management to support the overall objectives of the Office and to develop the training and development function within the Office.*

The implementation of an integrated system of Human Resource Management that supports the strategic and key objectives and addresses risk management. The further embedding of PMDS in the Office will continue the process of providing a link between the key objectives set out in this Strategy Statement, the Business Plans for each Business Unit and the day-to-day work of staff at all levels in the Office. Underlying the Office's Human Resource Management strategy are the principles of partnership, openness, equality and staff development.

The main strategies to achieve this objective will be:

#### Strategy

To develop, Human Resource Management suitable for a professional service organisation, having:

- taken advice on the needs of such a service;
- regard to the Key Objectives of the Office.

#### Indicator

- Each Human Resource Unit to produce a HR Strategy with a clear professional service focus. Strategies to be prepared by end July, 2003 and in place during the period of this Statement of Strategy.

#### Strategy

Continue the implementation of PMDS within the Office so as to reflect the strategic development of the Office based on the premise that strategic goals are only achieved through performance of staff. Further focus to be devoted to the identification and development of relevant core competencies/skills.

#### Indicator

- Conduct a review, consulting fully throughout the Office, of existing PMDS practices and producing proposals for their development and amendment as necessary by end-2003. In particular, this review will assess the implementation of existing core competencies and the method of choice of core competencies so as to ensure that they lead to organisational development in the chosen direction of the Office, and in relation to its core functions.
- Each year to choose appropriate core competencies and implement plans for their achievement.

#### Strategy

To ensure the application of assessment of financial measures developed for the purposes of the Management Information Framework (MIF).

#### Indicator

- To provide specific training to managers and other staff in this regard.
- To evaluate the effectiveness of the chosen measures and report on them annually.

#### Strategy

To provide training for each level of management position in the Office.

#### Indicator

- To identify mechanisms for providing management training in respect of each management position in the Office.
- To implement these training mechanisms.

#### Strategy

To continue to enhance the training and development opportunities available to staff in both Offices in order to provide the skills and knowledge necessary to carry out their duties to the highest standards, as well as contributing to their career development.

In line with SMI to provide management training and training and development which enables managers to embed performance management as a priority for all managers and is linked to the needs of Government.

#### Indicator

- To provide opportunities for management training and development in the Training Needs Analysis.
- To identify the necessary skills as part of the Training Needs Analysis and develop a training plan.
- To deliver this training.
- To measure the effectiveness of training and development.
- To report on training and development in the Offices Annual Reports.

#### Strategy

Development, in conjunction with the Audit Committee, of internal audit function having regard to the *Report of the Working Group on the Accountability of Secretaries General and Accounting Officers*.

#### Indicator

- A prioritised programme for examination of issues and production of reports in place.

#### Strategy

Develop, in conjunction with the Audit Committee, risk management priorities and processes.

#### Indicator

- Identifying and prioritising, through consultation with stakeholders, risks both in connection with on-going activities and those associated with change.
- Establish necessary controls in relation to these.
- Communicate priorities and processes to staff.
- Provide appropriate training.

### 4.3 KEY OBJECTIVE 3

*To ensure that legal services are delivered in a manner which meet the principles of Quality Customer Service and which take into account the public service change programme.*

The commitment to provide professional legal services of the highest quality to the Office's clients is the principle that has informed this Strategy Statement. The Office's *Client Service Guide 2002 – 2004* sets out in detail the framework for the implementation of the principles of quality customer service and for maintaining and making further improvements over the lifetime of the Guide. The Office recognises that the cornerstone of quality customer service is based on extensive consultation with our clients and maintaining a comprehensive system of feedback for highlighting new strategic issues, for remedying issues of concern and for facilitating two-way communication.

### Strategy

Delivery of objectives set out in the *Client Service Guide 2002 – 2004*.

### Indicator

- The extent to which the implementation of the objectives set out in the *Client Service Guide 2002 – 2004* is achieved, will be reported in the Office's Annual Reports.
- Develop appropriate client service standards both in relation to;
  - internal, and
  - external clients.

## 4.4 KEY OBJECTIVE 4

*To develop Information Technology systems to support and evaluate all professional, transactional, management and service delivery activities of the Office.*

The Office recognizes the important role which Information and Communication Technologies (ICT) have to play in assisting the Office in achieving its objectives and to support the delivery of e-Government. The implementation of the Office's new IT Plan, including the main business systems projects covering the areas of case and records management, legislation drafting/management, financial management, human resource management and knowledge management, will ensure that the Office will be in a better position to meet the objectives set out in this Strategy Statement and enhance the commitment to delivering legal services of the highest quality to clients.

