



Office of the Attorney General

Annual Report 2006

Incorporating the

First Progress Report on Implementation of
Statement of Strategy 2006-2008, and

Second Progress Report on Implementation of Merrion Street
Office's **Client Service Guide 2005-2007** and Chief State
Solicitor's Office **Customer Action Plan 2005-2007**



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Mission Statement

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





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Foreword by the Attorney General



Rory Brady, SC
Attorney General

I am pleased to present the Office's Annual Report for 2006. This is the sixth Annual Report of the Office to be published since I was appointed to the position of Attorney General in June, 2002.

The publication of an Annual Report by the Office is now well-established and provides an opportunity to outline the many activities and initiatives undertaken by the Office throughout the year.

I am particularly pleased that the timeliness of preparation and publication of the Annual Report has greatly improved over the last 5 years. Prior to then, the Office had produced only one Annual Report.

This Annual Report highlights the wide range of legal and drafting services provided by both the Merrion Street Office and the Chief State Solicitor's Office. In addition, it also highlights the importance of the ongoing modernisation initiatives being implemented throughout the Offices which are client-focussed, provide an efficient and timely service as well as availing of the latest information technology.

I wish to express my sincere appreciation to all of the staff in both Offices for their dedication, support and service.

Rory Brady, SC
Attorney General

March, 2007



Introduction by the Director General

Attorney General

I am pleased to present to you the *Annual Report of the Office of the Attorney General for 2006*. It incorporates the First Progress Report on the implementation of the *Statement of Strategy 2006-2008* and the Second Progress Report on the implementation of the Merrion Street Office's *Client Service Guide 2005-2007*, the Chief State Solicitor's Office *Customer Action Plan 2005-2007* and both Offices' *Client and Customer Charters*.

This year, as in previous years, the work of the Offices was service-driven with the emphasis on high quality outputs with a strong focus on a timely delivery to Government, Departments and Offices. The Offices continued to maintain close working relationships with legal advisers in other Government Departments and Offices in providing legal advice, drafting and solicitor services to clients, many of which had to be provided, often in very short timeframes.

During 2006, the Office published a new *Statement of Strategy 2006-2008*, which develops on the previous Strategy Statement. This was developed following an extensive process of analysis of both the internal and external environment in which the Office as a whole operates and reflects the thinking and planning of all areas of the Office for the three-year period. Indeed, the focus during 2006 has been on the implementation of key commitments outlined in the *Statement of Strategy*, Quality Customer Service publications and the continued implementation of the Public Modernisation Agenda.

The Office has been involved in a number of important initiatives during 2006 with the following key projects being progressed:

- Publication of Fifth and Sixth Progress Reports on the implementation of the Offices' Action Plans under *Sustaining Progress*,
- Publication of Action Plans under *Towards 2016* and the First Progress Reports on the implementation of these Action Plans, (the Second Progress Reports were submitted to the Civil Service Performance Verification Group in March, 2007),
- Significant progress on the implementation in both the Merrion Street Office and the Chief State Solicitor's Office of their Information Technology Strategy including,
 - Further roll-out of the new Case and Records Management System in both Offices, (the system is now rolled out to all legal staff and to most administration staff),
 - Continued embedding of the integrated Financial Management System in both Offices,
 - Further development and embedding of the Offices' Management Information Framework Project Plan.
- Significant progress towards finalising Expenditure Reviews by both Offices (those on the Administration of the Attorney General's Scheme and the Law Reform Commission are to be published shortly),
- Agreement was reached in principle to the transfer of the Attorney General's Scheme to the Department of Justice, Equality and Law Reform on a non-statutory and administrative basis, (transferred from 1 February, 2007),
- Significant progress on the Pre-1922 Legislation Project including enactment of Statute Law Revision (Pre-1922) Bill 2005, (Statute Law Revision Bill 2007 also enacted recently),



- Further updating of the electronic Irish Statute Book,
- Successful establishment of a Risk Management Policy resulting in the development of a Corporate Risk Register and Risk Registers for the legal and administrative sides of both Offices, (Registers reviewed recently),
- Full implementation of the recommendations of the Sullivan Report including the establishment of a Legal Management Advisory Committee and submission of the first Report to Government on constitutional and sensitive cases (further Report to Government in March, 2007),
- Further development and enhancement of the Offices' key strategy of specialisation to meet the changing needs of Government and client Departments and Offices,
- Development of a Pilot Project to recruit, train and second Advisory Counsel to six Government Departments, (The 6 AC's have now been seconded and 2 more are being recruited for secondment).

In consideration of the many achievements realised throughout the year, I would like to thank the staff in both Offices for their commitment, excellent hard work and continued support throughout 2006.

Finola Flanagan

Director General
March, 2007



Finola Flanagan
Director General



Deirbhle Murphy
Chief Parliamentary Counsel



David J O'Hagan
Chief State Solicitor



Chapter 1

Roles and Functions





1

Roles and Functions

The Attorney General is the legal adviser to the Government and is 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. 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.

Advisory Counsel

The Advisory side of the Office is divided into five specialist Groups covering all major legal specialisms. It comprises barristers (Advisory Counsel) each of whom specialises, to a significant degree, in a variety of specific areas of law. The principal duty of Advisory Counsel is to assist the Attorney General in the performance of functions and duties. Each Advisory Group has dedicated clerical support staff familiar with the business of the Group.

The range of subjects covered by the Groups is extensive, but the activities themselves fall into three functional areas, namely:

- (a) the provision of advice;

- (b) the direction of litigation;

- (c) involvement in the provision of a drafting service to Government Departments.

Work of Advisory Counsel

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

The range of advisory work normally undertaken by the Office is very broad and includes constitutional law, administrative law, European law, commercial law, public international law and criminal law - in fact, all areas of legal work in respect of which Government or a Department or Office may require advice. Requests for advice may be received from the Government as a whole, from Ministers, or from civil servants in Government Departments or Offices either directly to the Office or via the Chief State Solicitor's Office. Advice is frequently provided under extreme pressure of time.

Permanent Representation to the European Union

The Office continued its assignment of an Advisory Counsel by way of secondment as Legal Attaché to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the Legal Attaché has become an essential and intrinsic element of the effective functioning of the Permanent Representation. Due to the participation of the Legal Attaché in important EU negotiations, including Treaty reform and other significant legislative developments, the Attorney General is involved from an early stage in advising on significant EU legal issues.

Parliamentary Counsel to the Government

The Office of the Parliamentary Counsel to the Government (OPC) comprises a team of specialist



1 Roles and Functions

lawyers trained to a high level in the discipline of drafting legislation. The mission of the OPC is to provide a professional legislative drafting service to the Government and to maintain information on the progress of the drafting of legislation.

Work of Parliamentary Counsel

The main work of the OPC is to draft Government Bills to be introduced into the Houses of the Oireachtas and to draft secondary legislation, where appropriate, for Government Departments or Offices, including Instruments transposing EU legislation into domestic law under the European Communities Act 1972. The OPC is actively involved in the development of the Better Regulation policy in co-operation with the Department of the Taoiseach and its work includes statute law revision and consolidation in the context of the Regulatory Reform Agenda.

The OPC is organised into three Groups, each having responsibility for the provision of drafting services to specific Government Departments and Offices. Each Group has dedicated clerical support staff familiar with the business of the Group.

Chief State Solicitor's Office

The Chief State Solicitor's Office is a constituent element of the Attorney General's Office and is the principal provider of solicitor services to the Attorney General and to all Government Departments and Offices. It also provides solicitor services to certain other State Agencies and to Tribunals of Inquiry, but does not act for members of the public.

Work of Chief State Solicitor's Office

The Chief State Solicitor's Office is organised into five legal Divisions. The Divisions are Public Law, Asylum and Legal Services, State Property, Justice and Common Law and Advisory. Each Division is organised into Sections on the basis of similarity of work or client. The organisation takes account of the principal demands of clients and some of the future demands expected of the Office such as the capability to respond to ECHR related actions, increased involvement with the ECJ, an increase in the number of European Arrest Warrants received

from other countries in the EU and a greater demand for advice in relation to Public Procurement and Commercial Contracts. This structure also takes account of the management challenges for the Office and in particular the challenges created by the programme for public service modernisation.

The Office also provides the local State Solicitor service whereby some State legal work arising locally is transacted by local State Solicitors.

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 corporate support services such as Human Resources, Training and Development, Finance/Accounts, Services, Clerical Support, Private Office Support, Change Management, Information Technology, Internal Audit, Registry/Registry and Records Centre and Library and Know-how. 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.

Website

The Office's website at www.attorneygeneral.ie provides a detailed description of the roles, functions, responsibilities and work of the Attorney General, Advisory Counsel, Parliamentary Counsel and the Chief State Solicitor's Office.





Chapter 2

Mission Statement and Goals





2 Mission Statement and Goals

The Office's Statement of Strategy 2006 - 2008 has the following Mission Statements and Goals -

The Mission of the Office of the Attorney General is

“to provide the highest standard of professional legal services to Government, Departments and Offices”

Four Goals have been derived from the Mission Statement.

These are:

- To support and advise the Attorney General in carrying out the duties of his office and provide specialist Advisory Counsel services in areas of law of importance to Government demonstrating responsiveness, efficiency and effectiveness.
- To provide a professional legislative drafting service to the Government.
- To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices in the areas of litigation, provision of legal advice and in property and transactional matters.
- To provide modern and professional corporate and business support services that deliver the highest quality service to internal and external clients and customers.



Chapter 3

Main Developments in 2006





3 Main Developments in 2006

Part I: Legal Developments

Work of the Office of the Attorney General, Merrion Street Office, in 2006

The work of Advisory Counsel in 2006

Advisory Counsel advised Departments and Offices as requested across the full range of specialisms identified below. Each group is comprised of a Group Co-ordinator and either 4 or 5 Advisory Counsel and clerical support staff.

Group A has responsibility in the areas of criminal law, garda, justice, prisons, courts and judges, Anglo Irish, criminal assets, extradition, mutual assistance, interception of telecom and postal packages, EU criminal justice measures, defamation, licensing and Irish language issues.

Group B has responsibility in the areas of private international law, casual and occasional trading, statistics, Statutory Instruments Act, civil justice issues, Haughey/Lowry Tribunal - public interest, personal injury, health, blood issues, childhood abuse, organs and vaccines, abortion, adoption, assisted human reproduction, education, family law, ombudsman, nuclear, health and safety and environmental law.

Group C has responsibility in the areas of asylum and immigration, state aids and grants, competition law, broadcasting, electricity, fisheries, foreshore, law of the sea, shipping law, harbours, marinas, Irish coastguard service, Commissioners of Irish Lights, coinage, international trade, gas, postal law, road haulage and buses, road traffic acts, revenue law, double taxation agreements, National Infrastructure/National Development Plan/Public-Private Partnerships, Gaeltacht, Anglo-Irish issues, Defence, Consumer Protection, Export Credit insurance, Export refunds, Air Transport and Rail Transport.

Group D has responsibility in the areas of relator actions, bankruptcy/insolvency/liquidation issues, charities, Comptroller and Auditor General, Appropriation Account Bill, Estimates and financial procedures relating to the Exchequer and Audit Department Act 1866, Appropriation and Public Expenditure, Probate and Succession Law, Arbitration, banking, Bills of Exchange, Building

Societies, Company Law, Ethics, Insurance, Land Registration, Landlord and Tenant, Mergers and Monopolies, Metrology, Mining and Quarrying, Petroleum, State monopolies, State Property Act, Stock Exchange and Investment Law, Telecommunications, Information Society Services, UNCITRAL, other State Authorities, Electoral Law, Northern Ireland Trade and Business Body, Office of Public Works, semi-State Bodies, Tobacco, Tourism and Planning Acts.

Group E has responsibility in the areas of Intellectual Property, Public International Law, Data Protection Act, Freedom of Information, Oireachtas and Oireachtas Reform, Ministers and Secretaries, Public Service, Labour Law, Legal Aid, Cultural, Human Rights, Coroners, Government contracts including public procurement, Diplomatic and Consular Service, Law Reform Commission, Explosives and Firearms, Gaming, Lotteries and Betting Acts, Official Secrets Act, Forestries, Agriculture and Social Welfare Law.

Deputy Director General: The DDG has responsibility in the areas of Defamation, Costs, Tribunals, Committees of Investigation and Oireachtas Committees, Goodman litigation, Morris Tribunal, Institutional EU issues, EC Judicial system, EU Horizontal issues, Brussels specific issues and horizontal issues for the OPC. The Legal Attaché to the Permanent Representation to the European Union in Brussels also works under the Deputy Director General.

Of particular note are the following cases decided in 2006 in which Advisory Counsel assisted in the provision of advice and directions.

Constitutional issues

The State was a party to litigation which led to key judgments in the field of constitutional law, some of which are listed below:

Shirley v. O'Gorman & Company Limited, Ireland and The Attorney General (High Court, 31 January 2006, Peart J.). The High Court rejected the plaintiff's argument that the statutory scheme for the enlargement of tenants' interests to acquire the fee simple interest in business premises offended against Article 40.3 and Article 43 of the Constitution.



3 Main Developments in 2006

Curtin v. Clerk of Dail Eireann and Others

(Supreme Court, 9 March 2006, Denham J., Fennelly J., Geoghegan J., Hardiman J., McCracken J., McGuinness J., Murray C.J.). The Supreme Court interpreted the provisions of Article 35.4.1° of the Constitution regarding the parliamentary procedure for the removal of judges from office.

Minister for Justice, Equality & Law Reform v. Corrigan

(High Court, 22 March 2006, Finnegan P.). This case related to a surrender pursuant to section 16 of the European Arrest Warrant Act 2003. The High Court noted that delay on the part of a complainant is a ground for prohibiting a prosecution from proceeding. In the United Kingdom issues relating to delay are determined at the trial rather than by way of judicial review. This was found to be less favourable to the respondent than the procedures which apply in Ireland. The High Court was not satisfied that the different procedure in the United Kingdom would operate to respect the respondent's constitutional rights. Therefore, the High Court refused to surrender the respondent.

D.P.P. v. Kelly (Supreme Court, 04 April 2006, Denham J., Fennelly J., Geoghegan J., Kearns J., Murray C.J.). The Supreme Court held that Article 38 of the Constitution was not breached where an accused is precluded from enquiring into the basis of the evidence of belief given against him at his trial, pursuant to the provisions of the Offences Against the State Act 1939, as amended, on a charge of membership of an unlawful organisation before the Special Criminal Court.

CC(C) v. Ireland, The Attorney General and the Director of Public Prosecutions (Supreme Court, 23 May 2006, Fennelly J., Geoghegan J., Hardiman J., McCracken J., Murray C.J.). The Supreme Court held that section 1(1) of the Criminal Law (Amendment) Act 1935 was inconsistent with the applicant's right to a trial in due course of law as enshrined in Article 38 of the Constitution and with the applicant's personal rights under Article 40 of the Constitution because of the exclusion of the defence of mistake as to age.

A -v- Governor of Arbour Hill Prison (Supreme Court 10 July 2006) the Supreme Court held that the unconstitutionality of Section 1 (1) of the Act of 1935 Act, as found in CC did not necessarily apply retrospectively and made a distinction between a declaration of unconstitutionality and its effects.

B (L) v. Ireland and Attorney General (High Court, 07 July 2006, MacMenamin J.). The High Court upheld the constitutionality of section 5(1)(a) of the Family Law (Maintenance of Spouses and Children) Act 1976, section 5 and sections 12 to 21 inclusive of the Family Law (Divorce) Act 1996, section 2(1)(f) and section 3(1) of the Judicial Separation and Family Law Reform Act 1989.

Dunne (appellant) v. The Minister for the Environment, Heritage and Local Government, Ireland, The Attorney General and Dún Laoghaire-Rathdown County Council

(Supreme Court, 25 July 2007, Denham J., Geoghegan J., Hardiman J., Kearns J., Murray C.J.). The Supreme Court examined whether section 8 of the National Monuments (Amendment) Act 2004, offended Articles 5, 10, 15.2.1° and 40 of the Constitution as well as European law.

Osmanovic & Others v. Director of Public Prosecutions, Ireland and the Attorney General

(Supreme Court, 25 July 2006, Denham J., Geoghegan J., Hardiman J., Kearns J., Murray C.J.). The Supreme Court held that section 89(b) the Finance Act 1997 did not breach the constitutional principle of the separation of powers established under Article 15.2.1° of the Constitution by providing for the imposition of a fine. It was also held that section 89(b) of the 1997 Act did not discriminate on the basis of wealth and did not infringe the principle of proportionality.

Atanasov & Others v. Refugee Appeals Tribunal

(Supreme Court, 26 July 2006, Denham J., Geoghegan J., Hardiman J., McGuinness J., Murray C.J.). The Supreme Court examined whether an appellant before the Refugee Appeals Tribunal is legally and/or constitutionally entitled to access previous decisions of the Tribunal in which similar issues of law arose.

N. v. Health Service Executive, G, & Others

(Baby Ann case) (High Court, 15 September 2006, Mac Menamin J.). The High Court heard an inquiry under Article 40.4.2° of the Constitution relating to a claim made by the natural parents of the infant "Ann" for her custody pursuant to Articles 41 and 42 of the Constitution.

O'Shea and O'Shea v. Ireland and the Attorney General (High Court, 17 October 2006, Laffoy J.). The High Court held that section 3(2) of the



3 Main Developments in 2006

Deceased Wife's Sister's Marriage Act 1907, as amended by section 1(2) (b) of the Deceased Brother's Widow's Marriage Act 1921, which prohibited the marriage of a man with a divorced wife of his brother or half brother, was unconstitutional because it restricted the right to marry under Article 40.3.1° of the Constitution.

N. v. Health Service Executive, G, & Others (Baby Ann case) (Supreme Court, 13 November 2006, McGuinness J., Geoghegan J., Hardiman J., Fennelly J., Murray C.J.). The Supreme Court, on appeal from the decision of MacMenamin J. in the High Court, reached the conclusion that the interests and welfare of the infant "Ann" required that she be returned to the custody of her natural parents.

R (M) v. R (T) (High Court, 15 November 2006, McGovern J.). The High Court found that the meaning of the word "unborn" in Article 40.3.3° of the Constitution did not include embryos outside the womb or embryos in vitro. Frozen embryos could not enjoy any personal rights under the Constitution.

European Court of Justice

Ireland was involved in several cases, chiefly:

Case C-221/05 Sam Mc Cauley Chemists (Blackpool) Ltd, Mark Sadja v Pharmaceutical Society of Ireland, Minister for Health and Children, Ireland, Attorney General: (reference for a preliminary ruling from the Supreme Court of Ireland) Judgment of the Court (Third Chamber) of 13 July 2006 which ruled that Article 2 of Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy, must be interpreted as meaning that a Member State which complies merely with the minimal level of recognition of diplomas laid down by that directive is not exercising any discretion conferred by that directive.

Case C-216/05 Commission of the European Communities v Ireland: Judgment of the Court (Second Chamber) of 9 November 2006 which dismissed the Commission's application for a declaration from the Court that, by making the full

and effective participation of the public in certain environmental impact assessments subject to prior payment of fees, Ireland has failed to comply with its obligations under Articles 6 and 8 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997.

