



Office of the Attorney General



Annual Report 2004

Incorporating the

- Second Progress Report on Implementation of **Statement of Strategy 2003-2005** and
- Third 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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The Office of the Attorney General incorporates the Office of the Parliamentary Counsel to the Government (OPC), and the Chief State Solicitor's Office (CSSO).

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Mission Statement



“Providing the highest standard of professional legal services to Government, Departments and Office”

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Foreword by the Attorney General



I am very pleased to be associated once again with the publication of the Annual Report for the Office of the Attorney General. This is the Fourth Office Annual Report published in my period of office.

The Annual Report records the progress being made by the Office on a range of initiatives while at the same time ensuring that the core work of the Office is undertaken in a most professional client-centred manner. I am particularly aware of the first-class legal and drafting services provided by the Office very often at short notice on a range of issues and topics. These services are being improved by the new Information Technology and client-orientated initiatives being pursued across both the Merrion Street Office and the Chief State Solicitor's Office.

I would like to thank all of the staff in the Office, including Advisory Counsel, Parliamentary Counsel and the Chief State Solicitor's Office, and all support personnel and to convey my deep appreciation for the work they are performing on behalf of the State.

Rory Brady, SC
Attorney General
December, 2005



Introduction by the Director General



Attorney General

This is the *Annual Report of the Office of the Attorney General for 2004*. It incorporates the Second Progress Report on Implementation of the *Statement of Strategy 2003-2005* and the Third Progress Report on Implementation of the Merrion Street Office's *Client Service Guide 2002-2004* and of the Chief State Solicitor's Office *Customer Action Plan 2002-2004*.

Considerable progress continues to be made by the Merrion Street Office and the Chief State Solicitor's Office in implementing the commitments set out in the Statement of Strategy and the Client and Customer documents and in progressing the Civil Service Modernisation Agenda. At the same time the core work of the Offices in providing legal advice and services on various issues and in drafting legislation continues to grow.

The following highlights some of the matters progressed in 2004:

- Roll-out across both Offices of the Financial Management System from July, 2004,
- Continued development of the new Case and Records Management System which is being piloted in both Offices from April, 2005,
- Placing the 2003 Chronological Tables, Statutes and Statutory Instruments on the Office website in December, 2004.
- Commencement of the First Expenditure Reviews by both Offices,
- Publication of Statute Law Revision (Pre-1922) Bill in November, 2004,
- Preparation of 3 new Restatements.

The Progress Reports on the Office's Action Plans, arising under *Sustaining Progress*, which are published on the Office website on clearance by the Civil Service Performance Verification Group provide up-to-date information on the activities of the Office.

The Office's new *Statement of Strategy for 2006-2008* is currently being finalised.



Introduction by the Director General

Other projects on-hand include:

- Finalisation of the Merrion Street Office's *Client Service Guide 2005-2007* and the Chief State Solicitor's Office *Customer Action Plan 2005-2007*,
- Roll-out of the Management Information Framework including costing and management reports,
- Roll-out of the Case and Records Management System across all areas of both Offices,
- Further updating of the Electronic Irish Statute Book,
- Finalisation of Expenditure Reviews and commencement of new Reviews,
- Finalisation of the Offices' Risk Register,
- Pre-1922 Legislation Project.

All of these initiatives can only be accomplished by the input of a most dedicated staff across all areas of both Offices. I would like to extend my thanks to all concerned.

Finola Flanagan

Director General

December 2005



Deirbhle Murphy
Chief Parliamentary Counsel



David J. O'Hagan
Chief State Solicitor





Chapter 1

Roles and Functions

Roles and Functions

The Attorney General is the legal adviser to the Government and a constitutional officer. The clients of the Attorney General and the Attorney's Office are the executive branch of Government, that is to say the Government as a whole, its individual members and the Departments they head. By virtue of Article 30.1 of the Constitution and section 6 of the Ministers and Secretaries Act 1924 and the ninth part of the schedule to that Act, the Attorney General has control and responsibility for the Office of the Parliamentary Counsel to the Government and the Office of the Chief State Solicitor. The main functions of the Office of the Attorney General are:

- to provide legal advice to Government, Departments and Offices
- to draft legislation
- to provide litigation services
- to provide solicitor services, including conveyancing and other transactional services.

The role of the Office of the Attorney General, including all its officers, is to assist and to advise the Attorney General in carrying out the functions of advising Government and in performing other functions specifically conferred by the Constitution and legislation. Under the Public Service Management Act 1997 authority for management of the Office, monitoring policies that affect the Office and the delivery of specified outputs devolves on the Head of the Office, who is the Director General.

Advisory Counsel

The Advisory side of the Office is divided into five specialist groups covering all legal specialisms. It is comprised of barristers (Advisory Counsel) each of whom specialises in a variety of specific areas of law. The principal duty of Advisory Counsel is to assist in the performance of the Attorney General's functions and duties. Advisory Counsel are organised into five groups, each of the five groups has dedicated clerical support staff familiar with the business of the group. The range of subjects covered is extensive but the activities themselves fall into three functional areas, namely:

- (a) the provision of advice;
- (b) the direction of litigation;
- (c) involvement in the provision of a drafting service to Government Departments.

Work of Advisory Counsel

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

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

Permanent Representation to the European Union

The Office has assigned an Advisory Counsel to be seconded as Legal Attaché to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the Legal Attaché has become an intrinsic element of the effective functioning of the Permanent Representation.

The Legal Attaché furnishes legal advice to the representatives of all Government Departments who are members of the Permanent Representation on the wide range of legal issues which arise on a day-to-day and often very urgent basis. Due to the participation of the Legal Attaché in important EU negotiations, including Treaty reform and other significant legislative developments, the Attorney General is now involved from an early stage in advising on significant EU legal issues. The role involves furnishing oral and written advices, opinions and briefings on matters of EU law, domestic legal and constitutional issues which arise in the context of Ireland's membership of the Union. This service facilitates the seeking and provision of legal advice in respect of community initiatives and seeks to ensure that Departments are aware of, and as up-to-date as possible with, their obligations under European law. The diplomatic aspect of the role



Roles and Functions

includes extensive consultation, briefing and negotiations within the European Council for the protection and promotion of the State's legal interests.

Parliamentary Counsel to the Government

The Office of the Parliamentary Counsel to the Government ("OPC") comprises a team of specialist lawyers trained to a high level in the discipline of drafting legislation. The mission of the OPC is to provide the highest standard of professional legislative drafting service to its clients and to maintain information on the progress of the drafting of legislation.

Work of Parliamentary Counsel

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

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

Chief State Solicitor's Office

The Chief State Solicitor's Office is a constituent element of the Attorney General's Office. The principal functions of the Attorney General are to advise the Government in matters of law and legal opinion and to provide the State with both drafting and litigation services. The Chief State Solicitor's Office provides these litigation services together with a wide range of legal services not involving litigation, such as advisory and conveyancing services. The function of the Chief State Solicitor is to act as the solicitor to Ireland, the Attorney General, Government Departments and Offices and State Agencies.

Work of Chief State Solicitor's Office

The Chief State Solicitor's Office is organised into five legal divisions. The divisions are Advisory, Common

Law Litigation, Justice and Asylum, Public Law and State Property. Each division is organised into sections (or, in some cases, teams) on the basis of similarity of work or client. The organisation takes account of the principal demands of clients.

The organisation of the Office into the five legal divisions takes into account some of the future demands expected of the Office such as the capability to respond to ECHR related actions, increased levels of involvement with the ECJ, and the delivery of legal services to support the Programme for Government in relation to nuclear safety. This structure also takes account of the management challenges for the Office and, in particular, the challenges created by the programme for public service modernisation. The Office also provides the local State Solicitor service whereby some State legal work arising locally is transacted by local State Solicitors.

Administration

Both the Merrion Street Office and the Chief State Solicitor's Office have administrative Units to support the work of legal staff by providing professional support services such as Human Resources, Training and Development, Finance/Accounts, Services, Clerical Support, Private Office Support, Change Management, Information Technology, Internal Audit, Registry/Registry and Records Centre and Library and Know-how. There is close contact between the Heads of Administration and relevant Unit staff in both Offices and their counterparts in other Law Offices about issues which impact on the Offices. There is also close contact between the Heads of Administration and relevant Unit staff with staff in other Government Departments and Offices about particular issues.

Website

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





Chapter 2

Mission Statement and Key Objectives

Mission Statement and Key Objectives

The Office's Statement of Strategy 2003-2005 has the following Mission Statement and Key Objectives:

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. These 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.





Chapter 3

Main Developments in 2004

Part I: Legal Developments

Work of the Office of the Attorney General, Merrion Street Office, in 2004

The work of Advisory Counsel in 2004

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

Group A has responsibility in the areas of garda, justice, prisons, Attorney General's Functions, Anglo-Irish, criminal assets, extradition, mutual assistance, interception of telecom and postal packages, international judicial co-operation, EU criminal justice measures, defamation, licensing and Irish language issues.

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

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

Group D has responsibility in the areas of relator actions, bankruptcy/insolvency/liquidation issues, charities, Comptroller and Auditor General, Appropriation Account Bill, estimates and financial procedures relating to the Exchequer and Audit Department Act 1866, Appropriation and Public Expenditure, Probate and Succession Law, Arbitration, banking, Bills of Exchange, Building Societies, Company Law, Ethics, Insurance, Land Registration, Landlord and Tenant, Mergers and Monopolies, Metrology, Mining and Quarrying, Petroleum, State monopolies, State Property Act, Stock Exchange and Investment Law, Telecommunications, Information

Society Services, UNCITRAL, other State Authorities, Electoral Law, Northern Ireland Trade and Business Body, Office of Public Works, Transfer of Undertakings Regulations, semi-State Bodies, Tobacco, Tourism and Planning Acts.

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

Deputy Director General: The DDG has responsibility in the areas of Defamation, Costs, Tribunals, Committees of Investigation and Oireachtas Committees and Institutional EU issues. The Legal Attaché to the Permanent Representation to the European Union in Brussels also works within this group.

Of particular note are the following topics which were advised upon during 2004.

Constitutional issues

The Twenty-Seventh Amendment of the Constitution Bill 2004 on citizenship rights and the subsequent Irish Nationality and Citizenship Bill 2004 were both passed during 2004.

Advice was provided on the adoption of the Constitutional Treaty into domestic law by amendment of the Constitution and of the European Communities Acts 1972 to 2002.

There was one reference to the Supreme Court under Article 26 of the Constitution to test the compatibility of draft legalisation, namely Health (Amendment) (No.2) Bill 2004 which was found to be repugnant to the Constitution.

The State was a party to litigation which led to key judgments in the field of Constitutional law, as follows.

- *O' Donoghue v The Legal Aid Board*, the Minister for Justice, Equality and Law Reform and the Attorney General. The Supreme Court examined the question whether a constitutional right to civil legal aid can exist when mandated by the requirements of constitutional justice. In the particular circumstances of the case, the long delay in granting the Plaintiff a legal aid certificate violated her constitutional rights.



