



**Office of the Attorney General
Annual Report 2003**

Office of the Attorney General Annual Report 2003

Incorporating the

- First Progress Report on Implementation of Statement of Strategy 2003–2005 and
- Second Progress Report on implementation of Merrion Street Office's Client Service Guide 2002–2004 and Chief State Solicitor's Office Customer Action Plan 2002-2004





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Foreword by the Attorney General

Once again I am pleased to be associated with the publication of an Annual Report for the Office of the Attorney General.

I acknowledge the dedication of all staff in the various parts of the Office in ensuring that our clients are well served by the provision of an excellent service. I am particularly aware that the continued service is being provided at a time of great change for the Office as it introduces new Information Technology systems which have required much planning and preparation. I am confident that the studious work undertaken will reap a rich reward and that the service provided to clients will be much enhanced.

Rory Brady, SC
Attorney General



Introduction by the Director General

Attorney General

This is the *Annual Report of the Office of the Attorney General for 2003*. It incorporates the First Progress Report on Implementation of the Office's *Statement of Strategy 2003–2005* presented to you on 6 December 2002, and the Second Progress Report on Implementation of the Merrion Street Office's *Client Service Guide 2002–2004* and of the Chief State Solicitor's Office's *Customer Action Plan 2002–2004*.

The Annual Report highlights the continued demand on the Office to provide legal advice and services on a diverse range of issues and to draft an extensive legislative programme, often at short notice.

The Progress Reports on the Action Plans, arising under *Sustaining Progress*, of the Office of the Attorney General and the Chief State Solicitor's Office which are published on clearance by the Civil Service Performance Verification Group provide updates on the activities of the Office.

As I write, the Office is engaged in a number of projects which span the activities of both the Merrion Street Office and the Chief State Solicitor's Office:

- Roll-out of the Financial Management System
- Preparation for piloting the new Case and Records Management System
- Finalisation of First Client and Customer Charters and preparation of a new Client

Service Guide and a new Customer Action Plan

- Finalisation of in-house re-design and re-development of the Office website
- Placing 2003 Chronological Tables, Statutes and Statutory Instruments on the Office website
- Commencement of Expenditure Reviews.

I would like to express my thanks to the staff of the Office on their hard and dedicated work.

Finola Flanagan

Director General
December 2004





David J. O'Hagan
Chief State Solicitor



Deirbhle Murphy
Chief Parliamentary Counsel



Chapter 1: Overview

2003 was a challenging year for the Office of the Attorney General.

- In line with the *Office's Statement of Strategy*, we have delivered on the increased volume of litigation, and commenced delivery on the legislative programme set out in the *Programme for Government 2002–2007*. In doing so we have had to manage and prioritise urgent, important and long-term issues within our available resources.
 - We have delivered legal services requested by our client Departments and obtained their views on how these services might be improved.
 - We have put longer-term strategies in place to ensure the Office's continued capacity for growth. In the process we have striven to ensure that the Office is and continues to be a very stimulating and challenging environment in which to work from a professional point of view.
 - We have advanced the implementation of our Information Technology Plan.
 - We have commenced the installation of a new integrated financial management system – the first ever in the Office.
 - We have recruited many new staff, trained them and integrated them.
 - We have played our role in delivering better Government and in civil service reform.
- We have progressed:
 - the implementation of the Performance Management and Development System (PMDS)
 - the preparation of Client and Customer Charters
 - *Sustaining Progress* initiatives
 - the Mullarkey Report on the Accountability of Secretaries General and Accounting Officers.
 - We have initiated risk management procedures.
 - We have adopted a formal Knowledge Management Strategy to manage and harness the Office's intellectual assets and have implemented selected recommendations.
 - We have begun to work across Government in new ways, operating in teams on complex cross-cutting issues.
 - We have engaged with increased professional specialisation and in promoting the co-ordination of the legal services of the State.

This Report details our progress in 2003 on each of these points.

Chapter 2 sets out the Mission Statement and Key Objectives of the Office.

Chapter 3 focuses on the range and types of legal services delivered and on organisational developments in 2003.



Chapters 4-9 consider various elements of the key objectives of the Office which have been implemented; these are reviewed in terms of progress achieved.

Some of the matters reported on form part of a phased process of change of which they were but the first step. Other items represent real, immediate concrete achievements of which the Office can justly be proud.

Chapter 2: Mission Statement and Key Objectives

According to the Office's *Statement of Strategy 2003–2005*:

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

Six key objectives have been derived from the Mission Statement. They are:

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

This Report details the progress made by the Office in achieving these key objectives in 2003.



Chapter 3: Main Developments in 2003

Part I

Part I: Legal Developments

Work of the Office of the Attorney General in 2003

The workload of the Office as a whole continued to grow in quantity and complexity during the year, through providing legal advice to Government, Departments and Offices, drafting legislation, and providing litigation services, conveyancing and other transactional services to the State. Set out below is a summary of some of the main work developments of the Office in 2003.

Work of Advisory Counsel in 2003

The key priorities for 2003 were:

- To develop further specialisation in the delivery of legal advice to deal with issues arising from both the *Programme for Government* and the general legal environment, including EU developments, Oireachtas scrutiny of EC/EU instruments, preparation for the EU Presidency 2004 and implementation of the European Convention of Human Rights
- To review the remit of each Advisory Group so as to optimise efficiency and eliminate any duplication in delivering services pursuant to the new Statement of Strategy and Client Service Guide
- To prioritise work through regular work review and contact with client Departments and through the Government Legislation Committee

- To continue to provide a high level of legal services both in litigation to which the State is a party and in transactional matters.

Advisory Counsel are divided into five groups, each of which deals with discrete areas of legal specialism. By operating within the Performance Management and Development System (PMDS), and by availing of training and development opportunities, the expertise of Advisory Counsel was significantly enhanced.

The key topics which demanded the attention of the Office included:

- EU matters
- The European Court of Justice
- The European Convention on Human Rights
- Northern Ireland issues
- Justice matters from a domestic perspective
- Environmental law
- Health
- Education (including child abuse matters and special education needs litigation)
- Mass claims
- Tribunals of Inquiry.

These issues were dealt with in addition to the more 'routine' work of the specialist groups, which is also summarised in this section. The issues reveal the breadth, range and complexity of the work of the Office as a whole.



EU matters

It was anticipated that Ireland's Presidency of the EU in 2004 would be a busy and challenging one. In preparation for the Presidency, a series of review meetings were conducted with client Departments to assess which Council proposals and legislative initiatives coming on stream in early 2004 would require legal advice.

It was expected that a number of sectoral areas would be busy. These included environmental law, health issues, intellectual property matters, and Private International law, under the auspices of the Hague Conference and under the Justice and Home Affairs Civil Law Working Groups. A number of employment law initiatives were also expected.

On institutional matters key overarching issues included advisory work on the Convention on the Future of Europe and the Charter of Fundamental Rights, both of which were of central importance during the Irish Presidency.

Impact of EU legislation

The impact of important EU legislative initiatives and of judgments of the European Court of Justice often give rise to a need for legal advice.

Ireland intervened in several cases before the European Courts concerning a variety of legal issues across the range of specialist legal subjects dealt with by the Office. These involved issues concerning the manufacture, presentation and sale of tobacco products,

trademarks, environmental law and sickness insurance.

The Office was involved in advising on the Framework Decision and subsequent domestic legislation introducing the European Arrest Warrant. The Office also engaged with the Department of Justice, Equality and Law Reform, the Garda Síochána and the Courts Services in preparing for the introduction of the European Arrest Warrant at an operational level which required a co-ordinated approach.

Advice was given on the EU/US agreements on extradition and mutual assistance.

Justice and Home Affairs generally

The Office advised in relation to a substantial number of European legislative initiatives in 2003 in the area of Justice and Home Affairs. Advice was given, for example, in relation to the proposal for a European Public Prosecutor and for Framework Decisions on mutual recognition of financial penalties, on mutual recognition of confiscation orders, and on the freezing of assets and evidence. The Green Paper on Safeguarding of the Accused's Procedural Rights was also considered.

Community Patent Regulation

A new Community Patent Regulation which will replace the Community Patent Convention was progressed in Brussels in 2003. Work on the Community Trade Mark Regulation was also undertaken. Both sets of proposals required specialist legal advice from the Office.

The European Court of Justice

The provision of legal services in the context of litigation in the European Court of Justice (ECJ), and the interaction between the Office of the Attorney General and the ECJ as an institution, also received attention in 2003.

The Office arranged a system for lawyers in the Office of the Attorney General and the Chief State Solicitor's Office to be attached on short term placements to chambers in the Court in Luxembourg. An Advisory Counsel of senior rank in the Merrion Street Office was in the Court from the beginning of December 2002 to mid-March 2003. The Advisory Counsel carried out useful research in the Court and gained valuable insight into how Ireland could improve its approach to ECJ litigation.

A solicitor from the Chief State Solicitor's Office (CSSO) also went to the Court on placement, concentrating on Registry procedures, a matter of practical importance for the CSSO as agent for Ireland. It is intended that other members of AGO/CSSO will visit the Court for further placements.

The European Convention on Human Rights

The Human Rights Act 2003 required to be commenced before the end of that year. This is a very significant development in Irish law which will have a practical impact on many aspects of both legislation and public administration.

A programme of education and awareness-

raising in relation to the Convention, Strasbourg jurisprudence and developments in the UK (the UK Human Rights Act 1998 is quite similar to the Irish legislation) was carried out in the Office (including the Chief State Solicitor's Office) and invitations were also issued to lawyers in Government Departments and Offices.

This programme represents an important initiative in the development of specialist expertise, in the co-ordination of the legal services of the State and in knowledge sharing. It is also an important risk management initiative.

Northern Ireland issues

The Office continued to advise in relation to the legal issues arising out of the operation of North-South implementation bodies, the draft international agreement establishing the Independent Monitoring Commission and on the Independent Monitoring Commission Act 2003, issues arising from the Barron Report into the Dublin and Monaghan bombings and the two Cory Reports and the Good Friday Agreement.

Justice matters from a domestic perspective

Extradition and Mutual Legal Assistance

The Office advised in relation to thirty six extradition requests received in the course of



2003. The Office also advised in relation to numerous mutual assistance requests.

In particular, the Attorney General examined all incoming extradition requests from the United Kingdom in respect of prosecution cases pursuant to his functions under the Extradition Act 1965. As part of its functions, the Office held meetings with the UK authorities and regular review meetings with the Departments and the Gardaí. The Office assisted the Department of Justice, Equality and Law Reform in drawing up the annual report on UK extradition requests for the Dáil.

The Attorney General advised the Minister for Justice, Equality and Law Reform and the Minister for Foreign Affairs, as appropriate, in relation to extradition requests from other countries.

The Office continued to advise the Central Authority for Mutual Assistance on legal issues arising in connection with mutual assistance requests.

Finally, the Office advised on legislation to give effect to a number of European and International Conventions in relation to mutual assistance, on issues that were raised on the International Criminal Court Bill 2003 and on the Criminal Justice Bill 2003.

Prisons

Advice was given by the Office in relation to the administration of prisons and legal aspects of detention.

Garda Síochána

The Office gave advice to the Garda Síochána on a variety of matters.

Criminal Law

The Attorney General made decisions on a number of applications seeking a certificate pursuant to Section 29 of the Courts of Justice Act 1924 that a decision of the Court of Criminal Appeal involved a point of law of exceptional public importance and that it was desirable in the public interest that an appeal should be taken to the Supreme Court.

The Office liaised with the Criminal Assets Bureau and advised on the Proceeds of Crime (Amendment) Bill 1998.

Asylum

Legal challenges continue to be made in the High Court by asylum seekers who have failed to obtain a declaration of refugee status. The majority of these cases are by way of judicial review of decisions by one of the administrative bodies concerned. Attempts by the immigration authorities to enforce valid deportation orders or refusal at a port of entry into the State have given rise to several *habeas corpus* applications.

Environmental law

Environmental issues raised some novel and interesting legal points in 2003.

Nuclear

The Office was involved in two important cases before international tribunals concerning the MOX plant at Sellafield.

The Office advised the Department of the Environment, Heritage and Local Government on a regular basis in relation to such matters as the Paris Convention on Third Party Liability in the Field of Nuclear Energy; the EU Commission's nuclear safety, spent fuel and waste management proposals; the proposed Environmental Liability Directive and the safe transport of radioactive materials.

The Office attended the legal technical meetings of the International Atomic Energy Agency and the Nuclear Energy Agency and continues to monitor developments in international nuclear law with particular emphasis on third-party liability conventions in the fields of nuclear energy.

Climate Change

Another very important environmental matter on which the Office advised is the UN Convention on Climate Change and the Kyoto Protocol. An Advisory Counsel attended sessions of the Conference of the Parties as part of the Irish delegation and attends the Legal Experts Group on this issue.

Health

Legal issues in relation to health and the provision of health services remained a significant part of the work of Advisory Counsel in 2003. Many of the issues posed in the medico/legal and bioethical areas are novel and complex as the legal framework attempts to keep pace with scientific developments.