Case C-341/04 Eurofood IFCS Ltd - Enrico Bondi v Bank of America N.A., Pearse Farrell, Official Liquidator, Director of Corporate Enforcement: (reference for a preliminary ruling from the Supreme Court of Ireland). Judgment of the Court (Grand Chamber) of 2 May 2006 which held that the court with jurisdiction to open "main" insolvency proceedings is, save where good reason is shown to the contrary, the court of the Member State where the debtor's registered office is situated. Mutual trust requires that the courts of other Member States recognise the decision to open proceedings, without reviewing that jurisdiction unless it infringes fundamental rights.

Case C-459/03 Commission of the European Communities v Ireland: Judgment of the Court (Grand Chamber) of 30 May 2006 which declared that, by instituting dispute-settlement proceedings against the United Kingdom of Great Britain and Northern Ireland under the United Nations Convention on the Law of the Sea concerning the MOX plant located at Sellafeld (United Kingdom), Ireland has failed to fulfil its obligations under Articles 10 EC and 292 EC and under Articles 192 EA and 193 EA;

The State also intervened in a number of ECJ cases pertaining to Title VI TEU or criminal law issues in the EC such as **Commission -v- Council** (C-440/05) regarding legislation on ship source pollution and **Dell' Orto (C-467/05)** regarding whether the definition of a victim should be widened beyond the definition contained in EU legislation by reference to a later EC legal instrument.

European Convention on Human Rights

Advice under the developing area of the European Convention on Human Rights and litigation in the Court in Strasbourg has continued to increase.

A Chamber of the European Court of Human Rights declared inadmissible the application lodged in the



3 Main Developments in 2006

case of **D. v. Ireland** (application no. 26499/02) on the ground that the applicant had not exhausted domestic remedies as regards the availability of abortion in Ireland in the case of fatal foetal abnormality, in that she had failed to bring an action before the Irish courts.

The European Court of Human Rights declared inadmissible the application lodged in the case of Saddam Hussein (application no. 23276/04) against 21 countries: Albania, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Turkey, Ukraine and the United Kingdom. The applicant complained about his arrest, detention and subsequent handover to the Iraqi authorities and ongoing trial. However, the Court could not find any jurisdictional link between the applicant and the States in question or that the applicant was capable of falling within the jurisdiction of those States, within the meaning of Article 1 of the Convention.

Legislation

Advisory Counsel also advised and assisted in the preparation of all the legislation, primary and secondary, passing through the Office of Parliamentary Counsel in 2006.

International Law

The Office advised on many international Conventions, Protocols and Agreements, cases and legislative developments in international law in 2006. Advices were also furnished on a considerable number of draft bi-lateral Agreements in the areas of extradition and mutual legal assistance with non-EU countries.

The United Nations Human Rights Committee held for the State in applications brought by Michael O'Neill and John Quinn in relation to the refusal to release them under the Good Friday Agreement release provisions.

Northern Ireland

The Office gave legal advice in relation to the St. Andrews's Agreement, issues pertaining to North/

South Implementation bodies and other Northern Ireland related matters during the year.

The State succeeded in defending the judicial review proceedings brought by Jeremiah Sheehy and Pearse McAuley seeking release under the Good Friday Agreement. (High Court; Herbert J.; 19/12/'06).

Tribunals and Inquiries

As with previous years, legal issues connected with both statutory and non-statutory tribunals remained an important component of Advisory Counsel work.

International and EU organisations

Advisory Counsel in the Office also participated in relevant Working Groups listed at **Annex E**.

Justice and Criminal law

At EU level the Office has advised on a considerable number of proposed measures under Title VI TEU relating to areas such as information sharing, procedural law, mutual recognition and substantive criminal law.

2006 was a very busy year for domestic legislation in the criminal law area and the advisory side gave advice on Bills such as the Criminal Law (Sexual Offences) Bill 2006, Prisons Bill 2005, Criminal Justice Bill (now the Criminal Justice Act 2006), Trafficking in Person and Child Exploitation Bill, Criminal Justice (Miscellaneous Provisions) Bill, Criminal Justice (Mutual Assistance) Bill, Criminal Justice (Suppression of Acts of Nuclear Terrorism) Bill.

Extradition

Important judgments under Part II of the Extradition Act 1965 as amended include Frederick David Russell in which the Supreme Court ordered Mr. Russell's surrender to the USA on 12/10/2006; Ethel and Timothy Blake in which the High Court refused the extradition to the United States (Peart J.; 16/11/'06); Tatiana Skripacova in which the Supreme Court interpreted Section 11(2) of the Act in relation to



3 Main Developments in 2006

the risk of prejudice on the grounds of race, religion etc and ordered the subject's extradition.

There are still a number of cases in the system under Part III of the Extradition Act 1965 as amended and there were a number of judgments in such cases during the year.

European Arrest Warrant

The European Arrest Warrant Act 2003 as amended by the Criminal Justice (Terrorist Offences) Act 2005 gives effect to an EU Framework Decision. Because of the time limits and the number of cases, this is an extremely busy and fast moving area, which has given rise to significant number of judgments of the High Court and the Supreme Court. A small sample includes *Altaravicius* in which the Supreme Court (6/4/06) pointed out that the EAW was based on mutual recognition and respect between judicial authorities and did not require an underlying warrant to be produced in the circumstances of that case. In *Brendan Joseph Finnegan* the Supreme Court (ex tempore 29/6/06) accepted the State's explanation for the passage of time between the receipt of the warrant and its execution. In *Rodnov* (ex tempore 1/6/06) the Supreme Court upheld the warrant despite the existence of technical errors which were not likely to mislead and did not mislead. However the Court emphasised the Minister's duty to ensure that the documents were complete, correct and written in clear language.

Mutual Legal Assistance

The Office advises on applications made before the District Court and the High Court.

The Law Reform Commission

The Office continued its support of the Law Reform Commission. The Attorney General and his officials met with the Commission during the year. An Expenditure Review on the Law Reform Commission was substantially progressed in 2006 by a Steering Group representative of the Office and the Commission.

Advisory Counsel in Irish Permanent Representation in Brussels 2006

The Advisory Counsel, as Legal Attaché seconded to the Permanent Representation of Ireland to the European Union continued to discharge a variety of functions. The primary role of the Advisory Counsel is to advise the Permanent Representative and his Deputy on the various legal issues that arise as a consequence of their attendance at COREPER I and II. The Advisory Counsel also advised Departmental officials in relation to issues arising at the Working Groups of the Council that they attend and in relation to issues arising between Departments and European Institutions. The Advisory Counsel also discharged the following duties:

- Attendance at the Courts of Justice Working Group.
- Liaison between the Legal Counsellors at the Permanent Representations of the various Member States and with Members of the Council, Commission and Parliamentary Legal Services.
- Assisting in the bilateral resolution of technical legal difficulties in relation to legislation under negotiation in Council.

The Legal Attaché also advises on EU institutional legal issues.

Work of Parliamentary Counsel in 2006

The Office of the Parliamentary Counsel to the Government (OPC) drafted a significant number of Bills and Statutory Instruments during 2006. Among the **43** Government Bills that were published (see **Annex A**) and the **42** Bills that were enacted (see **Annex B**) in the course of 2006, there were a number of significant drafting assignments undertaken by the Office including:

- **Health (Nursing Homes) (Amendment) Bill 2006** (published on 20/03/06). The Nursing Home Subvention Scheme, which provides financial assistance to persons towards the cost of maintenance in a private nursing home, was introduced in 1993 on foot of the Health (Nursing Homes) Act 1990 and the Nursing Homes (Subvention) Regulations 1993. The purpose



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of the Health (Nursing Homes) (Amendment) Act 2007 is to ground that Scheme on primary legislation rather than secondary legislation and to assist the Health Service Executive to implement that Scheme on a uniform basis throughout the State.

- **Civil Law (Miscellaneous Provisions) Bill 2006** (published on 20/04/2006). The Bill provides for amendments to a diverse range of civil law statutes, including amendments to the Gaming and Lotteries Acts, the Solicitors Acts, the Juries Act 1976, the Succession Act 1965 and other Acts. Part 2 of the Bill, which is divided into 3 Chapters, provides for the establishment of the office of Legal Services Ombudsman, the role and accountability of the office and the functions and powers of the Ombudsman. The main function of the Legal Services Ombudsman is to investigate complaints made to him or her about the handling by the Law Society or Bar Council of a complaint made to either body about a practising barrister or solicitor. The Legal Services Ombudsman also has power to review the procedures of the Bar Council and Law Society for dealing with complaints made to those bodies. The Bill also provides for circumstances in which a witness in or party to civil proceedings may give evidence by means of a live television link.
- **Defamation Bill 2006** (published on 07/07/2006). The Bill will, if enacted, substantially reform the law of defamation. It will abolish the distinction between libel and slander and replace all of the common law defences with new statutory defences to the tort. It will provide for a new defence of fair and reasonable publication designed to make it easier for the media to publish a false statement concerning a person provided its publication is in good faith, it concerns a matter of public importance, its discussion is for the public benefit and it is fair and reasonable in all of the circumstances to publish the statement. The Bill will also provide for the recognition of a Press Council by the Minister for Justice, Equality and Law Reform.
- **Foyle and Carlingford Fisheries Bill 2006** (published on 05/12/2006). This Bill provides for the regulation of aquaculture in the Foyle Area and the Carlingford Area by the Foyle, Carlingford and Irish Lights Commission. It also makes provision for miscellaneous amendments to the
- Foyle Fisheries Act 1952. The legislation follows on from the British - Irish Agreement Act 1999 which specifically anticipated the bringing forward of this legislation.
- **Competition (Amendment) Act 2006** (enacted on 11/03/2006). The Act removes the prohibition on below cost selling contained in a 1987 Groceries Order and gives additional powers to the Competition Authority to tackle any type of anti-competitive behaviour that might be contemplated by businesses in the wake of that prohibition's removal.
- **Criminal Law (Insanity) Act 2006** (enacted on 12/04/2006). This Act modernises and reforms the law on criminal insanity bringing it into line with the jurisprudence of the European Convention on Human Rights. The Act provides for extensive new provisions to deal with fitness to be tried as well as providing for new rules relating to appeals against such findings. It also provides for a new verdict of "not guilty by reason of insanity" which replaces the verdict of "guilty but insane" and provides for a new plea of diminished responsibility in respect of murder and infanticide. The Act provides for the establishment of the Mental Health (Criminal Law) Review Board whose function it is to review the detention of persons detained pursuant to this Act.
- **Registration of Deeds and Titles Act 2006** (enacted on 07/05/2006). This Act provides for the establishment of the Property Registration Authority, with functions including the management and control of the Registry of Deeds and Land Registry. It repeals and re-enacts, with amendments, the law relating to the registration of deeds and other documents affecting land. It amends the Registration of Title Act 1964 and also sections 16 (restrictions on right to acquire fee simple) and 28 (effect of acquisition of fee simple on covenants) of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978.
- **Parental Leave (Amendment) Act 2006** (enacted on 18/05/2006). The Act amends and extends the Parental Leave Act 1998. It was enacted to implement certain recommendations of the working group on the review and improvement of the 1998 Act. The new Act raises the maximum age of the eligible child from 5 to 8, and, in the case of an eligible child with a disability, it raises



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the maximum age to 16. It extends the right to parental leave to a person acting in loco parentis in respect of an eligible child, and gives a statutory entitlement to take the 14 week parental leave entitlement in separate blocks of a minimum of 6 consecutive weeks. It also provides for the extension of force majeure leave entitlements to employees in respect of persons in a relationship of domestic dependency with the employee. The Act also provides for other matters, including protection of employees from penalisation for exercising or proposing to exercise entitlements to parental leave or force majeure leave.

- **Criminal Law (Sexual Offences) Act 2006** (enacted on 02/06/2006). Section 1(1) of the Criminal Law Amendment Act 1935 was held by the Supreme Court to be inconsistent with Bunreacht na hÉireann and consequently never to have been part of the law of the State because it would not have been open to an accused person prosecuted for an offence under that section to claim that he did not know that the girl of whom he had unlawful carnal knowledge was under the age of 15. This Act sought to remedy that problem prospectively by creating a new offence of engaging in a sexual act with a child under the age of 15 and providing for a defence thereto where an accused person proves that he or she had an honest belief that the child had attained the age of 15 at the time of the alleged commission of the offence. The Act included similar provisions in relation to sexual acts committed with children under the age of 17.
- **Health (Repayment Scheme) Act 2006** (enacted on 23/06/2006). The Act establishes a scheme to provide for the repayment of certain health charges which were unlawfully imposed on certain persons in nursing homes. The repayments will be made to those persons if living or their estates otherwise. The Act also puts patients' private property accounts on a statutory footing.
- **Road Traffic Act 2006** (enacted on 16/07/2006). The Act provides for mandatory alcohol testing of drivers at authorised checkpoints, the banning of hand held mobile phones while driving, increased fines and periods of disqualifications, and other miscellaneous matters.
- **Building Societies (Amendment) Act 2006** (enacted on 16/07/2006). The Act provides for

various amendments to the Building Societies (Amendment) Act 1989. Provision is made for building societies who wish to demutualise and opt out of the 5 year post-conversion protection provisions contained in the 1989 Act to do so. A building society which 'opts out' of the 5 year protection provisions may, when converting, draw up a scheme that provides for a sale following on demutualisation. The powers of a building society to invest are increased, as are powers to raise funds. The types of loans that can be made are also increased.

- **Criminal Justice Act 2006** (enacted on 16/07/2006). The Criminal Justice Bill 2004, which was published in July 2004, was enacted in 2006. Substantial amendments were made to it and several new topics were added during the course of its passage through the Houses of the Oireachtas in 2006. The Act amends several important areas of criminal law and procedure. Among the more significant matters covered are the powers of the Garda Síochána relating to the investigation of offences, the admissibility of certain witness statements in criminal trials, sentencing and appeals in criminal proceedings. The Act makes provision in relation to organised crime and the misuse of drugs, including the establishment of the so-called "Drugs Offenders Register". The Act also amends the law relating to the control of firearms and increases the penalties in respect of a number of offences relating to explosives. The Act provides for Anti-Social Behaviour Orders (ASBOs) for adults and children and substantially amends the Children Act 2001 relating to juvenile justice. The Act also provides for the establishment of the Criminal Law Codification Advisory Committee which is to oversee the development of a programme for the codification of the criminal law.
- **Planning and Development (Strategic Infrastructure) Act 2006** (enacted on 16/07/2006). The Act makes the necessary legislative provision for expedited planning procedures in the case of major infrastructural projects. The procedures provided by this legislation will facilitate the attainment of the objectives in both current and future "National Plans" so far as these plans relate to physical infrastructure. There were a substantial number of amendments required relating to a diverse number of matters not contained in the original instructions.



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- **International Criminal Court Act 2006** (enacted on 31/10/2006). This Act provides for the punishment by courts in the State and by courts-martial of genocide, crimes against humanity, war crimes and other offences within the jurisdiction of the International Criminal Court, which was established under the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998. It enables effect to be given to requests by that Court for assistance in the investigation or prosecution of those offences, including requests to arrest and surrender persons, to freeze assets and to enforce any fines or forfeitures imposed by it. It also makes provision in relation to any sittings of the court that may be held in the State.
- **Energy (Miscellaneous Provisions) Act 2006** (enacted on 24/12/2006). This Act deals with a range of energy matters including the opening of the gas market and gas and electricity safety. The legislation also provides for the creation of capital stock in Bord Gais Éireann which will facilitate the establishment of employee share ownership schemes in the body.
- **Local Government (Business Improvement Districts) Act 2006** (enacted on 24/12/2006). The Act principally makes provision for a rating authority to establish a district within its administrative area as a business improvement district and approve a scheme prepared in accordance with the Act for the carrying out or provision, in the district, of projects, services or works for the benefit of the district. The Act provides that the funding for the scheme will be derived, in whole or in part, from annual contribution levies that the rating authority is authorised by the Act to impose on rateable properties in the business improvement district. The Act also amends the Valuation Act 2001 to provide for the imposition of a levy on newly erected or newly constructed property when it is first entered in the valuation list relating to a rating authority's area and section 56 of that Act in relation to the power to limit rates income of rating authorities. The Act also amends the Local Government Act 2001 with respect to certain aspects of audit committees of local authorities.

In addition to the workload of primary legislation, **175** statutory instruments were drafted or settled in the OPC during 2006 including **29** European Union statutory instruments.

Work of the Chief State Solicitor's Office in 2006

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2006.

Public Law Division

The Public Law Division is made up of the Commercial and Constitutional Section and the Judicial Review Section and deals with a wide range of litigation with many of the cases being high profile, requiring compliance with strict time limits and involving complex areas of law.

Commercial and Constitutional Section

This Section is responsible for the defence of a wide range of civil actions against the State and State Authorities and during 2006 most of the cases in the Section went to full plenary hearing. Issues of law involved included commercial, constitutional, contract, employment, insurance, international, environmental, planning, electoral, public health, intellectual property, housing, social welfare, administrative and European Union Law.

Judicial Review Section

This Section represents the State and State Authorities in judicial review applications. Judicial Review is the process by which judicial control of administrative action is exercised and 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 or duties. This Section also has responsibility for habeas corpus applications, cases stated, adoption cases, letters of request from foreign tribunals and service of documents under EU Council Regulation No 1348/2000 and the 1965 Hague Convention on the service abroad of judicial and extra-judicial documents in civil and commercial matters.

254 judicial review and **71** habeas corpus cases were received in the Section in 2006.

Asylum and Legal Services Division

There are two Sections in this Division, the Asylum Section and the Legal Services Section.

Asylum Section

This Section handles all asylum, immigration and repatriation related cases on behalf of the



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Department of Justice, Equality and Law Reform, the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal and the Garda National Immigration Bureau. The majority of the work is of a litigious nature dealing primarily with judicial review applications (both leave and substantive hearings) as well as habeas corpus applications (where the Section acts on behalf of the Prison Governor) in the Asylum area and necessitates daily attendance before the High Court and to a lesser degree the Supreme Court. The Section also deals with District Court applications pursuant to the Refugee Act 1996 as amended. In 2006, **1,101** new asylum related files were opened in the Section.

Legal Services Section

This Section has responsibility for legal costs accounting (including assessing bills of costs and attending at the taxation of same) and the recovery of legal costs due to the State. It is further responsible for the payment of Counsel's fees and acts for the State Authorities in Garda Compensation claims and for the Commissioner of Valuation in appeals before the Valuation Tribunal. The Section also handles requests for Mutual Assistance in criminal matters in the District Court and is involved in the preparation of Ministerial Prosecutions. The Section Head chairs a Committee which oversees a legal training scheme for clerical staff in the Office.

State Property Division

The State Property Division deals with property transactions, landlord and tenant matters, grants, escheated estates and planning and title issues for the State. It is organised into three Sections, the Office of Public Works/Health and Children Section, the Defence, Marine and Sports Capital Programme Section and the Finance, Education, Justice and Heritage Section.

Office of Public Works/Health and Children Section

The work of this Section is mainly commercial conveyancing and includes commercial leasing of accommodation for Government Departments and Offices and the acquisition and disposal of properties under various Government Programmes. Major work handled during 2006 included the continued acquisition of sites around the country under the Decentralisation Programme (**10** additional sites acquired); other acquisitions included Dromard House, Co. Tipperary (**€4.5** million); North Circular Road site adjacent to Mountjoy Prison (**€26** million);

lands adjacent to Castletown House, Co. Kildare (**€2** million); National Concert Hall (**€42** million); exchange of Cork Revenue Offices (**€40** million). The disposal of properties continued under the Transforming State Assets Programme, including the disposal of former asylum seeker accommodation at Parnell Square West Hotel, Dublin (**€7** million) and Lynch's Lodge, Co. Cork (**€2.3** million). Other work included the completion of a number of disposals under the Affordable Housing Initiative (Infirmary Road, Jamestown Road, Harcourt Square Phase I); the continued acquisition of school sites under the School Site Acquisition Programme and the rollout of broadband licences on State property.