Main Developments in 2004

- *Blehein v The Minister for Health and Children*. The High Court examined the constitutionality of Section 260 of the Mental Health Treatment Act 1945.
 - *Richard Clare (a Minor) suing by his mother and next friend Ann Clare v Minister for Education and Science, the South Eastern Health Board, Ireland and the Attorney General*. The Supreme Court examined constitutional rights to education under Articles 40 and 42 of the Constitution.
 - *Leontjava v Director of Public Prosecutions, Ireland and the Attorney General*. The Supreme Court considered the constitutionality of Section 5 (1)(h) of the Aliens Act 1935.
 - *DPP and the Attorney General v Leontjava Respondents and District Judge Mary Collins and District Judge Brophy (Notice Parties)*. The Supreme Court considered the constitutionality of Section 2 of the Immigration Act 1999 and issues concerning the legislative function of the Oireachtas.
 - *O'Neill and Quinn v the Governor of Castlereagh Prison, the Minister for Justice, Equality and Law Reform and the Government of Ireland*. The Supreme Court considered the Government's discretion to refuse to grant early release to certain persons under the Good Friday Agreement.
 - *Dunne v Minister for the Environment, Heritage and Local Government, the Attorney General and Dún Laoghaire County Council*. The Supreme Court considered the constitutionality of Section 8 of the National Monuments Act 2004, in the context of a challenge to the construction of the M50 motorway.
 - *Ó Murchú v Cléireach Dháil Éireann and Others*. Obligations in relation to the translation of the Acts of the Oireachtas, statutory instruments and Rules of Court and the implementation of the Official Languages Act 2003 were considered by the High Court.
- Ireland was involved in several cases, namely:
- **C 200/02 *Chen v Secretary of State for the Home Department*.**
 - **C 286/02 *Bellio F. LLi -v- Prefettura di Treviso*.**
 - **C 338/01 *Commission of the European Communities -v- Council*.**
 - **C96/03; C 97/03 *Templeman and Mr. and Mrs T.H.J.M van Schaijk -v- Directeur van de Rijksdienst voor de Keuring van Vee en Vlees*.**
 - **C 191/03 *North Western Health Board -v- McKenna: Preliminary reference from the Labour Court in Ireland*.**
 - **C 533/03 *Commission -v- Council*.**
 - **C 131/04 and C 257/04: *Robinson and Steel and Clarke*.**
 - **C 452/03 *RAL (Channel Islands) Ltd and others -v- Commissioner for Customs and Excise*.**
 - **C-173/03 *Fallimento "Traghetti del mediterraneo" SpA -v- Repubblica Italiana*.**
 - **Motor Insurance Directives.**
 - **T-289/03 *BUPA -v- EU Commission*.**
 - **C-459/03 *Commission action -v- Ireland*.**
 - **C-165/04 - *Commission -v- Ireland*.**
- European Convention on Human Rights**
Advice under the new and developing area of the European Convention on Human Rights and litigation in the Court in Strasbourg has increased.
- Ireland intervened in the following cases during the year:

- 45036/98 -*Bosphorus -v- Ireland*
- 26499/02 - *D -v- Ireland*
- 7379/01 - *Kyprianou -v- Cyprus*.
- 18/2003 - *World Organisation against Torture (OMCT) -v- Ireland*

EU Affairs

Ireland held the Presidency of the European Union during the first part of the year. A broad range of policy and legal initiatives were brought successfully through the Council and agreement secured on the Constitutional Treaty.

European Court of Justice

Involvement in litigation before the European Court of Justice was an important activity.

International Law

The Office advised on many international Conventions,



Main Developments in 2004

Protocols and Agreements, cases and legislative developments in international law in 2004.

Northern Ireland

Northern Ireland presented a range of legal issues.

Tribunals and Inquiries

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

Justice and the criminal law

The area of justice and the criminal law was very active during 2004.

Extradition

The area of extradition has been important and developing during 2004. Part III of the Extradition Act (relating to the UK, Channel Islands and the Isle of Man) was repealed as a result of the coming into force of the European Arrest Warrant Act 2003. The Channel Islands and the Isle of Man will now come within Part II which pertains to countries outside the EU. There have been a number of sensitive and difficult extradition applications and important judgments of the Supreme and High Courts delivered in a range of cases.

European Arrest Warrant

The new procedures in the European Arrest Warrant Act 2003 (in effect since January 2004) have given rise to the need for legal advice in this new area and it too has given rise to a number of important Supreme Court judgments.

Mutual Assistance

The Office advises the Central Authority in respect of a steady stream of applications for mutual legal assistance in the criminal sphere pursuant to the European Convention on Mutual Assistance in Criminal Matters, 1959.

International and EU organisations

The Office also participated in working groups at UNCITRAL both in relation to proposals to amend the Model Law on International Commercial Arbitration and on the agreement of a draft Convention on the use of Electronic Communications in International Contracts.

Advisory Counsel provided legal advice and support to the Irish delegation attending UN meetings on Population and Development, on proposed Convention the Rights of People with Disabilities and at meetings in relation to the Kyoto Protocol on Climate Change.

In addition members of the Office have provided legal expertise to the Nuclear Law Committee (Nuclear Energy Agency, a branch of OECD), the International Expert Group on Nuclear Liability (INLEX) attendance, the United Nations Convention on Climate Change the 10th Conference of parties held in December 2004, the Council of Europe Group of Experts in Family Law. UNCITRAL Working Groups on E-Commerce, Insolvency Law, Arbitration and Security Interests are also attended.

A member of the Office has participated on the Greco Evaluation Team which performed the second round evaluation of Germany's anti-corruption laws in 2004. The Office participates in both the Council of Europe Administrative Law Working Group and the Legal Committee of the International Maritime Organisation.

Advisory Counsel attended the meetings of an EU working group of national experts involved in formulating a common frame of reference for contract law within the EU. A representative also participated in the many meetings that were held in preparation for the Convention on Exclusive Choice of Court Agreements.

Interdepartmental issues

Members of the Office have been involved in a range of interdepartmental issues. These are listed at Appendix E.

The Law Reform Commission

During 2004 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 in January, for a formal meeting regarding its programme of work, and contact on an informal basis between professional staff was maintained throughout the year to facilitate exchanges of information and know-how in accordance with good knowledge management practice.

Advisory Counsel in Irish Permanent Representation in Brussels 2004

A second Advisory Counsel was seconded to the Permanent Representation, from November 2003 to June 2004 for the duration of the Irish Presidency of the EU, and a Legal Researcher was retained in Brussels for the same period. The once-off responsibilities of the Legal Counsellors specific to the Presidency were:

- Chairing of the Court of Justice Working Group



Main Developments in 2004

- Assisting, in the bilateral resolution of technical legal difficulties of other Member States in relation to legislation under negotiation in Council.
- Advising Departmental officials and the Permanent Representatives arising in relation to their chairing of the Working Groups of Council and of COREPER I and II.

Apart from the Irish Presidency, the other work which involved a heavy investment of time in the Permanent Representation in 2004 was:

- Technical preparation of the Constitutional Treaty, in the Constitutional Treaty Drafting Group.
- Consultation on draft amendment of the Irish Constitution in respect of the Constitutional Treaty.

Work of Parliamentary Counsel in 2004

The Office of the Parliamentary Counsel to the Government (OPC) was involved in drafting a significant number of Bills and Statutory Instruments during 2004. Among the 46 Government Bills that were published (see Annex A) and the 44 Bills that were passed (see Annex B) in the course of 2004, there were a number of major drafting assignments undertaken by the Office including:

- **Adoptive Leave Bill 2004** which amends the Adoptive Leave Act 1995 to apply to adoptive leave the recommendations made by the Working Group on the Review and Improvement of the Maternity Protection Legislation in relation to maternity leave;
- **Central Bank and Financial Services Authority of Ireland Act 2004** which establishes a Financial Services Ombudsman to deal with consumer complaints in relation to financial institutions, imposes new reporting and auditing obligations on financial institutions and provides for administrative penalties;
- **Civil Liability and Courts Act 2004** which puts in place new procedures for the bringing of personal injuries actions. It reduces the limitation period for personal injuries actions from 3 to 2 years. It also puts in place anti-fraud measures and a system of compulsory mediation between parties in personal injuries actions. In addition, it streamlined the procedures for bringing such actions so that the facts in dispute are evident from the outset;
- **Civil Registration Act 2004** which provides for the reorganisation and modernisation of the system of registration of births, stillbirths, adoptions, marriages and deaths. The Act underpins the

development of a service that responds to the needs of modern society. Civil registration is concerned with the recording of all life events. The records generated form a basic continuous source of information about the population.

- **Commissions of Investigation Act 2004** which provides for the establishment of commissions to investigate into and report on matters considered to be of significant public concern and makes provision for the powers of such commissions;
- **Criminal Justice Bill 2004** which is a miscellaneous provisions Bill covering several areas of criminal law and procedure relating to the investigation of offences, the admissibility of certain witness statements, prosecution appeals, certain fixed charge offences and a number of technical issues. Some provisions of the Bill arose from recommendations made by the Expert Group appointed by the Minister for Justice, Equality and Law Reform following recommendations for changes in the criminal law contained in the Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána (the Garda SMI Report). Some other provisions of the Bill relating to forensic evidence and prosecution appeals were informed by an examination of those issues by the Law Reform Commission;
- **Disability Bill 2004** which is a key part of the Government's National Disability Strategy to underpin the equal participation in society of persons with a disability. The Bill provides for the carrying out of an assessment of need and the preparation of a service statement for persons with a disability. The Bill also deals with access to public buildings, services and information, as well as providing for the preparation and publication of sectoral plans for key public services such as transport, employment and health. A number of other matters are provided for in the Bill including the limitation of the use made of genetic data and the imposition of targets for the employment of persons with a disability in the public service;
- **Education for Persons with Special Educational Needs Act 2004** which makes detailed provision through which the education of children with special educational needs could be guaranteed as a right enforceable by law;
- **Garda Síochána Bill 2004** which reforms the law relating to the administration and management of the Garda Síochána, including the respective roles of the Garda Commissioner and the Minister for Justice, Equality and Law Reform. This aspect of the Bill



Main Developments in 2004

was informed by a Report in 2002 developed under the Strategic Management Initiative on Performance and Accountability in the Garda Síochána. The Bill also provides for the establishment of an independent body to investigate complaints by members of the public against members of the Garda Síochána to be known as the Garda Síochána Ombudsman Commission. That body is to replace the Garda Síochána Complaints Board;