The Office advised the Department of Justice,

Equality and Law Reform in relation to the Intoxicating Liquor Bill 2003 and in relation to legislation sponsored by the Department of Health and Children which proposed to reduce the exposure of children and adolescents to alcohol advertising, sponsorship, marketing and promotion.

The Office advised on various issues arising under the Hepatitis C/HIV legislation and on connected litigation.

Education

Child Abuse

A central issue for the Office was the requirement to provide legal services to Government Departments in the context of the Commission to Inquire into Child Abuse. These services included advising on complying with a series of extensive discovery directions and advising on proposed changes to the legislation on foot of the Government's review and related issues.

Management of the child abuse litigation was also an important priority. This litigation includes institutional abuse cases which would proceed before the Courts, those going before the Redress Board and discrete legal issues where allegations of abuse arise in either primary or secondary non-residential schools.

Special education needs

Litigation to enforce the constitutional right to free primary education increased in the area of special education needs. Some of the issues brought to light in the litigation were central to the Education for Persons with Special



Educational Needs Bill 2003 and later to some of the proposals for the Disability Bill.

Mass Claims

The Office works with Departments to reduce the State's exposure to the cost of mass claims.

The Office has systems in place allowing for co-ordination with the State Claims Agency in relation to delegated claims and has a constructive relationship with the Agency.

Other important issues

Litigation arose in relation to the election petitions in which it was sought to overturn the 2002 General Election results in two constituencies. Advice was given in relation to implications of the *McKenna* case on referenda. The requirement for non-party candidates to have assentors was challenged as being unconstitutional. The prohibition on the dual mandate of County Councillors and TDs was challenged as unconstitutional.

The Office gave advice on a range of other important issues including a proposed Rail Infrastructure Bill, and the Residential Tenancies Bill. The Office also gave advice on a Bill to establish the Irish Financial Services Authority. The Central Bank and Financial Services Authority of Ireland Act 2003 established the Authority. The Office is represented on the Company Law Review Group established by the Company Law Enforcement Act 2001. The Office advised on diverse Company Law and Commercial Law including Insurance Law issues. The judgment of the Supreme Court in the reference under

Article 26 of the Constitution of Part V of the Planning and Development Bill 1999 (now the Planning and Development Act 2000) has been the subject matter of substantial legal advice.

Advice was provided to client Departments on many aspects of Labour and Employment law and on draft legislation including the Equality Bill, the Maternity Protection (Amendment) Bill, the Adoptive Leave Bill and the Civil Service Regulation (Amendment) Bill.

Advice was provided on a wide range of issues concerning coroners, including on sensitive issues relating to the position of next-of-kin and interested persons in the conduct of inquests.

Freedom of Information and Data Protection legislation both continue to generate requests for legal advice which often have implications across the civil service as a whole.

Irish Language

The Office advised in relation to the Official Languages Act 2003 which has important implications for public administration.

Tribunals of Inquiry

Providing advice to Tribunals continues to be an important component of the services provided by the Office of the Attorney General.

Developments in the Provision of Legal Services

Advisory Counsel have been involved in working groups on Reform of the Law relating

to Coroners, on Marriage Law and on the Charities Reform Group. Advisory Counsel will also be involved in a major initiative for reform of Pension Law.

The Office participated in the Fennelly Working Group on the Jurisdiction of the Courts. The Report on the Criminal Jurisdiction of the Courts was published in May 2003.

The Attorney General is represented by a member of the Office on the District Court, Circuit Court and Superior Courts Rules Committees.

The Office participated in the Criminal Law Codification Group whose report was published in November 2004.

The Law Reform Commission

The Office continued its support of the Law Reform Commission and chaired the Consultative Committee aimed at enabling the work of the Law Reform Commission to be more quickly and effectively implemented by Departments.

The Attorney General met with the Law Reform Commission for a formal meeting regarding its programme of work, and contact on an informal basis between professional staff is maintained to facilitate exchanges of information and know-how in accordance with good knowledge management practice.

Advisory Counsel in Irish Permanent Representation in Brussels 2003

The main work of the Legal Counsellor is to provide legal support to the Permanent

Representative and the Deputy Permanent Representative on the legislative programmes of Coreper I and Coreper II. During 2003, an additional element of this work involved preparation by officials of all Departments for the Irish Presidency of the European Communities from January to June 2004.

The major non-routine elements of the work of the Legal Counsellor in 2003 were, in chronological order:

- Briefing Ireland's participation in the Convention Discussion Circle on the European Court of Justice
- Tracking the Convention Working Group on the Simplification of Legal Instruments
- Preparing agendas and documents in anticipation of Ireland chairing the Court of Justice Working Group
- Participating in preparation of Ireland's Presidency programme
- Participating as Irish delegate in the Constitutional Treaty Drafting Group.

An additional Advisory Counsel was seconded, from November 2003, to the Permanent Representation for the duration of the Presidency.

Work of Parliamentary Counsel in 2003

The Office of the Parliamentary Counsel to the Government (OPC) was involved in drafting a significant number of Bills and Statutory Instruments. Forty-six (46) Public Bills were published during the year (see Annex A). In addition, 46 Public Acts were enacted in 2003



(see Annex B) and a total of 698 files relating to statutory instruments were opened.

Examples of significant pieces of legislation drafted or enacted in 2003 include the following:

- **European Convention on Human Rights Act 2003** which incorporates into domestic law, at a sub-Constitutional level, the European Convention on Human Rights and Fundamental Freedoms.
- **Criminal Justice (Joint Investigation Teams) Bill 2003** which gives effect to the Framework Decision of 13 June 2002, of the Council of the European Union on joint investigation teams.
- **European Arrest Warrant Bill 2003** which gives effect to the Framework Decision of 13 June 2002 of the Council of the European Union on European arrest warrants and surrender procedures between Member States.
- **Transfer of Execution of Sentences Bill 2003** which gives effect to Article 2 of the Additional Protocol to the Convention on the Transfer of Sentenced Persons done at Strasbourg on 18 December 1997, and Chapter 5 of Title III of the Convention implementing the Schengen Agreement of 14 June 1985, between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders done at Schengen on 19 June 1990.
- **International Criminal Court Bill 2003** which provides for punishment by courts in the State and by courts-martial of genocide, crimes against humanity, war crimes and other offences within the jurisdiction of the International Criminal Court.
- **Garda Síochána (Police Co-operation) Act 2003** which provides, in accordance with the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland on Police Co-operation, done at Belfast on 29 April 2002, for the appointment and secondment of members of the Police Service of Northern Ireland to such ranks in the Garda Síochána as may be prescribed, the secondment of members of the Garda Síochána to that Service and other related matters.
- **Commissions of Investigation Bill 2003** which provides for the establishment of commissions to investigate and report on matters considered to be of significant public concern.
- **Maternity Protection (Amendment) Bill 2003** which gives effect to the outstanding recommendations of the Report of the Working Group on the Review of the Maternity Protection Legislation published in January 2001.
- **Employment Permits Act 2003** which facilitates the granting of free access to the Irish labour market to nationals of EU Accession States with effect from May 2004. From the date of accession nationals of

these countries no longer require employment permits to work in Ireland.

- **Protection of Employees (Fixed-Term Work) Act 2003** which implements the provisions of the Directive of the Council of the European Union and provides for the improvement of the quality of fixed-term work by ensuring the application of the principle of non-discrimination so that fixed-term workers may not be treated less favourably than comparable permanent workers.
- **Protection of the Environment Act 2003** which makes provision for the amendment of the licensing provisions of the Environmental Protection Agency Act 1992 and the Waste Management Act 1996 for the purpose of bringing both licensing systems fully into line with the Council Directive introducing a Community-wide system of Integrated Pollution Prevention and Control.
- **Personal Injuries Assessment Board Act 2003** which establishes the Personal Injuries Assessment Board (PIAB) as a statutory body, the Board of which is charged with the making of assessments without the need for legal proceedings to be brought for compensation for personal injuries.
- **Companies (Auditing and Accounting) Act 2003** which provides for the establishment of a supervisory authority with the power to supervise the regulatory functions of accountancy bodies and further provides for the transfer to the authority of existing functions relating to the recognition of accountancy bodies. The Act also amended Company Law in relation to auditing and accounting.
- **Unclaimed Life Assurance Policies Act 2003** which provides a legislative framework whereby all life assurance companies doing business in the State are obliged to notify holders of unclaimed policies of their existence. If the holder cannot be traced or if the funds remain unclaimed after notification then the net encashment value of the policy is transferred to the Dormant Accounts fund. The Act details the procedures for transfer and the return of the proceeds to the holders in the circumstances set out in the Act.
- **Broadcasting (Major Events Television Coverage) (Amendment) Act 2003** which gives further effect to EU directives regulating the exercise by broadcasters of exclusive broadcasting rights.
- **Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act 2003** which gives effect to the 1992 protocol amending the International Convention on Civil Liability for Oil Pollution Damage 1969.
- **An Bord Bia (Amendment) Bill 2003** which provided for the dissolution of Bord Glas and the transfer of its functions to Bord Bia.



- **Central Bank and Financial Services Authority of Ireland Act 2003** which provides for the reorganisation and renaming of the Central Bank of Ireland and the establishment of the Irish Financial Services Regulatory Authority.
- **Public Service Management (Recruitment and Appointments) Bill 2003** which provides for the reform of the recruitment process of the Civil Service and certain other bodies in the Public Service.

The Office of the Parliamentary Counsel to the Government (OPC) collaborated with the Houses of the Oireachtas in mid-2003 in relation to a project to develop a Document Type Definition (DTD) for Bills for use in an XML environment in the Houses of the Oireachtas. The DTD provides a template, which is application independent, reflecting the text of Bills at a particular stage in the legislative process. It allows the transmission of the text of Bills between electronic systems and is a further step in realising the e-Legislation agenda which it is hoped will ultimately allow officials in client Departments and Parliamentary Counsel to work from the same electronic document.

A similar project to develop DTDs for statutory instruments and Restatements was completed by the Office in late 2003.

In August 2003, the OPC agreed with the Bills Office in the Houses of the Oireachtas, a number of proposed changes to the existing format and presentations of Bills and Acts,

having regard to developments in other jurisdictions. There is to be further consultation with the Bills Office regarding the changes proposed. Approval for those changes will have to be obtained from the members of the Houses of the Oireachtas; the proposals for change will be referred to the Committee on Procedures and Privileges.

The Chief Parliamentary Counsel met, in September 2003, with members of the Government Legislation Committee and the Assistant Secretary to the Government in relation to the proposed revision of the Cabinet Handbook in the context of the e-Cabinet initiative. Further discussions were held in October and November 2003 with the Department of the Taoiseach, in order to advance this matter.

Work of the Chief State Solicitor's Office in 2003

Public Law Division

The Public Law Division is divided into two Sections, namely, the Commercial and Constitutional Section and the Judicial Review Section. During 2003 the range of litigation covered by the Division was very broad. Many cases were high profile, politically sensitive, attracted considerable publicity, and involved emergency applications, strict time limits and complex issues of law. These cases were often appealed to the Supreme Court and

occasionally referred to the European Court of Justice.

Commercial and Constitutional Section

The cases dealt with in this Section invariably went to a full plenary hearing (often lengthy) in the High Court, the Circuit Court or sometimes the District Court, or involved an appeal in the Supreme Court. Issues of law arising in these cases included areas such as commercial, contract, employment, insurance, international, intellectual property, environmental, planning, electoral, public health, social welfare, administrative, constitutional and European Union law.

Judicial Review Section

Judicial Review provides the means by which judicial control of administrative action is exercised and is the process by which the High Court exercises jurisdiction over the proceedings and decisions of inferior courts, tribunals and other bodies who carry out quasi-judicial functions or who are charged with the performance of public acts and duties.

This Section also deals with *habeas corpus*, cases stated, adoption cases, transfer of sentenced persons, letters of request from foreign tribunals and service of documents under EU Council Regulation No. 1348/2000 and the 1965 Hague Convention on the service abroad of judicial and extra-judicial documents in civil and commercial matters.

Asylum Cases

During 2003, a considerable number of important judgments were delivered by both

the High Court and the Supreme Court in asylum cases during the year. By far the most important and far-reaching judgment was that in the *Lobe and Osayande* case, a landmark judgment delivered by the Supreme Court in January 2003, in which the Court held, *inter alia*, that non-national parents of Irish-born children do not have an automatic right to reside in this jurisdiction.

Tribunals of Inquiry

During 2003 the Chief State Solicitor's Office continued to provide separate Solicitor representation to the Garda Commissioner and to the Minister for Justice, Equality and Law Reform at the Tribunal of Inquiry into complaints concerning some Gardaí of the Donegal Division, and representation to the Minister for Communications, Marine and Natural Resources at the Tribunal of Inquiry into Payments to Messrs Charles Haughey and Michael Lowry. In addition, the Office provided representation to the Garda Commissioner at the Tribunal of Inquiry into the Facts and Circumstances surrounding the Fatal Shooting of John Carty at Abbeylara and provided representation to the Minister for Finance and the Attorney General representing the Public Interest, at the Tribunal of Inquiry into Certain Planning Matters and Payments.

