

# **Office of the Attorney General**

## **Annual Report 2012**

**Incorporating the**

- **Second Progress Report on Implementation of Statement of Strategy 2011 – 2014.**

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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 2012. 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, outputs, outcomes and strategies as set out in the Office's Statement of Strategy 2011 – 2014.

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 demonstrates 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.

**Máire Whelan, 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 2012*. It incorporates the Second Progress Report on the implementation of the *Statement of Strategy 2011-2014*.

During 2012, the Office continued to provide legal services emphasising high quality and timely delivery to our clients the Government, Departments and Offices.

Advisory Counsel delivered legal advice within those areas where a great diversity of queries arose, involving points of EU constitutional, international and domestic law.

Parliamentary Counsel delivered a significant number of drafting assignments during 2012 including:

- 55 Government Bills published
- 54 Government Bills enacted
- 262 Statutory Instruments were drafted and transmitted to Departments (49 of which related to the transposition of European Union measures).

The Chief State Solicitor's Office provided high quality specialist solicitor services, including litigation services, property services, Government contracts and other transactional services.

In the context of the delivery of legal services the Office was centrally involved in advising Government and the Department of Finance in relation to matters arising out of ongoing bank restructuring and the Euro sovereign debt crisis. A significant effort was required in advising on the development of policy, drafting of legislation, the interpretation of and giving effect to EU and domestic law, loan documentation, court applications and defending litigation. This work was particularly demanding legally by virtue of its importance, volume, complexity, continuously changing factual matrix and the constant level of urgency. The Office had an intensive involvement with the legal teams sent by the "Troika" (EU, IMF, ECB) on quarterly review missions in relation to the negotiation of the terms and conditions and ongoing compliance with the EU/IMF Macro-economic Adjustment Programme.

The Office published an Action Plan in January 2012 and Progress Reports in May and October 2012 on the implementation of the Merrion Street Office, Chief State Solicitor's Office and Law Reform Commission's Action Plan under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). The Action Plan includes a number of important actions that were progressed during the year.

The Office continued to develop and implement many important initiatives during the year including

- Commitment to continuing to improve productivity wherever possible from within its existing resources to meet the increased demands of its clients for legal services;
- Continued management and control of counsels' fees pursuant to procedures and scrutiny processes between the Merrion Street Office and the Chief State Solicitor's Office so as to ensure maximum value for money for such expenditure;
- Further development of the Project to recruit, train and second Advisory Counsel to a number of Government Departments. Since the commencement of the Programme in 2006 a total of 21 lawyers have participated in the Programme, seconded to 10 participating Departments;
- Continued allocation of resources on a flexible basis to tackle urgent major projects modelled on the work method developed to deal with the legal issues and the heavy workload arising out of the banking and euro sovereign debt crisis;
- Adapting on an ongoing basis to changing communication methods with a view to enhancing the management of information so as to ensure the timely and effective delivery of the highest quality legal services;
- Commitment to demonstrating continued flexibility to accommodate staff losses;
- Achievement of further savings to reduce expenditure within the Votes. At the end of 2012 net expenditure was 25.4% lower than 2008 in the Merrion

Street Office. The Chief State Solicitor's Office achieved a reduction of 29% over the same period;

- Assisting client Departments to create databases of previous advices of the Office;
- In agreement with the Houses of the Oireachtas Service (HOS), commencement of use of the new Bill/Act format and transmission of draft Bills and amendments through the Legislation Workbench System (LWB);
- Commencement of the implementation of a new Information Technology Strategy 2012 – 2016;
- Commitment to continuing to assist and advise client Departments on proposals to reduce litigation costs;
- Further refining and enhancing the Case and Records Management System (ACME) to ensure that it continued to serve the Office as effectively and efficiently as possible.
- Continued focus during 2012 on achieving further progress towards the implementation of financial related initiatives at central level, further enhancement of the Office's Financial Management System and the roll-out of an interface between the new Case and Records Management System and the Financial Management System;
- Further updating of the electronic Irish Statute Book to include Acts and Statutory Instruments from 1922 to 2012 including customisation of the eISB for optimal access to the content for users of mobile devices, including the free availability of "Apps" for iPhone/iPad and Android users;

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 2012.

**Liam O'Daly**  
**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
- to assist and advise the Attorney General in carrying out her functions as described in Section 6 of the Ministers and Secretaries Act 1924, including those functions pertaining to the public interest.

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 subject areas. In addition, the Deputy Director General also has responsibility for specific subject areas. The Advisory side comprises 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 her 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:

- the provision of advice;
- the direction of litigation;
- advising in relation to legislative proposals.

Advisory Counsel are situated in the Merrion Street Office close to Departmental head offices with some Advisory Counsel seconded to Departments and other Offices, as described below.

## **Work of Advisory Counsel**

The work of Advisory Counsel covers the entire spectrum of Government business and arises in a very varied range of legal topics. The Office has put in place structures and systems to accommodate and address both routine queries as well as requests for urgent advice on significant legal issues.

Advisory Counsel also 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 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.

## **Secondment of Advisory Counsel to Government Departments**

Since 2006 the Office has run a successful Secondment Programme whereby Advisory Counsel are seconded to work as in house counsel in Government Departments.

A total of 21 lawyers have participated in this programme to date, seconded to 10 participating Departments.

The purpose of the programme is to give Departments access to lawyers with the aim of dealing with routine legal problems as they arise at source and providing legal advice in devising heads of legislation and key policy initiatives. The in house lawyers also act as a points of contact between the Department and the Attorney General's Office, helping in the formulation of requests for legal advice from the Office, providing initial advice on the query and seeking to ensure that all relevant Departmental instructions are included with the request.

Legal input has become an important element of Government business due in part, to the more complex environment in which such business is conducted. The Secondment Programme is a key strategy in seeking to meet this need and one strongly supported by participating Departments.

## **Permanent Representation to the European Union**

Since 1996, the Office has assigned an Advisory Counsel as Legal Counsellor to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment, the role of the Legal Counsellor has become an essential and intrinsic element of the effective functioning of the Permanent Representation. The Office shall second an additional Advisory Counsel to the Permanent Representation in January 2013 for the duration of the Presidency of the European Union.

## **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 goal of the OPC is to provide a high quality professional, specialist and efficient legislative drafting service to Government. Parliamentary Counsel are situated in the Merrion Street Office close to Departmental head offices.

### **Work of Parliamentary Counsel**

The main work of the OPC is to draft Government Bills for publication and presentation to the Houses of the Oireachtas and to draft secondary legislation, where appropriate, for Government Departments and Offices, including instruments transposing EU legislation into domestic law under the European Communities Act 1972.

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 (CSSO)**

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. The CSSO is situated in Ship Street for ease of access to the courts with some solicitors based in Departments.

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

The Chief State Solicitor's Office is organised into five legal Divisions, 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 including an increased involvement with the European Court of Justice, more European Court of Human Rights (ECHR) related actions, 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, Corporate Services, Clerical Support, Private Office Support, Change Management, Information Technology, Internal Audit, Registry and Records 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 and the Law Reform Commission about issues of common interest.

## **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 2011 – 2014* has 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 the Government, Departments and Offices as economically and efficiently as possible”*.

### **Six High level Goals were derived from the Mission Statement;**

- To support the Attorney General in the performance of her constitutional role as legal adviser to the Government.
- Delivery of a high quality specialist legal advisory service to our clients.
- To provide a high quality professional specialist and efficient legislative drafting service to Government.
- To support and assist in the coordination of the legal services of the State.
- To deliver a high quality specialist solicitor service to the Attorney General, Departments and Offices in areas of litigation and to provide high quality specialist legal advice and services in property and transactional matters.
- To provide modern and professional corporate and business management services in the Office that delivers the highest quality of service.

## **Chapter 3: Main Developments in 2012**

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

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

##### **The Work of Advisory Counsel in 2012**

During 2012 Advisory Counsel advised Departments and Offices as requested across the full range of subject areas identified below. Each group is comprised of a Group Co-ordinator, Advisory Counsel and clerical support staff.

The description below of legal topics dealt with by individual groups serves to highlight the key subject areas. Within those areas a great diversity of queries can arise, and may involve points of EU constitutional, international or domestic law.

**Group A** had responsibility in the areas of *Criminal Law (substantive and procedural), the Garda Síochána, Prisons, Attorney General's Criminal Law functions, Legal Aid, Law Reform Commission, Statute Law Reform Bills, Criminal assets, Interception of telecom and postal packages and other police powers, International Co-operation in Criminal Matters including extradition, mutual assistance in criminal matters and transfer of sentenced persons, EU Criminal Justice Measures, Road Traffic Acts, Gaming and Lotteries, Licensing and the Good Friday Agreement.*

**Group B** had responsibility in the areas of *Private International Law, Casual and Occasional Trading, Statistics, Statutory Instruments, Personal Injury, Health Law issues including Tobacco, Blood Supply, Abortion, Adoption, Assisted Human Reproduction, Education, Family Law, Civil Legal Aid, Solicitors/Barristers, Prosecution of Offences Act 1974, Childhood Abuse, Environmental, Planning and Nuclear Law, Arbitration.*

**Group C** had responsibility in the areas of *Asylum, Immigration and Citizenship, Probate, Succession, Charities and Escheated Estates, Electricity, Gas, Postal Law,*

*Agriculture and Aquaculture, Foreshore, Fisheries, Metrology, Mining and Quarrying, Petroleum, Seabed Exploration/Continental Shelf, Law of Sea, Shipping Law, Harbours, Irish Coastguard Service, Commissioners of Irish Lights, Marinas, Health and Safety – Authority and prosecutions and Air Transport.*

**Group D** had responsibility in the areas of *Telecommunications, Revenue Law, Appropriation and Public Expenditure, Financial Services, Insurance, Company Law, Bankruptcy/Insolvency/Liquidation, Mergers and Monopolies, Gaeltacht, Defence, eCommerce, Semi-State bodies, Other State Authorities, Coroners, Irish Language, Cultural, State aids and grants and Competition Law.*

**Group E** had responsibility in the areas of *Intellectual Property, Public International Law, Official Secrets Act, Data Protection Act, Freedom of Information, Social Welfare Law, Labour Law, Pensions, Tourism, Consumer Protection, Road Haulage, Buses and Taxis, Rail Transport, State Property Act, Property, Land Registration, Landlord and Tenant, Civil Justice, Explosives and Firearms, Prisons and Public Service.*

**European Union/European Court of Human Rights/Northern Ireland:** *The Director General has responsibility in the areas of EU Institutional issues, EU Horizontal issues, Working Groups, COREPER and Council of Ministers, Council of Europe, Human Rights horizontal issues and Northern Ireland.*

**Deputy Director General:** *The Deputy Director General has responsibility in the following areas: International Trade Law, Government Contracts and public procurement (with Group E), Electoral Law, Censorship, Oireachtas, Ministers and Secretaries, Pay, allowances and pensions of Ministers, Ethics, Public Service and Relator Actions.*

During 2012 the Office provided legal advice and support for a number of Government initiatives which are designed to reduce public expenditure and costs. These included the new Single Pension Scheme introduced during the year, shared services initiatives for the Civil Service and the operation and practical application of the Financial Emergency Measures in the Public Interests Acts.

Of particular note are the following work developments in 2012 in which Advisory Counsel assisted in the provision of advice and directions.

### **Immigration and Asylum matters**

During 2012 the Office worked very closely with Irish Naturalisation and Immigration Service (and its Advisory Counsel seconded from the Office) and the Department of Justice and Equality on complex issues relating to the procedure for dealing with applicants for asylum and subsidiary protection in the State. This involved advice on the very large number of judicial review applications against the relevant decision makers being processed by the CSSO, and also involved close consultation with Office of the Refugee Applications Commissioner (ORAC) and Office of the Refugee Appeals Tribunal (ORAT). A substantial number of Irish cases in this area were referred to the Court of Justice of the EU (CJEU). During 2012 immigration law, and particularly questions of “Zambrano” rights and the position of family members of EU nationals resident in Ireland increased in prominence. The year also saw a significant increase in litigation about the process of naturalisation.

### **Agriculture , Marine and Natural Resources**

During 2012 the Office advised on major projects involving marine and aquaculture developments and on long running litigation arising from the Corrib Gas Project.

### **Tenders**

The Office provided significant input into several key matters in relation to public procurement in 2012 and provided advice to the National Procurement Service during the year.

### **Remuneration and Conditions of Employment**

Management was required of issues arising from challenges to the Industrial Relations Act 1946 and the regulation and remuneration and conditions of employment of certain workers by way of Employment Regulations Orders (EROs) and Registered Employment Agreements (REAs).



## **Environmental Issues**

Environmental issues, including EU and domestic litigation was a demanding area that required significant attention during 2012. These covered such important topics as climate change, environmental impact assessment, the Aarhus Convention and planning and development matters.

## **Civil Status, Family and Child Law**

Novel legal and constitutional issues arose during 2012 on civil status issues on topics such as the rights of single sex couples, the recognition of foreign marriages and adoptions, surrogacy, transgender matters and in the area of Family and Child law, including in connection with child care and the Referendum on the Rights of Children. Education and Health law issues also arose.

## **International and EU organisations**

Advisory Counsel in the Office also participated in relevant working groups listed at **Annex E**.

## **European Union Justice and Criminal Law Matters**

At EU level the Office advised on a considerable number of proposed measures under Title V of the Treaty on the Functioning of the European Union (TFEU) relating to areas such as information sharing, procedural law, mutual recognition and substantive criminal law. The Office also advised on the operation of Protocols 19 and 21 and participated in discussions with our Danish and UK counterparts in how the Protocols were to be interpreted. The Office assisted the Attorney General in her role during 2012 as member of the Justice Future Group which made recommendations on the priorities of the European Commission in the field of Justice and Home Affairs.

## **Detention of Persons**

The Office advised the Department of Justice and Equality, its divisions and An Garda Síochána in relation to issues arising in relation to sentenced persons and others in detention. The Office was involved in all litigation arising from any alleged

illegality in relation to the exercise of powers in the criminal field including *Habeas Corpus* applications in collaboration with the Office of the Director of Public Prosecutions. Additionally, the Office has supported the Irish Prison Service in addressing legal issues arising from the management of its resources.

## **Criminal Procedure and Substantive Criminal Law**

The Office engaged with the Department of Justice and Equality, the Office of the Director of Public Prosecutions and An Garda Síochána to advise on the substantial *corpus* of criminal law and to manage challenges to its provisions. In 2012 this included significant cases where constitutional rights were invoked in respect of property, life and equality.

## **Garda matters**

As part of its functions of advising the Department of Justice and Equality the Office provided advice in relation to many matters relating to Garda functions and operations. This includes advice on the interpretation of statutory powers, suggested, amending legislation, the supervision of litigation involving the Gardaí, Garda interaction with other entities such as the Garda Ombudsman Commission and memoranda of understanding between the Garda Commissioner and police forces in other jurisdictions.

## **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 cases the Department of Foreign Affairs. The volume of work in this area has continued its upward trend.

## **Banking Crisis, Euro Sovereign Debt Crisis, Fiscal Governance and Programme of Financial Support to the State**

During 2012 the Office rose to the challenge posed by the ongoing threat to the financial stability of the State and the Eurozone. Advising Government and the Department of Finance in relation to matters arising out of ongoing bank restructuring

and the Euro sovereign debt crisis was a very significant part of the Office's work in 2012.

The Office advised on the development of policy, drafting of legislation, an amendment of the EU Treaty, EU legislation, international agreements, the interpretation of and giving effect to EU and domestic law, loan documentation, court applications and defending litigation.

The work was particularly demanding legally by virtue of its importance, volume, complexity, continuously changing factual matrix and the constant level of urgency. The Office had an intensive involvement with the legal teams sent by the "Troika" (EU, International Monetary Fund (IMF), European Central Bank (ECB)) on quarterly review missions in relation to the negotiation of the terms and conditions and ongoing compliance with the EU/IMF Macro-economic Adjustment Programme.

There was ongoing advice on the negotiations and execution of the separate loan agreements concluded with United Kingdom, EU and European Financial Stability Facility (EFSF) and the compliance with conditions for ongoing loan disbursements. IMF/EU documentation was also intensively considered in the context of each of the four reviews thereof carried out by the Troika during 2012.

The following selection of other issues on which the Office advised gives a flavour of the nature of the work and the challenges posed:-

- The Credit Institutions Stabilisation Act 2010 ("CISA") put in place a series of far-reaching and unique court powers affecting the restructuring of banks, shareholders and bondholders. 12 orders have been made under this legislation by the Courts. The Office has been active in defending multiple litigation suits taken against the orders made in respect of Irish Life and Permanent (*ILP*).
- Central Bank (Supervision and Enforcement) Act 2013.

- The European Stability Mechanism Treaty (ESM) and the Treaty on Stability, Growth and Governance in the Economic and Monetary Union (the Stability Treaty) were successfully defended by the State in the litigation taken in the *Pearse Doherty* and *Thomas Pringle* cases. In the space of 9 months the *Pringle* case was successfully defended in expedited legal proceedings before the High Court, Supreme Court and CJEU.
- The *David Hall* case challenging the legality of the Anglo/EBS promissory notes was for hearing in the High Court in January 2013. The intensive preparation for this case began in 2012.
- Legal questions pertaining to the terms and conditions of the EU/IMF Programme and the Euro rescue funds.
- The European Stabilisation Mechanism Act 2012 and the European Communities (Amendment) Act 2012 facilitated the ratification and implementation of the fiscal union treaties into domestic law.
- Credit Union and Cooperation with Overseas Regulators Act 2012.
- The Fiscal Responsibility Act 2012 is based *inter alia* on the EU/IMF requirement for a budget advisory council and the Government's desire to have improved fiscal governance rules. It implements certain commitments in the Stability Treaty.
- Finance Act and the Finance (Local Property Tax) Act 2012. Revenue law is raising cutting edge issues of the highest importance as Government is faced with reducing severe fiscal deficits over the coming years.
- Personal Insolvency Act 2012. The delivery of this large, complex and highly challenging Bill within deadlines set was a significant achievement.

The complex, fast moving and evolving set of confidential and market-sensitive issues required innovative legal solutions. The work was facilitated by the flexibility of the Office and by the exceptional commitment and competence of the Advisory and Parliamentary Counsel involved as well as CSSO, legal researchers, support staff and others. Excellent relations and co-operation with other stakeholders, including outside lawyers, was essential to the successful delivery of the Office's service in this area.

### **The Law Reform Commission**

During 2012 the Office supported the Law Reform Commission in its work specifically in relation to the implementation of the Commission's Third Programme of Law Reform.

### **Advisory Counsel in Irish Permanent Representation in Brussels 2012**

One Advisory Counsel is seconded as Legal Counsellor to the Permanent Representation of Ireland to the EU. During 2012 the Legal Counsellor advised the Permanent Representative and his Deputy on the various legal issues that arise as a consequence of their attendance at COREPER I and II. He 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 discharged the following additional duties:

- Attendance at the Courts of Justice and other Working Groups.
- 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.

### **International Law**

The Office advised on many international Conventions, Protocols and Agreements,

cases and legislative developments in international law in 2012, particularly those arising in preparation for Ireland's Presidency of the EU from January – June 2013.

Advices were also furnished in the areas of extradition and mutual legal assistance with non-EU countries. The Office participated in the Cross-Departmental Committee on International Sanctions and advised in respect of legislative measures and handled relevant domestic and EU/United Nations cases, including some of the first references to the CJEU from Ireland's courts. The Office also participated in the 3<sup>rd</sup> round evaluation of Ireland's implementation of the Council of Europe Convention on Corruption by the Group of States against Corruption (GRECO).

## **Legislation**

Advisory Counsel advised in relation to primary and secondary legislation drafted in the OPC in 2012. A total of 54 Bills were enacted into law in 2012. Some of the legislation in question dealt with areas not previously the subject of legislation, e.g. the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) which required considerable advisory input. Legal advice given in relation to legislative measures which were Troika requirements and those identified as having capacity to promote employment were specifically prioritised, [in accordance with Government policy].

## **The Work of Parliamentary Counsel in 2012**

The Office of the Parliamentary Counsel to the Government (OPC) drafted a significant number of Bills and Statutory Instruments during 2012:

- **55** Government Bills published (Annex A)
- **54** Government Bills enacted (Annex B)
- **262** Statutory Instruments were drafted and transmitted to Departments (49 of which related to the transposition of European Union measures).

There was a significant number of drafting assignments undertaken by the Office during 2012 and a number of those are listed below (together, as the last item mentioned below, with an assignment brought to fruition in that year) :

### **Personal Insolvency Act 2012**

The Personal Insolvency Act 2012 provides for a number of reforms in the law relating to personal insolvency. A commitment to introduce such reforms formed part of the agreement between the State and the EU-IMF.

The Act establishes three new processes – the issue of a debt settlement certificate, a debt settlement arrangement and a personal insolvency arrangement - to enable insolvent persons to settle their debts (both secured and unsecured) in an orderly manner and in a manner that reflects their rights and those of their creditors.

The Act also reforms the law relating to bankruptcy. Among the reforms introduced is one providing for a reduction in the period after which a bankrupt person is discharged from bankruptcy.

The Act also contains a number of provisions which will allow the efficient administration of the new debt settlement processes, including provisions on the establishment of the Insolvency Service of Ireland, which will operate the new insolvency arrangements, the appointment and powers of new judges of the Circuit

Court (known as "specialist judges") to deal with applications to that Court under the Act, and the authorisation, regulation, supervision and discipline of personal insolvency practitioners, who advise and represent debtors seeking to enter the new arrangements.

### **Health Insurance (Amendment) Act 2012**

The purpose of this Act is to amend the Health Insurance Act 1994 to ensure that health insurance cover continues to be available to consumers of health services without distinction being made as to age, sex or health status. This Act establishes a permanent scheme of risk equalisation in the private health insurance market consistent with EU law. Risk equalisation is a system that aims to neutralise, in an equitable manner, differences in health insurers' costs arising due to variations in the health status of policy holders.

