

# Office of the Attorney General Annual Report 2022



Incorporating the Third Progress Report on Implementation of  
Statement of Strategy 2020-2023

## Contents

Foreword from the Attorney General

Introduction by the Director General

### Part 1: The Office

- Introduction
- Role of Advisory Counsel
- Role of the Office of the Parliamentary Counsel to the Government
- Role of the Chief State Solicitor's Office
- Seconded Lawyers
- Law Reform Commission
- More information

### Part 2: Achievement of Strategic Goals in Statement of Strategy

#### Strategic Goal 1: Serve our clients

To deliver a specialist legal service that meets our clients' needs

#### Strategic Goal 2: Build relationships

To improve the way we work and how we provide our services by building good relationships both internally and externally

#### Strategic Goal 3: Build capacity

To be a modern, agile and dynamic legal office and to build sustainable capacity for the benefit of our clients and our people

#### Strategic Goal 4: Support our people

To support our people so that they can perform to the best of their abilities and effectively collaborate to deliver an excellent service to our clients

### Part 3: Annexes

- Annex A: Government Bills published in 2022
- Annex B: Government Bills enacted in 2022
- Annex C: Estimates and Provisional Outturns
- Annex D: Statements and Reports in respect of payment practices
- Annex E: Staff Breakdown
- Annex F: Freedom of Information Statistics

## Foreword from the Attorney General

I was appointed as Attorney General on 17 December 2022 and this Report therefore covers a year which was drawing to a close just as I commenced my term.

However, since taking up office, the extraordinary dedication and hard work of all of the staff of the Office (which includes the Chief State Solicitor's Office) during 2022, has been apparent to me.

Challenges of particular note during 2022 included the war in Ukraine and the housing crisis. Both of these persist and present ongoing challenges for the country. During the year the Office continued to provide legal services to the Government to help support the implementation of its policies to ease these crises. Similarly, the Office provided legal services to Government to underpin its climate action strategies and policies.

I look forward to continuing to work with the staff of the Office over the course of my term, in continuing to provide the highest standard of professional legal services to our clients.

Rossa Fanning SC  
Attorney General

## Introduction by the Director General

Attorney General,

I am pleased to introduce the 2022 Annual Report of the Office of the Attorney General (including the Chief State Solicitor's Office) which details the diverse range and the large volume of work carried out across the Office during the year.

The service provided by the Office encompasses the full range of Government business and policy, where novel challenges continued to be presented during the year. In 2022 the Office dealt with a very significant demand for legal services from our clients across a broad range of subject areas, in particular those related to the war in Ukraine, housing and climate. Covid-19-related work, which had dominated the work of the Office in 2020 and 2021, started to recede.

Other areas of demand for services that drew on the Office included those related to data protection, State property and public procurement. In 2022, Ireland intervened before the Court of Justice in a number of preliminary references concerning the interpretation and applicability of EU law in a number of areas.

The Office continued its secondment programme and 44 legal staff participated in 2022. Advisory Counsel continued to deliver legal advice across a wide and diverse range of issues involving points of EU, constitutional, international and domestic law.

The OPC drafted a significant number of Government Bills, as well as drafting Committee and Report Stage amendments to Bills. During the year, 63 Government Bills were published and 52 Government Bills were enacted. The OPC also drafted 267 of the Statutory Instruments that were made in 2022, 44 of which related to the transposition of European Union measures.

The Chief State Solicitor's Office continued to provide specialist solicitor services, covering litigation, property, Government contracts and other transactional services.

I would like to sincerely thank all staff in the Merrion Street Office and the Chief State Solicitor's Office for their outstanding commitment in providing our clients with the legal services they required, often in very urgent and challenging circumstances.

Damien Moloney  
Director General

Part 1  
The Office

## Introduction

The Attorney General is the legal adviser to Government, as provided for in Article 30 of the Constitution. The Office, which comprises three constituent elements: the Advisory Counsel to the Attorney General and the Office of the Parliamentary Counsel to the Government ("the AGO") and the Chief State Solicitor's Office ("the CSSO"), assists the Attorney General in the provision of legal advice to Government. This includes advice to Ministers, Departments and certain other public bodies; the drafting of legislation; the representation of the State in litigation and the performance of a number of other functions, particularly statutory functions.

The mission of the Office is to provide the highest standard of professional legal services to the Government, its Departments and Offices as economically and efficiently as possible and to support adherence to the rule of law. Our vision is to inspire excellence in our people, be at the forefront of legal developments and deliver an unrivalled service to our clients. Like any Department or Office, the Office must also endeavour to fulfil its mission within the resources which the Oireachtas makes available to it. In that respect, while all elements of the Office continue to be subject to ever greater demands, the additional investment in its staffing resources recently provided is welcome.

The AGO is located in Government Buildings at Merrion Street, Dublin 2, where it had 137 members of staff as of 31/12/2022. The staff includes Advisory Counsel, Parliamentary Counsel, administrative and support staff and Library and Know-How staff. The CSSO is based at Little Ship Street and Chancery Lane and had 325 members of staff as of 31/12/2022, including solicitors and legal executive officers as well as administrative staff and Library and Know-How staff.

The Attorney General is the chief law officer of the State and the Office is the principal State law office. The range of work in the Office reflects the entire scope of Government business and policy, including unforeseen events giving rise to requests for legal advice, the drafting of primary and secondary legislation and the defending of court proceedings. Highly contested and sensitive legal issues in areas such as EU law, immigration, education, healthcare, data protection and criminal justice are dealt with. The Office also provides commercial legal advice and legal transactional services to Government, Departments and Offices in the areas of public procurement, contracts, State aid, State property and intellectual property. It also advises on many aspects of State employment law such as appointment, discipline and pensions.

The Office has a deep understanding of the public service, Government and the legislative process and a high level of corporate memory and know-how. It participates in a large number of committees, working groups and professional networks of the public service, the legal profession and international organisations. The independence

of the Office necessarily derives from the constitutional role of the Attorney General, and is supported by the Office culture and values as well as the centralised nature of the Government's legal service. Synergies and efficiencies arise from the Office's central role especially when a whole-of-Government approach is required.

The dynamic nature of the work, with constant changes in Irish, European and international law and in circumstances and needs, requires a responsive Office and compliance with the highest professional and public service standards.

## Role of Advisory Counsel

The principal duty of Advisory Counsel is to assist the Attorney General in performing his functions, powers and duties. The range of subjects covered is as broad as Government's remit, but the activities themselves fall broadly into three categories –

- the provision of legal advice
- the direction of litigation
- legal advice in the provision of a legislative drafting service to Government.

Advisory Counsel are divided into five specialist groups and work closely with lawyers in both the Office of the Parliamentary Counsel to the Government, advising on legal issues in the drafting of legislation, and the CSSO, advising on the conduct of litigation and other legal advisory matters. Advisory Counsel also work closely with external counsel when required.

The assistance provided to the Attorney General prior to Government meetings is particularly important e.g. advising whether a proposed Government decision or legislative scheme complies with the provisions of the Constitution, legislation, Treaties and law of the European Union, the European Convention on Human Rights and other international treaties to which Ireland has acceded.

## Role of the Office of the Parliamentary Counsel to the Government

The Office of the Parliamentary Counsel to the Government ("the OPC") provides a professional legislative drafting service to the Government.

Primary legislation (Government Bills) and some secondary legislation (statutory instruments including regulations and Government orders) of varying complexity and urgency is drafted by the specialist lawyers of the OPC (known as Parliamentary Counsel) to reflect Government policy and to transpose EU legislation into Irish law.

The OPC is also responsible for drafting Government amendments to Bills (including Private Members' Bills) at Committee Stage and Report Stage of a Bill's progression through the Houses of the Oireachtas.

The work of the OPC enables the Government to implement their Legislation Programme and the OPC liaises closely with the Government Legislation Committee in relation to Bills accorded priority by the Government.

The OPC is headed by the Chief Parliamentary Counsel and is divided into four drafting groups. The drafting of Bills and statutory instruments for the 18 Departments is divided among the drafting groups, with each group dealing with a number of specified Departments.

Parliamentary Counsel are trained to a high level in the discipline of drafting legislation that, in addition to reflecting the policy of the Government, must be constitutionally sound, take into account the wider legal system and be clear and effective.