Natural Resources

In 2003 the Office provided legal services to the Department of Communications, Marine and Natural Resources in relation to the development of the Seven Heads Gas Field.



Army Hearing Loss

The Army Hearing Loss Section was established in 1995 to deal exclusively with hearing loss litigation brought by members and ex-members of the Defence Forces against the State.

Chapter 3: Main Developments in 2003

Part II

Part II: Organisational Developments

Management Advisory Committees

To reflect the modernisation of the Office, a joint Management Advisory Committee (Main MAC), representative of senior management of both the Merrion Street Office and the Chief State Solicitor's Office, is in place to advise the Director General on issues of common concern to both Offices. Separate Management Advisory Committees (MACs) are also in place in both Offices to advise the Director General, Chief State Solicitor and Chief Parliamentary Counsel, as appropriate.

During 2003 the main focus of the joint Management Advisory Committee (Main MAC) and the separate local Management Advisory Committees continued to be on legal, professional and organisational issues, in addition to issues arising from the Strategic Management Initiative.

Staffing

By the end of 2003 the authorised staff complement in the Merrion Street Office was 123 (127 in 2002) with 6.5 vacancies, and was 237 (237 in 2002) with 13 vacancies in the Chief State Solicitor's Office. During the year new legal advisory and drafting, administrative and clerical staff were recruited in the Merrion Street Office and legal, technical and administrative staff in the Chief State Solicitor's Office.

New Statement of Strategy

The Office's *Statement of Strategy 2003–2005*

was published in April 2003, and the printed English and Irish versions were made available and displayed on the Office website in July 2003.

Client and Customer Charters

The Merrion Street Office established a Sub-Committee of the Partnership Committee to consider how the Office might consult with its clients to prepare the Office's first Customer Charter. The Chief State Solicitor's Office also commenced preparations for the Office's first Customer Charter. Progress achieved in this regard is outlined in Chapter 6 of this Report.

The Office continued to make significant progress in the implementation of its Information Technology Strategy. The main focus during 2003 was to progress the implementation of a new Case and Records Management System and the Office's first integrated Financial Management System. Progress achieved is outlined in Chapter 7 of this Report.

A Knowledge Management Strategy 2003–2005 was prepared during 2003 and this is outlined in Chapter 8 of this Report.

Reorganisation within the Office

Legal Services

During 2003, the Merrion Street Office continued with its reorganisation to meet the changing needs of Government and client Departments and Offices and in pursuance of its strategy of increased specialisation in key areas.



Six specialist legal staff at principal solicitor level were appointed in the Chief State Solicitor's Office.

Audit Committee

The Audit Committee assisted in developing the role and the work programme of the internal auditor during the year. The Committee received presentations in February and December 2003, from Project Managers with responsibility for the new Case and Records Management System, the Financial Management System and the e-Legislation System and from the Information Technology Managers. The Committee reviewed audits completed by the Internal Auditor during the year in respect of the payments process for Counsels' Fees, Foreign Travel and Taxis and Couriers in both the Merrion Street and Chief State Solicitor's Offices and on Mobile Phones in the Merrion Street Office, Chief State Solicitor's Office and in the Law Reform Commission. An audit on the Postal Franking Stamp in the Merrion Street Office only was also reviewed. Also, the Committee provided guidance and support for the development of risk management strategies within both Offices, which resulted in the commencement of a review of all business plans in the Offices, taking account of the Risk Management Guidelines issued by the Department of Finance.

Professional Accountant

In March 2003, a Professional Accountant was appointed by the Merrion Street Office and the Chief State Solicitor's Office to provide accountancy expertise in the context of the

implementation of the Offices' new Financial Management System and the Management Information Framework initiative.

Management Information Framework

A key element in the development of the Management Information Framework (MIF) is the implementation of a new Financial Management System. Following consultation with the Centre for Management and Organisational Development in the Department of Finance an invitation to tender issued on 1 August 2003. The Office undertook evaluation of responses received to the invitation to tender and the preferred vendor was selected in November 2003. Progress in respect of the implementation of the new Financial Management System and other MIF developments in 2003 is set out in more detail in Chapter 7 of this Report.

Report on the Accountability of Secretaries General and Accounting Officers (Mullarkey Report)

In early 2003 the Merrion Street Office and the Chief State Solicitor's Office finalised their Action Plans to implement the recommendations of the Mullarkey Report. During the year much progress was made in this regard, including the initiation of a review of all Business Plans in the Merrion Street Office to include appropriate risk assessment. The Internal Auditor, in conjunction with the Professional Accountant, commenced a survey of internal financial procedures in both Offices and the Offices' Library and Know-How Units finalised separate Disaster and Recovery Plans in respect of each Library. The Merrion Street

Office's General Accounting Procedures were updated in mid-2003 to reflect recommendations arising out of the Mullarkey Report.

In the Chief State Solicitor's Office a pilot risk analysis was carried out in August 2003, in the Public Law area. This analysis enabled the introduction of a new computer-based solution to quality assure the process.

Sustaining Progress

The Office is fully committed to implementing the provisions of the *Sustaining Progress* social partnership agreement. In July 2003 the Merrion Street Office and the Chief State Solicitor's Office finalised Action Plans which set out specific actions to achieve the common commitments for the civil service, as required by the Civil Service Performance Verification Group (CSPVG). In October 2003 the Offices submitted First Progress Reports on the implementation of the Action Plans. On the basis of these Progress Reports the CSPVG decided that the Merrion Street Office and the Chief State Solicitor's Office had qualified for payment of the Benchmarking pay award due on 1 December 2003. The Progress Reports were published on the Office website.

Better Regulation

In line with the Government's commitment to publish a National Policy Statement on Better Regulation, the proposals for improving the accessibility and coherence of Irish Statute Law have had a substantial impact on the work of the Office in 2003. The Director of the Statute Law Revision Unit (SLRU) was assigned to the High Level Group to assist in the preparation

of the White Paper on Better Regulation which was published in the Summer of 2003.

During 2003, the Unit co-operated with the Public Service Modernisation Division of the Department of the Taoiseach as regards the work of the High Level Group on implementing the OECD Report on Regulatory Reform. The SLRU, in this context, carried out work representing the State on the OECD Working Party on Regulatory Management and also assisted in its work with the Russian Federation and acted as peer reviewer of France. The SLRU assisted the OECD in contributing to an APEC/OECD workshop to draft a checklist for self review of regulatory quality by APEC/OECD countries.

Cross-Functional Working Initiatives

The Office is committed to team working and cross-functional working initiatives. During 2003 cross-functional teams involving Merrion Street Office staff and staff from the Chief State Solicitor's Office operated in the Case and Records Management System Project and the Financial Management System Project, the Human Resource Management System Project, the Knowledge Management Project and other projects. Staff from the Office of the Parliamentary Counsel to the Government were involved with Houses of the Oireachtas staff on the e-Legislation project and with staff from the Department of the Taoiseach in the review of the Cabinet Handbook in the context of e-Cabinet.

Also, staff from the Merrion Street Office, in consultation with staff from the Chief State



Solicitor's Office and other Departments and Offices, worked together on issues such as the operation of the payment of Counsels' Fees process, framing of terms of reference for Expenditure Reviews and the implementation of the Mullarkey Report and the Nally Report on Reorganisation of the Chief State Solicitor's Office.

Organisational Flexibility in the Merrion Street Office

The Office recognises the need to implement proposals to increase organisational flexibility. In the Merrion Street Office there is significant mobility of staff between the Office of the Parliamentary Counsel to the Government and the Statute Law Revision Unit, between the Parliamentary Counsel Groups and also between the Advisory Counsel Groups, to respond to urgent work demands.

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

- The assignment of full-time project managers for the Case and Records Management System, the e-Legislation and Financial Management System projects
- The availability of legal and administrative staff to be involved in the various IT projects
- The assignment without replacement of a second Advisory Counsel to the Permanent Representation of Ireland in Brussels from end-November 2003, for seven months, in

response to increased demands in the context of Ireland's Presidency of the European Union in 2004

- The assignment of an Advisory Counsel to work full-time on important Nuclear Law issues (litigation relating to the MOX plant at Sellafield)
- The assignment of a senior Advisory Counsel from the Office on a three-month *stage* which ended in mid-March 2003, to work with the Irish Judge on the European Court of Justice
- The exchange of Registry staff in the Office with personnel from the Chief State Solicitor's Office to enable them become familiar with each other's filing systems prior to the introduction of the new Case and Records Management System
- The training of Finance Unit personnel in accounting functions formerly undertaken on behalf of the Office by the Department of Finance Accounts Branch
- The secondment, without replacement, of an Executive Officer by way of Government levy to the Department of Justice, Equality and Law Reform
- The ceding of a Clerical Officer post, resulting from the Government decision to reduce public service numbers.

This flexibility occurred at a time when the work of the Office is increasing. The work

previously undertaken by redeployed staff and the ceding of posts has had to be undertaken by remaining staff.

Also, in 2003 a team comprising Registry, legal, drafting and administrative staff co-operated to identify documents due for transfer to the Office of National Archives for release in January 2004. Some documents pertaining to pre-1973 identified in the process were transferred during the year. The Registry element of this work was previously outsourced to a private sector company.

There was significant movement of support staff between their designated Groups in order to cover for absences or large workloads. Similarly, the Office began training staff on a voluntary basis, to cover in specialised areas, e.g. Private Offices.

Organisational Flexibility in the Chief State Solicitor's Office

In the Office organisational flexibility is a priority, with regular re-organisation of staff, responsibilities and sections in response to the changing demands of clients. During 2003 the Office identified areas in which clients required more specialist services and aligned recruitment, training and organisation structures accordingly.

The Office continued to be flexible in the allocation of its staff resources to Tribunals of Inquiry. Six solicitors were provided to work at the Tribunals of Inquiry which are running contemporaneously. In addition, the Office provided two Solicitors as and when required

to represent the Public Interest at Tribunals.

The Office provided two Solicitors to deal with the ongoing international arbitration against the United Kingdom arising out of the operation of the MOX plant at Sellafield and developed its competence in the area of Nuclear Law accordingly.

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

- A panel of solicitors have been set up for short-term employment (*locum* style) to replace established staff on career breaks and extended leave.
- In line with the Office's policy of the outsourcing of work in certain circumstances the Office outsourced all outdoor 'clerking' duties to a private firm and the service is regulated to the satisfaction of the Office by a service level agreement.
- External firms of solicitors with particular expertise were retained by the Office on behalf of the State to act in high-profile commercial development of natural resources. This happened in at least three cases.
- Following the issue of Requests for Expressions of Interest and the holding of interviews, the Office commenced the management of a panel of external solicitors for the Office of Public Works to provide the OPW with expert legal service



at competitive costs. This is over and above the work undertaken by the Office directly for the OPW.

Partnership Committees

The Partnership Committees in the Merrion Street Office and the Chief State Solicitor's Office continued to be centrally involved in the ongoing development of the change culture in the Offices as initiated by *Partnership 2000* and reinforced in the *Sustaining Progress* social partnership agreement. In particular, to reflect its greater input into the running of the Merrion Street Office, the Partnership Committee now meets monthly rather than bi-monthly. During the year the focus for both Committees, which have Office-wide representation, was to deal with core Office-related issues and matters relating to the implementation of the Strategic Management Initiative.

Some of the main issues addressed by the Partnership Committee in the Merrion Street Office included the Performance Management and Development System, Quality Customer Service, implementation of the IT Plan, progression of the Management Information Framework, Training and Development, e-Working, Merit Pay, Communications, Probation, revisions to the Office Foreign Travel Policy, Landline Phone Policy and Internet Policy. The Committee agreed in late 2003 that all major projects in the Office should follow a Project Management methodology. The Partnership Committee in the Chief State Solicitor's Office also addressed the above issues and Sub-Committees

continued to examine flexible working and e-Working, accommodation, IT Policy, Business Planning, Management Information Framework and Human Resources.

In the Merrion Street Office a Sub-Committee of Partnership monitored implementation of the Office's Action Plan under *Sustaining Progress*.

Freedom of Information Requests

Statistics on requests to the Merrion Street Office and the Chief State Solicitor's Office under the Freedom of Information Act are set out in Annex F. In the Merrion Street Office, eighteen requests were received; five were granted and four part-granted. In the Chief State Solicitor's Office, six requests were received but none was granted.

Chapter 4: Progress Achieved in reaching Key Objective 1

Key Objective 1

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

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

The strategies to achieve this objective include:

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

In particular, to identify;

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

- To ensure that the Office as a whole has the capacity and flexibility to provide specialist legal advice and services as necessary.
- To advise in a manner that achieves the minimisation of awards/settlements against the State in personal injuries cases. This has two components. In the small number of categories of personal injuries claims still controlled by the Office (and in other forms of mass action), to provide appropriate legal advice directed towards this objective, and to manage groups of claims with common characteristics in a strategic fashion. In relation to those claims delegated to the State Claims Agency where the Attorney retains power of direction, to work closely and collaboratively with the Agency towards an optimal outcome for the State.
- To provide appropriate legal advice as to mechanisms of inquiry into matters of urgent or significant public interest. Such legal advice would take cognisance of the desire of Government to adopt mechanisms of inquiry which provide value for money to the taxpayer.