The following will be the main strategies:

### Strategy

Deliver and implement effective information technology systems that provide improved management information to support the e-Government initiative and effective managerial decision-making and control, performance measurement and evaluation to enable an increased focus on outputs and greater transparency in the use of resources.

### Indicator

- Significant implementation of the IT Plan and in particular the main business systems projects covering the areas of case and records management, legislation drafting/management, financial management, human resource management and knowledge management for the Office by early 2005.

### Strategy

Develop and implement a programme of document and record management so as to improve organisational efficiency and rationalise file maintenance.

### Indicator

- Full implementation of document and record management policies and the establishment of a Records Centre by first quarter of 2004.
- Review of the system by end-2004.
- Compliance with obligations under the National Archives Act 1986 by the Merrion Street Office and the Chief State Solicitor's Office on an annual basis with outstanding Chief State Solicitor's Office obligations satisfied by end-2005.

### Strategy

Develop and implement, in consultation with other stakeholders and having regard to the e-Cabinet initiative, an e-Legislation solution to support the authoring and management of legislation through the legislation life cycle in support of the e-Government initiative.

### Indicator

- Pilot implementation of new system by fourth quarter of 2003.
- Review of pilot by second quarter of 2004.

### Strategy

Continue to maintain and develop methods to report and evaluate progress in the delivery of quality customer service and to reflect this objective in the development of MIF practices.

To put in place enhanced policies to further ensure that value for money is received by the Office in the expenditure of its estimate allocation.

Actively engage in an agreed programme of expenditure reviews with the Department of Finance.

To ensure the implementation of the Management Information Framework.

#### Indicators

- Provision of quality and timely financial information for MAC.
- Bi-annual expenditure reviews to analyse value for money and effectiveness of service delivery by the Office.
- Management Information Framework system in place by end-2004 and implementation as soon as possible thereafter.

### 4.5 KEY OBJECTIVE 5

*To provide staff with access to the knowledge and information required to deliver high quality services through the provision and development of professional library, research and know-how resources and services.*

The following will be the main strategies:

#### Strategy

- Develop and implement a knowledge management strategy and select a knowledge management (KM) application as outlined in that strategy. This strategy will also identify non-technical solutions to knowledge sharing across both offices.

#### Indicators

- Produce a knowledge management strategy by March 2003. Implement the non-technical elements of this strategy by March 2004. Review of non-technical elements of knowledge management strategy on an annual basis.
- Select KM application by the fourth quarter of 2003. Implement this application by the fourth quarter of 2005.

#### Strategy

Select appropriate information resources/services with an emphasis on electronic delivery and co-ordination of purchasing agreements, where appropriate between the Merrion Street Office and the Chief State Solicitor's Office libraries.

#### Indicator

- Review all electronic resources by December 2003 to identify potential opportunities for co-operation. Implement the findings of this review to ensure cost effective purchasing during 2004 – 2005.
- Bi-annual meetings with key external information suppliers to ensure value for the information spend during 2003 – 2005.

#### Strategy

Provide appropriate library/information skills training to ensure that the Office's information resources are used effectively and to support wider Office training initiatives.

#### Indicators

- Preparation and implementation of bi-annual library/information skills training programmes during 2003 – 2005.
- Provide help-desk assistance for electronic information resources during 2003 – 2005.
- Annual review of programmes and their implementation.

### 4.6 KEY OBJECTIVE 6

*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 5, the following will be the main strategies:

#### Strategy

Provide legal services to Government in the handling of cross-cutting issues and legal policies by attending and advising on inter-departmental committees and working groups.

#### Indicator

- Develop flexible working methods and new channels of communication to facilitate these processes.
- Participate in interdepartmental working groups and committees.

#### Strategy

Participate constructively with legal advisers in Government Departments to ensure that the advice given is consistent with other advice given by the Attorney General.

#### Indicator

- Review meetings to explore ways of strengthening and optimising the efficiency of these relationships.

#### Strategy

Strategic management of litigation, particularly mass claims.

#### Indicator

- Review systems for sharing information and best practice and for ensuring that there are effective instructions in relation to key strategic decisions.
- Development of a checklist of steps to be taken to maximise the State's effectiveness early in proceedings which are identified as relating to an area in which there may be mass claims.