## Role of the Chief State Solicitor's Office

The CSSO is the principal provider of Solicitor Services to the Attorney General and Government. The CSSO provides a broad range of legal services to the Attorney General and to Departments and Offices, across five legal Divisions - the Administrative Law Division; the Advisory, Commercial & Employment Law Division; the Constitutional & State Litigation Division; the Justice Division; and the State Property Division. A full solicitor advisory, litigation and transactional legal service is provided across a broad range of areas including:

- constitutional, civil and commercial litigation concerning Government Departments, Offices and An Garda Síochána
- judicial review (both general and immigration and asylum-related)
- environmental and procurement litigation



- representing the State before the Court of Justice, General Court and European Free Trade Association Court
- extradition, European Arrest Warrant and Mutual Assistance litigation
- employment litigation
- inquests and Ministerial Prosecutions
- recovery of fraudulent or criminally acquired monies
- tortious claims
- habeas corpus applications
- representing clients in conciliations and arbitrations and before Tribunals of Inquiry and Commissions of Investigation
- a transactional conveyancing service for Government Departments and the OPW
- commercial leasing and licensing and landlord and tenant matters
- security over property to protect State capital investments
- devolution of real and personal property to the State under the State Property Act 1954 and the Succession Act 1965
- full transactional public procurement and commercial law services to the Office of Government Procurement and Government Departments.

## Seconded Lawyers

As of 31/12/2022 there were 37 Advisory Counsel seconded as in-house Legal Advisers to 16 Government Departments. In addition, there was one Advisory Counsel seconded to Ireland's Permanent Representation to the European Union. Seconded Advisory Counsel are involved in all major legal issues within Departments and provide legal advice directly to Departments. They act as a link between the Department and the Office of the Attorney General.

In 2022, seven CSSO solicitors were seconded to other bodies, including the European Commission, the Department of Education, the Department of Defence, the Stardust Inquest, the Department of Justice, Commissions of Investigation and the Disclosures Tribunal of Inquiry.

## Law Reform Commission

The Law Reform Commission is wholly funded from the vote of the AGO<sup>1</sup>. It is a statutory body established by the Law Reform Commission Act 1975. Its role is to keep the law under independent, objective and expert review, to make consequent recommendations for law reform and to make current law accessible for all. The Commission's programme is carried out primarily under a programme of law reform approved by Government. The Commission also works on specific matters referred to it by the Attorney General under the Act of 1975.

---

<sup>1</sup> Money for the services of the AGO which is voted by the Dáil on an annual basis.

## More Information

For more details in relation to the AGO and the CSSO, please visit our websites at [Attorney General's Office](#) and [Chief State Solicitor's Office](#).

## Part 2

### Achievement of Strategic Goals in Statement of Strategy<sup>2</sup>

---

<sup>2</sup> As set out in [Statement of Strategy 2020-2023](#)

## Strategic Goal 1: Serve our clients

To deliver a specialist legal service that meets our clients' needs

### **Objective 1: Deliver a specialist legal advisory service that meets our clients' needs**

The principal roles of Advisory Counsel are to provide legal advice – including advice on issues arising in Departments across Government, and legal advice in relation to drafting legislation and in relation to directing litigation. A sample of the work undertaken under each of these headings is set out below.

#### **Legal advice to client Departments and Offices**

The Office advised the Minister for Justice on matters relating to Government plans to bring forward proposals for a scheme to enable the disregard of criminal convictions for consensual sexual activity between men. Consensual sexual activity between men was decriminalised in 1993. The criminalisation of such activity is now recognised as being an affront to human dignity. A Working Group has been established to make recommendations to the Minister for Justice on the shape of a scheme for disregard of these convictions. The Group includes a representative from AGO.

Among the many areas where the Office provided urgent and important advice as a consequence of the ongoing conflict in Ukraine, the Office advised on the Interpretation of Vetting legislation as it applied to those who had pledged to accommodate Ukrainian refugees.

The Assisted Decision Making (Capacity) Act 2015 is replacing the existing wards of court system with a human-rights based regime of assisted decision making for vulnerable adults. The 2015 Act commenced in 2023, following the enactment of an amendment Act that updates and strengthens the new regime. Significant advice was provided on a number of complex legal issues within an urgent timeframe during the priority drafting of the amendment Act, including in relation to: (i) the implications of repealing provisions requiring High Court authorisation for implementing an advance healthcare directive of a pregnant woman, following the repeal of the 8<sup>th</sup> amendment to the Constitution; (ii) a temporary solution for authorising deprivations of liberty in health and social care settings of persons who lack capacity once wardship is abolished; (iii) outline legal parameters of a long-term solution for authorising deprivations of liberty in such settings. Timely provision of specialist advice by the AGO has ensured the timeline for the repeal of wardship and commencement of the new regime will be met, while also ensuring progress is maintained on complementary legislation establishing deprivation of liberty safeguards.

Multiple legal advices on a range of public procurement issues were provided to Government clients including the Office of Government Procurement (“the OGP”). Public procurement law advices were given in relation to emergency provision of accommodation to persons needing temporary protection from the war in the Ukraine. Important advices were given and there was significant engagement with the EU Commission in relation to the interaction of State Aid and public procurement to ensure the lawful continuation of key public health services.

Significant legal advices were given on the EU State Aid implications of public infrastructure and housing projects such as the Croí Cónaithe Scheme and the provision of financial supports for the response to the Ukrainian and cost of living crisis.

The situation in the housing market gave rise to a need for legal advice in respect of a number of matters. By way of particular example, significant advice was given on constitutional and other legal issues arising in connection with the Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022, which provided that certain notices of termination of tenancies would not take effect during a “winter emergency period” between 29 October 2022 and 31 March 2023.

### **Legal advice in relation to litigation** (*see also Objective 4 below re managing litigation*)

The Office has provided and is continuing to provide advice on a number of cases which are currently under appeal. These include:

- A finding of unconstitutionality by the High Court of a reverse burden of proof provision in the statutory rape offence concerning children *CW v. Minister for Justice* [2022] IEHC 336. This has been appealed to the Supreme Court.
- The Judgment of the Court of Appeal in *Emmett Corcoran And Oncor Ventures Limited trading as The Democrat v. The Commissioner Of An Garda Síochána And the Director of Public Prosecutions* [2022] IECA 98 [2022] IECA 98 in relation to the interaction of seizure and search of electronic devices in criminal investigations by An Garda Síochána with journalistic privilege. This has been appealed to the Supreme Court.
- A High Court decision in a consultative Case Stated - *The Director of Public Prosecutions (at the suit of Garda Liam Varley) v. Ciarán Davitt*, which had a significant impact upon the working of criminal proceedings in the District Court leading to emergency legislation, the Garda Síochána (Amendment) Act 2022. A Supreme Court judgment is awaited in respect of a leap-frog appeal by the State.

The Office also advised on a European Court of Human Rights Application brought by 6 young Portuguese citizens against Portugal and 32 other States including Ireland for allegedly failing to adopt measures to limit the rise of global climate temperatures as required by the Paris Agreement. The Applicants allege violations of Articles 2 (Right to life), 8 (Right to respect for private and family life) and 14 (Prohibition of discrimination) of the ECHR. This is a unique case in scope and scale and an adverse outcome would have significant implications extending beyond the climate issues raised in the proceedings. The AGO is working closely with the Department of Foreign Affairs to provide the client (the Department of Environment, Climate and Communications) with a robust defence to the proceedings, while recognising the serious challenges posed by climate change.

The challenge to the Personal Injury Guidelines adopted by the Judicial Council was successfully defended in the High Court in the case of *Delaney v. the Judicial Council*. The High Court held that the Guidelines were a valid exercise of the power given under the Judicial Council Act 2019 and did not interfere with a plaintiff's right to access to the courts for compensation for personal injuries.

In the Supreme Court case of *Donnelly v Minister for Social Protection* the State successfully defended a challenge to the constitutionality of certain parts of the social welfare legislation. The Court found that the legislation in question was not unconstitutional or contrary to ECHR principles. The Court emphasised separation of powers principles noting that in taxation and social welfare matters the Constitution allocates the primary function of making decisions to the elected representatives in the Oireachtas.

### **Legal advice in relation to legislation**

Advisory Counsel worked closely with their Parliamentary Counsel colleagues in the preparation of legislation in 2022, providing legal advice, where requested, on issues arising. This included the key legal advice on significant Bills mentioned below under "Deliver a specialist legislative drafting service that gives effect to Government policy". This collaboration between Advisory Counsel and Parliamentary Counsel on legislation illustrates the way in which the different groups within the Office work seamlessly to deliver a consistently high standard of service to Government.

The Office provided advice on the Garda Síochána (Recording Devices) Bill to the Department of Justice, on the drafting of legislation regulating the powers of An Garda Síochána to use Automatic Number Plate Recognition Technology, CCTV and body-worn cameras in the investigation and prosecution of criminal offences. The Bill deals with cutting edge issues of technology and law, and balances the privacy and data

protection rights of citizens with the need to enhance the operational capability of An Garda Síochána.

The Office also advised on S.I. No 38/2022 EU (Criminal Justice (Mutual Assistance) Act 2008) Regulations 2022 (amending the Criminal Justice (Mutual Assistance) Act 2008) and S.I. No. 44/2022 Criminal Justice (Mutual Assistance) Act 2008 (Designation of United Kingdom) Order 2022. This legislation facilitated the resumption of freezing and confiscation applications as between the State and the UK under the Trade and Co-operation Agreement.