Progress Achieved

Advisory side of Merrion Street Office

Throughout 2003 the Advisory side of the Merrion Street Office focused on the continued development of specialisation as the key to the achievement of the Office's key objectives and strategies. The Office initiated a full review of the workload and composition of all Advisory



Groups. This analysis identified emerging areas of law (e.g. potential discrimination litigation, medico-legal matters, primary schools litigation), areas of law that are expanding (e.g. EU work in the areas of justice and home affairs), human rights, equality and equal treatment, environment and private international law and the need to anticipate client needs and client feedback received in all areas of law. The review resulted in the increased concentration by lawyers on related legal topics being grouped together in a more logical manner. It also facilitated a more team-orientated approach to handling the ever-increasing workload.

The Office provided extensive training on European Convention on Human Rights (ECHR) law in September 2003, to staff in the Office including the Chief State Solicitor's Office, in the Law Reform Commission and in Government Departments. A pilot project to increase awareness of European Court of Justice (ECJ) litigation was put in place in March 2003, by circulation of the *Official Journal* in electronic form.

During 2003 each of the Advisory Groups, through feedback gauged from clients given in the context of regular formal and informal meetings with Departments during the year, followed systems set down in the Groups' Business Plans for highlighting new strategic issues and rectifying issues of concern for clients.

During the year, the Advisory side took a number of steps to anticipate clients' needs

and optimise the provision of timely and specialist legal services, thus enhancing client service. Anticipating a significant increase in asylum and immigration matters, the Office reassigned responsibility for such matters from one Advisory Group to another so as to provide a more efficient service delivery to clients.

Important informal groups within the Office also met regularly during 2003. The monthly Legal Issues Meeting (where legal issues of general concern are raised), the asylum lawyers group, the regular group meetings by the different legal advice groups, the 'Co-ordinators' meetings twice a week, attended by Advisory Counsel Grade I, the Deputy Director General and the Director General, discussed legal and related developments within the Office. These meetings provide an important opportunity for the exchange of ideas and experiences across different specialist groups.

Legal Attaché to the EU

The year in question was a busy one for the Advisory Counsel who is assigned as Legal Counsellor on secondment to the Permanent Representation of Ireland in Brussels. The role remains a central and intrinsic element of the effective functioning of the Permanent Representation and of the Office. The main routine work during the year was to provide legal support to the Ambassador and the Deputy Permanent Representative on the legislative programmes of Coreper 1 and Coreper II. During 2003, an additional element of this work was the preparation

by officials of all Departments for the Irish Presidency, January to June, 2004. This meant an increased input by the Legal Attaché.

Office of the Parliamentary Counsel to the Government

Again the focus on specialisation is regarded as fundamental to the achievement of the key objectives and strategies of the Office of the Parliamentary Counsel to the Government (OPC). Responsibility for delivery of an efficient and responsive drafting service within the OPC is divided between three specialist Groups. Each Group has been assigned five Government Departments as clients. The drafting requirements of each such client Department are the principal responsibility of each Group. In this manner, expertise within each Group becomes increasingly specialist. During 2003 each Group continued to adopt a team-orientated approach to the provision of a quality legislative drafting service.

Each Group held regular informal meetings during the year with client Departments to review and evaluate service delivery and to identify any areas in which the service could be improved. In addition, meetings on specific legal files were held between the lawyer assigned to a file and the relevant client Department. Such meetings enabled the drafter to discuss all aspects of the file and Government and Office policy with the Departmental official. This comprehensive system of feedback has been incorporated into the overall planning of how the OPC conducts its drafting practice.

The Taoiseach appointed Deirbhle Murphy to the position of Chief Parliamentary Counsel to the Government with effect from 1 June 2003. Ms Murphy had worked as Parliamentary Counsel in the OPC for 14 years. The previous Chief Parliamentary Counsel, Kieran Mooney, having completed his term in that post, moved to a new position within the OPC as First Parliamentary Counsel.

The continuation of the policy of engaging consultant drafters on contract enabled the Office to provide a responsive and uninterrupted service during a period when unprecedented demands were made on the OPC.

The OPC implemented a Parliamentary Counsel Training Plan in respect of recently recruited drafters. The *Drafting Manual* and the *Statutory Instruments: Drafting Checklist and Guidelines*, which issued to Government Departments in March 2003, were used in the training process. These texts take into account a simplification of language to be used in legal texts. Both texts are available electronically as well as in hard copy format.

The OPC actively encouraged recently recruited drafters to identify, and participate in, relevant training courses. For example, the OPC sent a number of drafters to a European law course in Trier. During the year the OPC continued to participate in training courses provided by the Centre for Management and Organisational Development (CMOD) on the legislative process, the contents of which have recently been revised by the CMOD with the



assistance of the OPC. These courses are helpful in familiarising Departments with the legislative process and in identifying for client Departments the level of instructions that is required to facilitate an efficient drafting service.

Statute Law Revision Unit

A particular example of the provision of discrete specialist legal services is the work done by the Statute Law Revision Unit (SLRU). The Unit was established in February 1999, to draw up a programme of statute law revision and consolidation and to manage the supervision of the indexes to the statutes. The Unit's mandate was widened to encompass the establishment and implementation of a policy on improving the coherence and accessibility of statute law in Ireland. During 2003 the Unit worked closely with the Public Service Management Division of the Department of the Taoiseach on the Better Regulation agenda.

In 2003 the Unit drafted the Capital Acquisitions Tax (Consolidation) Bill and the Water Services Bill. The Unit worked closely with:

- the Department of the Taoiseach on the drafting of the national policy statement on regulatory policy
- the Department of the Environment, Heritage and Local Government on the drafting of the Archaeological, Historical and Architectural Bill
- the Department of Enterprise, Trade and Employment on the drafting of a Company Law Consolidation Bill

- Relevant Departments on Restatements of the Sale of Goods Acts, Defence Acts, Tourist Traffic Acts and the Succession Act.

In September 2003 the Unit ensured that the Acts, Statutory Instruments and Chronological Tables for 1922 to 2002 were placed on the Office's website.

During the year the Unit was also engaged in a project to identify all legislation enacted in Ireland pre-1922 that is still in force in the State, with a view to repealing obsolete and spent legislation and re-enacting the remaining legislation with absurdities removed. This project was partly funded from resources allocated to the Department of the Taoiseach from the Change Management Fund.

Towards the end of the year the Unit submitted advice to the Attorney General for consideration by the Taoiseach in respect of:

- Repealing, or repealing and re-enacting, all legislation enacted between 1310 and 1922
- Developing a sustainable policy for Restatement.

Chief State Solicitor's Office (CSSO)

Like the Advisory Counsel and Parliamentary Counsel in the Merrion Street Office, the CSSO continued with the development of specialist legal services in areas of importance to client Departments and Offices. Some of the major initiatives are set out below.

- The Office continued the development of new specialist units to deal with areas such as commercial contracts and employment law.
- Re-organisation in the Office continued apace, following transfer of responsibility for criminal prosecution work to the Office of the Chief Prosecution Solicitor by way of implementation of the Nally Report and establishment of the State Claims Agency.

The organisation of the Office's service to Departments and Offices is kept under constant review. Whenever client demands change or new case categories emerge in large numbers the structures are changed to reflect the new circumstances.

Changes during 2003 included the following:

- The establishment of a new Asylum Section to deal with a large influx of cases
- The re-structuring of conveyancing services on a Departmental basis
- The re-organisation of support services with the establishment of clerical support units in each Division, new post room arrangements, a new documentation centre and improvements in internal training facilities
- The establishment of a new Legal Services Section with a range of specialist functions including costs recovery.



Chapter 5: Progress Achieved in reaching Key Objective 2

Key Objective 2

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

The strategies to achieve this objective are:

- To develop Human Resource Management suitable for a professional service organisation, having
 - > taken advice on the needs of such a service;
 - > regard to the Key Objectives of the Office.
- Continue the implementation of the PMDS within the Office so as to reflect the strategic development of the Office based on the premise that strategic goals are only achieved through performance of staff. Further focus to be devoted to the identification and development of relevant core competencies/skills.
- To ensure the application of assessment of financial measures developed for the purposes of the Management Information Framework (MIF).
- To provide training for each level of management position in the Office.
- To continue to enhance the training and development opportunities available to

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

- In line with SMI to provide management and training and development which enables managers to embed performance management as a priority for all managers and is linked to the needs of Government.
- Develop, in conjunction with the Audit Committee, an internal audit function having regard to the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers.
- Develop, in conjunction with the Audit Committee, risk management priorities and processes.

Progress Achieved

2003 was a busy year in the areas of Human Resource Management and Training and Development. Also, as reported in Chapter 3, the Internal Auditor under the guidance of the Audit Committee made significant progress with the completion of audit reports included in his workplan. The Office made progress in the area of risk management.

Merrion Street Office

Human Resource Management

- At the end of the year the Office had a sanctioned complement of 123 staff, of which 6.5 positions were vacant. These vacancies were: 2 Advisory Counsel



(Grade III), 2 Assistant Counsel (Grade II), 1 Contract Drafter and 1.5 Clerical Officers.

During the year:

- 12 new members of staff joined the Office, 3 Advisory Counsel (Grade III), 4 Clerical Officers, 3 Legal Researchers, 1 Know-How Officer and 1 Contract Drafter; 7 of these positions were on a permanent basis and 5 on a contract basis.
- 14.5 existing members of staff left, of which 10.5 were permanent and 4 on contract.
- The Office held four recruitment competitions for the positions of:
 - (a) Legal Researcher
 - (b) Know-How Officer
 - (c) Advisory Counsel (Grade III)
 - (d) Assistant Parliamentary Counsel (Grade II).
- The Office held three internal promotion competitions to the positions of:
 - (a) Staff Officer
 - (b) Assistant Parliamentary Counsel (Grade I)
 - (c) Advisory Counsel (Grade II).

Additionally there were two acting promotions as a consequence of a temporary secondment of a more senior officer.

- An Executive Officer was seconded for 12 months to the Department of Justice,

Equality and Law Reform to assist in asylum work.

- Following the Government decision on a reduction of Civil Service staff numbers, the Office ceded 1 Clerical Officer (Typist) post.

Human Resources Strategy

A draft Human Resources Strategy was presented to the Management Advisory Committee in November 2003. It is based on the principles of partnership, openness, equality and staff development. It was submitted to the Partnership Committee in December 2003.

Human Resource Management System

Due to the need to allocate resources to other aspects of the Office's IT Plan, work on the implementation of a Human Resources Management System (HRMS) was scheduled to take place late in the year. The Merrion Street Office, in conjunction with the Chief State Solicitor's Office, prepared a draft Request for Tender (RFT) for a new system. However, during that period the Centre for Management and Organisational Development proposed that it would review the progress throughout the Civil Service of the HRMS implementation process. Consequently, work in the Offices was postponed to await the outcome of the central review.

Performance Management and Development System

A Performance Management and Development System (PMDS) is in place. The Partnership Committee agreed the Office's core

competencies for inclusion in Role-Profile Forms. The core competencies agreed were:

- (a) Technical Skills/Knowledge
- (b) Client Service
- (c) Communications.

Role-Profile Forms were agreed for each member of staff in respect of the second annual cycle of the PMDS, which commenced in January 2003, with interim and final reviews taking place as planned.

A Sub-Committee of Partnership was established in September 2003, to consider issues for the third annual cycle of the PMDS to commence in January 2004. Following agreement through the Partnership Committee a section dealing with underperformance was added to the PMDS for the 2004 cycle.

Upward Feedback

In November 2003 the Office commenced the process of carrying out a staff attitudinal survey as a first step towards the introduction of upward feedback within the PMDS. The Office sought tenders from specialists and ultimately the contract for the survey was awarded to HOSCA Management Consultants. (A more detailed report on the activities of the Partnership Committee during 2003 is set out in Chapter 3 of this Report.)