- **Health and Social Care Professionals Bill 2004** provides for the establishment and functions of the Health and Social Care Professionals Council and of registration boards for certain designated health and social care professions. It also provides for registration of persons qualifying to use the title of a designated profession and for the determination of complaints relating to their fitness to practice;
- **Immigration Act 2004** which provides for the control of entry into the State, the duration and conditions of stay in the State and obligations while here of non-nationals. This Act was passed following the High Court decision in the case of *Leontjava -v- DPP and others* and before delivery of the Supreme Court decision in that case;
- **Maternity Protection (Amendment) Act 2004** which gives effect to the outstanding recommendations of the Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation published in January 2001. The key recommendation of that Report regarding the extension of the minimum period of maternity leave (and the corresponding entitlement to leave of a father in the event of the death of the mother during the leave period) had been implemented by Ministerial Regulations made in 2001;
- **Parental Leave (Amendment) Bill 2004** which implements a number of the recommendations of the Working Group on the Review and Improvement of the Parental Leave Act 1998;
- **Residential Tenancies Act 2004** which provides for the implementation of reforms of the private rented sector and introduces a measure of security of tenure for tenants. In addition, it provides for the establishment of the Private Residential Tenancies Board to resolve disputes arising in the sector;
- **Safety, Health and Welfare at Work Bill 2004** which consolidates, updates and replaces the Safety, Health and Welfare at Work Act 1989 and gives further effect to Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers and Council Directive 91/383/EEC on measures to improve the safety and health at work of workers with a fixed-duration or temporary employment relationship;
- **Public Health (Tobacco) (Amendment) Act 2004** which, together with the Public Health Tobacco Act 2002, introduces a system of registration of tobacco retailers and a ban on sponsorship and advertising of tobacco products. It also provided for a ban on smoking in places of work implemented by Regulations made in 2004;
- **Veterinary Practice Bill 2004** which establishes the Veterinary Council of Ireland to regulate the veterinary professions including veterinary nurses. The functions of the Council include registration, fitness to practise, education and veterinary premises. The Bill repeals the Veterinary Surgeons Acts 1931 to 1960;
- **Electoral (Amendment) Act 2004** which provides for the conduct of European Parliament, local and presidential elections and referenda using voting machines and electronic vote counting;
- **National Monuments (Amendment) Act 2004** which gives discretion to the Minister for Environment, Heritage and Local Government to grant a consent or otherwise issue directions in respect of a national monument notwithstanding the fact that such consent or directions may involve injury to, interference with, or the destruction in whole or in part, of the monument. In doing so, the Minister will not be confined to archeological considerations exclusively but may also consider the wider public interest;
- **Twenty-seventh Amendment of the Constitution Act 2004** which effects the amendment of Article 9 of the Constitution. The amendment provides that only persons born in the island of Ireland to parents at least one of whom is entitled to Irish citizenship have a constitutional right to citizenship and that any entitlement to citizenship of other persons born in the island of Ireland must be provided for by law. The effect of the amendment is that birth on the island of Ireland does not automatically confer an entitlement to Irish citizenship;
- **Irish Nationality and Citizenship Act 2004** which was enacted following the enactment of the Twenty-seventh Amendment of the Constitution Bill 2004.



Main Developments in 2004

It provides that, in addition to the category of persons upon whom an entitlement to Irish citizenship is conferred by Article 9 of the Constitution, a person born in the island of Ireland one of whose parents:

- (a) is a British citizen or a person entitled to reside in the State or Northern Ireland without any restriction on his or her period of residence, or
- (b) resided lawfully in the State or Northern Ireland for 3 of the 4 years immediately preceding the birth of the child concerned,

is entitled to Irish citizenship. This was necessary to ensure that the State did not breach any of its commitments under the British-Irish Agreement 1998 and to avoid any discrimination between persons born in the State and persons born in Northern Ireland;

- **Health (Amendment) Act 2004** which provides for the abolition of the membership of the 7 health boards, the Eastern Regional Health Authority and the 3 area health boards;
- **Health Act 2004** which provides for the establishment of the Health Service Executive to replace health boards, the Eastern Regional Health Authority, the Area Health Boards and a number of other bodies in the health sector. The Act provides for the functions and organisational structure of the Health Service Executive;
- **Public Service Management (Recruitment and Appointments) Act 2004** which seeks to provide a modern and efficient framework for public service recruitment by empowering Government Departments and other public service bodies to recruit staff directly as well as through a centralised system.

In addition to the workload of primary legislation, **291** statutory instruments were drafted within the OPC during 2004. These included **49** European Communities transpositions.

In the context of ongoing consultation with the Bills Office in the Houses of the Oireachtas regarding a number of proposed changes to the existing format and presentations of Bills and Acts, having regard to developments in other jurisdictions, the OPC examined a sample Bill and Act furnished by the Bills Office and which further improve the accessibility of legislation. The OPC requested that revised samples be prepared with a view to wider consultation with Departments and Offices and ultimately with members of the Houses of the Oireachtas and in particular the Committee on Privilege and Procedure.

Work of the Chief State Solicitor's Office in 2004

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2004:

Public Law Division

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

Commercial and Constitutional Section

During 2004 most of the cases heard in this Section went to full plenary hearing and involved a wide range of legal issues such as commercial, constitutional, contract, employment, insurance, international, intellectual property, environmental, planning, electoral, public health, social welfare, administrative and European Union law.

Judicial Review Section

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

In addition to dealing with judicial review proceedings, the Section also has responsibility for habeas corpus applications, cases stated, adoption cases, letters of request from foreign tribunals and service of documents under EU Council Regulation No. 1348/2000 and the 1965 Hague Convention on the service abroad of judicial and extra judicial documents in civil and commercial matters.

Justice and Asylum Division

There are three Sections in this Division, namely the Justice and Crime Section, the Asylum Section and the Legal Services Section.

Justice and Crime Section

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



Main Developments in 2004

The European Arrest Warrant was introduced on 1 January 2004 under the European Arrest Warrant Act 2003 which gave effect to Council Framework Decision of 13 June 2002 dealing with surrender procedures between Member States of the European Union and replaced extradition procedures between such States.

During 2004 the Section dealt with the first case under the European Arrest Warrant Act 2003. It also provided representation to the Garda Síochána at the Dublin and Monaghan Bombings Inquest into the deaths of 34 people in May 1974.

An on-call panel of staff in the Office was established during the year to provide a round-the-clock service out of office hours, in extradition and European Arrest Warrant cases.

Asylum Section

This Section handles asylum, immigration and repatriation cases.

Legal Services Section

This Section has responsibility for Legal Costs Accounting and the recovery of legal costs due to the State. It is further responsible for the preparation of Ministerial prosecutions and acts for the State Authorities in Garda Compensation claims and for the Commissioner of Valuation in appeals before the Valuation Tribunal. It also handles requests for Mutual Assistance in criminal matters from competent authorities in other jurisdictions.

Common Law Litigation Division

The Common Law Litigation Division comprises three Sections, the Army Hearing Loss Section, the Tortious Claims Section and the Personal Injuries Section.

Army Hearing Loss Section

This Section was set up in 1995 to deal exclusively with hearing loss litigation brought by members and ex-members of the Defence Forces against the State. The Early Settlement Scheme for Army Hearing Loss cases set up in 2001 ceased operation at the end of May 2004 by which time 4,614 cases had been settled. By 31 December 2004 a total of 16,731 claims had been lodged and 15,436 in all had been disposed of, leaving 1,295 cases still outstanding.

Tortious Claims Section

A wide variety of tortious claims against the State are dealt with in this Section, including claims for damages for negligence and breach of statutory duty, nuisance, occupiers liability, employers liability, bullying and harassment, defamation, trespass, conversion and

detinue, malicious prosecution, unlawful imprisonment, post-traumatic stress disorder and hepatitis appeals.

The Section also has responsibility for dealing with childhood abuse work which includes litigation arising out of claims of abuse in Residential Institutions and Day Schools. A Unit was set up in the Section in 2004 to deal specifically with matters arising before the Commission to Inquire into Child Abuse, which work included complying with directions for discovery of documentation and attending public hearings into the emergence of child abuse and into individual Residential Institutions.

Personal Injuries Section

This Section deals with claims for damages for personal injuries as a result of accident, such as slip and fall cases and road traffic accidents. The Section acts for the State Claims Agency in claims delegated to the Agency under The National Treasury Management (Delegation and Conferral of Functions) Order 2001. It also has responsibility for handling claims seeking compensation arising out of alleged assaults by members of the Garda Síochána and Prison Officers.

Statutory Instruments made during the year brought provisions of the Personal Injuries Assessment Board Act 2003 into operation with the effect that all personal injury claims arising from workplace, motor and public liability accidents (with the exception of personal injury claims involving medical negligence) have from the dates specified, to be referred to the Personal Injuries Assessment Board before legal proceedings can be issued.

State Property Division

The State Property Division deals with property transactions and title issues for the State. The Division is organised into three Sections.

Office of Public Works/Health and Children Section

The work of this Section mainly concerns commercial conveyancing and includes commercial leasing of accommodation for Government Departments and Offices and the acquisition and disposal of properties under programmes such as the Decentralisation Programme, Transforming State Assets Programme, the School Site Acquisition Programme and the Affordable Housing Initiative. Major work handled during 2004 included the 3G Network Licence Agreement and the disposal of premises at Lad Lane and 72-76 St. Stephen's Green.

Defence, Marine and Sports Capital Programme Section

This Section deals with transactional and advisory



Main Developments in 2004

property matters for the following Government Departments:- Departments of Community, Rural and Gaeltacht Affairs, Agriculture & Food, Enterprise, Trade and Employment, Transport, Defence, Communications, Marine and Natural Resources and Arts, Sport and Tourism. The work includes leases and licences of foreshore, sales and leases of premises at Fishery Harbour Centres and the sale of premises which are surplus to military requirements. The Section is also responsible for legal work in relation to the issue of National Lottery Grants.

Finance, Education, Justice and Heritage Section

In this Section the work includes the property aspects of the Residential Institutions Redress Indemnity Scheme, waivers of property of dissolved companies under the State Property Act 1954 and dealing with escheated estates where the State is the ultimate intestate successor. The heritage work covers the acquisition of national monuments, historic properties and bogland for conservation purposes.

Advisory Division

The Advisory Division consists of three Sections:

Specialist Advisory Section

This Section has primary responsibility for dealing with Tribunals of Inquiry work. During the year, solicitors from the Advisory Division provided representation to the Garda Commissioner and to the Minister for Justice, Equality and Law Reform at the Tribunal of Inquiry into complaints concerning some Gardai 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. A solicitor from the Division also represented the Garda Commissioner at the Tribunal of Inquiry into the facts and circumstances surrounding the Fatal Shooting of John Carthy at Abbeylara.

General Advisory Section

This Section deals with general advisory matters and litigation, including instituting Plaintiff litigation on behalf of the State, company law proceedings, arbitrations, adoption matters, mining and petroleum exploration and development, prosecutions such as wildlife and habitat prosecutions, as well as representing the State on public interest issues before Tribunals of Inquiry.