### **European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012**

The purpose of this Act was to facilitate the extension of certain provisions of the European Arrest Warrant Act 2003 to third countries (countries other than European Union Member States) in certain circumstances.

The Act also amends the European Arrest Warrant Act 2003, the Extradition Act 1965, the Extradition (Amendment) Act 1987 and the Extradition (Amendment) Act 1994 for the purpose of giving effect to Article 2 of the EU Council Framework Decision 2009/299/JHA of 26 February 2009. The aim of that framework decision is to enhance the procedural rights of persons and foster the application of the principle of mutual recognition in respect of decisions rendered following a trial at which the person concerned does not appear in person.

### **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

This Act makes it an offence to withhold information in relation to specified offences committed against a child or vulnerable person. The offences arise where a person



knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would be of material assistance in securing the apprehension, prosecution or conviction of another person for that offence and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána.

The Act provides for a number of defences against a charge of withholding information.

### **Gaeltacht Act 2012**

This Act provides for a significant reduction in the number of members of the Board of Údarás na Gaeltachta, a new method of constituting that Board and the consequent abolition of elections to that body. The Act provides for (a) new concepts of Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks which are based on linguistic criteria instead of geographic area (as had been the previous position), and (b) the conferral of additional functions on Údarás na Gaeltachta.

### **Residential Institutions Statutory Fund Act 2012**

This Act provides for the establishment of a fund to support the needs of persons who lived in residential institutions as children, and the establishment of a Board to administer that fund. Provision is also made for the making of contributions to the Minister for Education and Skills by certain persons towards costs incurred by the Exchequer in response to abuse. The Act also provides for the dissolution of the Education (Former Residents of Certain Institutions for Children) Finance Board.

### **Civil Defence Act 2012**

This Act provides for the dissolution of the Civil Defence Board and repeals the Civil Defence Act 2002. It provides for the transfer of certain of the Board's functions to the Minister for Defence and the transfer of staff of the Board. Under the Act local authorities continue to have functions in relation to the preparation of civil defence plans, the recruitment of civil defence members and the maintenance of registers of civil defence members.

### **Credit Guarantee Act 2012**

The purpose of the Act is to make it easier for micro, small and medium businesses to access credit. The Act confers power on the Minister for Jobs, Enterprise and Innovation to give guarantees in respect of loans made by lenders to these type of businesses. The Act provides for a credit guarantee scheme setting out the rules applicable in relation to the giving of such guarantees.

### **Microenterprise Loan Fund Act 2012**

This Act provides for a fund to be known as the Microenterprise Loan Fund to be administered by a subsidiary company of the Social Finance Foundation established for that purpose. The subsidiary may lend money to microenterprises out of money standing to the credit of the fund or out of money borrowed by it from its parent, the Social Finance Foundation. The purpose of the Act is to provide credit to microenterprises at a time when they are encountering difficulties in accessing credit from more conventional sources.

### **Protection of Employees (Temporary Agency Work) Act 2012**

This Act gave effect to Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on Temporary Agency Work. It confers on agency workers an entitlement to the same basic working and employment conditions as their directly employed counterparts engaged at the same place of work.

### **Industrial Relations (Amendment) Act 2012**

The Act reforms the system for making Employment Regulation Orders. The former system for making such orders was declared by the High Court to be invalid having regard to Article 15 of the Constitution. The Act also reforms the system for making Registered Employment Agreements. The Act also contains provisions which give effect to a number of the State's commitments under the EU/IMF Programme of Financial Support for Ireland.

### **Education and Training Boards Bill 2012**

The Bill provides for the dissolution of the 33 vocational education committees established by the Vocational Education Act 1930; the repeal of the Vocational

Education Act 1930 and nine Acts amending that Act; and the establishment of 16 education and training boards to replace the vocational education committees.

### **Electoral (Amendment) (Political Funding) Act 2012**

The Act provides *inter alia* for a ban on the acceptance of donations over €200 for political purposes from a corporate donor unless the donor has registered with the Standards in Public Office Commission; the establishment of a register of corporate donors; a reduction in the maximum amount that can be accepted as a donation by a political party or an individual candidate; a reduction in the threshold at which donations must be reported by companies, trade unions, societies and building societies in their annual reports or returns; and an obligation on all registered political parties to prepare and submit to the Standards in Public Office Commission an annual statement of accounts and an auditor's report. The Act also provides that the funding of a political party out of public moneys will be reduced by a half, if it does not have at least 30% female and at least 30% male candidates at a general election.

### **Finance (Local Property Tax) Act 2012**

This Act provided for the imposition of an annual tax ("local property tax") in respect of certain residential properties and the establishment and maintenance of a register of residential properties in the State by the Revenue Commissioners.

### **Fiscal Responsibility Act 2012**

This Act implements the key provisions of Article 3 and Article 4 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union ("the Stability Treaty"). The Act also provides for the establishment of the Irish Fiscal Advisory Council on a statutory basis. The Act provides for the implementation of the fiscal rules set out in the Stability Treaty.

### **Credit Reporting Bill 2012**

The Bill provides for the establishment and operation of a statutory Central Credit Register system in Ireland. The publication of the Bill by the end of September was a commitment under the EU-IMF Programme of Assistance. The Bill provides for the establishment of a mandatory credit reporting and credit checking system. This system will be regulated and operated by the Central Bank of Ireland and will ensure

that lenders have access to the most accurate and up to date information regarding a borrower's total exposure. This establishment of a Central Credit Register will also help support policies to combat over-indebtedness.

### **Credit Union and Co-operation with Overseas Regulators Act 2012**

This Act amends the prudential requirements for credit unions; changes the governance requirements for credit unions by removing certain management functions from their boards of directors and providing for a separate management structure; makes other provision for the improved oversight of such boards; and provides for the restructuring of credit unions and for stabilisation support to them.

### **Companies Bill 2012**

This Bill was published on 13 December 2012. The Bill comprises 1429 sections and 17 Schedules. Having regard to the number of sections of the Bill and the significant number of its provisions that do not represent just consolidation of existing companies law, the Bill represents the largest legislative drafting exercise in the history of the State. The Bill rationalises the whole approach of legislating for companies by concentrating on the most common type of company - the private company limited by shares - in the first 15 Parts and then systematically dealing, in the remaining Parts, with the other types of company. Amongst the significant changes for private companies limited by shares is the introduction of a one document constitution, the removal of the *ultra vires* doctrine and the reduction in the minimum number of directors required to one.

### **Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Act 2012**

This Act amends the Constitution so as to permit Ireland to ratify the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union ("the Treaty") done at Brussels on 2 March 2012. The Act inserts a new subsection 10° in Article 29.4 of the Constitution.

The new Article 29.4.10° states that Ireland may ratify the Treaty, and that no provision of the Constitution invalidates laws enacted, acts done or measures adopted by the State that are necessitated by Ireland's obligations under the Treaty or prevents

any laws enacted, acts done or measures adopted by competent bodies under the Treaty from having force of law in the State.

The Act was signed into law by the President on 27 June 2012 following approval by the people of the proposals contained in the Bill in respect thereof at a referendum on 31 May 2012.

### **Thirty-First Amendment of the Constitution (Children) Bill 2012**

This Bill contains proposals to amend the Constitution so as to expressly recognise children in their own right within the Constitution. The proposals contained in the Bill provide for the repeal of Article 42.5 and the insertion into the Constitution of a new standalone article, Article 42A, entitled "Children".

The proposed Article 42A addresses the nature of cases and the manner in which the State shall endeavour to supply the place of parents, the non-voluntary adoption of a child where the parents have failed in their duty towards the child and the voluntary placement for adoption of a child of marital parents, as well as the roles of the best interests of the child and the views of the child in the resolution of the proceedings referred to in the Article.

The Bill was passed by both Houses of the Oireachtas and the proposals contained therein were approved by the people at a referendum on 10 November 2012. The Bill has yet to be signed into law.

## **The Work of the Chief State Solicitor's Office in 2012**

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2012.

### **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. At least 9 cases handled in the Division were entered into the Commercial Court list over the course of the year, which Court is highly efficient and enables parties to litigate commercial disputes quickly and effectively, albeit it is an expensive method of dispute resolution as the cases are vigorously case managed with very tight deadlines imposed on lawyers and their clients.

### **Commercial and Constitutional Section**

This Section is responsible for the defence of a wide range of civil actions against the State and State Authorities in all courts. Most of the cases dealt with go to full plenary hearing in the High Court, are frequently appealed to the Supreme Court and occasionally referred to the CJEU (4 such cases were heard last year). Issues of law dealt with include commercial, constitutional, contract, employment, agricultural, insurance, international, environmental, planning, electoral, public health, intellectual property, housing, social welfare, education, family status, administrative, ECHR and EU Law. These cases sometimes commence with an injunction and are invariably subject to scrutiny by the media at each stage of their progress through the courts. During 2012 the Section received 148 new cases.

### **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, 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 2012 the Section received 505 new files made up of 276 judicial reviews, 89 habeas corpus applications, 2 cases stated, 8 letters of request from foreign tribunals and 130 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**

The Asylum and Legal Services Division is made up of three Sections, the Asylum Section, the Legal Services Section and the Criminal Assets Section.

#### **Asylum Section**

This Section handles all asylum, immigration and repatriation related cases on behalf of the Department of Justice and Equality, 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. Due to the increasing reliance on EU law in the area of asylum/immigration, the Section has also dealt with a number of references to the CJEU. In 2012, 477 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 is

involved in the preparation of Ministerial Prosecutions in the District Court on behalf of the Minister for Social Protection and the Minister for Agriculture, Fisheries and Food. The Section also takes civil proceedings on behalf of the Minister for Social Protection to recover monies fraudulently obtained. The Section Head chairs a Committee which oversees a legal training scheme for clerical staff in the Office.

### **Criminal Assets Section**

This Section provides solicitor services for the Criminal Assets Bureau and is co-located with its client in Harcourt Square. It provides litigation services with particular emphasis on tax appeals, social welfare appeals, proceeds of crime applications and general debt collection. It also deals with proceedings under the Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010, Insolvency proceedings, and defends any civil litigation taken against the Bureau or in which the Bureau is a notice party. In terms of non-litigation services it provides conveyancing and general property advices in respect of the assets the subject matter of its proceeds of crime applications. Finally, it provides general legal advices in relation to all aspects of the Bureau's work.

### **State Property Division**

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

### **Office of Public Works / Health Section**

The Section acts mainly for the Commissioners of Public Works in Ireland (OPW) and handles the acquisition, disposal and leasing work of OPW Property Management Services. OPW Property Management Services are responsible for the procurement of office accommodation for Government Departments, Offices and Agencies, as well as the ongoing management of the State's property portfolio. The Section handles some work for OPW Project Management Services, OPW Engineering Services and OPW Property Maintenance Services. The Section also handles work for the Department of Health, the Department of Public Expenditure and Reform and the Department of



Finance. The work of the Section comprises commercial conveyancing, including commercial leasing; landlord and tenant issues and advice; acquisitions and disposals; construction related matters and advice; commercial agreements relating to property; State Property Act waivers and title advices. Acquisitions and disposals of property take place under various Government Programmes and leasing of accommodation for Government Departments is an ongoing requirement. The Section is also a member of a Sub Group for Government driven property reforms across Government Departments, the Health Service Executive (HSE) and Local Authorities where legal advice is given for proposals to streamline and improve efficiencies in relation to the State's property portfolio.

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

During 2012 this Section dealt with transactional, litigation and advisory property matters for the following Government Departments – Departments of Defence; Agriculture, Food and the Marine; Transport, Tourism and Sport; Arts, Heritage and the Gaeltacht; Jobs, Enterprise and Innovation and Communications, Energy and Natural Resources. The work included acquisitions and disposals (private treaty/auction/tender), commercial leases, landlord and tenant, delivery and implementation of bespoke legal frameworks for specific programmes, legal charges, property advice, title advice, litigation in respect of rent arrears, repossession, specific performance, leases and licences.

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

In 2012 the Section dealt with transactional, litigation and advisory property matters for the following Government Departments, Department of Education and Skills, Department of Finance, Department of Arts, Heritage and the Gaeltacht, Department of Justice and Equality and the Property Registration Authority.

The work of the Section involved property aspects of the Residential Institutions Redress Indemnity Scheme, the proposed transfers of properties following the publication of the Ryan Report, the purchase of sites for schools, leasing the new State owned schools to Patron bodies, leasing shared facilities to Fingal County Council, advising on Deeds of Variation in relation to religious ethos, and Charging and Discharging properties where grant monies are given by the Minister.

Processing of escheated estates where the State was the ultimate intestate successor, with particular liaison with the Wards of Court Office and the HSE; Claims for compensation under Section 120 of the Registration of Title Acts 1964-2006. The heritage work involved property management issues in relation to national monuments. Bogs and turbary rights in various counties were acquired on behalf of the Minister for Arts, Heritage and the Gaeltacht for conservation purposes.

## **Justice and Common Law Division**

This Division comprises three Sections, the Justice and Crime Section, the Garda Litigation Section and the General Litigation 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 and Equality. In addition, it deals with Mutual Assistance applications in the District, Circuit and High Courts on behalf of the Minister for Justice and Equality. The Section also 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, and Ministerial Prosecutions.

During 2012 the Section received 313 new European Arrest Warrant applications, 7 new Extradition cases from outside the European Union, 63 new Mutual Assistance applications, 15 Dublin Inquests, 12 Transfer of Sentenced Persons applications, 78 Intoxicating Liquor Licence applications, 11 Police Property Applications, and a range of Ministerial prosecutions, including 62 Social Protection prosecutions in Dublin.

Also during 2012, the Head of Section managed the on-call panel of staff in the Office which provides a round the clock service out of office hours in Extradition, European Arrest Warrant, *Habeas Corpus* and other urgent matters. In 2012 the Head of the Section managed a panel of legal staff which dealt with 7 inquests at venues outside Dublin.

## **Garda Litigation Section**

This Section deals with civil actions against the Garda Síochána. The cases include claims for damages for assault, wrongful arrest, false imprisonment, malicious prosecution, miscarriage of justice, deceit and defamation. Further, it handles non party discovery applications seeking disclosure of documentation from the Gardaí.

The Section also deals with all claims by Gardaí under the Garda Síochána (Compensation) Acts 1941 and 1945. In addition, the Section acted for the Garda Authorities before the Smithwick Tribunal of Inquiry. There were 126 general Garda cases and 132 Garda Compensation cases received in the Section in 2012.

## **General Litigation Section**

This Section deals with personal injury and other tortious litigation which has not been delegated to the State Claims Agency (SCA) and also acts for the SCA in certain matters. The two principal areas where the SCA instructs the Section are, post traumatic stress disorder litigation by members of the Defence Forces serving abroad and bullying and harassment cases. At the end of 2012 there were 103 High Court actions on hand relating to bullying and harassment. Another sensitive class of files where the SCA instructs the Section are claims by members of the Defence Forces serving abroad relating to the use of the drug Lariam.

Non-delegated cases being handled by the Section include defamation cases, defective product claims, assaults by prison officers 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 142 High Court Appeals relating to Hepatitis C cases in the Section in 2012.

## **Advisory Division**

The Advisory Division consists of three Sections - the General Advisory Section, the State and European Litigation Section and the Commercial Contracts Section. A total of 840 files were opened in the Division in 2012.

## **General Advisory Section**

This Section has responsibility for general advisory matters which include instituting Plaintiff litigation on behalf of the State, third-party discovery, company law proceedings, conciliations and arbitrations, construction disputes relating to school building contracts, 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 dealing with work before Tribunals of Inquiry and costs issues arising there from. The Section has become heavily involved in building contracts conciliations.

## **State and European Litigation Section**

This Section deals with cases before the CJEU and the General Court. It handles legal proceedings before the CJEU instituted by the European Commission in direct actions, as well as cases in which Ireland intervenes in proceedings involving another member State, including its Institutions. 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 Equality Tribunal. Further, the Section provides legal advices on Civil Service employment issues as well as handling company restoration applications, and applications under section 371 of the Companies Amendment Acts together with other applications under Company Law.

## **Commercial Contracts Section**

This Section provides advice on commercial contracts to Government Departments and Offices including dealing with public procurement issues and 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.

The Section also has a key role in conjunction with the Office of the Attorney General in assisting the National Procurement Service (NPS) in its strategy for modernising procurement practices across the public sector. As part of this process, the CSSO established an

outplacement solicitor service from within the Commercial Contracts Section to the NPS at their offices in Trim from April 2011.

Further, the Section supports the Department of Public Expenditure and Reform (NPPPU) and the NPS in the deliberations on the consultation for the revision of the public procurement Directives.

The Section together with the AGO has worked with the NPS in the development of standard documentation and practices and representatives from the Section and the AGO are part of a number of working groups related to the procurement of construction and legal services and sit on a number of large project steering groups. The Section also provided training in procurement law and practice to various Departments on a request basis.

## **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 3 occasions during the year to advise the Director General on issues of common concern to both Offices including issues relating to the Public Service Reform Plan and the Office's Revised Action Plan under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). 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 during 2012 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**

At the end of 2012 the authorised staff complement in the Merrion Street Office was 125.3 and was 17 in the Law Reform Commission. The authorised staff complement in the Chief State Solicitor's Office at the end of 2012 was 217.

## **Quality Customer Service**

Progress on the implementation of commitments set out in the Merrion Street Office's *Client Service Guide 2008 – 2010* and *Client and Customer Charters* and the Chief State Solicitor's Office's *Customer Action Plan 2011 – 2014* and *Customer Charter* is outlined in Chapters 5, 6, 8 and 9 of this Report.

## **Information Technology**

During 2012 the Office refined and enhanced its IT Systems to ensure that they remained aligned with the business demands of the Office. The IT Unit also contributed a very significant role in the ongoing management and enhancement of the electronic Irish Statute Book (eISB). In late 2012 the new IT Strategy for the period 2012 – 2016 was approved by MAC. Progress achieved is outlined in Chapter 9 of this Report.

## **Knowledge Management**

The Knowledge Management Strategy 2010-2013 was agreed at MAC. Knowledge management strategies are designed to promote efficiency (e.g. ease of retrieval and sharing and re-use of knowledge), quality and consistency of legal advice and risk management and mitigation, particularly reputational risk. These bring cost benefits for the Offices and our clients.

A Knowledge Management Implementation Group (KMIG) has been set up in the AGO to oversee and drive the implementation of the Strategy for the AGO to ensure that all recommendations are considered and implemented if appropriate by 2013. In that regard the Group is actively engaging with committees/business units in the Office to ensure progress is being achieved and there is a cohesive approach in addressing the Strategy. Reports are regularly made by the Implementation Group to MAC in relation to progress achieved.

One of the key recommendations of the KM Strategy is a new know-how application for the Offices. This will be a powerful tool in the management and availability of legal knowledge in the AGO/CSSO. Extensive user acceptance testing of the

application was carried out and completed in 2012 and the new know-how application for both Offices will be rolled out to staff in 2013.

### **Better Regulation**

The Office's proposals for improving the accessibility and coherence of Irish Statute Law had a significant impact on the work of the Office in 2012.

### **Public Service Agreement 2010 – 2014 (Croke Park Agreement)**

In January 2012 the Office of the Attorney General, Merrion Street, in conjunction with the Office of the Chief State Solicitor and the Law Reform Commission, published a Revised Action Plan to implement commitments under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). The Plan includes many changes, developments and initiatives which have already been implemented, many currently in progress and several for the future. The objective of the changes is to enhance efficiency, customer service and reduce costs. The Office published Progress Reports on the implementation of the Revised Action Plan in May and October 2012.

### **Statement of Strategy 2011 – 2014**

During 2012 the Office continued to implement the High level Goals, Outputs, Outcomes and Strategies as set out in the Statement of Strategy 2011 – 2014. Progress achieved in this regard is outlined in Chapters 4 to 9 of this Report.

### **Cross-Functional Working Initiatives**

During 2012 cross-functional teams involving staff from the Merrion Street Office and the Chief State Solicitor's Office operated in projects including the Case and Records Management System (ACME) Business Users Group (BUG), the ACME/Financial Management System Integration Project, the Knowledge Management Strategy Project and the legal Know-how database implementation project.

## **Allocation of Resources for Urgent Legal Issues**

The Office recognises the need to allocate resources on a flexible basis to tackle urgent major projects modelled on the work method developed to deal with the legal issues and the heavy workload arising out of the banking and euro sovereign debt crisis. During 2012 teams of advisory counsel and parliamentary counsel worked on a flexible basis on many projects to ensure an immediacy of response and a high quality of advice and legislation in response to crises. The changes in the allocation of resources to tackle urgent major projects were accommodated from within existing resources and facilitated the prompt provision of high quality advices and legislation. These changes resulted in an enhanced capacity to respond to issues as they arose and the availability of greater expertise in a complex and multidisciplinary context in cooperation with outside lawyers and with full participation by all stakeholders leading to a better quality of service to the Attorney General, the Government and the citizen.

The targets set for the publication of legislation in the Programme to implement the IMF/EU Memorandum of Understanding on Specific Economic Policy Conditionality (MoU) consumed significant amounts of advisory and parliamentary counsel resources in 2012 but these targets were met successfully during the year.