Defence, Marine and Sports Capital Programme Section

This Section deals with transactional and advisory property matters for the following Government Departments - Departments of Community, Rural and Gaeltacht Affairs; Agriculture and Food; Enterprise, Trade and Employment; Transport; Defence; Communications, Marine and Natural Resources; Arts, Sport and Tourism. The work includes leases and licences of foreshore, sales and leases of premises at Fishery Harbour Centres, the sale of premises which are surplus to military requirements and the implementation of the legal framework for the disposal of property for the Affordable Housing Initiative. The Section is also responsible for the legal work in relation to the issue of National Lottery Grants. Major grants dealt with in 2006 included grants for Lansdowne Road Stadium Redevelopment, Croke Park, Thomond Park, Semple Stadium and Carton Golf Academy.

Finance, Education, Justice and Heritage Section

The work in this Section includes the property aspects of the Residential Institutions Redress Indemnity Scheme, waivers of the property of dissolved companies under the State Property Act 1954, dealing with escheated estates where the State is the ultimate intestate successor, school leases, purchases of sites for schools and prisons, commercial leases for the Department of Justice, Equality and Law Reform, claims for compensation under Section 120 of the Registration of Title Acts 1964 -2006 and grants for cultural purposes (ACCESS). The heritage work covers the acquisition of national monuments, historic properties and bogland for conservation purposes. Major transactions handled in 2006 included the sale by tender of prison premises at Shangannah Castle,



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Shankill, County Dublin (€20 million) and the acquisition of lands at Luggala County Wicklow (€1.725 million) for Wicklow National Park.

Justice and Common Law Division

This Division comprises three Sections - the Justice and Crime Section, the Personal Injuries Section and the Tortious Claims Section.

Justice and Crime Section

This Section deals with Extradition proceedings, European Arrest Warrants, applications under the Transfer of Sentenced Persons Acts 1995 and 1997 and Police Property applications. Staff in the Section also conduct Ministerial prosecutions in court, represent the Garda Síochána at the hearing of Intoxicating Liquor Licensing Applications and provide representation for the State at Inquests.

The European Arrest Warrant was introduced on the 1st January 2004 under the European Arrest Warrant Act 2003 which gave effect to Council Framework Decision of 13th June 2002 dealing with surrender procedures between Member States of the European Union and replaced Extradition procedures between such States. During 2006 the Section received **118** cases under the Act.

The Head of the Section managed the on call panel of staff in the Office which continued to provide a round the clock service out of office hours in Extradition, European Arrest Warrant, habeas corpus and other urgent matters.

Personal Injuries Section

This Section deals primarily with personal injury claims which are not delegated to the State Claims Agency and during 2006, the Section transferred the balance of the delegated claims that it was handling for the State Claims Agency back to the Agency and took over Garda related work from the Tortious Claims Section. The Section handles claims for damages arising from assaults or wrongful arrests and false imprisonment by members of the Garda Síochána, malicious prosecution claims, bullying and harassment claims by Gardai and non party discovery involving the Garda Síochána. It is intended to develop the Section into a Garda civil claims Section in 2007.

Tortious Claims Section

This Section deals with all childhood abuse litigation arising out of claims of abuse in Residential

Institutions and Day Schools. Following the coming into operation of the National Treasury Management Agency (Delegation of Claims Management Functions) Order 2005 (S1 No 503 of 2005) on the 1st September 2005, the State Claims Agency took over the responsibility for the management of childhood abuse litigation and during 2006 the Section continued to provide legal services to the SCA in respect of such claims. There was a team of Solicitors in the Section to handle Day School Abuse litigation and a special Unit to deal with Residential Abuse cases. During the year the Section also maintained a Unit to deal with work before the Commission to Inquire into Child Abuse which work included arranging for compliance with directions for discovery of documentation issued by the Commission and representing State clients at public hearings before the Commission.

The Section also deals with claims for damages for injury suffered by a member of the Defence Forces, outside the State, whilst in the service of the State, civil service bullying and harassment cases and appeals to the High Court by persons infected by Hepatitis C or HIV or both, through the administration of blood or blood products.

Advisory Division

The Advisory Division consists of four Sections - the Specialist Advisory Section, the General Advisory Section, the State and European Litigation Section and the Commercial Contracts Section.

Specialist Advisory Section

This Section has responsibility for dealing with Tribunals of Inquiry work and during 2006 provided representation to the Department of Justice, Equality and Law Reform at the Tribunal of Inquiry into complaints concerning some Gardaí of the Donegal Division ("The Morris Tribunal"). The Section also deals with natural resources cases and contractual and regulatory advisory work.

General Advisory Section

This Section has responsibility for general advisory matters, instituting Plaintiff litigation on behalf of the State, third-party discovery, company law proceedings, arbitrations, adoption matters, mining and petroleum exploration and development, wildlife prosecutions, habitat prosecutions as well as representing the State on public interest issues before Tribunals of Inquiry and providing representation to the Minister for Communications, Marine and



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Natural Resources at the Tribunal of Inquiry into Payments to Messrs Charles Haughey and Michael Lowry ("The Moriarty Tribunal") and to the Garda Síochána at the Tribunal of Inquiry into complaints concerning some Gardaí of the Donegal Division ("The Morris Tribunal").

State and European Litigation Section

This Section deals with Employment work and represents Government Departments and Offices at hearings before Rights Commissioners, the Labour Court, the Employment Appeals Tribunal and the Director of Equality Investigations as well as advising on employment issues under Civil Service Regulations. It also deals with certain plaintiff litigation and with Company Restoration Applications. The Section represents Ireland before the European Court of Justice and the European Court of First Instance and during 2006 the Section received **76** ECJ cases.

Commercial Contracts Section

This Section deals with tenders, procurement and contractual advices, pension matters, data licences and contractual negotiations and drafting. During the year the Section dealt with numerous major contracts including contracts for the Automated Fingerprinting Identification System, the AISIP IT System, the outsourcing of driving tests, the Automated Visa Application Tracking System, the acquisition of a helicopter for the Garda Síochána, exploration licences and Funding Agreements for community based projects for the Probation Service.

Part II: Organisational Developments

Management Advisory Committees

A joint Management Advisory Committee (Main MAC), representative of senior management of both the Merrion Street Office and the Chief State Solicitor's Office, met on **5** occasions during 2006 to advise the Director General on issues of common concern to both Offices including issues relating to the modernisation agenda. A Legal MAC representative of both Offices and attended by the Attorney General was established in 2006 in the context of a recommendation of the Report on the Attorney General's Office (Sullivan Report, June, 2006). The Legal MAC met on **2** occasions in 2006 and focused on current legal issues in the Office. Separate local Management Advisory Committees (MACs) also met on a monthly basis to advise the Director General, Chief Parliamentary Counsel and Chief State Solicitor, as appropriate.

Staffing

By the end of 2006 the authorised staff complement in the Merrion Street Office was **120** including contract staff with **2** vacancies. The authorised staff complement in the Chief State Solicitor's Office in 2006 was **230** including contract staff with **13** vacancies. During the year new legal advisory, drafting, administrative and clerical staffs were recruited in the Merrion Street Office and legal, technical and administrative staff in the Chief State Solicitor's Office.

Statement of Strategy 2006 - 2008

In July, 2006 following a comprehensive development and consultation process involving all staff in the Merrion Street Office and the Chief State Solicitor's Office, the Office published a new *Statement of Strategy 2006 - 2008* which represents the whole Office's thinking and planning for the next three-year period. Progress achieved on the implementation of Goals, Objectives, Strategies and Performance Indicators is outlined in Chapters 4 to 7 of this Report.

Quality Customer Service

Progress on the implementation of commitments set out in the Merrion Street Office's *Client Service Guide 2005 - 2007* and *Client and Customer Charters* and the Chief State Solicitor's Office's *Customer Action Plan 2005 - 2007* and *Client and Customer Charters* is outlined in Chapters 4 to 7 of this Report.



3 Main Developments in 2006

Information Technology

The Office continued to make significant progress in the implementation in both the Merrion Street Office and the Office of the Chief State Solicitor of its Information Technology Strategy. During 2006 the main focus continued to be in relation to further implementation in both Offices of a new Case and Records Management System and the continued embedding of the integrated Financial Management System. The Office continued to keep its IT infrastructure under review and carried out a number of enhancements to ensure that it continues to operate efficiently and effectively. A number of Office IT Project oversight Committees (joint Office Committees in most cases) met throughout the year to review project progress and address issues as appropriate. Progress achieved is outlined in Chapter 7 of this Report.

Knowledge Management

During 2006 the Office continued to promote a culture of knowledge sharing within the Offices. Progress achieved in this regard is outlined in Chapter 7 of this Report.

Development of Legal Services

During 2006, the Office continued to focus on the development and enhancement of further specialisation to meet the changing needs of Government and client Departments and Offices and in pursuit of its strategy of increased specialisation in key areas.

Better Regulation

In line with commitments set out in the Government's White Paper "Regulating Better" the Office's proposals for improving the accessibility and coherence of Irish Statute Law continued to have an impact on the work of the Office in 2006. This resulted in the examination of legislation passed before the coming into effect of the Act of Union on 1 January, 1801 along with the indexing of local and personal Acts and private Acts passed before 6 December, 1922 culminating in a total of **26,370** Acts being examined or re-examined by the Office in 2006.

Report of the Review of the Office of the Attorney General (Sullivan Report, June, 2006)

Following the publication of the Sullivan Report on the Review of the Office of the Attorney General in June, 2006, the Office put in place an Action Plan setting out mechanisms to address each of the 19 recommendations set out in the Report. By year

end, significant progress had been made on the implementation of these recommendations. The local Merrion Street and CSSO MACs, the joint Merrion Street/CSSO MAC and the Partnership Committee in the Merrion Street Office were actively involved and consulted as appropriate.

Cross-Functional Working Initiatives

During 2006 cross-functional teams involving staff from the Merrion Street Office and the Chief State Solicitor's Office continued to operate in the Case and Records Management System Project, the Financial Management System Project, the Human Resource Management System Project, the Knowledge Management Strategy Project, and other projects. Staff from the Merrion Street Office continued to be involved with staff from the Department of the Taoiseach in the review of the Cabinet Handbook.

Also, staff from both Offices and where appropriate, the Law Reform Commission worked together on issues such as the progression of Expenditure Reviews and the Nally Report on Reorganisation of the Chief State Solicitor's Office.

Organisational Flexibility in the Merrion Street Office

The Office recognises the need to implement proposals to increase organisational flexibility. In the Merrion Street Office there is significant mobility of staff, within the Parliamentary Counsel Groups and also between the Advisory Counsel Groups and within Administration Business Units, to respond to urgent work demands.

During 2006 specific examples of flexibility demonstrated by the Merrion Street Office included the following:

- The continued assignment of full-time project managers and other personnel for the Case and Records Management System and the MIF/Financial Management System projects;
- The continued availability of legal and administrative staff to be involved in the various IT projects, particularly in relation to representation on and involvement in the work of relevant project governance committees;
- The continued training of Finance Unit and other Unit personnel in accounting functions relating to the Office's Financial Management System;



3 Main Developments in 2006

This flexibility occurred at a time when the workload of the Office increased significantly since the previous year. The work previously undertaken by redeployed staff has had to be undertaken by remaining staff.

Also, in 2006 a team comprising Registry, legal, drafting and administrative staff continued to co-operate to identify documents due for transfer to the Office of National Archives for release in January, 2007. **812** files were transferred in 2006 and **23** withheld as they contained personal information.

Organisational Flexibility in the Chief State Solicitor's Office

In the Office, organisational flexibility is a priority, with regular reorganisation of staff, responsibilities and Sections in response to the changing demands of clients. During 2006 the Office identified areas in which clients required more specialist services and aligned recruitment, training and organisation structures accordingly.

The Office continued to be flexible in the allocation of its staff resources to Tribunals of Inquiry. Four solicitors continued to work on the Tribunals of Inquiry which are running contemporaneously. In addition, the Office continued to provide **2** solicitors as and when required to represent the Public Interest at Tribunals.

The Army Hearing Loss Section which was in the Common Law Litigation Division was closed down in 2006 and legal staff from same were re-assigned to the Personal Injuries, the Judicial Review and the Office of Public Works/Health and Children Sections to meet work demands in these areas of the Office.

The Divisional structure in the Office was reorganised following the closure of the Army Hearing Loss Section and taking into account the large volume of cases being dealt with in the Asylum Section, the Justice and Crime Section was moved from the Justice and Asylum Division (subsequently renamed the Asylum and Legal Services Division) to the Common Law Litigation Division (subsequently renamed the Justice and Common Law Division). This reorganisation took place on the movement of the latter Division to new premises in the Chancery Building adjacent to the main office in Osmond House. The move to the new premises enhanced efficiency by freeing up space in Osmond House and by locating the entire Justice and Common Law Division in a single location whereas before the work

and staff in the Common Law area had been split between two premises.

During 2006 some of the more specific examples of flexibility demonstrated by the Office included the following:

- A panel of solicitors set up for short-term employment to replace established staff on career breaks and extended leave, continued to operate;
- The continued outsourcing of all outdoor 'clerking' duties to a private firm operated to the satisfaction of the Office;
- The on-call panel for out of hours urgent court applications continued to operate;
- Solicitors were recruited on contract to do decentralisation work for the Office of Public Works;
- The Office continued to manage a panel of external solicitors for the Office of Public Works to provide the OPW with expert legal service at competitive costs. This was over and above the work undertaken by the Office directly for the OPW.

Freedom of Information Requests

Statistics on requests to the Merrion Street Office and the Chief State Solicitor's Office under the Freedom of Information Acts are set out in **Annex F**. The Office continued to advise the Central Policy Unit in the Department of Finance on legal issues relating to the implementation and application of the Acts.

Other Organisational Developments

Progress achieved in 2006 in relation to other significant developments such as Internal Audit, *Sustaining Progress* and *Towards 2016* Social Partnership Agreements, the Partnership process and the Official Languages Act is outlined in Chapter 7 of this Report.

International, EU organisations and Interdepartmental issues

Legal and Administrative staff in the Offices also participated in working groups and were involved in a range of interdepartmental issues listed at **Annex E**.



Chapter 4

Progress Achieved in reaching Goal 1 - Advisory Counsel





4 Progress Achieved in reaching Goal 1 - Advisory Counsel

Goal 1 - Advisory Counsel

To support and advise the Attorney General in carrying out the duties of his office and provide specialist Advisory Counsel services in areas of law of importance to Government demonstrating responsiveness, efficiency and effectiveness.

The objectives, strategies and performance indicators to meet this Goal will be:

Objective 1

To deliver a quality service to our clients supported by IT and knowledge management.

Strategy 1

Deliver the Office's key commitments in its *Client Service Guide 2005-2007* and *Client and Customer Charter for Advisory Counsel and Administration*.

Performance Indicators

- Compliance with the Guide and Charter in relation to:
 - Client Communications;
 - Responsiveness;
 - Accuracy, quality and consistency of work, outputs and advice;
 - Service delivery through partnership and teamwork;
 - An ethical and confidential service;
 - Managing client contact and organising client feedback;
 - Achieving the agreed standard of customer service.

Strategy 2

Integrate legal services with OPC, CSSO and LRC.

Performance Indicators

- Implementation of the procedures and practices set out in the Report of the Group on the Quality Control of Legislation;
- Participation in the roll out of the ACME system;
- Development of protocols and workflows for the proper use and application of the ACME system;
- Participation in Law Reform Consultative Committee, particularly in developing Third Programme in 2007.

Strategy 3

Participate in the knowledge management process.

Performance Indicator

- Apply KM principles to share explicit learning and technical and innate knowledge, expertise and know-how.

Strategy 4

Implement the risk management policies of the Office.

Performance Indicators

- Provision of feedback to MAC and Attorney General on areas of significant risk;
- Embedding of the Office's Risk Management Strategies including Policies and Registers;
- External Review of risk assessment procedures at regular intervals;
- Provision of 8 weekly work management reports;
- Agree and adhere to Office policies, protocols and workflows.

Strategy 5

Participate in the development of Financial Management in the Office to ensure the delivery of outputs and value for money.

Performance Indicators

- Monitoring of use of Advisory Counsel's time across a range of (selected) legal tasks;
- Planning and allocation of resources having regard to trends in workloads and complexity and volume.

Strategy 6

Review and identify all activities/services which should be managed by other competent authorities.

Performance Indicators

- Review annually activities/services to ascertain which, if any, should be managed by other authorities;
- Division of responsibilities agreed and transfer arrangements with competent authorities made;
- Guidelines, protocols and transfer arrangements finalised as appropriate.



4 Progress Achieved in reaching Goal 1 - Advisory Counsel

Note: Strategies 3, 4 and 5 above are also reflected in the Business Support Services Section.

Objective 2

To implement the Office's Human Resources Strategy relevant to Advisory Counsel.

Strategy 1

Recruit, train and develop Advisory Counsel staff.

Performance Indicators

- Review Office's induction of new entrants;
- Annual review for members of each specialist group of progress toward meeting targets in PMDS, education, training, development;
- Business Unit proposals for further/ongoing training & development;
- Implementation of the integrated PMDS and HR training and development priorities.

The strategy above is also reflected in the Business Support Services Section.

Objective 3

To assist in the co-ordination of legal services of the State.

Strategy 1

Contribute to effective public service by assisting in the co-ordination of the legal services of the State.

Performance Indicators

- Demonstrate co-ordination with legal advisers in Government Departments with 6 monthly review meetings;
- Development of Protocol for the secondment of Advisory Counsel to Government Departments by Q2, 2006;
- Reviews of secondment of Advisory Counsel arrangements completed by Q2, 2007 and Q2, 2008.

Strategy 2

Provide legal services to Government in the implementation of litigation policies and in the handling of cross-cutting issues.

Performance Indicators

- Review annually by end of Q3 of the system to facilitate and co-ordinate the approach to domestic and ECJ litigation;
- Participation in interdepartmental working Groups and committees in the handling of the legal aspects of cross-cutting issues including the implementation of cross-cutting policies where they arise.



4 Progress Achieved in reaching Goal 1 - Advisory Counsel

Progress achieved

Objective 1

In 2006 the Advisory side of the Merrion Street Office continued to focus on the further development, enhancement and refinement of specialisation as the key to the achievement of the Office's Goals, Objectives and Strategies. As in previous years the Office continuously analysed and reviewed the workload and composition of all Advisory Groups. This facilitated the identification of new emerging areas of law, areas of law that are expanding, and the need to anticipate client needs and client feedback received in all areas of law.

Each of the Advisory Groups continued to review work through a formalised system of eight-week review cycles. Work was prioritised through regular formal and informal meetings with client Departments held throughout the year. These meetings provided an opportunity to gauge feedback from clients on service delivery issues and to highlight new strategic issues. An example of one such regular review meeting held during the year included the bi-monthly extradition/European Arrest Warrant meetings with client Departments, Garda Síochána and the CSSO. Issues raised, both in relation to individual cases, categories of cases, management of the area, communications between stakeholders, approaches and strategies to be communicated to the panel of counsel and liaison with requesting States and the Courts Service were dealt with on an ongoing basis.