#### Strategy

Review of current practices in relation to litigation and interventions in cases before the European Court of Justice

#### Indicator

- By end 2003 to substantially complete a review of steps to be taken to streamline existing systems in relation to interventions before the ECJ.
- In the longer term, formulation, in conjunction with Departments and Offices, of an enhanced system to facilitate and co-ordinate an approach to ECJ litigation and interventions.

- Ensure a more systematic approach to communication of information on major developments in jurisprudence, court rules and EC legislation.

#### Strategy

Participate in consultation process with the Law Reform Commission in its role in reviewing, examining and formulating proposals for Law Reform.

#### Indicator

- Chair meetings of Attorney General's Law Reform Commission Consultative Committee.
- Facilitate dialogue with Government and Government Departments on prioritisation of specific topics in the Law Reform Commission's Programme.
- Facilitate awareness throughout Government Departments of the Reports of the Law Reform Commission.

#### Strategy

Support the development of the IT strategies of the Courts Service and of the judiciary.

#### Indicator

- Contribute, in co-operation with the Courts Service and its consultants, to the development of the IT strategy for the Courts Service.

#### Strategy

Organise/sponsor and hold a conference on International law issues currently relevant to Ireland.

#### Indicator

- Holding of conference in 2003 and reviewing of it.

# 5 CRITICAL SUCCESS FACTORS FOR THE ACHIEVEMENT OF KEY OBJECTIVES

The Office has identified the key objectives necessary to achieve this mandate and now sets out the critical success factors necessary for the realisation of these key objectives. The factors critical to success in achieving these key objectives are staff, structures, management including human resource management, resources, client service, information and communication.

We have identified the following external and internal factors as essential requirements for the realisation of our key objectives;

- sufficient expert lawyers and technical and support staff, working as a team in a knowledge-driven environment and committed to achieving the Office's mandate;
- development of a skills and competency framework for the Office founded on an integrated human resources strategy and which ensures that staff motivation is maintained;
- enhancement of legal specialisms and areas of expertise and organisational flexibility to achieve the Office's mandate;
- need to maintain and improve upon existing client service standards by continuing to enhance the skills and competencies of staff through focused training and development;
- successful implementation of the Office's IT Plan including case and records management system and a human resources system to support key objectives;
- formulate and implement an improved knowledge management strategy, which will support effective knowledge sharing across the Office;
- successful implementation of the Management Information Framework within the Office;
- implementation of an effective performance management and development system to deliver key objectives and devising appropriate objective performance indicators;
- formulation of effective business plans to translate the Office's key objectives into business plans for each business unit;
- development of career structures to attract and retain suitably qualified staff for the purpose of achieving the Office's mandate;
- all necessary resources including sufficient funding, staff and accommodation to meet the demands on the Office;
- clear information on the priorities of Government, Departments and Offices;
- compliance with the Cabinet Handbook, e.g. see circular 10/01/03 from the Secretary General to the Government, (including Appendix III thereof) and instructions from Departments and Offices that are complete and accompanied by all necessary information;
- good internal and external communications with staff and Government, Departments and Offices;
- participation in respect of review and surveys by Government Departments and Offices.



# 6 MONITORING AND REVIEW

## 6.1 MEASUREMENT OF SUCCESS

The Office will carefully monitor and review its performance and progress towards the achievement of its key objectives through its Management Advisory Committee, the individual Management Advisory Committees for the Merrion Street Office and the CSSO, performance management, formal reviews as indicated as 'indicators' in implementation of chosen strategies in Section 5, publication of an Annual Report, Partnership Committees in both Offices and through client feedback. This process will be assisted by the development of new methods selected as part of the implementation of the MIF.

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

- formally and informally, seeking feedback directly from Government, Departments and Offices whether their needs for professional legal services have been met;
- submission of an Annual Report to the Attorney General on progress achieved including an annual review of this Statement of Strategy. This Report will be published in the English and Irish languages as soon as possible in the ensuing year to which it relates;
- 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 by way of interim Progress Reports;
- identifying the reasons for deficiencies and taking the necessary steps to remedy them.

## 6.2 PERFORMANCE INDICATORS

The significant recognition received by the Office from the Civil Service Quality Assurance Group in respect of progress made in the period to April, 2002, in relation to performance indicators (PPE, Framework 1.4) augurs well for the future as the Office implements a new Statement of Strategy for the next three years. The Group noted, in particular, the good progress made in embedding the Strategic Management Initiative into the management of the Office and the significant work done by the Office in relation to improving the delivery of service to clients.