## **Objective 2: Deliver a specialist legislative drafting service that gives effect to Government policy**

OPC drafted a significant number of Government Bills during 2022. 63 Government Bills were published (listed at Annex A), and 52 Government Bills were enacted (listed at Annex B). OPC also drafted Committee and Report Stage amendments to Government Bills. OPC drafted 267 of the statutory instruments that were made in 2022, including 44 for the purposes of transposing EU measures into Irish law.

OPC actively participated in the Government Legislation Committee, providing regular reports detailing progress on the drafting of priority and other Bills. This reporting enabled the Committee to manage, monitor and supervise the implementation of the Government Legislation Programme. The Attorney General (who is a member, and attends meetings, of the Government Legislation Committee) was briefed regularly by OPC in relation to the progress of draft legislation and legal issues arising during the drafting process.

OPC also engaged with client Departments in relation to the planning and management of drafting projects, including priority Bills and other draft legislation required by them. As part of its legislative drafting service, OPC continued to implement Quality Assurance procedures with the aim of safeguarding the quality and legal efficacy of draft legislation and facilitating continued collaboration in the sharing of drafting and legal knowledge and expertise.

### **Examples of legislation during 2022**

The following examples outline significant legislation dealt with by the OPC.

There were four separate pieces of primary legislation on the electricity market, relating to payments to customers and securing supply, including the Development (Emergency Electricity Generation) Act 2022. This was emergency legislation drafted and enacted within a week that provides for the exemption, by way of derogation, of two emergency electricity generation projects required urgently to ensure security of electricity supply, from the requirements of the EIA Directive. The Act disapplies the

Planning and Development Act and establishes a new development consent process that involves the carrying out of an alternative assessment by An Bord Pleanála to ensure the objectives of the EIA Directive are met and an Appropriate Assessment to meet the requirements of the Habitats Directive. The Act is supplemented by complex Regulations setting out the detail of the bespoke application and assessment regime for these emergency projects. As this is the first occasion the State has availed of the derogation in Article 2(4) of the EIA Directive, the legislation was the subject of significant advice within the urgent timeframe required, as well as a major piece of legislation requiring speedy and robust legislative drafting.

The Electoral Reform Act 2022 is the most significant piece of legislative reform in electoral law in the State in over 25 years. It required significant legal advice from Advisory Counsel. It provides for the establishment of the Electoral Commission/An Coimisiún Toghcháin and sets out its functions. The Act also includes provisions relating to transparency of online political advertisements during electoral periods and protecting the integrity of elections and referendums against online disinformation, misinformation and manipulative or inauthentic behaviour online during electoral periods and election campaign periods.

Various employment related legislation required significant advisory input, as well as major drafting work. This included the Sick Leave Act 2022 (to provide for certain statutory entitlements to sick leave), the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 (to provide further protection for employees in relation to the payment of wages and to provide for the treatment of certain voluntary payments for employees and contract workers) and the Work Life Balance and Miscellaneous Provisions Act (which transposes Directive (EU) 2019/1158 on work-life balance for parents and carers and which provides for the entitlement of employees to request remote working arrangements).

Other areas in which notable legislation was drafted included the following;

- Planning (including provision relating to An Bord Pleanála, substitute consent, judicial review, and the Maritime Area Regulatory Authority);
- Online Safety and Media Regulation Act 2022 which implemented Directive 2010/13/EU relating to online safety and established Coimisiún Na Meán giving it power to regulate certain media online services;
- Reform of the legislative framework for the higher education system in the Higher Education Authority Act 2022; as well as the Education (Provision in Respect of Children with Special Educational Needs) Act 2022, to make additional provision in recognised schools for children with a disability or other special educational needs;



- In the ethics area, the Protected Disclosures (Amendment) Act 2022 amends existing legislation to give effect to an EU Directive regarding enhanced protection for whistleblowers;
- Pandemic-related legislation included the Finance (Covid-19 and Miscellaneous Provisions) Act 2022 which gives effect to changes in Covid-19 Government support schemes in respect of the public health restrictions then in place and provides for the tax treatment of the Pandemic Special Recognition Payment for healthcare workers;
- Substantive secondary legislation to transpose EU Directives in the highly-regulated financial services sector was also provided including in the areas of anti-money laundering and mandatory disclosure of information;
- The recovery and identification, in certain circumstances, of human remains buried in land associated with certain institutions (Institutional Burials Act 2022);
- The making available of supports to persons displaced from Ukraine (Civil Law (Miscellaneous Provisions) Act 2022);
- The making provision for a new system for the granting of compensation for injuries inflicted maliciously on members of the Garda Síochána (Garda Síochána (Compensation) Act 2022);
- The making provision for a new system for the distribution and stationing of the Garda Síochána throughout the State (Garda Síochána (Functions and Operational Areas) Act 2022);
- Significant legislation in the areas of competition law and consumer law with the enactment of the Competition (Amendment) Act 2022 and the Consumer Rights Act 2022, the latter being a major piece of consumer law legislation which amends and consolidates the law relating to rights and remedies in contracts between traders and consumers for the sale of goods and the supply of digital content and digital and other services;
- Legislation to assist businesses affected by the war in Ukraine with the enactment of the Credit Guarantee Act 2022;
- The Health (Miscellaneous Provisions) (No. 2) Act 2022 made provision for certain exemptions from charges for acute in-patient services and for the making available without charge of contraception services to certain women.

**Objective 3: Provide a solution-driven legal service led by the CSSO that supports the delivery of our clients’ transactional and business objectives in the fields of conveyancing, property, public procurement and commercial contracts law**

A number of solicitors are dedicated to specialist areas of State Property work (including maritime and foreshore, agriculture and sports capital funding) and

work in close collaboration with the relevant client Departments.

The CSSO continues to advise the Department of Education on the acquisition of school sites throughout the State as part of its Schools Building Programme. A number of key priority sites were acquired by the Department during 2022, including sites in Dublin, Wicklow, Offaly and Clare. In addition to the acquisition of greenfield sites, the Office also continues to advise the Department on legal issues arising from the ongoing management of the Department's property portfolio to include disposals, regularisations, registrations and property advices.

The CSSO also continued to advise and support the Commissioners of Public Works Ireland ("the OPW"), a key client, and to act for the OPW in the disposal by way of intra-state transfer to other State bodies of properties surplus to requirements as part of the OPW's ongoing rationalisation programme. The CSSO also continued to advise the OPW on legal issues arising in connection with the OPW's ownership and management of historic properties and lands throughout the State.

The CSSO continued to address the securing and registration of legal charges in circumstances where monies are granted under various Government Programmes. The objective is to ensure that the significant funds allocated are used for the purposes for which they have been granted, achieving Government Policy and facilitating audit and compliance. The CSSO have c1500 matters in hand across all funding programmes. The Large Scale Sports Infrastructure Fund (LSSIF) provides Exchequer funding of at least €100m over the period 2019 to 2027. Of the €100m LSSIF, approximately 24% been allocated.

Pursuant to Government Decision S180/20/10/2271A (June 2022) Ukraine Humanitarian Response - Implementation of Volumetric Modular Homes Pilot – Proof of Concept Programme, the CSSO worked with the OPW to create a model form of lease for use by (inter alia) the OPW as site owner and a model legal package. Additionally, as part of the State's response to the Ukrainian Emergency, CSSO supported the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) in its tasked role of sourcing emergency accommodation facilities. In the emergency phase, the Citywest facility was the largest facility, which the CSSO licensed to secure accommodation. Following that, licences were put in place in tight timeframes with various owners (i.e. Religious Orders, An Óige, Scouting Ireland, The Society of St. Vincent de Paul etc.), formalising their agreement to provide the State with temporary use of their properties for the Beneficiaries of Temporary Protection. The licences were generally for a period of 1 year, with the possibility of extension by the State for an additional short period. CSSO prepared various model forms of licence and Heads of Terms.

In addition, The CSSO worked closely with the Department of the Environment Climate and Communications in the design and implementation of the Marine Area Consents pursuant to the Maritime Area Planning Act 2021.

The Commercial Contracts Section of the CSSO provides specialist legal services to Government Departments and Offices on public procurement law and all aspects of commercial contracts and State aid issues. An example of the specialist advice delivered for the Department of Housing, Local Government and Heritage was on the Croí Cónaithe (Cities) Scheme. The key aim of the scheme is to support the construction of 5,000 apartments for sale to owner-occupiers by means of a state subsidy which bridges the gap between the delivery cost of building apartments and the market sale price (where the cost of building is greater). From January 2022, the Section provided significant urgent legal advice including advices on the need to notify the scheme to the EU Commission for State aid approval, and associated advices in relation to the publication of a contemporaneous request for expressions of interest to the market. Ireland secured the EU Commission's approval for the State aid in December, 2022.