In addition, during the year, Groups met regularly within the Office to discuss workload and case specific issues. The monthly Legal Issues Meeting, the asylum lawyers group and the weekly Advisory Counsel Group meetings provided valuable opportunities for the exchange of legal know-how ideas and experiences across different specialist Groups.

An Action Plan, prepared following the inaugural meeting of the Offices' Client Panel in November, 2005 and setting out, inter alia, issues identified at that meeting and relating to the Advisory side, was fully implemented and reviewed, resulting in an improved service delivery to clients.

In the context of the recommendations of the Report of the Review of the Office of the Attorney General

(Sullivan Report, June, 2006) the Office established a Legal Management Advisory Committee representative of all areas of the Office - Advisory, OPC and CSSO as well as the Attorney General - to discuss ongoing legal issues within the Office. Bi-monthly meetings are held between the AG/DPP Offices on constitutional cases common to both Offices in accordance with the Sullivan Report recommendation.

Nominated Advisory Counsel participated throughout the year in the ongoing development work on the new Case and Records Management System through attendance at and participation in relevant project governance meetings. Much of the focus was on developing protocols and workflows relating to specific work areas where nominated Advisory Counsel contributed significantly to this development work. All appropriate Advisory Counsel continued to use the system throughout the year.

During 2006 consultations with the Department of Justice, Equality and Law Reform continued in relation to the transfer of responsibility for the administration of the Attorney General's Scheme to the Department. By year-end agreement had been reached in principle for the transfer of the administration of the Scheme to the Department from the 1st February 2007.

During 2006 Advisory Counsel continued to support the Law Reform Commission in the context of its programme of work.

On the Advisory side as in other areas of the Office a culture of knowledge sharing continued to be promoted, underpinning the delivery of legal advice to Government, Departments and Offices. Advisory Counsel also attend and participate in Legal Issues meetings and contribute to the preparation of Legal Reference Guides and Legal and ECHR Bulletins.

During 2006 Advisory Counsel contributed to the development and implementation of formal risk management policies within the Office. Throughout the year Advisory Counsel reported to the Attorney General and Legal MAC and indeed to meetings of the Director General, Deputy Director General and Advisory Counsel I and to Advisory Counsel Group meetings on areas and matters of significant risk. In the context of recommendations arising out of the Sullivan Report, Advisory Counsel participated in the process of identification of sensitive and



4 Progress Achieved in reaching Goal 1 - Advisory Counsel

constitutional cases for inclusion in the first Report to Government on such cases in October, 2006. During the year an Advisory Counsel I chaired meetings of the joint Merrion Street Office/CSSO Risk Management Committee in the context of the Committee's development of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers.

In the latter part of 2006 Advisory Counsel Groups participated in the Office's Resource Allocation Business Planning (RAB) Project. Facilitated by an external consultant, Advisory Groups participated in the process of developing framework models to determine notional cost for the provision of legal services across Groups having regard to trends in workloads and complexity and volume. The models explore the link between financial Estimates and Strategy Statements to the outputs of the Offices.

Objective 2

In 2006 Advisory Counsel continued to participate in the process of embedding PMDS within the Office. At the beginning of the year individual Role Profile Forms were agreed with managers and Interim Reviews were carried out mid-year. In October, 2006, Advisory Counsel attended training on the new integrated PMDS. The process of preparing Group Business Plans taking account of the new *Statement of Strategy 2006-2008* and indeed risk management commenced in October and entailed full consultation at individual Group level.

Objective 3

Co-operation with Legal Advisers in Government Departments

During 2006 Advisory Counsel continued to foster constructive and close working relationships with legal advisers in Government Departments. The importance of these links continues to grow given the increasing number of complex inter-Departmental legal issues which arise. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsel and Departmental Legal Advisers co-operated during the year in a large range of matters so as to ensure a

consistency in advices given by them with other advices given by the Attorney General.

Secondment of Advisory Counsel to Government Departments

During 2006 the Office contributed significantly to effective public service by assisting in the co-ordination of the legal services of the State. One important initiative was the development and implementation of a Protocol for the secondment of Advisory Counsel to Government Departments. In late 2005 the Office commenced discussions with a number of interested Government Departments regarding the issue of seconding Advisory Counsel on a pilot basis to those Departments. Arrangements were made with the Department of Finance and the Public Appointments Service to put in train a competition to recruit Advisory Counsel for training and subsequent secondment. The Office established a Working Group on Secondment of Advisory Counsel to Government Departments and the Working Group's Report set out a policy for a Pilot Project to recruit and train Advisory Counsel prior to their secondment to various Government Departments. In May, 2006, the first two secondees joined the Office and one each in July, August, September and October, 2006. The first two secondees took up duty in the relevant Departments in October, 2006.

Each secondee received general training, coupled with specific training tailored to the needs of the particular Department to which they will be seconded. Specific training provided included training in handling European and international legal issues, familiarisation with practice and procedure at the European Court of Justice (ECJ), the Court of First Instance and the European Convention on Human Rights (ECHR). Training in horizontal legal issues such as the legislative process, the drafting process, delegated legislation and the exercise of delegation, employment law as regards civil service contracts, the role of the Comptroller and Auditor General and the Public Accounts Committee, ethics in Government and governance issues was also provided. The Office will continue to provide ongoing advice and support to secondees in the period of their secondment.

Inter-Departmental Committees and Working Groups

During 2006 Advisory Counsel advised and participated in Working Groups on a range of



4 Progress Achieved in reaching Goal 1 - Advisory Counsel

important “cross-cutting” or interdepartmental issues. A list of the key interdepartmental Committees and Working Groups is set out at Annex E of this Report. A full list of these Committees and Groups is at **Annex E**.

Management of Litigation - particularly mass claims

In 2006 the Office continued in its strategy to manage litigation, particularly mass claims, in a strategic manner. Overall legal strategy was directed by the Merrion Street Office and regular review meetings took place between Advisory Counsel in the Merrion Street Office, legal staff in the Chief State Solicitor’s Office and officials in the relevant Departments to ensure that mass litigation was being effectively managed on an ongoing basis.

European Court of Justice litigation and Interventions

During the year the Office kept under review current practices in relation to litigation before the European Court of Justice (ECJ). Chapter 3 of this Report sets out details of some important cases before the ECJ in 2006.

The Working Group set up to examine the procedures in operation for dealing with ECJ work continued to meet during 2006 to formulate further practical recommendations for the better co-ordination of the response of the State to ECJ litigation.

Law Reform Commission

An important component in co-ordinating the legal services of the State is to adopt a co-ordinated approach to law and contacts to facilitate the Law Reform Commission in its role in reviewing, examining and formulating proposals for law reform. The Attorney General made 1 reference to the Commission during the year in relation to Tort Law (“Good Samaritans” and Volunteers).



Chapter 5

Progress Achieved in reaching Goal 2 - Parliamentary Counsel





5 Progress Achieved in reaching Goal 2 - Parliamentary Counsel

Goal 2 - Parliamentary Counsel

To provide a professional legislative drafting service to the Government.

Objectives

To draft

- Government Bills in accordance with the priorities set out in the Government Legislation Programme;
- Committee and Report Stage amendments to Bills in a timely manner;
- Statutory Instruments (including regulations giving effect to acts of the European Union) in a timely manner.

Strategy 1

Co-operate with the Government Legislation Committee in monitoring and supervising the implementation of the Government Legislation Programme.

Performance Indicators

- Preparation of weekly reports for the GLC on the Bills that are being drafted in the Office;
- Attendance by the Chief Parliamentary Counsel and Group Managers at meetings of the GLC;
- Ensuring that, where Ministers attend meetings of the GLC, officers from the Office who are drafting Bills for the Department for which he or she is responsible attend also.

Strategy 2

To progress the training and development of recently recruited drafters as expeditiously as is practicable.

Performance Indicators

- Holding regular meetings with recently recruited drafters, supervise them closely and give them regular feedback on drafting;
- Training log for recently recruited drafters to be prepared and kept up to date by them and kept under review by Group Manager on a regular basis.

Strategy 3

To contribute to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce.

Performance Indicators

- Liaising with Houses of the Oireachtas staff on formatting of Bills;
- Participating in any other collaborative initiatives that promote accessibility and coherence of Statute Book.

Strategy 4

Participate in the implementation of the knowledge management strategy.

Performance Indicators

- Dissemination of information and knowledge among drafters;
- Collaboration with Advisory Counsel in the sharing of knowledge and expertise.

Strategy 5

Implement the Risk Management Strategy.

Performance Indicators

- Provide feedback to MAC on areas of significant risk;
- Embed the Office's Risk Management Strategy.

Progress achieved

Objective 1

Government Legislation Committee

During 2006 the OPC was centrally involved in the work of the Government Legislation Committee. The Committee oversees each proposed Government Bill from the time of its inclusion in the Government's Legislation Programme to the completion of its progress through the Houses of the Oireachtas and deals with any problems that arise in relation to the smooth and speedy implementation of the Programme.

During the year the OPC reported weekly to the Government Legislation Committee, detailing progress on the drafting of Bills and European Union statutory instruments. The OPC's continued participation in the work of the Committee provided a vital mechanism for mediating between the competing claims of Departments for the services of the OPC.



5 Progress Achieved in reaching Goal 2 - Parliamentary Counsel

Training

During 2006 the OPC continued to implement the Parliamentary Counsel Training Plan in respect of the most recently recruited drafters. The Drafting Manual and the Statutory Instruments - Drafting Checklist and Guidelines were also used in the training process.

During the year OPC staff participated in training courses provided by CMOD on the legislative process by giving seminars on the requirements of the OPC in relation to the preparation of legislation and providing advice and observations based on their experience in relation to the legislative process in general. These courses provided Departments with a good overview of the legislative process and practical suggestions on sponsoring legislation from policy formation to enactment. Also OPC staff participated in seminars relating to drafting of statutory instruments in the Institute for Public Administration.

Accessibility of Legislation

During 2006 the OPC consulted as appropriate with the Houses of the Oireachtas in relation to their proposed changes to the layout and presentation of Bills.

Electronic Irish Statute Book (eISB)

During the year the OPC actively participated in the work of the Merrion Street Office eISB Group (which also includes members of the IT Unit and the Library Know-how Unit) overseeing the maintenance of the eISB. In August, the Irish Statute Book website (eISB) was updated to include Acts up to the end of 2005, Statutory Instruments up to No. 350 of 2005 and the Chronological Tables up to the end of 2004. During the year the Group initiated a redesign of the eISB website to incorporate accessibility and usability improvements in line with public sector guidelines.

In light of the Office's discovery of errors affecting 1922 to 1998 data (caused by the insertion of hyperlinks after the initial data capture) production of an updated CD Rom version of the eISB was deferred.

Work continued on preparation of the 2005 Chronological Tables and agreement, in principle, was reached in late 2006 with the Law Reform Commission to take over preparation of the Tables for future years, subject to the necessary resources being made available to the Commission.

The Merrion Street Office commenced in March 2006 an Expenditure/Value for Money Review on the Maintenance of the eISB and the Steering Committee met on four occasions during the year to progress the project. Significant progress has been made on preparing a draft Report. The Review will set out conclusions and recommendations that will inform the development of a future strategy for the eISB.

Statute Law Revision

During 2006 the Office continued to undertake a major examination of legislation passed before the coming into effect of the Act of Union on 1 January 1801. The examination was extended to include public general Acts passed before the establishment of the Irish Free State on 6 December 1922. Also in 2006 the Office commenced indexing local and personal Acts and private Acts passed before 6 December 1922.

A consultation process was undertaken with Government Departments, Offices and other stakeholders of public and general Acts which the Office had identified as potentially appropriate for retention pending re-enactment. This process was undertaken in two parts. The first part related to Acts passed prior to 1 January 1801. The second related to Acts passed between 1 January 1801 and 6 December 1922. The consultation process was completed by November 2006.

Details of all Acts concerned were also placed on the Office's website and, through advertisements in the national papers and on its website, the Office sought and received submissions from members of the public.

During 2006 a total of **26,370** Acts were examined or re-examined by the Office. Of those Acts, **9,277** are already repealed and **12,557** were not applicable to Ireland. This left **4,536** Acts still in force, of which **3,188** were, by the end of 2006, identified as being suitable for repeal. It is anticipated that the Statute Law Revision Bill will be published in January 2007 and, when enacted, all Acts of a public and general nature that were enacted before 6 December 1922 will have been repealed unless they are specifically referred to in the Bill as being retained.

Restatements

During 2006 the Office undertook consultations with the Law Reform Commission to transfer responsibility for the preparation of future Restatements to the



5 Progress Achieved in reaching Goal 2 - Parliamentary Counsel

Commission. In May, 2006 the Government approved the transfer and the Commission carried out initial work on the Restatement Project including a review of submissions received pursuant to a consultation process organised jointly by the Department of the Taoiseach and the Commission.

Knowledge Management

In relation to the Office of the Parliamentary Counsel, as in other areas of the Office, a culture of knowledge sharing continued to be promoted, underpinning the delivery of legislation to the Government. Parliamentary Counsel continued to collaborate with Advisory Counsel colleagues in the course of the drafting process. Parliamentary Counsel also attended and participated in Legal Issues meetings and contributed to the preparation of Legal Reference Guides.

Risk Management

During 2006, Parliamentary Counsel contributed to the development and implementation of formal risk management policies within the Office. Throughout the year risk related matters were discussed at meetings between the Chief Parliamentary Counsel and Group Co-ordinators, at individual Group meetings and Legal MAC meetings. During the year the Chief Parliamentary Counsel attended and contributed to meetings of the joint Merrion Street Office/CSSO Risk Management Committee in the context of the Committee's development of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers.



Chapter 6

Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office





6 Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office

Goal 3 - Chief State Solicitor's Office

To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices in the areas of litigation, provision of legal advice and in property and transactional matters.

Objective 1

To use best practice in the delivery of legal services supported by the use of information technology and high quality knowledge and understanding of legal practice.

Strategy 1

To develop further specialisation in work of importance to client Departments.

Performance Indicators

- Number of legal practice activities that are outsourced;
- Agreements with client Departments on how emerging legal issues are to be addressed;
- Knowledge Management procedures in place to facilitate acquiring expertise in new legal issues;
- Redeployed resources in response to changing needs.

Strategy 2

Continue the implementation of the electronic case management system which is shared with the Attorney General's Office.

Performance Indicators

- Achieve roll-out to all intended users in 2006;
- Deliver training to all intended users in line with roll-out;
- Document protocols for the proper use and application of the system by all users in line with roll-out.

Strategy 3

Implement new record management policy (i.e. the Eneclann policy as accepted in CSSO).

Performance Indicators

- Provision of storage/accommodation for files and records on a divisional basis, Q4, 2006;

- Write up protocols for the handling and storage of paper files, post ACME. Q2, 2006;

- Deliver on obligations to transfer files to National Archives.

Strategy 4

Maintain and develop high quality documentation and work-flows to support the generation of legal correspondence and documents used by the Office.

Performance Indicators

- Maintain a group to review the standards in work-flows and documentation, monitor new requirements and minute the work of this group to enable monitoring of performance;
- Section heads to identify appropriate changes to work-flows or documentation, as required.

Strategy 5

Apply the principles of risk management to specific areas of law practice with a view to minimising error or delay.

Performance Indicator

- Each section to be mandated to deal with risk management in their business plans. Risks to include risk of error, delay or failure of 'know-how'. Each business plan to identify the most serious risks likely to affect the work of the section and to put in place measures to avoid or minimise the occurrence of such risk.

Strategy 6

Continue the 'know-how' and KM procedures of the Office including the procedures to be followed within each section.

Performance Indicator

- Delivery of 'know-how' and KM material to be recorded by the Library and Information Unit. Section meetings to minute the attention of the section to 'know-how' and KM procedures and material.

Strategy 7

Utilise the optimum deployment of staff in such a way as to align staff to emerging areas of demand for legal service and away from declining areas.

Performance Indicators

- Review staffing allocations in the areas of asylum



6 Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office

law, extradition & EAWs and commercial contracts with a view to building capacity;

- Review staffing allocations in the areas of Army Hearing Loss, Personal Injuries and Tortious Claims with a view to re-organisation of work and re-distribution of staff. Complete by end Q3, 2006;
- Review staffing allocations in the areas of State Property Division with a view to delivering the legal services to support the Government's policy of decentralisation, i.e., the legal work arising from the sale and acquisition of State properties used for the accommodation of civil servants. Complete by end Q3, 2006.

Strategy 8

Optimise deployment of staff and working methods to support the best defence of mass litigation.

Performance Indicators

- Liaise with Attorney General's Office in identifying emerging areas of mass litigation and review at Main MAC;
- Liaise with State Claims Agency with a view to obtaining best claims management input in cases in which the Office is on record. Meeting quarterly with SCA to assess quality and effectiveness of both case management and legal service;
- Complete transfer of responsibility for handling of outstanding Army Hearing Loss to State Claims Agency by end January, 2006;
- Liaise with Attorney General's Office and State Claims Agency with a view to obtaining best claims management input and legal service and case strategy in child abuse litigation. Meet quarterly with AGO/SCA to assess quality and effectiveness of case management, strategy and legal service.

Strategy 9

Optimise deployment of staff to support the best use of legal staff working on atypical working arrangements.

Performance Indicators

- Analyse future trends in atypical working arrangements for solicitor and legal executive staff as likely to be encountered by the Office over the next ten years and develop policy to manage

in this context. MAC discussions to be completed by end September, 2006. Draft policy to be prepared by end May, 2006 and to be brought to Partnership for discussion. Policy to be adopted by end Q4, 2006;

- Review working methods to make them as compatible as possible with family friendly working arrangements for solicitors and legal executives. Pilot study to be completed in Common Law Litigation Division by end Q3, 2006.

Strategy 10

Arrangement for transfer of State Solicitor Service to Director of Public Prosecutions.

Performance Indicators

- Enter next phase of negotiations in January, 2006;
- Complete negotiations by November, 2006;
- Transfer service end Q4, 2006;
- Participate in transitional arrangements until, c.Q4, 2006;
- Bring forward policy on provision of legal services outside of Dublin in civil law areas, and related services where no longer provided by local State Solicitors. Policy document to be ready for end Q3, 2006.

Strategy 11

Arrange for transfer of Attorney General's Scheme to the Department of Justice, Equality and Law Reform to re-integrate resources to other legal cost accounting areas.

Performance Indicators

- Raise with Department in early 2006;
- Transfer to be complete by end Q4, 2006.

Strategy 12

Maintain the capability to provide a legal service in critical legal services areas outside of normal office hours.

Performance Indicator

- Continue the use of the 'on-call' panel of solicitors and legal executives whereby legal staff are available on a rota to respond to demands arising outside of normal working hours on a



6 Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office

24/7 basis. Panel to be managed by Section Head in Justice and Crime and his record to be available for audit.

Note: Strategies 5, 6, 7, 8 and 9 are also reflected in the Business Support Services Section.

Objective 2

To operate in a costs conscious manner and to provide value for money in the legal service delivered.

Strategy 1

Measure value for money.

Performance Indicators

- Conduct VFM exercises in the following areas.
 - Training costs (by end Q3, 2006);
 - CSSO Library costs (by end Q2, 2007);
 - Counsels fees in Asylum Cases (by end Q4, 2007);
 - Experts fees (by end Q2, 2008).

Strategy 2

Ensure integration between financial management system and case and records management system at Division Head/Section Head levels.