The Office will over the period of this Statement of Strategy measure performance against the range of *specific* performance indicators outlined and which will be more fully developed in Business Plans. The Office has clearly identified its key objectives and set in train the process of producing new Business Plans for each Unit in the Office. These Business Plans will incorporate specific performance indicators for all actions to be undertaken in support of the Office's key objectives and the Office will commit to the delivery of these objectives during the lifetime of this Statement of Strategy. The Office will ensure that it delivers upon its key objectives through continued organisational flexibility and capability and in a manner consistent with its commitment to provide clients with the highest standards of service. The Office will achieve this through the internal and external review mechanisms set out in its Client Service Guide.

The Merrion Street Office has commenced the second annual cycle of the Performance Management and Development System. The Chief State Solicitor's Office is about to complete its first annual cycle of the Performance Management and Development System and has prepared to commence its second annual cycle in January, 2003. The importance of this system is recognized as a means to translating the Statement of Strategy into Business Plans for all business units in the Office and through which individual and team objectives are clearly defined. Individual role profile forms highlight and define skills and competencies required to achieve individual and organisational objectives. It is important that individual members of staff have clearly defined links between key objectives set out in the Statement of Strategy and their day-to-day responsibilities. The Office will endeavour to continue the process of embedding PMDS in the Office through the continuation of ongoing PMDS cycles, communication and feedback between management and staff.

# 7 RESOURCE ALLOCATION

The Office will aim over the next three years to make the most effective use of financial resources to meet new challenges, responsibilities and client needs. The successful implementation of the Management Information Framework (MIF) in the Office, as part of the implementation of the new IT Plan, will enable the Office to demonstrate how they spend their Estimates allocations and how their staff spend their time. The Office engaged consultants Deloitte and Touche to provide advice in developing a new financial management system and to assess existing controls in the context of the implementation of MIF. External factors such as the decision by the Department of Finance to cease as paying agent in respect of non-pay expenditure and a greater focus on value for money (VFM) will have an impact on the Office's options regarding further implementation of MIF. For these reasons the recommendations of Deloitte and Touche's Report are currently being given careful consideration by the Office. It is envisaged that the new system, when implemented, will interface with the Office's new case and record management system and human resource system to provide both financial and non-financial information to support improved managerial decision-making and control, performance measurement and evaluation, thus enabling an increased focus on outputs and greater transparency in the use of resources. The Office will also actively engage with the Department of Finance in an agreed programme of expenditure reviews.

The greater autonomy to the Office provided by the administrative budget system which is in place will allow the Offices to decide how they can most effectively allocate resources to ensure achievement of the objectives of the Offices and to meet their needs. In particular, funds will continue to be allocated to the development of a new human resource management strategy and to staff training and development.

Throughout 2002 the Merrion Street MAC monitored the level of expenditure from the Office's Estimates allocation for the year as well as developments in relation to the fixing of the 2003 allocation. It is proposed to delegate budgets for 2003 to Group co-ordinators/Unit Heads in respect of Training and Development and Travelling and Subsistence. In accordance with the recent Government decision on improvements to the financial management systems the MACs in both the Merrion Street Office and the Chief State Solicitor's Office will agree the monthly spending profiles and continue to monitor the level of expenditure from the Offices' Estimates allocation.

The key objectives can only be achieved with adequate resource allocation.

# 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 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 is joined in all proceedings in which a challenge is raised to the constitutionality of legislation.
- The Attorney General defends the constitutionality of Bills referred to the Supreme Court under Article 26 of the Constitution.
- The Attorney General represents the State in 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 has a function in giving or declining a direction in certain extradition requests under Part III of the Extradition Act, as amended.
- 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 Legislation 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, in the Court of Justice of the European Communities (Luxembourg) and the European Court of Human Rights (Strasbourg). The Attorney General furnishes legal advice and is involved in the preparation (sometimes with the assistance of outside counsel) of written pleadings in relation to litigation in both courts. The Department of Foreign Affairs acts as agent for the State in the Strasbourg Court and the Chief State Solicitor's Office acts as agent for the State in the Luxembourg Court.

The Attorney General directs advisory counsel, solicitors and legal executives in connection with all litigation involving the State.

