

# **Office of the Attorney General**

## **Annual Report 2007**

Incorporating the

- **Second Progress Report on Implementation of Statement of Strategy 2006 - 2008, and**
- **Third 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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## **Foreword by the Attorney General**

I am pleased to present this Annual Report on the activities and achievements of the Office during 2007. The Report sets out the main areas of activity of the Office during the year and highlights the main achievements in meeting the high level goals, objectives and strategies as set out in the Office's Statement of Strategy 2006 – 2008.

This Annual Report also highlights the wide range of legal and drafting services provided by both the Attorney General's Office (Merrion Street Office) and the Chief State Solicitor's Office. In addition, it highlights the ongoing modernisation initiatives being implemented throughout the Offices which provide an efficient and timely service to all our clients.

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

**Paul Gallagher, SC**  
**Attorney General**

## Introduction by the Director General

### *Attorney General,*

I am pleased to present the *Annual Report of the Office of the Attorney General for 2007*. It incorporates the Second Progress Report on the implementation of the *Statement of Strategy 2006-2008* and the Third 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*.

During 2007, the Office provided legal services emphasising high quality and timely delivery to our clients, Government, Departments and Offices. The Offices continued to focus on the development and enhancement of further specialization to meet the changing needs of clients and in pursuit of its strategy of increased specialization in key areas.

In December, 2007 the Office prepared a new *Statement of Strategy 2008 – 2010*, which developed our previous Statement of Strategy. This new Statement of Strategy represents the Office's planning for the three-year period and was developed following consultation and analysis of both the internal and external environment in which the Office operates.

The Office was involved in a number of important initiatives during 2007 with the following key projects being progressed:

- Publication of Second and Third Progress Reports on the implementation of the Merrion Street Office and Chief State Solicitor's Office modernisation Revised Action Plans under the Social Partnership Agreement *Towards 2016*,
- Significant progress on the implementation of our Information Technology Strategy including
  - The new Case and Records Management System fully rolled-out to all legal users in both Offices,
  - Continued embedding, enhancement and utilisation of the integrated Financial Management and Human Resources Management Systems in both Offices,

- Further embedding and implementation of the Offices' Management Information Framework Project Plan.
- Publication of the Value for Money and Policy Review of the Law Reform Commission in December, 2007 and significant progress towards finalising Reviews of the Administration of the Attorney General's Scheme and of the Maintenance of the electronic Irish Statute Book (eISB),
- Significant progress on the Pre-1922 Legislation Project including enactment of Statute Law Revision Act 2007 on 8 May, 2007 (largest single repealing statute in the history of the State, repealing 3,225 Acts enacted before 6 December, 1922),
- Further updating of the electronic Irish Statute Book to include the 2006 Acts and the 2005 Legislation Directory (formerly known as the Chronological Tables to the Statutes),
- Consideration and review by the Office Audit Committee of 7 Audit Reports,
- Further implementation of the Offices' initiative to recruit, train and second Advisory Counsel to participating Government Departments.

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 2007.

**Finola Flanagan**  
**Director General**

## **Chapter 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 Counsellor to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the Legal Counsellor has become an essential and intrinsic element of the effective functioning of the Permanent Representation. Due to the participation of the Legal Counsellor 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 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.

## **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, Corporate 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](http://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**

The Office's *Statement of Strategy 2006 – 2008* had the following Mission Statement 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 were derived from the Mission Statement;**

- 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 2007**

### **Part I: Legal Developments**

#### **Work of the Office of the Attorney General, Merrion Street Office, in 2007**

##### **The work of Advisory Counsel in 2007**

During 2007 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 a number of 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, personal injury, health law, childhood abuse, organs and vaccines, abortion, adoption, assisted human reproduction, education, family law, ombudsman, health and safety, nuclear 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, Forestry's, 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 and horizontal issues for the OPC and Brussels-specific issues. 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 2007 in which Advisory Counsel assisted in the provision of advice and directions.

## **Legislation**

Advisory Counsel also advised in relation to primary and secondary legislation drafted in the Office of the Parliamentary Counsel in 2007.

## **International Law**

The Office advised on many international Conventions, Protocols and Agreements, cases and legislative developments in international law in 2007. Advices were also furnished on a considerable number of draft bilateral Agreements in the areas of extradition and mutual legal assistance with non-EU countries.

## **Northern Ireland**

The Office gave advice, in co-operation with the legal division of the Department of Foreign Affairs, in relation to the St. Andrew's Agreement and the options in the event of the failure of restoration of the Assembly.

## **Tribunals and Inquiries**

During 2007, 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 F**.

## **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.

## **Extradition and European Arrest Warrant cases**

In these matters the Office works very closely with the Central Authority at the Department of Justice, Equality and Law Reform, the Garda Síochána and in some case the Department of Foreign Affairs. With recent changes in the movement of persons within Europe, the volume of work in this area has increased dramatically. In the past the bulk of applications in this area were from the adjacent jurisdictions in the United Kingdom. In 2007 however the majority of applications were from Eastern European countries and particularly Poland.

In 2007 there was only one judicial decision in a case under Part II of the Extradition Act 1965. This was an application from Germany called Abimbola in which an application was brought under Part II before the introduction of the European Arrest Warrant process superseded

Ireland's extradition relationship with the relevant State. The Supreme Court decided that Part II no longer applied to cases such as this even if the request from the foreign country had been received at a time when Part II did apply.

There were a small number of judicial decisions in 2007 under Part III of the Extradition Act 1965 which constitutes the previous system for backing of warrants from UK jurisdictions and adjacent territories. The jurisprudence in these cases in 2007 related to issues of delay. In the case of O'Keefe -v- O'Toole (Supreme Court 29/3/2007), the Supreme Court ordered the release of the applicant on the basis that it would be oppressive to order his return to the requesting State given the delay involved and the other circumstances of the case. In the case of Egan -v- O'Toole (Supreme Court 15/11/2007), on the other hand the Supreme Court affirmed the High Court's order to refuse the applicant relief against return. The Supreme Court was not satisfied that the lapse of time in this case was such as to render the applicant's return unjust, oppressive or invidious and the Supreme Court was satisfied that the offence alleged in the warrant corresponded with the common law offence of conspiracy to defraud in this jurisdiction.

There were a large number of important judgments under the European Arrest Warrant Act 2003 handed down in 2007. Some are referred to here. In Tobin (High Court 12/01/2007), the High Court refused to surrender the respondent on the basis that he had not "fled" the issuing State within the meaning of the 2003 Act. In O'Fallúin (Supreme Court 03/05/2007), the Supreme Court held that the 2003 Act obliges the release of the respondent on the expiry of the statutory ten day period after the making of the High Court order. In the important case of Stapleton (Supreme Court 26/07/2007), the Supreme Court resolved the issue of delay by holding that delay was a matter to be raised in the courts of the issuing State, rather than at the surrender hearing in this jurisdiction. In the case of McGrath (High Court 30/01/2007), the High Court indicated that there was no obstacle to bringing a second EAW application where the first had been refused because of doubt about the identity of the person involved. In the case of Busjeva (High Court 27/03/2007), the respondent claimed that the conditions of detention in the requesting country were so substandard as to mean that her surrender would breach the ECHR obligations. The Court held that the respondent would have to show a real risk that she would suffer inhuman or degrading treatment if surrendered and that in view of the fact that the European arrest warrant regime is based on a high level of mutual trust and confidence it could only be in a truly exceptional circumstance and on foot of clear cogent

evidence that a determination could be made that to order surrender would breach constitutional or Convention rights. In the case of Iqbal (High Court 24/04/2007), it was argued that the European Arrest Warrant Act was unconstitutional on the basis that the Council Framework Decision which the Minister agreed to differed in some respects from that which was approved by both Houses of the Oireachtas as required by Article 29.4.6 of the Constitution. The Court decided that it must assume the Oireachtas was satisfied that the resolution passed by both Houses was constitutionally mandated for the transposition of the Framework Decision into Irish law. Finally in the case of MM (High Court 19/12/2007), the court decided that the phrase “detention order” was not confined to a detention order imposed as a form of sentence but could include a situation such as a hospital order with restrictions.

## **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 particularly in the context of the formulation of the Commission’s Third Programme for Law Reform 2008 – 2014 which was published in December, 2007. An Expenditure Review on the Law Reform Commission was finalised in late 2007 by a Steering Group representative of the Office and the Commission. The Review was laid before the Houses of the Oireachtas and copied to the Joint Oireachtas Committee on Justice, Equality, Defence and Women’s Rights in December, 2007. It is displayed on the Office website at [www.attorneygeneral.ie](http://www.attorneygeneral.ie) Officials from the Office also met with the Commission during the year in the context of the Commission’s role in relation to the chronological tables of the statutes (for which the Commission assumed responsibility in 2007) and Restatements.

## **Advisory Counsel in Irish Permanent Representation in Brussels 2007**

The Advisory Counsel, who is seconded as Legal Counsellor to the Permanent Representation of Ireland to the European Union continued to discharge a variety of functions. The primary role of the Legal Counsellor 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 Legal Counsellor 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 Legal Counsellor 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.
- Liaising between Permanent Representation in Brussels and the Office of the Attorney General in Dublin.

The Legal Counsellor also advises on EU institutional legal issues. In particular the Legal Counsellor provided advice during the negotiations that resulted in agreement on a mandate to draft the Lisbon Treaty. The Legal Counsellor went on to represent Ireland in negotiations on the text of the Lisbon Treaty at the Intergovernmental Conference – Legal Experts Group.

## **Work of Parliamentary Counsel in 2007**

The Office of the Parliamentary Counsel to the Government (OPC) drafted a large number of Bills and Statutory Instruments during 2007. Among the 38 Government Bills that were published (see Annex A) and the 42 Bills that were enacted (see Annex B) in the course of 2007, there were a number of significant drafting assignments undertaken by the Office including:

**Asset Covered Securities (Amendment) Act 2007** - In addition to amending the 2001 Act, this Act also includes provisions aimed at developing the Irish covered bonds statutory and legal framework in the light of changes made in other jurisdictions or in EU legislation and introduces a new kind of designated credit institution (a designated commercial mortgage credit institution) whose activities are focused on commercial mortgage lending.

**Carbon Fund Act 2007** - This Act established the Carbon Fund for the acquisition of Kyoto Units on behalf of the State to meet international climate change obligations under the 1992 United Nations Framework Convention on Climate Change and the 1997 Kyoto Protocol to that Convention. It allows the National Treasury Management Agency to draw down funding for the acquisition of Kyoto Units from the Central Fund, which will be repaid in subsequent years through the Vote of the Minister for the Environment, Heritage and Local Government.

**Charities Bill 2007** - This Bill will, when enacted (i) dissolve the Commissioners of Charitable Donations and Bequests and replace it with a body to be known as the Charities Regulatory Authority (ii) provide for the establishment of a register of all charitable organisations operating in the State to be maintained by the Charities Regulatory Authority (iii) provide for the keeping of proper accounts by charitable organisations and the annual auditing of those accounts (iv) provide for the investigation of the affairs of a charitable organisation by inspectors appointed by the Charities Regulatory Authority (v) provide for the establishment of a Charity Appeals Tribunal to hear appeals from decisions of the Charities Regulatory Authority and amend the Street and House to House Collections Act 1962 to cater for new techniques employed by charitable organisations in soliciting donations from the public.

**Communications Regulation (Amendment) Act 2007** - The main provisions of the Act include:

(i) increased the enforcement powers of the Commission for Communications Regulation to compel compliance by providers of telecommunications services (operators) with their obligations under the EU Regulatory Framework for electronic Communications Networks and Services, and (b) the amendment of the Electronic Commerce Act 2000 to transfer responsibility for the oversight and management of the Irish internet domain name .ie to the Commission for Communications Regulation.

**Consumer Protection Act 2007** - Implemented the Unfair Commercial Practices Directive (Directive No.2005/29/EC of the European Parliament and of the Council of 11 May 2005) which was required to be transposed by 12 June 2007. As well as giving effect to provisions of that Directive which represent an appreciable strengthening of the position of the consumer vis a vis traders in relation to a whole range of practices of questionable propriety engaged in by some of the latter, that Act also establishes the National Consumer Agency. That Agency is conferred with considerable powers to combat unfair commercial practices, including the imposition of on-the-spot fines. Any weaknesses that were perceived (in the wake of some fairly recent, highly publicised, “scams”) to exist in the pre-existing regime concerning pyramid schemes have been dealt with by the Act’s provisions in the area of such schemes.

**Criminal Justice Act 2007** - The Act makes a number of substantive changes to criminal law and procedure. Some of the more significant changes relate to the granting of bail, sentencing (including provision for the imposition by courts of minimum mandatory sentences for certain repeat offenders in certain circumstances) and the curtailment of an accused's right to silence during criminal investigations in certain circumstances by the drawing of adverse inferences from such silence in those circumstances. In addition, the power of the Garda Síochána to detain suspects in relation to certain specified offences, including murder involving the use of a firearm, is extended to periods of up to 7 days. The Misuse of Drugs Act 1977 and the Firearms Acts 1925 to 2006, which were amended by the Criminal Justice Act 2006, are further amended by this Act. Before signing the Bill into law, the President consulted with the Council of State for the purpose of deciding whether to refer the Bill (or provisions of it) to the Supreme Court under Article 26 of the Constitution for a decision as to its compliance with the Constitution, but ultimately the President decided not to so refer the Bill.

**Criminal Law (Human Trafficking) Bill 2007** - The main purpose of this Bill is to give effect to Council Framework Decision of 19 July 2002 on Combating Trafficking of Human Beings, and to give effect, in part, to a number of other international instruments relating to the same subject. When enacted the Bill will make it an offence to (i) traffick a child or mentally impaired person for the purposes of his or her sexual exploitation, labour exploitation or for the purposes of the removal of one of his or her organs (ii) traffick an adult person for the purposes of his or her sexual exploitation, labour exploitation or for the purposes of the removal of one of his or her organs, where the trafficking is accompanied by certain aggravating circumstances, or (iii) sell or offer for sale another human being.

**Defence (Amendment) Act 2007** - In addition to it being the first significant reform of the Defence Acts since 1954, its main purpose was to update the disciplinary provisions of the Acts having regard to the European Convention on Human Rights. It followed a rigorous review of the existing military law by the Military Law Review Board in 2001 introduced significant reforms to the code of military discipline, contained in Part V of the Defence Act 1954. The 2007 Act is a radical overhaul of the existing structures and procedures governing summary investigations and courts-martial. The 2007 Act has regard to prevailing human rights norms as developed by the ECHR jurisprudence and provides for the application of civilian legal principles and standards to aspects of the procedures for military investigations and courts-martial. Key provisions include the establishment of an independent prosecuting authority (the Director of Military Prosecutions), the creation of an independent military judicial office (the military judge) and the appointment of a Courts-Martial Administrator. In addition to these new offices the Act provides for the establishment of a new summary court-martial, and the restructuring of general and limited courts-martial.

**Electricity Regulation (Amendment) (Single Electricity Market) Act 2007** – This Act provides for the creation and operation of a Single Electricity Market on the island of Ireland. Legal difficulties in relation to whether a further cross border-body could or should be created were resolved by the energy regulatory bodies in each jurisdiction creating “mirror image” structures.

**European Communities Act 2007** - This Act was enacted primarily to take account of two decisions of the Supreme Court relating to the implementation of acts of the institutions of the European Communities. The Supreme Court held in *Vincent Browne v Attorney General*, 16 July 2003, and *Thomas Kennedy v Attorney General*, 31 May 2005, that a provision of an Act of the Oireachtas conferring power on a Minister to make a statutory instrument could not be used for the purpose of giving effect to an act of the institutions of the European Communities unless that provision expressly permitted. The Act remedies the problem created by those decisions in the following way:

- (a) it provides that where a statute confers a power to make a statutory instrument on a Minister of the Government, that power may be exercised for the purpose of giving effect to an act of the institutions of the European Communities without the need for

express permission in the statute, provided that the provision in the statute conferring that power and the act concerned relate to the same subject matter; and

- (b) it validates all statutory instruments that were made under such a power before the passing of the Act and that purported to give effect to an act of the institutions of the European Communities.

This Act also amends section 3 of the European Communities Act 1972 to enable Ministers of the Government to create indictable offences in regulations under that section for failure to comply with such regulations.

**Health Act 2007** – This Act provides for the establishment of the Health Information and Quality Authority (HIQA) and the Office of the Chief Inspector of Social Services. It also establishes a registration and inspection system for residential services for children in need of care and protection, persons with disabilities and older people.

**Markets in Financial Instruments and Miscellaneous Provisions Act 2007** - While Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments (Markets in Financial Instruments Directive - MiFID) was transposed into Irish law by the European Communities (Markets in Financial Instruments) Regulations 2007 (S.I. No. 60 of 2007), certain complementary measures required primary legislation. These included-

- (a) the provision of significant penalties on foot of conviction on indictment for major breaches of the provisions transposing MiFID, and
- (b) ensuring that the Financial Regulator's powers cover MiFID matters and the ministerial regulations transposing the Capital Requirements Directive.

The Act also makes a range of largely technical amendments of a financial nature to various Acts.

**Medical Practitioners Act 2007** - The main objective of the Act is to provide for a modern, efficient, transparent and accountable system for the regulation of the medical profession which will satisfy the public and the profession that all medical practitioners are appropriately qualified and competent to practise in a safe manner on an ongoing basis.

**National Development Finance Agency (Amendment) Act, 2007** - The purpose of this Act is to amend the National Development Finance Agency Act 2002 to give a statutory basis for the Centre of Expertise in the National Development Finance Agency (NDFA) to procure public private partnership arrangements (PPPs), particularly those funded by unitary payments from Departmental/Agency Votes.

**Pharmacy Act 2007** - This Act makes new provision for the regulation of pharmacy. It includes provision for the dissolution of the Pharmaceutical Society of Ireland and the setting up of a new Pharmaceutical Society of Ireland, for the establishment, constitution and functions of the new Society's Council. It provides for a new system of registration of qualified pharmacists, druggists and pharmaceutical assistants and of pharmacies. The latter had previously not required registration.

The revised registration system also allows for updating of the registration process for EU/EEA and overseas pharmacists. It also includes the removal of the derogation (derogation under Article 2.2 of Council Directive 85/433/EEC) whereby there was a restriction on pharmacists educated in other EU or EEA countries from owning, managing or supervising a pharmacy in Ireland that is less than three years old. It establishes new procedures to ensure that pharmacists, and pharmacy businesses, are, and continue to be, fit to practise.

**Prisons Act 2007** - This Act enables escort services for prisoners to be contracted out to private providers, allows prisoners to participate in the hearing of certain applications by live TV link and includes provisions regarding prison discipline, "planning" requirements for new or extended prisons and the appointment of an Inspector of Prisons. The Act also prohibits the unauthorised possession or use of mobile telecommunications devices by prisoners.

**Statute Law Revision Act 2007** - This Act repeals all Public General Acts enacted prior to the 6<sup>th</sup> December 1922, with the exception of 1,364 Acts listed in *Schedule 1*. It expressly repealed 3,225 Acts listed in *Schedule 2* which were either spent or obsolete and implicitly repealed approximately 12,000 that were deemed not to have applied to Ireland and consequently were not listed in the Act. By listing all Acts which remain in force in *Schedule 1*, this Act provides for the first time clarity as to what Public General Acts enacted prior to

1922 remains in force in the State. In addition it conferred short titles on all Acts being retained where they were not already in possession of one.