The CSSO provided advice to the OGP on the procurement of E-Tenders, which was a new national electronic tendering platform for Ireland. This platform is the national facility for contracting authorities to publish public sector contract opportunities. The Office advised and guided the OGP project teams throughout the lengthy and complex procurement procedure to the successful conclusion of the contract in July 2022.

#### **Objective 4: Provide a litigation service that delivers optimum results**

A group of approximately 185 hospital consultants have lodged claims in the Workplace Relations Commission alleging indirect age discrimination by reason of a lower pay scale introduced in October 2012. The CSSO acts for the Departments of Health, Finance and Public Expenditure and Reform in the matter. The CSSO also engages with the co-respondents, the HSE and IBEC. A number of procedures are in place to improve case management and to ensure clear and timely instructions.

In the European courts, in C-898/19P and C-885/19P *Ireland & FIAT v. European Commission*, the Luxembourg tax authorities had given FIAT a tax ruling which the European Commission decided amounted to a selective advantage and thus State aid. The Commission argued that the arm's length principle (ALP) should be used when considering intra company transfer of profits. The General Court found in favour of the

Commission leading to Ireland and FIAT appealing. An appeal from the General Court was made to the Court of Justice. The CJEU held that the reference framework from which you decide whether there was a selective advantage must comprise national tax law and not additional tests such as ALP. The case is important in protecting tax sovereignty.

Another notable case was C-156/21 & C-157/21 *Hungary and Poland v. the Council and EU Parliament*. Hungary and Poland sought to annul Regulation (EU, Euratom) 2020/2092 which provides for a general regime of conditionality for the protection of the European Union budget and the protection of the Union budget in the case of breaches of the principles of the rule of law in the Member States. Ireland intervened on behalf of the EU Institutions and the cases were dismissed by the CJEU.

The CSSO worked on a number of Schools Litigation cases during the year. These cases involve claims by the Minister for Education against Western Building Systems Limited and other parties arising out of the defective construction of 40 schools. Given the volume of work involved, it was necessary to establish dedicated legal and clerical teams within the relevant Section to deal with the litigation.

The Office also dealt with a case involving a challenge taken by Patrick Costello T.D. seeking various declarations relating to the proposed ratification by the State of the Comprehensive Economic and Trade Agreement between the European Union and Canada on the basis that such ratification would be repugnant to the Constitution, in particular Article 15 and Article 34 of the Constitution, in the absence of a decision to so ratify or approve having been taken by the people of Ireland through a referendum. It was heard in the High Court in July 2021 with judgment being delivered in September 2021 refusing the relief sought by the plaintiff. The Supreme Court heard an appeal in March and June 2022 and delivered its judgment on 11 November 2022, with the Supreme Court allowing the appeal and setting aside the High Court judgment by a 4-3 majority.

In 2022 the Office continued to defend novel litigation commenced on foot of the State's response to the Covid-19 pandemic. In *O'Doherty & Waters v. the Minister for Health, Ireland & the AG*, the State successfully defended an appeal to the Supreme Court challenging the constitutionality of emergency measures introduced by the Government to safeguard public health.

The Office dealt with a significant increase in environmental and planning judicial reviews in 2022. The ability of the State to deal with these cases efficiently and effectively is critical to the Programme for Government in relation to housing and the environment. The seminal case of *Heather Hill Management Company & McGoldrick v. An Bord Pleanála, Burkeway Homes Ltd & the AG* clarified when the special cost

protection rules apply to the entirety of the proceedings and the correct approach to be taken in determining pre-trial protective cost order applications. The Office also dealt with a substantial growth in the number of preliminary references sent by the Courts to the CJEU in environmental and planning matters.

The Office strategically managed the State's successful Supreme Court appeal in *Middelkamp v. Minister for Justice*. The Court found that while a State measure which obliges married couples to remain apart necessarily interferes with their Article 8(1) ECHR right, a Minister was fully entitled to conclude, as a reflection of public policy, that such an interference was necessary in a democratic society for the purposes of Article 8(2) ECHR in the interests of the operation of a stable and coherent immigration system. This was an extremely significant judgment of systemic importance to the operation of the immigration system.

In *GK v. IPAT & Others*, the applicant, a Georgian national, sought a review of an International Protection Appeals Tribunal (IPAT) decision refusing international protection. There was a 51 day delay in instituting proceedings and an extension of time was sought by the applicant. The explanation given for the delay was that the applicant's counsel had other commitments to attend to. The Court held that, although there were potentially significant consequences for the applicant, he was bound by the actions of his agent and to grant an extension on the basis sought would render the legislative time limit near ineffective, as any applicant could claim that their counsel had other commitments to attend to. Barr J. held that there is a significant importance placed on time limits in administrative proceedings for good reason and the Court would be slow to depart from the time limit in s. 5(2) of the Illegal Immigrants (Trafficking) Act, 2000 on the basis claimed.

## **Objective 5: In light of our increased role post-Brexit, deliver an enhanced EU law service to our clients**

The European Union law service cuts across all three constituent elements of the Office, with advisory input in negotiation of new law, its incorporation into Irish law and litigation, while the OPC drafts Irish legislation to give effect to EU law and the CSSO manages litigation, including where Ireland intervenes at the EU courts on cases involving other member states.

During 2022, in an expansion of its previous role, the EU Law Section of the CSSO commenced writing to relevant Government Departments on each Article 267 reference to the EU courts from the court of another member state notified by the Department of Foreign Affairs. The CSSO followed up with the Departments seeking a

decision on each file to confirm whether intervention in the cases was desired or not. In addition, the EU Law Section commenced a new initiative to highlight the possibility of intervention in other types of EU litigation by circulating the summaries of cases which are posted in the Official Journal of the EU each week.

The OPC's role in relation to EU legislation is a crucial element of its work. While certain EU legislation has direct effect and does not therefore always require to be incorporated into Irish law, directives, in particular, which comprise much of EU legislation, must be implemented into Irish law through domestic legislation, primary or secondary. Accordingly, it is necessary to ensure that directives are transposed in a way which fully complies with EU legal requirements and, in relation to certain transpositions, the OPC provides a drafting service to client Departments in this regard. The OPC worked with client Departments to ensure that all transpositions into Irish law of EU measures (such as Directives or Regulations) sought by clients complied with EU legal requirements.

Ireland intervened in a number of preliminary references to the Court of Justice of the European Union (CJEU) including *C – 61/21 Ministre de la transition écologique v. JP*. This matter was a preliminary reference from France in which Ireland intervened. JP sought to assert that the Air Quality Directive gave rise to an entitlement for compensation where local authorities fell short of the requirement of the Directive. If the Court of Justice found such an entitlement existed, this could have exposed the State to a new stream of costly litigation. As a result, the Office strongly encouraged the Department of Environment to intervene in the proceedings, which resulted in both written and oral observations. In December 2022 the Court issued a judgment agreeing with France and Ireland that there was no entitlement to compensation. As a result of this successful intervention, the risk of a new stream of litigation was prevented.

Negotiations are ongoing concerning the proposed European Commission Nature Restoration Regulation. This proposed Regulation contains far-reaching legal obligations with implications for planning and environmental law as well as implications in the agriculture and forestry sectors, and creates legally binding targets. Given the scope of the proposal, it is of vital importance that the State plays a strong role in the negotiations. This Office participates in an interdepartmental group to assist with Ireland's negotiation of the final text and provides ongoing legal advice concerning the final text.

Ireland has also intervened in a number of Article 267 References on data protection references from the Courts of various EU member states. Judgments from the Court of Justice on the data protection cases are expected over the next 12 months.

In the case of *C-22/21 SRS, AA v. Minister for Justice*, the preliminary reference clarified the interpretation of Article 3(2)(a) of the Free Movement Directive 2004/38/EC. The CJEU determined the principles to be considered in assessing whether a third country national ought to be considered a 'permitted family member' by virtue of being a 'member of the household' of a Union citizen for the purposes of obtaining an EU residence card under the Directive. This was the first time the CJEU determined the meaning of the term 'member of the household' since the commencement of the Directive. The CJEU held that Article 3(2)(a) "refers to persons who have a relationship of dependence with that citizen, based on close and stable personal ties, forged within the same household, in the context of a shared domestic life going beyond a mere temporary cohabitation entered into for reasons of pure convenience."

## **Objective 6: Enhance clients' knowledge of, and access to, the Offices' services**

Actions under the next Strategic Goal, of Building Relationships, also supported this objective.

As part of the expansion of its Client Relations Officer initiative, the CSSO provided a dedicated Client Relations Officer to the Legal Services Support Unit in the Department of Justice, with a view to gaining a greater understanding of client needs in the area of Immigration and Asylum litigation and enhancing client understanding of the CSSO legal service.