The role of the Office of the Parliamentary Counsel to the Government derives from section 6 of the Ministers and Secretaries Act 1924 the Cabinet Handbook 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 statutory instruments 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;

The Statute Law Revision Unit, which is staffed by personnel seconded from the Office of the Parliamentary Counsel to the Government, is responsible for;

- preparing indexes to the statutes and the statutory instruments;
- drafting Bills, revising and reforming legislation (statute law revision);
- drafting Consolidation Bills (statute law consolidation).

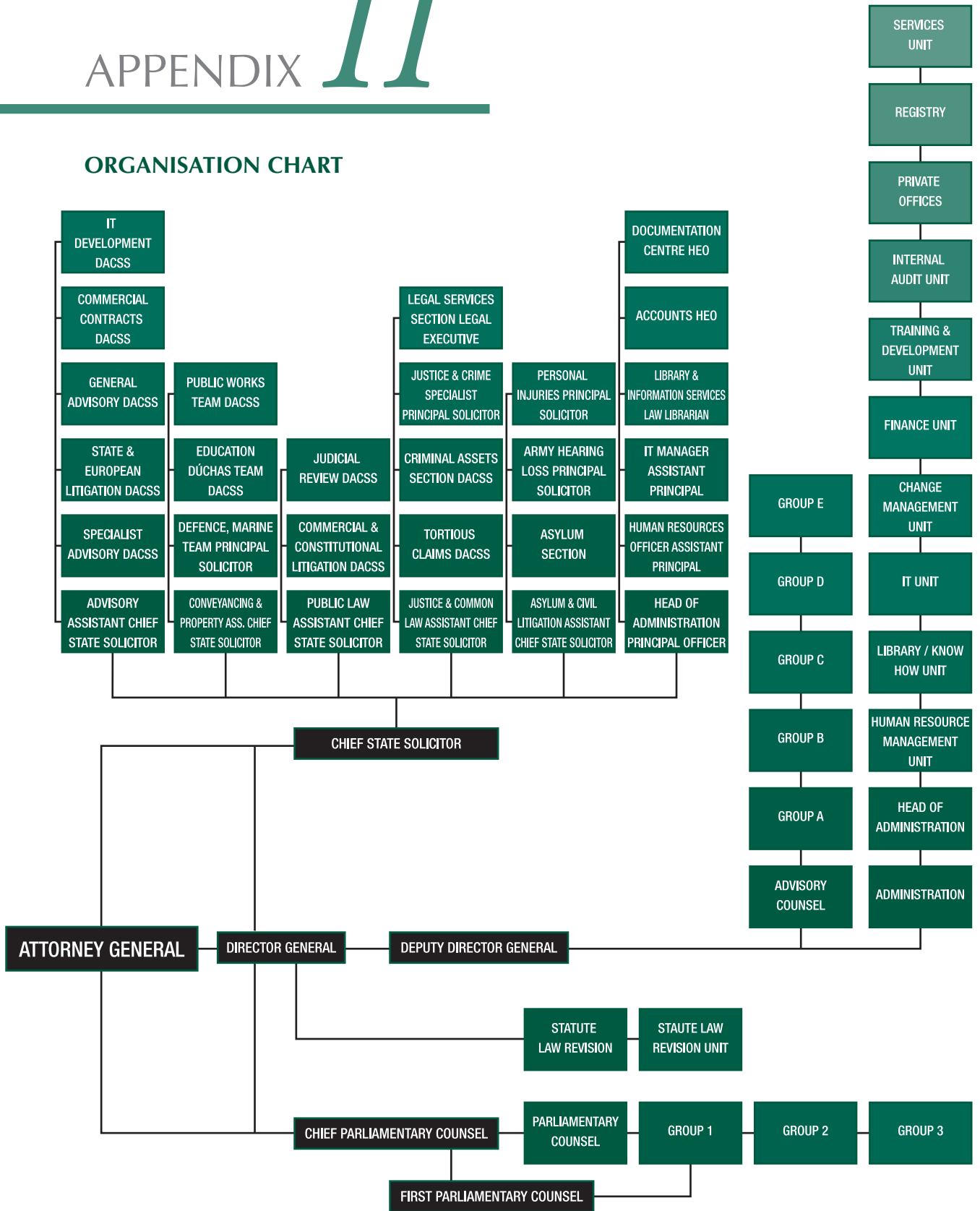
The functions of the Chief State Solicitor are to act as solicitor to Ireland, the Attorney General and Government Departments and Offices. Other functions include;

- 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 Agent of the Government before the European Court of Justice;
- acting for the State in enquiries under the Tribunals of Inquiry (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 Council Regulation (E.C.) No 1348/2000 of 29 May, 2000 and 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 in taxation of costs before the Taxing Masters.