Merit Promotions

Although already in place for several years on a custom and practice basis, in October 2003 a formal agreement was reached between

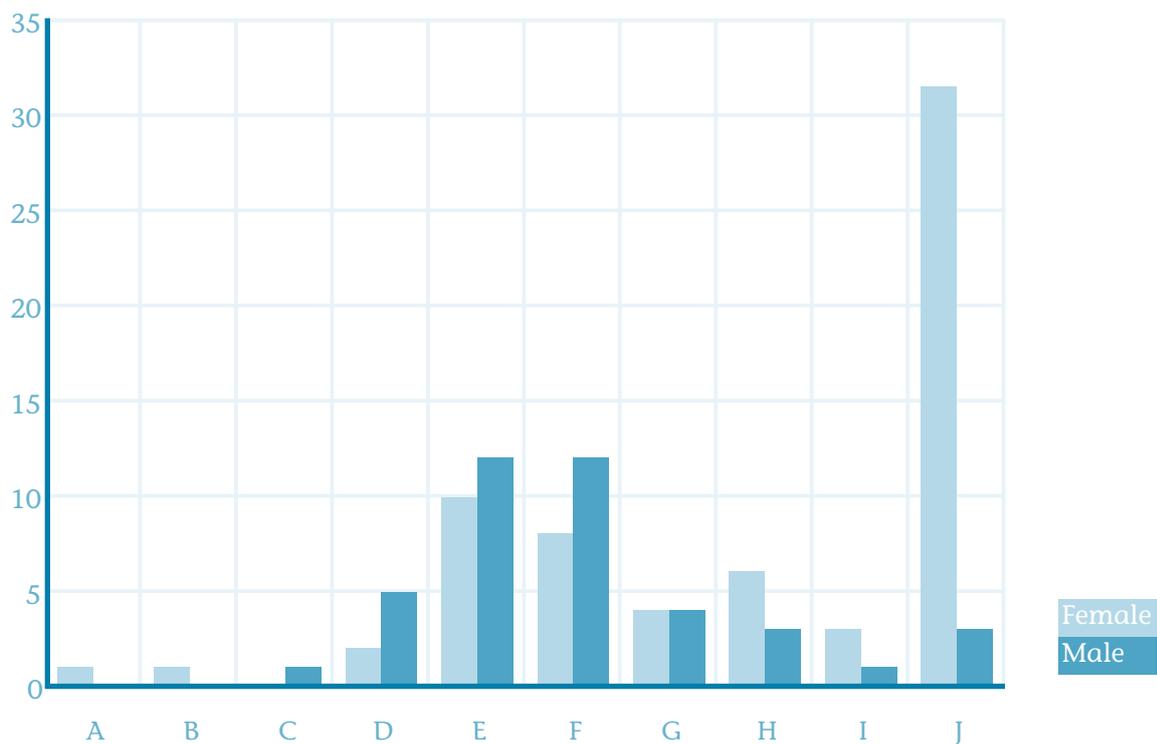
management and staff representatives that all future internal promotions would be on the basis of merit.

Gender Breakdown

The Merrion Street Office continues to exceed Government targets for gender balance. At the end of December 2003 the figures were as follows:



Gender Breakdown		Female		Male	
Grade		No.	(%)	No.	(%)
A	Director General	1	(100)	0	(0)
B	Chief Parliamentary Counsel	1	(100)	0	(0)
C	Deputy Director General	0	(0)	1	(100)
D	Assistant Secretary Level	2	(29)	5	(71)
E	Principal Officer Level	10	(45)	12	(55)
F	Assistant Principal Level	8	(40)	12	(60)
G	Higher Executive Officer Level	4	(50)	4	(50)
H	Executive Officer Level	6	(67)	3	(33)
I	Staff Officer Level	3	(75)	1	(25)
J	Clerical Officer Level	31.5	(94)	3	(6)



Exit Interviews

In conformity with best knowledge management practice, the Office introduced a formal system of Exit Interviews whereby the views, comments and suggestions of departing staff members can be gathered. These views are used, as appropriate, to improve systems within the Office where possible. For example, as a result of the feedback the Human Resource Unit now supplies starter information to new entrants before they take up duty.

Office Policies

During the year the Office set up Sub-Committees of the Partnership Committee to review Office procedures in relation to certain important issues such as Sick Leave and Probation. Both have significant knowledge and risk management implications.

Accessibility for Persons with Disabilities

The Office alerted the Civil Service Commission to the availability of suitable facilities in the Office and its willingness to employ people with disabilities. The proportion of staff with disabilities at the end of 2003 was 2.3 per cent but is increasing. The Office continued to improve its accessibility.

Training and Development in the Merrion Street Office

As 'knowledge-based' organisations supplying legal services, both the Merrion Street Office and the Chief State Solicitor's Office recognise the importance of training and development. The provision of adequate training and development opportunities has always been a

core value, and it is one that assumes even greater importance with increased legal specialisation.

In 2003 the Training Unit of the Merrion Street Office provided a high standard of training and development opportunities to staff in every sector of the Office.

A priority of the Unit was to organise training courses that met the training needs identified by staff and their supervisors under the PMDS. All additional courses offered in 2003 were to assist staff in the development of the technical skills, personal skills and organisational competencies identified under the PMDS.

An important development in 2003 was the completion of the Training Needs Analysis. This Analysis was used, in conjunction with the information extracted from the Role-Profile Forms, as a basis for strategic plans to address the organisational training needs of the Office for the future.

The Training Officers in both the Merrion Street Office and the Chief State Solicitor's Office continued to develop closer links and 'joined up' strategies in terms of training and development. Joint training courses were held in PMDS and Project Management. All ECHR training events organised during the year (see below) were shared between both Offices.

A number of innovative training responses were developed in 2003 to meet the Office's organisational objectives. These included organising a comprehensive range of



European Convention of Human Rights (ECHR) training events which were also attended by staff from other Departments, lectures and workshops on Articles 6 and 8 of the ECHR, the provision of European Computer Driving Licence training for staff and customer service training courses.

Along with the Office-wide training events, staff also attended many individual courses and conferences run by external providers throughout the year. Attendance at conferences, in particular, was highly important in allowing legal staff the opportunity to continue their legal education and to keep abreast of changes and developments in the law. During 2003, 54 staff members attended 87 external conferences and seminars as part of their training and development. Feedback from the conferences was given at group meetings and papers forwarded to the Library and Know-How Unit for wider use and circulation where appropriate. On legal topics, staff were encouraged to share their own knowledge and expertise with colleagues and as a result many in-house events were organised over the course of the year.

In 2003 regular joint meetings of Advisory Counsel and Parliamentary Counsel were held to discuss topical legal issues and case law, including the adoption of international agreements, administrative sanctions, liability of public decision-making bodies in negligence and recent case law concerning secondary legislation.

Refund of Fees

The Office continued to provide its Refund of Fees Scheme during the year to staff that pursued relevant third level courses in their own time. The Office's first formal Refund of Fees Policy was drawn up during the year, which offered guidelines on the refund of fees for educational courses undertaken by staff in the Office.

Language Training Policy

The Office also developed a Language Training Policy during the year. It established a framework and administrative rules to provide clarity in relation to the opportunities for language training available to staff in the Office.

Project Management Skills Development

In 2003 the Office continued to encourage staff to develop their Project Management skills, particularly staff who were assuming project management roles in respect of the major IT projects. Two Project Management Courses, delivered by external consultants, were organised for staff in the Office with a view to providing participants with the technical skills necessary to define, plan and implement projects successfully.

Training and Development Expenditure 2003

Overall expenditure on training and development in 2003 was €247,250, approximately 3.6 per cent of the salaries allocation for the year. A breakdown of this amount is set out in the table below.

Training and Development Expenditure 2003

Seminar, Conference and Training Courses fees	€106,212.56
Refund of Fees	€5,296.91
Cost of Consultants and External Trainers	€24,524.00
IT Training	€19,058.00
Trainer(s) Salaries and Overheads	€38,000.00
Cost of Courses attended by Trainers	€2,828.79
The purchase of new Training Materials	€6,779.00
All other costs associated with Training and Development*	€44,550.97
Total	€247,250.23

*(Travel and Subsistence costs directly related to Training and Development)

While expenditure on training for 2003 was somewhat lower than in 2002, this does not represent a reduction in training activity but rather greater cost efficiency by a move to undertake a larger proportion of training 'in-house'. The Office now has a dedicated Training Room and, where possible, this was used as the venue for training events that took place throughout the year.

Other Training Initiatives

During the year the Office of the Parliamentary Counsel to the Government made a significant contribution to training and development in a wider civil service context. In March 2003, the Office issued copies of a special booklet entitled *Statutory Instruments: Drafting Checklist and Guidelines* to Government Departments and Offices. The Guide provides assistance to Departments and Offices in regard to format and style when drafting an instrument. It is a useful and practical knowledge management initiative. In the period July to September 2003, the

Office also assisted the Revenue Commissioners in the preparation of their in-house publication *Guide to the Legislative Process 2003*. Finally, the Office's *Drafting Manual*, which contains guidelines and precedents to assist drafters, was placed in the Oireachtas Library in September 2003.

Chief State Solicitor's Office

Human Resource Management

Like the Merrion Street Office, in 2003 the Human Resources Section of the Chief State Solicitor's Office endeavoured to develop a more structured approach to the monitoring, assessment and development of staff during probation. The Section reviewed the Probation process and prepared a draft policy document for the guidance of the Office. This policy was approved by the Partnership Committee.

Consultants were engaged in December 2003 to facilitate the Office in conducting a staff attitudinal/climatic survey of the Performance



Management and Development System (PMDS). A full report on the activities of the Partnership Committee during 2003 is set out in Chapter 3 of this Report.

Performance Management and Development System

A Performance Management and Development System (PMDS) is in place. With the agreement of the Partnership Committee the following core competencies were included in new Role-Profile Forms for the second annual cycle of the PMDS.

- (a) Managing People
- (b) Customer Service
- (c) Technical Capabilities
- (d) Teamwork.

Role-Profile Forms were agreed for each member of staff in respect of the second annual cycle of PMDS, which commenced in January 2003, and interim reviews and final reviews were duly conducted.

Training and Development in the Chief State Solicitor's Office

Acknowledging the role of training and development in a 'knowledge-based' organisation, the Office has endeavoured to ensure that staff members have access to continuing training and development opportunities. The Office prepared a training-needs analysis in December 2003, which was subsequently approved by the Management Advisory Committee and the Partnership

Committee. This document formed the basis for a detailed training and development plan for the Office for 2004.

Like the Merrion Street Office, the Training Unit in the Chief State Solicitor's Office, in conjunction with the Human Resources Section, examined and revised the induction process in the Office. From December 2003, all new staff in the Office received induction training. In November 2003, the Training Unit produced a policy on the evaluation of training and the impact of training on the Office.

As outlined above, the Training Officers in the Office and in the Merrion Street Office co-operated in cross-Office training initiatives so as to achieve maximum value for money.

The Office arranged placement of members of its staff involved in European litigation with the European Court of Justice, in order to obtain exposure to the working of that Court and to learn from the experience. During the year one solicitor visited Luxembourg for a three-week period.

During the year the Office continued to operate the scheme for the training of legal executives as solicitors and the scheme for the training of clerical staff as legal executives.

Training and Development Expenditure 2003

Overall expenditure on training and development in 2003 was €305,647, approximately 2.25 per cent of the salaries allocation for the year. A breakdown of this amount is set out in the table below.

Financial Developments

Expenditure Reviews

The Management Advisory Committees of both the Merrion Street Office and the Chief State Solicitor's Office review expenditure trends monthly. In the Merrion Street Office budgets in respect of travel and training were delegated to line managers in July 2003. A Working Group was set up and continued to further review the process of delegating budgets throughout the year. In the Chief State Solicitor's Office some devolution of responsibility for budgets in the areas of IT

and Training and Development was undertaken. Further devolution took place in January 2004, when responsibility for training and travel budgets was devolved.

The Merrion Street Office and the Chief State Solicitor's Office issued an Invitation to Tender in August 2003, for the supply of the Offices' first integrated Financial Management System. Progress in this regard is outlined in more detail in Chapter 7 of this Report.

A revised process for sanctioning and paying Counsels' Fees was implemented in the Merrion Street Office and the Chief State Solicitor's Office in early 2003, resulting in a greater delegation of functions to the Chief State Solicitor's Office. The joint Management Advisory Committee for both Offices continued to monitor the payment of Counsels' Fees.

Training and Development Expenditure 2003

Seminar, Conference and Training Course fees	€149,446
Refund of Fees	€36,481
Cost of Consultants and External Trainers	€6,860
IT Training	€40,656
Trainer Salaries and Overheads	€43,547
Cost of Administration	€3,500
Cost of Courses attended by Trainers	€1,500
The Purchase of new Training Materials	€773
Any other Costs associated with Training and Development*	€22,884
Total	€305,647

*(Travel and Subsistence costs directly related to Training and Development)



Chapter 6: Progress Achieved in reaching Key Objective 3

Key Objective 3

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

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

The strategies to achieve this objective will be:

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

- > Internal, and
- > external clients.

Progress Achieved

Statement of Strategy 2003–2005

The Office's Statement of Strategy 2003–2005 was published in April 2003, and printed in the English and Irish language versions. It has been available on the Office's website since 1 August, 2003. The Strategy Statement and the related Business Plans formulate and set out ways of achieving challenging key objectives and strategies, taking account of the customer service principles and the goals set out in the Merrion Street Office's *Client Service Guide 2002–2004* and the Chief State Solicitor's Office's *Customer Action Plan 2002–2004*.