OPC continued to guide Departments in relation to the significant advantages of fully worked policy and drafting instructions in achieving fewer delays and blockages to delivery of drafting projects within required timelines.

## **Objective 7: Promote the concept of the State as "Model Litigant"**

The Office has worked with Departments to ensure the State acted consistently, notwithstanding the large volume of litigation that the groups managed. Particular effort was taken to identify early those cases in which the applicant's claim clearly had merit. In such cases, steps were taken to ensure as far as possible that the matter was resolved without delay and without further cost to the parties. Particular attention was given to identifying ways of limiting unnecessary costs in litigation.



The work of the Office has informed the establishment of a non-statutory scheme to resolve complaints brought by patients of the North Kerry CAMHS services as regards alleged misdiagnosis and treatment within that service, avoiding protracted litigation and unnecessarily putting litigants at expense and stress of establishing liability.

The CSSO hosted its inaugural Client Conference in Farmleigh House on 17 November 2022. The theme of the conference was "Civil Litigation: A New Model?" with a range of internal and external speakers presenting on different aspects of the role and responsibilities of the State in litigation and as a contracting authority.



## Strategic Goal 2: Build relationships

To improve the way we work and how we provide our services by building good relationships both internally and externally

A number of the examples presented address more than one objective under this Strategic Goal, as all forms of engagement and cooperation within the Office and across Government help to build relationships in various ways. So the illustrative examples under each Objective should be regarded as serving multiple purposes and not exclusively aimed at that Objective.

### **Objective 1: Build stronger connections with our clients and stakeholders**

Advisory Counsel held structured review meetings with clients during 2022, to discuss the most important legal and policy developments that client Departments were dealing with and engage in forward planning.

OPC constructively engaged with client Department at all stages in the drafting process in order to ensure the quality of the draft legislation. They provided detailed observations to Advisory Counsel and Departments on draft General Schemes and during the drafting process, worked with clients Departments, Advisory Counsel and, where necessary, the Attorney General, to identify and resolve drafting or legal issues, including legal issues of a complex and novel nature. OPC engaged with client Departments through participation in the Government Legislation Committee, the Secretary Generals' weekly meeting and the Interdepartmental Committee on EU Engagement (ICEE). Participation in these cross-departmental forums strengthened client relationships and the quality of the drafting service provided by ensuring that OPC was at all times apprised of client Departments' policy objectives and requirements. Participation in these forums further ensures that Government derives maximum benefit from the services provided by OPC to successfully implement the Government's Legislation Programme.

In addition to ongoing engagement with clients at Divisional level in the CSSO by means of our Client Relations Officer Network, the CSSO's Inaugural Client Conference served as an additional platform for the building of connections with clients across the board.

## **Objective 2: Raise the knowledge platform for our clients**

OPC have been involved in the Civil Service AO training programme by delivery of lectures to AOs on the legislative drafting process. OPC also collaborated with the Houses of the Oireachtas to assist in guiding officials through the Legislative drafting process and, in collaboration with researcher colleagues, prepared ongoing revisions of the Covid-19 Health Regulations which were then published on gov.ie.

Following a review with the Department of Justice's Citizenship Unit (who are responsible for a large volume of citizenship applications), the Office established a Citizenship Law Training Committee to plan for and design training. The training is a collaborative project between the AGO, CSSO and Department of Justice and is focused on the fundamentals of good decision making.

In addition, bespoke training was delivered by the CSSO to client Departments and Offices to raise the knowledge platform.

## **Objective 3: Promote early engagement with clients**

OPC engaged with Departments at all stages of the drafting process with a view to achieving greater efficiency in their interactions. Departments were encouraged to consult with seconded Advisory Counsel at an early stage in the development of legislative proposals and with other Departments whose remit may be affected by the proposals. OPC engaged with Departments to support their training initiatives relating to the legislative process.

All Divisions and Sections within the CSSO have appointed staff as designated Client Relations Officers – the CRO Network – to enhance management and facilitation of client relationships, prioritisation of work and collaboration with colleagues on a global view of client matters across the CSSO.

## **Objective 4: Strengthen links with Seconded Advisory Counsel and Seconded State Solicitors**

The Office's Secondment Programme continues to expand across many Departments and the Office has supported the enlargement of the Legal Units in Departments with

the secondment of experienced Advisory Counsel to lead and manage in-house Legal Units.

The development of strong connections with the seconded Advisory Counsel and Legal Units in Departments continued. An Advisory Counsel at Assistant Secretary level chairs an umbrella Secondment Working Group that provided support to seconded Advisory Counsel; organised training and development on areas of particular importance to in-house Government lawyers through the Secondment Training Programme; supported and worked with the network of seconded Advisory Counsel; and reported regularly to the Office Management Committee. Groups of seconded Advisory Counsel met with the Attorney General during the course of the year to discuss the working of the secondment programme. The Director General met periodically with seconded Advisory Counsel, as did the Advisory Counsel overseeing the secondment programme.

Seconded Advisory Counsel attended general meetings of Advisory Counsel and training and knowledge management events in the Office, including the Annual Seconded Conference, and had access to the AGO Library and Know-How service as required.

As part of the secondment programme, the CSSO provide induction support to Seconded Advisory Counsel as they take up roles in their assigned Departments.

In addition to collaborating with Advisory Counsel within the Office (and the CSSO as appropriate) on the provision of legal advisory services to client Departments and agencies, seconded Advisory Counsel also advised on a number of significant matters across the range of policy and operational areas of the Departments that they are assigned to. This included initiatives, for example, to support the provision of housing, advising on the accommodation requirements for Ukrainian nationals, and the implementation of EU environmental law.

OPC also participated in the delivery and attendance of the AGO secondees training programme, as well as in the design and delivery of, and attendance at the AGO EU Law Programme.

CSSO solicitors seconded to the European Commission provided training to colleagues on EU law matters via the CSSO Lunch & Learn programme.

## **Objective 5: Deepen communication and collaboration across the Office**

The Office established the Infrastructure Round Table initiative in 2022 to bring together lawyers from across the Office with an interest in advisory and transactional specialisms which are particularly germane to large State infrastructural projects. These are lawyers practising in the areas of Planning, Environmental law, Public Procurement, Energy, Judicial Review, Public Expenditure, Commercial Contracts and State Property, though this is not an exhaustive list. Meetings occur approximately quarterly with strong sharing of knowledge across AGO/CSSO with a view to augmenting our approach to crosscutting or systemic issues affecting several infrastructure projects.

The Office also established a series of informal hybrid workshops covering topical issues in the areas of tax, energy, procurement and asylum and citizenship, delivered by Advisory Counsel, Parliamentary Counsel and State Solicitors sharing knowledge and experience from their own work. The delivery facilitated both knowledge-sharing and the relationship-building across the offices.

To assist People Managers in their role, the CSSO piloted the roll out of People Manager Knowledge-sharing Circle Meetings. Facilitated by the CSEAS Employee Assistance Officer, informal knowledge-sharing meetings were held quarterly to discuss typical requests made by staff to People Managers and typical situations that arise in the workplace.

The constituent parts of the AGO, along with the Law Reform Commission, supported each other in putting together interview boards for internal promotion competitions.

OPC collaborated with Seconded Advisory Counsel in client Departments in respect of Heads of General Schemes for draft legislation and preliminary legal issues arising in the formulation of new Heads. OPC consulted with Advisory Counsel in relation to legal issues arising in the drafting of legislation. OPC also collaborated with colleagues across the Office through participation on all internal committees.

## Strategic Goal 3: Build capacity

To be a modern, agile and dynamic legal office and to build sustainable capacity for the benefit of our clients and our people

### **Objective 1: Provide ICT solutions that support our people in delivering the required level of service to clients**

The ICT Units continued to consolidate, extend and support the Office's remote working capability in 2022 to ensure that full access to applications were available to staff through improving, where necessary, the scale, resilience, performance and reliability of the supporting systems. The effective use of web conferencing on remote devices and also in the physical office to allow virtual meetings was supported during 2022.

2022 also saw the significant upgrade of internal network infrastructure, including firewalls and switches to increase the efficiency, reliability and security of the ICT services provided to staff and clients.

The AGO ICT Unit has worked closely as partners with the Houses of the Oireachtas on a project to procure a new Legislative Authoring, Amending, and Publishing System, designated as Reachtra. This is a joint project to procure new software to facilitate increased efficiency in the drafting, amending and publishing of legislation. The project teams completed extensive research on the requirements for the software. This research included user consultation, as well as discussions with equivalent organisations in other jurisdictions and market soundings.

The Office worked closely with both the European and Irish court services to ensure the quality of the CSSO Audio Visual facilities meet the standards of all relevant courts.

The ICT units regularly work with User groups and stakeholders to ensure the shared case and records management system continues to operate in an efficient and appropriate manner.