## **Reduction in costs**

In 2012 the Merrion Street Office endeavoured to achieved further savings to reduce expenditure within the Vote. During the previous four years the Office's annual expenditure has reduced substantially. At the end of 2012 net expenditure was 25.4% lower than 2008. Net expenditure over that period was:

2008 €18.1 million

2009 €15.6 million (13.8 % reduction on previous year)

2010 €13.5 million (13.4 % reduction on previous year)

2011 €13.3 million (1.5% reduction on previous year)

2012 €13.5 million (1.5% increase on previous year)



The Chief State Solicitor's Office has also achieved further savings to reduce expenditure within the Vote. During the past five years the Office's annual expenditure has reduced substantially. At the end of 2012 net expenditure was 29% lower than 2008. Net expenditure over that period was:

2008 €40.6 million

2009 €33.5 million (17.4 % reduction on previous year)

2010 €31.6 million (5.6 % reduction on previous year)

2011 €30.6 million (3.5% reduction on previous year)

2012 €28.8 million (5.9% reduction on previous year)

In relation to counsels' fees, pursuant to procedures and scrutiny processes between the AGO and the CSSO, there has been a reduction in expenditure out of the CSSO Vote of 46% at the end of 2012 when compared to 2008 payments.

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

During 2012 the Office implemented proposals to increase organisational flexibility in line with commitments set out under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). In the Merrion Street Office there was significant mobility of staff, within the Advisory Counsel Groups, the Parliamentary Counsel Groups and Administration Business Units in order to respond to urgent work demands and staff shortages.

During 2012 specific examples of flexibility demonstrated by the Office included the following:

- Legal and administrative staff were involved in various IT projects.
- Staff provided representation on and involvement in the work of project governance and business users' committees.

- Throughout the year the majority of legal staff in the Office worked additional hours in order to meet the demands for urgent and complex advice and drafting work.
- There was ongoing re-organisation of the roles and responsibilities of administration staff in response to a reduction in administrative staffing numbers during the year.

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

Organisational flexibility is a priority within the Office, with reorganisation of staff, responsibilities and Sections as required, in response to the ongoing changing demands of clients.

During 2012 some of the more specific examples of flexibility demonstrated by the Office included the following:

- The outsourcing of all outdoor 'clerking' duties to a private firm operated to the satisfaction of the Office;
- The operating of the on-call panel for out of hours urgent court applications;
- A panel was maintained to deal with inquests outside Dublin;
- The Office operated an internal staff mobility policy;
- Legal staff dealt with an increased number of cases at provincial venues as a result of the transfer of the local State Solicitor service to the Director of Public Prosecutions;
- Representation was provided to the Garda Authorities before the Smithwick Tribunal of Inquiry;
- Staff were deployed to deal with a class action;
- The Office's ongoing policy of seconding staff to certain Departments;
- The Office worked with external solicitors in litigation involving financial institutions under the Credit Institutions (Stabilisation) Act 2010.

## **Review and Reform of AGO**

The Office recognises the need to constantly monitor and review the organisation and how it operates in an internal and external context so as to achieve the mission of the Office *“to provide the highest standard of professional legal services to the Government, Departments and Offices as economically and efficiently as possible”*.

It is envisaged that the review will entail taking into account the findings from the Advisory and Administration client and customer satisfaction survey undertaken in November 2012, the findings of the proposed OPC client satisfaction survey to be undertaken in mid-2013, the proposal to benchmark the Office against similar organisations in other jurisdictions and the proposed Organisational Review Programme which will be undertaken by the Department of Public Expenditure & Reform.

In relation to the benchmark proposal the Office does not have any direct comparators within the State. The Office has found it difficult to identify any Government organisations in other countries which undertake a similar range of duties as the Office against which to evaluate its effectiveness and has consequently sought the assistance of the specialist Unit in the Department of Public Expenditure & Reform in sourcing suitable comparators. As a means of partially achieving the objective of the benchmarking, the Office is seeking to identify quality assurance mechanisms used in legal firms generally and to apply these where relevant.

In relation to the proposed Organisational Review Programme which will be undertaken by the Department of Public Expenditure & Reform this review was deferred and the Office awaits a timeline from the Department for the commencement of the review.

The Office's MAC will evaluate how it is meeting its clients' needs and consider what changes are necessary as a result of other Public Service Reform initiatives. It is anticipated that the review of the Office will be completed and an Action Plan drawn up and agreed by end Q3 2013.

In the context of an action set out in the Office's Revised Action Plan to implement the Public Service Agreement 2010 -2014 (Croke Park Agreement) the Office completed a review of non-core activities by the end of Q1 2012. The principal finding of the review's final report which was submitted to the Department of Public Expenditure and Reform at end-March 2012 was that there is little work discharged in the Office that is not core work. In conjunction with the CSSO, the Office already engages in a significant amount of outsourcing and what remains within the Offices is critical work that cannot pragmatically be undertaken elsewhere.

### **Shared Services and close co-operation with Departments**

The Office recognises the benefits that accrue from the adoption of a shared service approach to certain activities undertaken in the Office.

Specific examples during 2012 include:

- Continuation and further expansion of the programme to second Advisory Counsel and solicitors to participating Departments to act as in-house lawyers;
- Maintaining close liaison with the State Claims Agency in regard to the management of childhood abuse litigation;
- Close cooperation in context of the banking crisis with the private lawyers employed in the Department of Finance and the in-house lawyers in NAMA and the Advisory Counsel seconded to the banking division of the Department of Finance;
- Co-operation and regular review meetings between legal staff in the Office and Departmental officials in devising appropriate legal strategies to ensure the ongoing effective management of domestic and European Court of Justice (ECJ) litigation;
- Monthly meetings of separate local MAC in the Merrion Street Office and Chief State Solicitor's Office, quarterly meetings of the joint Merrion St Office Office/Chief State Solicitor's Office MAC to discuss organisational developments;

- Legal MAC representative of the Attorney General's Office and the Chief State Solicitor's Office and attended by the Attorney met 3 times in 2012 to discuss specific legal issues;
- Co-operation and regular review meetings between legal staff in the Office and officials in client Departments so as to ensure that requests for advice, the drafting of Bills and managing mass litigation are effectively managed on an ongoing basis;
- Co-operation and regular review meetings between legal staff in the Office and relevant Departmental officials and, where relevant, the Office of the Director of Public Prosecutions so as to ensure that litigation in specific areas such as asylum and extradition is effectively managed on an ongoing basis;
- Co-operation between the Office of the Parliamentary Counsel and the Government Legislation Committee.

The Office also operates a shared service approach internally through a single Case and Records Management System and Financial Management System for the Merrion St Office and the Chief State Solicitor's Office, supported by a shared IT service between both Offices. The Offices also operate a single shared Internal Audit Unit and Change Management Unit. Other examples are set out below in the context of the delivery of legal services.

## **People and Leadership**

The Office recognises the importance of achieving flexibility in the mobility and redeployment of staff within and outside of the Office. During 2012, in an internal context Advisory Counsel and Parliamentary Counsel in the Merrion Street Office were regularly redeployed within specialist Groups and legal staff in the CSSO within specialist Sections. Also, in an external context the continuation of the programme to second Advisory Counsel to participating Departments represents a strategic approach to the provision of specialist legal expertise to those Departments, supported by the resources and expertise of the Office. All Advisory Counsel recruited since 2005 are recruited on the basis that they may be seconded to Departments.

## **Pace of Communication**

The Office recognises the need to adapt on an ongoing basis to changing communication methods with a view to enhancing the management of information so as to ensure the timely and effective delivery of the highest quality legal services.

During 2012 the Office utilised enhanced communication methods thus enabling increased accessibility and responsiveness to stakeholders to deal with the particular challenges of larger projects such as the large number of stakeholders, the intense volume of transactions and the urgency of the work.

The Office also facilitated the use of high speed, multi user communications methods for discussion of ideas and the issue of formal advices.

## **Freedom of Information Requests**

Statistics on requests to the Merrion Street Office and the Chief State Solicitor's Office under the Freedom of Information Acts are set out in **Annex F**. During 2012 Advisory Counsel advised 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 2012 in relation to other significant developments is outlined in Chapter 9 of this Report.

## **International, EU organisations and Interdepartmental issues**

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

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

### **High Level Goal 1**

To support the Attorney General in the performance of her constitutional role as legal adviser to the Government.

### **Output**

Provision of advice and briefing of material for the Attorney General for Government meetings.

### **Outcome**

Provision of advice to Cabinet on the legal issues arising from, and the legally compliant means of, implementing Government policies and priorities in accordance with the Constitution, with European Union law and with obligations arising under international treaties.

### **Performance Indicators**

- Provision of requests for advice from the Attorney General.
- Observations and advice supplied in response to Government Memoranda and documents to be submitted to Cabinet.
- Briefing notes and material prepared for the Attorney General for use at Cabinet meetings.

### **Strategy**

- Efficient use of and continued training on eCabinet system.
- Timely response to requests on eCabinet.
- Responding to Government memoranda as required by the Cabinet Handbook.
- Maintaining close relationships and communications with relevant officials in Government Departments.
- Private Office procedures to ensure briefing material is available.

### **Progress achieved**

During 2012 legal staff in the Merrion Street Office and the Chief State Solicitor's Office provided ongoing and continuous support to the Attorney General in the

performance of her constitutional role as legal adviser to the Government. The Attorney held regular meetings with legal staff including:

- Weekly meetings during the year with the Director General and Chief Parliamentary Counsel to discuss advisory and drafting matters;
- Fortnightly meetings during the year with the Chief State Solicitor to discuss matters relating to the Chief State Solicitor's Office and major litigation cases involving the State;
- Fortnightly meetings with Group managers in the OPC in advance of meetings of the Government Legislation Committee to discuss drafting matters;
- Regular meetings with Advisory Counsel to discuss advisory matters;
- Regular meetings with Parliamentary Counsel in the OPC to discuss issues relating to draft legislation;
- Attendance at meetings of the Government Legislation Committee.

In relation to ongoing advisory matters Advisory Counsel met with the Attorney as appropriate to discuss specific requests for advice. Legal staff provided observations and advice in relation to Memoranda for Government and discussed matters with the Attorney in advance of responding to requests for observations and advice on the eCabinet system. In advance of Government meetings the Attorney discussed any legal matters arising with the Director General, Deputy Director General, Chief Parliamentary Counsel and Chief State Solicitor as appropriate.

In 2012 the Attorney chaired 3 meetings of the Office's Legal Management Advisory Committee representative of all legal areas of the Office – Advisory, OPC and CSSO to discuss ongoing important and sensitive legal issues within the Office.

During 2012 the Attorney and her staff contributed to the promotion of a culture of knowledge sharing, underpinning the delivery of legal advice to Government, Departments and Offices through her and her special advisors attendance and participation in Legal Issues meetings.

In relation to financial management the Attorney and her staff monitored expenditure within the Vote on a monthly basis by reviewing and analysing financial management



reports submitted to MAC including monitoring and managing reports for her office relating to delegated budgets for travel and training and development.

During the year the Attorney and relevant staff participated in the process of further embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and all annual reviews were completed after the end of the year.

During 2012 the Attorney and her staff contributed to the work of the Learning and Development Committee in the context of progressing specific points of action set out in the Training and Development (T & D) Strategy for the Office. The strategy included specific action points relating to the legal and administrative sides including:

- Preparation of a procedures/training manual to reflect appropriate interaction between ACs and PCs in the legislative process;
- Organisation of legal training events in the Office;
- Development of a new Advisory Counsel Training Programme for new Advisory Counsel and Advisory Counsel returning from secondment, and
- Updating of the Advisory Counsel Protocol Document;
- Increased liaison and coordination between AGO T&D Unit and Civil Service T&D Network;
- Increased liaison and coordination between AGO and CSSO T&D Units;
- Clerical Support Survival Handbook;
- Talks by ACs and PCs to administration and clerical staff on different legal topics;
- Training and Development Reports to Merrion Street MAC;
- Evaluation of training.

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

### **High Level Goal 2**

Delivery of a high quality specialist legal advisory service to our clients.

### **Output**

Opinions and advice provided in a timely fashion to Government Departments to assist them in meeting their requirements, in particular in relation to fulfilling the commitments required under the EU/IMF Programme of Financial Support for Ireland and the Programme for Government as it is implemented by the Government.

### **Outcome**

The attainment of the targets set by the EU/IMF Programme during its course and the attainment of the priorities and objectives set by Government in compliance with the legal requirements of the Constitution, European Union Law and international treaty obligations.

### **Performance Indicators**

- Quality and quantity of advices to clients.
- Delivery of advice in accordance with agreed timelines.
- Client feedback.

### **Strategy**

- Compliance with the Client Service Guide and Client and Customer Charter.
- Implementation and roll-out of legal Know-how application.
- Maintaining high quality Library and KH Unit, promoting a culture of Knowledge Management and implementation of Knowledge Management Strategy.
- Maintenance and review of risk management policies in the Office.
- Commitment to training and development for all staff.
- Continued optimal application of human resources including PMDS.
- Maintenance and development of the integrated case records and file management system.

- Improved systems for the management of information and communications in a complex and multi-disciplinary environment.

## **Progress Achieved**

As in previous years the primary focus for 2012 for the Advisory side of the Merrion Street Office was on the delivery of a high quality specialist legal advisory service to our clients. An important strategy in this regard entailed the further development, enhancement and refinement of specialisation as the key to the achievement of the Office's High Level Goals, Outputs, Outcomes and Strategies. The Office recognises that this important 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.

During the year Advisory Groups reviewed work through a formalised system of eight-week review cycles. The Advisory 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 two monthly extradition/European Arrest Warrant meetings with client Departments, the Garda Síochána and the CSSO which were 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. A follow-up client satisfaction survey was undertaken by an external consultant late in 2012 and the findings of the survey will enable the Office to evaluate performance against the results of the previous surveys with a view to improving service delivery to clients. The survey will also inform the development of a new Client Service Guide and Client and Customer Charter.

Also, Advisory Groups held regular meetings during the year to discuss workload and case specific issues. Examples of such meetings included the monthly Legal Issues meeting, the asylum lawyers group, weekly meetings of the Director General, Deputy

Director General and Advisory Counsel Grade 1 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.

Meetings were held every two months between the Office and the Office of the Director of Public Prosecutions to discuss constitutional cases common to both Offices.

During the year nominated Advisory Counsel participated in the work of various project governance committees and working groups in the context of the ongoing management and development of the Case and Records Management System (ACME). For example, Advisory Counsel participated in the comprehensive review of the system commenced by the ACME Business Users Group (BUG) during the year. The main aim of the review will be to identify any areas of the system where improvements might be made. Also all Advisory Counsel used the system throughout the year.

During 2012 Advisory Counsel supported the Law Reform Commission, particularly in the context of the delivery of its programme of work included in the Commission's Third Programme for Law Reform.

### **Knowledge Management**

During 2012 Advisory Counsel promoted 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 Bulletins. Advisory Counsel participated in the Knowledge Management Implementation Group (KMIG) in the context of the implementation of the recommendations of the Knowledge Management Strategy 2010 - 2013. An Advisory Counsel was nominated as co-project manager on the Know-how Implementation project and Advisory Counsel participated in the work of the Know-how Implementation Group throughout the year.

## **Risk Management**

During 2012 Advisory Counsel contributed to the further embedding of formal risk management policies within the Office. These policies included:

- Regular reporting throughout the year by Advisory Counsel to the Attorney General and Legal MAC, 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;
- Participation by Advisory Counsel 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 2012;
- Regular reports by the Deputy Director General 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.

## **Financial Management**

During 2012 nominated Advisory Counsel participated in the project to develop an interface between the Case and Records Management System (ACME) and the Financial Management System (FMS). This development, when fully embedded will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements. Further details in relation to this matter are outlined in Chapter 9 of this Report.

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

In 2012 Advisory Counsel participated in the process of further embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and all annual reviews were completed after the end of the year. PMDS training was provided to new Advisory Counsel within 2 months of arrival in the Office.

## **Training and Development**

During 2012 nominated Advisory Counsel participated in the work of the Training and Development Committee. The primary focus of the Group in 2012 was to progress specific points of action set out in the Training and Development Strategy for the Office. The strategy included specific action points relating to the Advisory side including:

- Preparation of a procedures/training manual to reflect appropriate interaction between ACs and PCs in the legislative process;
- Organisation of legal training events in the Office;
- Development of a new Advisory Counsel Training Programme for new Advisory Counsel and Advisory Counsel returning from secondment, and
- Updating of the Advisory Counsel Protocol Document.

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

### **High Level Goal 3**

To provide a high quality professional specialist and efficient legislative drafting service to Government.

### **Output**

Government Bills in accordance with the Government Legislation Programme, subject to priority for

- legislation required under the EU/IMF Programme and
- Priority and urgent matters as directed by Cabinet.

Committee and Report Stage Amendments to Bills provided in a timely manner. Statutory Instruments, including regulations giving effect to acts of European Communities. Government Orders approved by Cabinet.

### **Outcome**

- Delivery of draft legislation as laid down in the EU/IMF Programme and as required by Government in line with instructions given by Government Departments.
- Draft Legislation which conforms to Irish and EU legal requirements.
- Draft legislation which conforms to the policy objectives set by Government in terms of encouraging employment and the business environment and furthering the Government's Better Regulation Agenda.

### **Performance Indicator**

- The number and size of Bills.
- The number of Committee Stage Amendments.
- The number of Statutory Instruments.
- Client feedback.

## **Strategy**

- Participation in the Government Legislation Committee to monitor and supervise the implementation of the Government Legislation Programme.
- Maintaining close working relationships with Government Departments and instructing officials.
- Operating the Quality Assurance System for draft legislation.
- Continued development and training in drafting skills.
- Development of Know-How.
- The implementation and use of the Legislation Workbench in conjunction with the Bills Office of the Houses of the Oireachtas.

## **Progress achieved**

### **Government Legislation Committee**

During 2012 the OPC was centrally involved in the work of the Government Legislation Committee. The Committee oversees each proposed Government Bill from the time of its inclusion in the Government's Legislation Programme to the completion of its progress through the Houses of the Oireachtas and deals with any problems that arise in relation to the smooth and speedy implementation of the Programme.

During the year the OPC reported regularly to the Government Legislation Committee, detailing progress on the drafting of Bills and European Union statutory instruments. The OPC's ongoing 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.

During the year there was regular interaction between Parliamentary Counsel and Advisory Counsel in the context of the drafting of legislation. They collaborated closely through regular review meetings to discuss legal issues as they arose during the drafting process.

The OPC Groups met regularly during the year with the Chief Parliamentary Counsel



to discuss workload issues. Also, all Parliamentary Counsel attended regular meetings with the Attorney General throughout the year to discuss legislative drafting matters. These meetings provided valuable opportunities for the exchange of legal know-how and drafting ideas and experiences across different specialist Groups. The meetings also highlighted issues that enabled the OPC to respond more efficiently to client needs in the context of the ongoing prioritisation of Bills included in the Programme.

### **Knowledge Management**

During 2012 the Office of the Parliamentary Counsel promoted a culture of knowledge sharing, underpinning the delivery of legislation to the Government. Parliamentary Counsel collaborated throughout the year as appropriate with Advisory Counsel in the course of the legislative drafting process. Parliamentary Counsel also attended and participated in Legal Issues meetings and participated in the Knowledge Management Implementation Group (KMIG) in the context of the implementation of the recommendations of the Knowledge Management Strategy 2010 - 2013. A nominated Parliamentary Counsel participated in the work of the Know-how Implementation Group throughout the year.

### **Risk Management**

During 2012 Parliamentary Counsel contributed to the further embedding and implementation of formal risk management policies within the Office. These policies included:

- Discussion of risk related matters pertaining to the legislative drafting process and the OPC took place at meetings between the Chief Parliamentary Counsel and Group Managers, at individual Group meetings and Legal MAC meetings.
- Attendance by the Chief Parliamentary Counsel and OPC Group managers at meetings of local and Main MACs to discuss the Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers.

### **Financial Management**

During the year a nominated Parliamentary Counsel participated in the project to develop an interface between the Case and Records Management System (ACME) and the Financial Management System FMS. This development, when fully

embedded will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements. Further details in relation to this matter are outlined in Chapter 9 of this Report.

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

In 2012 Parliamentary Counsel participated in the process of embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes 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 all Annual Reviews were completed after the end of the year. PMDS training was provided to new Parliamentary Counsel within 2 months of arrival in the Office.

### **Training and Development**

During the year the Office implemented the Parliamentary Counsel Training Plan in respect of the most recently recruited drafters. As in previous years 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.

Also, a nominated Parliamentary Counsel participated in the work of the Training and Development Committee during the year. The primary focus of the Group in 2012 was to progress specific action points set out in the Training and Development Strategy for the Office. The strategy included specific action points relating to the Parliamentary Counsel including:

- Preparation of a procedures/training manual to reflect appropriate interaction between ACs and PCs in the legislative process;
- Organisation of legal training events in the Office, and;
- Identification of elements of the new Advisory Counsel Training Programme to be incorporated in the Parliamentary Counsel Training Plan.

### **e-Legislation (LWB implementation)**

The Office of the Parliamentary Counsel to the Government (OPC), in agreement with the Houses of the Oireachtas Service (HOS), was scheduled to begin using the

new Bill/Act format and to transmit draft Bills and amendments through the Legislation Workbench System (LWB) from April 2012.

The Chief Parliamentary Counsel (CPC) was informed that the HOS was no longer in a position to meet that deadline, as the HOS considered it would be prudent to have an additional phase of testing between the two Offices and it was the intention of the HOS to further test the LWB with a view to deciding when the project would go live.

The interim period allowed the OPC to test outstanding developments, including the automation of the electronic communication of Bills between the OPC and the HOS and also facilitated user training in May and June 2012.

An incremental implementation approach was agreed between the OPC and HOS in September 2012. The OPC identified a number of Bills that were suitable for processing through the LWB using the new Bill format and four Bills were processed through the LWB during the Autumn 2012 session.

One of the Bills identified, the Civil Registration (Amendment) Bill 2012, was the first LWB processed Bill to be enacted.

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

### **High Level Goal 4**

To support and assist in the coordination of the legal services of the State.

#### **Output**

- To provide information to Government on significant cases which pose risks on legal or financial grounds.
- Coordination of advice on a whole of Government basis. Maintenance of panels of counsel and briefing counsel on behalf of the State to provide advice and litigation services. Maintenance and updating of the electronic Irish Statute Book (eISB).