Merrion Street Office

During 2003 the Merrion Street Office made significant progress in the area of quality customer service. As reported in Chapter 4, a review of Groups on the Advisory side was initiated in October 2003, to include the distribution and organisation of work having regard to the Office's priority for specialisation and how Groups undertake their business with a view to improving the delivery of quality legal services to clients. Changes highlighted in the course of this review were planned for implementation on an ongoing basis from January 2004.

A spin-off from greater specialisation is the increased capacity of Advisory Counsel groups and Parliamentary Counsel groups to develop greater ties with client Departments whose



work falls within their particular area of specialism. These ties are further developed through the constructive use of information exchange meetings and review meetings with these Departments in accordance with our business plans. Chapter 4 of this Report also includes details of steps taken by Advisory Counsel to improve client service in the areas of asylum and immigration, ECJ litigation and ECHR training. That Chapter also includes details of initiatives undertaken by Parliamentary Counsel with the issue of the Office's Statutory *Instruments: Drafting Checklist and Guidelines* manual to client Departments and Offices, the placing of their *Drafting Manual* in the Oireachtas Library and assisting the Revenue Commissioners in the preparation of their in-house publication, *Guide to the Legislative Process 2003*.

During the year staff in the Merrion Street Office and the Chief State Solicitor's Office attended training courses in telephone etiquette, presentation skills, business writing, professional report writing and Irish language skills to further enhance the delivery of service to both internal and external clients.

The IT Unit continued to operate a very successful internal Office Helpdesk to facilitate a co-ordinated approach to handling issues. Helpdesks were also set up during the year in the Services Unit and Registry to ensure that problems and issues are dealt with expeditiously, thus providing an improved quality of service delivery to its clients within the Office.

The Office continues to recognise the need for the introduction of flexible working arrangements specifically geared towards the demands of clients. During 2003 the Office introduced the following initiatives:

- Typists are available at all times as required and, on a voluntary rota basis, one is always contactable via mobile phone outside of normal working hours.
- Certain key staff are available via mobile phone outside of normal working hours.
- The Office introduced an informal on-call system to deal with specific work demands that arose outside of normal working hours.
- Depending on the workload and its urgency, working late, working at weekends, arriving early and taking much less than the time allowed for lunch are also features of flexible attendance patterns in operation within the Office.

Client and Customer Charter

A Sub-Committee of the Office's Partnership Committee was established in October 2003, to oversee the preparation of the Office's first Customer Charter and the initial step of considering an appropriate method of consultation with clients. Members of the Sub-Committee attended a training course given at central level in relation to the consultation phase of the process.

Chief State Solicitor's Office

Like the Merrion Street Office, the effectiveness of the Chief State Solicitor's Office can be assessed on a number of levels, one of the key areas being how well it meets the needs of its customers. The Office's *Customer Action Plan 2002–2004* sets down objectives for the delivery of high quality legal services to clients in areas such as meetings and liaison with customers, documentation, response times, consistency of advice, skills development, equality, website development and court hearings.

During 2003 the Office undertook specific initiatives with a view to improving the quality of the delivery of legal services. The Office appointed six specialist legal staff at solicitor grade. These appointments resulted in the following outcomes:

- Setting up of a dedicated management of property law services for the Department of Defence and the Department of Communications, Marine and Natural Resources. Another outcome of these appointments was the reorganisation of resources available to manage and defend court proceedings
- Reorganisation of resources available to manage and defend court proceedings and Inquiry business in the area of child abuse with particular reference to current High Court litigation, Laffoy Commission and Redress Board matters
- Dedicated specialist management of the Justice and Crime portfolio with particular

attention to extradition caseload. Also specialist attention to the commencement and operation of the new European arrest warrant procedure

- Strengthening of specialist lawyer input to judicial review cases taken against the Government, Departments and State Offices
- Strengthening of specialist lawyer input into Constitutional and Commercial litigation cases taken against the State.

The assignment, in 2002, of a solicitor to specifically deal with commercial contract work for client Departments and Offices continued to operate very successfully in 2003.

Other initiatives undertaken during the year included the setting up of a dedicated IT link with the Office of Public Works (OPW) to facilitate the provision of case instruction updates which will in time be replaced with a dedicated extranet. Also, the Office is committed to the use of 'plain language' as a customer action issue and the use of plain language has been included in the Office's Training Plan and induction courses for new staff. This will be further developed in the context of workflow development as part of the implementation of the new Case and Records Management System.

During the year, the Office continued to focus on client meetings as a mechanism for discussing delivery standards and highlighting any deficiencies or issues. Regular meetings were held with clients in the areas of Office of



Public Works Conveyancing and Property cases, State Claims Agency, Child Abuse, Public Law and Asylum cases.

In the case of the Office of Public Works, meetings were held at team leader level and were augmented by lower level meetings to effectively track progress on files at the operational level. A new working group (comprising Head of Property Management, a Team Leader from Property Management, IT support and a Team Leader from CSSO) was set up during the year to develop a system for ongoing and effective tracking of files from inception to completion both in the OPW and the Office. The development of milestones within cases was initiated during the year both as regards the day-to-day management of workloads and the overall long-term management of files.

Customer Charter

The Office engaged external consultants to undertake on behalf of the Office a customer survey and to prepare the Office's first Customer Charter.

Chapter 7: Progress Achieved in reaching Key Objective 4

Key Objective 4

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

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

The following are the main strategies:

- To deliver and implement effective information technology systems that provide improved management information to support the e-Government initiative and effective managerial decision-making and control, performance measurement and evaluation to enable an increased focus on outputs and greater transparency in the use of resources.
- To develop and implement a programme of document and record management so as to

improve organisational efficiency and rationalise file maintenance.

- To develop and implement, in consultation with other stakeholders and having regard to the e-Cabinet initiative, an e-Legislation solution to support the authoring and management of legislation through the legislation life cycle in support of the e-Government initiative.
- To continue to maintain and develop methods to report and evaluate progress in the delivery of quality customer service and to reflect this objective in the development of MIF practices.
- To put in place enhanced policies to further ensure that value for money is received by the Office in the expenditure of its estimate allocation.
- Actively engage in an agreed programme of expenditure reviews with the Department of Finance.
- To ensure the implementation of the Management Information Framework.

Progress Achieved

During 2003 the Office built significantly on the progress made in the previous year on the implementation of its Information Technology Strategy, the primary focus of which is to put in place efficient and effective IT systems to support the Office in the pursuit of its business objectives.



Case and Records Management System

The Merrion Street Office, in conjunction with the Chief State Solicitor's Office, issued an Invitation to Tender for the supply of a new Case and Records Management System. Following the evaluation of tenders a consortium led by Hewlett Packard (HP) was awarded the contract in July 2003 to supply and install the new system. The new single system architecture, covering both Offices and supported by a joint Records Management Policy, will enhance customer service and achieve cost efficiencies and better internal file and records management processes. Intensive workshops took place involving cross-functional teams from both Offices to review and evaluate the functionality of the system proposed by the vendor.

A review of all business processes in the Offices was completed in September 2003 so as to ensure that the proposed system would support these processes and to ensure a maximisation of the technology supplied. In addition, a full review of all databases used in the Offices was undertaken and completed in November 2003 so as to ensure the accuracy and currency of all information to be migrated to the new system. The Offices also undertook a process to identify integration requirements with other internal and external systems such as the proposed new Financial Management System and the e-Cabinet system. The identification of systems user training requirements for the changeover from Lotus Notes to Microsoft Outlook was completed in October 2003.

As mentioned above the proposed new Case and Records Management System will be supported by a joint Records Management Policy for both Offices. During the year much progress was made in the development of this policy. One key element of the policy is the development of a master classification plan which will support the capture, organisation and management of information, knowledge and expertise within both Offices.

Financial Management System

Following consultation with the Centre for Management and Organisational Development in the Department of Finance an Invitation to Tender was issued in August 2003 for the supply of a new Financial Management System for both the Merrion Street Office and the Chief State Solicitor's Office. In November 2003 Mentec were awarded the contract to supply and install the Financial Management System. The new system, which went live in July 2004 will enable both Offices to process all non-pay requests for payment from suppliers, a function previously carried out by the Department of Finance on an agency basis, and will also enable the Offices to meet our requirements under the Management Information Framework initiative.

Management Information Framework

As outlined above the Office is fully committed to installing a new Financial Management System in support of the Government Decision of 11 February 2003 to enable financial management reform under the Strategic Management Initiative (SMI).

During 2003 the Office as a whole made much progress towards the modernisation of the Office's accounting systems to meet with new financial management, costing and performance reporting requirements.

The Project Board of the Management Information Framework (MIF), representative of the Merrion Street Office and the Chief State Solicitor's Office, met in October 2003, to initiate discussions in relation to performance indicators, a MIF communications strategy and costing options for the Office. The Board continued to meet during 2003 and agreed an outline legal service cost methodology in June 2003 for the purposes of including appropriate requirements in the Invitation to Tender for the new Financial Management System. Also, the Board identified the first tranche of high-level financial management information requirements in November 2003. In August 2003 the Office initiated the development of financial and non-financial performance indicators in the context of the development of the new Financial Management System and Case and Records Management System, and the Project Teams for the two systems liaised during the year in regard to the costing issue.

Infrastructural and Other IT Projects

Further inroads were made into the infrastructural projects that will support the business systems and the majority of these have been completed.

Work was progressed to a lesser extent on e-Legislation and on the Human Resources Management System. A formal Knowledge

Management Strategy was developed for the Office during 2003 with external expert assistance and this will form the basis of a number of initiatives including the implementation of a technical solution to replace the existing Know-How System in the Office.

The Office of the Parliamentary Counsel to the Government (OPC) co-operated in a project with the Office of the Houses of the Oireachtas to develop an agreed system-independent technical specification for Bills. The OPC also developed similar specifications for Statutory Instruments and Restatements and it is intended that these will be incorporated into the e-Legislation system across both Offices.

In September 2003 the Office website was reviewed and updated with the 2002 Chronological Tables, Acts and Statutory Instruments and the Sale of Goods Restatement, the Office's new Statement of Strategy and details of Office recruitment notices.

The nomination of counsel process has been enhanced by the making available of the application form on the Office website since end July 2003. Also, in October 2003, the Merrion Street Office redesigned its intranet site to facilitate an enhanced layout and presentation for the benefit of staff.

Expenditure Review Initiative

The purpose of expenditure reviews is to evaluate the efficiency and effectiveness (value-for-money) of expenditure programmes,



including the extent to which current and future aims and objectives of programmes are being realised and the adequacy of existing performance indicators insofar as monitoring is concerned. The Office's proposals for reviews in respect of the Attorney General's Scheme (jointly with the CSSO), the Law Reform Commission, the Provision of Stenographers Services and Costs Recovery were approved by the Department of Finance in September 2003. None of the reviews commenced in 2003 due to other work demands.

Chapter 8: Progress Achieved in reaching Key Objective 5

Key Objective 5

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

The following are the main strategies:

- To develop and implement a knowledge management strategy and select a knowledge management (KM) application as outlined in that strategy. This strategy will also identify non-technical solutions to knowledge sharing across both offices.
- To select appropriate information resources/services with an emphasis on electronic delivery and co-ordination of purchasing agreements, where appropriate between the Merrion Street Office and the Chief State Solicitor's Office libraries.
- To provide appropriate library/information skills training to ensure that the Office's information resources are used effectively and to support wider Office training initiatives.

Progress Achieved

The Library and Know-How Units of the Merrion Street Office and Chief State Solicitor's Office provided a wide range of law library facilities, legal research and know-how services during 2003. The primary clients of the Merrion Street Office's Library and Know-How

Unit were the Attorney General, Advisory Counsel, the Office of the Parliamentary Counsel to the Government, the Statute Law Revision Unit and administrative staff. The secondary clients included departmental legal advisers and other civil servants.

The primary clients of the Chief State Solicitor's Office Library and Know-how Unit were the Chief State Solicitor, solicitors, legal, technical and administrative staff of the Office who are located in Osmond House, Harcourt Street (Criminal Asset Bureau) and South Fredrick Street (Army Hearing Loss Section). Library services were also provided to solicitors assigned to the various Tribunals of Inquiry. The secondary clients included local state solicitors, government agencies and other civil servants. The Library changed its name to the Library and Know-How Unit in June 2003. This name change reflected the additional responsibilities and functions to be undertaken by the Unit in respect of knowledge management (KM) and the increasing importance of KM initiatives in the services offered by the Library.

Library and Know-How Unit Services provided during 2003

Both Units provided their internal clients with the following services in 2003:

- Webcat, an online library catalogue
- Access to an up-to-date hardcopy law collection (textbooks, case law, legislation)
- Desktop access to a substantial electronic law collection



- Legal know-how database (AGO only)
- Legal information/research services
- Information skills training
- Current awareness services
- Access to external libraries and information services
- Loans and inter-library loans service
- Document delivery service
- Legal diary service and archive (CSSO only).

Both Units worked jointly to produce a number of tailored current awareness services. The staff in both Units shared their knowledge and expertise with each other on an ongoing informal basis.