**Water Services Act 2007** - This Act consolidates and updates the law relating to the provision of water services. Prior to its enactment, much of the legislation governing the area dated back to the nineteenth century. The Act makes provision for water services authorities (formerly sanitary authorities) and provides such authorities with a wide range of powers to enable them to carry out their functions. The Act also makes provision for the establishment of a body to be known as the National Rural Water Services Committee and sets out that bodies functions. The Act also provides for a strategic planning process to facilitate sustained improvement in the management and operation of water services infrastructure.

In addition to the workload of primary legislation, 314 statutory instruments were drafted or settled in the OPC, including 55 European Union statutory instruments.

## **Work of the Chief State Solicitor's Office in 2007**

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2007.

### **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 issues 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. During 2007 the Section received **294** new cases. Most of the cases that were dealt with went to full plenary hearing. Issues of law dealt with 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.

In 2007 the Section received **255** judicial reviews, **100** habeas corpus applications, **3** adoption cases, **7** cases stated, **6** letters of request from foreign tribunals and **165** documents for service under EU Council Regulation No 1348/2000 and the Hague Convention on service abroad of judicial and extra judicial documents in civil and commercial matters.

## **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 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 2007, 1,096 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 Counsels' fees and acts 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 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 2007 included the continued acquisition of sites around the country under the Decentralisation Programme. While outright acquisitions have continued, the project has moved into the next phase of long term leasing and also temporary leasing for advance parties.

Other work included the disposal of properties under the Transforming State Assets Programme, including the first income stream participation disposals (44/45 O'Connell Street, 17/19 Hatch Street and Hawkins House, all in Dublin); the continued acquisition of school sites under the School Site Acquisition Programme and the rollout of broadband and digital radio licences on State property.

## **Defence, Marine and Sports Capital Programme Section**

During 2007 this Section dealt 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, Energy and Natural Resources: Arts, Sport and Tourism. The work included leases and licences of foreshore, sales and leases of premises which were surplus to military requirements and the implementation of the legal framework for the disposal of property for the Affordable Housing Initiative. The Section was also responsible for the legal work in relation to the issue of National Lottery Grants and Gaeltacht Grants. Major transactions

handled in 2007 included the disposal of the Butter Testing Station at Harcourt Terrace Lane, Dublin, Gormanstown Camp, Co. Meath , Magee Barracks, Co. Kildare to local authorities under the Affordable Housing Initiative and a land swap at Abbotstown, Co. Dublin with the National Stadium Development Co. Ltd..In addition Lottery Grants were given for the redevelopment of high profile venues such as Semple Stadium and Thomond Park.

### **Finance, Education, Justice and Heritage Section**

In 2007 the work of this Section included 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 was the ultimate intestate successor, school leases, purchases of sites for schools and prisons, commercial leases for the Minister for 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 involved the acquisition of national monuments and historic properties. A large amount of bogs and turbary rights in various counties were acquired on behalf of the Minister for the Environment, Heritage and Local Government for conservation purposes. Major transactions handled in 2007 included the purchase of property for schools at Glasthule, Co. Dublin (€7 million), Ongar Village, Dublin 15 ( €5 million) and Adamstown, Dublin (€ 1,561,000) plus additional lands at Thornton Hall, Co. Dublin, for an access route to the proposed prison. The Section also acted for the Commissioners of Public Works in relation to the purchase of property on the Great Blasket Island, Co. Kerry.

### **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 cases and European Arrest Warrant applications in the High and Supreme Courts on behalf of the Attorney General and the Minister for Justice, Equality and Law Reform. The Section provides Solicitor services to the Garda Síochána and client Departments in matters such as Inquests, Licensing applications, Police Property Act applications, Transfer of Sentenced Persons applications, Appeals to the Courts Martial Appeals Court and Ministerial Prosecutions.

During 2007 the Section dealt with **193** new European Arrest Warrant applications, **3** new Extradition cases from outside the European Union, **160** Companies Office prosecutions, **9** Inquests, **22** Transfer of Sentenced Persons applications, **204** Intoxicating Liquor Licence applications and a range of Ministerial prosecutions including **400** Social and Family Affairs prosecutions.

Also during 2007 the Head of 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 with civil actions against the Garda Síochána claiming damages for assault, wrongful arrest, false imprisonment, defamation and malicious prosecution. It represents the Garda Authorities in relation to inquiries conducted by the Dublin Archdiocese Commission of Investigation. In addition it deals with non party discovery applications seeking disclosure of documentation from the Gardai. In 2007, the Section dealt with **208** new cases.

### **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 (SI No 503 of 2005) on the 1<sup>st</sup> September 2005, the State Claims Agency took over the responsibility for the management of childhood abuse litigation and the Section provides legal services to the SCA in respect of such claims. There is a team of Solicitors in the Section to handle Day School Abuse litigation and a special Unit to deal with Residential Abuse cases. 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. There were **180** new cases in the Section in 2007.

## **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 2007 provided representation to the Department of Justice, Equality and Law Reform at the Morris Tribunal and dealt with costs issues arising therefrom. The Section also deals with natural resources cases and contractual and regulatory advisory work as well as certain Ministerial prosecutions and provides a back up to the General Advisory Section.

### **General Advisory Section**

This Section has responsibility for general advisory matters which include instituting Plaintiff litigation on behalf of the State, third-party discovery, mutual assistance, company law proceedings, arbitrations, adoption matters, civil registration matters, Garda Síochána advice matters, advising the Irish Prison Service, mining and petroleum exploration and development, wildlife prosecutions, habitat prosecutions, debt collection to include recovery of overpayment of State pensions and non-payment of vehicle storage charges, grants and REPS payments, recovery and enforcement of Pensions Ombudsman's determinations, as well as representing the State on public interest issues before Tribunals of Inquiry. Tribunal work also included representing the Minister for Communications, Energy and Natural Resources at the Moriarty Tribunal and representing the Minister for Finance at both the Mahon Tribunal and the Morris Tribunal in relation to costs.

### **State and European Litigation Cases**

This Section deals with cases before the European Court of Justice and the Court of First Instance. It handles legal proceedings before the ECJ instituted by the European Commission against Ireland and proceedings taken by Ireland against the Commission as well as cases in which Ireland intervenes in proceedings involving another member State. The Section also 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. Further the Section provides legal advices on Civil Service employment issues as well as handling company restoration applications.

## **Commercial Contracts Section**

This Section provides advice on commercial contracts to Government Departments and Offices including dealing with procurement issues, contractual negotiations and drafting. It handles contractual work in a wide range of areas including information technology, intellectual property, employment, pensions, maritime, aviation and natural resources.

## **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 **6** occasions during 2007 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 **3** occasions in 2007 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 2007 the authorised staff complement in the Merrion Street Office was **138** including contract staff with **2** vacancies. The authorised staff complement in the Chief State Solicitor's Office at the end of 2007 was **249** with **14** 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 2008 – 2010**

On 13 December, 2007 following a comprehensive development and consultation process involving all staff in the Merrion Street Office and the Chief State Solicitor's Office, a new Statement of Strategy 2008 – 2010 was submitted to the Attorney General in advance of the statutory deadline. This new Strategy Statement represents the whole Office's thinking and

planning for the next three-year period. The Office consulted with Departments and Offices and requested their views and observations for consideration in the context of the development process. A review of the Statement of Strategy 2008 – 2010 to take account of changes in Government announced in May, 2008 and recent developments will be undertaken in late 2008.

### **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.

### **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 2007 the main focus continued to be in relation to further implementation in both Offices of a new Case and Records Management System (ACME) and the continued embedding, enhancement and utilisation of the integrated Financial Management System and the Human Resources 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 2007 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 2007, 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 2007. This resulted in the enactment of the Statute Law Revision Act 2007 on 8 May, 2007. This Act was the largest single repealing statute in the history of the State, repealing 3,225 Acts enacted before 6 December, 1922. A further 12,562 Acts that were not applicable to Ireland but were passed by the Parliament of the United Kingdom of Great Britain and Ireland, were also repealed. The next phase of the Statute Law Revision Project, focusing on "Local and Personal" and "Private" Acts enacted prior to 6 December, 1922 commenced in September, 2007.

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

During 2007 the Office continued to keep under review its Action Plan to monitor the implementation of the recommendations of the Sullivan Report on the Review of the Office of the Attorney General published in June, 2006. Notwithstanding the fact that all recommendations have been implemented the local Merrion Street and CSSO MACs, the joint Merrion Street/CSSO MAC and the Partnership Committee in the Merrion Street Office were consulted in relation to developments arising out of the Report as appropriate. The Office reported on implementation of the recommendations of the Sullivan Report in its Progress Reports under *Towards 2016* to the Civil Service Performance Verification Group.

## **Cross-Functional Working Initiatives**

During 2007 cross-functional teams involving staff from the Merrion Street Office and the Chief State Solicitor's Office continued to operate in projects including the Case and Records Management System Project, the Financial Management System Project, the Human Resource Management System Project and the Knowledge Management Strategy Project.

Also, staff from both Offices and where appropriate, the Law Reform Commission worked together on issues such as the progression of Value for Money and Policy Reviews, e.g. Administration of the Attorney General's Scheme and the Law Reform Commission.

## **Organisational Flexibility in the Merrion Street Office**

During 2007 the Office continued to implement proposals to increase organisational flexibility in line with commitments set out under the Social Partnership Agreement *Towards 2016*. 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 2007 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 and business users' committees;
- The intensification of the provision of training to users of the ACME System and FMS.

This flexibility occurred at a time when the workload of the Office increased significantly since the previous year.

A cross-functional 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, 2008. In total **942** files were transferred in 2007 and **44** withheld as they contained personal information.

## **Organisational Flexibility in the Chief State Solicitor's Office**

In the Office, organisational flexibility is a priority, with reorganisation of staff, responsibilities and Sections in response to the changing demands of clients. During the year 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. Seven solicitors continued to work on the Tribunals of Inquiry which are running

contemporaneously. In addition, the Office continued to provide two solicitors as and when required to represent the Public Interest at Tribunals.

During 2007 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;
- The Office continued to operate an internal staff mobility policy.
- A panel of external solicitors was available 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 G**. Advisory Counsel 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 2007 in relation to other significant developments such as Internal Audit, the *Towards 2016* Social Partnership Agreement, 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 F**.

## **Chapter 4: Progress Achieved in reaching Goal 1**

### **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 indicator**

- 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 Indicator**

- Implementation of the procedures and practices set out in the Report of the Group on the Quality Control of Legislation;
- Participation in the rollout 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 Indicator**

- 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 Indicator**

- 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 Indicator**

- 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.

**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.

### **Progress achieved**

#### **Objective 1**

During 2007 the focus for the Advisory side of the Merrion Street Office was on the further development, enhancement and refinement of specialisation as the key to the achievement of the Office's Goals, Objectives and Strategies. This key strategy of *specialisation* is the key to

providing effective legal services in the exceptionally wide range of legal work in which the Advisory side is involved. A re-organisation of the Advisory Groups was completed in late 2007 to align the delivery of services with changing client needs. The process entailed an analysis and review of the workload and composition of all Advisory Groups thus facilitating the identification of new emerging areas of law, areas of law that are expanding, reviewing and identifying all activities/services which should be managed by other competent authorities and the need to anticipate client needs and client feedback received in all areas of law.

During the year the Advisory Groups continued to review work through a formalised system of eight-week review cycles. The Groups prioritised work through regular formal and informal meetings with client Departments held throughout the year. In addition to addressing work related matters these meetings also provided an opportunity to gauge feedback from clients on service delivery issues and to highlight new and emerging issues. For example, the bi-monthly extradition/European Arrest Warrant meetings with client Departments, Garda Síochána and the CSSO held during the year dealt with issues in relation to individual cases, categories of cases, management of the area, communications between stakeholders, approaches and strategies to be communicated to panel of counsel and liaison with requesting States and the Courts Service.

Groups met regularly during 2007 within the Office to discuss workload and case specific issues. Examples of such meetings included the monthly Legal Issues meeting, the asylum lawyers group and the weekly Advisory Counsel Group meetings. These meetings provided valuable opportunities for the exchange of legal know-how ideas and experiences across different specialist Groups.

A follow-up meeting of the Offices' Client and Customer Panel, facilitated by an external consultant and representative of clients and customers of the Advisory and Administration sides respectively was held in late September, 2007. The report of the meeting highlighted very positive feedback in relation to service delivery issues and issues raised informed the development of the questionnaire to issue to clients and customers in the context of a follow-up client and customer satisfaction survey to be undertaken in the first quarter of 2008.

The Office's Legal Management Advisory Committee representative of all legal areas of the Office – Advisory, OPC and CSSO as well as the Attorney General met on 3 occasions to

discuss ongoing legal issues within the Office. Bi-monthly meetings were also held between the Office and the Office of the Director of Public Prosecutions to discuss constitutional cases common to both Offices.

Nominated Advisory Counsel participated throughout the year in the work of various project governance committees and working groups in the context of the ongoing development and enhancement work on the new Case and Records Management System. All Advisory Counsel continued to use the system throughout the year.

During 2007 consultations with the Office of the Director of Public Prosecutions continued in relation to the transfer of responsibility for fisheries prosecutions to that Office. Indeed interim arrangements were put in place by year-end whereby that Office took over responsibility for certain fisheries prosecutions.

During the year Advisory Counsel continued to support the Law Reform Commission, particularly in the context of its programme of work and finalising the Commission's new Third Programme for Law Reform.

### **Knowledge Management**

Advisory Counsel continued to promote a culture of knowledge sharing, underpinning the delivery of legal advice to Government, Departments and Offices through attendance and participation in Legal Issues meetings and contributing to the preparation of Legal and European Convention on Human Rights (ECHR) Bulletins. Advisory Counsel participated in the Knowledge Management Committee and the Know-how Sub-Committee, whose task it is to devise a new knowledge management strategy.

### **Risk Management**

During 2007 Advisory Counsel contributed to the further embedding of formal risk management policies within the Office. Advisory Counsel reported throughout the year 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 constitutional cases for inclusion in Reports submitted to Government on such cases in March,

July and November, 2007. Also in 2007 an Advisory Counsel I chaired meetings of the joint Merrion Street Office/CSSO Risk Management Committee and reported regularly to meetings of local and Main MACs and the Audit Committee in the context of the Committee's embedding of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Heads of Advisory Groups reviewed the Advisory Counsel risk register in July, 2007 and completed an assurance statement in this regard in line with the risk management policy.

### **Resource Allocation Business Planning (RAB) Project**

Throughout 2007 Advisory Counsel Groups participated in the Office's Resource Allocation Business Planning (RAB) Project in the further development and finalisation of 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 2007 Advisory Counsel participated in the process of adopting the new PMDS model including Upward Feedback within the Office. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and a significant number of annual reviews were completed by year-end. PMDS training was provided to new Advisory Counsel within 1 to 2 months of arrival in the Office. The process of reviewing Group Business Plans taking account of the *Statement of Strategy 2006 - 2008* and risk management was undertaken in late 2007 and entailed full consultation at individual Group level.

### **Objective 3**

#### **Co-operation with Legal Advisers in Government Departments**

Throughout the year Advisory Counsel continued to foster constructive and close working relationships with legal advisers in Government Departments. The Office recognizes the importance of these links 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 2007 the Office contributed significantly to effective public service by assisting in the co-ordination of the legal services of the State. Significant progress was achieved during the year in the implementation of the Office's initiative to recruit, train and second Advisory Counsel to participating Government Departments. By October, 2007, 7 additional Advisory Counsel were recruited and commenced training.

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 also provided ongoing advice and support to those Advisory Counsel already seconded to participating Departments.

## **Inter-Departmental Committees and Working Groups**

During 2007 Advisory Counsel advised and participated in Working Groups on a range of important "cross-cutting" or interdepartmental issues.

A list of the key interdepartmental Committees and Working Groups is set out at **Annex F** of this Report.

## **Management of Litigation – particularly mass claims**

During 2007 the Office continued to implement the important 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 Advisory Counsel continued to provide direction of legal strategy as appropriate to ensure the ongoing effective management of European Court of Justice (ECJ) litigation. This involved regular review meetings with legal staff in the CSSO and Departmental officials. Chapter 3 of this Report sets out details of some important cases before the ECJ in 2007.

## **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.

## **Chapter 5: Progress Achieved in reaching Goal 2**

### **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 2007 the OPC continued to be 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.

## **Training**

During the year the Office 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 are also used in the training process. The OPC participated in training courses provided by CMOD on the legislative process. These courses facilitate Departments becoming familiar with the legislative process and in identifying for client Departments the level of instructions that is required to facilitate an efficient drafting service.

## **Accessibility of Legislation**

During 2007 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 to oversee the maintenance of the Irish Statute Book website (eISB). In 2007, the eISB was updated to include the 2006 Acts and the 2005 Legislation Directory (formerly known as the Chronological Tables).

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) during the production of the August 2006 update, the Office sought advice from an external Legal Publishing company on the feasibility and costs involved in the application of suitable options to provide a solution to the data error problem. The company delivered a report at the end of January 2007 and commenced a project to rectify the data error problem in April 2007. The project was completed in October 2007 and the corrected data published on the eISB .

The eISB web site was re-designed to comply with Public Service Guidelines on web accessibility and usability and this update went live in March 2007. Statutory Instruments produced through the electronic Statutory Instruments system (eSIS) in PDF format were made accessible through a link from the eISB home page. By December 2007, approximately 570 statutory instruments in the number range 1 to 750 were available.

## **Statute Law Revision**

The Bill for the Statute Law Revision Act 2007 was published in January 2007 and enacted on the 8 May 2007. The principal purpose of the Act is the repeal all Public General statutes enacted before 6th December 1922 other than the 1,364 Acts specified in Schedule 1 to that Act. The Act is the largest single repealing statute in the history of the State. Schedule 2 to that Act expressly repeals 3,225 Acts relating to Ireland. This is more than the number of Public General Acts enacted by the Oireachtas from 1922 up until the enactment of the Statute Law Revision Act 2007 (3,193 Public General Acts enacted from 6 December 1922 to 8 May 2007). In addition, by their exclusion from the 2007 Act, a further 12,562 Acts that were not applicable to Ireland, but were passed by the Parliament of the United Kingdom of Great Britain and Ireland, were also repealed.

The next phase of Statute Law Revision, which commenced in September, 2007, focuses on “Local and Personal” and “Private” Acts enacted prior to the 6 December 1922. A total of 22,423 “Local and Personal” Acts and 11,205 “Private” Acts have been identified by the project, making a total of 33,628 Acts to be examined. It is envisaged that a Statute Law Revision Bill will be published in 2009. The Public Consultation associated with this phase also included a request for submissions on Charters for the purpose of examination at a later stage.

The work on both the Statute Law Revision Act 2007 and the work for the proposed Bill for 2009 was and is being undertaken by contract researchers (one of whom is assistant project manager) engaged on short-term contracts, a practising barrister as an expert consultant and project manager and by the First Parliamentary Counsel as director of the project.

## **Knowledge Management**

During 2007 the Office of the Parliamentary Counsel continued to promote a culture of knowledge sharing, underpinning the delivery of legislation to the Government. Parliamentary Counsel collaborated throughout the year as appropriate with Advisory Counsel colleagues in the course of the legislative drafting process. Parliamentary Counsel also attended and participated in Legal Issues meetings.

## **Risk Management**

During 2007 Parliamentary Counsel contributed to the further embedding 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 Managers, at individual Group meetings and Legal MAC meetings. 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 implementation of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Group Managers reviewed individual Group risk registers in July, 2007 and completed an assurance statement in this regard in line with the risk management policy.