## **Objective 2: Recruit and retain high calibre staff**

In 2022, the AGO used the Public Appointments Services to support the recruitment of advisory and parliamentary counsel as well as administrative staff to deliver the highest standard of professional legal services to the Government, its Departments and Offices.

The CSSO initiated a recruitment outsourcing strategy to gain economies of scale, and to further strengthen the Office's employee value proposition, supporting talent acquisition in 2022. Coupled with a focus on building internal capabilities, via the Trainee Legal Executive Scheme, the Trainee Solicitor Scheme and the ICT Apprenticeship programme, 131 roles were filled throughout the year with an emphasis on securing the highest standard of expertise across the CSSO.

## **Objective 3: Enhance the Office's governance and risk management culture**

During 2022 the joint AGO/CSSO Risk Management Committee continued to meet regularly and progress their work programme, including the raising of awareness of risk throughout the organisation and overseeing the regular risk register review by all relevant local managers. During 2022 the Risk Management Committee attended risk workshops, facilitated by an external expert, to review our approach to Risk Management.

The Audit Committee met four times and a programme of internal audits was carried out by the Office's internal auditors (outsourced to an external firm).

The CSSO's revised Corporate Governance Framework was approved and published in 2022.

CSSO ICT have implemented a number of new technologies in 2022 with the aim of increasing the Cyber Security and resilience of the offices. Risks to the ICT and Data environment are regularly reviewed and audited. ICT across the Office work closely with the National Cyber Security Center and outside partners to mitigate and manage the risk of cyber security and data security breaches.

In addition to the deployment of Network Level Cyber Security systems the CSSO has also enhanced its Backup and Antivirus software along with its user management process in 2022. These improvements will reduce the risk of cyber incidents and will also help to reduce the impact of any incidents that may occur.

## **Objective 4: Increase efficiencies in the delivery of our services**

The Office continued to plan for future accommodation needs for its functions located in Merrion Street, assessing and progressing opportunities to make the best use of the limited space available to the Office. The CSSO engaged with the OPW on plans to relocate CSSO office accommodation (currently spread across two buildings) to new premises in Smithfield.

The membership and the client Departments of the four groups of Parliamentary Counsel were regularly reviewed having regard to the spread of expertise, the fluctuations of work and the development of their skills and experience. Work was shared between the groups and Parliamentary Counsel from across the groups were assigned to joint projects (such as the Planning and Development Bill) having regard to the workload and capacity of each group. The heads of groups and the CPC were in regular contact at their weekly meetings and as required in relation to drafting projects of cross-group relevance.

The AC/PC Procedures project continues with a view to achieving sign-off and publication in the near future.

Advisory Counsel and Parliamentary Counsel updated their specialist knowledge of relevant areas of the law through research, mentoring and induction, attendance at courses and conferences (including remotely), in-house and virtual training and development, as well as regular virtual in-house legal meetings where current legal issues were presented by Advisory Counsel and Parliamentary Counsel. The circulation of group weekly reports to all lawyers in the AGO and the emphasis on contributing legal advices to the know-how system were key elements of maintaining up to date knowledge. Specialist knowledge was enhanced by training in the use of research tools on the case and records management system, know-how database and other commercially produced legal databases.

The Office kept abreast of developments in private legal firms and in particular the support systems employed for the delivery of high quality legal services to clients. This included keeping informed of advancements in information and communications technologies in a law office environment, participating in a Knowledge Management Network and seeking to implement current best practice in the Office.

## Strategic Goal 4: Support our people

To support our people so that they can perform to the best of their abilities and effectively collaborate to deliver an excellent service to our clients

### **Objective 1: Promote a culture of respect, dignity, equality and diversity in the workplace**

In line with its statutory responsibilities under the Irish Human Rights and Equality Commission Act 2014, the Office is committed to increasing diversity in the workplace, as well as supporting social inclusion.

In 2022, the Office, in conjunction with the Law Reform Commission, ran a student internship programme, aimed at promoting accessibility to the legal roles generally, linked to the HEAR/DARE access programmes. Two final year law students who were successful in a competition for the Internship Programme, spent the summer working in the AGO. Building on this success of the 2022 Programme, the Office will participate in the internship programme again in 2023.

Initiatives to support social inclusion which continued in 2022 included the CSSO Transition Year Programme to reserve a number of places for students attending local DEIS schools. The Office continued to support the Time to Read Programme with 10 staff members participating in this reading enhancement initiative.

In 2022, the CSSO Equality Diversity and Inclusion (EDI) team completed a self-assessment against the Public Sector EDI Maturity Model, and on foot of the assessment the EDI team identified a number of workstreams for 2022. A key objective identified in staff engagement survey analysis was for a LGBTQ+ Network to be established in the Office and this progressed in 2022.

In response to the National Strategy for Women and Girls Committee report produced in 2019 which highlighting period poverty as a significant issue, all offices have now replaced the standard period product vending machines in all of the women's bathrooms with non-payment vending machines.

The Office provided Disability Awareness training for all staff and presented webinars on Ageism & Age Equality. The CSSO Disability Liaison Officer issues a regular Disability Awareness bulletin, D'Edit, and arranges talks to raise awareness of disability issues.



The CSSO Gender Pay Gap Report was published as required in December, 2022 and is available at: [CSSO Gender Pay Gap Report 2022](#).

A number of corporate publications were translated to Irish during 2022 for simultaneous publication to the Office's website and a small number of queries through Irish came to and were dealt with by the Office.

## **Objective 2: Promote excellence through leadership, performance management and development**

All staff engage in PMDS and are encouraged to undertake further education as well as role-specific training to enhance their abilities to deliver a quality service to the AGO. Officers are supported to achieve the goals set in PMDS process by means of the Refund of Fees Scheme, and are supported to attend training courses and continuous professional development events by way of a dedicated Learning & Development budget.

In 2022, the Office ran pilot mentoring programmes across its constituent offices. The Programmes are designed to assist in building relationships, building capacity, supporting our people and ultimately to benefit clients. Following on from the positive response to the pilot programme, the CSSO Mentoring Programme was launched in September 2022. There was full engagement with the newly launched Mentoring Programme with mentees availing of all available places on the Programme and with existing and new Mentors agreeing to participate in the Programme.

Building on the success of a pilot which had run during 2021, the CSSO launched the CSSO Staff Recognition Scheme and hosted an in-person event in December 2022 to announce those staff who were recognized by their colleagues. The event also celebrated the 100-year anniversary of the CSSO and recognized the contributions of staff who had retired from the CSSO during the pandemic.

During the year, the CSSO committed to participate in the ICT Apprenticeship Programme, which provides an opportunity for the ICT officers to act as mentors to incoming ICT Apprentices. CSSO HR team participated in workshops to enhance Team Building soft skills and officers engaged with the suite of OneLearning courses focusing on soft skills. Additionally, existing officers volunteered to participate in training to enhance soft skills to support new entrants to the CSSO. A number of officers participated in Civil Service Leadership courses with OneLearning and external training providers. The CSSO Learning & Development team engaged with internal and external Civil Service colleagues for support in preparation for tender process launch in 2023 for an in-house Talent Management Programme for senior management grades in the CSSO.

The Office finalised the design and procurement of a new training and leadership development programme for Assistant Parliamentary Counsel (Grade I) (PO equivalent) to be rolled out in 2023.

More generally, staff across the Office attend a wide range of training events, both inside and outside the Office, including formal courses leading to relevant qualifications. In particular, HR staff have gained CIPD qualifications in HR as well as mediation qualifications.

The Office continued to support mobility opportunities under the Civil Service Mobility Scheme. The Scheme provides opportunities for civil servants to broaden their skills and career development while also supporting the business needs of Civil Service organisations.

### **Objective 3: Support our people through enhanced knowledge management systems**

The AGO Library & Research Service continued to provide a proactive research and information service in 2022. More resources were invested in providing access to eBooks in order to facilitate staff working remotely. Access to these resources were also available to Seconded Advisory staff. A number of current awareness services were provided to staff on a regular basis throughout 2022 and one of the main current awareness services was enhanced following consultation with users.

In collaboration with colleagues in the Office of the Parliamentary Counsel, legal researchers continued to prepare ongoing revisions of the COVID-19 Health Regulations which were then published on the website gov.ie.

The AGO legal blog (internal) continued to serve as a legal knowledge management tool for the AGO, through the contribution of posts on a wide range of legal topics by AGO staff (including seconded Advisory Counsel). An active Legal Blog Committee comprising of Merrion Street staff and Seconded Advisory Counsel met regularly via a digital communications platform to advance the proposed programme of posts for the blog.

As part of the AGO's ongoing commitment to Knowledge Management (KM), the KM Committee developed tailored surveys to gather feedback from AGO staff and Seconded Advisory Counsel in relation to KM. This feedback will form the basis of the next AGO Knowledge Management Strategy.