State and European Litigation Section

The Section deals with employment work and represents Government Departments and Offices at hearings before Rights Commissioners, the Labour Court, the Employment Appeals Tribunals and the

Director of Equality Investigations. It also has responsibility for representing Ireland before the European Court of Justice.

The work of this Section also covers certain commercial contracts.

Agents to the European Court of Justice Meeting

In September 2004, the Chief State Solicitor, who is Ireland's Agent to the European Court of Justice, hosted a one-day meeting of Agents from other member States of the European Union in Dublin on the topic of "Enlargement and the Role of the European Court of Justice Agent". Speakers at the meeting included the Attorney General and the Chief State Solicitor, members of the judiciary and legal profession and academics. The day concluded with an informative question and answer session chaired by the Deputy Director General of the Merrion Street Office and the panellists included representatives of the European Court of Justice, the European Commission and the Law Library. The meeting provided an excellent opportunity for delegates to meet colleagues from other EU countries and to exchange useful information on the Court and its procedures.

Part II: Organisational Developments

Management Advisory Committees

To reflect the continued 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, met every two months during 2004 to advise the Director General on issues of common concern to both Offices. Separate local Management Advisory Committees (MACs) also met on a monthly basis to advise the Director General, Chief Parliamentary Counsel and Chief State Solicitor, as appropriate.

Staffing

By the end of 2004 the authorised staff complement in the Merrion Street Office was 123, unchanged since 2003, with 3 vacancies, and was 232 (237 in 2003) with 12 vacancies in the Chief State Solicitor's Office. During the year new legal advisory, 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.

Client and Customer Charters

Following an extensive consultation process with clients, the Merrion Street Office and the Chief State Solicitor's Office drafted their first Client and



Main Developments in 2004

Customer Charters in December 2004, which were published and placed on the Office website in March 2005. Progress achieved in this regard is outlined in Chapter 6 of this Report.

Information Technology

The Office continued to make significant progress in the implementation in both the Merrion Street Office and the Office of the Chief State Solicitor of its Information Technology Strategy. The main focus during 2004 was to progress the implementation in both Offices of a new Case and Records Management System and its first integrated Financial Management System which went live in July 2004. Progress achieved is outlined in Chapter 7 of this Report.

Implementation of the recommendations of the Office's Knowledge Management Strategy 2003-2005 continued during 2004 and this is outlined in Chapter 8 of this Report.

Reorganisation within the Office

Legal Services

During 2004, the Office continued with its reorganisation and the development of further specialisation to meet the changing needs of Government and client Departments and Offices and in pursuit of its strategy of increased specialisation in key areas.

Audit Committee

The Audit Committee continued to assist in developing the role and work programme of the Internal Auditor during the year. The Committee met three times during 2004. At these meetings matters dealt with included consideration and review of seven Internal Audit Reports:

- Law Reform Commission
- Requisition and Issuing of Cheques in the Merrion Street Office/CSSO Follow-up Audit
- Verification of Accuracy of Ledger Postings between the CSSO/Merrion Street Office and the Department of Finance
- Internal Financial Control Questionnaire - Merrion Street Office
- Internal Financial Control Questionnaire - CSSO
- Financial Management System Procedures
- Petty Cash in the Merrion Street Office/CSSO

Other developments and issues discussed by the Audit Committee in 2004 included the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers (Mullarkey Report). It considered each Office's Implementation Plan arising from the Report and the Office's Risk Assessment procedures. The Committee also continued to keep all IT projects under review during the year and received presentations in December, 2004, 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.

Sustaining Progress

The Office is fully committed to implementing the provisions of the *Sustaining Progress* social partnership agreement. In April and September, 2004 the Merrion Street Office and the Chief State Solicitor's Office submitted separate Second and Third Progress Reports on the implementation of each Office's Action Plan. In October 2004 the Offices' Revised Action Plans which set out additional specific actions to achieve the common commitments for the civil service, as required by the Civil Service Performance Verification Group (CSPVG), were submitted. On the basis of these Progress Reports and Revised Action Plans the CSPVG decided that staff of both Offices' and the Law Reform Commission had qualified for payment of the Benchmarking pay and other increases due during the year. The Progress Reports and Revised Action Plans 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 continued to have a substantial impact on the work of the Office in 2004. The Director of the Statute Law Revision Unit (SLRU) participated in the work programme of the High Level Group to assist in the preparation of the White Paper on Better Regulation which was published in January 2004. The Paper places much emphasis on Access to Legislation, Restatement and Statute Law Revision.

Cross-Functional Working Initiatives

During 2004 cross-functional teams involving Merrion Street Office staff and staff from the Chief State Solicitor's Office continued to operate in the Case and Records Management System Project, the Financial Management System Project, the Human Resource Management System Project, the Knowledge Management Strategy Project and other projects. Staff from the Merrion Street Office continued to be involved



Main Developments in 2004

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.

Also, staff worked together on issues such as the operation of the payment of Counsels' Fees process, preparation 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 Parliamentary Counsel Groups and also between the Advisory Counsel Groups and between Administration Business Units, to respond to urgent work demands.

During 2004 specific examples of flexibility demonstrated by the Merrion Street Office included the following:

- The continued assignment of full-time project managers for the Case and Records Management System, the e-Legislation system and Financial Management System projects;
- The continued 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 exchange of Registry staff in the Office with personnel from the Chief State Solicitor's Office to enable them to become familiar with each other's filing systems prior to the introduction of the new Case and Records Management System;
- The continued training of Finance Unit personnel in accounting functions formerly undertaken on behalf of the Office by the Department of Finance Accounts Branch;
- The continued secondment, without replacement, of an Executive Officer by way of Government levy to the Department of Justice, Equality and Law Reform.

This flexibility occurred at a time when the workload of the Office increased significantly since the previous year. The work previously undertaken by redeployed staff has had to be undertaken by remaining staff. Also, in 2004 a team comprising Registry, legal, drafting and administrative staff continued to co-operate to identify documents due for transfer to the Office of National Archives for release in January 2005.

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 2004 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 continued to work at the Tribunals of Inquiry which are running contemporaneously. In addition, the Office continued to provide two solicitors as and when required to represent the Public Interest at Tribunals.

The Office continued to provide 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 2004 some of the more specific examples of flexibility demonstrated by the Office included the following:

- A panel of solicitors set up for short-term employment to replace established staff on career breaks and extended leave continued to operate;
- The outsourcing of all outdoor 'clerking' duties to a private firm continued to operate to the satisfaction of the Office;
- 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 cases;
- The Office continued to manage a panel of external solicitors for the Office of Public Works to provide the OPW with expert legal service at competitive costs. This was over and above the work undertaken by the Office directly for the OPW.



Main Developments in 2004

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. During the year the Committees met monthly and 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 such as revisions to Office Travel Policy, new Refund of Fees Policy, Language Training Policy, an Increments Policy and a HR Strategy for the Merrion Street Office .

Freedom of Information Requests

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





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 Government's greatly expanded legislative programme, 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 manage how well it responds to these 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, 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 reduce the exposure of the State to awards/settlements against it in personal injuries cases. Only a small number of categories of personal injuries claims are controlled by the Office. The Office manages groups of claims with common characteristics in a strategic fashion. In relation to those claims delegated to the State Claims Agency where the Attorney General retains power of direction, the Office works 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

During 2004 the Advisory side of the Merrion Street

Office continued to focus on the further development and refinement of specialisation as the key to the achievement of the Office's key objectives and strategies. Following a full analysis and review of the workload and composition of all Advisory Groups in 2003, the Office identified new emerging areas of law, areas of law that are expanding, and the need to anticipate client needs and client feedback received in all areas of law.

The Office continued to provide extensive training on European Convention on Human Rights (ECHR) law following the enactment of the European Convention on Human Rights Act on 1 January, 2004, across the whole Office, in the Law Reform Commission and in Government Departments.

Each of the Advisory Groups continued to meet client Departments, with regular formal and informal meetings taking place throughout the year. These meetings provided an opportunity to gauge feedback from clients on service delivery issues and to highlight new strategic issues.

During 2004 many important informal groups met regularly within the Office to discuss workload and case specific issues. 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 weekly 'Advisory Counsel I' meeting at which Group Managers brief the Director General and each other on current legal work. These meetings provide valuable opportunities for the exchange of legal know-how ideas and experiences across different specialist groups.

Legal Attaché to the EU

The Presidency of the European Communities: The Permanent Representation, as indeed the entire Irish Civil Service, was recognised as having conducted the Irish Presidency particularly successfully.

2004 presented the opportunity for the Merrion Street Office Library and the Legal Counsellor to review and improve the availability of the specialist EC and EU law know-how, developed in the Permanent Representation since 1998, to Advisory Counsel in Dublin.

Office of the Parliamentary Counsel to the Government

The focus on enhanced specialisation in the Office of the Parliamentary Counsel to the Government (OPC) is regarded as fundamental to the achievement of the Office's key objectives and strategies. The Office continued to manage the delivery of an efficient and responsive drafting service within the OPC across three



Progress Achieved in reaching Key Objective 1

specialist Groups. Each Group has been assigned five Government Departments as clients thus ensuring a high level of expertise and specialisation geared towards the specific needs of those Departments. During the year each Group continued to adopt a team-orientated approach to the provision of a quality legislative drafting service.

Regular informal meetings were held 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. Feedback gauged from these meetings is systematically incorporated into the overall planning of how the OPC conducts its drafting practice.

The OPC continued with the policy of engaging consultant drafters on contract. This long-standing arrangement continued to enable the Office to provide a responsive and uninterrupted service during a period when unprecedented demands were made on the OPC.

During the year the OPC actively encouraged recently recruited drafters to identify, and participate in, relevant training courses and the Office continued to participate in training courses provided by the Centre for Management and Organisational Development (CMOD) on the legislative process. These courses facilitate Departments becoming familiar with the legislative process and in identifying for client Departments the level of instructions that is required to facilitate an efficient drafting service.

Statute Law Revision Unit

During 2004 the Unit continued to provide discrete specialist legal services in accordance with the Unit's mandate to draw up a programme of statute law revision and consolidation, manage the supervision of the indexes to the statutes and establish and implement a policy on improving the coherence and accessibility of statute law in Ireland.

The first stage of the project to identify all legislation enacted in Ireland prior to 1922 that is still in force in the State, with a view to repealing spent and obsolete legislation culminated in the publication of the Statute Law Revision (Pre-1922) Bill 2004. The Bill identified 91 Acts as being suitable for repeal. Since publication, work continued on the process of examining more

detailed sources of pre-1922 legislation. The Bill, when enacted, will repeal more than 200 Acts.

The Unit continued to submit advice to the Attorney General in respect of the possible repeal and re-enactment of all remaining pre-1922 legislation.

Under the Statute Law (Restatement) Act 2002, three Restatements were certified by the Attorney General, laid before the Houses and placed on the Office website:

- Defence Acts 1954 to 1998 and Courts-Martial Appeals Act 1983 Restatement,
- Tourist Traffic Acts 1939 to 2003 Restatement,
- Succession Act 1965 Restatement.