#### **Outcome**

Facilitating Departments to carry out their functions in a lawful and consistent manner on a whole of Government basis. Coordination and sharing of advice to ensure consistency and conformity with legal requirements.

#### **Performance Indicators**

- Reports to Government on sensitive cases.
- Review meetings with Departments and Legal Advisers.
- Close contacts with Legal Advisers and Seconded in Departments.
- Participation in Inter-Departmental Working Groups.
- Feedback.
- Timely publication of Statutes and Statutory Instruments on the electronic Irish Statute Book (eISB).

#### **Strategy**

- Continuance and expansion of the Secondment Programme involving the placement of lawyers in Departments.
- Assisting Departments to develop legal advice databases.
- Continued use and development of the ACME integrated case records and file management system in AGO and CSSO.

- Possible transfer of areas of litigation or legal work to other agencies such as the State Claims Agency or outsourcing.
- Shared services and legal teams shared by various State agencies in litigation where appropriate.

## **Progress Achieved**

### **Secondment of Advisory Counsel and Solicitors to Government Departments**

Since 2006 the Merrion Street Office has run a successful Secondment Programme whereby Advisory Counsel are seconded to work as in house counsel in Government departments. Also, the Chief State Solicitor's Office has implemented an initiative whereby solicitors are seconded to Departments.

In relation to Advisory Counsel, in 2012 there was a total of 12 seconded in-house lawyers serving in a range of Government Departments, across the whole spectrum of Government business. Participating Departments and Offices comprise Department of Agriculture, Food and the Marine, Department of Education and Skills, Department of Communications, Energy and Natural Resources, Department of Justice and Equality, Department of Health, Department of Environment, Community and Local Government, Department of Finance and the Department of Transport, Tourism and Sport.

Further, in autumn 2012, after a competition for recruitment, an additional 11 secondees were engaged. It is planned that 8 of these newly recruited secondees will be seconded by mid-2013 to participating Departments. For the first time, these Advisory Counsel included solicitors. All of these new recruits underwent a specially designed, internal training programme tailored to their needs in the context of provision of legal services on future secondment.

The training programme for 2012 covered many topics and comprises the following elements:

- Civil Service issues including induction into the Civil Service and Office, familiarisation with Civil Service/ Office circulars, practices and protocols and PMDS training;

- Training on Library and Information systems and databases;
- Training on ACME and related IT matters;
- Advisory Counsel Induction;
- In-house master class series delivered by senior colleagues and covering many important legal processes, areas of law and important legislation. Master classes were delivered on FOI/Data protection, ECHR, Legislative process, drafting Heads/Scheme of Bills, Structural issues, the role of Advisory Counsel in legislative drafting, the Carltona Doctrine, Procurement and Vires included;
- European Law;
- Training in ECtHR matters, and
- Visit to the Commercial Contracts Section of the CSSO.

The programme benefits the Office and Department in the following ways:

- routine issues are dealt with on an in-house basis, releasing legal staff within the Office to concentrate on more specialised activities;
- seconded Advisory Counsel develop firsthand knowledge and understanding of departmental requirements for legal services;
- the Office benefits from expertise developed by persons on secondment returning to the Office;
- the Secondment Project affords direct links with client Departments enabling the Office to understand better their needs, and the policy imperatives which drive them. This benefit has been in evidence in relation to requests for legal advice, litigation and legislation.

During 2012 a solicitor was seconded to the Department of Education and Skills to assist with the legal work of the Department. Furthermore, two solicitors were seconded for part of the year to work exclusively with the National Procurement Service on commercial contract work.

### **Assisting Departments to develop Legal Advice Databases**

The Office's Knowledge Management Strategy recommends that the Office assist Departments in building up databases of AGO advices, in particular by providing advices electronically when requested. This proposal is based on the understanding that the Department would set up and maintain their database of legal advice in a manner which could be searched for previous advice on an issue. It was agreed that this project would be rolled out to four important high-volume divisions (in two Government Departments) initially and the project was commenced in 2012. The system is already in place with a division in another Department. This initiative should result in greater efficiency and better use of the resources of the Office and Departments.

### **Reports to Government on sensitive cases**

During 2012 the Office prepared and submitted 3 reports on sensitive cases to Government in March, July and November. The Office's Legal Management Advisory Committee representative of all legal areas of the Office – Advisory, OPC and CSSO and attended by the Attorney met to discuss these reports in advance of the finalisation of the reports and subsequent submission of the reports to Government.

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

During the year Advisory Counsel fostered constructive and close working relationships with legal advisers in Government Departments. The Office continues to recognise the importance of these links given the increasing number of complex inter-Departmental legal issues which arise on an ongoing basis. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsel and Departmental Legal Advisers co-operated during 2012 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.

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

During 2012 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 E** of this Report.

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

During 2012 the Office implemented the key strategy to manage litigation, particularly mass claims, in a strategic manner. Advisory Counsel in the Merrion Street Office met regularly with legal staff in the Chief State Solicitor's Office and officials in the relevant Departments to direct the overall legal strategy so as to ensure that mass litigation was being effectively managed on an ongoing basis.

During 2012 the CSSO operated specific initiatives to manage litigation, including mass litigation as follows:

- The provision of an asylum law litigation service to support the Department of Justice and Equality 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 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.

### **Assisting and advising client Departments on proposals to reduce litigation costs**

The Office reaffirms the need to seek ways to reduce the cost to the State of litigation. In particular mechanisms such as continuing advice in respect of avoiding litigation and early resolution of appropriate cases will be prime objectives. A substantial number of protocols have been developed by the Office (including protocols for increased co-operation between State Agencies) and these protocols are adhered to in order to facilitate the efficient and cost effective conduct of litigation. Alternative non litigation resolutions such as mediation are pursued whenever practical. We will work with Client Departments to identify efficiencies and cost saving proposals.

Arising from an Expenditure Review carried out by the Office, a number of initiatives have been brought forward to reduce legal costs being incurred by the State. These include a reform of the taxation of costs system, changes to procedures in respect of Garda Compensation cases and the establishment of a Unit within the State Claims Agency to process Tribunals of Inquiry bills of costs.



Discussions have taken place between the Office and the Office of Director of Public Prosecutions in relation to the issue of reducing costs in proceedings in which both Offices are involved.

### **European Court of Justice litigation and Interventions**

During 2012 Advisory Counsel co-operated with legal staff in the CSSO to provide direction of legal strategy as appropriate so as to ensure the ongoing effective management of European Court of Justice (ECJ) litigation. This involved regular review meetings with Departmental officials. Annex I of this Report sets out details of some important cases before the ECJ in 2012.

### **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. During 2012 the Advisory side maintained close collaboration with colleagues in the Commission in this regard.

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

Throughout 2012 the majority of legal staff in the Office worked additional hours in order to meet the demands for urgent and complex advice and drafting work. Also the CSSO operated the on-call legal panel to manage issues which arose out of hours during the year.

### **Better Regulation and Regulatory Reform**

During 2012 the Office contributed to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce. A significant area of work during the year was the maintaining and updating of the electronic Irish Statute Book (eISB). These measures are aimed at making legislation more accessible and consequently reducing costs for the end user.

## **Statute Law Revision Project**

Considerable work has been undertaken on the Statute Law Revision Project culminating in the enactment of the Statute Law Revision Act 2007 and subsequently, the Statute Law Revision Act 2009 in December 2009 resulting in the repeal of spent and obsolete Pre-independence Statutes.

However, as a result of the current fiscal constraints, a review of the project had to be undertaken in 2010 due to reduced funding. In 2011, agreement was reached with parties who indicated an interest in re-commencing the project. Work to complete the pre-independence phase of the Project on a greatly reduced cost basis recommenced by utilising the FÁS Work Placement Programme and JobBridge National Internship Scheme.

The Statute Law Revision Bill 2012, was the last Bill in this phase of the Project examining all pre-1922 Acts of Parliament. Its enactment in July 2012 means that all pre-independence Acts have been examined and only those with continuing relevance have been retained (subject to subsequent repeal) on the Irish Statute Book.

The Statute Law Revision Programme as a whole will simplify the Statute Book and is intended to reduce legal and business transaction costs. Furthermore it will greatly facilitate future legislative measures and benefit the Law Reform Commission in its task of preparing the Legislation Directory.

Responsibility for the Statute Law Revision Project was transferred to the Department of Public Expenditure and Reform in early 2012.

During Phase 1 of the Statute Law Revision Project (2005 to 2012), 3 Acts were enacted (in 2007, 2009 and 2012). The project examined or reviewed 56,980 pre-independence statutes. Of those 9,560 were already repealed and 40,581 contained nothing of relevance to Ireland. Of the remaining 9,857 statutes, 7,559 were expressly repealed and 2,298 were retained.

### **Electronic Irish Statute Book (eISB)**

The Office contributes significantly to the e-Government agenda and its future potential, specifically in the context of the ongoing management and update of the electronic Irish Statute Book (eISB). The Office's eISB Group oversees the process of managing this service.

The eISB was updated on a regular basis with both Acts and statutory instruments (1922-2012). The Legislation Directory was updated for Acts (1922-2012) and Statutory Instruments (2000-2012).

The project to enhance the connectivity of the eISB with the EU Council N-Lex project (EU web portal to provide access to member states national law through a standard search interface) was completed in 2012. The eISB functions as the source database for the EU N-Lex project and requires member states to provide electronic access to legislation on a non-fee basis.

The eISB is customised for optimal access to the content for users of mobile devices, including the free availability of “Apps” for iPhone/iPad and Android users.

In December 2012 the text of the Constitution including links to amending Acts, up to and including the Thirtieth Amendment, was published on the eISB. In addition, the Legislation Directory was redesigned with a more user-friendly interface. Overall in 2012 the eISB attracted more than 2 million visits to the site.

## **Chapter 8: Progress Achieved in reaching High Level Goal 5**

### **High Level Goal 5**

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

### **Output**

Involvement in legal actions on behalf of the State and in defending the interests of the State in litigation. The provision of legal advice and services generally. The provision of specialist legal advice and services in relation to property transactions and Government contracts.

### **Outcome**

Effective management of litigation on behalf of the State. Minimising the exposure of the State to damages and costs. Assessing the lessons learned from the outcome of litigation. The provision of legal services concerning property contracts and in other specialist areas.

### **Performance Indicators**

- The volume of cases and new litigation dealt with. Quality and quantity of advices to clients.
- Delivery of services in timely manner and in compliance with litigation deadlines. Client feedback. Relative movement in the cost of litigation from year to year.

### **Strategy**

- To monitor litigation and advice to extract relevant lessons and to disseminate this information across the Public Sector.
- To maintain close relationships with clients and instructing officials.

- To maintain close relationships between Chief State Solicitor and Attorney General's Office and a high level of communication and interchange.
- To maintain levels of training and development within the Office to maximise staff capability.
- To maintain, review and revise risk management within the Office.
- To continue to develop knowledge management within the office and to maintain and develop the case management system between the Chief State Solicitor and the Attorney General's Office.

## **Progress Achieved**

During 2012 the Chief State Solicitor's Office concentrated on the development, enhancement and refinement of legal services in areas of importance to client Departments and Offices. The primary focus during the year was on the provision of high quality legal services as economically and efficiently as possible. Resources were deployed within the Office in pursuance of that objective.

The Chief State Solicitor's Office maintained a Professional Fees Control Group (PFCG) which met on a weekly basis to monitor and control expenditure on professional fees. During the year the Office also implemented a policy of collection of legal costs in all cases in which costs had been awarded to the State, where such collection was deemed viable.

In 2012 the Chief State Solicitor's Office implemented the key strategy to manage litigation, particularly mass claims, in a strategic manner. Legal staff in the Office in conjunction with Advisory Counsel in the Attorney General's Office collaborated with client Departments and Offices in monitoring and dealing with litigation, especially high profile and high volume cases, to ensure that the most efficient practices were followed in order that appropriate cases were settled at the earliest opportunity so as not to expose the State to greater financial risk.

The Office maintained close relationships with clients and instructing officials throughout the year. Meetings were held on an ongoing basis with clients to discuss progress in cases and preparation of same for hearing. Formal case review meetings also took place with clients, for example the meetings held every two months in

relation to Extradition / European Arrest Warrants. Furthermore, meetings were held every two months by the Chief State Solicitor's Office and the Attorney General's Office with the Office of the Director of Public Prosecutions to discuss constitutional cases common to the Offices.

A high level of communication and interchange was maintained during the year between legal staff in the Chief State Solicitor's Office and Advisory Counsel in the Attorney General's Office. Staff communicated on an ongoing basis and worked through the shared case and records management system.

Important services provided during the year, included the operation of:

- a specialised service to deal with commercial contracts and procurement issues.
- a specialised service to deal with cases before the Court of Justice of the European Union.
- dedicated teams to deal with special needs, child welfare and nursing home charges litigation.
- a dedicated Section to deal with judicial review proceedings against State bodies.
- a specialised service to deal with European Arrest Warrant applications and Extraditions.
- a specialised service to deal with Civil Service employment litigation.
- a specialised Section to deal with all civil proceedings taken against An Garda Síochána.
- a specialised service handling asylum, immigration and repatriation work.
- a specialised service handling all property transactions for Government Departments and Offices.
- an on-call panel to deal with urgent matters in Court, out of office hours.
- a panel to deal with inquests outside Dublin.

## **Knowledge Management**

During 2012 the Chief State Solicitor's Office promoted a culture of knowledge sharing underpinning the delivery of solicitor services to Government, Departments and Offices. Solicitors attended legal issues meetings in the Attorney General's Office and training courses run, inter alia, by the Law Society and the Dublin Solicitor's Bar Association, as well as in-house legal training courses. The Library and Know-How Unit promoted legal research skills and assist legal staff in attaining a level of proficiency in the use of electronic sources of legal information.

Knowledge was also managed by the development of appropriate precedent banks in the various Sections of the Office and was disseminated by the holding of regular Section meetings at which recent judgments were distributed and discussed and notes from legal training courses were circulated.

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

The case and records management system (ACME) between the Chief State Solicitor's Office and the Attorney General's Office was maintained and developed in 2012. Nominated legal staff from the Chief State Solicitor's Office participated in the ACME Business Users Group (BUG) which commenced a comprehensive review of the system to identify any areas where improvements might be made.

## **Risk Management**

During 2012 the Chief State Solicitor's Office embedded risk management policies within the Office. Throughout the year risk related matters were discussed at Division / Section meetings and local and Legal MAC meetings. The Chief State Solicitor and the Division Heads attended and contributed to meetings of the joint AGO/CSSO Main Management Committee in the context of the implementation of an Office-wide risk management strategy, including a risk policy. The Office risk register and the Administration risk register were reviewed and revised.

Legal Staff in the Office identified cases as sensitive in consultation with Advisory Counsel in the Attorney General's Office and updated the status of sensitive cases for

reporting to Government in March, July and November 2012. Upon classification of a case as sensitive, the legal officer in the CSSO dealing with same attended a meeting with the Chief State Solicitor to discuss the issues in the case.

### **Financial Management**

During 2012 the interface process was operational in all Divisions and Sections of the CSSO with financial commitments captured on ACME.

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

In 2012 legal staff in the Chief State Solicitor's Office participated in the process of further embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes. At the beginning of the year Role Profile Forms were agreed with Division and Section Heads. Interim Reviews were carried out mid-year and Annual Reviews were completed after the end of the year. PMDS training was provided as appropriate to new legal staff within 2 months of arrival in the Office.

### **Training and Development**

During 2012 solicitors in the Chief State Solicitor's Office participated in a wide range of training courses to maximise their capabilities, with particular emphasis being given to in-house training which had the benefit of being customised and cost effective.

The Office ensured that solicitors completed the requisite number of hours legal training as well as training in management and professional development skills and regulatory matters to comply with the Law Society's Continuing Professional Development requirements.



## **Chapter 9: Progress Achieved in reaching High Level Goal 6**

### **High Level Goal 6**

To provide modern and professional corporate and business management services in the Office that delivers the highest quality of service.

### **Output**

Maintenance of support structures and functions such as Finance, Human Resources, Library and Know-how, Registry and facilities such as Office space and IT infrastructure etc. to allow the organisation meet the Goals set out above.

### **Outcome**

Satisfactory working conditions and operation of Office within parameters set by Government.

### **Performance Indicators**

- Expenditure within the budgetary limits set by the Department of Public Expenditure and Reform. Achievement of the limits on staff numbers.
- Staff, services and systems facilitating achievement of Office's mission statement.

### **Strategy**

- The continued maintenance of Office facilities, the optimal use of human resources and the management of information assisted by the best Library and Know-How Service and Information and Communications Technologies available to modern law Offices.
- Maintain Office capabilities to operate FMS.
- Keep under review the Office's IT technical architecture and infrastructure and ensure it continues to provide a robust foundation for the delivery of IT services.
- Implement Public Service Reform Plan.
- The continued maintenance of development of the Registry and Records function to support the legal, drafting and administration functions.

## **Progress Achieved**

### **Merrion Street Office**

#### **Human Resource Strategy, Merrion Street**

During 2012 the Office implemented the strategies set out in the Offices' Human Resources Strategy 2010 - 2012. The ongoing embedding of PMDS was a key development during the year.

#### **Recruitment**

Following a review of its staffing needs the Office submitted a business case to the Department of Public Expenditure and Reform for additional legal staff. The Department subsequently sanctioned the recruitment of up to 11 Advisory Counsel Grade III, 5 Assistant Parliamentary Counsel Grade II and 1 Legislative Editor. The recruitment competitions were held in mid 2012 and 11 Advisory Counsel Grade III, 4 Assistant Parliamentary Counsel Grade II and a Legislative Editor joined the Office from September to December 2012 with the remaining Assistant Parliamentary Counsel due to join the Office in early 2013. Once fully trained, 8 of the Advisory Counsel are to be seconded as legal advisors to other Government Departments in late 2012 and early 2013.

The Office offered a wide range of atypical working arrangements during the year.

#### **Employment Control Framework**

The Department of Public Expenditure and Reform set a target of 132 staff in the AGO by the end of 2012. This represents a reduction of approximately 6% when compared to 2008 staffing numbers.

From the start of 2010 to the end of 2014 it is estimated that the reduction will save a total of €3.03 million in staff costs. Other initiatives including the incentivised career break scheme and the public sector pay cut will result in a further €3.44 million in savings during the same period.

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

During 2012 the Office utilised and further embedded PeopleSoft/HRMS.

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

The Office received 100% of 2012 role profiles, 98% of interim reviews and 83% of annual reviews for the year. The Office will adopt any enhancements to the system as agreed centrally.

### **Sick Leave**

The Office undertakes bi-annual reviews of sick leave and the findings are presented to both the internal Management Advisory Committee and the Department of Public Expenditure and Reform. A number of recommendations were adopted in recent years to address levels of sick leave and this has resulted in an overall reduction in days lost with the lost time rate for 2012 of 2.96% below the 3% figure sought by the Department of Public Expenditure and Reform.

### **Accommodation**

During 2012 the Office reviewed the accommodation needs of the Office and liaised with representatives from the Office of Public Works as necessary to ensure that all facilities were suitable.

### **Partnership Committee**

During 2012, the Partnership Committee in the Merrion Street Office was centrally involved in the implementation of the Public Service Reform Plan and issues relating to the implementation of the Office's Revised Action Plan under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). During the year the Committee met on 10 occasions. The focus for the Committee, which has Office-wide representation, was also to deal with core Office-related issues effecting staff such as sick leave, PMDS and Training and Development.

## Gender Representation

At end-2012 the Office exceeded the Government targets in relation to the employment of women. 58.29% of staff were female at or above Assistant Principal Officer level while 46.74% of staff at or above Principal Officer level were female.

The end-2012 figures for permanent staff were as follows:

Grade	Female		Male	
	No.	(%)	No.	(%)
Director General	0	(0)	1	(100)
Chief Parliamentary Counsel	1	(100)	0	(0)
Deputy Director General	0	(0)	1	(100)
Assistant Secretary	5 <sup>1</sup>	(55.56)	4	(44.44)
Principal Officer	10.5	(45.06)	12.8	(54.94)
Assistant Principal	20.4	(58.29)	14.6	(41.71)

## Accessibility for Persons with Disabilities

The proportion of staff with disabilities at the end of 2012 continues to exceed the Government target of 3%. The Office monitored its accessibility including through its website, and ensured that all renovation or maintenance work took into account the needs of persons with disabilities.

## Training and Development

During 2012 nominated Advisory Counsel, Parliamentary Counsel and Administration staff participated in the work of the Training and Development Committee. Preparation of a procedures/training manual to reflect appropriate interaction between ACs and PCs in the legislative process;

- Organisation of legal training events in the Office;
- Development of a new Advisory Counsel Training Programme for new Advisory Counsel and Advisory Counsel returning from secondment, and
- Updating of the Advisory Counsel Protocol Document.

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<sup>1</sup> Note 1 Principal Officer acting as Assistant Secretary level

In 2012, Merrion Street Office Training and Development Unit provided 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. The Unit also participated in the work of the Training and Development Committee during the year. The primary focus of the Group in early 2012 was to develop and finalise a co-ordinated Training and Development Strategy for the Office. The strategy included specific action points relating to the Administration side including:

- Increased liaison and coordination between AGO T&D Unit and Civil Service T&D Network.
- Increased liaison and coordination between AGO and CSSO T&D Units.
- Clerical Support Survival Handbook.
- Talks by ACs and PCs to administration and clerical staff on different legal topics –
- Training and Development Reports to Merrion Street MAC.
- Evaluation of training.

Throughout the year staff were encouraged and facilitated in undertaking training identified in their Role-Profile Forms for 2012. 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 2012 was €157,021. This amount represented 1.56% of the payroll allocation for the year. A full breakdown of training and development expenditure is contained in **Annex G** of this Report.