Performance Indicators

- Financial Management System in use in Merrion Street Office and CSSO in 2006;
- IT management and technical support for ACME and associated projects provided;
- Training to support roll-out and on-going operation of ACME and associated projects provided;
- Documentation of IT development to support future maintenance and on-going development completed.

Note: Strategies 1 and 2 above are also reflected in the Business Support Services Section.

Progress achieved

Objective 1

During 2006 the Chief State Solicitor's Office continued with the development and enhancement of specialist legal services in areas of importance to client Departments and Offices. In consultation with client Departments and Offices, the primary focus for the Office was on identifying current areas of work which are expanding and new areas of work such as commercial contracts, employment law, day school abuse litigation, residential abuse litigation, special needs and child welfare litigation.

In some instances the Office redeployed its resources to meet the changing needs of clients. Some of the major initiatives introduced during the year included:

- Redeployment of staff to the Personal Injuries, Judicial Review and Office of Public Works/Health and Children Sections from the Army Hearing Loss Section upon the closure of that Section;
- Transfer of delegated personal injuries claims from the Office back to the State Claims Agency and the reorganisation of Garda work within the Justice and Common Law Division with the intention of developing the Personal Injuries Section into a Garda civil claims Section;
- Continued provision of a conveyancing service for the Government Decentralisation Programme;
- Continued development of the Commercial Contracts Section;
- Continued provision of a specialised service handling asylum immigration and repatriation cases;
- Continued operation of an on-call panel to deal with European Arrest Warrants, Extraditions, habeas corpus applications and other urgent Court applications out-of-office hours;
- Continued operation of a dedicated Unit to handle work before the Commission to Inquire into Child Abuse;
- Continued operation of a special Unit to deal with residential abuse litigation;



6 Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office

- Continued operation of a team to deal with day school abuse litigation;
- Continued operation of a team to deal with special needs welfare cases.

Case and Records Management System (ACME)

During 2006, development of the new Case and Records Management System continued and the system was further rolled out to a number of areas across the CSSO. These work areas included all European Court of Justice, European Court of Human Rights, Ministerial Prosecutions (Legal Services Section, CSSO), Mutual Assistance (Legal Services Section, CSSO), Arbitration/Tribunals - Employment/Tribunals - Commissions and remaining areas of the Advisory Division of the CSSO.

With the continued usage of the system by more users and across an increasing range of cases, enhancement requests were noted and where appropriate implemented into the system or were scheduled for future dates.

Training on the use of the system was delivered as appropriate to staff in line with timelines of the roll-out of the system across the Office.

In the context of the roll-out of the ACME system the CSSO implemented new procedures as outlined in the records management policy. Accommodation requirements for the storage of files on a Divisional basis was reviewed and provided as appropriate.

During the year staff in the Registry and Records Centre reviewed files with a view to meeting obligations for the transfer of files under the National Archives Act.

Risk Management

During 2006, the CSSO actively contributed to the development and implementation of formal risk management policies within the Office as a whole. Throughout the year, risk related matters were discussed at Divisional and Section meetings, local and Legal MAC meetings. Divisional Heads attended and contributed to meetings of the joint Merrion Street Office/CSSO Risk Management Committee in the context of the Committee's development of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. In the latter part of the year, the CSSO

MAC discussed the issue of a corporate risk register for the Office and individual risk registers were reviewed at Divisional and Section level in the context of future business planning.

Knowledge Management

During 2006, the CSSO continued to promote a culture of knowledge-sharing within the Office and between the CSSO and the Merrion Street Office. Legal Issues meetings were held regularly during the year and were attended by CSSO legal staff. Work on identifying communities of practice which would be supported by the Offices to enhance knowledge-sharing in critical legal areas continued during the year. The CSSO Library and Know-how Unit continued to promote legal research skills and assist staff in attaining a level of proficiency in the use of electronic sources of legal information.

Management of Litigation - particularly mass claims

In line with the whole of Office strategy to manage litigation, particularly mass claims the CSSO attended regular review meetings with Advisory Counsel in the Merrion Street Office and officials in the relevant Departments to ensure that mass litigation was being effectively managed on an ongoing basis. With regard to child abuse litigation, close liaison was maintained between the CSSO and the State Claims Agency which managed the litigation.

During 2006, the CSSO continued to operate specific initiatives and introduced new initiatives to manage mass litigation, including:-

- Reorganising the work of the specialist teams dealing with both day school and residential abuse litigation in the light of the delegation of the claims to the State Claims Agency;
- Continuation of a Unit to deal exclusively with work before the Commission to Inquire into Child Abuse;
- Continued operation of dedicated teams to handle special needs litigation and child welfare litigation;
- Continuing to provide a specialised service handling asylum, immigration and repatriation cases;
- Transfer responsibility for handling of outstanding Army Hearing Loss cases to State Claims Agency and deploying staff to other areas of work.



6 Progress Achieved in reaching Goal 3 - Chief State Solicitor's Office

Deployment of staff on atypical working arrangements

A Pilot project on atypical working arrangements for solicitors and legal executives was undertaken in the Tortious Claims Section (Common Law Litigation Division) in 2006. The outcome of same was the implementation of a procedure whereby cases dealt with by legal staff working atypical hours are progressed by such staff until they reach Notice of Trial stage and are then handed over to the Section Head for re-assignment to full-time legal staff.

Transfer of State Solicitor Service to the Office of the Director of Public Prosecutions

Significant progress was achieved in 2006 to finalise arrangements for the transfer of responsibility for the local State solicitor service to the Office of the Director of Public Prosecutions pursuant to the Nally Report. Meetings and negotiations took place throughout the year between the CSSO, the DPPO and the State Solicitors Association in regard to matters relating to the transfer. By year-end negotiations were nearing completion with a view to the completion of the transfer of the service by early-2007.

Administration of the Attorney General's Scheme

By year-end agreement, in principle, was reached with the Department of Justice, Equality and Law Reform on arrangements for the transfer of future responsibility for the administration of the Attorney General's Scheme to the Department to commence on the 1st February 2007. The issue of identifying and clearing a backlog of payments to be made under the Scheme was completed during the year in advance of the transfer of the administration of the Scheme to the Department.

Provision of critical legal services outside of normal Office hours

During 2006, the CSSO continued to provide critical legal services outside of normal Office hours to meet the needs of clients. The 'on-call' panel of solicitors and legal executives operated very effectively throughout the year.

Objective 2

Measure Value for Money

The CSSO has progressed the Value for Money Reviews (VFM) in respect of the Attorney General's Scheme, Costs Recovery and Stenographer's Services. Due to other pressures on staff time it has not been possible to complete these reviews. For this reason the Review of CSSO Library costs has been deferred until later in 2007.

Integration between Financial Management System and Case and Records Management System

The Financial Management System was used for processing of all payments with the exception of payroll. During 2006, a set of management reports containing both financial and non-financial information was developed and presented to MAC. These reports will be further developed in the future as the roll-out of ACME continues.

Management and technical support for ACME and associated projects continues to be provided with technical and business users fully participating in the project. The CSSO appointed a staff member as a full-time trainer to ACME during the year. A process to appoint an external trainer was initiated.



Chapter 7

Progress Achieved in reaching Goal 4 - Business Support Services Merrion Street Office and CSSO





7 Progress Achieved in reaching Goal 4 - Business Support Services Merrion Street Office and CSSO

Goal 4 - Business Support Services

To provide modern and professional corporate and business support services that deliver the highest quality service to internal and external clients and customers.

Objective 1

To develop Human Resource management to support the overall objectives of the Office and to develop the training and development function within the Office.

Strategy 1

Implement the Merrion Street Office and CSSO HR strategies.

Performance Indicators

- Merrion Street Office and CSSO Action Plan put in place in respect of its existing HR strategy by end Q2, 2006;
- Merrion Street Office and CSSO HR Strategies for the period beginning 2008 put in place.

Strategy 2

Review and develop specific recruitment and selection methodology so as to enhance the ability of the Merrion Street Office and CSSO to attract and select suitable and high potential candidates.

Performance Indicators

- Core skills and competencies identified for all staff in both Offices reviewed in conjunction with Groups/Divisions/Sections/Business Units as appropriate;
- Continued use of formal competency and ability testing introduced in Merrion Street Office and CSSO;
- New staff in Merrion Street Office and CSSO trained and inducted within 2 months of taking up duty;
- Undertake an analysis of atypical working arrangements for staff within the Merrion Street Office and CSSO, projected forward and devise appropriate policy.

Strategy 3

Implement Human Resource IT system.

Performance Indicator

- Human Resource Management System put in place in Merrion Street Office and CSSO by the end of 2006 and its effectiveness reviewed by end 2007.

Strategy 4

Through the Performance Management and Development System (PMDS) continue to enhance training and development opportunities for all staff.

Performance Indicators

- Training identified through the PMDS Role Profile Forms and Interim and Annual Reviews in Merrion Street Office and CSSO delivered;
- Formal Management Training regime for Merrion Street Office and CSSO implemented by Q4, 2007;
- HR policies as regards promotion and payment of increments in line with the integration of PMDS with HR;
- Training in respect of all IT resources and in particular, the on-going operation of ACME, FMS, HRMS and KM system;
- Delivery of personal development and training programme delivered through Q1, 2006 to Q4, 2007. In terms of timeliness of delivery, participation and effectiveness, evaluated.

Strategy 5

Provide suitable accommodation for all staff.

Performance Indicators

- Relocation of certain CSSO staff to new accommodation organised by end - 2006;
- Merrion Street Office accommodation reviewed by end Q2, 2006 and biannually thereafter;
- Health and Safety issues addressed;
- Accessibility to and security of, all buildings kept under review.

Strategy 6

Continue to review and develop the Partnership process.

Performance Indicator

- Annual review of Partnership process conducted in both Offices.



7 Progress Achieved in reaching Goal 4 - Business Support Services Merrion Street Office and CSSO

Objective 2

To develop financial management processes that control and monitor the financial resources of the Office to ensure the delivery of outputs and value for money.

Strategy 1

Implement elements of Management Information Framework Project Plan in Merrion Street Office and CSSO.

Performance Indicators

- MIF implemented and utilisation of full functionality of FMS achieved in Merrion Street Office and CSSO by end 2006;
- Performance Indicators formulated and further development of SMART indicators for use in Management Reporting in Merrion Street Office and CSSO completed by end Q3, 2006;
- Improved Management Reports developed in Merrion Street Office and CSSO and reviewed monthly by Local MACs and bimonthly by Main MAC. Further development of Reports to improve performance and day-to-day decision-making completed by end Q3, 2006;
- Costing Framework developed in Merrion Street Office and CSSO and initial Costing Reports utilising financial and non-financial information completed by end Q3, 2006;
- Full post-implementation review of MIF Project in Merrion Street Office and CSSO to be completed by end Q1, 2006;
- Project on Resource Allocation, Business Planning and Performance Measurement in Merrion Street Office and CSSO completed by end-November, 2006;
- Preparation and submission in tandem with the annual Estimates submission of Merrion Street Office and CSSO effected by April/May, 2007 (and annually thereafter) of Annual Statements linking the Statement of Strategy, business planning and resource allocation in the Estimates to outputs and outcomes and performance measurement.

Strategy 2

Recommendations of Mullarkey Report on Accountability of Secretaries General and Accounting

Officers implemented and reviewed in Merrion Street Office and CSSO within set timeframes.

Performance Indicators

- Annual year-end review of internal financial procedures in Merrion Street Office and CSSO and verified by Audit Committee;
- Risk Policy and Risk Registers for Groups/Divisions/Sections/Business Units reviewed in Merrion Street Office and CSSO bi-annually by Risk Committee and reported to local and Main MACs;
- Annual Internal Audit Programme for Merrion Street Office and CSSO agreed by Audit Committee. Audits undertaken and recommendations implemented within agreed timeframes;
- Annual Report made to Audit Committee on implementation by the Offices of all Audit Reports;
- Programmes of Expenditure Reviews/Value for Money Reviews in Merrion Street Office and CSSO in place. Reviews undertaken, externally reviewed and published in accordance with timeframes agreed at central level;
- Payment of interest under Prompt Payment legislation, where applicable, minimised.

Objective 3

To implement cost effective ICT systems that support all professional transactional, management and service delivery activities in the Office.

Strategy 1

Complete the rollout of the new Case and Records Management System (ACME).

Performance Indicators

- System in use in Merrion Street Office and CSSO in 2006;
- IT management and technical support for ACME and associated projects provided;
- Just-in-time training to support roll-out and on going operation of ACME and associated projects provided;



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- Documentation of IT development to support future maintenance and ongoing development completed.

Strategy 2

Implement the Civil Service Human Resources Management System.

Performance Indicator

- System implemented in Merrion Street Office and CSSO by end 2006 in line with central timeframes.

Strategy 3

Implement appropriate IT Systems to support the Merrion Street Office and CSSO Knowledge Management Strategy.

Performance Indicator

- Appropriate systems implemented in Merrion Street Office and CSSO by early 2008.

Strategy 4

Review at appropriate intervals the Merrion Street Office and CSSO IT Systems and enhance or refine them as necessary to ensure that they remain aligned with the Office's business strategy and operational requirements.

Performance Indicators

- Initial reviews of new Case and Records Management System and new Financial Management System carried out during 2007;
- Appropriate framework to implement any resulting enhancement or refinement work put in place with a view to completion during 2008.

Strategy 5

Update the Offices' IT Strategy.

Performance Indicator

- Development of new IT Strategy to commence in second half of 2007.

Strategy 6

Keep under review the Offices' technical architecture and ensure that it continues to provide a robust foundation for the delivery of IT Services to the Merrion Street Office and CSSO.

Performance Indicator

- Developments in IT assessed and opportunities for improvement availed of where appropriate.

Objective 4

To implement a Modernisation Programme that supports the achievement of the Office's Goals and is allied with the Civil Service Modernisation Programme.

Strategy 1

Implement agreed commitments set out in Modernisation Action Plans in Merrion Street Office and CSSO within agreed timeframes.

Performance Indicators

- Progress reported in Merrion Street Office and CSSO Progress Reports in line with central deadlines and verified externally by CSPVG;
- Recommendations of CSPVG actioned and implemented in advance of submission of subsequent Merrion Street Office and CSSO Progress Reports.

Strategy 2

Delivery of the Office's key service delivery commitments as set out in the Client and Customer Charters and Client Service Guide and Customer Action Plan.

Performance Indicators

- Client and customer satisfaction levels measured through separate Merrion Street Office and CSSO annual client and customer surveys in November 2006 and, again, in June 2008;
- Conduct staff climate/attitudinal survey in Q4, 2006, in the Merrion Office/CSSO;
- Twice yearly meeting of Merrion Street Office Client Panel held to gauge client satisfaction levels.

Strategy 3

Ensure that customers are directed to the appropriate access and referral points for information on the Office.

Performance Indicators

- Annual Report published by end Q3 in 2006 and Q2 in 2007 and 2008 and made available in accessible formats;
- Internet site reviewed every two months;
- Office meets its obligations under the Freedom of Information Acts, Data Protection Act and National Archives Act.



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Objective 5

To provide staff with access to the information and knowledge required to deliver high quality services through the strategic development of information, knowledge and records management.

Strategy 1

Establish a co-ordinated approach to the organisation of office-wide information, knowledge and records management.

Performance Indicators

- Review the need for the development of an AGO/CSSO taxonomy/office-wide thesaurus to support key business applications;
- Formalise organisational responsibilities relating to the ongoing maintenance and development of AGO/CSSO file-plans, taxonomies, thesauri, etc.

Strategy 2

Identify and implement appropriate technical solutions to deliver improved library, research and Know-how services to users.

Performance Indicators

- Implement shared AGO/CSSO/ODPP e-journals solution;
- Review the Know-how procedures in AGO/CSSO. Select and implement shared AGO/CSSO Know-how database;
- Review the joint AGO/CSSO/LRC Library Management System (LMS) with a view to planning the future development of the LMS. Plan/implement any necessary developments or enhancements to the system;
- Review the level of library and research services provided to external Government lawyers.

Strategy 3

Review and implement enhanced research and Know-how services.

Performance Indicators

- Continue to monitor increased areas of specialisation in the Offices, and ensure our library, research and Know-how services reflect these;

- Identify and/or develop communities of practice in key legal areas and support these with research services;
- Identify measures to support the development of independent research skills for lawyers including a review of appropriate e-learning tools;
- Identify opportunities for collaboration with Training & Development Units and IT Units to offer enhanced learning opportunities for lawyers. Incorporate library and Know-how training/ educational initiatives into organisational training strategies.

Progress Achieved

Merrion Street Office

Objective 1

Human Resource Strategy, Merrion Street

The Office's current HR Strategy covers the period 2005 to 2007. During 2006, the Strategy continued to be implemented. The main developments took place in respect of linking PMDS and wider HR policies such as increments and promotions. Recruitment involved drawing up specific competencies for vacancies and ensuring a competitive process to identify the most appropriate candidates. During the year the Commission for Public Service Appointments audited the Office's practices and procedures in relation to internal competitions. The Commission found the Office's promotional procedures, with the exception of making formal provision for possible appeals and overtly bringing the Commission's Code of Practice to candidate's attention, were found to be fair and efficient. The situation in respect of appeals and the Code was immediately dealt with.

Work will commence in 2007 to revise and enhance the existing Strategy to support the Office's future objectives for the period 2008 - 2010.

Recruitment

During 2006, the Office, with the assistance of the Public Appointments Service, ran **6** separate competitions; Parliamentary Counsel Grade II, Advisory Counsel Grade III, Information Manager, Legal Researchers, Graduate Library Trainee and Research Librarian. The competencies required for



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each of these positions were carefully considered in conjunction with the relevant Units and reflected in the competition documentation. The selection process takes these requirements into account and the Office was very happy with the standard of candidates who have accepted permanent positions with the Office.

The Office currently offers a very wide range of atypical working arrangements and is always open to suggestions for further flexibility. A review of the Office's e-working pilot project commenced towards the end of the year and its findings will be used to decide on the future direction of the e-working facility.

Human Resources Management System (HRMS)

During 2006, the Offices made significant progress towards the implementation of a new HRMS. Three staff, one from the Merrion Street Office and two from the CSSO were deployed full-time in the latter part of the year to this project. In early December 2006, the Offices achieved the go-live target date for the implementation of the system. The Offices chose to adopt a "managed service" option in the Centre for Management and Organisation Development (CMOD), Department of Finance, and it is envisaged that this will offer very significant cost and efficiency advantages in the future.

Performance Management and Development System (PMDS)

During 2006, PMDS continued to be embedded within the culture of the Office. In early-2006 in the context of the finalisation of PMDS Role Profile Forms, each staff member was encouraged to indicate his or her training and development priorities for the year. At an organisational level, the Office identified management training as a priority and in the latter part of 2006, the Office progressed a tender competition for the engagement of a specialist training company to deliver this training which will take place during 2007. In October, 2006, training in relation to the new integrated PMDS system commenced and was delivered to all available staff by early-November, 2006.

Accommodation

In anticipation of larger staff numbers, the Office's MAC agreed that space used for file storage should be freed up to make additional accommodation for staff. The project involved the transfer of 35,000 files to a professional and secure offsite storage

facility. The move enabled the Office to renovate the storage space and create two new large rooms as well as moving existing Registry staff to a larger area. The new space is more suitable for the changing work of Registry, driven mainly by the new Case and Records Management System.