The Office's website was updated to include the Acts, Statutory Instruments and Chronological Tables for 2003. Preparation of the materials for 2004 also commenced during the year.

Chief State Solicitor's Office (CSSO)

During 2004 the Chief State Solicitor's Office continued with the development of specialist legal services in areas of importance to client Departments and Offices. The Office focussed on identifying current areas of work which are expanding and new areas of work. Some of the major initiatives are:

- Provision of a conveyancing service for the Government's Decentralisation Programme.
- Deployment of solicitors to deal with applications for European Arrest Warrants and provision of an out-of-office hours service for such cases and for Extradition cases.
- Establishment of a dedicated Unit to handle work before the Commission to Inquire into Child Abuse.
- Maintenance of a team to deal with special needs welfare cases.

With regard to areas of work which are declining, the Office continued to wind down its Army Hearing Loss Section with approximately 500 cases being disposed of during the year and staff being deployed to other areas of work.





Chapter 5

Progress Achieved in reaching Key
Objective 2

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.

Committee which set up a sub-group to consider it in detail. Throughout the year the sub-group met and the document was accepted at the Partnership Committee in November 2004.

- During the year the Office and the Chief State Solicitor's Office made considerable progress in drafting a joint Request for Tender document for a new Human Resources Management System. Further work on this had to be put on hold pending the evaluation of tenders by CMOD for a third party to implement a single HRMS solution.
- The Office's Probation Procedures were codified and submitted to MAC and the Partnership Committee towards the end of the year.
- Significant work was undertaken arising from the implementation of measures relating to the Organisation of Working Time Act, Incremental Credits and e-working as well as preparations for the Government's Decentralisation project which is likely to involve a significant proportion of administration staff relocating.

Performance Management and Development System (PMDS)

PMDS continued to be embedded within the Office during 2004. As part of ongoing PMDS development the Office commenced the implementation of an Action Plan arising from a staff climate survey which took place throughout December 2003 and January 2004. Role-Profile Forms were agreed for each member of staff in respect of the third annual cycle of PMDS, which commenced in January 2004, with interim and final reviews taking place as planned. Preparations were also made for the introduction of upward feedback which was rolled out in January 2005. Following agreement through the Partnership Committee a section dealing with underperformance was added to PMDS for the 2004 cycle.

Progress Achieved

Merrion Street Office

Human Resources Overview

- The Office's draft Human Resources Strategy was presented to MAC and then the Partnership



Progress Achieved in reaching Key Objective 2

Gender Representation

The Merrion Street Office continues to exceed Government targets for gender balance. At the end of December 2004 the figures were as follows:

Grade	Female No. (%)	Male No. (%)
Director General	1 (100)	0 (0)
Chief Parliamentary Counsel	1 (100)	0 (0)
Deputy Director General	0 (0)	1 (100)
Assistant Secretary Level	2 (29)	5 (71)
Principal Officer Level	10 (45)	12 (55)
Assistant Principal Level	12 (55)	10 (45)
Higher Executive Officer Level	4 (50)	4 (50)
Executive Officer Level	7 (70)	3 (30)
Staff Officer Level	2 (67)	1 (33)
Clerical Officer Level	33 (89)	4 (11)

Accessibility for Persons with Disabilities

The proportion of staff with disabilities at the end of 2004 was 2.4 per cent which was 0.6 below the Government target. Throughout the year the Office regularly informed the Civil Service Commission as to the availability of suitable facilities in the Office and its willingness to employ people with disabilities. The Office continued to improve its accessibility and commissioned an accessibility audit of its premises. The changes recommended in the resulting report are being put in place on a phased basis. Much of the necessary works have been completed.

Training and Development in the Merrion Street Office

As 'knowledge-based' organisations providing legal services to client Departments and Offices, both the Merrion Street Office and the Chief State Solicitor's Office recognise the importance of the training and development function. The provision of adequate and appropriate training and development opportunities for staff continued to be a core value, and it is one that assumes even greater importance with increased legal specialisation.

Primarily arising out of training needs identified and agreed under PMDS the Training and Development Unit

organised almost twenty different courses as well as arranging attendance at many seminars dealing with important legal topics.

Training courses delivered to staff included MS Word, Communications, PMDS and specialised training in respect of new Office systems and training in specific legal issues. In total the Office spent €311,616 on training during 2004. PMDS related training cost €115,954. A full list of the courses attended and a breakdown of training expenditure is contained in Annex G of this Report.

Chief State Solicitor's Office

Human Resource Management

During 2004 significant work was undertaken in the Chief State Solicitor's Office arising from the implementation of measures relating to the Organisation of Working Time Act, Incremental Credits as well as preparations for the Government's Decentralisation project.

Probation

During the year probation procedures were drafted and submitted to MAC and the Partnership Committee. Probation reporting is embedded into the Office.

Staff Attitudinal Survey

A Staff Attitudinal/climate survey was undertaken in January 2004 with a 76% response rate from staff. Five subgroups were set up to examine issues arising from the survey. A report detailing the issues raised and recommending further actions was compiled. Briefing sessions were arranged for staff. An action plan was devised and timescale for implementation set out.

Accessibility for Persons with Disabilities

The proportion of staff with disabilities at the end of 2004 was 2.6 per cent which was 0.4 below the Government target. During the year the Office informed the Civil Service Commission of the availability of suitable facilities in the Office and its willingness to employ people with disabilities.

Training

During 2004 the Training and Development Unit organised a large amount of training identified and agreed under PMDS. This included courses and seminars in the areas of legal knowledge, information technology, management and administration. Two main areas of training delivered in 2004 included specialised training in a new Office system and the introduction of a further phase in the roll out of the PMDS. There was training in specific legal issues.



Progress Achieved in reaching Key Objective 2

A Refund of Fees Policy was drawn up and agreed with Partnership. The total expenditure on Training and Development in 2004 was €225,000. Training budgets were delegated to Divisional Heads. Details of training provided during the year are provided at Appendix G.

Performance Management and Development System (PMDS)

During 2004 PMDS continued to be developed and embedded within the Office. A Code of Practice for upward feedback was drafted and subsequently agreed at Partnership.

Revised Core Competencies for 2005 were agreed and upward feedback was introduced into the 2004 annual review process. Just in Time training was provided for staff in relation to upward feedback.

Variable Working Hours

A Pilot Variable Working Hours scheme for Technical Grades was drafted and implemented. The scheme has proved successful and will be extended in 2005.

Smoke Free at Work

During the year a Smoke Free at Work policy was agreed and implemented.

Use of mobile phone

A policy on the use of Office supplied mobile phones was introduced in 2004 following agreement at Partnership.

Accommodation

Following discussions with the Office of Public Works it was agreed that some staff would relocate to Findlater House from their current accommodation in South Fredrick Street. Specifications for the accommodation were agreed with OPW.

Recruitment

The following internal and external recruitment/promotional competitions were held during the year:

- State Solicitor
- Records Management Officer (in conjunction with the Merrion Street Office).

In addition, the Office recruited staff from competitions run by the Public Appointments Service.

Gender Representation

The Chief State Solicitor's Office continues to exceed Government targets for gender balance. At the end of December 2004 the figures were as follows:

Grade	Female		Male	
	No.	(%)	No.	(%)
Chief State Solicitor			1	(100)
Asst. Chief State Solicitor	1	(20)	4	(80)
Dep. Asst. Chief State Solicitor	6	(46)	7	(54)
Principal Solicitor	7	(54)	6	(46)
State Solicitor Higher	5	(62.5)	3	(37.5)
State Solicitor	36	(58)	26	(42)
Principal Legal Executive			1	(100)
Dep. Principal Legal Executive			2	(100)
Asst. Principal Legal Executive	2	(40)	3	(60)
Higher Legal Executive	10	(67)	5	(33)
Legal Executive	5	(62.5)	3	(37.5)
Law Clerk	1	(100)		
Principal Officer			1	(100)
Asst. Principal Officer			2	(100)
Higher Executive Officer	2	(33)	4	(67)
Executive Officer	8	(80)	2	(20)
Staff Officer	12	(80)	3	(20)
Clerical Officer	46	(85)	8	(15)
Accountant			1	(100)
Law Librarian	1	(100)		
Asst. Librarian	1	(100)		
Services Officer			5	(100)
Cleaner	2	(100)		





Chapter 6

Progress Achieved in reaching Key
Objective 3

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 core 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 are:

- Delivery of objectives set out in the *Client Service Guide 2002-2004*
- Reporting on the extent to which the implementation of the objectives set out in the *Client Service Guide 2002-2004* is achieved,
- Development of appropriate client service standards in relation to
 - internal, and
 - external clients.

Progress Achieved

During 2004 the Merrion Street Office and CSSO made significant progress in the area of quality customer service. A review of Groups on the Advisory side in the Merrion Street Office, initiated in October 2003, was progressed further during the year 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 implemented on an ongoing basis from January 2004.

Advisory Counsel groups and Parliamentary Counsel groups developed greater ties with client Departments whose work falls within their particular area of specialism. These ties were further developed during the year through the use of information exchange

meetings and review meetings with these Departments in accordance with our business plans.

During 2004 the IT Units in both Offices continued to operate successful internal Office Helpdesks to facilitate a co-ordinated approach to handling issues. Helpdesks in the Services Unit and Registry in the Merrion Street Office continued to operate to ensure that problems and issues were dealt with expeditiously, thus providing an improved quality of service delivery to its clients within the Office. In July, 2004 new Helpdesks were set up in both Offices in the context of the roll-out of the new Financial Management System and greatly enhanced the management of issues that arose for end-users of the system.

The Merrion Street Office continues to recognise the need for the introduction of flexible working arrangements specifically geared towards the demands of clients. During 2004 the Office continued to operate the following initiatives:

- Typists were available at all times as required and, on a voluntary rota basis, a typist is always contactable outside normal working hours.
- Certain key staff were available via mobile phone outside normal working hours.
- The Office introduced an informal on-call system to deal with specific work demands that arose outside 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 were also features of flexible attendance patterns in operation within the Office.

Client and Customer Charters

During the year both the Merrion Street Office and the Chief State Solicitor's Office conducted extensive surveys of clients and customers and convened consultations with a view to preparing their first Client and Customer Charters in December, 2004. High levels of satisfaction were expressed in respect of the services provided by both Offices. The Charters published in March 2005 took account of the less satisfactory points arising from the surveys.

Customer Service

External consultation with clients on work issues and regular reviews on work areas were progressed during the year. PMDS surveys of staff in both Offices resulted in Action Plans agreed by the Partnership



Progress Achieved in reaching Key Objective 3

Committee in each Office having been put in place which addressed issues raised. Again the level of satisfaction expressed by staff in both Offices was high. The level of consultation with clients (external and internal) during the year was unprecedented and will be followed up by further surveys in early 2006.