Internal legal knowledge sharing forums (Legal issues, EU legal issues & Training Delivery Group & OPC Training Group) continued to provide ongoing legal learning and training online. Ten events on a wide range of topics were held in 2022 and were heavily attended online.

The AGO continued to enhance the capture, sharing and accessibility of legal know-how through ongoing development and promotion of the legal know-how database. All new legal staff were offered training on this key database as part of the induction programme provided by the Library & Research Service. Regular refresher training was also offered to existing staff as part of Library & Research Service annual programme of information skills training.

During the year, the CSSO's Knowledge & Information Service continued to manage the CSSO's internal and external legal information, including its library service, knowledge resources and its corporate intranet. Library, legal information and reference services were provided to CSSO staff, both in-person and remotely. The CSSO's internal *Legal Bulletin* continued to be circulated to all legal staff on a weekly basis and the CSSO's *Lunch & Learn* series continued to operate successfully online. In addition, the CSSO's Knowledge & Information Service developed standard templates for knowhow materials, in line with the CSSO's Strategic Plan for Knowledge Management 2021-2024.

### **The electronic Irish Statute Book (eISB)**

The Office's eISB Group oversees the ongoing production, management and updating of the electronic Irish Statute Book (eISB). The eISB is an online repository of primary and secondary legislation that is regularly updated and freely available to the public through the website [www.irishstatutebook.ie](http://www.irishstatutebook.ie). The Legislation Directory (LD), the publicly available index which tracks changes to primary legislation (Acts) and secondary legislation (Statutory Instruments) is maintained and updated on a weekly basis.

The LD includes tables for all post 1922 Acts and tables for all pre-1922 Acts that remain in force. It also includes complete tables for statutory instruments and legislative effects made by statutory instruments from the current date extending back to 1 January 1972, and incomplete tables prior to that date.

The full text of the Constitution with links to amending Acts is also published on the eISB. The eISB continues to provide direct links from (a) Acts to Revised Acts (unofficial administrative consolidations compiled by the Law Reform Commission) where available and (b) from an Act to the relevant Bill located on the Houses of the

Oireachtas web site. In line with open data principles, the eISB continues to make primary legislation data available in XML format.

The Office implements the European Legislation Identifier (ELI) through the eISB. The ELI requires EU Member States to use standardised on-line identification of legislation and metadata properties describing each legal resource, enabling an effective, faster and user-friendly search and exchange of legal information.

#### **Objective 4: Promote a positive work-life balance**

The Office is committed to embracing opportunities for remote and blended working, to build a more agile and responsive Civil Service, while sustaining strong standards of performance and high levels of productivity.

Having regard to the published Blended Working Policy Framework for Civil Service Organisations, a Blended Working Policy (pilot) was implemented in the CSSO in 2022. The policy reflected the efficiencies gained during the pandemic and followed on foot of sustained engagement with staff who had a direct input into the Policy via completion of a Staff Engagement Survey and the CSSO Work Life Balance Committee comprised staff from across the Office. In addition to piloting a Blended Working Policy from October 2022, the CSSO participated in a DPENDR pilot of Flexitime accrual in a blended working environment in the Civil Service, piloting it on the basis of staff being able to accumulate flexi-time whether working from home or in the office.

These initiatives have expanded flexible working arrangements that are responsive to organisational and employee needs and provide opportunities to enhance employee wellness and work-life balance. The enhanced flexible working arrangements enable talent acquisition and succession planning and facilitate inclusive employee experiences in terms of age, gender, culture, location, and contractual arrangements.

#### **Objective 5: Promote environmentally sustainable work practices**

**The AGO** rolled out various energy awareness and saving initiatives during the year along with arranging for some related building improvement works. They liaised with the OPW Energy at Work Programme and monitored the Office's energy usage. They also established the Office's Energy committee and set up a page on the Office intranet as a repository of information to allow for dissemination of energy efficiency material to staff. The Smarter Travel Programme has been

developed and rolled out for the Merrion Street offices, which has also promoted the Walktober Step Challenge.

Stamped drafts of legislation are now produced electronically by OPC rather than in hard copy and the majority of OPC correspondence is conducted electronically.

The CSSO engaged with all suppliers in relation to green initiatives, sourcing recyclable stationery supplies, and ensuring the availability of recycling depositories throughout the office for paper, cardboard and other materials. In addition, regular updates were communicated to CSSO staff in relation to energy use and energy saving practices. The CSSO has installed energy saving lighting and upgraded its heating system.

In addition, in keeping with the Government's *digital first* strategy, and as part of the embracing of e-litigation, the CSSO continued its practice, inaugurated during the pandemic, of reducing the production of hard copy paperwork where circumstances permitted e-briefing.

In 2022, AGO Merrion Street offices consumed:

- 329 MWh of electricity
- 291 MWh gross of natural gas fuels
- 25 tonnes of renewable fuels (wood chips)

In 2022, CSSO offices consumed:

- 416 MWh of electricity
- 577 MWh of gas

## **Objective 6: Optimise internal communication**

As well as a range of in-house training, learning and development events, both online and offline, the Office continues to review and update its communication modes and media. As well as the respective internal online data hubs in the CSSO and the Merrion Street Offices, a range of internal fora are used to share knowledge and experience. Corporate units regularly communicate developments on the various initiatives outlined elsewhere.

HR units set up a network with peers across the office and with other legal offices to discuss and knowledge-share on HR matters of relevance to all.

Part 3  
Annexes

## Annex A Government Bills published in 2022

### Public General Bills

- Agricultural and Food Supply Chain Bill 2022
- Appropriation Bill 2022
- Assisted Decision-Making (Capacity) (Amendment) Bill 2022
- Birth Information and Tracing Bill 2022
- Bretton Woods Agreements (Amendment) Bill 2022
- Central Bank (Individual Accountability Framework) Bill 2022
- Child Care (Amendment) Bill 2022
- Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Bill 2022
- Civil Law (Miscellaneous Provisions) Bill 2022
- Communications (Retention of Data) (Amendment) Bill 2022
- Competition (Amendment) Bill 2022
- Consumer Credit (Amendment) Bill 2022
- Consumer Rights Bill 2022
- Courts and Civil Law (Miscellaneous Provisions) Bill 2022
- Credit Guarantee (Amendment) Bill 2022
- Credit Union (Amendment) Bill 2022
- Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022
- Criminal Justice (Miscellaneous Provisions) Bill 2022
- Development (Emergency Electricity Generation) Bill 2022
- Education (Provision in Respect of Children with Special Educational Needs) Bill 2022
- EirGrid, Electricity and Turf (Amendment) Bill 2022
- Electoral Reform Bill 2022
- Electricity Costs (Domestic Electricity Accounts) Emergency Measures and Miscellaneous Provisions Bill 2022
- Electricity Costs (Domestic Electricity Accounts) Emergency Measures Bill 2022
- Employment Permits Bill 2022
- European Arrest Warrant (Amendment) Bill 2022
- Family Courts Bill 2022
- Finance (Covid-19 and Miscellaneous Provisions) Bill 2022
- Finance Bill 2022
- Gambling Regulation Bill 2022
- Garda Síochána (Amendment) Bill 2022
- Garda Síochána (Recording Devices) Bill 2022
- Health (Assisted Human Reproduction) Bill 2022
- Health (Miscellaneous Provisions) (No. 2) Bill 2022
- Health (Miscellaneous Provisions) Bill 2022

- Health Insurance (Amendment) Bill 2022
- Higher Education Authority Bill 2022
- Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022
- Institutional Burials Bill 2022
- Insurance (Miscellaneous Provisions) Bill 2022
- Judicial Appointments Commission Bill 2022
- Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Bill 2022
- Mother and Baby Institutions Payment Scheme Bill 2022
- National Cultural Institutions (National Concert Hall) (Amendment) Bill 2022
- National Tourism Development Authority (Amendment) Bill 2022
- Online Safety and Media Regulation Bill 2022
- Payment of Wages (Amendment) (Tips and Gratuities) Bill 2022
- Personal Injuries Resolution Board Bill 2022
- Planning and Development (Amendment) (No. 2) Bill 2022
- Planning and Development and Foreshore (Amendment) Bill 2022
- Protected Disclosures (Amendment) Bill 2022
- Redundancy Payments (Amendment) Bill 2022
- Regulated Professions (Health and Social Care) (Amendment) Bill 2022
- Regulation of Providers of Building Works Bill 2022
- Remediation of Dwellings Damaged By the Use of Defective Concrete Blocks Bill 2022
- Residential Tenancies (Deferment of Termination dates of Certain Tenancies) Bill 2022
- Screening of Third Country Transactions Bill 2022
- Sick Leave Bill 2022
- Social Welfare Bill 2022
- Tailte Éireann Bill 2022
- Water Environment (Abstractions and Associated Impoundments) Bill 2022
- Water Services (Amendment) (No. 2) Bill 2022
- Work Life Balance and Miscellaneous Provisions Bill 2022