### **Enhanced system to evaluate training courses funded by the Office**

Reliable and comprehensive evaluation of training is essential to ensure value for money and also to ensure that training events of the highest standards are identified and in particular taking account of the fact that much of the training sourced and availed of will not be generic in nature but rather legal and targeted to our particular requirements as a specialised Civil Service Office.

During 2012 in the context of the implementation of the recommendations of the Merrion Street Office's Training and Development Strategy the Office reviewed and revised its training evaluation processes and these changes have been implemented. The existing evaluation form was revised. Staff are not allowed to avail of subsequent training opportunities unless their evaluation of the previous event has been submitted to the Training and Development Officer.

## **CSSO**

### **Recruitment**

During 2012, 14 staff left the Office, including the Chief State Solicitor whose term of Office had come to an end, 4 were retirements, 4 resigned, 1 member of staff their contracts expired, 2 members of staff availed of a career break, 1 member of staff transferred under a secondment arrangement and 1 member of staff was dismissed. During 2012, 11 staff joined the Office including a new Chief State Solicitor, 2 returned from their career breaks, 5 temporary professional staff, 1 technical legal staff member and 1 clerical staff joined the office. During 2012 the Office initiated an intern program under the FÁS JobBridge scheme and 1 intern commenced their internship under the program during 2012.

### **Performance Management and Development System**

The 2012 PMDS cycle operated on the basis of the revised PMDS documentation including the revised form and guidelines. Training in respect of the revised arrangements and documents was rolled out to all staff of the Office. New arrangements that were agreed were implemented.

### **Continued Professional Development**

All solicitors employed by the State are required to complete Continuing Professional Development (CPD) training. With effect from 1st January 2008, (S.I. 807 of 2007, as amended by S.I. 452 of 2009 refers), CPD is compulsory. Individual solicitors are required to maintain a record of training received. Under the CPD process, the Law Society may audit compliance with the requirement.

## **Accommodation**

Throughout the year the Office regularly reviewed its accommodation needs based on work requirements and engaged with Office of Public Works as necessary to ensure that all facilities were suitable.

The Office in continuing to place an emphasis on off-site storage of files in order to make corridors and offices compliant with Health and Safety requirements.

## **Training and Development and Training courses provided in 2012**

The role of the Training and Development Unit (TDU) is to provide targeted training for staff throughout the Office. Throughout 2012, the TDU undertook a number of areas of training which had been identified by staff in their Personal Training and Development Forms under Performance Management and Development System (PMDS) and areas of training prioritised by the Office ranging from Health & Safety issues to Legal Topics to staff and administrative training requirements. The focus during the year was on providing in-house training for staff so as to ensure solicitor staff comply with their continuous Professional Development obligations.

The Office allocated a total of €200,000 to provide training, development and learning for Staff of the Office during 2012. **Annex G** of this Report sets out details in relation to training and development and training courses provided to CSSO staff during 2012.

During 2012 the Training and Development Unit facilitated the provision of training to all staff in Workplace Communication, Conflict Management and Underperformance Training

## **Dignity Charter**

The Office Dignity Charter, launched in 2008, operated throughout 2012.

## **Gender Representation**

At the end of 2012 the Office exceeded the Government targets in relation to employment of women. The proportion of female staff at or above Assistant Principal

Officer level was 61%, while the proportion of female staff at or above Principal Officer level was 52%.

### **Accessibility for Persons with Disabilities**

The proportion of staff with disabilities employed in the Office at the end of 2012 exceeded the Government target of 3%. The office continues to support staff and is always interested in receiving suggestions from staff.

### **Partnership Committee**

During 2012, the Partnership Committee and related sub groups in the Chief State Solicitor's Office contributed to the ongoing development of the change culture in the Office.

## **Merrion Street Office and CSSO**

### **Financial developments**

During 2012 the focus for the Offices was on achieving further progress towards the implementation of initiatives at central level, further enhancement of the Office's Financial Management System (FMS), consideration to upgrade the System and the development of an interface between the Case and Records Management System (ACME) and FMS.

In relation to the development of an interface between ACME and FMS this development, when fully embedded will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements.

During 2012 further enhancements were developed to Management and Costing Reports and 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 relation to the Office's Agresso FMS the Office utilised the System in providing a full range of financial services to the Office including the preparation of the following:

- Appropriation Account 2012;
- Monthly financial reports to local and Main Management Advisory Committees and the Department of Public Expenditure and Reform;

In September 2012 a joint business case was submitted to the Department of Finance for consideration to proceed with an upgrade of the system. There was a need to consider upgrading the System as the accounts package used in both Offices is out of formal support as the vendors have now released the next version of the System. Support of the current version used by the Offices was still available through local agents Unit 4 (Software Ireland) who also provided support for a large number of public sector organisations using the same version of the system.

The Department of Public Expenditure and Reform advised that following a competitive tendering process Deloitte were selected as the Management consultants who will advise and assist the Banking and Financial Management Shared Services Project Team in the Department in relation to a financial shared services option for all Civil Service Departments and Offices. This is a joint project under the remit of the Reform Delivery Office in the Department and the Department of Finance.

At year end no decision was forthcoming in this regard and the decision to upgrade the FMS was deferred pending a decision at Central level in 2013.

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

During 2012 the focus was on further refining and enhancing the ACME to ensure that it served the Office as effectively and efficiently as possible. Ongoing support was provided by Helpdesk staff to all users of the system. The ACME Business Users Group (BUG) progressed a comprehensive review of the system throughout 2012 with a view to identifying any areas where improvements might be made.

### **Integration of the Financial Management System with the Case and Records Management System (ACME)**

Counsels' fees are a very significant cost to the State. It is imperative that the Office is able to manage the process to ensure both value for money and an effective financial process to support it. While currently the Office operates a comprehensive and detailed paper-based system, it is labour intensive and not as efficient as it might be for producing real time information for management purposes.

Critical to managing the cost is an ability to monitor and recognise the financial commitment on an accruals basis when the activity takes place rather than just at the point an invoice or fee note is received and subsequently paid.

Both the ACME and FMS systems are efficient and effective in the tasks for which they were designed. However, linking the financial system with the ACME system will ensure that the financial commitments raised by advisory/CSSO legal staff when engaging legal counsel will be automatically captured. This will enable management to be aware with greater accuracy the extent of potential liability for future legal costs and fees as well as ensuring that ultimately when the formal invoice or fee note arrives the payment process will be both accurate and efficient. The visibility and completeness of this information will have significant added value for management decision making.

By the end of 2012 the interface process was operational in all Divisions and Sections of the CSSO with financial commitments captured on ACME.

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

During 2012 the Offices kept under review internal financial controls aspects of which were also reviewed in the context of specific internal audits. The report of a desktop review of financial controls and processes in both Offices, undertaken by a former head of Administration in the CSSO in 2010/2011 was adopted in late 2011 and implementation of the recommendations of the report progressed throughout 2012. The Offices' Audit Committee requested that a report be prepared for the Chair of the Committee on high level internal financial controls within both Offices.

During the year the Offices' local and Main Management Advisory Committees 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.

### **Audit Committee**

The Audit Committee, comprising 3 external personnel and a representative from each Office, met on 4 occasions during 2012.

The Internal Audit Unit's Annual Report for 2011 was agreed by the Director General and the Chief State Solicitor. In relation to audits undertaken in 2012 the Audit Reports listed below were reviewed by the Audit Committee in 2012:

- Examination of Payroll Procedures in the Office of the Attorney General and the Chief State Solicitor's Office.
- Examination of the Sensitive File Procedures in the Office of the Attorney General and the Chief State Solicitor's Office.
- Engagement of Counsel Audit in the Office of the Attorney General and the Chief State Solicitor's Office.
- Follow-up Recommendations Report in the Chief State Solicitor's Office, Office of the Attorney General and the Law Reform Commission
- Examination of Tax Clearance and Withholding Tax procedures in the Office of the Attorney General, the Chief State Solicitor's Office and Law Reform Commission

During 2012 the Audit Committee also reviewed developments in relation to the ACME/FMS Interface project and the Offices' risk management strategy.

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

In the Merrion Street Office no penalty interest payments were incurred during 2011.

In the CSSO, a total amount of €1,069.90 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation. See **Annex D** for the Offices' Reports on Payment Practices for 2012.

### **IT Strategy 2012 - 2016**

During 2012 a new joint AGO/CSSO IT Strategy to support the Offices in achieving their business objectives was developed. The Strategy will guide the Offices' approach to and investment in information technology over the coming years.

### **Other IT related developments**

The IT Units continued to review the technology platforms and systems in use and further refine and develop these where appropriate to ensure the IT systems met the requirements of the Offices.

The Merrion Street IT Unit also played a very significant role in management and enhancement of the electronic Irish Statute Book. More specific details are provided elsewhere in this report.

### **Public Service Agreement 2010 – 2014 (Croke Park Agreement)**

In January 2012 the Office of the Attorney General, Merrion St, in conjunction with the Office of the Chief State Solicitor and the Law Reform Commission, published a Revised Action Plan to implement commitments under the Public Service Agreement 2010 – 2014 (Croke Park Agreement).

The Plan includes many changes, developments and initiatives which have already been implemented, many currently in progress and several for the future. The objective of the changes is to enhance efficiency, customer service and reduce costs. Some of the proposed initiatives set out in the revised action plan to enhance the delivery of legal services to clients include the allocation of resources for urgent legal issues, the enhancement of communication methods to increase accessibility and responsiveness to stakeholders, enhancing knowledge management, taking all measures necessary to facilitate clients of the Office in achieving the objectives of the Public Service Agreement, controlling expenditure on professional fees and recovery of costs awarded to the State. The Office published Progress Reports on the implementation of the Revised Action Plan in May and October 2012. The Revised Action Plan and Progress Reports are available on the Office website.

## **Implementation of Public Service Reform Plan**

In May 2012 the Office submitted a Progress Report on the joint AGO/CSSO/LRC Integrated Reform Delivery Plan to the Department of Public Expenditure and Reform. The Report set out progress achieved in relation to the 16 projects/programmes set out in the Plan. These include the management of fees paid to counsel, review payment of legal expenses, organisational performance, recovery of costs awarded to the State, rationalisation and reorganisation and law reform.

### **Client and customer satisfaction surveys**

The Office is committed to undertake a follow-up client and customer survey of the Advisory and Administration sides and a follow-up client survey of the Office of the Parliamentary Counsel and benchmark the findings against the results of the previous surveys undertaken in 2008.

One of QCS Guiding Principles states that Public Service organisations: “will ensure meaningful evaluation of service delivery”. The Office is committed to rigorously evaluating performance against the service standards set out in the Office’s Client and Customer Charter. The undertaking of follow-up surveys of clients and customers will enable the Office to evaluate performance against the results of the previous surveys with a view to improving service delivery to clients and customers. The surveys will consider service delivery in terms of:

- Effectiveness in communicating proactively with clients, customers and Government Departments;
- Responsiveness and timeliness in service delivery performance;
- Accuracy, quality and consistency of work outputs, advice provided and legislation drafted;
- General service delivery and professionalism of legal and Administrative staff;
- Client, customer and Departmental contributions to service delivery;
- Improvements achieved over intervening periods.

The follow-up survey of clients of the Advisory side and customers of the Administration side was completed by the external consultant engaged by the Office

in November 2012. A follow-up survey of clients of the OPC is scheduled to be completed by end Q1 2014. It is envisaged that the findings of both surveys will inform the development of a new Client Service Guide and Client and Customer Charter for the Office.

### **Regulatory Requirements Compliance**

During 2012 the Office kept under review 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. Arrangements in both Offices were satisfactory during the year.

### **Website**

The IT Units in the Merrion Street Office and the CSSO managed the presentation and design as well as the publication of content on the respective Offices' websites during the year. They continue to exist as an important resource and reference points for customers, clients and members of the public. Access is provided to e.g. the Electronic Irish Statute Book (eISB), the Public Service Agreement 2010 – 2014 (Croke Park Agreement) Implementation Plans, procedures applying to the engagement of external counsel and the Offices' publications.

### **Maintenance of efficient filing system and Records Centre**

1415 files were closed in the Office of the Attorney General in 2012. Files are stored in the Office in numerical order in accordance with file numbering conventions within the Office or catalogued before being sent for secure off-site storage. Sensitive files are either retained in the Office or placed in secure Vault boxes with restricted access.

In the Chief State Solicitor's Office 3360 files were closed in 2012. Files are stored by year of opening and then numerically or catalogued before being sent for secure off-site storage. All files closed, up to those opened in 2012, are stored off-site. Closed sensitive files are kept on-site.

### **Compliance with obligations under the National Archives Act**

The AGO's National Archives Project for 2012 was completed ahead of schedule and 1671 files were transferred to the National Archives in Bishop Street, including

99.01% of all documented files scheduled for transfer. Certificates for the retention of those files not transferred are held by the Office.

### **Legal research and know-how services**

In 2012 the Merrion Street Office and CSSO Library & Know-how Units focused on the 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.

The Units provided many important services to legal staff including:

- 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.

### **Enhanced legal research services**

In 2012 legal research services were 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.

The Units provided a range of current awareness services during the year and provided access to a wide range of legal information resources and legal reference guides through the Units intranet pages.

Both Units provided training to legal and administrative staff on library applications and legal information databases during the year. Staff had the opportunity to avail of formal information skills training programmes as well as customised individual training sessions.

Both Units provided formal training sessions and customised individual sessions to staff during the year.

### **Contributing to Knowledge Management**

During the year both Units promoted a culture of knowledge sharing within and between the Offices. In the AGO, legal issues meetings are organised by the Library & Know-how Unit and legal staff in both Offices shared knowledge on topical issues of interest through the medium of legal issues meetings. Also the Units published the Legal Bulletin during the year.

Both Units participated in Knowledge Management initiatives and contributed significantly to the ongoing implementation of the new Knowledge Management Strategy during 2012. Members of the Unit were heavily involved in testing the new know-how database and in the work of the Know-how Implementation Group (KMIG).



## Government Bills Published during 2012

GOVERNMENT BILLS PUBLISHED 2012	
Total No. of Bills to Date	Title of Bill
1	Animal Health and Welfare Bill 2012
2	Appropriation Bill 2012
3	Betting (Amendment) Bill 2012
4	Civil Defence Bill 2012
5	Civil Registration (Amendment) Bill 2012
6	Clotting Factor Concentrates and Other Biological Products Bill 2012
7	Companies (Amendment) Bill 2012
8	Companies Bill 2012
9	Credit Guarantee Bill 2012
10	Credit Reporting Bill 2012
11	Credit Union Bill 2012
12	Criminal Justice (Search Warrants) Bill 2012
13	Criminal Justice (Spent Convictions) Bill 2012
14	Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Bill 2012
15	Defence Forces (Second World War Amnesty and Immunity) Bill
16	Education (Amendment) Bill 2012
17	Education and Training Boards Bill 2012
18	Electoral (Amendment) (Dáil Constituencies) Bill 2012
19	Electoral (Amendment) (No. 2) Bill 2012
20	Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012
21	Equal Status (Amendment) Bill 2012
22	Euro Area Loan Facility (Amendment) Bill 2012
23	European Communities (Amendment) Bill 2012
24	European Stability Mechanism Bill 2012
25	Europol Bill 2012
26	Finance (Local Property Tax) Bill 2012
27	Finance Bill 2012
28	Fiscal Responsibility Bill 2012
29	Gaeltacht Bill 2012
30	Health (Pricing and Supply of Medical Goods) Bill 2012
31	Health and Social Care Professionals (Amendment) Bill 2012
32	Health Insurance (Amendment) Bill 2012

<b>33</b>	Health Service Executive (Governance) Bill 2012
<b>34</b>	Houses of the Oireachtas Commission (Amendment) Bill 2012
<b>35</b>	Houses of the Oireachtas Commission (Amendment) (No. 2) Bill 2012
<b>36</b>	Industrial Development (Science Foundation Ireland) (Amendment) Bill 2012
<b>37</b>	Local Government (Miscellaneous Provisions) Bill 2012
<b>38</b>	Microenterprise Loan Fund Bill 2012
<b>39</b>	Ministers and Secretaries (Amendment) Bill 2012
<b>40</b>	Motor Vehicle (Duties and Licenses) Bill 2012
<b>41</b>	National Lottery Bill 2012
<b>42</b>	National Vetting Bureau (Children and Vulnerable Persons) Bill 2012
<b>43</b>	Personal Insolvency Bill 2012
<b>44</b>	Residential Institutions Statutory Fund Bill 2012
<b>45</b>	Residential Tenancies (Amendment) (No. 2) Bill 2012
<b>46</b>	Road Safety Authority (Commercial Vehicle Roadworthiness) Bill 2012
<b>47</b>	Social Welfare and Pensions Bill 2012
<b>48</b>	Social Welfare Bill 2012
<b>49</b>	Statute Law Revision Bill 2012
<b>50</b>	Taxi Regulation Bill 2012
<b>51</b>	Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012
<b>52</b>	Thirty-First Amendment of the Constitution (Children) Bill 2012
<b>53</b>	Transport (Córas Iompair Éireann and Subsidiary Companies Borrowings) Bill 2012
<b>54</b>	Valuation (Amendment) Bill 2012
<b>55</b>	Wildlife (Amendment) Bill 2012

## Acts Passed In 2012

Total No. of Acts to Date	TITLE
1	Appropriation Act 2012
2	Bretton Woods Agreements (Amendment) (No. 2) Act 2012
3	Civil Defence Act 2012
4	Civil Registration (Amendment) Act 2012
5	Clotting Factor Concentrates and Other Biological Products Act 2012
6	Companies (Amendment) Act 2012
7	Competition (Amendment) Act 2012
8	Credit Guarantee Act 2012
9	Credit Union and Co-operation with Overseas Regulations Act 2012
10	Criminal Justice (Female Genital Mutilation) Act 2012
11	Criminal Justice (Search Warrants) Act 2012
12	Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
13	Dormant Accounts (Amendment) Act 2012
14	Education (Amendment) Act 2012
15	Electricity Regulation (Carbon Revenue Levy) (Amendment) Act 2012
16	Electoral (Amendment) Act 2012
17	Electoral (Amendment) (Political Funding) Act 2012
18	Energy (Miscellaneous Provisions) Act 2012
19	Equal Status (Amendment) Act 2012
20	Euro Area Loan Facility (Amendment) Act 2012
21	European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012
22	European Communities (Amendment) Act 2012
23	European Stability Mechanism Act 2012
24	Europol Act 2012
25	Finance Act 2012
26	Finance (Local Property Tax) Act 2012
27	Fiscal Responsibility Act 2012
28	Gaeltacht Bill 2012

29	Health and Social Care Professionals (Amendment) Act 2012
30	Health Insurance (Amendment) Act 2012
31	Health (Provision of General Practitioner Services) 2012
32	Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012
33	Industrial Relations (Amendment) Act 2012
34	Jurisdiction of Courts and Other Biological Products Act 2012
35	Local Government (Miscellaneous Provisions) Act 2012
36	Microenterprise Loan Fund Act 2012
37	Motor Vehicle (Duties and Licenses) Act 2012
38	National Vetting Bureau (Children and Vulnerable Persons) Act 2012
39	Ombudsman (Amendment) Act 2012
40	Patents (Amendment) Act 2012
41	Personal Insolvency Act 2012
42	Protection of Employees (Temporary Agency Work) Act 2012
43	Public Service Pensions (Single Scheme and Other Provisions) Act 2012
44	Qualifications and Quality Assurance (Education and Training) Act 2012
45	Residential Institutions Statutory Fund Act 2012
46	Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012
47	Social Welfare Act 2012
48	Social Welfare and Pensions Act 2012
49	Statute Law Revision Act 2012
50	Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Act 2012
51	Transport (C��ras Iompair ��ireann and Subsidiary Companies Borrowings) Act 2012
52	Veterinary Practice (Amendment) Act 2012
53	Water Services (Amendment) Act 2012
54	Wildlife (Amendment) Act 2012

**Office of the Attorney General  
Vote 3 Merrion Street Office**

**Outturn for 2012 and Estimate for 2012 and 2013**

Estimate and Outturn for 2012 and Estimate of the amount required in the year ending 31 December, 2013 for the salaries and expenses of the **Office of the Attorney General**, including a grant-in-aid.

	<b>Service</b>	<b>Estimate Provision 2012 €000</b>	<b>Provisional Outturn 2012 €000</b>	<b>Estimate Provision 2013 €000</b>
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	10,929	10,094	9,856
A.2(i)	TRAVEL AND SUBSISTENCE	120	107	175
A.2(ii)	INCIDENTAL EXPENSES	660	573	560
A.2(iii)	POSTAL AND TELECOMMUNICATIONS SERVICES	100	64	110
A.2(iv)	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	557	480	590
A.2(v)	OFFICE PREMISES EXPENSES	203	312	166
A.2(vi)	CONSULTANCY SERVICES	20	17	30
A.2(vii)	CONTRACT LEGAL EXPERTISE	765	376	901
A.2(xi)	EU PRESIDENCY	-	-	526
	<b>SUBTOTAL</b>	<b>13,354</b>	<b>12,023</b>	<b>12,914</b>
	<b>OTHER SERVICES</b>			
A.3	CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	39	39	38

C.	LAW REFORM COMMISSION (GRANT- IN-AID)	2,342	2,218	2103
D.	GENERAL LAW EXPENSES	50	30	50
50	<b>Gross Total</b>	<b>15,785</b>	<b>14,310</b>	<b>15,105</b>
E.	<b>Deduct</b> APPROPRIATIONS-IN- AID	788	820	788
	<b>Net Total</b>	<b>14,997</b>	<b>13,990</b>	<b>14,317</b>

## Vote 13 - Office of the Chief State Solicitor

### Outturn for 2012 and Estimate for 2012 and 2013

Estimate and Outturn for 2012 and Estimate of the amount required in the year ending 31 December, 2013 for the salaries and expenses of the Office of the Chief State Solicitor.