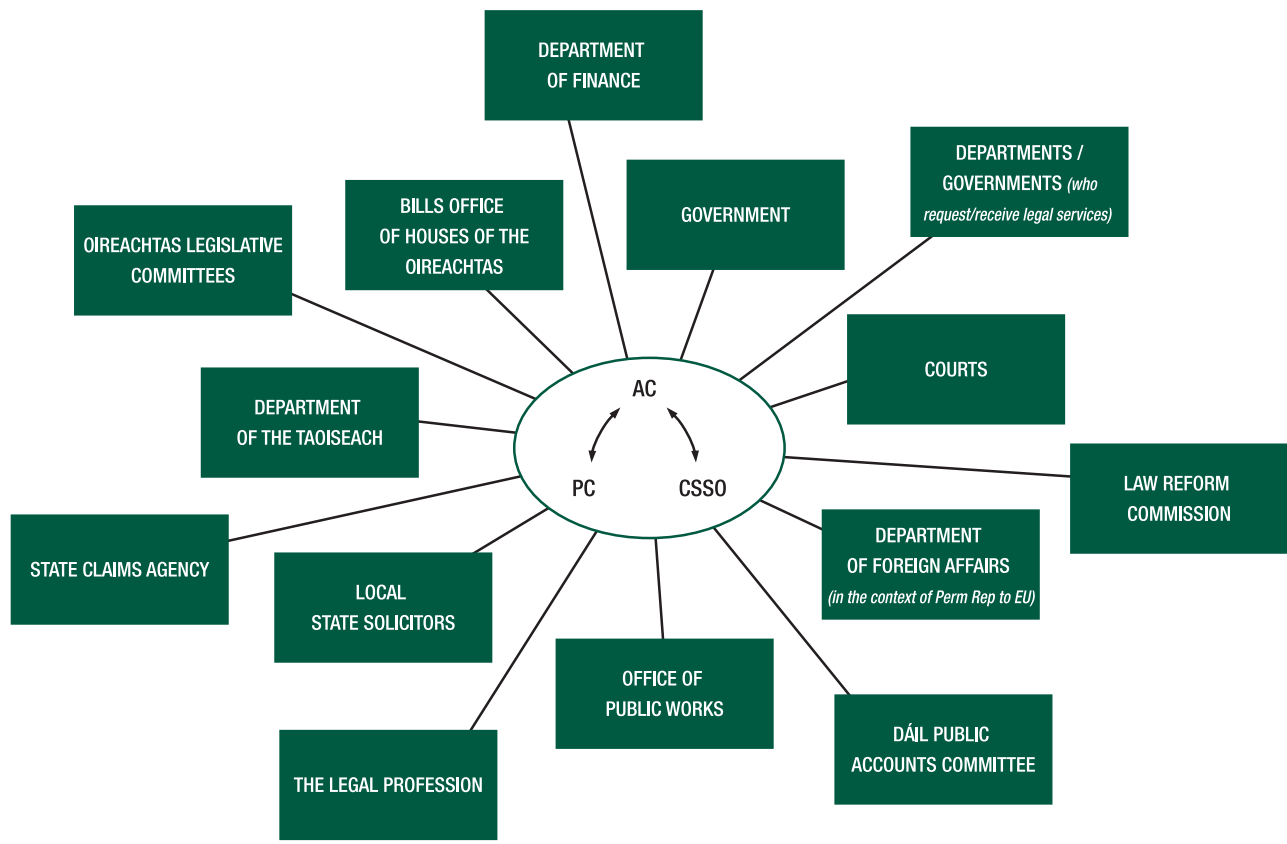
# APPENDIX II

## ORGANISATION CHART



# APPENDIX *III*

## EXTERNAL STAKEHOLDERS



# APPENDIX IV

## COMMITTEES AND COMMISSIONS

- Advisory Board National Children's Office
- Assistant Secretaries Network
- British and Irish Association of Law Librarians
- Change Management Network
- Civil Service Information and Communications Technology Managers Forum
- Civil Service Metadata Group
- Civil Service Quality Customer Service Consultative Committee
- Civil Service Quality Customer Service Officers Network
- 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.
- Convention (for the Future of Europe) Oversight Group
- Council of Europe Committee on Administrative Law
- Council of Europe Committee of Experts in Family Law
- Court Rules Committees
- Cross-Departmental Team on Infrastructure
- EU Working Party on Legal Data Processing
- 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
- Government Libraries Managers Network
- Government Libraries Section, Library Association of Ireland
- 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 Group on UN
- Interdepartmental Working Group on Compensation Issues
- Internal Audit Network
- International Maritime Organisation Legal Committee
- Irish Unicorn Users Group