## **Chapter 6: Progress Achieved in reaching Goal 3**

### **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. Q.2, 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 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, where services no longer provided by local State Solicitors. Policy document to be ready for end Q3, 2006.

### **Strategy 11**

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

**Performance Indicator**

- 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 Indicators**

- 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 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 Indicator**

- 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 2007 the Chief State Solicitor's Office continued with the development, enhancement and refinement of specialist legal services in areas of importance to client Departments and Offices. The primary focus for the Office during the year, in consultation with client Departments, was on identifying new areas of work and current areas of work which are expanding such as commercial contracts, European Arrest Warrant applications, Civil Service employment cases, Garda litigation, Conveyancing for the Government Decentralisation Programme, asylum immigration and repatriation work, childhood abuse litigation, nursing home charges litigation and special needs and child welfare litigation.

The Office's MAC regularly discussed the issue of redeploying its resources to meet the changing needs of clients. Some staff were redeployed during the year and others remained in situ to cover important areas of work:

- Two additional fulltime solicitors and one part-time solicitor deployed to Public Law Division.
- Solicitor and Legal Executive deployed to Asylum Section.
- Three solicitors deployed to deal with Garda litigation from the unit which formerly handled work before the Commission to Inquire into Child Abuse.
- Continued provision of a conveyancing service for the Government Decentralisation Programme.
- Continued development of the Commercial Contract 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 special unit to deal with residential abuse litigation.
- Continued operation of a team to deal with day school abuse litigation.
- Continued operation of dedicated teams to deal with special needs, child welfare and nursing home charges litigation.

## **Case and Records Management System (ACME)**

By April, 2007 the new Case and Records Management System was fully rolled out to all legal users for all new files across the CSSO. Areas included Judicial Review (& Planning), Garda Compensations, Extraditions, European Arrest Warrants & Transfer of Sentenced Persons, Civil Bill and Summons. Accordingly, from May, 2007 all new legal files for the CSSO were created on ACME.

From April, 2007 there was an intensification of user training on the use of the system and active and continued support was provided by Helpdesk staff to all users of the system.

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 2007 the CSSO actively contributed to the further embedding and implementation of formal risk management policies within the Office. Throughout the year risk related matters were discussed at Divisional and Section meetings and 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 implementation of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Business Plans were also reviewed during 2007 to take account of the Office's risk management strategy.

## **Knowledge Management**

During 2007 the CSSO continued to promote a culture of knowledge sharing, both within the Office and between the CSSO and the Merrion Street Office underpinning the delivery of legal services to Government, Departments and Offices. CSSO legal staff also attended and participated in Legal Issues meetings and contributed to the preparation of Legal Reference Guides.

Also work on identifying further 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**

During 2007 CSSO staff attended regular review meetings with Advisory Counsel in the Merrion Street Office and officials in the relevant Departments in the context of managing litigation, particularly mass claims, in a strategic manner. Also, close liaison was maintained between the CSSO and the State Claims Agency in regard to the management of childhood abuse litigation.

The CSSO continued to operate specific initiatives to manage mass litigation, including:-

- The provision of an asylum law litigation service to support the Department of Justice, Equality and Law Reform and the immigration / asylum agencies.
- The provision of dedicated teams to handle special needs, child welfare and nursing home charges litigation.
- Actively handling and defending where appropriate, the Office's current caseload of residential and day school abuse cases.
- Actively handling and defending where appropriate, the civil servant employment law caseload.
- Actively handling and defending where appropriate, all civil proceedings taken against An Garda Síochána or members of An Garda Síochána. During 2007 the Office developed a specialist Section to undertake this work.

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

The Office reached an agreement with the State Solicitors Association 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 with effect from 15 May, 2007. Under the terms of the parting agreement State Solicitors will continue to deal with some civil work up to end June, 2008. The Office will actively manage the remaining work until that date and will use the interim period to form a view on the amount of work involved and the requirement for external providers.

## **Administration of the Attorney General's Scheme**

Responsibility for the administration of the Attorney General's Scheme was transferred to the Department of Justice, Equality and Law Reform scheme on an agency basis from 1 February, 2007.

## **Provision of critical legal services outside of normal Office hours**

Throughout 2007 the Office continued to operate the on-call legal panel to manage issues which arise out of hours. During the year additional legal staff continued to be available for the on-call panel.

## **Objective 2**

### **Measure Value for Money**

By end-2007 the Office finalised the draft Report of the joint AGO/CSSO Value for Money and Policy Review (VFM & P) in respect of the Attorney General's Scheme. In late 2007, interim Reports on the Reviews of Stenographer's Services and Costs Recovery were presented to CSSO MAC - both Reviews are expected to be completed by mid-2008.

### **Integration between Financial Management System and Case and Records Management System**

During 2007 the Offices progressed further the development of the interface between the Financial Management System and the ACME System. The availability, utilisation and further development and enhancement of management reports containing both financial and non-financial information has facilitated improved performance measurement and decision-making within the Office.

During 2007 management and technical support for ACME and associated projects continued to be provided with technical and business users fully participating in projects. In early 2007 the CSSO in conjunction with the Merrion Street Office appointed an external IT trainer to supplement existing resources dedicated to the project and to provide training in the use of the ACME system.

## **Chapter 7: Progress Achieved in reaching Goal 4**

### **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 Q 4, 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 provided;
- Delivery of personal development and training programme delivered through Q1, 2006 to Q.4, 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;

#### **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 Q 3, 2006;
- Improved Management Reports developed in Merrion Street Office and CSSO and reviewed monthly by MACs and bimonthly by Main MAC. Further development of Reports to improve performance and day-to-day decision-making completed by end Q 3, 2006;
- Costing Framework developed in Merrion Street Office and CSSO and initial Costing Reports utilising financial and non-financial information completed by end Q 3, 2006;
- Full post-implementation review of MIF Project in Merrion Street Office and CSSO to be completed by end Q 1, 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;
- 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 Office's IT Strategy.

#### **Performance Indicator**

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

### **Strategy 6**

Keep under review the Office's 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 Q.4, 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 Q 3 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.

### **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/ODDP 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**

During 2007 the Office continued to implement the current Human Resources Strategy covering the period 2005 to 2007. The roll-out of the new PMDS model was a key development in early 2007.

Work will commence in 2008 to devise a new Strategy to support the Office's future objectives for the period 2008 – 2010.

#### **Recruitment**

During 2007 the Office, with the assistance of the Public Appointments Service, ran 6 separate competitions; 1 Assistant Parliamentary Counsel Grade II, 2 Advisory Counsel Grade III, 1 Legal Researcher, 1 Graduate Library Trainee and 1 Research Librarian. The competencies required for 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 accepted permanent positions with the Office.

The Office continued to offer a very wide range of atypical working arrangements during the year. In late 2007 a Sub-Group of the Partnership Committee was established with a view to

reviewing the Office's e-working pilot project. The review is expected to be completed in 2008 and its findings will be used to decide on the future direction of the e-working facility.

### **Human Resources Management System (HRMS)**

During 2007 the Office continued to utilise the new PeopleSoft HRMS. By year-end the Office achieved full utilisation of the system which has completely replaced the previous system.

### **Performance Management and Development System (PMDS)**

During 2007, the focus for the Office was the further embedding of the new PMDS model including Upward Feedback within the culture of the Office. Training in the new model was provided to all new staff within 1 to 2 months of their arrival in the Office. In early-2007 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 commenced in early-December, 2007 a comprehensive modular Management Training & Development Programme for all staff at middle and senior-management level. The Programme includes 5 Modules covering Management and Leadership in the Office, Stepping back: Strategic Thinking, Leading Teams to Results, Managing others for Results and Developing others for Results.

### **Accommodation**

As the Office approached full sanctioned staffing levels increased demands were placed on accommodation. Over the past number of years many projects, such as the sub-division of rooms, had been undertaken by the Office with a view to maximising existing space. Unfortunately the existing building had reached maximum capacity and there was no further scope for expansion within its parameters.

The Office made contact with representatives from the Department of Finance and the Office of Public Works with a view to sanctioning additional office space in close proximity to the Merrion Street Office. It is hoped that as a result of these discussions additional accommodation will be made available to the Office during 2008.

## Partnership Committee

During 2007, 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 HR Strategy, Client Service, PMDS, Training and Development, *Towards 2016*, Probation Procedures and Exceptional Performance Awards reported to the Committee during the year.

In the context of the Office's review of the Partnership process the Committee held an off-site meeting of members on 26 June, 2007 and discussed the operation of the Partnership process in the Office. The meeting was facilitated by a facilitator from the NCPP. Following workshops and discussions the members agreed to adopt 10 specific changes to ensure that the Partnership process remains effective and useful in the future.

## Gender Representation

At end-2007 the Office continued to exceed the Government targets in relation to employment of women. The proportion of staff at or above Assistant Principal Officer level who are female was 43%, while the proportion of female staff at or above Principal Officer level was 46%.

The end-2007 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	10	(37)	17	(63)
Assistant Principal	11	(46)	13	(54)

## **Accessibility for Persons with Disabilities**

The proportion of staff with disabilities at the end of 2007 was 3% which meets the Government target. In early 2007 the Office undertook a census using revised procedures that issued from the Department of Finance to calculate the proportion of staff with disabilities. The above figure of 3% is based on a self-declaration process. 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.

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

## **Training and Development**

In 2007, Merrion Street Office Training and Development Unit continued to provide a high standard of training and development opportunities and deliver on its responsibility for the planning, organisation and evaluation of training courses offered to all staff.

Throughout the year staff were encouraged and facilitated in undertaking training identified in their Role-Profile Forms for 2007. The Office further embedded the importance of PMDS for continued professional and personal development and endeavoured to deliver on its commitment to developing the skills and potential of all staff.

Overall expenditure on training and development in 2007 was €293,123. This is 3.2% of payroll and was only slightly short of the projected budget allocation of 3.4 % of payroll. However, as concentration was on internal IT systems, using contract IT Trainer was more cost effective than outsourcing; therefore the budget was more than adequate. A full list of courses attended and a breakdown of training expenditure is contained in **Annex H** of this Report.

## **Chief State Solicitor's Office**

### **Human Resource Strategy**

During 2007 the focus for the Office was on implementing the Action Plan in respect of the Human Resources Strategy. The elements of the Action Plan were reviewed six-monthly and

annually by local and Main MACs respectively. Up to the end of 2007 the Office had made significant progress on implementing the following priority areas of the Action Plan:

- Agreement with Unions on revised Parental Leave patterns
- Agreement on Dignity Charter and launch of same
- Induction training for new staff
- Running promotion & recruitment competitions
- Delivering on the last two of six modules in the Management and Staff Training Programmes

## **Recruitment**

During 2007 the Office held internal merit-based competitions to fill vacancies for the following grades: Principal Solicitor, State Solicitor Higher, Assistant Principal Legal Executive, Higher Legal Executive, Principal Officer, Assistant Principal, Higher Executive Officer, Executive Officer and Staff Officer. The Office also advertised competitions through the Public Appointments Service for the following positions: Legal Executive, Law Librarian and Assistant Law Librarian. 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**

The role profile, interim review and annual review phases of the 2007 year PMDS, including the Staff Mobility Policy and upward feedback, were managed, monitored and reviewed, practice directions and guidelines issued, core competencies for 2008 were recommended and approved by Partnership and a reporting system was operated to audit for consistency and verify correct application of PMDS.

General Council Report 1452, the Integration of PMDS with increment and promotion processes, was implemented with effect from 1<sup>st</sup> January, 2007. Familiarisation Training/Communication Workshops for the Integrated Model of PMDS were organised for all staff and facilitated by a HR Consultant, between the 8<sup>th</sup> and 19<sup>th</sup> January, 2007. PMDS Practice Guidelines were prepared by the HR Committee and approved by Partnership to clarify points raised in the familiarisation workshops.

Model Generic Key Deliverables were developed by the HR Committee for inclusion in Role Profile Forms for 2007, with a view to securing greater consistency in PMDS throughout the office. These Model Generic Key Deliverables were approved by MAC and adopted by Partnership.

Financial Competence was introduced as a new core competency under PMDS for 2007. Following discussion with relevant personnel in the office a Financial Competence Development Guide was prepared by a Consultant for the introduction of this new core competency and has been placed on the office electronic bulletin board for the assistance of all staff. The purpose of the project is to enhance the financial competence of staff at all levels within the office and the guide is intended as a support for managers and staff to discharge their responsibilities to use public resources not only by ensuring legality and propriety, but also by economical, efficient and effective use of these resources. Briefing Sessions for all staff on the new core competency – Financial Management - Understanding Key Financial Processes, were provided by the Consultant in July 2007.

Four modules of a Management Development Training Programme, covering leadership motivation and change, coaching and managing the team, and a separate Staff Development Training Programme, covering customer service, teams and the Chief State Solicitor's Office and two topics from the following: written communications, personal development, facilitation skills, personal management, and/or creative problem solving, provided by a firm of training consultants were organised, monitored, evaluated and reported on to Partnership.

### **Accommodation**

During 2007 going discussion took place with OPW regarding the provision of additional accommodation for the staff of the Office in the provision of legal services to clients.

### **Training and Development and Training courses provided in 2007**

Annex H of this Report sets out details in relation to training and development and training courses provided to CSSO staff during 2007.

## **Gender Representation**

At end 2007 the Office continued to exceed the Government targets in relation to employment of women. At year end the proportion of staff at or above Assistant Principal Officer level who are female was 57%, while the proportion of female staff at or above Principal Officer level was 32%.

## **Accessibility for Persons with Disabilities**

At end 2007 the proportion of staff with disabilities was 3.5% which exceeds the Government target.

## **Partnership Committee**

During 2007, the Partnership Committee in the Chief State Solicitor's Office continued to contribute to the smooth operation of the Office. During the year the Committee met on **11** regular occasions and **2** special occasions. The committee dealt with issues arising out of the modernisation agenda e.g. PMDS, Statement of Strategy and progress under *Towards 2016* along with accommodation and Health and Safety issues. Sub-Groups set up to review issues such as HR Strategy (including PMDS), Accommodation, IT Policy, Office Communications, Health and Safety and Green Policies reported to the Committee during the year.

## **Objective 2**

### **Management Information Framework (MIF)**

During 2007 the focus for the Offices was on the further embedding and implementation of the Offices' MIF Project Plan. The MIF Project Board supported by a Sub-Group, continued to monitor the implementation of the Plan. Under the Board's direction, work was undertaken to develop further the functionality of the Agresso FMS and the development of management reports within the ACME system. Comprehensive qualitative and quantitative Performance Indicators were developed and implemented in the context of the finalisation of the *Statement of Strategy 2008 – 2010*, presented to the Attorney General in December, 2007. 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 2008 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.

In March, 2007 the Offices submitted separate Annual Output Statements to the Dáil for consideration in the context of the Estimates process. A detailed Resource Allocation Business Planning and Performance Measurement model was also developed during the year.

### **Financial Management System**

During 2007 the Offices continued to further develop and embed the Agresso FMS. Specific developments included the roll-out of EFT/IFT/ROS payments, Invoice Manager functionality to ensure the continuing streamlining of the purchase-to-pay process, comprehensive use of the expenditure versus budget estimate functionality and the roll-out of the Asset Tracker Module to facilitate the management of the Offices' assets.

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

During 2007 the Offices continued to keep under review internal financial controls aspects of which were also reviewed in the context of specific internal audits.

The Offices' Risk Management Committee reviewed the Offices' risk management strategy including the risk management policy, corporate risk register and risk registers for the legal and administrative sides of both Offices. In line with the risk management policy, Heads of legal Groups and Business Units reviewed risk registers and submitted assurance statements to the Secretary to Main MAC in July, 2007. Business Plans in the Merrion Street Office were reviewed to take account of the risk management policy. The Offices engaged external consultants to provide Business Continuity Consulting services across both Offices and by year end the project was nearing completion.

## **Audit Committee**

The Audit Committee, comprising 3 external personnel and a representative from each Office, met on 4 occasions during 2007. Matters dealt with included consideration and review of the following Audit Reports outlined in the Internal Audit Programme for 2007:

- Examination of Procurement in the Office of the Attorney General and in the Chief State Solicitor's Office.
- Examination of Pay to Local State Solicitors in the Chief State Solicitor's Office.
- Review of Controls in Invoice Manager in the Office of the Attorney General and in the Chief State Solicitor's Office.
- Examination of Payroll in the Office of the Attorney General and in the Chief State Solicitor's Office.
- Examination of Compliance with the Prompt Payment of Accounts Act in the Office of the Attorney General and in the Chief State Solicitor's Office.
- Examination of Payment of Counsel Fees in the Office of the Attorney General and in the Chief State Solicitor's Office
- Examination of Compliance with monthly tasks in respect of the General Ledger in both the Office of the Attorney General and in the Chief State Solicitor's Office.

During the year there were 2 changes in the holder of the post of internal auditor and this impacted upon the completion of the internal audit programme. Notwithstanding this, by end-2007 4 of the audits listed above were completed on target.

During 2007 the Audit Committee also reviewed developments in the MIF and ACME projects and the Offices' risk management strategy.

### **Value for Money and Policy Review Plan**

During 2007 the Offices made significant progress on finalising Value for Money and Policy Reviews. The joint Merrion Street Office/CSSO VFM and Policy Review of the Administration of the Attorney General's Scheme was reviewed externally and the draft Report submitted at end-2007 to the Director General and Chief State Solicitor for consideration. The Review by the Merrion Street Office of the Law Reform Commission was published in December, 2007.

The draft Report on the Review on the Maintenance of the Electronic Irish Statute Book (eISB) was submitted to the Director General and Chief Parliamentary Counsel for consideration by end-2007.

In late 2007, interim Reports on the Reviews of Stenographer's Services and Costs Recovery in the CSSO were presented to MAC. Both Reviews are expected to be completed by mid-2008.

### **Interest Payments under Prompt Payment of Accounts legislation**

There were no penalty interest payments incurred in the Merrion Street Office during 2007.

In the CSSO, a total amount of €13,868 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

See **Annex E** for the Offices Reports on Payment Practices for 2007.

## **Objective 3**

### **Case & Records Management System (ACME)**

By April, 2007 the new Case and Records Management System was fully rolled-out to all legal users for all new files across both Offices. New areas included in the final roll-out included Judicial Review (& Planning), Garda Compensations, Extraditions, European Arrest Warrants

& Transfer of Sentenced Persons, Civil Bill and Summons. Accordingly, from May, 2007 all new legal files for both Offices were created on ACME.

From April, 2007 there was an intensification of user training on the use of the system and active and continued support was provided by Helpdesk staff to all users of the system.

### **Human Resources Management System (HRMS)**

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

During 2007 the Merrion Street Office and CSSO IT Units made significant progress in implementing a project 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. By end-2007 a significant number of draft Recovery Plans were reviewed by Group and Business Unit Heads and returned to the external consultants for finalising.

Also, the Merrion Street Office IT Unit redeveloped the Office Intranet which went live in early December, 2007.

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

During 2007 the IT Units in the Merrion Street Office and CSSO regularly reviewed the hardware, software and infrastructure to ensure it meets the requirements of the Offices.

### **Development of Intranet in CSSO**

The development of the CSSO intranet during 2007 involved the creation of html pages and the transfer of all relevant office documents from the CSSO Internal Bulletin Board in Lotus Notes. These included transfer of PMDS forms, Office policy documents and HR forms and information.