## Annex B Government Bills enacted in 2022

### Public General Acts

- Air Navigation and Transport Act 2022
- Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022
- Appropriation Act 2022
- Assisted Decision-Making (Capacity) (Amendment) Act 2022
- Birth Information and Tracing Act 2022
- Bretton Woods Agreements (Amendment) Act 2022
- Child Care (Amendment) Act 2022
- Circular Economy and Miscellaneous Provisions Act 2022
- Civil Law (Miscellaneous Provisions) Act 2022
- Communications (Retention of Data) (Amendment) Act 2022
- Competition (Amendment) Act 2022
- Consumer Credit (Amendment) Act 2022
- Consumer Protection (Regulation of Retail Credit and Credit Servicing Firms) Act 2022
- Consumer Rights Act 2022
- Credit Guarantee (Amendment) Act 2022
- Defence Forces (Evidence) Act 2022
- Development (Emergency Electricity Generation) Act 2022
- Education (Provision for children with special educational needs) Act 2022
- Eirgrid, Electricity and Turf (Amendment) Act 2022
- Electoral Reform Act 2022
- Electricity Costs (Domestic Electricity Accounts) Emergency Measures and Miscellaneous Provisions Act 2022
- Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022
- Finance (Covid-19 and Miscellaneous Provisions) Act 2022
- Finance Act 2022
- Garda Síochána (Amendment) Act 2022
- Garda Síochána (Compensation) Act 2022
- Garda Síochána (Functions and Operational Areas) Act 2022
- Health (Miscellaneous Provisions) (No. 2) Act 2022
- Health (Miscellaneous Provisions) Act 2022
- Health Insurance (Amendment) Act 2022
- Higher Education Authority Act 2022
- Institutional Burials Act 2022
- Insurance (Miscellaneous Provisions) Act 2022
- Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022

- Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022
- National Tourism Development Authority (Amendment) Act 2022
- Online Safety and Media Regulation Act 2022
- Payment of Wages (Amendment) (Tips and Gratuities) Act 2022
- Personal Injuries Resolution Board Act 2022
- Planning and Development and Foreshore (Amendment) Act 2022
- Planning and Development, Maritime and Valuation (Amendment) Act 2022
- Protected Disclosures (Amendment) Act 2022
- Redundancy Payments (Amendment) Act 2022
- Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022
- Remediation of Dwellings Damaged By the Use of Defective Concrete Blocks Act 2022
- Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022
- Sea-Fisheries (Miscellaneous Provisions) Act 2022
- Sick Leave Act 2022
- Social Welfare Act 2022
- Tailte Éireann Act 2022
- Water Environment (Abstractions and Associated Impoundments) Act 2022
- Water Services (Amendment) Act 2022

Annex C

Vote 3: Office of the Attorney General

Provisional Outturn 2022 and Estimate for 2022 and 2023

Estimate and Provisional Outturn for 2022 and Estimate of the amount required in the year ending 31 December 2023 for the salaries and expenses of the Office of the Attorney General including a grant

	Service	Estimate Provision	Provisional Outturn	Estimate Provision
	<b>Administration</b>	<b>2022</b>	<b>2022</b>	<b>2023</b>
		<b>€000</b>	<b>€000</b>	<b>€000</b>
A1	Salaries, Wages and Allowances	14,308	13,007	15,756
A2 (i)	Travel and Subsistence	240	110	240
A2 (ii)	Training & Development & Incidental Expenses	700	551	750
A2 (iii)	Postal & Telecommunication Services	125	92	125
A2 (iv)	Office Equipment & External IT Services	700	1,007	1,154
A2 (v)	Office Premises Expenses	208	116	310
A2 (vi)	Consultancy Services & Value For Money Reviews	35	22	35
A2 (vii)	Contract Legal Expertise	2,710	447	2,100
	<b>Subtotal</b>	<b>19,026</b>	<b>15,352</b>	<b>20,470</b>
	<b>Other Services</b>			
A3	Contributions to International Organisations	54	57	58
A4	Law Reform Commission (Grant in Aid)	2,781	2,316	2,883
A5	General Law Expenses	130	36	130
A6	Consolidation and Revision of Planning Laws	12,000	2,684	4,000
	<b>Gross Total</b>	<b>33,991</b>	<b>20,445</b>	<b>27,541</b>
	<b>Deduct</b>			
B	Appropriations In Aid	(705)	(631)	(705)
	<b>Net Total</b>	<b>16,754</b>	<b>19,814</b>	<b>26,836</b>

## Vote 6: Office of the Chief State Solicitor

### Provisional Outturn for 2022 and Estimate for 2022 and 2023

Estimate and Provisional Outturn for 2022 and Estimate of the amount required in the year ending 31 December 2023 for the salaries and expenses of the Office of the Chief State Solicitor.

	<b>Service</b>	<b>Estimate Provision</b>	<b>Provisional Outturn</b>	<b>Estimate Provision</b>
		<b>2022</b>	<b>2022</b>	<b>2023</b>
		<b>€000</b>	<b>€000</b>	<b>€000</b>
	<b>Administration</b>			
A1	Salaries, Wages and Allowances	24,795	22,538	26,676
A2(ii)	Travel and Subsistence	90	63	90
A2(iii)	Training and Development and Incidental Expenses	1,038	1,075	1,038
A2(iv)	Postal and Telecommunications Services	310	333	310
A2(v)	Office Machinery and Other Office Supplies and Related Services	1,005	1,163	1,005
A2(vi)	Office Premises Expenses	250	123	250
A2(vii)	Consultancy Services and Value for Money and Policy Reviews	100	78	100
	<b>Subtotal</b>	<b>27,588</b>	<b>25,373</b>	<b>29,469</b>
	<b>Other Services</b>			
A3	External Legal Services	220	221	220
A4	Fees To Counsel	21,500	19,143	19,500
A5	General Law Expenses	1,200	705	1,200
	<b>Gross Total</b>	<b>50,508</b>	<b>45,442</b>	<b>50,389</b>
	<b>Deduct</b>			
B	Appropriations-in-Aid	850	996	891
	<b>Net Total</b>	<b>48,658</b>	<b>44,446</b>	<b>49,498</b>

## Annex D

### Statements and Reports in Respect of Payment Practices 2022

Office of the Attorney General

#### General

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

#### Late Payments

Payments totalling €2,404,453.24 in 2022 were made from the Vote of the Office of the Attorney General in respect of payments to which the legislation applies.

There were three instances of Prompt Payment interest totalling €29.08 incurred during the year.

#### Payments to which prompt payments applied from January to December 2022

Total value of all payments	€2,404,453.24
Total value of late payments (under €320 inclusive)	Nil
Total value of all late payments (over €320)	€26,382.27
Value of late payments as % of total payments	1.1%
Number of late payments in excess of €320	3
Amount of interest paid	€29.08
Amount of interest as % of total payments	0.0012%
Average indication of length of delays	4.33 days

## Chief State Solicitor's Office

The terms of Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations applies to payments made by or on behalf of this Office excluding payroll and certain other Office expenses. In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

### **Payments to which Prompt Payments applied from January to December 2022**

Total value of all payments	€3,731,547.13
Total value of all late payments (under €320 inclusive)	€2,942.98
Total value of all late payments (over €320)	€8,805.06
Value of late payments as % of total payments	.315%
Number of late payments in excess of €320	7
Amount of interest paid	€1,180.97
Amount of interest as % of total payments	0.0316%
Broad indication of length of delays	46 days

Annex E  
Staff Breakdown

	<b>Male</b>		<b>Female</b>		<b>%</b>	
					<b>Male</b>	<b>Female</b>
Secretary General		1		2	33%	67%
Deputy Secretary General		0		1	0%	100%
Assistant Secretary		7		8	47%	53%
PO		21.8		40.5	35%	65%
AP		64.8		125.9	34%	66%
HEO (& HLE)		15.8		15.5	50%	50%
AO		2		2	50%	50%
EO		17		23.4	42%	58%
SO (Legal Exec)		6		3.8	61%	39%
CO		32		60.7	35%	65%
Services Officer		4		0	100%	0%

Annex F  
Freedom of Information Statistics 2022

<b>Requests</b>	
Requests received	32
Carried forward from 2021	6
Granted	4
Part-Granted	9
Refused	24
Requests open at year-end	1
Internal Reviews	5
Fees Received	€150
<b>Requester Type</b>	
Journalist	17
Oireachtas	0
Staff	0
Others	15
Sections of the Act relied on in part-granting or refusing requests	15(1), 29(1), 30(1), 31(1), 32(1), 33(1) and (3), 36(1), 37(1), 40(1) and 42(f) and (g)