During the period the Office also subdivided three of its existing conference rooms as well as two other rooms to offer additional, flexible meeting spaces and accommodation for staff. Provision of the extra spaces has enabled the Office to make more efficient use of Office space elsewhere in terms of numbers sharing rooms.

Partnership Committee

During 2006, the Partnership Committee in the Merrion Street Office continued to be centrally involved in the ongoing development of the change culture in the Office. During the year the Committee met on **11** regular occasions and **2** special occasions. The focus for the Committee, which has Office-wide representation, was to deal with core Office-related issues and matters relating to the implementation of the Strategic Management Initiative. Sub-Groups set up to review issues such as Communications, HR Strategy, Client Service, PMDS, Training and Development, *Sustaining Progress* and *Towards 2016*, Probation Procedures and Exceptional Performance Awards reported to the Committee during the year. In the latter part of the year the Committee commenced and significantly progressed a review of the Partnership process which entailed members of Partnership contacting Partnership representatives in other organisations to gauge feedback on their experience of the operation of the process in their organisations. It is envisaged that this exercise will inform the review process and the Office may introduce initiatives adopted in other organisations that will enhance the Partnership process in the Office.



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Gender Representation

With 41.5% of the positions at or above Assistant Principal grade being held by women in the Merrion Street Office continues to exceed Government targets for gender balance. At the end of December, 2006, the figures for permanent staff were as follows:

Grade	Female		Male	
	No.	(%)	No.	(%)
Director General	1	(100)	0	(0)
Chief Parliamentary Counsel	1	(100)	0	(0)
First Parliamentary Counsel	0	(0)	1	(100)
Deputy Director General	0	(0)	1	(100)
Assistant Secretary	3	(33)	6	(67)
Principal Officer	8	(43)	11	(57)
Assistant Principal	9	(43)	12	(57)

Accessibility for Persons with Disabilities

The proportion of staff with disabilities at the end of 2006 was 3% which meets the Government target. The Office's figure is based on the new method of calculating the statistics which involved circulating a questionnaire to all staff. It is up to each staff member to determine whether they have a disability and wish to be included in the statistics. During the year the Office continued to improve its accessibility including through its website, and ensured that all renovation or maintenance work took into account the needs of persons with disabilities. For instance the sub-division of the Office's conference rooms necessitated extensively redesigning the closed loop hearing system to ensure that each new area was serviced without compromising privacy. Wherever possible, practices and procedures are reviewed to improve accessibility. During 2006, the Office's evacuation policy and procedures were revised to cater for any visitors to the Office who may have a disability.

In line with an established practice introduced in previous years, the Office, for all its recruitment competitions, informed the Public Appointments Service as to the availability of suitable facilities in the Office and its willingness to employ people with disabilities.

Training and Development

As a 'knowledge-based' organisation providing legal services to client Departments and Offices, the Merrion Street Office recognises the importance of the training and development function. The provision of adequate and appropriate training and development opportunities for staff continued to be a core value, and it is one that assumes even greater importance with increased legal specialisation. Additionally, training plays a fundamental part in successfully implementing necessary changes within each Office.

Primarily arising out of training needs identified and agreed under PMDS, the Training and Development Unit organised many different courses and attendance at many seminars dealing with important legal topics. During 2006, the Office issued an RFT for the design and delivery of a Management Training programme. The programme is to be aimed at senior managers, staff in key management positions and ultimately staff aspiring to either of these categories. The successful tender was chosen and work to design the course will commence in 2007.

Similar to 2005, Training & Development in 2006 focused in particular on the provision of training for the new Case and Records Management System. Bespoke training was delivered throughout the year by an external training company and provided to staff on a *just-in-time* basis in line with the phased roll-out of the system.

In late 2006 the Office, in conjunction with the CSSO, commenced the process to directly engage a specialist external IT Trainer to assist with the training requirements whilst rolling out the remaining modules of the ACME Case and Records Management System.

In total, the Office spent **€242,096** on training during 2006. A full list of the courses attended and a breakdown of training expenditure is contained in **Annex G** of this Report.

Chief State Solicitor's Office

Human Resource Strategy

During 2006, the main developments took place in respect of linking PMDS and wider HR policies such as increments and promotions. Following a tendering process, a consultancy company was



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engaged to facilitate the introduction of General Council Report 1452 - "Integration of PMDS with HR Policies and Processes". Following staff workshops, two documents were approved by Partnership and MAC in relation to the introduction of the General Council Report. Recruitment involved further development of the competencies identified for posts in the Office. The Public Appointments Service also audited the Office's practices and procedures in relation to internal competitions. A formal report is awaited. Exit interviews of staff leaving the Office continued to be carried out in 2006. The Office facilitated VDU eye tests and the provision of Health Checks for staff. A Staff input scheme was drafted and approved by Partnership and will be launched in 2007.

Recruitment

During 2006, competitions for permanent positions as Law Librarian and State Solicitors were advertised. The competencies required for each of these positions were carefully considered and reflected in the competition documentation. The selection process takes these requirements into account and the Office is very happy with the standard of candidates who attended for interview.

Performance Management and Development System

In early 2006, the revised rating scheme for PMDS as outlined in General Council Report 1452 - "Integration of PMDS with HR Policies and Processes" was included in the 2006 PMDS rollout documentation for the familiarisation of staff. Following a tendering process a consultancy company was engaged to facilitate the introduction of General Council Report 1452 in the CSSO so that with effect from the 1st January 2007, PMDS would be linked to promotions, increments etc. During 2006, considerable work was undertaken in examining, developing and finalising a new Financial Management Competency for rollout to all staff in 2007. Staff continued to identify their training requirements through PMDS. As in 2005, part of the Training and Development budget was delegated to Division Heads. A half-day workshop was provided to staff on the Civil Service code "Positive Working Environment". In addition, workshops were provided to staff on superannuation issues.

At an organisational level, the Office committed itself to providing a 6 day Management Development Programme to all senior managers and a further 6

day Staff Development Programme to all other staff over the period 2006/2007. Following a tendering process, a specialist training company was engaged and staff received two days training in 2006.

Accommodation

With the assistance of the OPW, the Office in 2006 successfully completed the transfer of a Division to newly acquired accommodation, The Chancery. Following this transfer a project was put in place to reorganise existing accommodation in Osmond House and with the assistance of OPW this will be progressed in 2007.

Training and Development

During 2006, the Training and Development Unit of the Chief State Solicitor's Office undertook a large amount of training identified under the Personal Training and Development Forms. Professional Legal expertise update training requested was provided where possible by attendance at seminars and conferences.

Training and Development Programme for Management and Staff of the CSSO for 2006 to 2007

As mentioned earlier, following a tendering process a training company was appointed by the CSSO to deliver up to 6 days training to staff of the CSSO. Development of the programme included attendance at focus groups and one to one interviews for a cross section of staff of the Office. 2 days training for staff and 3 days training for senior managers were delivered during 2006. The delivery of the programme will be completed during 2007.

The design of the programme commenced in April 2006. The training company held one-to-one meetings with the members of the Management Advisory Committee and also held Focus Group workshops with representatives of a cross-section of the Office. Prior to the commencement of the training on the 19th July, 2006, the training company issued questionnaires to management and staff and delivered the results and feedback during the rollout of the first module. The feedback from the questionnaires helped to focus attention on strengths to build on during the training and areas where further development was required. In addition, staff attending the Management Development Training programme had an opportunity to avail of individual one-to-one, one hour feedback sessions.



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PMDS and General Council Report 1452

Arising out of the General Council Report 1452 relating to the integration of PMDS with HR policies and processes, the Office identified the provision of training as a key strategy in meeting and supporting the requirements as set out in General Council Report 1452. Following a Request for Tender and evaluation of proposals, PA Consulting Group was awarded the contract to consult with staff and managers and to design and provide half day workshops/training for all managers and staff of the CSSO. Subsequent to attendance at focus groups by representatives of a cross section of the Office and a review of the outcome of the focus groups, half day workshops were provided for all staff in the Office in early January, 2007.

A total of **21** new entrants to the Office received **2** days training in the Performance Management and Development System during 2006.

Positive Working Environment workshops

As part of the CSSO Positive Working Environment initiative the roll out of the "Positive Working Environment" half-day workshops were provided in 2006 with the provision of a further one and a half day workshop for staff who have been nominated as a Disability Liaison Officer.

Superannuation Briefings

During 2006, Superannuation Briefings were provided by the HR Manager for all staff of the Office.

Legal Information Sessions for Clerical/Administrative staff

At a HR Meeting in 2006 it was decided that information sessions with a focus on the legal work carried out in the Office would be provided for the clerical/administrative staff by the solicitors and legal executives from the various Divisions. During 2006, clerical/administrative staff attended a seminar given by a Principal Solicitor in the Public Law Division; it is intended to provide further seminars for staff during 2007, subject to availability, due to court work, of those giving the seminar.

Training Courses in 2006

As well as the Training and Development Programme for Management and Staff of the CSSO and also ACME training during 2006, a wide variety of other training was provided in areas such as Manual Handling, Professional Report Writing and Minute Taking.

Seminars and Conferences

Conferences and Seminars relevant to the Office's business activities were attended by a large number of staff. A total of **126** seminars were attended.

ACME

During the first half of 2006 training for the new Case and Records Management System (ACME) Project continued to be delivered. Training for Phase 1 which commenced in the last quarter of 2005 was completed, and training for the roll out of Phase 2 was also delivered. Phases 1 and 2 included the Advisory Division and areas of the General Legal Services Section. Training was provided by an external training company.

During the second half of 2006 an in-house trainer for ACME was appointed. Refresher training for Phase 2 was provided in September 2006.

Gender Representation

With 45% of the positions at or above Assistant Principal grade being held by women, the Chief State Solicitor's Office continues to exceed Government targets for gender balance. At the end of December 2006, the figures for permanent staff were as follows:

Grade	Female No. (%)	Male No. (%)
Chief State Solicitor	0 (0)	1 (100)
Assistant Secretary	1 (20)	4 (80)
Principal Officer	12 (50)	12 (50)
Assistant Principal Officer	32 (52)	30 (48)
Total	45 (49)	47 (51)

Accessibility for Persons with Disabilities

The proportion of staff with disabilities at the end of 2006 was 5.7% which exceeds the Government target.

In line with an established practice introduced in previous years the Office, for all its recruitment competitions, informed the Public Appointments Service as to the availability of suitable facilities in the Office and its willingness to employ people with disabilities.



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Partnership Committee

During 2006, the Partnership Committee in the Chief State Solicitor's Office continued to be centrally involved in the ongoing development of the change culture in the Office. During the year the Committee met on **10** regular occasions and **1** special occasion. The focus for the Committee, which has Office-wide representation, was to deal with core Office-related issues and matters relating to the implementation of the Strategic Management Initiative. Sub-Groups set up to review issues such as HR Policy, Communications, Accommodation, IT Policy, Health and Safety and Green Issues reported to the Committee during the year.

Objective 2

Management Information Framework (MIF)

During 2006, the Offices made significant progress towards the full implementation of all elements of the Offices' MIF Project Plan. The MIF Project Board supported by a Sub-Group, continued to monitor the implementation of MIF Project Plan. Under the Board's direction, work was undertaken to develop Performance Indicators for the Offices. Performance Indicators were developed and implemented in the context of the finalisation of the *Statement of Strategy 2006-2008*, published in July 2006 and separate Action Plans on the implementation of commitments under *Towards 2016*. During the year, the Offices significantly progressed the development of an interface between the new Case and Records Management System and the Financial Management System. This development, when fully implemented in 2007, will assist in the identification of further priorities, financial and non-financial and costing management information reporting requirements, where work has continued.

Further work was undertaken during the year to enhance Management and Costing Reports and these were made available to the local Merrion Street Office/CSSO MACs, joint Merrion Street Office/CSSO MAC and to senior management. This information already facilitates greater cost awareness among those responsible for resource allocations. A Review was undertaken of the requirements for management information to further enhance these reports. The Budgeting functionality has been put in place from early 2007, further supporting the Estimates process.

The Office submitted a post-implementation review of MIF to the Department of Finance at end-March, 2006. Information on MIF has been made available to all staff in both Offices through the Intranet/Bulletin Board.

A project on Resource Allocation Business Planning and Performance Measurement commenced in late 2006 in both Offices. This assisted the Offices in advance of preparation of their Output Statements in April 2007, for Dáil consideration of the Estimates.

Financial Management System

During 2006, both Offices continued to exploit the potential of the Agresso FMS, installed in both Offices in July 2004. The focus for the Offices during the year has been to further embed the FMS and roll-out additional modules and functionality. The upgrade of the system - Service Pack 5 - was implemented on 13 October 2006.

In September 2006, Workshops took place with relevant CSSO Finance Unit staff to progress the implementation of the Transmissions' module of Agresso which will facilitate the processing of non-Voted monies of client Departments within the system.

In November 2006, the Offices implemented Invoice Manager functionality, which will facilitate the introduction of a more comprehensive purchase-to-pay process, including electronic access to invoices. Workshops were held with relevant Finance Units' staff from both Offices in August to review and agree arrangements for the roll-out of this functionality.

In accordance with the Government Decision of 7 December 2004, on the payment of general suppliers by EFT, the Merrion Street Office made significant progress on the roll-out of this functionality and by year end achieved a level of 95% of such payments by EFT. The process was progressed in the CSSO where the full functionality to make EFT payments has been installed and by October the Office commenced paying a significant number of general suppliers by EFT. During the year the Offices were represented on a central Sub-Group set up to review the process of making payments to the Exchequer and other client Departments and Offices by EFT. By year end the Offices had made significant progress towards the full implementation of functionality to make such payments.



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Integrated Asset tracking software was installed on the FMS in both Offices to facilitate the ongoing management of assets. A full inventory of assets for the Offices was significantly progressed by year-end with load sheets from 2002 onwards awaiting loading to the system.

In late 2006 the Offices commenced the process to implement IntellAgent functionality on the FMS which will allow users to monitor and respond to given events in the Agresso system, thus enhancing financial analysis and providing enhanced information integrity and control within the system.

Report of the Working Group on the Accountability of Secretaries General & Accounting Officers (Mullarkey Report)

During 2006, the Offices continued to review the recommendations of the Report which have previously been addressed and fully implemented. Relevant financial and accounting procedures were further revised and implemented to reflect FMS requirements. In the latter part of the year a review was undertaken of financial procedures and processes in both Offices and recommendations made were significantly implemented by year-end.

A joint Merrion Street Office/CSSO risk management project, facilitated by an external consultant, was finalised and agreed in March 2006. The Offices' Risk Management Committee finalised a risk management policy and a corporate register and risk registers for the legal and administrative sides of both Offices. In late 2006, the Offices initiated a process of reviewing risk registers in the context of the review of legal and administrative Business Plans following the putting in place of the Offices' *Statement of Strategy 2006-2008*. A review process of Disaster Recovery Plans, already in place for the Offices' Library and Know-how Units and for the Merrion Street Office's Registry function, was initiated in the context of the development of a Business Continuity Management Plan for both Offices. A draft Invitation to Tender for Business Continuity Consulting services across both Offices was finalised and issued in late November, 2006.

Audit Committee

The Audit Committee, comprising three external personnel and a representative from each Office, met on 5 occasions during 2006. Matters dealt

with included consideration and review of the following eight Audit Reports completed by the Internal Auditor:

- Internal Financial Controls Follow-up in the Office of the Attorney General, Chief State Solicitor's Office and in the Law Reform Commission;
- Report on Transmissions in the Chief State Solicitor's Office;
- Report on the Examination of Overtime in the Office of the Attorney General and in the Chief State Solicitor's Office;
- Report on the Hosting of Events in the Office of the Attorney General;
- Report on the Employment of Contract Staff in the Office of the Attorney General, the Chief State Solicitor's Office and in the Law Reform Commission;
- Examination of Payover in relation to Additional Voluntary Contributions (AVC's) for the Federated Union of Government Employees (FUGE), in respect of the Office of the Attorney General and the Chief State Solicitor's Office;
- Follow-up Report on the Asset Register in the Office of the Attorney General, the Chief State Solicitor's Office and in the Law Reform Commission;
- Report on Compliance with Regulatory Requirements in the Office of the Attorney General, the Chief State Solicitor's Office and in the Law Reform Commission.

During 2006, the Committee also reviewed the following Reports:

- Sullivan Report of June 2006 on the Review of the Office of the Attorney General and Progress on the Office Action Plan thereon including New Procedures/External Risk Assessors;
- Review of Financial Procedures in the Law Reform Commission;
- Review of Implementation of Audit Reports in the Merrion Street Office and in the Law Reform Commission.



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Expenditure/Value for Money Review Plan

During 2006, the Offices made significant progress on finalising VFM Reviews. The joint Merrion Street Office/CSSO VFM Review of the Administration of the Attorney General's Scheme was significantly progressed by year-end. Agreement in principle was reached with the Department of Justice, Equality and Law Reform on arrangements for the transfer of future responsibility for the administration of the Scheme to the Department.

The Review by the Merrion Street Office of the Law Reform Commission was also significantly progressed during the year.

In early 2006, the Merrion Street Office commenced a VFM Review on the Maintenance of the Electronic Irish Statute Book (eISB) and the Steering Committee met on four occasions since March 2006, to progress the project. Significant progress was made on preparing a draft Report.

During 2006, Project Teams in the CSSO progressed VFM Reviews on the Provision of Stenographer Services and Costs Recovery. Much progress was made during 2006 on the Review on Costs Recovery and a first draft of the report was finalised by the end of November and referred to the preferred external evaluation consultant.

Interest Payments under Prompt Payment of Accounts legislation

There were no penalty interest payments incurred by the Merrion Street Office during 2006.

In the CSSO, a total amount of €10,204 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

See **Annex D** for the Offices Reports on Payment Practices for 2006.

Objective 3

Case & Records Management System (ACME)

During 2006, both Offices made significant progress towards the full implementation of the new Case and Records Management System (ACME). The Offices commenced roll-out of Phase 2 of the project plan in early April, 2006. By the end of September, 2006, the system was further rolled out to a number of areas across both the Merrion Street Office and

the CSSO. The roll-out encompassed a wide range of work across the Office with the inclusion of all European Court of Justice, European Court of Human Rights, Ministerial Prosecutions (Legal Service Section, CSSO), Mutual Assistance (Legal Services Section, CSSO), Arbitration Tribunals, Employment Tribunals, Commissions and remaining areas of the Advisory Division of the CSSO.

During 2006, with the continued usage of the system by more users and across an increasing range of cases, enhancement requests were noted and where appropriate were implemented into the system.

All legal, support and Registry staff within the Merrion Street Office are users of the system with an ever-increasing number of CSSO personnel coming live on to the system. Implementation of the Sullivan Report recommendations required adaptation of the system in relation to the provision of Sensitive Alert Notice facilities.

Human Resources Management System (HRMS)

Progress achieved on the implementation of the HRMS is outlined above under Objective 1 of this Chapter.

During the latter half of 2006 the Merrion Street Office and CSSO IT Units were heavily involved in the development and awarding of a contract to provide Business Continuity Management Services to the Office. The delivery of these services in the future will ensure that the Offices will be in a position to continue to provide core business services to clients in the event of a potential threat to the delivery of services.

Also, the Merrion Street Office Unit developed further a comprehensive Acceptable Use of Office IT Systems Policy which incorporates in a single document all existing IT related policies. The CSSO will be adapting the Policy to its particular situation.