The development included the set up of links to internal resources such as the CSSO and AGO telephone directories, Payslips Online and VisionTime, as well as to other relevant external websites.

The CSSO Intranet is due to be rolled out to users in March 2008.

## **Objective 4**

### **Social Partnership Agreement *Towards 2016***

During 2007 the Offices remained fully committed to implementing the relevant provisions of *Towards 2016*. In March and December, 2007 the Merrion Street Office and the Chief State Solicitor's Office submitted separate Second and Third Progress Reports respectively on the implementation of each Office's Modernisation Revised Action Plan under *Towards 2016*. On the basis of these Progress Reports 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 were published on the Office website.

### **Central initiative to review Customer Charter process**

In early, 2007 the Offices participated in a review of the Customer Charter process initiated at central level.

### **Client and Customer Panel and Review Meetings**

During 2007 regular review meetings were held by legal Groups and administrative Business Units in the Merrion Street Office with client Department and Offices to discuss work and service delivery issues.

In September, 2007 the Merrion Street Office held a follow-up meeting of the Client and Customer Panel representative of Advisory and Administrative clients and customers respectively. The meeting, facilitated by an external consultant provided clients and customers with an opportunity to provide feedback in relation to service delivery issues. The Report of the meeting highlighted very positive feedback from clients and customers and was used to inform the development of the questionnaires to issue to clients and customers in the context of the follow-up electronic-based client and customer survey of the Advisory and Administration sides to be completed in early, 2008.

## **Official Languages Act**

In early June, 2007 the relevant Department approved the Offices' joint AGO/CSSO Scheme to implement the provisions of the Official Languages Act 2003 with a commencement date for the Scheme of 20 June, 2007. Irish and English versions of the Scheme were published by end-July, 2008. The Offices prepared an Action Plan to facilitate the monitoring of the implementation of the Scheme.

The Scheme which covers the three year period from the commencement date sets out the Offices commitments to provide certain services through the medium of Irish, the medium of English, the medium of Irish and English and the measures to be adopted to ensure that any service not provided by the Office through the medium of the Irish language will be so provided within an agreed timeframe.

Responsibility for monitoring and reviewing the scheme will rest with the local Management Advisory Committees and the joint AGO/CSSO Main Management Advisory Committee within the Offices.

## **Publications**

In May, 2007, the Office submitted the Annual Report for 2006 to Government for approval. The Report was subsequently laid before the Houses of the Oireachtas and the English version placed on the Office website by mid-June, 2007. This Report included developments during the year and progress achieved on the implementation of the *Statement of Strategy 2006 – 2008* and the *Merrion Street Office's Client Service Guide 2005 – 2007* and the *CSSO's Customer Action Plan 2005 – 2007*.

As outlined in Chapter 3 of this Report in December, 2007 the Office finalised the development of a new Statement of Strategy for the period 2008 – 2010.

## **Regulatory Requirements Compliance**

The Office undertook a review of 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. The review found that current arrangements in both Offices were largely satisfactory during the year.

## **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, *Towards 2016*, Revised Action Plans and Progress Reports, procedures applying to the engagement of external counsel and the Offices' publications.

In October, 2007 the Merrion Street Office convened a meeting of the Offices' newly established Internet/Intranet Review Group. The Group agreed three main objectives: 1) Review on an ongoing basis of each Business Unit's content on the Internet and Intranet, 2) Agree a process for each Business Unit to sign-off both new and amendments to existing content and 3) Agree a process for submitting new and amended content to the IT Unit for placing on the Internet and Intranet as appropriate.

## **Objective 5**

Throughout 2007 the focus for the Merrion Street Office and CSSO Library & Know-how Units was on the continued delivery of high quality legal information, research and know-how services to staff in both Offices. The Units also provided services to Advisory Counsel seconded to Government Departments, to state solicitors assigned to the various Tribunals of Inquiry, Criminal Assets Bureau and local State Solicitors.

Some of the important services provided by the Units included: 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 and access to external libraries and information services.

## **Knowledge Management**

During the year both Units continued to promote a culture of knowledge sharing within and between the Offices. Legal staff in both Offices continued to share knowledge on topical issues of interest through the medium of legal issues meetings. The Units published five issues of both the Legal and ECHR Bulletins during the year.

In the context of reviewing the Offices' Knowledge Management Strategy a KM Committee, consisting of staff representatives of both the AGO and CSSO was established in July, 2007. Key developments included the circulation of a comprehensive questionnaire to AGO and CSSO staff on the recommendations of the KM Strategy 2003-2005. The aim of the questionnaire was to gather feedback from staff which will assist the Committee in drafting any new Knowledge Management Strategy for the Office. A report on the results of the questionnaire was presented to the KM Committee in November, 2007.

The Units also made progress on the future development of a know-how application in accordance with a key recommendation of the Knowledge Management Strategy. The Offices established a Sub-Group of the KM Committee to review user requirements and progress the implementation of a know-how application. In late 2007 the sub-group identified the implementation of a solution for the marking and sending of documents on the Case and Records Management System (ACME) for profiling on the current know-how application as a priority issue and submitted recommendations in this regard to the Offices' overarching IT Steering Committee in December, 2007.

### **Enhanced legal information and research services**

During 2007 legal research services continued to be provided by both Units to all staff. 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.

During 2007 the Units also made significant progress on the implementation of other key strategies set out in the *Statement of Strategy 2006 – 2008*. In April, 2007 the Units launched Phase 1 of the e-journals project to provide users in both Offices with:

- Electronic access to a range of journals in the AGO, CSSO and ODPP libraries from the desktop
- Full text searching of these journals
- Full text, abstracts and table of contents of journals

Demonstrations and training sessions on using the e-journals interface were provided to staff in both Offices.

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

## **Annex A**

### **Government Bills Published during 2007**

**No. Title of Bill**

1. Medical Practitioners Bill 2007
2. Education (Miscellaneous Provisions) Bill 2007
3. Fines Bill 2007
4. Statute Law Revision Bill 2007
5. Consumer Protection Bill 2007
6. Finance Bill 2007
7. Communications Regulation (Amendment) Bill 2007
8. Courts and Court Officers (Amendment) Bill 2007
9. Control of Exports Bill 2007
10. Social Welfare and Pensions Bill 2007
11. Twenty-eighth Amendment of the Constitution Bill 2007
12. Health Insurance (Amendment) Bill 2007
13. Asset Covered Securities (Amendment) Bill 2007
14. Electoral (Amendment) Bill 2007
15. Roads Bill 2007
16. Criminal Law (Sexual Offences) (Amendment) Bill 2007
17. Pharmacy Bill 2007
18. Protection of Employment (Exceptional Collective Redundancies and Related Matters) Bill 2007
19. Criminal Justice Bill 2007
20. Ethics in Public Office (Amendment) Bill 2007
21. Copyright and Related Rights (Amendment) Bill
22. Passports Bill 2007
23. Charities Bill 2007

- 24 Coroners Bill 2007
- 25 Markets In Financial Instruments and Miscellaneous Provisions Bill 2007
- 26 Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Bill 2007
- 27 Immigration, Residence and Protection Bill 2007
- 28 Personal Injuries Assessment Board (Amendment) Bill 2007
- 29 Voluntary Health Insurance (Amendment) Bill 2007
- 30 Finance (No 2) Bill 2007
- 31 Ministers and Secretaries (Ministers of State) Bill 2007
- 32 Criminal Law (Human Trafficking) Bill 2007
- 33 Criminal Procedure (Amendment) Bill 2007
- 34 Local Government (Roads Functions) Bill 2007
35. Legal Practitioners (Irish Language) Bill 2007
- 36 Social Welfare Bill 2007
- 37 Health (Miscellaneous Provisions) Bill 2007
- 38 Appropriation Bill 2007

## **Annex B**

### **Public Bills Enacted in 2007**

<b>No.</b>	<b>TITLE</b>
1	Health (Nursing Homes) (Amendment) Act 2007
2	Citizens Information Act 2007
3	Health Insurance (Amendment) Act 2007
4	Court and Court Officers (Amendment) Act 2007
5	Electricity Regulation (Amendment) (Single Electricity Market) Act 2007
6	Criminal Law (Sexual Offences) (Amendment) Act 2007
7	National Oil Reserves Agency Act 2007
8	Social Welfare and Pensions Act 2007
9	Education (Miscellaneous Provisions) Act 2007
10	Prisons Act 2007
11	Finance Act 2007
12	Carbon Fund Act 2007
13	Asset Covered Securities (Amendment) Act 2007
14	Electoral (Amendment) Act 2007
15	Broadcasting (Amendment) Act 2007
16	National Development Finance Agency (Amendment) Act 2007
17	Foyle and Carlingford Fisheries Act 2007
18	European Communities Act 2007
19	Consumer Protection Act 2007
20	Pharmacy Act 2007
21	Building Control Act 2007
22	Communications Regulation (Amendment) Act 2007
23	Health Act 2007
24	Defence (Amendment) Act 2007
25	Medical Practitioners Act 2007
26	Child Care (Amendment) Act 2007
27	Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007
28	Statute Law Revision Act 2007

- 29 Criminal Justice Act 2007
- 30 Water Services Act 2007
- 31 Finance (No. 2) Act 2007
- 32 Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007
- 33 Ministers and Secretaries (Ministers of State) Act 2007
- 34 Roads Act 2007
- 35 Personal Injuries Assessment Board (Amendment) Act 2007
- 36 Criminal Procedure (Amendment) Act 2007
- 37 Markets in Financial Instruments and Miscellaneous Provisions Act 2007
- 38 Local Government (Roads Functions) Act 2007
- 39 Copyright and Related Rights (Amendment) Act 2007
- 40 Social Welfare Act 2007
- 41 Appropriation Act 2007
- 42 Health (Miscellaneous Provisions) Act 2007

## Annex C

### Office of the Attorney General

#### Vote 3, Merrion Street Office

##### Outturn for 2007 and Estimate for 2008

Outturn for 2007 and Estimate of the amount required in the year ending 31 December, 2008 for the salaries and expenses of the **Office of the Attorney General**, including a grant-in-aid.

Service	Estimate Provision 2007 €000	Provisional Outturn 2007 €000	Estimate Provision 2008 €000
<b>ADMINISTRATION</b>			
A.1. SALARIES, WAGES AND ALLOWANCES	9,971	9,255	11,180
A.2. TRAVEL AND SUBSISTENCE	255	215	284
A.3. INCIDENTAL EXPENSES	1,025	916	1,030
A.4. POSTAL AND TELECOMMUNICATIONS SERVICES	199	130	208
A.5. OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	1,284	783	1,031
A.6. OFFICE PREMISES EXPENSES	350	207	313
A.7. CONSULTANCY SERVICES	190	95	75
A.8. VALUE FOR MONEY AND POLICY REVIEWS	60	43	60
A.9. CONTRACT LEGAL EXPERTISE	885	915	1,100
<b>SUBTOTAL</b>	<b>14,219</b>	<b>12,559</b>	<b>15,281</b>

	<b>OTHER SERVICES</b>			
B.	CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	35	34	36
C.	LAW REFORM COMMISSION (GRANT- IN-AID)	4,910	3,567	4,162
D.	GENERAL LAW EXPENSES	64	20	80
	<b>Gross Total</b>	<b>19,228</b>	<b>16,180</b>	<b>19,559</b>
	<b>Deduct</b>			
E.	APPROPRIATIONS-IN- AID	8	38	8
	<b>Net Total</b>	<b>19,220</b>	<b>16,142</b>	<b>19,551</b>

## Office of the Chief State Solicitor

### Vote 13

#### Outturn for 2007 and Estimate for 2008

Outturn for 2007 and Estimate of the amount required in the year ending 31 December, 2008 for the salaries and expenses of the Office of the Chief State Solicitor.

	<b>Service</b>	<b>Estimate Provision 2007 €000</b>	<b>Provisional Outturn 2007 €000</b>	<b>Estimate Provision 2008 €000</b>
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	15,495	13,910	16,124
A.2.	TRAVEL AND SUBSISTENCE	220	248	227
A.3.	INCIDENTAL EXPENSES	2,161	1,366	1,467
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	547	418	566
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	1,412	988	1,248
A.6.	OFFICE PREMISES EXPENSES	469	242	1,089
A.7.	CONSULTANCY SERVICES	207	248	121
A.8.	LOCAL STATE SOLICITOR SERVICE (a)	11,800	-	-
A.8.	EXTERNAL LEGAL SERVICES (a)	-	11,300	487
A.9.	VALUE FOR MONEY AND POLICY REVIEWS	57	33	66
	<b>SUBTOTAL</b>	<b>32,368</b>	<b>28,753</b>	<b>21,395</b>

**OTHER SERVICES**

B.	FEES TO COUNSEL	13,559	15,118	15,888
C.	GENERAL LAW EXPENSES	4,500	4,758	4,500
	<b>Gross Total</b>	<b>50,427</b>	<b>48,629</b>	<b>41,783</b>
	<b>Deduct</b>			
D.	APPROPRIATIONS-IN- AID	270	1,142	500
	<b>Net Total</b>	<b>50,157</b>	<b>47,487</b>	<b>41,283</b>

**(a) Responsibility for the greater part of this function (formerly titled Local State Solicitor Service) has been transferred to the Office of the Director of Public Prosecutions.**

**Annex D**

**Vote 3**

**Office of the Attorney General**

**2007 Output Statement**

## 1. Mission Statement

*The Mission of the Office is to provide the highest standard of professional legal services to the Government, Departments and Offices.*

## 2. High Level Goals:

The Output Statement accounts for the Vote of the Office under three Programmes:

- The Advisory Service that provides legal advice and directs litigation strategy to clients.
- The Office of the Parliamentary Counsel to the Government (OPC) that provides a legislation drafting service to the Government.
- The Law Reform Commission (LRC), an independent body funded by way of Grant-in-Aid from the Vote, that keeps the law under review.

The high level goals for each of these Programmes are:

### ***Advisory Programme***

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.

### ***Parliamentary Programme***

To provide a professional legislative drafting service to the Government.

### ***Administration***

*The Administrative sections of the Office also have a high level goal to provide modern and professional corporate and business support services to the Advisory Service and to the Office of the Parliamentary Counsel, as well as to other internal and external clients and customers.*

### ***Law Reform Commission Programme***

To keep the law under independent, impartial and expert review, and make recommendations for reform, under a Programme of Law Reform and arising from specific requests from the Attorney General; to prepare Statute Law Restatements (from 2007); and to maintain the Chronological Tables of Statutes (from 2007).

### 3. Total Budget by Source of Funding

	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Voted Expenditure	15,207	14,221	19,228	35
Non Voted LRC Funds	4	89	47	-47
Total Gross Expenditure	15,211	14,310	19,275	35
Appropriations in Aid	-8	-54	-8	-85
Net Expenditure	<b>15,203</b>	<b>14,256</b>	<b>19,267</b>	<b>35</b>

The Appropriations in Aid are mostly via refund in early 2006 of salary paid in late 2005 of an Assistant Parliamentary Counsel who is seconded to another organisation.

### 4. Reporting on Performance Indicators

The Office manages its performance as follows:

- Key Performance Indicators listed in its Statement of Strategy.
- The individual Group/Unit Business Plans.
- The individual Performance Management Development System Role Profile Forms.
- Monthly Financial Reports to the Management Advisory Committee.
- Project Reports to the Management Advisory Committee and relevant Project Status Groups.
- Office Annual Report.
- Office Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group.

The Law Reform Commission manages its performance in the following ways:

- Key Performance Indicators listed in its Strategy Statement.
- The individual Performance Management Development System Role Profile Forms.
- Periodic Financial Reports to the Commission Management Committee.
- Quarterly Business Plan Reports to the Commission and Management Committee.
- The Commission Annual Report includes a full review of activities, including:
  - the Programme of Law Reform and Attorney General requests;
  - Statute Law Restatement (from 2007); and
  - Chronological Tables of the Statutes (from 2007).
- Office Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group includes Law Reform Commission actions and progress reports.

## 5. Breakdown of Total Gross Expenditure by Programme

<b>Programme 1 – Legal Advice.</b>				
This is the Programme that delivers the provision of specialist legal services in all areas of law of major importance to Government, Departments and Offices.				
	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Programme Expenditure	3,648	3,375	3,968	18
Programme Administration	778	720	846	18
Support Expenditure	2,665	2,466	2,899	18
Gross Programme Expenditure	7,091	6,561	7,713	18
Appropriations in Aid	-5	-10	-5	-50
<b>Net Programme Expenditure</b>	<b>7,086</b>	<b>6,551</b>	<b>7,708</b>	<b>18</b>

<b>Programme 2 – Legislative Drafting Service</b>				
This is the Programme that delivers the legislative drafting service to Government, it drafts new legislation and its work includes statute law revision and consolidation.				
	<b>Estimate 2006</b>	<b>Outturn 2006</b>	<b>Estimate 2007</b>	<b>% Change</b>
Programme Expenditure	3,225	2,974	3,508	18
Programme Administration	696	651	757	16
Support Expenditure	2,151	1,990	2,340	18
Gross Programme Expenditure	6,072	5,615	6,605	18
Appropriations in Aid	-3	-44	-3	-93
<b>Net Programme Expenditure</b>	<b>6,069</b>	<b>5,571</b>	<b>6,602</b>	<b>18</b>

<b>Programme 3 – Law Reform Commission</b>				
This Programme keeps the law under review with a view to its reform, through a Programme of Law Reform and specific requests from the Attorney General; prepare Statute Law Restatements (from 2007); and maintain the Chronological Tables of Statutes (from 2007).				
	<b>Estimate 2006</b>	<b>Outturn 2006</b>	<b>Estimate 2007</b>	<b>% Change</b>
Programme Expenditure	896	892	1,417	59
Programme Administration	157	157	172	10
Support Expenditure	995	1,085	3,368	210
Gross Programme Expenditure	2,048	2,134	4,957	132
Appropriations in Aid	-	-	-	
<b>Net Programme Expenditure</b>	<b>2,048</b>	<b>2,134</b>	<b>4,957</b>	<b>132</b>

## **6. Individual Programme details:**

The staff employed listed in the individual programme details are the professional and direct support staff employed in the programmes, while a further 45 staff are employed in other administrative and support functions. The cost of these staff is proportioned in Programmes 1 and 2. In the Law Reform Commission 8 staff were engaged in 2006 and 12 are engaged in 2007 in administrative and support functions.

## Programme 1 – Legal Advice.

### High Level Goal:

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.

### Key Strategies:

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

Integrate legal services with OPC, Chief State Solicitor's Office and LRC.

Participate in knowledge management process.

<b>Programme Expenditure</b>				
	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
<b>Current</b>	3,648	3,375	3,968	18
Programme Administration -				
Pay	675	625	734	18
Non Pay	103	95	112	18
Support Expenditure	2,665	2,466	2,899	18
Gross Programme Expenditure	7,091	6,561	7,713	18
Appropriations in Aid	-5	-10	-5	-50
Net Programme Expenditure	<b>7,086</b>	<b>6,551</b>	<b>7,708</b>	<b>18</b>
		<b>2006</b>	<b>2007</b>	
<b>Number of staff employed on Programme (whole-time equivalents)</b>		41	46	
		Output achieved 2006	Target For 2007	% Increase 2006 on 2005
<b>Output Statistics</b>	Output achieved 2005			
Advisory Requests received	1,756	2,239	**	27
Litigation Files received	2,759	2,687	****	-3

\*\*Requests for advice are initiated by the Government Departments and Bodies that the Office supports. For this reason the achievements of the Office are reflected in comparisons to prior year, rather than by comparison to targets.