The Merrion Street Office Legal Researchers commenced the provision of a proof-reading service for the Office of the Parliamentary Counsel to the Government in the final quarter of 2003.

Unicorn Library Management System

A multi-library management system (Unicorn) is shared by the Units and by the Law Reform Commission. The Systems Librarian in the Merrion Street Office provided systems administration support for this multi-library system. Unicorn enables library staff and users in both Offices, and the Law Reform Commission, to search the collections of all three libraries simultaneously. Unicorn also facilitates the shared cataloguing of legal materials by library staff, thereby reducing duplication of work and increasing efficiency.

Knowledge Management Strategy

The Office adopted a Knowledge Management Strategy in April 2003. The Strategy provides a framework for identifying, capturing, delivering and reusing AGO/CSSO knowledge and information to enable greater work efficiency and enhance the delivery of legal services. The Offices, with the assistance of an external consultant and a project team of legal, administrative, Library and Know-How and IT staff, developed the Strategy following an Office-wide information audit. The AGO/CSSO Knowledge Management Strategy follows best practice where possible, addresses the finding of the information audit and builds on existing knowledge management initiatives within both Offices. Twenty recommendations broadly supporting the following areas will be implemented over the next three years:

- Fostering and developing a knowledge sharing culture
- Developing procedures to help staff share knowledge and information with their colleagues
- Implementing appropriate technology and procedures to assist staff in capturing, reusing and disseminating their knowledge and information to colleagues
- Implementing procedures and appropriate technologies to make the skills, subject expertise and responsibilities of staff accessible and available to all.

In order to assist the implementation of the Strategy and to support and monitor the

progress of Knowledge Management initiatives, a Knowledge Management Core Team was also established. As the KM Strategy is closely aligned with the key objectives of the Statement of Strategy and knowledge management is a feature of the *Sustaining Progress* partnership agreement, this team comprises senior legal managers and managers of key business units such as IT, Human Resources, Library and Training.

Progress was achieved on twelve out of the twenty recommendations during 2003. Recommendations aimed at supporting and developing fora for the exchange of tacit knowledge, such as the establishment of Legal Issues Meeting in the CSSO and the information sharing meeting between Executive Officer and Staff Officer Grades were explored.

The Library and Know-How Units had particular responsibility for implementing a number of recommendations including the publication by the Merrion Street Library & Know-How Unit of a series of Legal Reference Guides on highly topical and substantive areas of law. In addition, the Units commenced the production of a monthly *Legal Bulletin*. The *Legal Bulletin* provides staff with information on legal developments, abstracts of key internal documents such as opinions, advices and reviews of conferences attended.

Also in 2003 a project team from the CSSO scoped and examined the resources and requirements for the production of an Office newsletter. The newsletter will keep staff

informed of Office developments, progress on key IT projects and Office social news.

IT-dependent knowledge management recommendations, such as the development of taxonomies, a shared intranet (which will include a skills locator and other applications to support knowledge management) and a Merrion Street Office/CSSO knowledge management application, will be developed over the lifetime of the Strategy. Some preliminary scoping of these projects took place in 2003 by the Knowledge Management Core Team.

New legal Know-How Database

It has been agreed that work on the IT-based knowledge management recommendations will commence further to the implementation of the Case and Records Management System. The current Merrion Street Office's legal know-how database was updated on an ongoing basis during 2003 with selected key internal legal documents. This database is available at the desktop of all legal staff. The legal staff in the Chief State Solicitor's Office have access to the database via the Office's Law Librarian.

Collection management

The Merrion Street Office Library and Know-How Unit's collection development strategy was revised for 2003. The print and electronic resources of both libraries were enhanced and purchasing was co-ordinated where possible. The Unit's intranet pages were re-developed during 2003 and provided 'one-stop-shop' access to all library resources and services. Similarly, the Chief State Solicitor's Office



Library and Know-How Unit updated the Unit's material on the Office's Lotus Notes Bulletin Board to provide staff with information on collections, services and developments.

Information Skills Training

Both Library and Known-How Units devised bi-annual information skills training programmes to ensure that users exploited library resources effectively and to develop their general information retrieval skills. Feedback mechanisms are in place to ensure that this training is closely aligned to users' requirements. The Units also provided support to Office-wide training initiatives, in particular the European Convention on Human Rights Working Group education programme for 2003.

Disaster and Recovery Plan

The Merrion Street Office Library and Know-How Unit disaster and recovery plan, which was finalised in late 2003, outlines plans at a practical level for responding to unexpected events, such as fire or flood, which could have potentially destructive consequences for the Unit's holdings and services. A similar plan for the Chief State Solicitor's Office Library and Know-How Unit is in progress.

Retrospective Cataloguing

During the year the retrospective cataloguing of statutory instruments in the Merrion Street Office was completed. Substantial progress was made during 2003 on retrospective cataloguing of the core textbook and judgment collection in the Chief State Solicitor's Office.

Chapter 9: Progress Achieved in reaching Key Objective 6

Key objective 6

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

In addition to those matters referred to in Key Objectives 1 to 5, which have been dealt with in this Report, the following main strategies are to be pursued:

- Provide legal services to Government in the handling of cross-cutting issues and legal policies by attending and advising on inter-departmental committees and working groups.
- Participate constructively with legal advisers in Government Departments to ensure that the advice given is consistent with other advices given by the Attorney General.
- Strategic management of litigation, particularly mass claims.
- Review of current practices in relation to litigation and interventions in cases before the European Court of Justice.
- Participate in a consultation process with the Law Reform Commission in its role in reviewing, examining and formulating proposals for Law Reform
- Support the development of the IT strategies of the Courts Service and of the judiciary
- Organise/sponsor and hold a conference on International law issues currently relevant to Ireland.

Progress Achieved

Inter-Departmental Committees and Working Groups

During 2003 the Merrion Street Office and the Chief State Solicitor's Office had a very active participation in a range of cross-departmental projects and groups on both legal and non-legal issues. A full list of these committees and groups is at Annex E.

Government Legislation Committee

Another key mechanism which facilitates the co-ordination of the legal services of the State is the Government Legislation Committee.

During 2003 the Office of the Parliamentary Council (OPC) was centrally involved in the work of this Committee. Chaired by the Government Chief Whip, the Committee prioritises legislative proposals and facilitates the implementation of the Government's Legislation Programme by:

- Estimating likely dates for the presentation of texts of Bills to Government for approval and for subsequent publication
- Subject to the Cabinet, assigning drafting priority to Bills where the Heads of the Bill (i.e. the Departmental instructions for the drafter of the Bill) have been approved by Government



- Preparing and agreeing the draft Press Release, for approval by Government, on the Government's Legislation Programme (published three times a year before the commencement of each Dáil Session).

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.

The OPC reports weekly to the Government Legislation Committee, detailing progress on the drafting of Bills and statutory instruments that transpose EU measures into domestic legislation.

The OPC's continued participation in the work of the Government Legislation Committee provides a vital mechanism for mediating between the competing claims of Departments for the services of the OPC and for dealing with any problems that may arise in relation to the smooth and speedy implementation of the Government's Legislation Programme.

“Cross cutting” or “Interdepartmental Issues”

As set out in Chapter 3 an emerging trend is the need for legal services in the resolution of issues which straddle the remit of several Government Departments. Generally these issues are dealt with through the mechanism of interdepartmental Working Groups and Task Forces. Examples of such policy areas are EU Affairs, North South matters, immigration and asylum, education and healthcare etc.

These discrete, inter disciplinary teams, require new methods of working to which the system as a whole, and the Office of the Attorney General within that system, must adapt.

Co-operation with Legal Advisers in Government Departments

The Merrion Street Office and the Chief State Solicitor's Office continued to foster constructive working relationships with legal advisers in Government Departments. The importance of these links continues to grow given the increasing number of complex inter-Departmental legal issues which arise. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsels and Departmental Legal Advisers co-operated during the year in a large range of matters so as to ensure a consistency in advices given by them with other advices given by the Attorney General.

Management of Litigation – particularly mass claims

During the year the Office continued in its mission to work with Departments to minimise the cost of mass litigation to the Exchequer. The Office endeavoured to manage claims in a proactive and strategic fashion so as to achieve the optimum outcome for the State.

In 2003 the Office operated systems which were already in place allowing for close co-ordination with the State Claims Agency in relation to delegated claims. Both formal and informal channels of communication between the Office and the Agency permitted the Office

to avail of specialised claims management expertise residing there.

In particular, in handling non-delegated personal injuries litigation, the Office focused on liability issues at an earlier stage in the litigation process, so as to reduce the overall cost of claims.

In the context of the greater specialisation of the Advisory Counsel Groups, and in pursuance both of objectives under business plans and of commitments under the Client Service Charter, regular review meetings took place with client Departments in certain key sectors. These included asylum and immigration, child abuse, special education cases, etc.

European Court of Justice Litigation and Interventions

An important strategy in pursuance of Key Objective 6, as stated earlier in this chapter, is for the Office of the Attorney General to review current practices in relation to litigation before the European Court of Justice (ECJ).

Accordingly, as mentioned earlier, an Advisory Counsel from the Merrion Street Office attended the European Court of Justice in Luxembourg from November 2002, to mid-March 2003. Also in 2003, a solicitor from the Chief State Solicitor's Office went to the Court on two occasions for two-week periods.

As a result of the information obtained, the Offices set up a Working Group on Reform of Procedures in ECJ Litigation to examine procedures and make recommendations about

the State's involvement in ECJ litigation. The Group has already made a number of practical recommendations for the better co-ordination of the response of the State to ECJ litigation.

Participation in IT Strategies

Participation in IT strategies across the civil service presents another opportunity for the more effective co-ordination of legal services. For this reason, the Office continued to be represented during 2003 on the Business Liaison Group for e-Cabinet to ensure that the Office is fully aware of the system's capabilities and that the functionality is developed in a manner that will meet its business requirements.

During the year the Office continued to co-operate with the Courts Service in the development of its IT strategy. Legal and IT staff in the Office are members of and participated in the work of the Supreme Court Group on Computerisation. The Office's involvement in this group is to ensure that the architecture and functionalities of our systems match the requirements of the technology being developed and implemented by the courts in its modernisation programme.

Finally, the Office is represented on the Committee on Video-Conferencing established by the Minister for Justice, Equality and Law Reform in January 2003. This Committee is examining the extent to which video-conferencing technology has the potential to improve the efficiency and effectiveness of the conduct of criminal and civil trials.



The Committee is currently preparing an interim report to the Minister on this potential with regard to the conduct of pre-trial hearings involving prisoners, e.g. bail and remand hearings and the facilitation of contact and consultation between lawyers and prisoners.

Law Reform Commission

An important component in co-ordinating the legal services of the State is to adopt a co-ordinated approach to law reform. During 2003 the Merrion Street Office continued through consultation and contacts to facilitate the Law Reform Commission in its role in reviewing, examining and formulating proposals for law reform. The joint Committee formed for this purpose and comprising representatives of both the Merrion Street Office and the Law Reform Commission met on a number of occasions. In addition, senior staff in the Judicial Review Section in the Chief State Solicitor's Office participated in the Law Reform Commission's research project on practice and procedure in Judicial Review and have made submissions on reform in this area.

Apart from legal initiatives, there were also IT developments. The Law Reform Commission website (which was developed by the Merrion Street Office's IT Unit in 2001) was updated by the Commission and now provides a *Latest News* section. The site also provides full access to all of the Commission's publications since the foundation of the Commission in 1975. These can be viewed and downloaded online.

Library and Know-How was also an area for fruitful co-operation between the Law Reform

Commission and the Merrion Street Office. During the year, the Office assisted the Commission with preparations for the roll-out of desktops of library catalogue, which allow the Commission's researchers to consult the library collection from their desks and for the roll-out of self-issue in the Commission library, which allows the researchers to borrow books and law reform publications from the collection.

The Merrion Street Office's Library and Know-How Unit co-operated on the library catalogue development with the Commission's Information Manager. A considerable amount of work, including research and programme testing, was also carried out by the Unit in preparation for the installation of self issue in the Law Reform Commission. The Library and Know-How Unit of the Merrion Street Office continues to provide systems administration support for the multi-library management system in the Commission.