	Service	Estimate Provision 2012 €000	Provisional Outturn 2012 €000	Estimate Provision 2013 €000
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	14,843	14,404	14,397
A.2.	TRAVEL AND SUBSISTENCE	61	61	61
A.3.	INCIDENTAL EXPENSES	1,055	919	1,105
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	350	344	350
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	750	579	850
A.6.	OFFICE PREMISES EXPENSES	410	171	370
A.7.	CONSULTANCY SERVICES	29	11	29
A.8.	EXTERNAL LEGAL SERVICES	248	142	248
	<b>SUBTOTAL</b>	<b>17,746</b>	<b>16,476</b>	<b>17,410</b>
	<b>OTHER SERVICES</b>			
B.	FEES TO COUNSEL	12,550	9,528	11,850
C.	GENERAL LAW EXPENSES	4,516	4,675	2,516

		<b>34,812</b>	<b>30,679</b>	<b>31,776</b>
	<b>Gross Total</b>			
	<b>Deduct</b>			
D.	APPROPRIATIONS-IN-AID	1,860	1,876	1,860
		<b>32,952</b>	<b>28,803</b>	<b>29,916</b>
	<b>Net Total</b>			



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

**Statements of Compliance; Reports on Payment Practices 2012  
Office of the Attorney General (Merrion Street Office)**

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 and compensation arising. Furthermore, financial procedures in place in the Office are regularly monitored 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. From 15 June 2009 all Government Departments are obliged and are to commit to paying all suppliers within 15 days of receipt of a valid invoice although the 30 day limit in respect of payment of prompt payment interest still applies.
- 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 Finance 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

## **Report on Payment Practices for 2012**

### **Office of the Attorney General, Merrion Street**

#### **General**

- 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**

- Payments totalling €3,849,885.77 in 2012 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies.
- There were no Prompt payment interest payments 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 the Finance Unit scan general invoices into the Financial Management System using Invoice Manager and the invoice approval process is carried out electronically. General Law invoices are inputted to the Financial Management System and forwarded to the relevant file handlers for approval.
- 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.

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

Payments totalling €3.365m in 2012 were made from the Vote of the Chief State Solicitor's Office in respect of payments to which the Legislation applies. A total

amount of €1,069.90 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

### **Report On Payment Practices For 2012 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 2012:**

Total Value of all Payments:	€3,364,873.05
Total Value of all late payments (under €320 inclusive):	€1,539.39
Total Value of all late payments (over €320):	€89,742.17
Value of late payments as % of total payments:	2.71%
Number of late payments in excess of €320:	17
Amount of Interest paid:	€1,069.90
Amount of interest as percentage of total payments:	0.03 %
Broad indication of Length of Delays:	66 days

**Office Representation on Committees and Working Groups in 2012**

Advisory Committee on Garda Interviewing of Suspects  
Assistant Secretaries Network  
Business Process Improvement Network  
Children's Referendum Communications Advisory Group  
Circuit Court Rules Committee  
Civil Service Training Officers Network  
Commission for Democracy through Law  
Company Law Review Group  
Consultative Committee on Law Reform  
Corporate and Public Lawyers Association  
Council of Europe Committee of Experts in Family Law  
Court Service Forum  
Courts Service User Group  
Courts Martial Rules Committee  
Criminal Law Codification Group  
Cross-Departmental Committee on International Sanctions  
Cross-Departmental Group on EU Enlargement and Freedom of Movement  
Data Sharing Clearing House Working Group  
EU Group of Legal Experts on Climate Change  
EU Working Group on Legal Data Processing  
EU Working Group on Social Questions  
EU Working Party on International Environmental Issues  
EU Intergovernmental Convention Oversight Group  
Expert Group on the judgment in A, B and C v Ireland  
Finance Officers Network  
Garda Síochána Working Group on Vetting  
Government Legislation Committee  
Government Library Managers Network  
Greco Evaluation Team  
Information Society Legal Working Group

Implementation Group on Compensation Issues  
 Implementation Group of Secretaries General  
 Interdepartmental Committee on EU Engagement (ICEE)  
 Interdepartmental eLegislation Group  
 Interdepartmental Group on Special Education Needs Litigation  
 Interdepartmental Working Group on Nursing Homes Charges  
 Interdepartmental Committee on Nuclear Issues  
 Interdepartmental Co-ordination Meeting on the Council of Europe  
 Interdepartmental Group on Childhood Abuse Litigation  
 Interdepartmental Working Group on the Fiscal Compact  
 Interdepartmental Working Groups on Disability  
 Interdepartmental Committee on Infrastructure  
 Interdepartmental Group on the Commission proposal for a European Fishing Control Agency  
 Interdepartmental Group on Legislative Issues for the Information Society  
 Interdepartmental Group on Oireachtas Scrutiny of EU legislation  
 Interdepartmental Project Board: Oberstown National Childrens Detention Facility Development Project  
 Interdepartmental Project Board: Contracting of Private Sector Employment Services  
 Interdepartmental Project Board and Project Team: Contracting of Private Sector Medical Services  
 In House & Public Sector Committee of the Law Society  
 Interdepartmental Working Group on Construction Contracts and Practices  
 Interdepartmental Working Group on Capital Assets Test  
 Internal Audit Network  
 International Expert Group on Nuclear Liability (INLEX)  
 Justice Group at the Institute of International and European Affairs  
 Litigation Committee of the Law Society  
 Management Group for Judicial Reviews in Asylum Cases  
 McFarlane Expert Group  
 National Procurement Board  
 National Procurement Service Procurement of Legal Services Working Group  
 Ministers and Secretaries Group on European Matters  
 Money Laundering Steering Committee (Official side)

National ESCO/EPC Action Group  
 Nuclear Law Committee (Nuclear Energy Agency, a branch of the OECD)  
 Personnel Officers Network  
 PMDS Network  
 Processing Criminal Cases in the Dublin Metropolitan District  
 Proceeds of Crime Legislation Review Group  
 Public Law Committee – International Bar Association  
 Quality Customer Service Network  
 Secretaries General and Heads of Offices Group  
 Senior Officials Compliance Committee (OECD Corruption)  
 Senior Officials Group on a Constitutional Amendment on Children’s Rights  
 Senior Officials Group on Climate Change and the Green Economy  
 Single Regulatory Authority Implementation Advisory Group  
 Steering Group on Systems Review of Department of Agriculture and Food  
 Strategic Management Initiative Communications Sub-Group  
 Strategic Management Initiative Implementation Groups  
 Superior Courts Rules Committee  
 Tax Strategy Group  
 Training Officer Network  
 Working Group on Capital Assets Test  
 Working Group on Company Law Compliance and Enforcement  
 Working Group on Efficiencies in the Criminal Justice System of the Circuit and District Courts  
 Working Group re Litigation arising from Malaria Chemoprophylaxis in the Defence Forces



**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
2007	1	1	0	0	0	0
2008	5	1	4	0	2	0
2009	7	2	5	0	1	1
2010	10	3	7	0	3	1
2011	6	1	5	0	1	1
2012	7	4	3	0	3	0
<b>Total</b>	188	42	146	0	32	18

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
2007	1	1	0	0	0	0	0	0	Nil
2008	1	1	0	1	1	0	0	3	€45
2009	6	6	0	0	0	1	0	2	€25
2010	6	6	0	0	0	0	0	6	€90
2011	4	4	0	0	0	2	0	6	€90
2012	3	3	0	1	0	1	1	3	€45
<b>Total</b>	131	117	2	5	n/a	23	6	31	€505

**Statistics for 2012**  
**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>
01/01/12 to 31/12/12	7	2	0	0	0	5

**Statistics from 21 April 1998 to 31 December 2012**

<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 31/12/12	188	56	35	3	5	89

**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
2007	3	2	1	0	2	0
2008	6	6	0	0	2	0
2009	10	1	9	0	1	1
2010	5	2	3	0	2	0
2011	4	0	4	0	1	0
2012	6	0	6	0	1	0
<b>Total</b>	114	55	59	0	47	6

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
2007	0	0	0	1	0	0	0	1	€15
2008	2	0	1	0	1	0	0	0	Nil
2009	3	3	2	2	2	0	0	4	€60
2010	3	3	0	0	0	2	2	2	€30
2011	3	3	0	0	0	1	0	3	€45
2012	4	4	0	0	1	1	0	4	€60
<b>Total</b>	42	36	8	7	7	12	5	11	€225

**Statistics for 2012**  
**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>
01/01/12 31/12/12	6	1	0	0	0	5

**Statistics from 21 April 1998 to 31 December 2012**

<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 31/12/12	114	18	3	0	38	55

## Training and Development Merrion Street Office

### Breakdown of Expenditure on Training on Development for 2012 in respect of the Office of the Attorney General:

- The total cost of training and development for 2012, including the cost of administration, was €157,021
- Excluding administration costs the training and development budget was broken into four specific areas, Staff Training and Development, Refund of Fees, Membership Fees and Conferences
- No members of staff received a refund of fees during 2012

<b>Item</b>	<b>Expenditure €</b>
Seminars, Conferences & Training Courses	111,438
Refund of Fees	0
Cost of consultants & external trainers	0
IT Training	616
Trainers' salaries & overheads	44,967
Cost of administration	0
Cost of courses attended by trainers	0
Purchase of new training materials	0
Master's in Policy Analysis	0
Other	0
<b>Total</b>	<b>157,021</b>
<b>Total Payroll costs A1</b>	<b>10,093,976</b>
<b>Expenditure on T &amp; D as % of salary cost</b>	<b>1.56%</b>

## **Training and Development 2012 CSSO**

### **Breakdown of Chief State Solicitor's Office Expenditure on Training & Development 2012**

The role of the Training and Development Unit (TDU) of the Chief State Solicitor's Office is to provide targeted training for staff throughout the office. Throughout 2012 the TDU undertook a number of areas of training which had been identified by staff in their Personal Training and Development Forms under Performance Management and Development System (PMDS) and areas of training prioritised by the office ranging from health & safety issues, to legal topics to administrative training requirements. During 2012 the focus remained on providing in-house training for staff, taking into account the 2009 CPD regulations requiring Solicitors to complete 13 hours CPD.

The following training was provided for staff during 2012:-

- PMDS Updates
- Induction Training for new staff
- Workplace Communication, Conflict Management and Managing Underperformance Training, for all staff, provided by Pathway.
- Introductory sessions on the Library and its print and online resources were provided for new entrants and refresher sessions were provided for returning and transferring staff. External trainers conducted a number of hour-long sessions on the Library's subscription databases and Library staff provided training for individual staff that were unable to attend the group sessions. The Library also conducted one-to-one information skills training for legal staff in fulfilment of their CPD requirements.
- Training sessions on the ACME system were provided for new entrants to the Office and staff that requested further training on the system.
- Various training sessions relating to Health and Safety was provided for staff such as, Fire Marshal training, Occupational & Refresher First Aid Training, and Evacuation Chair Training.
- TDU contacted and met with the Divisional Managers in early 2012 to look at topics that would be suitable for inviting speakers into the office to talk to staff under an in-house talk's initiative.

- Solicitor staff were required to complete 13 hours Continuing Professional Development (CPD) hours in 2012.
- A number of in house seminars on areas of law were organised throughout the year such as; Statutory Instrument 691 of 2011 Rules of the Superior Courts, Legal Costs, Regulatory Matters presentations, Corruption Law in Ireland, Company Law Updates, Garda Technical Bureau Analysing Documents Workshop, Defamation Law, Debt Collection, Litigation of Cases from the Irish Courts to the ECHR, the Meadows decision and how it is being interpreted, the Workplace Relations Reform Project, EConveyancing.
- Further In House ‘lunchtime talks’ were provided throughout the year on issues such as, Meningitis Awareness, Pension Workshops, Financial Advice, Energy Conservation.
- External conferences and seminars relevant to the business undertaken by the Office were attended by staff throughout the year.
- Based on information provided by staff under PMDS and requests made throughout the year the Training and Development Unit organised a number of general training courses for staff.

The Training Unit was allocated €200,000.00 in order to provide training and development for CSSO staff during 2012. The allocation was broken into three specific areas.

Area	Allocation	Spend	Summary
<b>Delegated Budget</b>	<b>€85,000.00</b>	<b>€51,240.35</b>	This amount was divided between the 6 divisions, with each division responsible for working within the allocated amount.
<b>Refund of Fees</b>	<b>€25,000.00</b>	<b>€11,426.99</b>	During 2012, a refund of fees to staff was made in relation to 7 courses
<b>Holding Fund</b>	<b>€90,000.00</b>	<b>€ 59,728.49</b>	This fund was used for

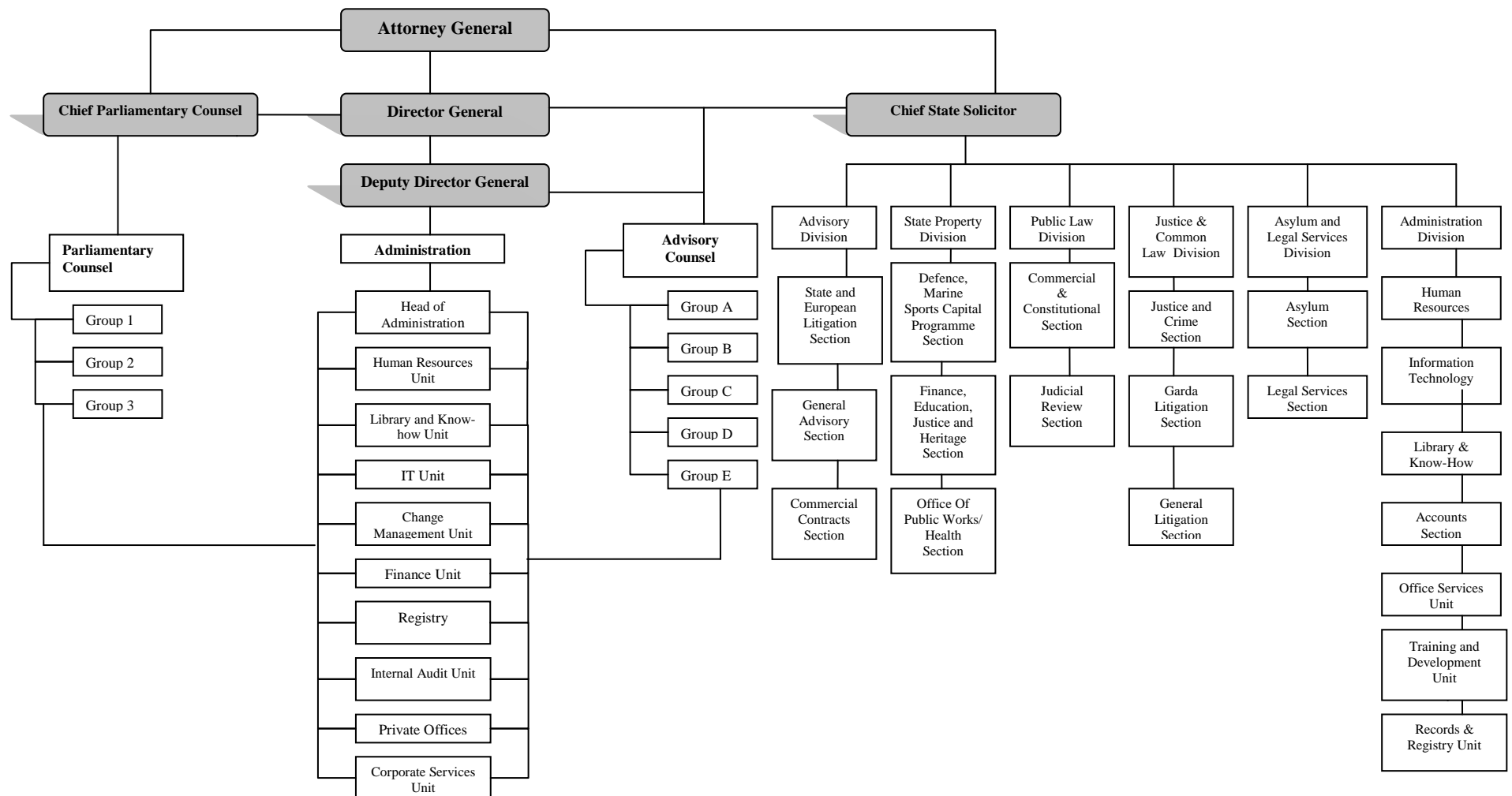
expenditure  
by the TDU  
on a number  
of areas of  
training



### Organisation Chart:

### Organisation Chart:

## Annex H: Organisation Chart





## Annex I

### HIGH COURT CASES FROM 2012 INVOLVING THE STATE

**O. -v- MJLR & Ors [2012] IEHC 1**

Judgment delivered by Hogan J. on 06/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/45445dd8ba30e76a802579d500389b50?OpenDocument>

**E. -v- MJELR & Ors [2012] IEHC 3**

Judgment delivered by Hogan J. on 11/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2d096386f2a775d3802579bb00309858?OpenDocument>

**I. & Ors -v- MJLR & Ors [2012] IEHC 7**

Judgment delivered by Hogan J. on 11/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/fc57b33a69775cdf802579c1004dd76d?OpenDocument>

**O. -v- Refugee Appeals Tribunal & Ors [2012] IEHC 5**

Judgment delivered by Hogan J. on 11/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8735a98ee0d00f26802579bb0030cf37?OpenDocument>

**Omega Leisure Ltd -v- Superintendent Barry & Ors [2012] IEHC 23**

Judgment delivered by Clarke J. on 12/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/b6d5ff8b83f88d6e802579bf0035928d?OpenDocument>

**C. & Ors -v- Refugee Appeals Tribunal & Ors [2012] IEHC 4**

Judgment delivered by Cooke J. on 12/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/6d18bca069cb643a802579b3005b6b6d?OpenDocument>

**Bedane -v- Refugee Appeals Tribunal & Ors [2012] IEHC 6**

Judgment delivered by Hogan J. on 13/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d552a52972f3b7c0802579c1004da45d?OpenDocument>

**Minister for Justice and Equality -v- Zigelis [2012] IEHC 12**

Judgment delivered by Edwards J. on 17/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/620f0f1be24995c0802579ba00354280?OpenDocument>

**A.O -v- Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (No.2) [2012] IEHC 79**

Judgment delivered by Hogan J. on 17/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f472c6a080943851802579e4003020c5?OpenDocument>

**Akukwe -v- Refugee Applications Commissioner & Anor [2012] IEHC 9**

Judgment delivered by Cooke J on 17/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/14dea760d54da03c802579b900357e2d?OpenDocument>

**A. -v- Refugee Appeals Tribunal & Ors [2012] IEHC 8**

Judgment delivered by Hogan J. on 17/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/05574d06b283bb7c802579bb0030ff1f?OpenDocument>

**The Minister for Communications & Ors -v- Figary Watersports Development Company Ltd [2012] IEHC 601**

Judgment delivered by McKechnie J. on 19/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/6d9c08452d953abb80257b5000532475?OpenDocument>

**P. -v- Minister for Justice & Equality & Ors [2012] IEHC 18**

Judgment delivered by Cooke J. on 20/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/aeb23e92d39a4d0f802579ba003633e3?OpenDocument>

**S.A (Algeria) -v- Minister for Justice, Equality and Law Reform & Anor [2012] IEHC 78**

Judgment delivered by Hogan J. on 24/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/bb3b9837e902d8da802579ec0052787f?OpenDocument>

**The Attorney General -v- Garland [2012] IEHC 90**

Judgment delivered by Edwards J. on 27/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/17b0926b879b9ea7802579f0003f20bd?OpenDocument>

**Gary Kirby –v- the Governor of Limerick Prison [2012] IEHC 69**

Judgment delivered by Feeney J. on 27/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7706d436f983aee7802579ec004dd675?OpenDocument>

**M. -v- MJLR & Ors [2012] IEHC 34**

Judgment delivered by Hogan J. on 31/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2bca761a82540c20802579d0004b69ea?OpenDocument>

**A.A -v- Minister for Justice, Equality and Law Reform [2012] IEHC 63**

Judgment delivered by Cross J. on 31/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/59f5105dcedecd6f802579eb0036cea4?OpenDocument>

**Viorel Rostas –v- the Governor of Mountjoy Prison [2012] IEHC 33**

Judgment delivered by Peart J. on 02/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/08798d25cc081b83802579c70039fa6a?OpenDocument>

**D. -v- Minister for Justice and Law Reform [2012] IEHC 44**

Judgment delivered by Cooke J. on 02/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f41e371f70db847c802579d5003e4981?OpenDocument>

**O. -v- Refugee Appeals Tribunal & Anor [2012] IEHC 46**

Judgment delivered by Hogan J. on 02/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7e05b51802d2cdcb802579d500461e95?OpenDocument>

**O.J (Nigeria) -v- Minister for Justice and Equality & Anor [2012] IEHC 71**

Judgment delivered by Cross J. on 03/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/933bc9a754e653cc802579eb003ebb00?OpenDocument>

**Douglas -v- Minister for Social Protection [2012] IEHC 27**

Judgment delivered by Charleton J. on 06/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0140fe97249a7b77802579b8005763aa?OpenDocument>

**MJLR -v- Ostrowski [2012] IEHC 57**

Judgment delivered by Edwards J. on 08/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/419affa0973933e7802579d50048aa51?OpenDocument>

**Quigley & Ors -v- Minister for Education & Ors [2012] IEHC 414**

Judgment delivered by Laffoy J. on 14/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0d8a769a37f1c71580257aa7003e6c92?OpenDocument>

**B.M.J.L & Ors -v- Minister for Justice and Equality & Ors [2012] IEHC 74**

Judgment delivered by Cross J. 14/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/92e54210aa460a49802579eb0053543f?OpenDocument>