\*\*\*\* Litigation files are a response to cases filed against the State, and are demand led.

## Programme 2 – Legislation Drafting Service.

### High Level Goal:

To provide a professional legislation drafting service to the Government.

### Key Strategies:

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

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

Contribute to the ongoing process of making Acts of the Oireachtas more accessible.

Participate in the implementation of Knowledge Management Strategy.

	2006 Estimate €000	2006 Outturn €000	2007 Estimate €000	Change on Outturn %
<b><i>Programme Expenditure</i></b>				
Current	3,225	2,974	3,508	18
Programme Administration - Pay	598	561	652	16
Non Pay	98	90	106	18
Support Expenditure	2,151	1,990	2,340	18
Gross Programme Expenditure	6,072	5,615	6,605	18
Appropriations in Aid	-3	-44	-3	-93
Net Programme Expenditure	<b>6,069</b>	<b>5,571</b>	<b>6,602</b>	<b>18</b>
		<b>2006</b>	<b>2007</b>	
<b>Number of staff employed on Programme (whole-time equivalents)</b>		<b>34</b>	<b>38</b>	
<b>Output Statistics</b>	<b>Output Achieved 2005</b>	<b>Output Achieved 2006</b>	<b>Target 2007</b>	<b>% Increase 2006 on 2005</b>
Bills fully completed (work in progress)	28	43	*	54
Bills partially completed	50	58	*	16
Statutory Instruments completed or in progress	259	279	*	8
Committee and Report Stage amendments to Bills	2,345	6,280	*	168

- \* Targets and priorities are set by Government in the context of the Government's Legislative Programme for each Dail session. In any year the requirements of sponsoring Departments control the lifecycle of the progress of the Bills for which they are responsible. For this reason the achievements of the Office are reflected in comparisons to the previous year, rather than by comparison with targets.

## Programme 3 – Law Reform Commission.

### High Level Goal:

To keep the law under review with a view to its reform, through a Programme of Law Reform and specific requests from the Attorney General; prepare Statute Law Restatements (from 2007); and maintain the Chronological Tables of Statutes (from 2007).

**Key Strategies:**

Complete to the maximum extent possible the examination of particular areas of the law in the Commission's current Programme of Law Reform which includes 2 major research projects eConveyancing and the Courts Acts, and in specific requests from the Attorney General.

Prepare a Statute Law Restatement Programme, as requested by Government (from 2007).

Maintain the Chronological Tables of Statutes, as requested by the Attorney General (from 2007).

Develop a draft new Programme of Law Reform (2007).

	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
<b><i>Programme Expenditure</i></b>				
Current Capital	896	892	1,417	59
Programme administration - Pay	150	150	165	10
Non Pay	7	7	7	-
Support Expenditure	995	1,085	3,368	210
Gross Programme Expenditure	2,048	2,134	4,957	132
Appropriations in Aid	-	-	-	
Net Programme Expenditure	<b>2,048</b>	<b>2,134</b>	<b>***4,957</b>	<b>132</b>
		<b>2006</b>	<b>2007</b>	
<b>Number of staff employed on Programme (whole-time equivalents)</b>		<b>19</b>	<b>20</b>	
<b>Output Statistics</b>	Target 2006	Output Achieved 2006	Target 2007	Change on Output Achieved %
Reports	5	5	5	-
Consultation Papers	4	4	5	25

\*\*\* The large increase in the Commission's Grant-in-Aid in 2007 is accounted for by an increase in staffing costs and an exceptional provision for accommodation to cater for increased numbers as well as provision being made for work associated with the transfer of responsibility to the Commission from the Office of the Attorney General relating to the preparation of Restatements of Legislation and the Chronological Tables to the Statutes.

**Vote 13**

**Office of the Chief State Solicitor**

**2007 Output Statement**

## 1. Mission Statement

*The Mission of the Office is to provide the highest standard of professional legal services to the Government, Departments and Offices.*

The work of the CSSO primarily involves the provision of solicitor services in civil law issues to the Attorney General and to Government Departments/Offices.

The Output Statement is presented in two Programmes: the service provided by the CSSO and the funding of the local State Solicitors for their work on behalf of the Director of Public Prosecutions and the Attorney General.

## 2. High Level Goals:

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.

## 3. Total Budget by Source of Funding

	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Voted Expenditure	38,312	36,940	50,427	36
Appropriations in Aid	-270	-521	-270	-48
Net Expenditure	<b>38,042</b>	<b>36,419</b>	<b>50,157</b>	<b>38</b>

## 4. Reporting on Performance Indicators

The Office manages its performance as follows:

- Key Performance Indicators listed in its Statement of Strategy.
- The individual Group/Unit Business Plans.
- The individual Performance Management Development System Role Profiles Forms.
- Monthly Financial Report to the Management Advisory Committee.
- Project Reports to the Management Advisory Committee and relevant Project Status Groups.
- Office Annual Report.
- Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group.

## 5. Breakdown of Total Gross Expenditure by Programme

<b>Programme 1 – Solicitor Service</b>				
This is the Programme that delivers 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.				
	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Programme Expenditure	25,998	26,355	30,745	17
Programme Administration	1,531	1,554	1,811	17
Support Expenditure	5,134	5,209	6,071	17
Gross Programme Expenditure	32,662	33,118	38,627	17
Appropriations in Aid	-270	-521	-270	-48
Net Programme Expenditure	<b>32,392</b>	<b>32,597</b>	<b>38,357</b>	<b>18</b>

<b>Programme 2 – Local State Solicitors</b>				
This is the Programme that supports local solicitor services through Local State Solicitors appointed by the Attorney General, who also remain in private practise.				
	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Programme Expenditure	5,650	3,822	11,800	209
Programme Administration	-	-	-	-
Support Expenditure	-	-	-	-
Gross Programme Expenditure	5,650	3,822	11,800	209
Appropriations in Aid	-	-	-	-
Net Programme Expenditure	<b>5,650</b>	<b>3,822</b>	<b>11,800</b>	<b>209</b>

## **6. Individual Programme details:**

### **Programme 1 – Solicitor Service**

#### **2. High Level Goals:**

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

#### **Key Strategies:**

To provide a solicitor service to Government Departments and Offices with a particular emphasis on high quality service in the following areas:

- The defence of all Constitutional actions taken against the State, both in the High Court and Supreme Court.
- Representation of the State in European Court of Justice.
- Handling of European Arrest Warrants, Extradition and Mutual Assistance requests
- The defence of all commercial cases instructed to the Office.
- The defence of all judicial review and habeus corpus proceedings on behalf of Government Departments, Offices and clients.
- The provision of an asylum law litigation service to support the Department of Justice, Equality and Law Reform and the immigration / asylum agencies.
- The provision of a conveyancing and property law service for the State.
- Defending all civil proceedings taken against An Garda Síochána or its members.
- Dealing with childhood abuse cases arising out of abuse in residential institutions and day schools.
- Provision of a solicitor service to support Government Departments and Offices in the bringing of court proceedings in Ireland on behalf of the State.
- Provision of solicitor service to State Offices in specific technical areas.
- Representation of State parties in the taxation of legal costs before the Taxing Masters.
- Recovery and taxation of costs.
- Advising and preparing commercial contract for Departmental clients.

<b>Programme Expenditure</b>	<b>2006 Estimate €000</b>	<b>2006 Outturn €000</b>	<b>2007 Estimate €000</b>	<b>Change on Outturn %</b>
Current	25,998	26,355	30,745	17
Programme Administration - Pay	1,526	1,548	1,805	17
Non Pay	5	5	6	20
Support Expenditure	5,134	5,209	6,071	17
Gross Programme Expenditure	32,662	33,118	38,627	17
Appropriations in Aid	-270	-521	-270	-48
Net Programme Expenditure	32,392	32,597	38,357	18
<b>Number of staff employed (whole-time equivalents)</b>		<b>234</b>	<b>250</b>	
<b>Outputs</b>	<b>* Output achieved in 2005</b>	<b>* Output achieved in 2006</b>	<b>Target For 2007</b>	<b>% Increase 2006 on 2005</b>
<b>Public Law</b>				
New cases	901	818	**	
Cases closed	360	410		
Cases in Progress	4,040	4,448		10
<b>Advisory Division</b>				
New cases	610	322	**	
Cases closed	1,089	440		
Cases in Progress	1,486	1,368		-8
<b>State Property Division</b>				
New cases	951	1,384	**	
Cases closed	597	159		
Cases in Progress	4,718	5,943		26
<b>Asylum and Legal Services Division</b>				
New cases	3,610	3,366	**	
Cases closed	1,726	2,917		
Cases in Progress	6,323	6,772		7
<b>Justice and Common Law Division</b>				
New cases	3,331	1,885	**	
Cases closed	1,466	3,567		
Cases in Progress	9,202	7,520		-18
<b>Total</b>				
New cases	9,403	7,775	**	
Cases closed	5,238	7,493		
Cases in Progress	25,769	26,051		1

\* The data is prepared from legacy systems, and will be subject to further review

## Programme 2 – Local State Solicitors

### Key Strategies:

- Representation of DPP and Attorney General in the conduct of business outside of Dublin area

	2006 estimate €000	2006 Outturn €000	2007 Estimate €000	Change on Outturn %
<b>Programme Expenditure</b>				
Current	5,650	3,822	11,800	209
Programme Administration - Pay & Non Pay				
Support expenditure				
Gross Programme Expenditure	5,650	3,822	11,800	209
Appropriations in Aid				
Net Programme Expenditure	5,650	3,822	11,800	209
<b>Number of State Solicitors contracted</b>		32	32	
<b>Outputs:</b>				
Representation of DPP in criminal cases outside the Dublin area.				
Representation of Attorney General in civil cases outside Dublin area				

## **Annex E**

### **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 scan all invoices received onto the Financial Management System once they are received in the Unit
- Once the goods or service to which the invoice refers have been received by the Office the relevant Unit will certify the invoice as being in order for payment by generating a goods received notice (GRN) on the Financial Management System. As soon as the GRN process has taken place staff members in the Finance Unit can proceed with payment of the invoice
- In the event of the relevant Unit not being in a position to GRN the goods due to an incomplete order, non provision of full service etc. Finance Unit should be notified and the 30 day period will only begin when the goods or service has been fully supplied to the Office
- Staff have been advised of the need to generate the GRN as soon as the goods or service have been received by the Office or to advise the Finance Unit if they are not in

a position to generate the GRN in respect of a particular invoice. Arrangements should be made to ensure that the GRN process is 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 2007 follows.

Office of the Attorney General  
May, 2008

## **REPORT ON PAYMENT PRACTICES FOR 2007**

### **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 totaling €3.314 million in 2007 were made from the Vote of the Office of the Attorney General in respect of payments to which the legislation applies.

There were no penalty interest payments as compensation incurred during the year.

## **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 2007 follows.

# REPORT ON PAYMENT PRACTICES FOR 2007

## 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 from January to December 2007:**

Total Value of all Payments:	€6,627,533
Total Value of all late payments (under €320 inclusive):	€179,991
Total Value of all late payments (over €320):	€559,030
Value of late payments as % of total payments:	8.71%
Number of late payments in excess of €320:	179
Amount of Interest paid:	€13,868
Amount of interest as percentage of total payments:	0.21%
Broad indication of Length of Delays:	238 Days

## **Annex F**

### **Office Representation on Committees and Working Groups in 2007**

Advisory Board National Children's Office  
Assistant Secretaries Network  
Balance in Criminal Law Review Group  
Better Regulation Group  
Change Management Network  
Civil Service Training Officers Network  
Commission for Democracy through Law  
Commission on the Assisted Human Reproduction  
Company Law Review Group  
Consultative Committee on Law Reform  
Consumer Advisory Council  
Corporate and Public Lawyers Association  
Council of Europe Committee on Administrative Law  
Council of Europe Committee of Experts in Family Law  
Court Rules Committees  
Court Service Forum  
Courts Service User Group  
Court of Appeal Committee  
Criminal Law Codification Committee  
Cross-Departmental Team on Infrastructure  
Cross-Departmental Financial Sanctions Committee  
Cross-Departmental Group on EU Enlargement and Freedom of Movement  
EU Council Evaluation Expert Group – peer evaluation  
    of Estonia with regard to the practical implementation of the EAW  
EU Working Group on Legal Data Processing  
EU Working Group on Contract Law  
EU Intergovernmental Convention Oversight Group  
Expenditure Reviewers Network  
FOI Interdepartmental Working Group  
FOI Liaison Officers Network

FOI Users Network Group  
Garda Síochána Working Group on Vetting  
Garda Síochána Implementation Group on Vetting  
Government Legislation Committee  
Government Library Managers Network  
Greco Evaluation Team  
Hague Conference on Private International Law  
Hogan Committee on Balance in Criminal Law  
Information and Communications Technology Managers' Forum  
Information Society Legal Working Group  
Implementation Group on Compensation Issues  
Implementation Group of Secretaries General  
Interdepartmental Committee on Hearing Loss Litigation  
Interdepartmental Committee on the Reform of Marriage  
Interdepartmental Co-ordinating Committee on European Affairs  
Interdepartmental Group on Special Education Needs Litigation  
Interdepartmental Working Group on Nursing Homes Charges  
Interdepartmental Committee on Nuclear Issues  
Interdepartmental Group on Childhood Abuse Litigation  
Interdepartmental Working Groups on Disability  
Interdepartmental Committee on Infrastructure  
Interdepartmental Committee on State Aids  
Interdepartmental Group on the Commission proposal for a European Fishing Control Agency  
Interdepartmental Group on the EU Convention  
Interdepartmental Group on Legislative Issues for the Information Society  
Interdepartmental Group on Oireachtas Scrutiny of EU legislation  
Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities  
Interdepartmental Working Group on Compensation Issues  
Internal Audit Network  
International Maritime Organisation Legal Committee  
International Expert Group on Nuclear Liability (INLEX)  
Management Group for Judicial Reviews in Asylum Cases  
Ministers and Secretaries Group on European Matters  
Money Laundering Steering Committee (Official side)  
"No-Fault" Advisory Group  
Northern Ireland (various groups dealing with Northern Ireland matters)  
Nuclear Law Committee (Nuclear Energy Agency, a branch of the OECD)

Personnel Officers Network

PMDS Network

Public Law Committee – International Bar Association

Secretaries General and Heads of Offices Group

Single Regulatory Authority Implementation Advisory Group

State Claims Agency Liaison Committee

Steering Committee for the Pilot Project to establish an on-line small-claims procedure

Steering Group on Systems Review of Department of Agriculture and Food

Strategic Management Initiative Communications Sub-Group

Strategic Management Initiative Implementation Groups

Tax Strategy Group

UNCITRAL (The United Nations Commission on International Trade Law)

UNCITRAL Working Group on Arbitration

UNCITRAL Working Group on Security Issues

UNCITRAL Working Group on Electronic Commerce

UNCITRAL Working Group on Insolvency Law

UNIDROIT

Working Group on Company Law Compliance and Enforcement

Working Group on Electronic Statutory Instruments

Working Group to Review Coroners Services

Working Group on Legal Costs

## Annex G

### Statistics of requests made under the Freedom of Information Acts

#### 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
<b>2007</b>	1	1	0	0	0	0
<b>Total</b>	153	31	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	6	€90
<b>2007</b>	1	1	0	0	0	0	0	0	Nil
<b>Total</b>	111	97	2	3	n/a	19	5	14	€210

#### Statistics for 2007

## Office of the Attorney General

<b>Office of the Attorney General</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
01/01/07 to 31/12/07	1	0	0	0	0	1

## **Statistics from 21 April 1998 to 31 December 2006**

<b>Office of the Attorney General</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
21/04/98 to 31/12/07	153	41	33	3	5	71

## Statistics of requests made under the Freedom of Information Acts

### 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
<b>2007</b>	3	2	1	0	2	0
<b>Total</b>	83	46	37	0	40	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
<b>2007</b>	0	0	0	1	0	0	0	1	15
<b>Total</b>	27	23	5	5	3	8	3	2	30

## Statistics for 2007

### Chief State Solicitor's Office

<b>Chief State Solicitor's Office</b>		<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
01/01/06 to 31/12/07		3	0	0	0	2	1

## Statistics from 21 April 1998 to 31 December 2007

<b>Chief State Solicitor's Office</b>		<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
21/04/98 to 31/12/07		83	12	2	0	34	35

## Annex H

### Training and Development - Merrion Street Office

The bulk of the Office's training in 2007 related to the (ongoing) implementation of the Office's new electronic case-management system (ACME). This training was delivered in-house by external trainers, and is reflected in the costs relating to consultants and external trainers in the table below.

<b>Seminar, Conference and Training Courses fees</b>	<b>130,459</b>
<b>Refund of Fees</b>	<b>7,454</b>
<b>Cost of consultants and external trainers</b>	<b>74,155</b>
<b>IT Training</b>	<b>10,983</b>
<b>Trainer(s) salaries and overheads</b>	<b>17,866</b>
<b>Cost of Administration relating to A3 Subhead*</b>	<b>-</b>
<b>Cost of Courses attended by Trainers</b>	<b>-</b>
<b>The purchase of new training materials</b>	<b>-</b>
<b>All other costs associated with Training &amp; Development**</b>	<b>52,206</b>
<b>TOTAL</b>	<b>293,123</b>
<i>* (Costs not captured)</i>	
<i>** (This figure is Membership costs and Travel and Subsistence costs directly related to Training &amp; Development)</i>	

### **Conferences, Seminars and Meetings attended by AGO Staff during 2007**

<b>AREAS IDENTIFIED</b>	<b>TOTAL PROVIDED</b>
ACCA	1
ARC Conference	1
BIALL Conference	1
British-Irish Studies	1
Brussels Nuclear Law Association	2
CALC Annual Conference	2
Change and Challenge in Public Service	2
Change Management in Public Sector	2
Childrens Rights and Constitution	5
City & Financial Conference	2
Community Taxation	1
Criminal Justice Systems in the EU	1
CRM Conference	1
Dealing with Government	1
Delivering for Citizens: Transforming Government Performance	1
Disability Legislation Conference	1
Discrimination, Equality and Diversity	1
ECHR Update	4
Employment Law Masterclass	6

EU Competition Law	1
EU Courts in the Area of Freedom, Security and Justice	3
European Council on Refugees and Exiles	2
EUUG Conference	2
Exchanging Criminal records in European Union	1
Fight Against Terrorism	1
HJT Conference	1
HSR Conference	1
ICEL	2
Insurance Institute of Ireland Conference	1
Internal Audit in the Public Service	1
International Bar Association Annual Conference	3
International Copyright Law	1
Irish European Law Forum	1
Irish Hospice Foundation – Lunchtime Seminars	1
Irish Society for European Law Conference	1
IT Audit Conference	1
Litigation before the Community Courts	6
Mastering Human Resource Function	2
Multi Unit Development	1
Pensions Conference	1
Planning & Environmental Law	2
Planning Law	2
Privacy & Data Protection	1
Probate & Succession	1
Protecting Fundamental Rights	1
Public Administration Seminar	2
Recent Developments in EU Proc Law	1
Recent Developments in Litigation Law	1
Regulating Ireland	1
Shifting Sands – Academic & Special Libraries, LAI	1
Summer Course in EU Law	1
Summer Course in Human Rights Law	1
System of Government in Ireland	1
Terrorism in European Union	1
The Constitution at 70	7
The Future of Europe	1
The State of the Economy	1
The Statute Law Society Annual Conference	3
Understanding Legislative Process	1
United Kingdom Association for European Law	1
Workshop for Secretaries General	1

### **Training Undertaken by Merrion Street staff during 2007**

<b>AREAS IDENTIFIED</b>	<b>TOTAL PROVIDED</b>
Access	3
Agresso Training	3
Bespoke HWM Client Training	1
Bookkeeping	8
Business Writing Skills	2

Civil Service/State Agencies Certificate	1
Communications and assertiveness	1
Executive Secretary Course	3
Finance Browser/Analysar Training Course	2
Interviewer Skills	4
Introduction General Management	1
Effective In-House Legal Department	8
Exchange 2000 Workshop	1
First-Aid Training	2
Focus on Training	1
Frontline Management	1
Human Resource Management Systems	2
Induction	19
Internet Researching	3
Keyboard Course	1
Leadership Challenge Prog. 8	1
Library Online Information Course	2
Management Away Day	7
Management of Modern Public Service	1
Management Training & Development-Module One	10
Management Skills	1
Managing Email Effectively	7
Managing Training and Development	1
Maximising Interpersonal Communications	2
Microsoft Publisher	1
Minute Taking Made Easy	4
Onsite IT Training	3
Organisation & Workplace Mediation	1
Performance Management & Evaluation	1
PMDS Training	10
Policy Analysis	1
Project Management	1
Pro Services WT	1
Public Sector Procurement	9
Report Writing	1
Stress Elimination	8
Time Management	6
Typing Skills	
Vat Course	1
Working Smarter Not Harder	5

## **Training and Development - CSSO**

### **Breakdown of Chief State Solicitor's Office Expenditure on Training & Development 2007**

The total expenditure on Training and Development in 2007 was €309,967

The Training budget allocation was broken into three specific areas:

- **Delegated Budget**

The total expenditure for the Delegated Budget during 2007 was €68,602. The Division Heads hold responsibility for the delegated Budget. For 2007 the budget equated to €700 per person in each Division.