The CSSO acts as Ireland's agent before the European Court of Justice. In this context, the Office organised in 2004 a successful conference of 'Agents' of each of the 25 Member States in Dublin Castle. Personnel from the Office of the Attorney General also participated. The Conference theme was 'Enlargement and the Role of the ECJ Agent', and its particular objective was facilitating the introduction of the agents of the new Member States. It was particularly appropriate that the Conference took place in Dublin following the Irish Presidency. The event was particularly useful in developing Ireland's networking with European Agents and gaining further know-how on effective litigation before this court.

In September 2004, the Merrion Street Office hosted a lecture on the European Court of Justice. CSSO and Departmental personnel were also invited to attend. An evening legal seminar on aspects of Human Rights Law was hosted by the Attorney General in December 2004 to which Departments and others were invited. The Office has been running, in conjunction with the CSSO, a highly successfully ECHR education programme since early 2003. The education programme continued during 2004 with the ECHR Working Group organising 7 lectures. All Merrion Street Office and CSSO staff are invited to attend along with Departmental lawyers.





Chapter 7

Progress Achieved in reaching Key
Objective 4

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

The Office's IT Strategy provided the focus of most of the work of the IT Units in both the Merrion Street Office and the Chief State Solicitor's Office during 2004.

In addition to operational and IT infrastructure management and development activities, the IT Units were heavily involved in the Case and Records Management System and Financial Management System Projects. The IT Unit in the Merrion Street Office was also involved in deploying the e-Cabinet system within the Office.

At the end of 2004, the IT Unit in the Merrion Street Office undertook to implement an e-Working pilot during 2005. It also assisted the Law Reform Commission in an advisory capacity in relation to the Commission's IT infrastructure.

Towards the end of 2004 the Office undertook a project to redevelop its website to ensure that it complied with Public Sector standards in relation to accessibility and usability and the new site which was designed and developed in-house by the IT Units was published early in 2005.

The IT Unit in the Merrion Street Office was involved in updating the material to 2003 on the Irish Statute Book website. This is a very valuable resource and makes Irish legislation easily and freely available worldwide.

The IT Units continued to place significant emphasis on the operational management and development of the Office's IT infrastructure. The most evident client-facing aspect of this is the IT Helpdesks and the range of services it provides. However behind the scenes a wide range of tasks have to be carried out to ensure the integrity of the Office's IT systems in order to meet staff's expectations.

Case and Records Management System

Preparation to pilot the Office's new Case and Records Management System encompassing a workflow crossing both Offices was advanced in December, 2004. The new single system architecture, covering both Merrion Street and CSSO and supported by a joint Records Management Policy, will enhance customer service and achieve cost efficiencies and better internal file and records management processes. One key



Progress Achieved in reaching Key Objective 4

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 the Offices.

Financial Management System

As outlined in Chapter 3 above, the Office went live with the core functionality of the first integrated financial management system in July, 2004. The new system enables the Office 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 also enables the Offices to meet requirements under the Management Information Framework (MIF) initiative.

Testing of the new system continued to the end of 2004 and all non-ACME dependent functionality was embedded by year end of 2004. Also, much progress was made in the development of an interface between the FMS and ACME systems that will facilitate the production of enhanced financial and non-financial management information to meet the Office's wider MIF requirements.

Management Information Framework

Towards the end of 2004 the former MIF Project Board representative of both Offices was reconstituted and strengthened to include representatives of the Partnership Committees. Issues that were considered by the Board included rolling out of Management and Performance Reporting, Performance Indicators and Risk Management etc as well as the putting in place of a MIF Project Plan for the Office.

Members of both Offices' MACs and Business Unit Heads and a representative of the Law Reform Commission undertook MIF Financial Training in October, 2004.

Expenditure Review Initiative

The Office's proposals for reviews in respect of the Attorney General's Scheme, the Law Reform Commission, the Provision of Stenographers Services and Costs Recovery commenced during 2004 when Terms of Reference were agreed for each Review and Project Teams were put in place.





Chapter 8

Progress Achieved in reaching Key
Objective 5

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 Merrion Street Office and CSSO Library & Know-how Units delivered legal information, research and know-how services to Merrion Street Office/CSSO staff during 2004. Library and information services were also provided to solicitors assigned to the various Tribunals of Inquiry, departmental legal advisers, and local state solicitors.

The following services were provided by the Units:

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

- access to external libraries and information services.

2004 saw significant development in three key areas for the Library & Know-how Units; development work on the Unicorn Collection Management System; enhanced legal information and research services and the further implementation of the Offices' Knowledge Management Strategy. Both Units incorporated the Office business strategies into the strategic management of the Units. In 2004 the Units addressed risk management issues and took measures to improve financial management information.

Development of Unicorn

The upgrade of the Unicorn Collection Management System was a key library management project during 2004. The project comprised three elements: migration of Unicorn to a new server; upgrade of the systems software to the latest release; design and implementation of iLink. iLink, which is accessible from every lawyer's desktop, contains bibliographic records for over 30,000 items held in both Offices and the Law Reform Commission libraries. Key features of iLink include detailed subject searching and cross-referencing, links to the Google search engine and hypertext links to items available electronically. This project was completed on time and within budget.

In addition, the implementation of the serials module and acquisitions module of Unicorn were commenced in both Library and Know-how Units. A key benefit of the acquisitions module is improved financial management information for better budgetary control and financial reporting to MAC. A work programme for the further development of Unicorn in the Law Reform Commission was agreed and implemented by the Merrion Street Library & Know-how and IT Units and the LRC Library.

Legal information and research services

Both Offices' Library and Know-how Units placed particular emphasis on the provision of information resources and services at the desktop and on information skills training. In addition to working together on the development of Unicorn the Units jointly acquired a number of new electronic information resources and jointly produced a number of current awareness services.

Both Units provided comprehensive training to legal staff on library applications and research methods in 2004. The key objective of the Library & Know-how Units training programmes is to promote legal research skills and assist staff in attaining a level of proficiency in the use of electronic sources of legal information.



Progress Achieved in reaching Key Objective 5

Significant work was involved in both the design and delivery of these programmes.

Legal research services were provided by the information and legal professionals in each Unit. To support the delivery of such services, the Units placed considerable emphasis on continuing professional development for Library & Know-how staff in the fields of information management and law.

Knowledge Management

A particularly noteworthy development over the past year has been the increasing awareness throughout the Merrion Street Office, among staff at all levels, of the necessity to practice good knowledge management. This is a matter of strategic importance for a knowledge based organisation.

Awareness of the importance of exchanging know-how, transactional experience and specialist expertise has found concrete expression in the following knowledge sharing initiatives:

- Exchange of information at regular group meetings and passing of this information to the weekly 'Advisory Counsel I' meeting with the Director General.
- Weekly Extradition/EAW/MLA file - all important advices of the group from the previous week are circulated the following week.
- Setting up a system of occasional requests to legal researcher to attend group meetings, to read an article which individual members might not have read and to report matters of interest arising out of it to the group.
- Requesting and working with Library and Know-how researcher to produce legal reference guides on a range of specialist topics including Extradition/ European Arrest Warrant, criminal law and update of the legal reference guide on Temporary Release.
- Setting up education in understanding European Criminal law systems - a programme of implementation will be undertaken in 2005.
- Presentations by colleagues previously involved in certain areas of work for people who are new to those areas.
- Attendance by Advisory Counsel group members at a range of seminars and training sessions, in-house, in Ireland and abroad having regard to the need for speedy induction into new areas of law, and to

maintain and develop specialist knowledge already gained.

- Continuation of in-house ECHR education including effect of ECHR Act 2003, privacy and freedom of expression, UK experience, data protection, family law issues and limitation of rights.
- Membership of the *Grapevine* editorial team.
- Chairing and attending Advisory Counsel/ Parliamentary Counsel Legal Issues meetings on topics of specialist interest.
- Colleagues giving presentations to AC/PC Legal Issues meetings.
- Participation in regular review meetings with Departments in key areas of litigation and in relation to cross-cutting/interdepartmental issues.





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 2004 the Merrion Street Office and the Chief State Solicitor's Office continued to have a very active participation in a range of cross-departmental projects and groups on both legal and non-legal issues. As outlined in Chapter 3 above, legal staff provided legal services to Government by attending and advising on a range of important inter-departmental committees and working groups.

The Office of the Parliamentary Counsel (OPC) also participated in a range of inter-departmental committees and working groups. In the course of the year, work was progressed on a number of Bills that required the involvement of several Departments and/or agencies. Such cross-cutting issues arose, for example, in relation

to the Disability Bill 2004 and the Comhairle (Amendment) Bill 2004.

Similar cross-departmental issues arose in relation to the Civil Service Regulation (Amendment) Bill 2004, the Foyle and Carlingford Fisheries Bill 2004, the Residential Tenancies Bill 2004 and the Education for Persons with Special Education Needs Act 2004.

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 2004 the 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 reported 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 during the year provided a vital mechanism for mediating between the competing claims of Departments for the services of the OPC and for dealing with any problems that arose in relation to the smooth and speedy implementation of the Government's Legislation Programme.

Co-operation with Legal Advisers in Government Departments

During 2004 the Office continued to foster constructive and close working relationships with legal advisers in



Progress Achieved in reaching Key Objective 6

Government Departments. The importance of these links continues to grow given the increasing number of complex inter-Departmental legal issues which arise. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsel and Departmental Legal Advisers co-operated during the year in a large range of matters so as to ensure a consistency in advices given by them with other advices given by the Attorney General.

Management of Litigation - particularly mass claims

During 2004 the Office continued in its mission to manage litigation, particularly mass claims, so as to minimise the cost of same to the Exchequer. Overall legal strategy was directed by the Merrion Street Office and regular review meetings took place between Advisory Counsel in the Merrion Street Office, legal staff in the Chief State Solicitor's Office and officials in the relevant Departments to ensure that mass litigation was being effectively managed on an ongoing basis.

Specific initiatives taken in the Chief State Solicitor's Office were:

- setting up a special team to deal with day school abuse litigation.
- commencing the process of establishing a Unit to deal exclusively with residential abuse litigation.
- operating dedicated teams to handle special needs litigation and child welfare (unruly children) litigation.
- continuing to provide a specialised service handling asylum, immigration and repatriation cases.
- winding down the Army Hearing Loss Section and deploying staff to other areas of work as this particular litigation decreased.

European Court of Justice litigation and Interventions

During the year the Office continued to review current practices in relation to litigation before the European Court of Justice (ECJ). Chapter 3 of this Report sets out details of some important cases before the ECJ in 2004.

Following the attendance of staff from the Merrion Street Office and the Chief State Solicitor's Office at the ECJ for extended periods in 2002 and 2003 and resulting from the information obtained, the Office set up a Working Group to examine the procedures in

operation for dealing with ECJ work. The Group continued to meet during 2004 to formulate further 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 2004 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, during 2004 the Office continued to be represented on the Committee on Video-Conferencing established by the Minister for Justice, Equality and Law Reform in January 2003.