**A.M.S (Somalia) -v- MJE & A.K (Afghanistan) -v- MJE [2012] IEHC 72**

Judgment delivered by Cross J. on 14/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/623f54bb67b79b69802579ec004eae4?OpenDocument>

**A.D.S -v- Minister for Justice and Equality & Anor [2012] IEHC 73**

Judgment delivered by Cross J. on 14/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/eab461a9f83de135802579eb004b5e7f?OpenDocument>

**The Minister for Justice and Equality -v- Shannon [2012] IEHC 91**

Judgment delivered by Edwards J. on 15/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0242de43b1bebc96802579f9004fe391?OpenDocument>

**V.N [Cameroon] -v- Minister for Justice and Law Reform & Anor [2012] IEHC 62**

Judgment delivered by Cooke J. on 16/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f4a74db7d9a6ad57802579eb00357f62?OpenDocument>

**The Minister for Justice and Law Reform -v- Szall [2012] IEHC 64**

Judgment delivered by Edwards J. on 17/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8c5e451c76d457b9802579eb00398893?OpenDocument>

**JM -v- Minister for Health and Children & Anor [2012] IEHC 83**

Judgment delivered by Irvine J. on 23/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/92514b375d74f7bc802579ec003a25a2?OpenDocument>

**O'Leary & Ors -v- The Minister for Justice, Equality and Law Reform [2012] IEHC 80**

Judgment delivered by Cooke J. on 24/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8b6a1705251051f2802579eb0049ca63?OpenDocument>

**N.D [Nigera](No.2) -v- The Minister for Justice and Law Reform [2012] IEHC 86**

Judgment delivered by Cooke J. on 28/02/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/157ee49b684f58e5802579eb0035ecbb?OpenDocument>

**The Minister for Justice and Equality -v- Bartold [2012] IEHC 108**

Judgment delivered by Edwards J. on 01/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/3c7f10229f0e1050802579fe00544344?OpenDocument>

**Morris Ali -v- Minister for Justice Equality and Law Reform & Anor [2012] IEHC 149**

Judgment delivered by O'Keeffe J. on 01/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1137a879f3161e3f80257a0c002df9ec?OpenDocument>

**M -v- The Minister for Justice and Equality [2012] IEHC 99**

Judgment delivered by Cross J. on 01/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/73115215189e255680257a0f004e31c4?OpenDocument>

**E (A Minor) -v- The Minister for Justice and Equality [2012] IEHC 100**

Judgment delivered by Cross J. on 01/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7b8cc02f5a44e68b80257a0f004f0837?OpenDocument>

**A & Ors -v- Refugees Appeal Tribunal & Anor [2012] IEHC 101**

Judgment delivered by Cross J. on 01/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/74004ec7bcc133bb80257a0f00539cf0?OpenDocument>

**Irish Life and Permanent Group Holdings PLC -v- Credit Institutions Stabilisation Act 2010 [2012] IEHC 89**

Judgment delivered by Feeney J. on 02/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/774aa9440805e1b0802579ea0059b438?OpenDocument>

**Mark Kelly applicant and Dublin City Council and the Attorney General respondent [2012] IEHC 94**

Judgment delivered by Peart J. on 02/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/98ead765073b067680257a0f004e016f?OpenDocument>

**Smith & Ors -v- The Minister for Justice and Equality & Ors [2012] IEHC 113**

Judgment delivered by Cooke J. on 05/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/265dd327d0c2a993802579f2004c89f9?OpenDocument>

**Simon Griffin applicant and the Governor of Wheatfield Prison respondent [2012] IEHC 39**

Judgment delivered by Charleton J. on 05/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e5aca42bfd1aa28b802579bc00390625?OpenDocument>

**McArdle & Anor -v- The Minister for Communications, Energy and Natural Resources [2012] IEHC 118**

Judgment delivered by Hebert J. on 06/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0580e585bf07e6d780257a050056d5b6?OpenDocument>

**J. M -v- Minister for Health and Children & Anor [2012] IEHC 84**

Judgment delivered by Irvine J. on 06/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/250468ed9795b4ad802579eb004bf3ef?OpenDocument>

**O'Loughlin -v- Information Commissioner & Ors [2012] IEHC 117**

Judgment delivered by White J. on 08/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/63215679e752b5db802579fb005507ec?OpenDocument>

**The Minister for Justice and Equality -v- Tokarski [2012] IEHC 148**

Judgment delivered by Edwards J. on 09/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4f627f5c69f217d180257a060052ac2a?OpenDocument>

**McHugh & Anor -v- The Minister for Justice & Equality [2012] IEHC 110**

Judgment delivered by Hedigan J. on 09/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2fb354bbb1f5b9c6802579f2003c5ee0?OpenDocument>

**K.A (Nigeria) -v- Refugee Appeals Tribunal & Ors [2012] IEHC 109**

Judgment delivered by Cooke J. on 12/03/2012

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**Yeagar -v- Judge O'Sullivan & Ors [2012] IEHC 67**

Judgment delivered by Charleton J. on 20/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/710f194d611c30a9802579c80053e4c5?OpenDocument>

**Treasury Holdings & Ors -v- NAMA & Ors [2012] IEHC 66**

Judgment delivered by Finlay Geoghegan J. on 22/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/74ef26c28ba6fb1f802579c9004b4677?OpenDocument>

**Ninga MBI -v- Minister for Justice and Equality & Ors [2012] IEHC 125**

Judgment delivered by Cross J. on 23/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f3b3dbca5abd75ee80257a0800337f2f?OpenDocument>

**Nanizaya -v- The Minister for Justice and Equality [2012] IEHC 126**

Judgment delivered by Cross J. on 23/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e40fa7c664bfefdd80257a060032874d?OpenDocument>

**Murkhtar -v- Minister for Justice & Equality [2012] IEHC 123**

Judgment delivered by Cross J. on 23/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c2da0ad379eb1a34802579ff00371f5b?OpenDocument>

**Lukombo -v- Minister for Justice and Equality & Ors [2012] IEHC 129**

Judgment delivered by Cross J. on 27/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/dd06114b32214ec680257a050033786f?OpenDocument>

**Redmond -v- Mr Justice Fergus Flood & Ors [2012] IEHC 253**

Judgment delivered by Gilligan J. on 28/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/85a5e01fcd5cb86180257a3d003663d5?OpenDocument>

**R.C -v- Minister for Health & Children [2012] IEHC 204**

Judgment delivered by Irvine J. on 30/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/bf25214ea25ce34680257a1c00364c16?OpenDocument>

**S.U.N -v- Refugee Applications Commissioner & Ors [2012] IEHC 338**

Judgment delivered by Cooke J. on 30/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/304cf9a67af4206c80257a6400543b0b?OpenDocument>

**Okunade & Anor -v- Minister for Justice and Equality & Ors [2012] IEHC 134**

Judgment delivered by Cross J. on 30/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2c272239ea53abf7802579fe0056095e?OpenDocument>

**Florin Fitzpatrick -v- The Governor of Castlereagh Prison [2012] IEHC 160**

Judgment delivered by Peart J. on 30/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f752db14814f8af180257a0d004bd179?OpenDocument>

**Connaughton -v- Minister for Justice and Anor [2012] IEHC 203**

Judgment delivered by Irvine J. on 30/03/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/cdcd7bd8b5a0bef980257a1c0031c1a4?OpenDocument>

**A.O -v- Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (No. 3) [2012] IEHC 104**

Judgment delivered by Hogan J. on 03/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d1a1322e695e3254802579e4004b3344?OpenDocument>

**The Minister for Justice and Law Reform -v- Bernadette Margaret Rose Devine [2012] IEHC 159**

Judgment delivered by Feeney J. on 18/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c66ae9d5dafafc6780257a0d004c9a75?OpenDocument>

**The Minister for Justice and Equality -v- Zbigniew Bednarczyk [2012] IEHC 154**

Judgment delivered by Edwards J. on 19/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4bce356b9abb7d6a80257a0d004b8b79?OpenDocument>

**Osaretin Osaghe -v- Minister for Justice Equality & Anor [2012] IEHC 153**

Judgment delivered by Cross J. on 20/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c1157885635f65ea80257a0c002fe291?OpenDocument>

**M.T.T.K (Democratic Republic of Congo -v- Refugee Appeals Tribunal & Ors [2012] IEHC 155**

Judgment delivered by Cross J. on 20/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a561fe4491135de880257a0c003a5690?OpenDocument>

**McCarthy & Ors -v- The Minister for Education & Skills [2012] IEHC 200**

Judgment delivered by Hedigan J. 25/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/cc3787623bb9414680257a170049e2fe?OpenDocument>

**McSorley -v- The Minister for Education & skills & Anor [2012] IEHC 201**

Judgment delivered by Hedigan J. on 26/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1ca752a480df805080257a1c003c52bf?OpenDocument>

**Minister for Justice and Equality -v- Marjasz [2012] IEHC 233**

Judgment delivered by Edwards J. on 26/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5103e16c9e92b73d80257a37003524d5?OpenDocument>

**Sivivadze & Ors -v- Minister for Justice and Equality & Ors [2012] IEHC 137**

Judgment delivered by Hogan J. on 26/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c748fd1de0ea2fc6802579f2004f7eb1?OpenDocument>



**H.M -v- Minister for Justice and Law Reform [2012] IEHC 176**

Judgment delivered by Cross J. on 27/04/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e1ef32ac0d4338b080257a0f00555cd6?OpenDocument>

**The Attorney General -v- O'Gara [2012] IEHC 179**

Judgment delivered by Edwards J. on 01/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/596eeb5c642c499e80257a1e0035625d?OpenDocument>

**The Minister for Justice and Equality -v- Baron [2012] IEHC 180**

Judgment delivered by Edwards J. on 04/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/da0a7b93c78b28b480257a10003eeee9?OpenDocument>

**K.I -v- Minister for Justice & Ors [2012] IEHC 501**

Judgment delivered by Hogan J. on 09/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7a3ea55505d195df80257aca00326e6d?OpenDocument>

**L -v- Minister for Justice and Equality [2012] IEHC 189**

Judgment delivered by Hogan J. on 10/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a94f7b772876cba880257a17003c9e9b?OpenDocument>

**Gilani & Anor -v- The Minister for Justice and Equality [2012] IEHC 193**

Judgment delivered by Cooke J. on 14/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/67e6d36a02fe93e980257a1700329b41?OpenDocument>

**The Minister for Justice and Law Reform -v- Petrášek [2012] IEHC 212**

Judgment delivered by Edwards J. on 16/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/09741858e2cef66780257a210036f773?OpenDocument>

**Afolabi & Ors -v- The Minister for Justice and Equality & Ors [2012] IEHC 192**

Judgment delivered by Cooke J. on 17/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4382cd0bde371ebe80257a170031f41d?OpenDocument>

**Barry -v- Mr Justice Fergus Flood & Ors [2012] IEHC 199**

Judgment delivered by Hedigan J. on 22/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d25b26b444c1462a80257a1c00361c42?OpenDocument>

**McConnon -v- President of Ireland & Ors [2012] IEHC 184**

Judgment delivered by Kelly J. on 23/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ed30fea5d945c63880257a07004d3714?OpenDocument>

**Z.M.H -v- Minister for Justice and Equality [2012] IEHC 221**

Judgment delivered by Cooke J. on 24/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/394b8eadd9bf3eb580257a280039c44d?OpenDocument>

**Minister for Justice & Equality -v- Nolan [2012] IEHC 249**

Judgment delivered by Edwards J. on 24/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a364dceb21ca292d80257a400037ddc4?OpenDocument>

**A.A -v- Minister for Justice & Ors [2012] IEHC 222**

Judgment delivered by Cooke J. on 24/05/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8f04e1d318f55eae80257a2800369d8b?OpenDocument>

**D.M (A Minor) & Anor -v- The Minister for Justice and Equality & Ors [2012] IEHC 225**

Judgment delivered by Cooke J. on 07/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f542c218c598cab280257a230050ed97?OpenDocument>

**Treasury Holdings & Ors -v- The National Asset Management Agency & Ors [2012] IEHC 237**

Judgment delivered by Finlay Geoghegan J. on 12/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/949ee0526c0678b280257a2b003c1e6e?OpenDocument>

**HO -v- Minister for Justice & Ors [2012] IEHC 231**

Judgment delivered by Hogan J. on 13/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/bca51a6672d7aca380257a23005878e2?OpenDocument>

**Walsh & Ors -v- The Governor of Midlands Prison & Ors [2012] IEHC 229**

Judgment delivered by Charleton J. on 14/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/9f4afc509677245a80257a1d004da9ee?OpenDocument>

**Sivsivade & Ors -v- Minister for Justice & Ors [2012] IEHC 244**

Judgment delivered by Kearns P. on 21/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/443e02fda11f041780257a3700377087?OpenDocument>

**Minister for Justice & Equality -v- Rajki [2012] IEHC 270**

Judgment delivered by Edwards J. on 21/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c01930b6fac81e6880257a45003c12c6?OpenDocument>

**W.A [DRC] -v- Minister for Justice & Anor [2012] IEHC 251**

Judgment delivered by Cooke J. on 25/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0c97846db7c0b5cb80257a3e003087aa?OpenDocument>

**O.F -v- Minister for Justice & Ors [2012] IEHC 252**

Judgment delivered by Cooke J. on 25/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f5ae7eb4de0f0a7d80257a3d003774eb?OpenDocument>

**M.A H -v- Minister for Justice & Ors 2012 [IEHC] 570**

Judgment delivered by Clark J. on 26/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/254f673d3cd8bf9a80257afd00567b7f?OpenDocument>

**Island Ferries Teoranta -v- Minister for Communications & Ors [2012] IEHC 256**

Judgment delivered by Cooke J. 26/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5a42b57cafb3dfd080257a3d003979c1?OpenDocument>

**B -v- Refugee Appeals Tribunal & Ors [2012] IEHC 487**

Judgment delivered by Clark J. on 26/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/80cf941cea7dec5480257ac400548a3e?OpenDocument>

**M.L.T.T (Cameroon) -v- The Minister for Justice, Equality & Law Reform & Anor [2012] IEHC 568**

Judgment delivered by Clark J. on 27/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0b6e71fef32a868680257afe003d353f?OpenDocument>

**Khaled Islam Khattak -v- Refugees Appeals Tribunal & Ors [2012] IEHC 569**

Judgment delivered by Clark J. on 27/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5860c35b097bc9df80257afe004071d4?OpenDocument>

**M.A U-H -v- Minister for Justice & Ors [2012] IEHC 572**

Judgment delivered by Clark J. on 28/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f677fb7d41eaa26380257afe0041c964?OpenDocument>

**Dowling & Ors -v- Minister for Finance & Ors [2012] IEHC 436**

Judgment delivered by Peart J. on 28/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/657780688a0bc7f380257ab80053c488?OpenDocument>

**Carbery Fishing Ltd & Anor -v- Vallely & Ors [2012] IEHC 260**

Judgment delivered by Hedigan J. on 28/06/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/996903985c41bef480257a3900365486?OpenDocument>

**Louise Joyce -v- Governor of the Dóchas Centre [2012] IEHC 326**

Judgment delivered by Hogan J. on 11/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0fb819467b97f81080257a5a0051416a?OpenDocument>

**B.A.O [Iraq] -v- The Refugee Appeals Tribunal & Ors [2012] IEHC 290**

Judgment delivered by Cooke J. on 11/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/723d284c1054562680257a4e004d176e?OpenDocument>

**T.M & Ors -v- Refugee Appeals Tribunal & Ors [2012] IEHC 284**

Judgment delivered by McDermott J. on 17/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c1194aa5cb91d99780257a450047f639?OpenDocument>

**Q.W -v- Minister for Justice Equality and Defence [2012] IEHC 375**

Judgment delivered by Hogan J. on 17/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a611059397b3a1c080257a79003134be?OpenDocument>

**Pringle -v- The Government of Ireland & Ors [2012] IEHC 296**

Judgment delivered by Laffoy J. on 17/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0ca92db7c606f3c680257a4b003aa637?OpenDocument>

**B.K -v- Patrick Hurley Acting As Refugee Appeals Tribunal & Ors [2012] IEHC 283**

Judgment delivered by McDermott J. on 17/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/3cd64dd8f22d4acf80257a4500477bdc?OpenDocument>

**D.D.A -v- Minister for Justice & Ors [2012] IEHC 308**

Judgment delivered by Cooke J. on 18/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1690c13b350978a280257a54004dcd76?OpenDocument>

**Minister for Justice and Equality -v- Cahill [2012] IEHC 315**

Judgment delivered by Edwards J. on 19/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/6b30a38ab92410bd80257a54004ce505?OpenDocument>

**Michael O'Callaghan -v- The Governor of Cork Prison [2012] IEHC 325**

Judgment delivered by Hogan J. on 20/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/fc8048b93b2094d480257a5a00417667?OpenDocument>

**Caffrey &Ors -v- Minister for Justice & Ors [2012] IEHC 313**

Judgment delivered by Kearns J. on 20/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/fdb30ee4137d44ac80257a55004a288a?OpenDocument>

**Burke -v- Minister for Health and Children & Ors [2012] IEHC 304**

Judgment delivered by Ryan J. on 20/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/46839bd16f1b6b4980257a53003eaaca?OpenDocument>

**Attorney General -v- Rory Doyle otherwise known as David West [2012] IEHC 302**

Judgment delivered by Peart J. on 20/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/76188cddc785d4f680257ad200324938?OpenDocument>

**Wang [A minor] & Ors -v- Minister for Justice and Law Reform [2012] IEHC 311**

Judgment delivered by Cooke J. on 23/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4c2241b33c71dbff80257a550037ad3b?OpenDocument>

**The Minister for Justice and Equality -v- Patryk Stefaniak [2012] IEHC 321**

Judgment delivered by Edwards J. on 25/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f59de2b3133541e980257a5a003ff7f1?OpenDocument>

**O'Meara -v- The Commissioners of Public Works in Ireland & Ors [2012] IEHC 317**

Judgment delivered by Charleton J. on 25/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f512bd3847004f6d80257a4e00527a4b?OpenDocument>

**Nyhan -v- Commissioner of An Garda Siochana & Anor [2012] IEHC 329**

Judgment delivered by Cross J. on 26/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/9ca35e494bcee39680257a6400583962?OpenDocument>

**Lynn -v- Minister for Finance [2012] IEHC 342**

Judgment delivered by Irvine J. on 26/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f6b2d8b4c5df0ad780257a64005394b0?OpenDocument>

**Berry -v- His Honour Judge Hickson & Ors [2012] IEHC 320**

Judgment delivered by Hedigan J. on 26/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f11819a4315b27a380257a5b00518b70?OpenDocument>

**Butcher -v- The Minister for Justice and Equality [2012] IEHC 347**

Judgment delivered by O'Malley J. on 30/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ce6282d5eeb219ee80257a6f00343b95?OpenDocument>

**V.P.F -v- Minister for Justice and Equality & Ors [2012] IEHC 341**

Judgment delivered by Cooke J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/be1e80783d15ff8480257a640053c0be?OpenDocument>

**V.J -v- Minister for Justice and Equality & Ors [2012] IEHC 337**

Judgment delivered by Cooke J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2992003c6d1048d680257a6400536d66?OpenDocument>

**Treasury Holdings & Ors -v- The National Asset Management Agency & Ors [2012] IEHC 297**

Judgment delivered by Finlay Geoghegan J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f7de4f889aee0f2880257a4c003b4d19?OpenDocument>

**Spila & Ors -v- Minister for Justice, Equality & Law Reform & Ors [2012] IEHC 336**

Judgment delivered by Cooke J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/72407196f915a5bc80257a640052f80d?OpenDocument>

**Redmond -v- Mr Justice Fergus Flood & Ors [2012] IEHC 346**

Judgment delivered by Gilligan J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e38dde658afecd7880257a6f004b2ee6?OpenDocument>

**Minister for Justice & Equality -v- Arkadiusz Krzysztof Guz [2012] IEHC 388**

Judgment delivered by Edwards J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/b8fab6526cd7f2c780257a9a0050b61a?OpenDocument>

**B.J.C -v- The Refugee Appeals Tribunal & Ors [2012] IEHC 340**

Judgment delivered by Cooke J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/f9040f980f5cb7a380257a640053e48a?OpenDocument>

**Bailey -v- Governor of Mountjoy Prison [2012] IEHC 366**

Judgment delivered by Hogan J. on 31/07/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e01cd66bcf2360a380257a6f00387d77?OpenDocument>

**B.A.O -v- The Minister for Justice, Equality and Law Reform & Anor [2012] IEHC 384**

Judgment delivered by McDermott J. on 03/08/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c79c8f09d1ba76be80257a92005258ac?OpenDocument>

**A.M.N -v- The Refugee Appeals Tribunal & Anor [2012] IEHC 393**

Judgment delivered by McDermott J. on 03/08/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2df29dd75c3aa1ba80257a930047fc2c?OpenDocument>

**M.E.O -v- The Minister for Justice, Equality and Law Reform [2012] IEHC 394**

Judgment delivered by Cooke J. on 05/09/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5d868633a94ec52f80257a940032feff?OpenDocument>

**E.A & Anor -v- Minister for Justice & Anor [2012] IEHC 371**

Judgment delivered by Hogan J. on 07/09/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e563eae8bde4c0a880257a7700562e92?OpenDocument>

**The Attorney General -v- Martin [2012] IEHC 442**

Judgment delivered by Edwards J. on 02/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a882147823df062580257abe004d1b4c?OpenDocument>

**Y -v- Refugee Appeals Tribunal & Ors [2012] IEHC 490**

Judgment delivered by Clark J. on 04/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/a937a9451bbe18b980257ac60056da8d?OpenDocument>

**M & Ors -v- Refugee Appeals Tribunal & Ors [2012] IEHC 489**

Judgment delivered by Clark J. on 04/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4dd36c48ef8dab0380257aca00320801?OpenDocument>