IT Systems aligned with the Offices business and strategy and operational requirements

The IT Units in the Merrion Street Office and CSSO regularly review the hardware, software and infrastructure to ensure it meets the requirements of the Offices. The communications links between the Offices were upgraded during 2006 in order to provide a more robust platform for the provision of shared systems.



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The CSSO IT Unit liaised with the contractors fitting out the new accommodation acquired in the Chancery building to ensure an appropriate network infrastructure was put in place. Communication links were installed and all equipment installed in good time for the relocation of staff in October 2006.

An upgrade was carried out to the Financial Management System. Invoice Manager and IntellAgent modules were installed which will allow for more automated handling of invoices and integration with the Case and Records Management System.

The CSSO installed a new web-based flexitime recording system. The system allows staff to clock in or out on their computers and directly access their flexitime records. Local supervisors can make amendments without the need for the HR Unit to be involved.

IT Architecture

During 2006, the Merrion Street Office IT Unit replaced some elements of its IT infrastructure and implemented new initiatives to enhance its operation and effectiveness.

Objective 4

Social Partnership Agreements Sustaining Progress and Towards 2016

In 2006 the Office was fully committed to implementing the provisions of *Sustaining Progress* and the subsequent Agreement *Towards 2016*. In March 2006 the Merrion Street Office and the Chief State Solicitor's Office submitted separate Sixth Progress Reports on the implementation of each Office's Modernisation Action Plan under *Sustaining Progress*. Following the ratification of the new Social Partnership Agreement *Towards 2016* the Offices submitted to the Civil Service Performance Verification Group (CSPVG) in October 2006 separate Action Plans on the implementation of the Agreement and separate First Progress Reports on the implementation of the Action Plans. On the basis of the Sixth Progress Reports under *Sustaining Progress* and the First Progress Reports under *Towards 2016*, the CSPVG decided that staff of both Offices and the Law Reform Commission had qualified for payment of pay increases due during the year. The Progress Reports and Action Plans were published on the Office website.

Client Service Guide/Customer Action Plan

The Offices' *Client Service Guide/Customer Action Plan 2005-2007*, which was published and placed on the Offices' website in December 2005, was made available in both the Irish and English languages in paper and CD rom formats in early 2006.

As part of the Quality Customer Service Initiative the CSSO engaged consultants (following a tender process) to design and implement a Customer Service Survey in order to measure the performance of the Office against the standards set out in the CSSO Customer Charter. The Customer Service Survey was carried out in November and December, 2006 and the results of same will be assessed to evaluate performance.

A staff/climate attitudinal survey was scheduled to be undertaken in the Merrion Street Office during 2006. However due to the implementation of a number of new systems during the year this has been re-scheduled to be undertaken in Q3 of 2007.

Customer and Client Panel and Review Meetings

During 2006, regular review meetings were held by Advisory Groups and administrative Business Units in the Merrion Street Office with client Department and Offices to discuss work issues. An Action Plan was prepared following the inaugural meeting of the Merrion Street Office Customer and Client Panel, relating to clients of all sides of the Office in November 2005 setting out issues identified at that meeting. These were fully implemented and reviewed resulting in an improved service delivery to clients. During the year the Office promoted the ongoing integration and re-enforcement of client service in the Office primarily through the PMDS and staff competencies.

Official Languages Act

During the latter half of 2006 the Offices prepared a draft Scheme to implement the provisions of the Official Languages Act 2003. The process entailed publishing a notice under Section 13 of the Act in July 2006, inviting representations, in relation to the preparation of the draft scheme under Section 11, from any interested parties. Two submissions were received by the closing date of 24 August, 2006. A Group, representative of both Offices, prepared the draft Scheme taking account of the submissions received. Responsibility for monitoring and reviewing the scheme will rest with the local



7 Progress Achieved in reaching Goal 4 - Business Support Services Merrion Street Office and CSSO

Management Advisory Committees and the joint AGO/CSSO Main Management Advisory Committee within the Offices.

The draft Scheme builds on the extent to which services are currently available through Irish as a starting base. Areas for future enhancement of the service provided by the Offices have been identified in the body of the Scheme. The draft Scheme also includes a commitment to assess on an ongoing basis the level of demand for services through Irish and to ensure that the Offices continue to meet this demand in a planned, coherent and accessible way. The Offices will further continue to measure the level of queries/requests for services through Irish on an annual basis.

The draft Scheme was approved by both local and the joint MACs and both Partnership Committees and submitted for consideration in late September 2006, to the Minister for Community, Rural and Gaeltacht Affairs.

Publications

In July, 2006, the Office published a new *Statement of Strategy 2006-2008* which was placed on the Office website. In November 2006 the Office published and placed on the website the Annual Report for 2005 which reported on developments during the year and progress achieved on the implementation of the previous *Statement of Strategy 2003-2005* and the Merrion Street Office's *Client Service Guide 2005-2007* and the CSSO's *Customer Action Plan 2005-2007*.

Regulatory Requirements Compliance

The Audit Report on Compliance in the Merrion Street Office and in the CSSO with the Freedom of Information Acts, Data Protection Acts, National Archives Act and Health and Safety legislation found that current arrangements in both Offices were largely satisfactory.

Website

The IT Units in the Merrion Street Office and the CSSO continued to manage the presentation and design as well as the publication of contents on the Offices' website during the year. It continues to exist as an important resource and reference tool for customers, clients and members of the public. Access is provided to e.g. the Electronic Irish Statute Book, *Sustaining Progress* and *Towards 2016* Action Plans and Progress Reports, procedures applying to the engagement of external counsel and the Offices' publications.

Objective 5

During 2006, the Merrion Street Office and CSSO Library & Know-how Units continued to deliver legal information, research and know-how services to staff in both Offices. Services were also provided to state solicitors assigned to the various Tribunals of Inquiry, Criminal Assets Bureau, Departmental legal advisers and local State Solicitors.

The following services were provided by the Units:

- iLink (online library catalogue);
- cataloguing, classification and abstracting of legal material;
- access to a substantial law collection in both hardcopy and electronic formats;
- legal Know-how database;
- legal information/research services;
- information skills training;
- current awareness services;
- legislative proof-reading;
- access to external libraries and information services.

Both Units continued to contribute valuable information management expertise to the work of both Offices through participation in the office-wide committees, in particular, the Electronic Irish Statute Book and the Value for Money Review on the Maintenance of the Electronic Irish Statute Book (eISB).

They have supported their specific strategies in the following way:

Knowledge Management

A culture of knowledge sharing continued to be promoted within and between the Offices. Both Library and Know-How Units continued to implement key aspects of the *Knowledge Management Strategy 2003-2005* including the updating of Legal Reference Guides and the organisation of Legal Issues Meetings. Four Legal Issues meetings were held in the Merrion Street



7 Progress Achieved in reaching Goal 4 - Business Support Services Merrion Street Office and CSSO

Office and six in the CSSO in 2006. Papers were presented at these meetings to share knowledge on topical issues of interest to legal staff and were well attended by legal staff in both Offices. Two Legal Reference Guides were substantially updated and made available to staff in both Offices in 2006.

The programme of education on EU criminal law issues, which was commenced in 2005, was continued in 2006. It involved co-operation between the Office, the Office of the Director of Public Prosecutions and the Department of Justice Equality and Law Reform. The sessions were very well attended by lawyers from a variety of Government Departments and Offices.

An internal expert witness directory was successfully launched in the CSSO in June 2006 in line with Recommendation 5 of the *AGO/CSSO Knowledge Management Strategy 2003-2005*. Work on a project to review the Strategy will commence in 2007.

Enhanced legal information and research services

During the year legal research services continued to be provided by both Units. Legal Researchers in the Merrion Street Office provided legal research and know-how support to discrete Groups of Advisory Counsel and Parliamentary Counsel in support of the ongoing legal specialisation within the Office. They also attended legal group meetings where practicable in order to strengthen their knowledge of legal issues of interest to the Office.

A project to implement a shared e-journals solution was substantially progressed during 2006. This is in keeping with the Units' commitment in the *Statement of Strategy* to identify and implement appropriate technical solutions to deliver improved library, research and know-how services to users. The e-journals project is a joint initiative involving the Library and Know-how Units in both Offices and the Office of the Director of Public Prosecutions Library. Staff in the three law Offices will have access to the full text of a range of journals in electronic format when the project is launched in 2007.

Both Units continued to provide training to legal staff on library applications and legal information databases in 2006. Emphasis was placed on providing individual tailored sessions to staff. One-to-one induction training on electronic resources for new staff was also provided.





Annexes





A Government Bills Published during 2006

1. Finance Bill 2006
2. Teaching Council (Amendment) Bill 2006
3. Planning and Development (Strategic Infrastructure) Bill 2006
4. Social Welfare Law Reform and Pensions Bill 2006
5. National Sports Campus Development Authority Bill 2006
6. Health (Repayment Scheme) Bill 2006
7. Health (Nursing Homes) (Amendment) Bill 2006
8. Energy (Miscellaneous Provisions) Bill 2006
9. European Communities (Amendment) Bill 2006
10. Civil Law (Miscellaneous Provisions) Bill 2006
11. Institutes of Technology Bill 2006
12. Criminal Law (Sexual offences) Bill 2006
13. Road Traffic Bill 2006
14. National Oil Reserves Agency Bill 2006
15. Land and Conveyancing Law Reform Bill 2006
16. Building Societies (Amendment) Bill 2006
17. Hepatitis C Compensation Tribunal (Amendment) Bill 2006
18. Defence (Amendment) Bill 2006
19. Local Government (Business Improvement Districts) Bill 2006
20. Investment Funds, Companies and Miscellaneous Provisions Bill 2006
21. Child Care (Amendment) Bill 2006
22. Electoral (Amendment) Bill 2006
23. Defamation Bill 2006
24. Privacy Bill 2006
25. Europol (Amendment) Bill 2006
26. Nuclear Test Ban Bill 2006
27. Road Traffic and Transport Bill 2006
28. Citizens Information Bill 2006
29. Industrial Development Bill 2006
30. Prisons Bill 2006
31. Electricity Regulation (Amendment) (Single Electricity Market) Bill 2006
32. National Development Finance Agency (Amendment) Bill 2006
33. British - Irish Agreement (Amendment) Bill 2006
34. Houses of the Oireachtas Commission (Amendment) Bill 2006
35. European Communities Bill 2006
36. Foyle and Carlingford Fisheries Bill 2006
37. Carbon Fund Bill 2006
38. Social Welfare Bill 2006
39. Appropriation Bill 2006
40. Irish Film Board (Amendment) Bill 2006
41. Health Bill 2006
42. Defence (Amendment) (No 2) Bill 2006
43. Broadcasting (Amendment) Bill 2006



B Public Bills Enacted in 2006

No. Title

- 1 University College Galway (Amendment) Act 2006
- 2 Teaching Council (Amendment) Act 2006
- 3 Irish Medicines Board (Miscellaneous Provisions) Act 2006
- 4 Competition (Amendment) Act 2006
- 5 Social Welfare Law Reform and Pensions Act 2006
- 6 Finance Act 2006
- 7 Aviation Act 2006
- 8 Sea-Fisheries and Maritime Jurisdiction Act 2006
- 9 Employees (Provision of Information and Consultation) Act 2006
- 10 Diplomatic Relations and Immunities (Amendment) Act 2006
- 11 Criminal Law (Insanity) Act 2006
- 12 Registration of Deeds and Titles Act 2006
- 13 Parental Leave (Amendment) Act 2006
- 14 Road Safety Authority Act 2006
- 15 Criminal Law (Sexual Offences) Act 2006
- 16 Employment Permits Act 2006
- 17 Health (Repayment Scheme) Act 2006
- 18 European Communities (Amendment) Act 2006
- 19 National Sports Campus Development Authority Act 2006
- 20 Defence (Amendment) Act 2006
- 21 National Economic and Social Development Office Act 2006
- 22 Hepatitis C Compensation Tribunal (Amendment) Act 2006
- 23 Road Traffic Act 2006
- 24 Building Societies (Amendment) Act 2006
- 25 Institutes of Technology Act 2006
- 26 Criminal Justice Act 2006
- 27 Planning and Development (Strategic Infrastructure) Act 2006
- 28 Road Traffic and Transport Act 2006
- 29 Sea Pollution (Miscellaneous Provisions) Act 2006
- 30 International Criminal Court Act 2006
- 31 Patents (Amendment) Act 2006
- 32 British-Irish Agreement (Amendment) Act 2006
- 33 Electoral (Amendment) Act 2006
- 34 Industrial Development Act 2006
- 35 Appropriation Act 2006
- 36 Social Welfare Act 2006
- 37 Europol (Amendment) Act 2006
- 38 Irish Film Board (Amendment) Act 2006
- 39 Houses of the Oireachtas Commission (Amendment) Act 2006
- 40 Energy (Miscellaneous Provisions) Act 2006
- 41 Investment Funds, Companies and Miscellaneous Provisions Act 2006
- 42 Local Government (Business Improvement Districts) Act 2006



Provisional Outturn for 2006 and Revised Estimates for 2007, AGO (Merrion Street Office) and CSSO

Office of the Attorney General

Vote 3, Merrion Street Office

Provisional Outturn for 2006 and Estimate for 2007

Provisional Outturn for 2006 and Estimate of the amount required in the year ending 31 December, 2007 for the salaries and expenses of the **Office of the Attorney General**, including a grant-in-aid.

Administration	Service	Estimate Provision 2006 €'000	Provisional Outturn 2006 €'000	Estimate Provision 2007 €'000
A1	Salaries, Wages and Allowances	8,707	8,556	9,971
A2	Travel and Subsistence	285	210	255
A3	Incidental Expenses	930	882	1,025
A4	Postal and telecommunications services	260	136	199
A5	Office machinery and other office supplies and related services	1,151	732	1,284
A6	Office Premises Expenses	382	471	350
A7	Consultancy Services	1,298	320	190
A8	Value for money and policy reviews	-	-	60
A9	Contract Legal Expertise	-	786	885
	Subtotal	13,013	12,093	14,219
Other Services				
B.	Contributions to International Organisations	30	34	35
C.	Law Reform Commission (Grant-In-Aid)	2,044	2,044	4,910
D.	General Law Expenses	120	50	64
	Gross Total	15,207	14,221	19,228
Deduct				
E.	Appropriations-In-Aid	8	54	8
	Net Total	15,199	14,167	19,220



C Provisional Outturn for 2006 and Revised Estimates for 2007, AGO (Merrion Street Office) and CSSO

Office of the Chief State Solicitor

Vote 13

Provisional Outturn for 2006 and Estimate for 2007

Provisional Outturn for 2006 and Estimate of the amount required in the year ending 31 December, 2007 for the salaries and expenses of the **Office of the Chief State Solicitor**.

Administration	Service	Estimate Provision 2006 €'000	Provisional Outturn 2006 €'000	Estimate Provision 2007 €'000
A1	Salaries, Wages and Allowances	13,129	13,023	15,495
A2	Travel and Subsistence	215	191	220
A3	Incidental Expenses	1,360	1,226	2,161
A4	Postal and telecommunications services	595	410	547
A5	Office machinery and other office supplies and related services	1,330	1,040	1,412
A6	Office Premises Expenses	420	465	469
A7	Consultancy Services	570	340	207
A8	Local State Solicitor Service	5,650	3,822	11,800
A9	Value for money and policy reviews	-	-	57
	Subtotal	23,269	20,517	32,368
Other Services				
B.	Fees to Counsel	11,043	12,402	13,559
C.	General Law Expenses	4,000	4,021	4,500
	Gross Total	38,312	36,940	50,427
Deduct				
D.	Appropriations-In-Aid	270	521	270
	Net Total	38,042	36,419	50,157



D Statements of Compliance; Reports on Payment Practices 2006, AGO (Merrion Street Office) and CSSO

Office of the Attorney General, Merrion Street

Statement of Compliance with the Prompt Payment of Accounts Act 1997 and with the European Communities (Late Payment in Commercial Transactions) Regulations 2002

Relevant payments made by this Office comply with the terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002.

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January 1998 and staff were also notified of the European Communities (Late Payment in Commercial Transactions) Regulations 2002 when it came into operation on 7 August 2002. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest penalties arising. Furthermore, financial procedures in place in the Office are regularly monitored and were updated this year, including procedures to ensure compliance with the Legislation.

The key procedures which are in place are as follows:-

- Unless otherwise agreed by written contract, the prompt payment deadline of 30 days applies to all payments.
- Staff are asked to ensure that invoices are addressed to a named person when placing orders for goods and services thus avoiding delays in tracing the person who placed the order for certification purposes.
- All invoices are forwarded to the Finance Unit and date stamped immediately on receipt. This date is the date from which the prescribed payment period is calculated.
- Staff in the Finance Unit register invoices on the Financial Management System and forward the invoice to the Officer dealing with the purchase related to the invoice.
- Staff have been advised that all invoices should be certified for payment and returned to the Finance Unit promptly. Arrangements should be made to ensure that invoices are not delayed due to staff being on leave etc.

- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded.
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated by Finance Unit in accordance with the Act and with the Regulations.
- The Financial Management System prompts the staff in the Finance Unit of due payment date.

The Office's Report of Payment Practices for 2006 follows.

Office of the Attorney General

March, 2007

Report on Payment Practices for 2006

Office of the Attorney General, Merrion Street

General

1. Relevant payments made by this Office complied with the terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payments in Commercial Transactions) Regulations 2002.

Late Payments

2. Payments totalling €3.251 million in 2006 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies. There were no instances of late payments made during 2006.



D Statements of Compliance; Reports on Payment Practices 2006, AGO (Merrion Street Office) and CSSO

Chief State Solicitor's Office

Statement of Compliance with the Prompt Payment of Accounts Act 1997 and with the European Communities (Late Payment in Commercial Transactions) Regulations 2002

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January 1998 and staff were also notified of the European Communities (Late Payment in Commercial Transactions) Regulations 2002 when it came into operation on 7 August 2002. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest penalties arising. Furthermore, financial procedures in place in the Office are regularly monitored.

The key procedures which are in place are as follows:-

- Unless otherwise agreed by written arrangement, the prompt payment deadline of 30 days applies to all payments.
- All invoices received are forwarded directly to Finance Unit where they are date stamped. This date is the date from which the prescribed payment period is calculated.
- Staff in Finance Unit registers the Invoice on the new Financial Management System and then forward the invoice to the Officer dealing with the purchase related to the invoice.
- Staff have been advised that all invoices should be certified for payment and forwarded to the Finance Unit immediately on receipt. Arrangements should be made to ensure that invoices are not delayed due to staff being on leave etc.
- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded.
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated automatically by the Financial Management System and manually checked by Finance Unit in accordance with the Act and with the Regulations.

The Office's Report on Payment Practices for 2006 follows.

Report on Payment Practices for 2006

Chief State Solicitor's Office

The terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002 applies to payments made by or on behalf of this Office excluding payroll and certain other Office expenses.

The CSSO introduced a new Financial Management System in July 2004. On the introduction of this new system, the Finance Unit of the CSSO assumed responsibility for all payments from the CSSO Vote, apart from Payroll and Salaries (A1 Subhead). The system has been designed specifically to monitor and control compliance with the terms of the Act.