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 2004 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.





Annexes

A

Annex A

Government Bills Published in 2004

- | | | | |
|----|---|----|---|
| 1 | Equality Bill 2004 [Seanad] | 32 | Disability Bill 2004 |
| 2 | Immigration Bill 2004 [Seanad] | 33 | Irish Nationality and Citizenship Bill 2004 |
| 3 | Finance Bill 2004 | 34 | Intoxicating Liquor Bill 2004 |
| 4 | Motor Vehicle (Duties and Licences) Bill 2004 | 35 | Health and Social Care Professionals Bill 2004 |
| 5 | Council of Europe Development Bank Bill 2004 | 36 | Veterinary Practice Bill 2004 |
| 6 | Civil Liability and Courts Bill 2004 [Seanad] | 37 | Fines Bill 2004 |
| 7 | Social Welfare (Miscellaneous Provisions) Bill 2004 | 38 | Health Bill 2004 |
| 8 | Garda Síochána Bill 2004 [Seanad] | 39 | Registration of Deeds and Title Bill 2004 [Seanad] |
| 9 | Public Service Superannuation (Miscellaneous Provisions) Bill 2004 [Seanad] | 40 | Statute Law Revision (Pre 1922) Bill 2004 |
| 10 | Air Navigation and Transport (International Conventions) Bill 2004 [Seanad] | 41 | Tribunal of Inquiry into Certain Planning Matters and Payments Bill 2004 [Seanad] |
| 11 | Maritime Security Bill 2004 [Seanad] | 42 | Social Welfare Bill 2004 |
| 12 | Electoral (Amendment) Bill 2004 | 43 | Housing (Miscellaneous Provisions) Bill 2004 [Seanad] |
| 13 | Twenty-seventh Amendment of the Constitution Bill 2004 | 44 | Appropriation Bill 2004 |
| 14 | Health (Amendment) Bill 2004 | 45 | Health (Amendment) (No 2) Bill 2004 |
| 15 | Adoptive Leave Bill 2004 [Seanad] | 46 | Parental Leave (Amendment) Bill 2004 [Seanad] |
| 16 | Electricity (Supply) (Amendment) Bill 2004 | | |
| 17 | Copyright and Related Rights (Amendment) Bill 2004 [Seanad] | | |
| 18 | Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Bill 2004 | | |
| 19 | Child Trafficking and Pornography (Amendment) Bill 2004 [Seanad] | | |
| 20 | Road Traffic Bill 2004 | | |
| 21 | National Monuments (Amendment) Bill 2004 | | |
| 22 | Grangegorman Development Agency Bill 2004 | | |
| 23 | State Airports Bill 2004 | | |
| 24 | Safety, Health and Welfare at Work Bill 2004 | | |
| 25 | Dormant Accounts (Amendment) Bill 2004 [Seanad] | | |
| 26 | Maritime Safety Bill 2004 [Seanad] | | |
| 27 | Driver Testing and Standards Authority Bill 2004 | | |
| 28 | Criminal Justice Bill 2004 | | |
| 29 | Land Bill 2004 [Seanad] | | |
| 30 | Civil Service Regulation (Amendment) Bill 2004 | | |
| 31 | Comhairle (Amendment) Bill 2004 | | |



B

Annex B

Public Bills Enacted in 2004

- Twenty-seventh Amendment of the Constitution Act 2004
1. Immigration Act 2004
 2. European Parliament Elections (Amendment) Act 2004
 3. Civil Registration Act 2004
 4. Industrial Relations (Miscellaneous Provisions) Act 2004
 5. Motor Vehicle (Duties and Licences) Act 2004
 6. Public Health (Tobacco) (Amendment) Act 2004
 7. Public Service Superannuation (Miscellaneous Provisions) Act 2004
 8. Finance Act 2004
 9. Social Welfare (Miscellaneous Provisions) Act 2004
 10. Aer Lingus Act 2004
 11. Air Navigation and Transport (International Conventions) Act 2004
 12. Private Security Services Act 2004
 13. Tribunals of Inquiry (Evidence) (Amendment) Act 2004
 14. An Bord Bia (Amendment) Act 2004
 15. Electoral (Amendment) Act 2004
 16. Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Act 2004
 17. Child Trafficking and Pornography (Amendment) Act 2004
 18. Copyright and Related Rights (Amendment) Act 2004
 19. Health (Amendment) Act 2004
 20. Criminal Justice (Joint Investigation Teams) Act 2004
 21. Central Bank and Financial Services Authority of Ireland Act 2004
 22. National Monuments (Amendment) Act 2004
 23. Commissions of Investigation Act 2004
 24. Equality Act 2004
 25. Electricity (Supply) (Amendment) Act 2004
 26. International Development Association (Amendment) Act 2004
 27. Residential Tenancies Act 2004
 28. Maternity Protection (Amendment) Act 2004
 29. Maritime Security Act 2004
 30. Education for Persons with Special Educational Needs Act 2004
 31. Civil Liability and Courts Act 2004
 32. State Airports Act 2004
 33. Public Service Management (Recruitment and Appointments) Act 2004
 34. Intoxicating Liquor Act 2004
 35. Dumping at Sea (Amendment) Act 2004
 36. Ombudsman Defence Forces Act 2004
 37. Council of Europe Development Bank Act 2004
 38. Irish Nationality and Citizenship Act 2004
 39. Tribunal of Inquiry into Certain Planning Matters and Payments Act 2004
 40. Appropriation Act 2004
 41. Social Welfare Act 2004
 42. Health Act 2004
 43. Housing (Miscellaneous Provisions) Act 2004
 44. Road Traffic Act 2004



C

Annex C - Extract from the Annual Report of the Comptroller and Auditor General and Appropriation Accounts 2004

Office of the Attorney General Vote 3, Merrion Street Office

Account of the sum expended, in the year ended 31 December 2004, 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.

Administration	Service	Estimate Provision €'000	Outturn €'000	Closing Accruals €'000
A1	Salaries Wages & Allowances	7,359	7,514	-
A2	Travel & Subsistence	380	219	9
A3	Incidental Expenses	958	630	(21)
A4	Postal & Telecommunications Services	182	80	20
A5	Office Machinery & Office Supplies	1,719	795	127
A6	Office Premises Expenses	218	156	6
A7	Consultancy	1,214	791	97
Other Services				
B	Contributions to International Organisations	28	25	-
C	Law Reform Commission (Grant-in-Aid)	1,593	1,593	-
D	General Law Expenses	117	61	12
	Gross Total	13,768	11,864	250
Deduct				
E	Appropriation-in-Aid	3	14	1
	Net Total	13,765	11,850	249
Surplus to be surrendered: €1,915,276				



C

Annex C - Extract from the Annual Report of the Comptroller and Auditor General and Appropriation Accounts 2004

Vote 13

Account of the sum expended, in the year ended 31 December 2004, 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.

Administration	Service	Estimate Provision €'000	Outturn €'000	Closing Accruals €'000
A1	Salaries Wages & Allowances	14,531	14,329	-
A2	Travel & Subsistence	200	151	14
A3	Incidental Expenses	763	801	107
A4	Postal & Telecommunications Services	500	439	49
A5	Office Machinery & Office Supplies	1,760	1,197	93
A6	Office Premises Expenses	195	88	43
A7	Consultancy	157	146	-
Other Services				
B	Fees to Counsel	7,300	7,609	1,088
C	General Law Expenses	4,200	2,906	433
	Gross Total	29,606	27,666	1,827
Deduct				
D	Appropriations-in-Aid	250	671	4,383
	Net Total	29,356	26,995	(2,556)
Surplus to be surrendered: €2,360,506				



D

Annex D - Statements of Compliance; Reports on Payment Practices 2004 AGO (Merrion Street Office) and CSSO

Office of the Attorney General, Merrion Street

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

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 earlier this year, including procedures to ensure compliance with the Act.

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

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

payment being made outside of the prescribed time interest is calculated by the Finance Unit in accordance with the Act and with the Regulations.

- The Financial Management System prompts the staff in the Finance Unit of due payment date.

The Office's Report on Payment Practices for 2004 follows.

Office of the Attorney General

28 October 2005

Report on payment practices for 2004

Office of the Attorney General, Merrion Street

General

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

Late Payments

2. Payments totalling €4.096 million in 2004 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 2004.

Statement of Compliance with the Prompt Payment of Account 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 which 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.



D

Annex D - Statements of Compliance; Reports on Payment Practices 2004 AGO (Merrion Street Office) and CSSO

Chief State Solicitor's Office

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

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

The key procedures which are in place are as follows:

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

The Office's Report on Payment Practices for 2004 follows.

Report on Payment Practices for 2004:

Chief State Solicitor's Office

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

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

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

Payments to which Prompt Payments applied January to December 2004:

Total Value of all Payments:	€5,685,474
Total Value of all late payments (under €320 inclusive):	€193,918.50
Total Value of all late payments (over €320):	€523,419.54
Value of late payments as % of total payments:	12.61%
Number of late payments in excess of €320:	7
Amount of Interest paid:	€12,585.90
Amount of interest as percentage of total payments:	0.0022%
Broad indication of Length of Delays:	20 Days



E

Annex E - Office Representation on Committees and Working Groups in 2004

Office Representation on Committees and Working Groups in 2004

Advisory Board National Children's Office	Implementation Group on Compensation Issues
Assistant Secretaries Network	Interdepartmental Committee on Hearing Loss Litigation
Change Management Network	Interdepartmental Committee on the Reform of Marriage
Civil Service Training Officers Network	Interdepartmental Co-ordinating Committee on European Affairs
Commission of Assisted Human Reproduction	Interdepartmental Group on Special Education Needs Litigation
Company Law Review Group	Interdepartmental Working Group on Nursing Homes Charges
Consultative Committee on Law Reform	Interdepartmental Committee on Nuclear Issues
Consumer Advisory Council	Interdepartmental Group on Childhood Abuse Litigation
Council of Europe Committee on Administrative Law	Interdepartmental Working Groups on Disability
Council of Europe Committee of Experts in Family Law	Interdepartmental Committee on Infrastructure
Court Rules Committees	Interdepartmental Committee on State aids
Cross-Departmental Team on Infrastructure	Interdepartmental Group on the Commission proposal for a European Fishing Control Agency
Cross-Departmental Group on EU Enlargement and Freedom of Movement	Interdepartmental Group on EU Justice and Home Affairs
EU Working Group on Legal Data Processing	Interdepartmental Group on the EU Convention
EU Working Group on Contract Law	Interdepartmental Group on Legislative Issues for the Information Society
EU Inter-Governmental Convention Oversight Group	Interdepartmental Group on Oireachtas Scrutiny of EU legislation
Expert Group on Proposals arising out of Garda S.M.I. Report	Interdepartmental Group on the Presidency of the EU 2004
Expenditure Reviewers Network	Interdepartmental Steering Committee on Implementation of the Mullarkey Report
FOI Interdepartmental Working Group	Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities
FOI Liaison Officers Network	Interdepartmental Working Group on Compensation Issues
FOI Users Network Group	Internal Audit Network
Garda Working Group on Vetting	International Maritime Organisation Legal Committee
Garda Implementation Group on Vetting	International Expert Group on Nuclear Liability (INLEX)
Government Legislation Committee	Library Managers Network
Greco Evaluation Team	
Hague Conference on Private International Law	
Information and Communications Technology Managers Forum	
Information Society Legal Working Group	