Justice Committee of the Institute of European Affairs	Tax Strategy Group
Management Group for Judicial Reviews in Asylum Cases	Third Pillar Steering Group
MIF Consultative Committee	Tribunals and Inquiries
MIF Project Management Sub-Group	UNCITRAL (The United Nations Commission on International Trade Law)
Ministerial Committee on Nuclear Safety	UNCITRAL Working Group on Arbitration
Ministers and Secretaries Group on European Matters	UNCITRAL Working Group on Electronic Commerce
National Strategy Review Group on the Common Fisheries Policy	UNCITRAL Working Group on Insolvency
“No-Fault” Advisory Group (a working group established to recommend a “no-fault” scheme of compensation for babies with birth-related brain damage)	Working Group on Accountability of Secretaries General and Accounting Officers
OECD Working Party on Regulatory Management	Working Group on Company Law Compliance and Enforcement
Personal Injuries Assessment Board Implementation Group	Working Group on Jurisdiction of the Courts
Personnel Officers Network	Working Group to discuss the implications of the establishment of a Referendum Commission with limited functions
PMDS Network	Working Group to Review Coroners Services
Post-Nally Committee on Issues Relating to DPP	
Sea Fisheries Licensing Review 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	

# APPENDIX

# V

## PART I: 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, licensing, nuclear law, Anglo-Irish and health issues.

The group is comprised of the Group Co-ordinator and 4 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, censorship, State Claims Agency, Tribunals and Inquiries, adoption, assisted human reproduction, education, family law, health and safety prosecutions and environmental law.

The group is comprised of the Group Co-ordinator and 5 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 is comprised of the Group Co-ordinator and 4 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 is comprised of the Group Co-ordinator and 4 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, 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 is comprised of the Group Co-ordinator and 5 other Advisory Counsel.

## PART II: CHIEF STATE SOLICITOR'S OFFICE

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 Appendix II.

### 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 8 staff.

### *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, environmental planning, housing, electoral, 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 comprises 9 solicitors and 4 legal technical staff.

### *1.2 Judicial Review Section*

Judicial Review provides a means by which judicial control of administrative action is exercised and is a process by which the High Court exercises jurisdiction over the proceedings and decisions of inferior courts, tribunals and other bodies who carry out quasi judicial functions or who are charged with the performance of public acts and duties. This Section also deals with habeas corpus, cases stated, adoption cases, transfer of sentenced persons, letters of request from foreign tribunals and service of documents under EU Council Directive No. 1348/2000 and the 1965 Hague Convention on the service abroad of judicial and extra-judicial documents in civil and commercial matters.

The Section is headed by a Principal Solicitor and staff currently comprises 8 solicitors and 3 legal technical officers.

## **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.

The sections within the Advisory Division consist of 5 sections.

### *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 comprises 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).

### *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 comprises 5 solicitors and full complement comprises 4 solicitors and 1 legal technical staff.

### *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 comprises 4 solicitors and full complement comprises 4 solicitors and 1 legal technical staff.

## *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 of 4 solicitors.

## *2.5 IT Strategy: Case & 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.

## **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 three teams, viz.,

### *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 departments in the areas 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 Work for Defence includes the sale of property surplus to military requirements and the leasing and licensing of various properties for military and naval purposes. The Arts, Sports and Tourism side 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 comprises 4 solicitors and 1 legal technical officer.

### *3.2 Finance, Education, Justice and Dúchas Team*

This team is headed by a Deputy Assistant Chief State Solicitor. The team deals with ultimate intestacy cases protecting, administering 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 & 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 comprises 5 solicitors and full complement comprises 6 solicitors and 2 legal technical staff.

### *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 e-State 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 comprises 6 solicitors.

## 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:

### 4.1 Justice and Crime

Staffing currently comprises 2 solicitors and 1 clerical officer 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 matter,

- appearing in the Dublin District Courts as solicitor for Attorney General or government department or offices in all matters relating to the administration of justice.