- **Refund of Fees**

A total of 15 people claimed refund of fees in respect of the Refund of Fees scheme for the academic year 2006/2007. The amount refunded under this scheme in 2007 was €37,953.

- **Holding Fund**

The Holding fund expenditure for 2007 was €203,412. This fund was used for the payment of the Training & Development Programme for Senior Management and Staff along with the expenditure on training for (a) venues for courses held throughout the year (b) Visual Files training, (c) other training such as First Aid etc.

### **Expenditure on Training & Development - 2007**

<b>Item</b>	<b>Expenditure €</b>
Seminars, Conferences & Training Courses	58,168
Refund of Fees	37,953
Cost of consultants & external trainers	120,866
IT Training	40,371
Trainers' salaries & overheads	208,500

Cost of courses attended by trainers	3,200
Other	49,409
<b>Total</b>	<b>518,467</b>
<b>Total Payroll costs A1</b>	<b>13,910,029</b>
<b>Expenditure on T &amp; D as % of salary cost</b>	<b>4%</b>

## **Training provided by the CSSO Library in 2007**

### **Legal Issues**

Jehovah's Witness Blood Transfusion - Violation of the Right to Bodily Integrity. Equality Law, Housing Acts & ECHR issues arising under the recent traveller decision of Doherty v. SDCC.

A blank map? The challenge to the Electoral (Amendment) Act, 2005.

An introduction to the selection and award criteria under the EU public procurement regime.

Criminal Law Practice and Procedure relevant to Article 40 Habeas Corpus Applications.

### **New Library & Know-How Unit Services launched**

April 2007 saw the launch of the first phase of the joint AGO, CSSO and DPP libraries' e-journals project, providing full-text of electronic journals.

### **One to One Training**

The Library & Know-How Unit provided one-to-one training sessions to legal staff throughout the year. These sessions were based on the individual's needs and requirements. They were delivered both in the library and in individual's own offices.

## **Conferences/ Seminars/ Training Courses attended by CSSO Staff during 2007**

<b>Conferences/ Seminars/ Training Courses</b>	<b>Provided for number of staff</b>
<b>Information Technology</b>	
Excel - Intermediate	1
<b>Legal Training</b>	
3rd Annual Irish Public Private Partnerships Policy Forum	3

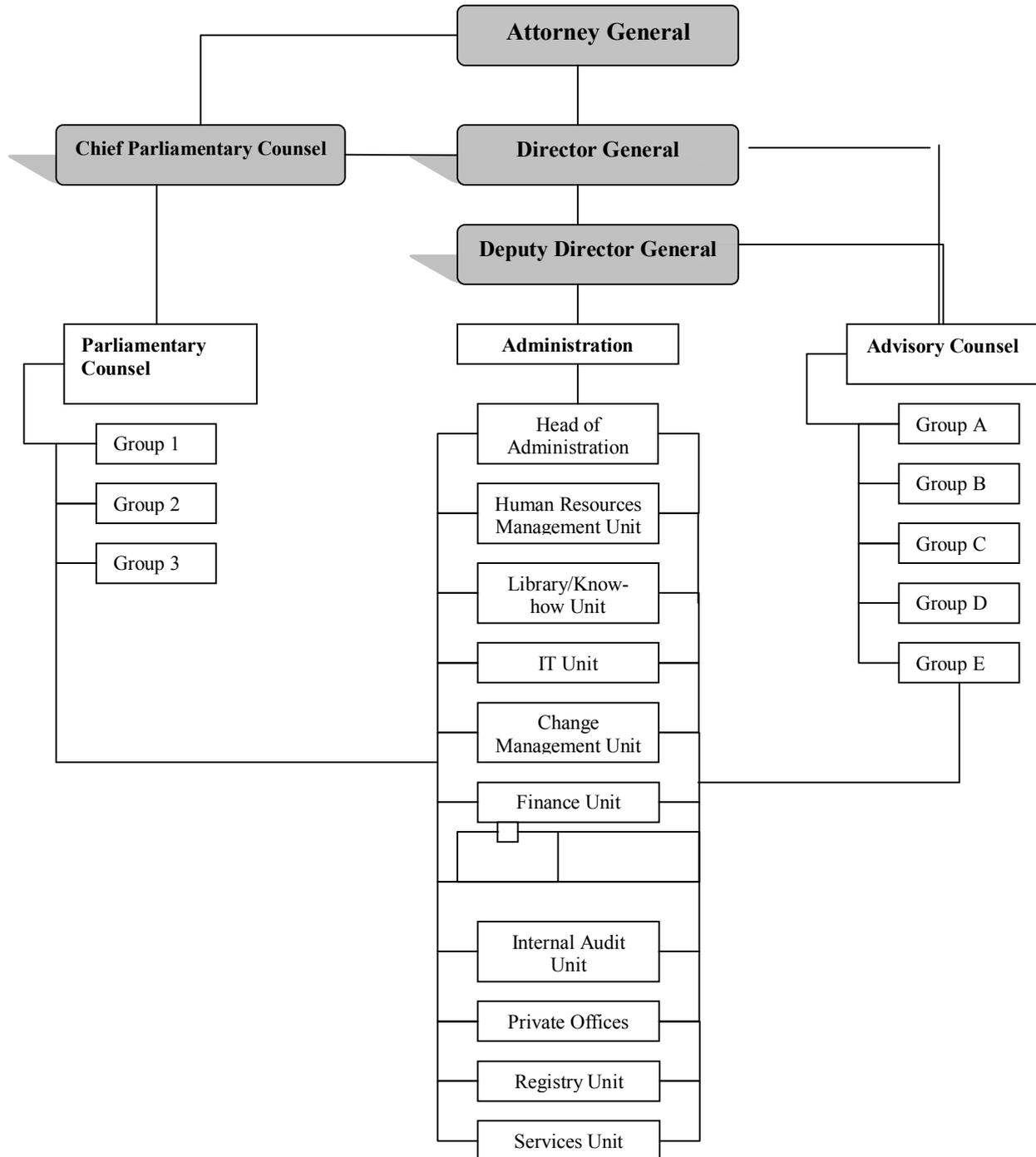
A Practical Guide to Collateral Warranties	3
Advanced Advocacy course 2007	2
Advanced Mediation Advocacy	2
Advanced Negotiation Skills for Lawyers Workshop	1
Advocacy	3
Annual Property & Conveyancing Conference & Exhibition	1
Annual Review of Employment Law	3
Arbitration	1
Criminal Law Practice and Procedure relevant to Article 40 Habeas Corpus Applications	Provided in house for all staff
Balancing Life & Work - Taking the stress out of success	1
Changing demands in the business world	1
Child Sexual Abuse	1
Civil Litigation in the Digital Age	2
Client Focus Seminar	1
Collateral Warranties	3
Company Law Refresher and Updates Seminar	3
Complex Conveyancing Issues Conference	1
Construction Law Conference 2007	1
Construction Regulations 2006 - The Core Issues	1
Conveyancing - Multi unit developments	3
Conveyancing Insight Series - Ground Rents	1
Courtroom Evidence	5
District Court - Recent Developments	2
Divorce - ten years on	1
Drunk Driving Offence, Review of Recent Developments	1
eConveyancing Stakeholders Seminars	3
Employment Law- A review of recent developments	1
Employment Rights of Immigrants and other issues	3
Environmental Law Master Class	1
EU Law	2
Evidence Pitfalls for Civil Lawyers	1
Fixed Term Contracts	1
Further Advanced Advocacy Course	1
Getting to Grips with Mediation	3
Introduction to Arbitration	1
Judicial Review	11
Law and the Environment 2007	1
Legal Drafting Skills	4
Licensing Law Master class 2007	2
Litigation Review 2007	6
Management Tools for Effective in-house Solicitors	7
Personal Injury Claims, A Review of Recent Development	3
Planning and Environmental Inquiries Conveyancers Dublin	3
Planning Law Issues in Conveyancing Transactions	1
Practical Problems in the Administration of Estates	1
Practice Management Seminar	1
Privacy Issues for the Employment Lawyer	1
Probate & Tax Seminar - June 2007	1
Probate & Tax Seminar - September 2007	1
Procurement Update 2007	1

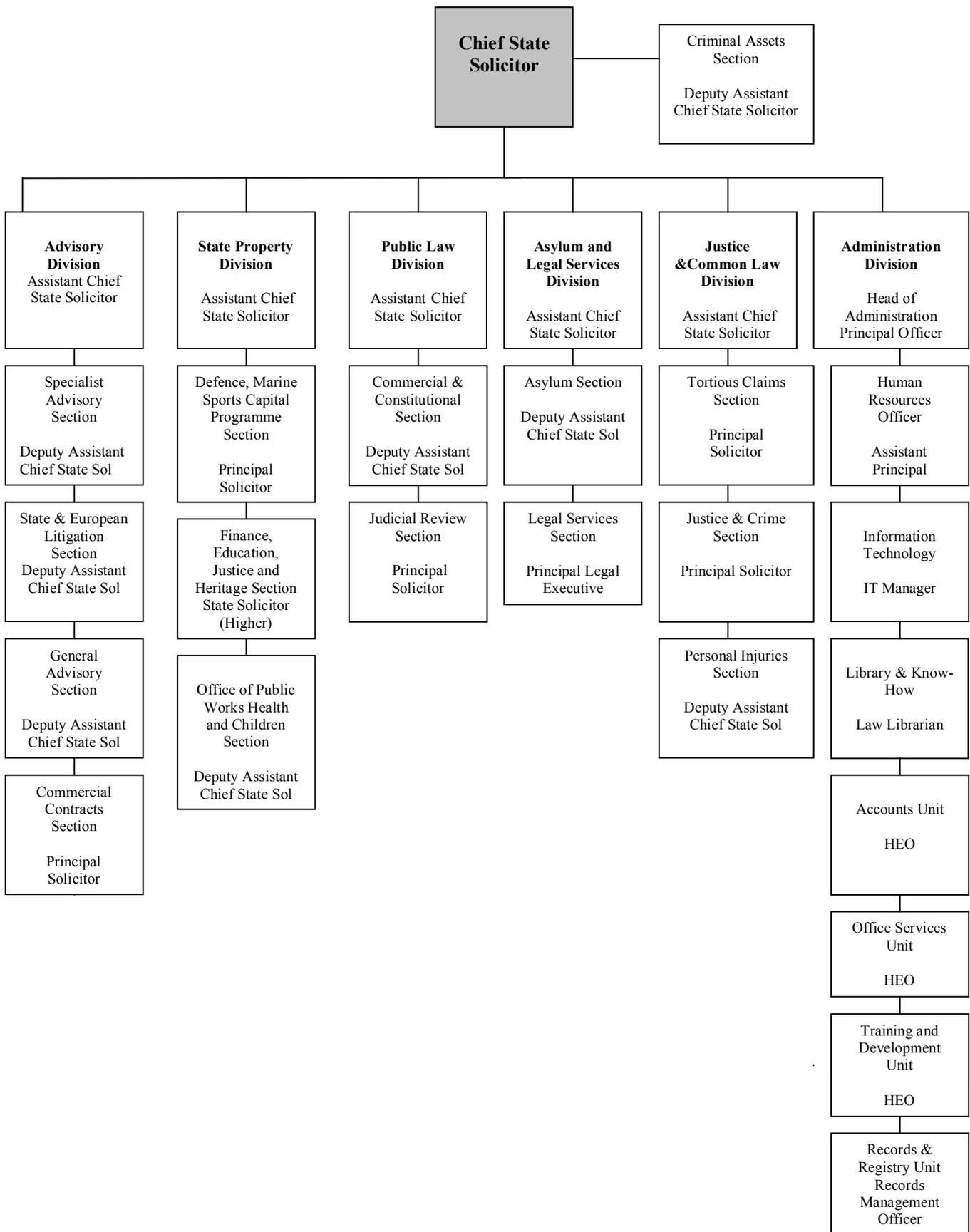
Protecting the Employer	1
Protecting the Employer - Dismissals - What Employers need...	1
Recent Developments in Litigation and investigative process.	1
Recent Developments- Section 117 Applications	1
Recent Use of the ECHR in the Courts, Procedure...	1
Residential Tenancies Act 2004	1
Second forum on EU immigration and Asylum policy	2
Seminar on Amicus Curiae Interventions	1
Series of Seminars on Commercial Lending	2
Service Charge Structures in Managed Estates	2
Shortt -v- Commissioner of An Garda Síochain. Implications for Legal Practitioners	1
SYS Spring Conference 2007	1
Tax Implications of Conveyancing Transactions	1
Taxation in Conveyancing	1
The Criminal Justice Act 2007 - a bridge too far?	8
The Criminal Justice Bill 2007	1
Top 10 Evidence Pitfalls for Civil Lawyers	1
Trusts Problems and Pitfalls	1
Workplace Discipline & Grievance Procedures	1
<b>Management/Staff Development/Skills</b>	
Arranging Case Management Electronically (ACME)	131
A Practical Update on Corporate Governance in the Public Sector	1
Addressing Bullying and Harassment in the Workplace	2
Bullying & Harassment in the Workplace Seminar	1
Bullying & Harassment Investigator's Course	2
Business Process Improvement Programme	1
Buying IT in the Public Sector	1
Change & Challenge in the Public Service	4
Civil Disputes Resolution and the State Sector	2
Coaching	42
Creative Problem Solving	82
Customer Service	200
Facilitation Skills	48
Financial Management Competency	242
Finding and Understanding Legal Information	1
First Aid	9
Freedom of Information Seminar	1
Freedom of Information - A practical guide	3
Health & Safety in the Irish Workplace	1
Integration of PMDS with HR Policies and Practices	242
Irish Agresso Users Group Conference	1
Language Training (French)	1
Language Training (Irish)	2
Leadership and Motivation	42
Lexis Nexis Visualfiles User Conference	1
Line Management	1
Personal Development, including Interviewee Skills	86
Personal Management, including Work Life Balance/Stress Management	91

Presentation and Communication Skills	3
Professional Services Withholding Tax Workshop	3
Promoting the use of Irish in Libraries	1
Public Procurement Seminar	2
Remodelling the Public Sector	1
Risk Management for Government Departments	4
Risk Management Techniques for Government Projects and Programmes	4
Statement of Strategy & Business Plans	242
Tackling Difficult Issues in the Workplace	1
Teams, Problem Solving and Decision Making	42
Team Working	200
The European Union and Ireland	2
Typing	6
Using the Internet to Find Legal Information	1
Value for Money and Policy Reviews	1
VAT for State & Semi State	2
Written Communication including Minute Taking and Report Writing	69

# Annex I

## Organisation Chart:





## ANNEX J

### HIGH COURT CASES FROM 2007 INVOLVING THE STATE

#### **John Kennedy v Director of Public Prosecutions and the Attorney General**

Judgment delivered by MacMenamin J on 11/01/2007

The applicant sought a declaration that a section from anti-corruption legislation was invalid and incompatible with ECHR obligations.

#### **E.F. and T.F. v The Minister for Education and Science, Ireland and the Attorney General**

Judgment delivered by Smyth J on 12/01/2007

This case related to the needs of the autistic twin plaintiffs for therapies and education pursuant to the Education Act 1998.

#### **Alan Gray, Phyllis Gray and Francis Gray v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Quirke J on 17/01/2007

The plaintiffs were claiming damages for negligence, distress and breach of privacy on the basis that the Gardaí had unlawfully disclosed information to media and members of the locality about a convicted sex offender who was residing with the plaintiffs.

#### **Guylain Maniatu Banzuzi v The Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, the Attorney General and Ireland (with the Human Rights Commission as a notice party)**

Judgment delivered by Feeney J on 18/01/2007

The applicant submitted that the Tribunal, *inter alia*, failed to consider all of the country of origin information, and made selective use of that information.

#### **Paddy Doherty and Bridget Doherty v South Dublin County Council, the Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General (with the Equality Authority as a notice party)**

Judgment delivered by Charleton J on 22/01/2007

The applicants sought a declaration that the alleged failure of the respondents to ensure that they were provided with a centrally heated, insulated and internally plumbed caravan infringed their constitutional and ECHR rights.

#### **U.I. v The Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by Murphy J on 23/01/2007

The applicant sought, *inter alia*, a declaration that the rule of law governing the scope of judicial review relating to asylum decisions was incompatible with the ECHR.

#### **Frank Ward v The Minister for Justice, Equality and Law Reform, the Irish Prison Service and the Attorney General (with the DPP as a notice party)**

Judgment delivered by McGovern J on 25/01/2007

The applicant sought, *inter alia*, a declaration that by failing to afford him facilities or an opportunity to consult privately with his legal advisers when brought into custody before Dublin Circuit Criminal

Court following an interim hearing in advance of his trial, his constitutional right to a fair trial was violated contrary to Article 38.1 of the Constitution.

**Mary Farrell and Tom Costello v. The Minister for Education and Science, County Longford Vocational Education Committee and County Roscommon Vocational Education Committee**

Judgment delivered by Feeney J on 28/02/07

This case involved a determination of whether or not the essence of the work of an Adult Education officer was administrative, executive or educational.

**Fuat Llanaj v Doreen Shivnen acting as the Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform (first notice party) and Ireland and the Attorney General (second notice party)**

Judgment delivered by Feeney J on 09/02/2007

An Albanian national sought to quash a decision of the Refugee Appeals Tribunal.

**Kildare Meats Limited and Kildare Chilling Company Limited v. The Minister for Agriculture and Food**

Judgment delivered by Laffoy J on 09/02/2007

The High Court ruled on a challenge to the plaintiff's amended state of claim in a case concerning recall of advance export refunds.