Annexes





Annex A

Government Bills Published in 2003 (46)

- Aer Lingus Bill 2003
- An Bord Bia (Amendment) Bill 2003 [Seanad]
- Appropriation Bill 2003
- Broadcasting (Funding) Bill 2003 [Seanad]
- Broadcasting (Major Events Television Coverage) (Amendment) Bill 2003 [Seanad]
- Central Bank and Financial Services Authority of Ireland Bill 2003
- Civil Registration Bill 2003
- Commissions of Investigation Bill 2003
- Companies (Audit and Accountancy) Bill 2003 [Seanad]
- Courts and Court Officers (Amendment) Bill 2003
- Criminal Justice (Joint Investigation Teams) Bill 2003 [Seanad]
- Education for Persons with Disabilities Bill 2003
- Employment Permits Bill 2003 [Seanad]
- European Arrest Warrant Bill 2003
- European Communities (Amendment) Bill 2003 [Seanad]
- European Parliament Elections (Amendment) Bill 2003
- Finance Bill 2003
- Freedom of Information (Amendment) Bill 2003 [Seanad]
- Garda Síochána (Police Co-operation) Bill 2003 [Seanad]
- Health Insurance (Amendment) Bill 2003 [Seanad]
- Independent Monitoring Commission Bill 2003 [Seanad]
- Industrial Relations (Amendment) Bill 2003
- International Criminal Court Bill 2003
- International Development Association (Amendment) Bill 2003
- Intoxicating Liquor Bill 2003
- Local Government (No. 2) Bill 2003 [Seanad]
- Local Government Bill 2003 [Seanad]
- Maternity Protection (Amendment) Bill 2003 [Seanad]
- Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Bill 2003
- Motor Vehicle (Duties and Licences) Bill 2003
- Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Bill 2003 [Seanad]
- Personal Injuries Assessment Board Bill 2003 [Seanad]
- Protection of Employees (Fixed-Term Work) Bill 2003 [Seanad]
- Protection of the Environment Bill 2003 [Seanad]
- Public Health (Tobacco) (Amendment) Bill 2003
- Public Service Management (Recruitment and Appointments) Bill 2003
- Redundancy Payments Bill 2003 [Seanad]
- Residential Tenancies Bill 2003
- Road Traffic Bill 2003
- Sea Pollution (Miscellaneous Provisions) Bill 2003 [Seanad]
- Social Welfare (Miscellaneous Provisions) Bill 2003
- Social Welfare Bill 2003
- Taxi Regulator Bill 2003
- Transfer of Execution of Sentences Bill 2003 [Seanad]
- Tribunals of Inquiry (Evidence) (Amendment) Bill 2003 [Seanad]
- Water Services Bill 2003 [Seanad]

Annex B

Public Bills Enacted in 2003 (46)



Appropriation Act 2003
Arts Act 2003
Broadcasting (Funding) Act 2003
Broadcasting (Major Events Television Coverage)(Amendment) Act 2003
Capital Acquisitions Tax Consolidation Act 2003
Central Bank and Financial Services Authority of Ireland Act 2003
Companies (Auditing and Accounting) Act 2003
Containment of Nuclear Weapons Act 2003
Courts and Courts Officers (Amendment) Act 2003
Criminal Justice (Illicit Traffic by Sea) Act 2003
Criminal Justice (Public Order) Act 2003
Criminal Justice (Temporary Release of Prisoners) Act 2003
Data Protection (Amendment) Act 2003
Digital Hub Development Agency Act 2003
Employment Permits Act 2003
European Arrest Warrant Act 2003
European Communities (Amendment) Act 2003
European Convention on Human Rights Act 2003
Finance Act 2003
Freedom of Information (Amendment) Act 2003
Fisheries (Amendment) Act 2003
Garda Síochána (Police Co-operation) Act 2003
Health Insurance (Amendment) Act 2003
Houses of the Oireachtas Commission Act 2003
Immigration Act 2003
Independent Monitoring Commission Act 2003
Industrial Development (Science Foundation Ireland) Act 2003
Intoxicating Liquor Act 2003
Licensing of Indoor Events Act 2003
Local Government Act 2003
Local Government (No. 2) Act 2003
Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003
Motor Vehicle (Duties and Licences) Act 2003
National Tourism Development Authority Act 2003
Official Languages Act 2003
Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act 2003
Opticians (Amendment) Act 2003
Personal Injuries Assessment Board Act 2003
Protection of the Employees (Fixed-Term Work) Act 2003
Protection of the Environment Act 2003
Redundancy Payments Act 2003
Road Traffic Act 2003
Social Welfare Act 2003
Social Welfare (Miscellaneous Provisions) Act 2003
Taxi Regulation Act 2003
Unclaimed Life Assurance Policies Act 2003

Annex C

Extract from Appropriation Accounts 2003 Merrion Street Office.

Office of the Attorney General Vote 13

Account of the sum expended, in the year ended 31 December 2003, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Office of the Attorney General, including a grant-in-aid.

Service		Estimate Provision	Outturn	Closing Accruals
		€'000	€'000	€'000
Administration				
A1	Salaries Wages & Allowances	6,739	7,002	-
A2	Travel & Subsistence	394	200	7
A3	Incidental Expenses	939	743	(44)
A4	Postal & Telecommunication Services	177	162	(7)
A5	Office Machinery & Office Supplies	2,295	1,069	(18)
A6	Office Premises Expenses	408	201	1
A7	Consultancy	1,246	657	66
Other Services				
B	Contributions to International Organisations	27	24	
C	Law Reform Commission (Grant-in-Aid)	1,577	1,577	-
D	General Law Expenses	160	27	-
Gross Total		13,962	11,662	5
Deduct				
E	Appropriation- in-Aid	13	17	8
Net Total		13,949	11,645	(3)
Surplus to be surrendered:				€2,303,680

Annex C

Extract from Appropriation Accounts 2003 - CSSO.

Office of the Chief State Solicitor Vote 18

Account of the sum expended, in the year ended 31 December 2003, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Office of the Chief State Solicitor.

Service		Estimate Provision	Outturn	Closing Accruals
		€'000	€'000	€'000
Administration				
A1	Salaries Wages & Allowances	13,547	13,339	-
A2	Travel & Subsistence	207	196	6
A3	Incidental Expenses	882	853	42
A4	Postal & Telecommunication Services	555	440	43
A5	Office Machinery & Office Supplies	3,082	1,019	37
A6	Office Premises Expenses	286	254	3
A7	Consultancy	277	247	4
Other Services				
B	Fees to Counsel	7,500	9,028	1,543
C	General Law Expenses	4,250	4,165	210
Gross Total		30,586	29,541	1,888
Deduct				
D	Appropriations in Aid	190	803	4,306
Net Total		30,396	28,738	(2,418)
Surplus to be surrendered:				€1,657,749

Annex D

Report on payment practices for 2003:
Office of the Attorney General, Merrion Street

General

1. Most payments made on behalf of this Office are made by our paying agent, the Department of Finance Accounts Branch, which complies with the terms of the Prompt Payments of Accounts Act 1997. It should be noted that the Act does not apply to payments in respect of legal fees.

Late Payments

2. Payments totalling €4.53 million in 2003 were made from the Office of the Attorney General's Vote in respect of payments to which the Act applies. There were no late payments made during 2003.

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 and were revised in 2004, including procedures to ensure compliance with the Act.

Annex D

Report on Payment Practices for 2003: Chief State Solicitors' Office

The CSSO has computerised systems in place that are designed to monitor and control compliance with the terms of the Prompt Payment of Accounts Act 1997 and S.I. 388 of 2002 – Payment Practices and Statistics.

Generally, payments fall due on expiry of the statutory 30 days (for the period prior to 7 August 2002, the statutory period of 45 days applied). Where shorter periods are specified on invoices, this requirement is complied with. In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

Two categories of suppliers of services to the CSSO do not come within the scope of the Act:

- Counsels' fees are excluded on the basis of legal advice.
- Payments to solicitors engaged by people involved in litigation against the State where costs are awarded to the plaintiff are covered by the Courts Act 1981 which has its own interest payment provisions.

January to December 2003

Total value of all payments:	€4,698,332
Total value of all late payments (under €320 inclusive):	€594,659
Value of late payments in excess of €320:	€560,410
Value of late payments as % of total payments:	12.16%
Number of late payments in excess of €320:	183
Amount of interest paid:	€4,804
Amount of interest as a percentage of total payments:	0.102%
Broad indication of length of delays (Invoices in excess of €320):	41 days

Annex E

Office Representation on Committees, Working Groups in 2003

Advisory Board National Children's Office	Expert Group on Proposals arising out of Garda SMI Report
Assistant Secretaries Network	Expenditure Reviewers Network
British and Irish Association of Law Librarians	FOI Interdepartmental Working Group
Business Liason Group for e-Cabinet	FOI Liaison Officers Network
Change Management Network	FOI Users Network Group
Civil Service Information and Communications Technology Managers Forum	Government Legislation Committee
Civil Service Metadata Group	Government Libraries Managers Network
Civil Service Quality Customer Service	Government Libraries Section, Library Association of Ireland
Consultative Committee	Hague Conference on Private International Law
Civil Service Quality Customer Service Officers Network	High Level Group drafting White Paper on Better Regulation
Civil Service Training Officers Network	Implementation Group on Compensation Issues
Civil Service Webmaster Forum	Interdepartmental Committee on Hearing Loss Litigation
CMOD Content Managers Stakeholders Group	Interdepartmental Co-Ordinating Committee on EU Affairs
Commission on the Assisted Human Reproduction	Interdepartmental Committee Co-Ordinating Nuclear Matters
Commission on the Private Rented Residential Sector	Interdepartmental Group on EU Justice and Home Affairs
Committee on Video-Conferencing	Interdepartmental Group on the EU Convention
Company Law Review Group	Interdepartmental Group on Legislative Issues for the Information Society
Consultative Committee on Law Reform	Interdepartmental Group on Oireachtas Scrutiny of EU legislation
Constitutional Treaty Drafting Group	Interdepartmental Group on the Presidency of the EU 2004
Consumer Advisory Council	Interdepartmental HRMS Technical Group
Convention (for the Future of Europe) Oversight Group	Interdepartmental HRMS User Group
Council of Europe Committee on Administrative Law	Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities
Council of EU Working Party on Legal Data Processing	
Council of Europe Committee of Experts in Family Law	
Court Rules Committees	
Cross-Departmental Team on Infrastructure	
EU Working Party on Legal Data Processing	

Annex E

Office Representation on Committees, Working Groups in 2003



Interdepartmental Group on UN	Single Regulatory Authority Implementation Advisory Group
Interdepartmental Working Group on Compensation Issues	State Claims Agency Liaison Committee
Interdepartmental Steering Committee on Implementation of the Mullarkey Report	Steering Committee for the Pilot Project to establish an on-line small-claims procedure
Internal Audit Network	Steering Group on Systems Review of Department of Agriculture and Food
International Expert Group on Nuclear Liability	Strategic Management Initiative Communications Sub-Group
International Maritime Organisation Legal Committee	Strategic Management Initiative Implementation Groups
Irish Unicorn Users Group	Supreme Court Group on Computerisation
Justice Committee of the Institute of European Affairs	Tax Strategy Group
Management Group for Judicial Reviews in Asylum Cases	Third Pillar Steering Group
MIF Consultative Committee	Tribunals and Inquiries
MIF Project Management Sub-Group	UNCITRAL (The United Nations Commission on International Trade Law)
Ministerial Committee on Nuclear Safety	UNCITRAL Working Group on Arbitration
Ministers and Secretaries Group on European Matters	UNCITRAL Working Group on Electronic Commerce
National Strategy Review Group on the Common Fisheries Policy	UNCITRAL Working Group on Insolvency
'No-Fault' Advisory Group (a working group established to recommend a 'no-fault' scheme of compensation for babies with birth-related brain damage)	Working Group on Accountability of Secretaries General and Accounting Officers
OECD Working Party on Regulatory Management	Working Group on Company Law Compliance and Enforcement
Personal Injuries Assessment Board Implementation Group	Working Group on Jurisdiction of the Courts
Personnel Officers Network	Working Group to discuss the implications of the establishment of a Referendum Commission with limited functions
PMDS Network	Working Group to Review Coroners' Services
Post-Nally Committee on Issues Relating to DPP	
Quality Customer Service Working Group	
Sea Fisheries Licensing Review Group	
Secretaries General and Heads of Offices Group	

Annex F

Statistics of requests made under the Freedom of Information Act 1997: Office of the Attorney General

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
Total	137	27	110	0	19	15

Office of the Attorney General	Requests Refused	Requests refused under section 46 (1) (b) (Figure included in total Requests Refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	FeesNo.	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
Total	99	86	1	3	n/a	19	5	3	€45

Annex F

Statistics of requests made under the Freedom of Information Act 1997: Office of the Attorney General



Statistics for 2003 Office of the Attorney General

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/03 to 31/12/03	18	5	4	1	2	6

Statistics from 21 April 1998 to 31 December, 2003 Office of the Attorney General

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/03	137	36	32	3	5	61

Annex F

Statistics of requests made under the Freedom of Information Act 1997: Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	17	14	3	0	10	0
1999	9	3	6	0	4	0
2000	23	11	12	0	15	4
2001	9	6	3	0	5	0
2002	9	5	4	0	2	0
2003	6	2	4	0	0	1
Total	73	41	32	0	36	5

Chief State Solicitor's Office	Requests Refused	Requests refused under section 46 (1) (b) (Figure included in total Requests Refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	FeesNo.	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
Total	25	21	5	2	n/a	7	3	0	Nil

Annex F

Statistics of requests made under the Freedom of Information Act 1997: Chief State Solicitor's Office



Statistics for 2003 Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/03 to 31/12/03	6	1	0	0	1	4

Statistics from 21 April 1998 to 31 December 2003

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/03	73	10	2	0	30	31