**A -v- Refugee Appeals Tribunal & Ors [2012] IEHC 488**

Judgment delivered by Clark J. on 04/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ab16d564052e24bb80257ac6005758fc?OpenDocument>

**O'Driscoll & Anor -v- Attorney General & Ors [2012] IEHC 404**

Judgment delivered by Hedigan J. on 05/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/edc1b38a0e0fc8b380257a9b00315bdb?OpenDocument>

**The Minister for Justice, Equality & Law Reform -v- Machaczka [2012] IEHC 434**

Judgment delivered by Edwards J. on 12/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ef2ce9d6ae4259ca80257ab1003f7050?OpenDocument>

**O -v- Minister for Justice & Ors [2012] IEHC 457**

Judgment delivered by McDermott J. on 12/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/089e2d78ac1669b180257ac500413a1c?OpenDocument>

**The Minister for Justice and Equality -v- Doyle [2012] IEHC 433**

Judgment delivered by Edwards J. on 17/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/bbb2b70aadf4d87780257aaf00398d5b?OpenDocument>

**Farrell -v- Governor of St. Patrick's Institution [2012] IEHC 429**

Judgment delivered by Hogan J. on 19/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c16ed87bc9fe3cb380257aae00581014?OpenDocument>

**Student Transport Scheme Ltd -v- The Minister for Education and Skills & Anor [2012] IEHC 425**

Judgment delivered by McGovern J. on 23/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ae73d6730d755b180257aaf003bf639?OpenDocument>

**Montgomery -v- Minister for Justice & Ors [2012] IEHC 443**

Judgment delivered by O'Neill J. on 23/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/fdaacb23eb48021880257ab800511bba?OpenDocument>

**Minister for Justice and Equality -v- Doyle [2012] IEHC 451**

Judgment delivered by Edwards J. on 26/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e1bdae357b29e27180257abb005b23b7?OpenDocument>

**Somers -v- Minister for Defence [2012] IEHC 447**

Judgment delivered by Herbert J. on 30/10/2012



<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1da66eb7dc4780bf80257ab003e10b2?OpenDocument>

**McCrystal -v- The Minister for Children and Youth Affairs & Ors [2012] IEHC 419**

Judgment delivered by Kearns J. on 01/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0545a5accc23875e80257aa9004f97d8?OpenDocument>

**A.M.S.J [Somalia] [No 2] -v- The Minister for Justice, Equality and Defence & Ors [2012] IEHC 453**

Judgment delivered by Clark J. on 01/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/19fc14e98094e63880257abf003b14f8?OpenDocument>

**Adegbuyi -v- Minister for Justice and Law Reform [2012] IEHC 484**

Judgment delivered by Clark J. on 01/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/12252cdaae2b501380257ad0003b704b?OpenDocument>

**M.E.O (Nigeria) -v- The Minister for Justice, Equality & Law Reform [2012] IEHC 448**

Judgment delivered by Cooke J. on 02/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/23bfc8514aa04c4c80257ab50053ec54?OpenDocument>

**O & Anor -v- Minister for Justice & Ors [2012] IEHC 458**

Judgment delivered by McDermott J. on 06/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0df7ad15f283fe9b80257ac50058fbfe?OpenDocument>

**The Minister for Justice and Equality -v- D.M [2012] IEHC 472**

Judgment delivered by Edwards J. on 07/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/24897f8103ebea2f80257abf005cbdb?OpenDocument>

**Oloo-Omee & Anor -v- Refugee Appeals Tribunal & Ors [2012] IEHC 455**

Judgment delivered by Mac Eochaidh J. on 09/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/25a69ebdde3ef0fd80257abf00317e62?OpenDocument>

**L.B -v- Ireland and the Attorney General and P.B [2012] IEHC 461**

[2011 No. 10255 P]

Hogan J.09/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1e7986e243cf65e680257abf003a2678?OpenDocument>

**Bondo -v- Minister for Justice & Ors [2012] IEHC 454**

Judgment delivered by Mac Eochaidh J. on 09/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8b32e43221c50eb980257abf003144d0?OpenDocument>

**Barua -v- Minister for Justice and Equality [2012] IEHC 456**

Judgment delivered by Mac Eochaidh J. on 09/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/3526e37a6c67d0b180257abf003162b9?OpenDocument>

**Herlihy -v- Commissioner of an Garda Siochana & Anor [2012] IEHC 531**

Judgment delivered by O'Malley J. on 12/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5ba7617de7b3c59c80257adb005189f0?OpenDocument>

**Eileen Stack Shanahan & Anor -v- Ireland and the Attorney General & Ors [2012] IEHC 571**

Judgment delivered by O'Malley J. on 12/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d5dbb853b1cb295580257afe005ba07b?OpenDocument>

**K (A Minor) -v- Refugee Appeals Tribunal & Ors [2012] IEHC 479**

Judgment delivered by O'Keeffe J. on 20/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/da824af9b6e1204780257aca003249cf?OpenDocument>

**A -v- Refugee Appeals Tribunal & Anor [2012] IEHC 480**

Judgment delivered by O'Keeffe J. on 20/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/477e11c05f0c9b2280257ac6002fc55d?OpenDocument>

**The Minister for Justice and Equality -v- Staniak [2012] IEHC 508**

Judgment delivered by Edwards J. on 22/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0d1a1a9bc93c234480257ac0041ef4e?OpenDocument>

**M.X [Apum] -v- HSE & Ors [2012] IEHC 491**

Judgment delivered by MacMenamin J. on 23/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/eb54fa0ba9d7014a80257ac3004b1698?OpenDocument>

McGuill --v Minister for Justice & Ors [2012] IEHC 519 [2012 No. 264 J.R.] Hogan J.  
26/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7670869d5229ef1180257ad900440589?OpenDocument>

**The Minister for Justice and Equality [2012] IEHC 533**

Judgment delivered by Edwards J. on 27/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c503eb2d05881ad680257ad900440da7?OpenDocument>

**N -v- Minister for Justice & Ors [2012] IEHC 499**

Judgment delivered by Clark J. on 28/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e3fe6ace2fb8300a80257ad000320dbb?OpenDocument>

**Minister for Justice & Anor -v- Gherine [2012] IEHC 535**

Judgment delivered by Edwards J. on 30/11/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e712aadfbf62ab0980257ad90040f6a2?OpenDocument>

**Browne -v- Minister for Justice, Equality & Law Reform and Ors [2012] IEHC 526**

Judgment delivered by Cross J. on 04/12/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4a4dfc9bbb35650280257ad7005c3a21?OpenDocument>

**Hoey -v- An Bord Pleanála & Ors [2012] IEHC 520**

Judgment delivered by Hedigan J. on 05/12/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/07517cbe6695c3c180257adb0043462b?OpenDocument>

**Minister for Justice and Equality -v- Connolly [2012] IEHC 575**

Judgment delivered by Edwards J. on 06/12/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ddbc78ec7fb08cb280257b02005643b4?OpenDocument>

**Ervis Troci & Anor -v- The Minister for Justice & Equality and Ors [2012] IEHC 542**

Judgment delivered by O'Keeffe J. on 07/12/2012



<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/fa3b317137017a2980257ae50051fe4c?OpenDocument>

**Kane -v- The Governor of the Midlands Prison [2012] IEHC 511**

Judgment delivered by Charleton J. on 10/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e7dd9ff04c497c3f80257ad100584e9a?OpenDocument>

**Fleury -v- Minister for Agriculture & Ors [2012] IEHC 543**

Judgment delivered by Hedigan J. on 12/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/018dd44aeedfa8da80257ad0039762c?OpenDocument>

**PL -v- The Clinical Director of St Patricks University Hospital and Anor [2012] IEHC 547**

Judgment delivered by Peart J. on 14/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/dec1f0e140e6224480257aec5004f1e17?OpenDocument>

**T.E.S, M.N.R & B.F.R (South Africa) -v- The Minister for Justice & Equality and Ors [2012] IEHC 554**

Judgment delivered by Clark J. on 18/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0dc9db824196bb2680257aec00591040?OpenDocument>

**R O & Anor -v- Minister for Justice & Ors [2012] IEHC 573**

Judgment delivered by Mac Eochaidh J. on 20/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8ddc5bec8056c92d80257afd0039e2e2?OpenDocument>

**CA -v- Minister for Justice & Ors [2012] IEHC 564**

Judgment delivered by Mac Eochaidh J. on 20/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1555552f4179997280257afd00390d3b?OpenDocument>

**T O -v- Refugee Appeals Tribunal & Ors [2012] IEHC 576**

Judgment delivered by Mac Eochaidh J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0bab94f236a7ad1380257afd003a24b4?OpenDocument>

**Kelly -v- Minister for Agriculture & Ors [2012] IEHC 558**

Judgment delivered by Hedigan J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4468139ae20cf0b980257af0002e8763?OpenDocument>

**K A -v- Minister for Justice & Ors [2012] IEHC 577**

Judgment delivered by Mac Eochaidh J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/915c116a1543bba880257afd005699de?OpenDocument>

**D.T -v- The Refugee Appeals Tribunal & Ors [2012] IEHC 562**

Judgment delivered by O'Keeffe J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/1219c440990c0c7c80257aef0051dfcf?OpenDocument>

## SUPREME COURT CASES FROM 2012 INVOLVING THE STATE

### **Gillen v The Commissioner of an Garda Síochána & ors [2012] IESC 174/07**

Judgment delivered by Finnegan J., O'Donnell J., McKechnie J. on 26/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e14cd6bc8c9b0f6d8025799200547475?OpenDocument>

### **The Minister for Justice Equality and Law Reform v Devine [2012] IESC 2**

Judgment delivered by O'Donnell J., Fennelly J. on 26/01/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/caaceee0278cc7f680257991005575cf?OpenDocument>

### **Caffrey v The Governor of Portlaoise Prison [2012] IESC 4**

Judgment delivered by Denham C.J., Fennelly J. on 01/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/9e6e6eb88b919ab48025799700498d41?OpenDocument>

### **Lett & Co Ltd -v- Wexford Borough Council & Others 2012[ IESC] 14**

Judgment delivered by O'Donnell J. on 03/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/acdbbc89dabbc878802579ae0053eff?OpenDocument>

### **Shirley & ors v A. O'Gorman & Co. Ltd & ors [2012] IESC 5**

Judgment delivered by Fennelly J. on 02/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/cb8d84d35d8b23dd80257998003d322d?OpenDocument>

### **O'Hagan (personal representative of Alice Dolan (decd)) v Grogan [2012] IESC 8**

Judgment delivered by Finnegan J. on 16/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0ea11f190107f695802579a6004472e2?OpenDocument>

### **Viridian Power v Commissioner for Energy Regulation [2012] IESC 13**

Judgment delivered by Denham C.J., McKechnie J., Hardiman J. on 23/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/04a1b0bde35ac1bf802579ad0052a227?OpenDocument>

### **M.D. (Minor) v Ireland, the Attorney General and the Director of Public Prosecutions [2012] IESC 10**

Judgment delivered by Denham C.J. on 23/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d1ea2511fcefcb60802579ad005046d6?OpenDocument>

### **Minister for Justice Equality and Law Reform v McGuigan [2012] IESC 17**

Judgment delivered by Murray J. on 23/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/2f8e6ae4c6fb7b02802579b900558e71?OpenDocument>

### **Damache v the Director of Public Prosecutions, Ireland, and the Attorney General [2012] IESC 11**

Judgment delivered by 253/11 Denham C.J. on 23/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/bdc2ceb03a9689ad802579ad0050dd8b?OpenDocument>

### **Donegan v Dublin City Council & anor and Dublin City Council v Gallagher [2012] IESC 18**

Judgment delivered by McKechnie J. on 27/02/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c6f4944e0e6e995e802579bb0052a4d5?OpenDocument>

**Minister for Justice Equality and Law Reform v Bailey [2012] IESC 16**

Judgment delivered by Denham C.J., Murray J., Hardiman J., Fennelly J., O'Donnell J. on 01/03/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/4b3439f599ecfea6802579b40046e588?OpenDocument>

**Cosgrave v the Director of Public Prosecutions, Ireland and the Attorney General [2012] IESC 24**

Judgment delivered by Denham C.J., Hardiman J. on 26/04/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/d485487e35be5d70802579fb003a74fc?OpenDocument>

**Rawson v Minister for Defence [2012] IESC 26**

Judgment delivered by Clarke J., on 01/05/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/5950b21d3cc7cf29802579f10045f754?OpenDocument>

**Kadri v The Governor of Wheatfield Prison [2012] IESC 27**

Judgment delivered by Fennelly J., Clarke J., McMenamin J. on 10/05/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/8a87cd2dbd8216a3802579fb003fb485?OpenDocument>

**Dona Sfar v District Judge Flann Brennan, the Director of Public Prosecutions, Ireland, and the Attorney General [2012] IESC 28**

Judgment delivered by Denham C.J. on 15/05/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/791ba118824492ff802579ff00439b59?OpenDocument>

**Irish Life and Permanent Group Holdings PLC and Credit Institutions Stabilisation Act 2010, Dowling & ors v Min. for Finance [2012] IESC 32**

Judgment delivered by Clarke J. on 24/05/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c1dca4ad137feb0b80257a0800517d3c?OpenDocument>

**Minister for Justice, Equality and Law Reform v Tobin Neutral Citation: [2012] IESC 37**

Judgment delivered by Denham C.J., Hardiman J., Fennelly J., O'Donnell J. on 19/06/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/084422cb6b5d115c80257a240051c947?OpenDocument>

**Emerald Meats Limited v The Minister for Agriculture, Ireland and the Attorney General [2012] IESC Judgment delivered by O'Donnell J. on 30/07/2012**

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/afe58d5a68436b5580257a4d004bdbbf?OpenDocument>

**Thomas Pringle v The Government of Ireland, Ireland and the Attorney General [2012] IESC 47**

Judgment delivered by Denham C.J. on 31/07/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/e7504392b159245080257a4c00517d6a?OpenDocument>

**Okunade v Minister for Justice Equality and Law Reform & the Attorney General [2012] IESC 49**

Judgment delivered by Clarke J. on 16/10/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/ede007b51c31d36080257a9900551a42?OpenDocument>

**Comcast Int. Holdings v Minister for Public Enterprise & ors and Persona Digital Telephony Ltd v Minister for Public Enterprise & ors [2012] IESC 50**

Judgment delivered by Denham C.J., Hardiman J., Fennelly J., Clarke J., & McKechnie J. on 17/10/2012  
<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/0ab3899c0dd469d880257a9a0053a660?OpenDocument>

**Thomas Pringle v The Government of Ireland, Ireland and the Attorney General [2012] IESC 47**  
Judgment delivered by Denham C.J., Hardiman J., O'Donnelly J., McKechnie J., and Clarke J. on 19/10/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/3dd6f2818aca560080257a9c005164b5?OpenDocument>

**Mark McCrystal v the Minister for Children and Youth Affairs, the Government of Ireland, Ireland and the Attorney General [2012] IESC 534**

Judgment delivered by Denham C.J. on 08/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/6b4d1de136ecb72d80257ab000419d78?OpenDocument>

**Mc Auley v Governor of Mountjoy Prison Neutral Citation: [2012] IESC 57**

Judgment delivered by Haridman J. on 29/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/582b391e57afa20780257ac60055b2f0?OpenDocument>

**Nawaz v Minister for Justice Equality & Law Reform and ors [2012] IESC 58**

Judgment delivered by Clarke J. on 29/11/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/3e28b96d0e51284f80257acc0056926e?OpenDocument>

**Mallak v Minister for Justice Equality & Law Reform [2012] IESC 59**

Judgment delivered by Fennelly J. on 06/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/79a90e5adf80898c80257acd004d8e07?OpenDocument>

**Minister for Justice Equality & Law Reform v Tokarski [2012] IESC 61**

Judgment delivered by Murray J. on 06/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/c6d3e075c6fcc4980257ad10051b899?OpenDocument>

**Mark McCrystal v the Minister for Children and Youth Affairs, the Government of Ireland, Ireland and the Attorney General [2012] IESC 53**

Judgment delivered by Denham C.J., Murray J., Fennelly J., O'Donnell J. on 11/12/2012

<http://www.courts.ie/Judgments.nsf/597645521f07ac9a80256ef30048ca52/EABFB260FF2CB8D080257AD1004C593F?opendocument>

**Sulaimon v Minister for Justice, Equality and Law Reform [2012] IESC 63**

Judgment delivered by O'Donnell J., Hardiman J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/82a0c6ba4ab8028580257adb005285fa?OpenDocument>

**Babington v Minister for Justice Equality & Law Reform Ireland and the Attorney General [2012] IESC 65** Judgment delivered by MacMenamin J. on 18/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/30ac3cc17a872f5680257aef005c8b4d?OpenDocument>

**H.N. -v- MJELR & Ors Neutral Citation: [2012] IESC 58**

Judgment delivered by O'Donnell J. on 21/12/2012

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/7dc0620379d9c11980257afd0035de62?OpenDocument>

## JUDGMENTS OF THE ECJ AND GENERAL COURT FROM 2012 INVOLVING IRELAND

Case C-162/10: Judgment of the Court (Third Chamber) of 15 March 2012 (reference for a preliminary ruling from the High Court of Ireland — Ireland) — Phonographic Performance (Ireland) Ltd v Ireland, Attorney General (Copyright and related rights — Directive 2006/115/EC — Articles 8 and 10 — Concepts of ‘user’ and ‘communication to the public’ — Installation in hotel bedrooms of televisions and/or radios to which the hotelier distributes a broadcast signal)

Joined Cases T-50/06 RENV, T-56/06 RENV, T-60/06 RENV, T-62/06 RENV and T-69/06 RENV: Judgment of the General Court of 21 March 2012 — Ireland and Others v Commission (State aid — Directive 92/81/EEC — Excise duty on mineral oils — Mineral oils used as fuel for alumina production — Exemption from excise duty — Whether the exemption complies with a Council decision of authorisation under Article 8(4) of Directive 92/81 — Presumption of legality attaching to European Union measures — Legal certainty — Sound administration)

Case C-92/12: Judgment of the Court (Second Chamber) of 26 April 2012 (Reference for a preliminary ruling from the High Court of Ireland) — Health Service Executive v SC, AC (Jurisdiction, recognition and enforcement of judgments in matrimonial matters and in the matters of parental responsibility — Regulation (EC) No 2201/2003 — Child habitually resident in Ireland, where the child has been placed in care on many occasions — Child’s behaviour aggressive and placing herself at risk — Judgment ordering placement of the child in a secure care institution in England — Material scope of the regulation — Article 56 — Procedures for consultation and consent — Obligation to recognise or declare enforceable the decision to place the child in a secure care institution — Provisional measures — Urgent preliminary ruling procedure)

Case C-277/11: Judgment of the Court (First Chamber) of 22 November 2012 (reference for a preliminary ruling from the High Court of Ireland) — M. M. v Minister for Justice, Equality and Law Reform, Ireland, Attorney General (Reference for a preliminary ruling — Common European Asylum System — Directive 2004/83/EC — Minimum standards for qualification for refugee status or subsidiary protection status — Article 4(1), second sentence — Cooperation of the Member State with the applicant to assess the relevant elements of his application — Scope — Lawfulness of the national procedure for processing an application for subsidiary protection following rejection of an application for refugee status — Observance of fundamental rights — Right to be heard)

Case C-370/12: Judgment of the Court (Full Court) of 27 November 2012 (reference for a preliminary ruling from the Supreme Court — Ireland) — Thomas Pringle v Government of Ireland, Ireland and the Attorney General (Stability mechanism for the Member States whose currency is the euro — Decision 2011/199/EU — Amendment of Article 136 TFEU — Validity — Article 48(6) TEU — Simplified revision procedure — ESM Treaty — Economic and monetary policy — Competence of the Member States)

Case C-374/11: Judgment of the Court (Fourth Chamber) of 19 December 2012 — European Commission v Ireland (Failure of a Member State to fulfil obligations — Directive 75/442/EEC — Domestic waste waters discharged through septic tanks in the countryside — Judgment of the Court finding that a Member State has failed to fulfil obligations — Article 260(2) TFEU — Measures to ensure compliance with a judgment of the Court — Financial penalties — Penalty payment — Lump sum)

Case C-279/11: Judgment of the Court (Fourth Chamber) of 19 December 2012 — European Commission v Ireland (Failure of a Member State to fulfil obligations — Directive 85/337/EEC — Assessment of the effects of certain public and private projects on the environment — Incorrect transposition — Annexe II — Point 1(a) to (c) — Judgment of the Court of Justice — Finding of infringement — Article 260 TFEU — Pecuniary penalties — Lump sum payment — Member State’s ability to pay — Economic crisis — Assessment on the basis of current economic data)

## EUROPEAN COURT OF HUMAN RIGHTS INVOLVING THE STATE 2012

- Judgment was delivered on 19 January 2012 by the Fifth Chamber in **O. v. Ireland** (application no. 43838/07). Judgment was delivered on 1 March 2012 in **C. v Ireland** (application no. 24643/08).
- There were six decisions involving Ireland in 2012. The application of **Birney v. Ireland** and **Troy and Brennan v. Ireland** (application nos. 52079/08 and 52054/08) was declared inadmissible on 10 January 2012. The application of **O’Keefe v. Ireland** (application no. 35810/09) was partly struck out of the list and declared partly admissible on 26 June 2012. The application of **McDermott and others. v Ireland and Keegan v. Ireland** (application nos. 23213/09 and 62652/09) was declared inadmissible on 25 September 2012. The application of **Magee v. Ireland** (application no. 53743/09) was struck out on 20 November 2012. The application of **Boyce v Ireland** (application no. 8428/09) was declared inadmissible on 27 November 2012. The application of **Courtney v Ireland** (application no. 69558/10) was declared inadmissible on 18 December 2012.
- There were no hearings involving Ireland (as Respondent or third party intervener) before the ECtHR in 2012.