**Catherine Martin and Diarmuid Doorley v The Legal Aid Board, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 23/02/2007

The plaintiffs were solicitors employed by the first defendant and were seeking the following declaratory reliefs: (a) a declaration that the decision of the Board to permit, by itself and/or by its authorised officers, an unfettered right of access to case files was void, *ultra vires* and in breach of the provisions of the Constitution and the European Convention on Human Rights; and (b) if necessary, a declaration that s. 32(2) of the Civil Legal Aid Act, 1995 was invalid and repugnant having regard to the provisions of the Constitution and, in particular, Articles 34, 38 and 40 thereof.

**Richard Muldarry v the Officer commanding 29<sup>th</sup> Infantry Group Kosovo, Ireland, the Minister for Defence and the Attorney General**

Judgment delivered by De Valera J on 02/03/2007

This judicial review related to whether the decision to repatriate the applicant arising out of disciplinary proceedings was unfair and/or *ultra vires*.

**Patrick Grace v Ireland and the Attorney General**

Judgment delivered by Laffoy J on 07/03/2007

The plaintiff sought a declaration of incompatibility with the State's obligations under Article 6 ECHR in relation to the requirements that had to be met in Section 85(4) of the Bankruptcy Act 1988 before he could be discharged from bankruptcy.

**Patrick Farrelly v The Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by O'Neill J on 13/03/2007

The applicant sought an order of prohibition restraining the holding of a sworn inquiry into allegations of a breach of discipline against him.

**USK and District Residents Association Limited v An Bord Pleanála, Ireland and the Attorney General**

Judgment delivered by Kelly J on 14/03/2007

Decision of An Bord Pleanála to grant planning permission quashed due to its failure to record adequately, or at all, its decision approving the conditions attached to the permission.

**Mary Ward v the Minister for Education and Science, Ireland, Attorney General, the North Eastern Health Board and by Order Noreen O'Shea**

Judgment delivered by O'Neill J on 16/03/2007

The case involved the request to grant Motions to dismiss a case for inordinate delay. Held by O'Neill J to grant the relief sought. If the trial were allowed to go ahead, it would amount to a parody of justice because of the length of time which had passed and the loss of evidence available.

**Minister for Finance v. Una McArdle**

Judgment delivered by Laffoy J on 22/03/2007

This case concerned the rights of a fixed term worker employed by the State Laboratory under the Protection of Employees (Fixed-Term Work) Act 2003.

**S.E. (A Minor) suing by his mother and next friend V.E. v The Refugee Applications Commissioner, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by Murphy J on 23/03/2007

The applicant sought leave to have judicially reviewed the respondent's decision to refuse the applicant refugee status on the basis that the application lacked credibility.

**T.A. v The Minister for Justice, Equality and Law Reform, the Refugee Applications Commissioner, the Refugee Appeals Tribunal and the Attorney General of Ireland**

Judgment delivered by Charleton J on 30/03/2007

The applicant is sought leave for judicial review on the basis that the documents before the Refugee Appeals Tribunal contained errors.

**M. v Minister for Health and Children**

Judgment delivered by Hanna J on 30/03/2007

This matter related to an appeal against the decision of the Hepatitis C Compensation Tribunal in respect of costs awarded.

**Q. v Minister for Health and Children**

Judgment delivered by Hanna J on 30/03/2007

This matter related to an appeal from an award from a decision of the Hepatitis C Compensation Tribunal in respect of a carer's claim.

**Agbonlahor and others v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Feeney J on 18/04/2007

The applicants claimed that the decision of the Minister not to revoke the deportation orders made in respect of the applicants was a violation of their rights under Article 8 ECHR.

**T.G. v David McHugh (Acting as the Refugee Appeals Tribunal) and the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment made by Charleton J on 18/04/2007

The applicant sought to have a recommendation of the first named respondent quashed following the unsuccessful application for asylum.

**Alan Morgan v The Director of Public Prosecutions, the Minister for Justice, Equality and Law Reform and the Commissioner of An Garda Síochána**

Judgment delivered by McGovern J on 20/04/2007

The applicant was given leave to apply for judicial review for an order prohibiting or restraining the first respondent from pursuing a prosecution of the applicant on the basis that the respondents had not sought out or preserved video evidence which could have assisted the applicant in defending himself.

**Minister for Justice, Equality and Law Reform v Mohammed Iqbal; Mohammed Iqbal v Attorney General, the Minister for Justice, Equality and Law Reform**

Judgment delivered by Peart J on 24/04/2007

The first proceedings related to the application under the European Arrest Warrant for the surrender of the respondent to the United Kingdom and in the second proceedings the plaintiff sought declarations in respect of the validity of the legislation giving effect to the European measures.

**Minister for Justice, Equality and Law Reform v Maros Sulej and Minister for Justice, Equality and Law Reform v Tomas Puta; Maros Sulej v the Attorney General and the Minister for Justice, Equality and Law Reform and Tomas Puta v the Attorney General and the Minister for Justice, Equality and Law Reform**

Judgment delivered by Peart J on 24/04/2007

The proceedings involved the challenge by the respondents to their surrender to the Czech Republic on foot of a European Arrest Warrant.

**Flaw Shanahan, John Thomas McCormack and John Stephenson v P.J. Carroll & Co. Ltd. and Wills (Ireland) Ltd., Gallaher (Dublin) Ltd. and by order the Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Gilligan J on 24/04/2007

The plaintiffs brought an action against the defendants under the Liability for Defective Products Act 1991, claiming damages for personal injuries caused by the effects of tobacco smoking.

**Peter Sweetman v An Bord Pleanála, Ireland and the Attorney General (with Clare County Council as a notice party)**

Judgment delivered by Clarke J on 26/04/2007

The applicant challenged the validity of the approval by An Bord Pleanála to a road scheme pursuant to Section 50(4)(b) of the Planning and Development Act 2000, and the applicant claimed that Ireland had failed to comply with its obligations under Council Directive 2003/35/EC.

**Mrs. Hazel Lawlor v The Members of the Tribunal of Inquiry into Certain Planning Matters and Payments (with Ireland and the Attorney General as notice parties)**

Judgment delivered by O'Neill J on 27/04/2007

The applicant sought a stay on the Quarryvale II Module hearing of the Tribunal.

**T.R.T. v The Minister for Justice, Equality and Law Reform, the Refugee Applications Commissioner, the Refugee Appeals Tribunal, Ireland and the Attorney General**

Judgment delivered by Dunne J on 04/05/2007

The applicant challenged both the refusal to grant her refugee status and the decision to deport her.

**A.C. v Denis Linehan (member of the Refugee Appeals Tribunal) and The Minister for Justice, Equality and Law Reform**

Judgment delivered by Gilligan J on 04/05/2007

The applicant, a Kosovan of Roma ethnicity, sought leave to apply for an order of *certiorari* quashing the decision of the first named respondent refusing the applicant's appeal against the recommendation of the Refugee Applications Commissioner that the applicant was not entitled to refugee status, as well as an injunction preventing the second named respondent from deporting the applicant pending the determination of the proceedings.

**L.L. v F.X.I.S., B.A., the Minister for Education and Science, the Minister for Justice, Equality and Law Reform, C.D.A., T.F.L.C., Ireland and the Attorney General**

Judgment delivered by Peart J on 16/05/2007

Plaintiff sought to enlarge time for delivery of Statement of Claim on one of the defendants.

**S.O.C. (a minor suing by his father and next friend, COC) v The Minister for Education and Science, the Minister for Health and Children, The Health Service Executive and the Attorney General**

Judgment delivered by Peart J on 16/05/2007

This case related to the needs of the autistic plaintiff who was seeking declarations as to the breach by the defendants of his constitutional rights to appropriate education and health care services, and statutory rights under the Education Act 1998, the Child Care Act 1991, the Equal Status Act 2000, and the Health Act 1970. The plaintiff sought damages for breaches of rights, negligence and breach of statutory duty. **Held** by Peart J in refusing the reliefs sought: The standard of proof that the plaintiff must discharge of whether the Department of Education fell short of providing the appropriate education for S, is on the balance of probability. The Minister for Education did not fail to provide for education for S. The Minister is obliged under the Constitution to 'provide for education' not to 'provide education'. As long as provision is made by the Minister for 'appropriate education' the constitutional duty is discharged. The burden of proof was not discharged by the plaintiff to show that the eclectic provision and in particular that described as Model A, is not an appropriate autism-specific provision. General damages for the loss of 12 months in the provision of appropriate interventions, the impact of that on the rate of S's developmental progress at a critical time and on his behaviours at Eur50,000. Award for exemplary or punitive damages refused. Special damages awarded in a number of categories amounting to Eur10,686.

**F.O., Y.O. (a minor suing by her mother and next friend F.O.), A.O. (a minor suing by his mother and next friend) v The Minister for Justice, Equality and Law Reform, the Refugee Applications Commissioner, Ireland and the Attorney General**

Judgment delivered by McGovern J on 16/05/2007

Judicial review of a decision to refuse refugee status.

**S.M., A.M.M., (a minor suing by her mother and next friend S.M. v The Refugee Applications Commissioner, the Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by Hedigan J on 17/05/2007

This was an application for leave to seek judicial review of the Tribunal's decision to refuse refugee status to the applicants.

**J.B. v The Minister for Justice, Equality and Law Reform, the Refugee Applications Commissioner, Ireland and the Attorney General (with the Human Rights Commissioner as a notice party)**

Judgment delivered by Hedigan J on 18/05/2007

This was an application for leave to seek judicial review of the Tribunal's decision to refuse refugee status to the applicant.

**K.K. v Patrick Hurley acting as the Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by McGovern J on 22/05/2007

The applicant sought to challenge the decision refusing him refugee status, alleging that the decision contained errors of fact.

**Lett & Company Limited v Wexford Borough Corporation, the Minister for Communications, Marine and Natural Resources and the Attorney General**

Judgment delivered by Clarke J on 23/05/2007

The case involved a claim by the plaintiff that it had a legitimate expectation that they will receive compensation arising from the loss of a foreshore licence.

**A.F. Ak. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General [2005 No. 642 JR] and A.F. Ay. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General [2005 No. 600 JR]**

Judgment delivered by Feeney J on 24/05/2007

These were judicial review proceedings relating to the making of deportation orders in respect of both applicants who failed to secure refugee status in the State.

**S.K. and T.T. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Hanna J on 28/05/2007

This was an application for leave to seek judicial review of the Minister's refusal to grant the first-named applicant the right of residency in the State.

**Catherine Murphy and Finian McGrath v The Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General**

Judgment delivered by Clarke J on 07/06/2007

The plaintiffs challenged the constitutionality of the ratio of Dáil deputies to constituency population.

**A.W.S. v Des Zaidan (acting as the Refugee Appeals Tribunal), the Minister for Justice, Equality and Law Reform (1<sup>st</sup> notice party), and Ireland and the Attorney General (2<sup>nd</sup> notice party)**

Judgment delivered by Dunne J on 12/06/2007

The applicant sought leave to apply for judicial review in respect of a decision of the Refugee Appeals Tribunal.

**Comcast International Holdings Inc., Declan Ganley, Ganley International Limited and GCI Limited v The Minister for Public Enterprise, Michael Lowry, ESAT Telecommunications Limited, Denis O'Brien, Ireland and the Attorney General**

Judgment delivered by Gilligan J on 13/06/2007

The plaintiffs brought proceedings alleging corruption, misfeasance in public office, fraud and deceit against the State defendants in respect of the 1995 decision to award a mobile phone licence to the other defendants in preference to the plaintiffs' application.

**Greencore Group PLC and Irish Sugar Limited Trading as Greencore Sugar v The Government of Ireland, the Minister for Agriculture and Food, Ireland and the Attorney General**

Judgment delivered by Clarke J on 14/06/2007

These proceedings related to the application of a scheme for the restructuring of the sugar industry pursuant to, *inter alia*, Council Regulation 320/2006.

**Price v Governor of Mountjoy Prison and the MJELR.**

Judgment delivered by McGovern J on 15/06/2007

This was an application for judicial review arising out of sanctions imposed on the applicant by the respondents pursuant to the Prison (Disciplinary Code for Officers) Rules 1996 (S.I. 289/1996) and his suspension under s. 13 of the Civil Service Regulation Act 1956.

**Simmonds v Kilkenny Borough Council, the Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Smyth J on 15/06/2007

This case concerned the application of the Casual Trading Acts, and regulations and bye-laws made thereunder.

**H.I. v The Minister for Justice, Equality and Law Reform, the Refugee Appeals Tribunal, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by McGovern J on 19/06/2007

The applicant challenged both the refusal to grant him refugee status and the decision to deport him.

**John Rooney v The Minister for Agriculture and Food, the Minister for Finance, the Taoiseach, Ireland and the Attorney General & Ors**

Judgment delivered by Smyth J on 19/06/2007

The issue in this case was whether a SC order restraining further proceedings restrained the plaintiff from taking any further steps in proceedings instituted predating the SC order, other than in relation to taxation costs and other than with leave of the Supreme Court.

**D.W.G. v the Minister for Justice, Equality and Law Reform; M.T.O. and the Minister for Justice, Equality and Law Reform**

Judgment delivered by Birmingham J on 26/06/2007

These two cases related to challenges to failed asylum applications.

**N.N. v The Refugee Appeals Tribunal (Elizabeth O'Brien), Tribunal Member, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by McGovern J on 28/06/2007

The applicant sought to have a decision of the RAT quashed, alleging breach of fair procedures and natural justice.

**The Irish Pharmaceutical Union and others v The Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Clarke J on 29/06/2007

This case related to the contract between the HSE and individual pharmacists. It was provided that free medicines would be dispensed by pharmacists generally, where the pharmacist would not charge the patient but would be reimbursed by the State as part of the General Medical Service. The Minister froze these advance payments as a decision of Government, and the IPU claimed that the Minister was

in breach of the agreement originating in 1996, as well as the individual contracts with the pharmacists.

**Fionuala Sherwin v An Bord Pleanála and Fingal County Council**

Judgment delivered by Edwards J on 03/07/2007

This matter related to an application for an order of certiorari quashing the decision of An Bord Pleanála in declaring that certain works to provide changes to the internal layout of a church are development and exempted development.

**D.F. v Aine McGarty, The Minister for Education and Science, the Minister for Health and Children, the Minister for Justice, Equality and Law Reform, Michael Neary, Ireland and the Attorney General**

Judgment delivered by Gilligan J on 12/07/2007

The plaintiff's claim against the various defendants was on three grounds: firstly, the lawfulness of the plaintiff's detention in a certified industrial school; secondly, her alleged general ill treatment while detained in the industrial school; and thirdly, an allegation that she was sexually abused while detained therein.

**S.M v Ireland, the Attorney General and the D.P.P.**

Judgment delivered by Laffoy J on 12/07/2007

This case was a challenge to the constitutionality of Section 62 of the Offences Against the Person Act 1861.

**Atlantean Limited v The Minister for Communications and Natural Resources, Ireland and the Attorney General**

Judgment delivered by Clarke J on 12/07/2007

The plaintiff challenged decisions of the Minister which had the effect of reducing the mackerel fishing quota allotted to the plaintiff company.

**V.B. v Des Zaidan (acting as the Refugee Appeals Tribunal), the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment made by Birmingham J on 13/07/2007

This case involved a request for leave to apply for judicial review following an unsuccessful asylum application.

**Kavanagh v the Minister for Justice, Equality and Law Reform, the Minister for health and Children, Ireland and the Attorney General**

Judgment made by T.C. Smyth J on 17/07/2007

The applicant challenged the validity of any decision to develop a prison at a site known as Thornton Hall in Co. Dublin.

**K.M. and D.G. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Edwards J on 17/07/2007

The applicant sought an order of mandamus ordering the Minister to determine, within a reasonable time, his application for permission to remain in the State on foot of his marriage to the second-named respondent, who was an Irish citizen.

**Thomas Noonan v the Commissioner of An Garda Síochána**

Judgment made by McKechnie J on 17/07/2007

This case related to the judicial review to quash the decision and recommendation of a disciplinary inquiry.

**K.M. v Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Edwards J on 18/07/2007

The applicant sought leave to have judicially reviewed the decision of the Tribunal to refuse him refugee status.

**J.B. v Southern Health Board, the Minister for Health and Children, the Minister for Education and Science, Ireland and the Attorney General**

Judgment delivered by de Valera J on 20/07/2007

Application of Section 16 of the Civil Liability Act 1961 - the plaintiff sought damages from the defendants for abuse he had suffered in a residential institution run by the Brothers of Charity.

**C.I.E. v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Peart J on 27/07/2007

The applicant sought humanitarian leave to remain pursuant to Section 3 of the Immigration Act 1999.

**Dona Sfar v Louth County Council, the Minister for the Environment, Attorney General and Ireland**

Judgment delivered by Feeney J on 27/07/2007

The applicant in overlapping judicial review applications proceedings sought declarations, injunctions and mandamus in relation to the seizure of the applicant's dogs and other animals by Louth County Council.

**V.O., J.O. (a minor suing by her mother and next friend, V.O.) and others v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by Peart J on 27/07/2007

Application for leave to seek judicial review of refused asylum applications, including declarations that the deportation of the husband/father of the family breached Article 8 ECHR and Articles 40 and 41 of the Constitution.

**F.A. and B.A. (a minor suing by her mother and next friend, F.A.) v The Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Peart J on 27/07/2007

Application for leave to seek judicial review of refused asylum application.

**Gareth McCarthy v Judge Patrick Brady and the Director of Public Prosecutions**

Judgment delivered by De Valera on 30/07/2007

This judgment involved a decision of the period of suspension on a suspended sentence.

**Mark Gibbons v the Commissioner of An Garda Síochána**

Judgment delivered by Edwards J on 30/07/2007

The applicant sought relief by way of judicial review restraining the respondent from further processing disciplinary proceedings on the basis of prejudicial delay.

**Robert Burns v The Governor and Company of the Bank of Ireland, the Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Gilligan J on 27/07/2007

Constitutional challenge to Section 31(8) of the Criminal Justice Act 1994.

**R.R. v P.D., the Minister for Defence, Ireland and the Attorney General**

Judgment delivered by Johnson P on 30/07/2007

This case involved an issue of the Statute of Limitations in respect of a claim for post traumatic stress.

**J.B.R. v Ricardo Dourado (acting as the Refugee Appeals Tribunal) , Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Peart J on 31/07/2007

This applicant sought leave to apply for judicial review of a decision of the Refugee Appeals Tribunal which upheld a finding that the applicant failed to establish his refugee status.

**Michael Kavanagh v The Government of Ireland, the Minister for Justice, Equality and Law Reform, the Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Smyth J on 31/07/2007

The plaintiff challenged the development of an agriculturally zoned 150 acre rural site at Thornton Hall farm, where a new State prison and central mental hospital are proposed to be situated, on the basis that there was no prior public consultation and no proper environmental assessment carried out in accordance with EC law.

**Byrne & Leahy v Shannon Foynes Port Company and the Minister for Transport**

Judgment delivered by Clarke J on 07/09/2007

This case concerned the tests to be applied firstly in relation to privilege, of a document included in a schedule to an affidavit of discovery in respect of which no claim for privilege is in fact made, and secondly, whether the plaintiffs were entitled to additional documentation in respect of which privilege was claimed and which might be said to be connected to the documents now disclosed.

**G.T. v K.A.O. (with the Attorney General as a notice party)**

Judgment delivered by McKechnie J on 10/09/2007

“Mr. G” case – whether the removal of the unmarried father’s (applicant’s) children from this jurisdiction, without his consent, knowledge or approval, was “wrongful” within the meaning of the Hague Convention on the Civil Aspects of International Child Abduction, and Council Regulation 2201/2003; and whether such removal interfered with the applicant’s rights under Article 8 ECHR.