### 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.

### 4.3 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 comprises 10 solicitors and 2.5 legal technical staff and full complement comprises 11 solicitors and 4.5 legal technical staff.

### 4.4 Legal Services Section

This is a new section and is headed by a Principal Legal Executive. Staffing currently comprises 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, valuation appeals and acceptance of service of legal proceedings.

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

## 5 ASYLUM AND CIVIL LITIGATION DIVISION

This Division is headed by an Assistant Chief State Solicitor and comprises 3 sections as follows:

### 5.1 *Asylum Section*

The Asylum Section handles all asylum, immigration and repatriation (including asylum related habeas corpus cases). It 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 comprises 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.

### 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 also handles the legal work associated with 'pre delegation order' personal injury actions.

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

Staffing currently comprises 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.

### 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 comprises 6 solicitors and 3 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.

## 6 ADMINISTRATION

This Division is headed by a Head of Administration at Principal Officer grade. It consists of five sections as follows:

### 6.1 *Human Resource Section*

This is a new section headed by a newly appointed human resources officer at AP grade. As well as having responsibility for the traditional personnel functions it also has 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 of a staff of 7 persons.

### 6.2 *I.T. 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.

### *6.3 Library & Information Section*

The Library and Information Service is headed by a legal librarian and consists also of 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.

### *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 practice is 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.

### *6.5 Documentation Centre*

This is a new section headed by an officer at HEO level. It has a total complement of 14 staff. The function of the centre is 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.

## **PART III: 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 is comprised of the Group Manager and 4 other Parliamentary Counsel.

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 is comprised of the Group Manager, 4 other Parliamentary Counsel and 1 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 is comprised of the Group Manager, 4 other Parliamentary Counsel and 2 contract drafter.

## **PART IV: ADMINISTRATION UNITS IN MERRION STREET OFFICE**

The Division is headed since 1995 by a Head of Administration at Principal Officer grade. It consists of units as follows:

### **Human Resources Unit**

The Unit, headed by an Assistant Principal, was retitled from that of Personnel Unit during 2001. It has a staff of six including the Training and Development Officer. As well as being responsible for personnel functions within the Office the Unit has prepared a preliminary draft of a human resources strategy and drafted a number of policy procedures which will be discussed with the Partnership Committee.

### **Information Technology Unit**

The Unit, headed by an Assistant Principal, was established in 1995 and comprises a staff of eight, five of whom are new to their positions. Apart from maintenance of the Office's IT systems, infrastructure and resources, the Unit is taking a leading role in the implementation of the new IT Plan.

### **Library and Know-How Unit**

The Library and Know-How Unit is headed by an Information Manager and consists of a Systems Librarian, a Know-How Officer, a Research Librarian, Legal Researchers and a Library Assistant.

### **Finance Unit**

The Unit has a staff of five. It is responsible for all payments, excluding payroll, maintenance of financial records etc. The Unit liaises with the Fees Officer in the Chief State Solicitor's Office in ensuring that fees to barristers and solicitors are paid regularly.

### **Internal Audit**

The Office shares an Internal Auditor with the Chief State Solicitor's Office. His work is overseen by an Audit Committee which meets regularly.

### **Registry**

The Registry, with a staff of seven, handles all the incoming post to the Office and maintains all legal files within the Office. It is playing an increasing role in examining and identifying material for transfer to the National Archives Office.

### **Services Unit**

The Unit comprises six staff and was established in 1998 to deal with all areas relating to the maintenance and upkeep of the Office accommodation, procuring office supplies, ensuring appropriate security arrangements, telephone communications, organizing functions, co-ordinating freedom of information requests as well as maintaining the Office's Asset Register.

### **Private Offices**

The Attorney General has a Private Secretary, a Special Assistant, a Personal Secretary and two Clerical Officers. The Director General has a Private Secretary and two Clerical Officers who also service the Deputy Director General and the Head of Administration. The Chief Parliamentary Counsel has a Private Secretary.

### **Change Management Unit**

The Unit was established in June, 2002, when an Assistant Principal was assigned. In late September, 2002, a Higher Executive Officer was assigned to the Unit to deal with the Management Information Framework (MIF) and Expenditure Reviews. A Professional Accountant post has recently been sanctioned to deal also with the MIF.

To date the Unit has been actively engaged in co-ordinating the preparation of the Office's Annual Report for 2001, this Statement of Strategy and the MIF. The Unit is located in the Merrion Street Office but it also services the Office of the Chief State Solicitor.