In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

Payments to which Prompt Payments applied January to December 2006:

Total Value of all Payments:	€7,715,786
Total Value of all late payments (under €320 inclusive):	€516,071
Total Value of all late payments (over €320):	€24,979
Value of late payments as % of total payments:	7.01%
Number of late payments in excess of €320:	4
Amount of Interest paid:	€10,204
Amount of interest as percentage of total payments:	0.13%
Broad indication of Length of Delays:	60 Days



E Office Representation on Committees and Working Groups in 2006

Advisory Board National Children's Office	FOI Liaison Officers Network
Assistant Secretaries Network	FOI Users Network Group
Balance in Criminal Law Review Group	Garda Working Group on Vetting
Better Regulation Group	Garda Implementation Group on Vetting
Change Management Network	Government Legislation Committee
Civil Service Training Officers Network	Greco Evaluation Team
Commission on the Assisted Human Reproduction	Hague Conference on Private International Law
Company Law Review Group	Hogan Committee on Balance in Criminal Law
Consultative Committee on Law Reform	Information and Communications Technology Managers Forum
Consumer Advisory Council	Information Society Legal Working Group
Corporate and Public Lawyers Association	Implementation Group on Compensation Issues
Corporate and Public Sector Committee of the Law Society of Ireland	Interdepartmental Committee on Hearing Loss Litigation
Council of Europe Committee on Administrative Law	Interdepartmental Committee on the Reform of Marriage
Council of Europe Committee of Experts in Family Law	Interdepartmental Co-ordinating Committee on European Affairs
Court Rules Committees	Interdepartmental Group on Special Education Needs Litigation
Courts Service Forum	Interdepartmental Working Group on Nursing Homes Charges
Criminal Law Codification Committee	Interdepartmental Committee on Nuclear Issues
Cross-Departmental Team on Infrastructure	Interdepartmental Group on Childhood Abuse Litigation
Cross-Departmental Group on EU Enlargement and Freedom of Movement	Interdepartmental Working Groups on Disability
EU Council Evaluation expert group - peer evaluation of Estonia with regard to the practical implementation of the EAW	Interdepartmental Committee on Infrastructure
EU Working Group on Legal Data Processing	Interdepartmental Committee on State Aids
EU Working Group on Contract Law	Interdepartmental Group on the Commission proposal for a European Fishing Control Agency
EU Intergovernmental Convention Oversight Group	Interdepartmental Group on the EU Convention
Expenditure Reviewers Network	
FOI Interdepartmental Working Group	



E Office Representation on Committees and Working Groups in 2006

Interdepartmental Group on Legislative Issues for the Information Society	Strategic Management Initiative Communications Sub-Group
Interdepartmental Group on Oireachtas Scrutiny of EU legislation	Strategic Management Initiative Implementation Groups
Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities	Tax Strategy Group
Interdepartmental Working Group on Compensation Issues	Technical Experts Working Group on the Constitutional Treaty
Internal Audit Network	UNCITRAL (The United Nations Commission on International Trade Law)
International Maritime Organisation Legal Committee	UNCITRAL Working Group on Arbitration
International Expert Group on Nuclear Liability (INLEX)	UNCITRAL Working Group on Security Issues
Library Managers Network	UNCITRAL Working Group on Electronic Commerce
Management Group for Judicial Reviews in Asylum Cases	UNCITRAL Working Group on Insolvency Law
Member of the Commission on Assisted Human Reproduction	United Nations Convention on Climate Change
MIF Consultative Committee	Working Group on Company Law Compliance and Enforcement
MIF Project Management Sub-Group	Working Group on Electronic Statutory Instruments
Ministers and Secretaries Group on European Matters	Working Group to Review Coroners Services
Money Laundering Steering Committee (Official Side)	Working Group on Legal Costs
"No-Fault" Advisory Group	
Nuclear Law Committee (Nuclear Energy Agency, a branch of the OECD)	
Personnel Officers Network	
PMDS Network	
Secretaries General and Heads of Offices Group	
Single Regulatory Authority Implementation Advisory Group	
State Claims Agency Liaison Committee	
Steering Group on Restatements	
Steering Group on Systems Review of Department of Agriculture and Food	



F Freedom of Information Statistics, 2006

Statistics of requests made under the Freedom of Information Act 1997

Office of the Attorney General, Merrion Street Office

Office of the Attorney General	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	22	6	16	0	4	1
1999	27	7	20	0	2	4
2000	25	3	22	0	3	3
2001	23	4	19	0	2	2
2002	22	4	18	0	3	1
2003	18	3	15	0	5	4
2004	6	2	4	0	2	0
2005	3	1	2	0	0	0
2006	6	0	6	0	1	0
Total	152	30	122	0	22	15

Office of the Attorney General	Requests Refused	Requests Refused under section 46(1)(b) (Figure included in total requests refused)	Requests Transferred	Requests withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	Fees No.	Charged Amount
1998	15	12	1	0	1	6	2	0	Nil
1999	21	18	0	1	0	6	0	0	Nil
2000	18	14	0	1	0	4	0	0	Nil
2001	16	13	0	0	3	2	2	0	Nil
2002	20	20	0	0	1	0	0	0	Nil
2003	9	9	0	1	0	1	1	3	€45
2004	4	3	0	0	0	0	0	4	€60
2005	2	2	1	0	0	0	0	1	€15
2006	5	5	0	0	0	0	0	0	€75
Total	110	96	2	3	n/a	19	5	8	€195



F Freedom of Information Statistics, 2006

Office of the Attorney General

(excluding statistics from Office of the Chief State Solicitor)

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/06 to 31/12/06	6	4	0	0	0	2

Office of the Attorney General

(excluding statistics from Office of the Chief State Solicitor)

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/06	152	41	33	3	5	70



F Freedom of Information Statistics, 2006

Statistics of requests made under the Freedom of Information Act 1997

Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	17	14	3	0	10	0
1999	9	3	6	0	4	0
2000	23	11	12	0	15	4
2001	9	6	3	0	5	0
2002	9	5	4	0	2	0
2003	6	2	4	0	0	1
2004	3	1	2	0	0	0
2005	2	2	0	0	2	0
2006	2	0	2	0	0	0
Total	80	44	36	0	38	5

Chief State Solicitor's Office	Requests Refused	Requests Refused under section 46(1)(b) (Figure included in total requests refused)	Requests Transferred	Requests withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	Fees No.	Charged Amount
1998	4	4	2	0	1	1	0	0	Nil
1999	4	4	1	0	1	3	1	0	Nil
2000	5	2	0	0	0	1	1	0	Nil
2001	4	3	0	0	0	1	1	0	Nil
2002	7	7	0	0	0	0	0	0	Nil
2003	1	1	2	2	0	1	0	0	Nil
2004	0	0	0	2	1	0	0	0	Nil
2005	0	0	0	0	0	0	0	0	Nil
2006	2	2	0	0	0	1	0	1	€15
Total	27	23	5	4	3	8	3	1	€15



F Freedom of Information Statistics, 2006

Statistics for 2006

Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/06 to 31/12/06	2	1	0	0	0	1

Statistics from 21 April 1998 to 31 December 2006

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/06	80	12	2	0	32	34



G Training and Development Details, 2006

Training and Development - Merrion Street Office

Breakdown of Office Expenditure on Training & Development 2006.

Seminars and Conferences	€5, 445.65
Membership Fees	€5, 093.83
Staff Training and Development	€134, 228.42
Refund of Fees	€10, 528.50
Cost of consultants and external trainers (incl. ACME)	€57, 027.88
IT Training	€1, 097.00
Trainer(s) salaries and overheads	€6, 496.67
All other costs associated with Training & Development*	€22, 178.24
Total	€242, 096.19

*(This figure is Travel and Subsistence costs directly related to Training & Development)

Conferences, Seminars and Meetings attended by AGO Staff during 2006

11th Annual Conference of the International Association of Prosecutors

3rd Annual Planning and Environmental Law Conference

3rd World Women Lawyers Conference

5th Annual FOI Conference

7th Annual Prosecutors Conference

ACCA Ireland Public Sector Forum

Achieving Rights-based Child Law

Assistant Secretaries Network Annual Conference

Bar Council conference on Bioethics

Biomedicine & Ethics Conference

Change in Criminal Justice Policy and Practice Conference

Committee meeting of European Information Association

Conference on EU Battlegroups

Conference on EU Constitutional Treaty

Corporate Recovery Strategies

Custody and Detention -obligations, rights and remedies

Data Protection Practical Compliance 1st Annual Conference

DCMNR Fisheries Seminar

EU Criminal Justice Conference

European Extradition Warrant Conference

European Maritime Law Organisation Annual Conference

Extradition law and the EAW

Extradition, Deportation and Rendition Seminar

Family Law in Ireland Conference

FIDE Conference

Forensic Evidence Conference

Human Rights Law Conference

IBA Annual Conference

ICCA Ireland Autumn Lunch

ICEL Money laundering Conference



G Training and Development Details, 2006

Immigration Law Seminar	Seminar on the quality of legislation
Interdisciplinary conversations exploring the social roles of the embryo	Statute Law Society Annual Lecture and Dinner
Irish Agresso User Group Annual Conference	Summit of the Pharmaceutical Society of Ireland
Irish Competition Law and Regulation	The Business of Public Policy and Regulation
Irish Unicorn Users Group Meeting	The Future of the EU Constitutional Treaty
Judicial Review Conference	Training Strategies for Professional Services
Justice Group Meeting	Update, Upskill, Upgrade: European Information Seminar
Knowledge Management for the Legal Profession	
LAI Seminar: Promoting Professional Practices	
Law and the Environment Conference	
Legislative Process Seminar	
LIR Annual Seminar 2006	
Litigation before Community Courts	
LRC Annual Conference 2006 - Cohabitation: Models for Legal Reform	
Medico-Legal Society of Ireland Golden Jubilee Conference	
Meeting in Office of OPC in London	
Planning Law Conference 2006	
Policy Analysis Seminar	
Practical Update on Corporate in the Public Sector	
Practice Group Management - Maximising profitability & Driving Performance	
Privacy and the Data Retention Directive	
Records Management and Enterprise Content Management Conference	
Seminar on Assisted Human Reproduction	
Seminar on Biological Inventions (EU Directive 98/44/EC)	
Seminar on quality of Legislation: The Finnish perspective	



G Training and Development Details, 2006

Training undertaken by Merrion St. Office Staff during 2006 (No. of Staff attending training event)

Training	No. of Staff
MS Excel	3
MS Word	2
MS Access	1
Typing Training	2
Employment Law Masterclass	3
EO/SO Test Preparation	1
Advanced People Skills for Personal and Executive Assistants	1
Practical Guide to Corporate Governance in the Public Sector	4
Period/Year End Returns - Mentec	1
Employee Engagement for Law Firms	1
Project Management	1
Assertiveness Skills	2
IMI Course: Front Line Management The Foundation Skills	2
Institute of Internal Auditors Course	1
Interviewee Course	1
Training Strategies for Professional Services	1
Leading Successful Teams	1
Managing Budgets to deliver objectives	1
Understanding the Modern Irish Civil Service	1
Mentec General Ledger Course	1
Minute Taking Course	1
IACT Webmaster Course	1
Personal Effectiveness for Admin Staff	1
Successful Interviewing Skills for the Interviewer	2
Records management and Enterprise Content Management in Government and Public Bodies	1
Occupational First Aid	1
ICEL – Privacy and the Data Retention Directive	2
Time Management	2
HDRS Disaster Planning Course	1
Stress Elimination	3
In-house training for Library Staff	1
IOSH Managing Safely	1
Higher Diploma in Policy Analysis	1
Refund of Fees: Awarded to 5 Staff Members	



G Training and Development Details, 2006

Training and Development - CSSO

Breakdown of Chief State Solicitor's Office

Expenditure on Training & Development 2006

Training Budget

The total expenditure on Training and Development in 2006 was **€332,828**.

The Training budget allocation was broken into three specific areas:

- **Delegated Budget**

The total expenditure for the Delegated Budget during 2006 was **€102,574**. The Division Heads hold responsibility for the delegated Budget. For 2006 the budget equated to €700 per person in each Division.

- **Refund of Fees**

A total of 17 people claimed refund of fees in respect of the Refund of Fees Scheme for the academic year 2005/2006. The amount refunded under this scheme in 2006 was **€51,015**.

- **Holding Fund**

The Holding fund expenditure for 2006 was **€179,239**. This fund was used for the payment of training rooms in various hotels for courses run throughout the year along with the expenditure on training for (a) the GFP Consult Senior Management and Staff Training & Development Programme (b) Positive Working Environment workshops and (c) Visual Files training.



G Training and Development Details, 2006

Training Provided in the CSSO in 2006

Areas Identified	Total Provided
Information Technology	
Microsoft Word - Beginners	1
Microsoft Word - Intermediate	7
Microsoft Word - Advanced	6
Excel - Beginners	1
Microsoft Outlook Beginners	1
Publisher	1
Access	1
ECDL	1
Legal Training	
Advocacy	7
Appraisal Skills for Solicitors	7
Arbitration	2
Commercial Court	4
Commercial Lending	1
Community Law	1
Company Law	4
Conveyancing	16
Criminal Law	2
Cross Examination	1
Data Protection for Public Service	8
Effective Absence Management	3
Employment law	11
Environmental Law	1
European Arrest Warrant	3
Human Rights Law	14
Immigration Law	13
Landlord and Tenant Litigation	3
Land Registry	7
Legal Research Skills	10
Legislative Process	1
Litigation Seminars	23

Areas Identified	Total Provided
Mediation	3
Negotiation Skills	12
Probate/Trust	1
Public Law Seminars	3
Public Procurement	10
Residential of Deeds & Titles Act 2006	11
Self Management for Solicitors	1
Tort Law	1
Development & Skills	
ACME	40
Agresso	14
Assertiveness in the Workplace	1
Communication Skills	200
Credibility, Communication and Management	42
Customer Service	1
Health & Safety	2
Managing in the CSSO	42
Managing Electronic Resources	1
Manual Handling	19
Minute Taking	10
Personal Development	240
Project Management	1
Presentation Skills	1
PMDS	19
Positive Working Environment	122
Public Management	1
Report Writing	13
Self Development	200
Strategic Thinking	42
Stress Elimination	8
Time Management	2
Typing	7

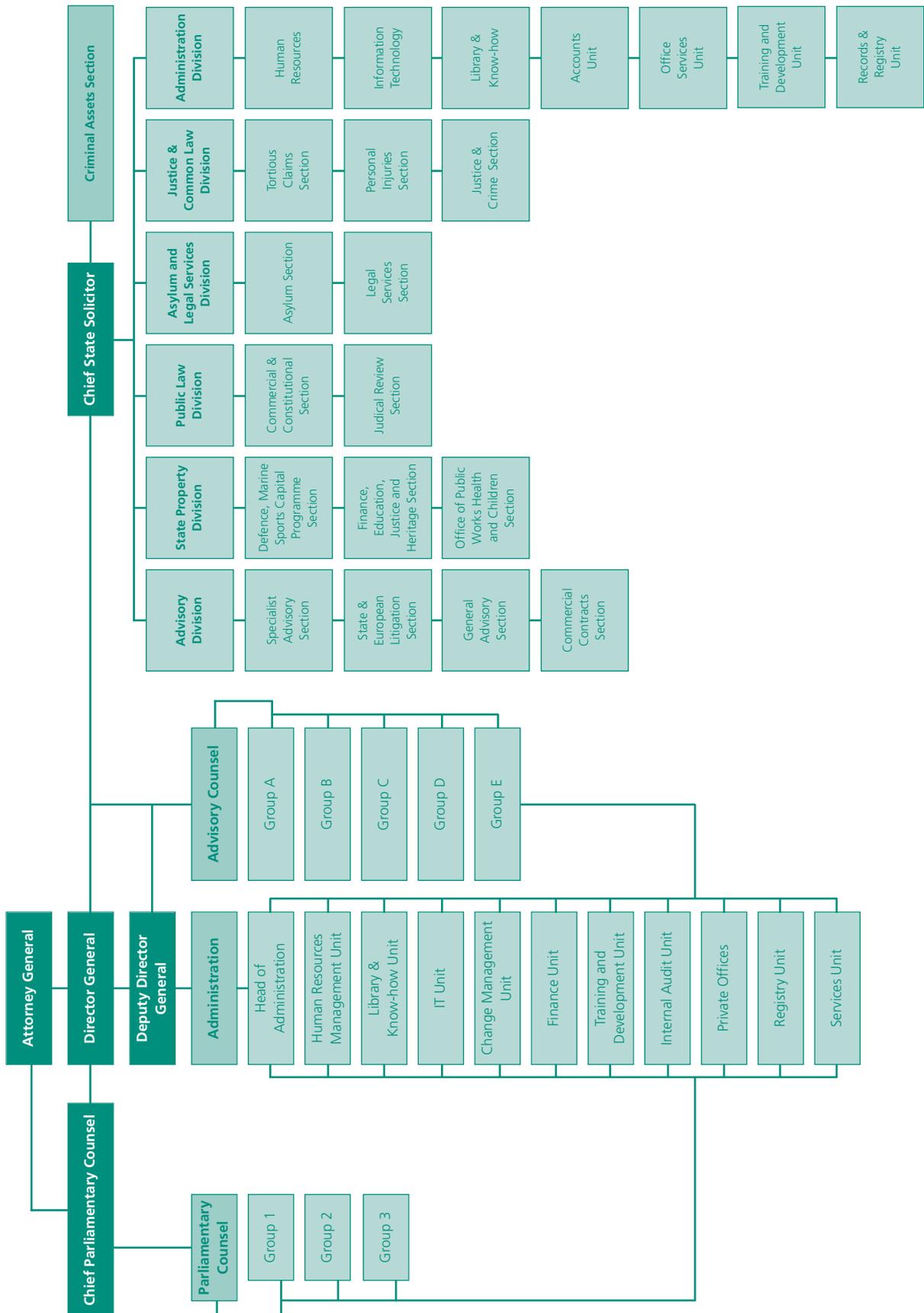
Training Provided by the CSSO Library in 2006

LexisNexis Butterworths Training - September 20th 2006

On-call Panel Training - November 16th 2006



Organisation Chart





Statistical Information on Correspondence received in AGO (Merrion Street Office) and Files Opened in CSSO in 2006

Statistical Information

Merrion Street Office

Correspondence Received in AGO from 2000 to 2006

Year	Amount of Correspondence
01/01/2000 - 31/12/2000	19,874
01/01/2001 - 31/12/2001	22,592
01/01/2002 - 31/12/2002	24,698
01/01/2003 - 31/12/2003	25,945
01/01/2004 - 31/12/2004	25,793
01/01/2005 - 31/12/2005	32,542
01/01/2006 - 31/12/2006	36,781

Statistical Information - CSSO

Files opened from 2003 to 2006

Table 1 - Rate of Opening of New Files

Year	New Files
2003	6,500
2004	7,419
2005	9,634
2006	7,775

Table 2 - New Files opened in Public Law Division 2002-2006

Category of Case	2006	2005	2004	2003	2002
Habeas Corpus	71	108	49	46	43
Judicial Review	254	189	131	128	139
Adoption	13	8	7	14	8
Transfer of Sentenced Persons	19	6	6	15	5
Letter of Request from Foreign Tribunals	5	1	5	4	4
Cases Stated	5	7	0	1	4
Service of Document (Hague Convention & Council Reg EC No 1348/2000)	128	42	109	108	261
Total	495	361	307	316	464



Statistical Information on Correspondence received in AGO (Merrion Street Office) and Files Opened in CSSO in 2006

Table 3 - Asylum Section Work Load Volume, 2003-2006

Year	Number of Cases
2003	409
2004	738
2005	910
2006	1,100