**Quinn Direct Insurance Limited v Financial Services Ombudsman**

Judgment of Geoghegan J delivered on 04/10/2007

This case concerned whether a direction of the Ombudsman towards a financial service provider was *ultra vires*.

**Peter Whelan and Paul Lynch v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Irvine J on 05/10/2007

Constitutional and ECHR challenge to the mandatory life sentence for murder provision in Section 2 of the Criminal Justice Act 1990.

**Holidays Limited v An Bord Pleanála, Ireland and the Attorney General**

Judgment delivered by Clarke J on 05/10/2007

This was an application for judicial review challenging a decision of the first-named respondent to uphold the grant of permission to build a waste water management treatment plant.

**T.G. v The Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, and Ireland**

Judgment delivered by Birmingham J on 07/10/2007

The applicant sought leave to apply for judicial review of the decision refusing him refugee status, arguing that there were two pertinent documents and one had been relied upon, whereas the other was discarded and not analysed properly.

**Emerald Meats Limited v The Minister for Agriculture, Ireland and the Attorney General**

Judgment delivered by Feeney J on 08/10/2007

The plaintiff had been awarded both general and special damages against the first-named defendant for breach of duty in failing to forward the plaintiff's application to the European Commission for a quota of profitable GATT meat (meat imported into the EC under the GATT trading system, free from the normal tariff but subject to 20% duty; the meat was allocated to traders on a quota system by the Commission.) Assessment of general damages had been remitted to the court in this case.

**Attorney General v Simon Murphy**

Judgment delivered by Peart J on 17/10/2007

The applicant sought an order for the extradition of the respondent to the U.S.A. in order for him to be sentenced in relation to a charge of sexual assault.

**K.S. (A minor suing by his mother and next friend, B.S.) v the Refugee Applications Commissioner, the Minister for Justice, Equality and Law Reform, the Attorney General and Ireland and the Human Rights Commission**

Judgment made by Butler J on 17/10/2007

The applicant sought to have a recommendation of the first named respondent quashed and an order made directing the same respondent to hold a fresh interview following the unsuccessful application for asylum.

**Kevin Nolan v The Director of Public Prosecutions and District Judge Patrick Brady**

**Judgment made by Murphy J. on 19/10/2007**

The applicant sought an injunction restraining the DPP from prosecuting certain appeals and the District Judge from making any order thereto on the basis of delay.

**Lydia Foy v An tArd-Chláraitheoir, Ireland and the Attorney General**

Judgment delivered by McKechnie J on 19/10/2007

Constitutionality and ECHR compatibility of Sections 63 and 64 of the Civil Registration Act 2004.

**Michael Faherty v The Minister for Defence, Ireland and the Attorney General**

Judgment delivered by Feeney J on 22/10/2007

The plaintiff was seeking damages for personal injuries, including loss of hearing arising from excessive noise to which it was claimed that he was exposed during his employment as a member of An Garda Síochána from 1965 to 1995.

**Dona Sfar v Louth County Council, the Minister for the Environment, Ireland, the Attorney General and others**

Judgment delivered by Murphy J on 22/10/2007

Judicial review applications in which the applicant sought declarations, injunctions and mandamus in relation to the seizure of her dogs and other animals under the Control of Dogs Act 1986.

**McDonagh and others v Kilkenny County Council, the Commissioner of An Garda Síochána, the D.P.P., Ireland and the Attorney General**

Judgment delivered by O'Neill J on 23/10/2007

The applicants were members of the travelling community and were served with criminal trespass orders pursuant to the Criminal Justice (Public Order) Act 1994. The applicants claimed that the respondents were in breach of their obligations under the Housing Acts, and that the orders served were in breach of the dwelling rights of the applicants, as protected by the Constitution.

**Colm Murphy v The D.P.P., Ireland and the Attorney General**

Judgment delivered by O'Neill J on 23/10/2007

The applicant sought to prohibit his re-trial for conspiracy to cause an explosion, on the basis of lapse of time.

**Frank McBrearty and Company Limited v The Commissioner of An Garda Síochána, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Gilligan J on 25/10/2007

The plaintiff company alleged that it was subjected to unlawful, wrongful and malicious prosecution, oppression and harassment by agents of the first-named defendant and others acting at his behest.

**Peter Sweetman v An Bord Pleanála, Ireland and the Attorney General and Clare County Council**

Judgment delivered by Clarke J on 25/10/2007

The applicant sought to challenge the validity of the approval by An Bord Pleanála of a road scheme pursuant to s. 50(4)(b) of the Planning and Development Act 2000. The applicant further contended that Ireland had failed to comply with its obligations under Council Directive 2003/35/EC.

**Paolo Nascimento v Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Dunne J on 26/10/2007

This case related to an application to quash a decision refusing an application to transfer a prisoner who is a Portuguese national.

**Patrick Brennan, John Troy, Thomas Gilson, Sean O'Donnell and Stephen Birney v The Governor of Portlaoise Prison and the D.P.P.**

Judgment delivered by O'Neill J on 09/11/2007

The applicants sought to challenge their detention via an *Article 40* inquiry.

**Michael Kavanagh v The Government of Ireland, the Minister for Justice, Equality and Law Reform, the Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Smyth J on 21/11/2007

This judgment was in relation to costs. The applicant was challenging various decisions taken to develop a prison project and relocate the Central Mental Hospital.

**C.A. and S.O.A. (a minor suing by his mother and next friend C.A.) v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by McCarthy J on 23/11/2007

Application for leave to seek judicial review of a deportation order.

**Attorney General v Ludmilla Borisnova Pratkunas**

Judgment delivered by Peart J on 28/11/2007

This case concerned the surrender of the respondent to the Russian Federation under Part II of the Extradition Act 1965.

**M.K. v The Refugee Appeals Tribunal and the Minister for Justice, Equality and Law Reform**

Judgment delivered by Clark J on 30/11/2007

This was an application for an order to extend the time within which to bring an application for judicial review pursuant to s.5(2)(a) of the Illegal Immigrants(Trafficking) Act 2000 and for leave to quash the decision of the Refugee Appeals Tribunal which was notified to the applicant on the 31st January 2006.

**Vicky Leonard v Dublin City Council, Ireland and the Attorney General**

Judgment delivered by Peart J on 03/12/2007

Leave to seek declaration of unconstitutionality of Section 62 of the Housing Act 1966.

**Niall Dillon v Director of Public Prosecutions and the Attorney General**

Judgment delivered by De Valera J on 04/12/2007

This case challenged the constitutionality of provisions under 19<sup>th</sup> Century vagrancy legislation.

**Dolores Mannion v The Legal Aid Board, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by McGovern J on 07/12/2007

Concerned whether certain provisions of the Civil Legal Aid Act 1995 breached the applicant's constitutional and ECHR rights.

**X v The Refugee Appeals Tribunal, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (with the Human Rights Commission as a notice party)**

Judgment delivered by Herbert J on 11/12/2007

Judicial review of the manner in which a decision to refuse refugee status was made.

**Catherine Martin and Diarmuid Doorley v The Legal Aid Board, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 13/12/2007

Concerned the constitutionality and ECHR compatibility of s. 32(2) of the Civil Legal Aid Act 1995.

**J.W.O. (A minor suing by his father and next friend J.I.W.), J.I.W. and S.M.O. v The Minister for Justice, Equality and Law Reform, the Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Hedigan J on 13/12/2007

Whether disruption caused to the family life of the applicants by a transfer order made against the second-named applicant would infringe their constitutional and/or ECHR rights.

**Walter Prendiville and John Francis Murphy v The Medical Council, Ireland and the Attorney General**

Judgment delivered by Kelly J on 14/12/2007

Challenge to the constitutionality and ECHR compatibility of certain provisions of the Medical Practitioners Act 1978.

**Jacqueline Byrne v Official Censor and the Censorship of Films Appeals Board and the Attorney General**

Judgment made by O'Higgins J on 21/12/2007

This judicial review sought to quash a decision refusing to certify a video.

## SUPREME COURT CASES FROM 2007 INVOLVING THE STATE

### **J.R. v The Minister for Justice, Equality and Law Reform, the Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Denham J on 01/02/2007

The plaintiff alleged that she suffered repeated sexual assault at the hands of some of her family members from the age of 5 years of age, and that eventual complaints she made to members of An Garda Síochána were not investigated. In this case, the defendants sought to dismiss the plaintiff's claim against them on the grounds of inexcusable and inordinate delay.

### **David Nicolas v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

*Ex tempore* Judgment delivered by Denham J on 20/02/2007

The applicant/appellant was challenging the lawfulness of his detention under s. 5 of the Immigration Act 1999.

### **Deirdre Hayes v. The Minister for Finance**

Judgment delivered by Kearns J on 23/02/07.

The Supreme Court held that the plaintiff's claim for damages, arising from injuries sustained in an accident whilst pillion passenger in a motorcycle pursued by the Gardaí, should be dismissed.

### **Francis Shortt v The Commissioner of an Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Hardiman J on 21/03/2007

The plaintiff was appealing against the quantum of damages awarded to him by the High Court for the wrongs he suffered as result of disreputable conduct and abuse of power by Garda members.

### **F. Gregg Bemis v The Minister for Arts, Heritage, Gaeltacht and the Islands, Ireland and the Attorney General**

Judgment delivered by Macken J on 27/03/2007

This was an appeal against a decision of the Minister refusing the respondent a licence, sought pursuant to Section 3(5) of the National Monuments Act 1987, to carry out certain works at the site of a shipwreck off the coast of Cork.

### **Stephen Mitchell v Ireland, the Attorney General and the D.P.P.**

Judgment delivered by Kearns J on 28/03/2007

This was an appeal against an order of the High Court dismissing the plaintiff's claim as an abuse of process on the grounds that it raised issues which could have properly and sensibly been raised in earlier proceedings.

### **Seamus Quinn and others v The Minister for Agriculture, Food and Rural Development, Ireland and the Attorney General**

Judgment delivered by Denham J on 29/03/2007

The issue was whether the Minister could amend regulations which have statutory effect by further regulations made under Section 8 of the Animal Remedies Act 1993, or whether such amendments may be made only by statute.

### **Paul Clinton v An Bord Pleanála, Dublin City Council and the Attorney General**

Judgment delivered by Geoghegan J on 02/05/2007

The appellant, head of “the Carlton Group”, applied for leave to seek judicial review of Dublin City Council’s compulsory purchase order over an area of upper O’Connell Street, an area in respect of which the Carlton Group had originally been granted planning permission for development.

**Eric Martin v An Bord Pleanála, Ireland and the Attorney General (with Indaver Ireland Limited as a notice party)**

Judgment delivered by Murray CJ on 10/05/2007

The appellant was challenging An Bord Pleanála’s decision to grant planning permission to the notice party to these proceedings for the development of a waste management and incinerator facility in Duleek, Co. Meath.

**In the matter of wards of court and in the matter of Francis Dolan**

Judgment delivered by Geoghegan J on 04/07/2007

The case involved a determination whether someone with cerebral palsy was “of unsound mind”.

**Minister for Justice, Equality and Law Reform v Robert Francis Stapleton**

Judgment made by Fennelly J on 26/07/2007

The respondent challenged his surrender to the United Kingdom on foot of a European Arrest Warrant.

**Claude Michael Joseph Lavole and Carvida Limited v District Judge John O’Donnell, Ireland and the Attorney General**

Judgment delivered by Murray CJ on 27/07/2007

The appellant was appealing an order of the High Court refusing *certiorari* of an order directing the detention of a fishing vessel.

**M.D. v the Clinical Director of St. Brendan’s Hospital and Miriam Gannon and the Mental Health Commissioner and the Mental Health Tribunal**

Judgment delivered by Hardiman J on 27/07/2007

This matter involved an interpretation of the detention provisions of the Mental Health Act 2001.

**Dublin International Arena Limited v Campus and Stadium Ireland Development Limited, the Minister for Tourism, Sport and Recreation, Ireland and the Attorney General**

Judgment delivered by Denham J on 25/10/2007

The appellant was appealing from a High Court order requiring the appellant to furnish full security for the costs of the first-named respondent, made pursuant to Section 390 of the Companies Act 1963, and for one third of the costs of the other respondents, made pursuant to Order 29 rule 1 of the Rules of the Superior Courts.

**Attorney General v Abimbola**

Judgment delivered by Fennelly J on 28/11/2007

Concerned, *inter alia*, the effect that the introduction of the European Arrest Warrant scheme had on the Extradition Act 1965.

**Dominic Dunne v The Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General and Dun Laoghaire-Rathdown County Council**

Judgment delivered by Murray CJ on 06/12/2007

The appellant lost his case in both the High Court and the Supreme Court regarding whether s.8 of the National Monuments (Amendment) Act 2004 offended Articles 5, 10, 15 and 40 of the Constitution and Council Directive 85/337/EEC (as amended). The appellant was awarded costs by the High Court, notwithstanding the normal rule that the unsuccessful party should pay the costs of the

proceedings. The third-named respondent appealed against this High Court order. The appellant sought to uphold the Order, and as regards his appeal to the Supreme Court, asked the Court to exercise its discretion by awarding him his costs of the appeal, or, in the alternative, make no order as to costs. Held by Murray CJ: in ordering the appellant to pay the costs of the respondents, that an issue such as this is decided on a case by case basis, and decided cases indicate the nature of the factors which may be relevant, but it is the factors or combination of factors in the context of the individual case which determine the issue.

**Bode and others v The Minister for Justice, Equality and Law Reform (with the Human Rights Commission and the Attorney General as notice parties)**

Judgment delivered by Denham J on 20/12/2007

The Minister was appealing judgments of the High Court that quashed his decisions to refuse applications for permission to remain in the State to certain foreign national parents of Irish born children under the IBC 05 Scheme.

**Samir Morriss Gerges Fares, and by order of the High Court of 12th July, 2006, Flobater Samir Moriss Gerges Fares v the Minister for Justice, Equality and Law Reform, the Human Rights Commission and the Attorney General**

Judgment delivered by Denham J on 20/12/2007

The case related to the requirement in an administrative scheme (the IBC 05 Scheme) of continuous residence within the State.

**Gheorghe Dorin Duman and Alina-Vica Samolia and Kevin Duman (an infant suing by his father and next friend, Gheorghe Dorin Duman) v The Minister for Justice, Equality and Law Reform**

Judgment delivered by Denham J on 20/12/2007

At issue was the decision of the Minister made in an administrative scheme established as an exercise of executive power, to deal with a unique group of foreign nationals. The Minister appealed from judgments of the High Court quashing the decision of the Minister to refuse applications for permission to remain in the State to foreign national parents of Irish born children under the IBC 05 Scheme.

**Oviawe and Others v The Minister for Justice, Equality and Law Reform and the Human Rights Commission (notice party)**

Judgment delivered by Denham J on 20/12/2007

This case concerned the refusal by the Minister of the first named applicant's application under the IBC 05 Scheme.

**Folashade Olubunmi Adio and Others v The Minister for Justice, Equality and Law Reform**

Judgment delivered by Denham J on 20/12/2007

This case concerned the refusal by the Minister of the first named applicant's application under the IBC 05 Scheme.

## JUDGMENTS OF THE ECJ AND CFI INVOLVING IRELAND IN 2007

Case C-175/05: Judgment of the Court (Sixth Chamber) of 11 January 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Directive 92/100/EEC — Copyright — Rental and lending right — Exclusive public lending right — Derogation — Condition of remuneration — Exemption — Scope)

Case C-183/05: Judgment of the Court (Second Chamber) of 11 January 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Directive 92/43/EEC — Articles 12(1) and (2), 13(1)(b) and 16 — Conservation of natural habitats and of wild fauna and flora — Protection of species)

Case C-356/05: Judgment of the Court (First Chamber) of 19 April 2007 (reference for a preliminary ruling from the High Court of Ireland — Ireland) — Elaine Farrell v Alan Whitty, Minister for the Environment, Ireland, Attorney General, Motor Insurers' Bureau of Ireland (MIBI) (Compulsory insurance for civil liability in respect of motor vehicles — Directives 72/166/EEC, 84/5/EEC and 90/232/EEC — Injuries to the passengers of a vehicle — Part of a vehicle not adapted for the carriage of seated passengers)

Case C-391/06: Judgment of the Court (Seventh Chamber) of 3 May 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Directive 2003/4/EC — Freedom of access to information — Environmental information — Failure to transpose within the prescribed period)

Case C-148/05: Judgment of the Court (Fourth Chamber) of 14 June 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil its obligations — Directive 79/923/EEC — Quality of shellfish waters — Designation of shellfish waters — Pollution reduction programmes — Setting control parameters)

Case C-66/07: Judgment of the Court (Seventh Chamber) of 27 September 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Directive 2004/27/EC — Medicinal products for human use — Failure to transpose into national law within the prescribed period)

Case C-248/05: Judgment of the Court (Second Chamber) of 25 October 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil its obligations — Protection of underground water against pollution caused by hazardous substances — Directive 80/68/EEC)

Case C-507/03: Judgment of the Court (Grand Chamber) of 13 November 2007 — Commission of the European Communities v Ireland (Public procurement — Articles 43 EC and 49 EC — Directive 92/50/EEC — Award of a public contract to the Irish postal service An Post without a prior contract notice — Certain cross-border interest — Transparency)

Joined Cases T-50/06, T-56/06, T-60/06, T-62/06 and T-69/06: Judgment of the Court of First Instance of 12 December 2007 — Ireland and Others v Commission (State aid — Directive 92/81/EEC — Excise duty on mineral oils — Mineral oils used as fuel for the production of alumina — Exemption granted by the French, Irish and Italian authorities — New aid — Existing aid — Obligation to state reasons — Finding of the Court of its own motion)

Case C-418/04: Judgment of the Court (Second Chamber) of 13 December 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Articles 4 and 10 — Transposition and application — IBA 2000 — Value — Quality of the data — Criteria — Margin of discretion — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Article 6 — Transposition and application)

Case C-532/03: Judgment of the Court (Grand Chamber) of 18 December 2007 — Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations — Public procurement — Articles 43 EC and 49 EC — Emergency ambulance services)

### **Reference for a preliminary ruling from Irish Tribunals**

Case C-372/07: Reference for a preliminary ruling from Supreme Court (Ireland) made on 6 August 2007 — Nicole Hassett and Cheryl Doherty/The Medical Defence Union Limited and MDU Services Limited v Raymond Howard and Brian Davidson

Case C-209/07: Reference for a preliminary ruling from Supreme Court (Ireland) made on 20 April 2007 — The Competition Authority v Beef Industry Development Society Ltd, Barry Brothers (Carrigmore) Meats Ltd

### **European Court of Human Rights (Information supplied by DFA)**

- There were no hearings involving Ireland as a Respondent in 2007.
- There were no judgments against Ireland as Respondent in 2007.
- There was one decision involving Ireland in 2007 - Delaney v. Ireland (application no 23662/2007). This was struck out of the list 29/11/2007.
- Ireland filed third party written observations in the case of Burden v. the United Kingdom (application no 13378/2005). The Grand Chamber hearing in this case took place on 12 September 2007. Ireland did not participate in the oral hearing. (For information, judgment in this case was given in April 2008)
- Ireland filed third party written observations in the case of Pye v. the United Kingdom (application no 44302/2002). Judgment in the case was given on 30 August 2007. (For your information, an oral hearing took place in November 2006 - Ireland did not participate in the oral hearing)