E

Annex E - Office Representation on Committees and Working Groups in 2004

Management Group for Judicial Reviews in Asylum Cases

MIF Consultative Committee

MIF Project Management Sub-Group

Ministerial Committee on Nuclear Safety

Ministers and Secretaries Group on European Matters

“No-Fault” Advisory Group

Northern Ireland (various groups dealing with Northern Ireland matters)

Nuclear Law Committee (Nuclear Energy Agency, a branch of the OECD)

Personnel Officers Network

PMDS Network

Secretaries General and Heads of Offices Group

Single Regulatory Authority Implementation Advisory Group

State Claims Agency Liaison Committee

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

Steering Group on Systems Review of Department of Agriculture and Food

Strategic Management Initiative Communications Sub-Group

Strategic Management Initiative Implementation Groups

Tax Strategy Group

UNCITRAL (The United Nations Commission on International Trade Law)

UNCITRAL Working Group on Arbitration

UNCITRAL Working Group on Security Interests

UNCITRAL Working Group on Electronic Commerce

UNCITRAL Working Group on Insolvency Law

United Nations Convention on Climate Change

Wilson Interdepartmental Committee on Trust Fund for Victims of Violence

Working Group on Company Law Compliance and Enforcement

Working Group on Jurisdiction of the Courts

Working Group to Review Coroners Services

Working Group on Legal Costs



F

Annex F - Freedom of Information Statistics 2004

**Statistics of requests made under the Freedom of Information Act 1997:
Office of the Attorney General, Merrion Street Office**

Office of the Attorney General	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	22	6	16	0	4	1
1999	27	7	20	0	2	4
2000	25	3	22	0	3	3
2001	23	4	19	0	2	2
2002	22	4	18	0	3	1
2003	18	3	15	0	5	4
2004	6	2	4	0	2	0
Total	143	29	114	0	21	15

Office of the Attorney General	1998	1999	2000	2001	2002	2003	2004	Total
Requests Refused	15	21	18	16	20	9	4	103
Requests Refused under section 46(1)(b) (Figure included in total requests refused)	12	18	14	13	20	9	3	89
Requests Transferred	1	0	0	0	0	0	0	1
Requests withdrawn or handled outside FOI	0	1	1	0	0	1	0	3
Live Cases	1	0	0	3	1	0	0	n/a
Internal Reviews Received	6	6	4	2	0	1	0	19
Appeals to Info Comm.	2	0	0	2	0	1	0	5
Fees No.	0	0	0	0	0	3	4	7
Charged Amount	Nil	Nil	Nil	Nil	Nil	€45	€60	€105



F

Annex F - Freedom of Information Statistics 2004

Statistics for 2004

Office of the Attorney General, Merrion Street Office

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/04 to 31/12/04	6	1	0	0	0	5

Statistics from 21 April 1998 to 31 December, 2004

Office of the Attorney General

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/04	143	37	32	3	5	66

Statistics of requests made under the Freedom of Information Act 1997

Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	17	14	3	0	10	0
1999	9	3	6	0	4	0
2000	23	11	12	0	15	4
2001	9	6	3	0	5	0
2002	9	5	4	0	2	0
2003	6	2	4	0	0	1
2004	3	1	2	0	0	0
Total	76	42	34	0	36	5



F

Annex F - Freedom of Information Statistics 2004

Chief State Solicitor's Office	1998	1999	2000	2001	2002	2003	2004	Total
Requests Refused	4	4	5	4	7	1	0	25
Requests Refused under section 46(1)(b) (Figure included in total requests refused)	4	4	2	3	7	1	0	21
Requests Transferred	2	1	0	0	0	2	0	5
Requests Withdrawn or handled outside FOI	0	0	0	0	0	2	2	4
Live Cases	1	1	0	0	0	0	1	3
Internal Reviews Received	1	3	1	1	0	1	0	7
Appeals to Info Comm.	0	1	1	1	0	0	0	3
Fees No.	0	0	0	0	0	0	0	0
Charged Amount	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Statistics for 2004

Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/04 to 31/12/04	3	1	0	0	0	2

Statistics from 21 April, 1998 to 31 December, 2004

Chief State Solicitor's Office	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/04	76	11	2	0	30	33



G

Annex G - Training and Development Details 2004

Training and Development**Breakdown of Merrion Street Office Expenditure on Training & Development 2004**

Seminar, Conference and Training Courses fees	€164,131.00
Refund of Fees	€7,865.00
IT Training	€13,591.00
Trainer(s) salaries and overheads	€50,642.00
Cost of Courses attended by Trainers	€903.00
All other costs associated with Training & Development*	€74,484.00
Total	€311,616.00
* (This figure comprises Travel and Subsistence costs directly related to Training & Development)	

Legal Conferences attended by AGO staff during 2004

- "Children in an adult world" The treatment of children's evidence in criminal prosecutions
- 5th Annual National Prosecutors Conference - DPP's Office
- Annual Conference of International Association of Prosecutors
- Annual Review of Employment Law 2004
- Annual Symposium on Community Taxation
- Cleachtadh nó Fionnlainne ar Reachtaíocht Teanga agus Acht na dTeangacha Oifigiúla 2003 in Éireann
- Communities of Practice Masterclass
- Competition Law Conference
- Criminal Law Conference 2004
- Discovery - Are you up to Date
- EC Asylum and Immigration Law: Reaching the Tampere Milestone
- EC Criminal Law: An Introduction
- ECHR Act 2003 Review & Human Rights in Committed Relationships
- ECHR Incorporation Review and Human Rights in Gender Law
- Edward O'Donnell MacDevitt SYMPOSIUM - Criminal Justice or Criminal Chaos - A System Under Fire
- ELENA International Introductory Course on Refugee and Asylum Law
- Employment Law Today Conference
- EU Criminal Justice: An Introduction
- EU State Aid and Equality
- European Air Law 16th Annual Conference
- eWeek Roundtable: eGovernment
- FIDE Congress XXI
- Freedom and Responsibility in Reproductive Choice
- Freezing and Confiscating the Proceeds of Crime: National and European Union Measures
- How the UK's Nuclear Industry is Regulated: a Case Study of Independent Regulation
- Human Rights and the European Union
- Human Rights Law Conference 2004
- Intensive Course on Planning Law
- Interdependence in Waste Management in the EU
- International Bar Association Conference
- International Copyright Law Course
- International Fraud and Financial Crime Convention - the way forward
- Irish Competition and Regulatory Conference 2004
- Irish Presidency Conference on Better Regulation
- Knowledge Management for the Legal Profession



G

Annex G - Training and Development Details 2004

- Law and the Environment Conference
- Modernising Irish Land and Conveyance Law Conference (LRC)
- Mutual Assistance
- Nuclear Law Committee Meeting
- Preventing, advancing and defending claims for unfair dismissal
- Recent Developments in European Environmental Law
- Recent Developments in European Family and Succession Law
- Recent Developments in European Labour Law
- Risk Management & Wills
- Seminar on Quality of Legislation
- Summer Course at the Irish Centre for Human Rights
- The European Convention on Human Rights Act 2003 A Practitioner's Guide to Effective Remedies
- The Rights of the Defence in European Law
- Twelfth Summer Course on Community Law

General Training Courses undertaken by Merrion Street Office staff:

Training Event	Number of Courses held	Number of Staff in attendance
Business Writing Course	1	8
Time Management Course	1	9
PMDS Training (2 Day)	2	14
PMDS Upward Feedback Training	10 Half Day sessions	All Staff in Office
First Aid Course	1	10
Stress Elimination Course	3	34
Communications Skills Course	1	7
MIF Training Course	1	7
Presentation Skills	2	11
MS Excel Course	1	7
MS Outlook		All Staff in Office
Word Intermediate	1	5
Word Advanced	1	5
MS Powerpoint	2	14
MS Access (2 Day)	1	2
ECDL Training	Number of Courses held	Number of Staff in attendance
Standard ECDL Course	2	17
Advanced ECDL Course	2	17
Language Training	Number of Courses held	Number of Staff in attendance
Gaelagras Courses	9 Staff	
	One staff member attended Gaelteacht in 2004.	
Two Staff members attended the Introduction to Community Law Summer School in Trier.		
Refund of Fees for third level courses undertaken in their own time made to 4 staff members.		

G

Annex G - Training and Development Details 2004

Breakdown of Chief State Solicitor's Office Expenditure on Training & Development 2004:

Seminars, Conferences and Training Courses	€106,949
Refund of Fees	€46,426
Costs of consultants and external trainers engaged in direct training	€16,026
IT training	€25,951
Trainer(s) salaries and overheads	€53,000
Cost of administration relating to A3 Subhead	€20,000
Cost of courses attended by Trainers	€470
New training materials	€5,625
Other costs associated with training and development	€14,051
Total	€288,498

Legal Conferences attended by CSSO staff during 2004.

- Access for all - Towards best practice
- Advocacy
- Arbitration
- Costs
- Courtroom Evidence
- Conveyancing
- Commercial Court
- Discovery
- Drafting of Deeds
- ECHR
- Employment law
- Environmental Law
- European Law
- Family Law
- Judicial Review
- Civil Litigation
- Negotiating Skills
- Planning Law
- PIAB
- Procurement process and Procedures
- Protection on the Environment
- Principles of Practical Drafting
- Public Procurement
- TORTS - Law of Tort
- Trusts - Legal
- Understanding expert witnesses
- VAT on property



G

Annex G - Training and Development Details 2004

General Training undertaken by CSSO staff:

Training Event	No. of staff in attendance
Accountability in Purchasing	1
Assertiveness	1
Bullying and Harassment	2
ECDL	2
First Aid	12
Freedom of Information	5
Language Training (French)	2
Language Training (Irish Scholarship)	3
Letter Writing	1
Legal Writing and Drafting	2
Minute Taking	3
Personal Development	1
Report Writing	16
SRSB Conference	3
Supervisory Skills	11
Systems Analysis	2
Time Management	13
Typing	14
Typing - Dictaphone	1
Microsoft Word - Intermediate	10
Microsoft Word - Advanced	18
Excel - Beginners	5
Excel - Intermediate	8
Excel - Advanced	12
Microsoft Project	1
Microsoft Outlook	227
PowerPoint/Presentation Skills	23
Refund of Fees scheme for the academic year 2003/2004	30



Annex H: Organisation Chart

