



LAW REFORM
COMMISSION/COIMISIÚN UM
ATHCHÓIRIÚ AN DLÍ

STRATEGY STATEMENT 2018-2020

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Is Comhlacht Reachtúil é an Coimisiún um Athchóiriú an Dlí bunaithe ag an *Acht fán gCoimisiún um Athchóiriú an Dlí 1975*
The Law Reform Commission is a statutory body established by the *Law Reform Commission Act 1975*
Mr Justice John Quirke Raymond Byrne, Barrister-at-Law Prof Donncha O'Connell Ms Justice Carmel Stewart Tom O'Malley, Barrister-at-Law

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FOREWORD

On behalf of the Law Reform Commission I am pleased to introduce our Strategy Statement for 2018-2020.

This Statement identifies the values and objectives of the Commission and the strategies which we will pursue in order to achieve our objectives, fulfil our statutory mandate and perform our functions of ensuring that the laws of Ireland are suitable for a modern State and are accessible to all.

It is important to ensure that the Commission will continue to work in an efficient and cost effective way whilst still delivering the best possible service to the public. It is, therefore, a priority of the Commission to ensure that our processes are aligned, mutually supportive and fully integrated. In this respect, our statutory mandate to make proposals for law reform chime closely with wider policy objectives of public sector reform, as most recently set out in *Our Public Service 2020*.

The Strategy Statement sets out the key objectives for our work during the three years of its timeframe, namely, completing the remaining law reform research projects in our Fourth Programme of Law Reform, approval of our Fifth Programme for Law Reform and making significant progress in the projects contained within it, and continuing with and developing our Access to Legislation work.

Constant review and improvement of the Commission's working methods and methodology will continue so that the quality of the Commission's service to the community will be enhanced.

The Commission is confident that the strategy identified in this Statement will enable us to continue to provide a comprehensive service to the public and to the State by keeping the law under independent, impartial and expert review, by making ongoing recommendations for law reform and by working to make current law accessible online for all.

The Hon Mr Justice John Quirke

President

MISSION STATEMENT

To keep the law under independent, objective and expert review, to make recommendations for law reform and to make current law accessible for all.

OVERVIEW OF COMMISSION

The Law Reform Commission is a statutory research body established by the *Law Reform Commission Act 1975*. The Commission has five members – the President and four other Commissioners (a full-time Commissioner and three part-time Commissioners).

Our role is to keep the law under review, to make research-led proposals for reform, in particular by recommending the enactment of legislation to clarify and modernise the law, and to make current law accessible online.

The Commission's research role is carried out primarily under a Programme of Law Reform. The *Fourth Programme of Law Reform*, which was prepared by the Commission following broad consultation and discussion, was approved by the Government in accordance with the 1975 Act in October 2013 and placed before both Houses of the Oireachtas. During the timeframe of our *Strategy Statement 2015-2017*, the Commission engaged in extensive public consultation on our *Fifth Programme of Law Reform* with a view to having that approved in 2018. The Commission also works on specific matters when referred to it by the Attorney General under the 1975 Act.

Since it was established, the Commission has published over 200 documents (Working Papers, Consultation Papers, Issues Papers and Reports) containing proposals for law reform based on detailed research, and these are all available on the Commission's website, www.lawreform.ie. Over 70% of these proposals have contributed in a significant way to the development and enactment of reforming legislation.

The Commission's research also includes its Access to Legislation work, which is intended to provide online access to legislation in its current state – as amended rather than as enacted. This work includes the development and maintenance of: the Legislation Directory (a key index tracking changes to legislation, with supplementary indexes), a growing number of over 330 Revised Acts (showing the Acts as amended rather than as enacted) and the Classified List of In-Force Legislation (a list of all in-force Acts and Statutory Instruments organised under 36 subject-based headings).

OPERATING ENVIRONMENT

The Commission will continue to perform its functions in an efficient and cost effective way whilst still delivering an excellent service to the public. We cannot succeed if we do not work effectively with others, both inside and outside the public service. To this end, we actively review and adapt our consultation process so that we can avail of a wide range of ideas and analysis.

Progress towards the achievement of the Key Objectives set out in this Strategy Statement will be carefully monitored and reviewed. The Commission will also review and identify general internal and external trends and developments relevant to its work and will adapt and update its approach as needed throughout the lifetime of the Strategy Statement.

Through the implementation of this Strategy, we will play our part with our colleagues across the public service by building on previous renewal and transformation reforms and making a contribution to the Three Pillars contained in *Our Public Service 2020*, the framework to improve and develop the State's public services.

The Three Pillars in *Our Public Service 2020* closely mirror the Commission's statutory mandate of research-led law reform. Pillar One, *Delivering for Our Public*, emphasises the need for public consultation and engagement with relevant expertise (a key part of the Commission's approach to its research) and the development of a "digital first" approach to public services (an integral part of many Commission reform proposals and central to our Access to Legislation work). Pillar Two, *Innovating for Our Future*, which the Commission's reform mandate necessarily involves, is also reflected in other key actions identified in Pillar Two that are central to our work, namely, optimal use of data, strategic planning, whole-of-government collaboration, programme and project management and an evidence-based approach to our research. Pillar Three, *Developing Our People and Organisations*, is also an essential feature of the Commission's strategic approach, involving as it does actions such as effective human resource management, workforce planning, performance management and professional development and an inclusionary approach to employee recruitment and engagement.

Values

In carrying out our role, we place a particular emphasis on a number of key values:

- Focus on citizens as the people we serve
- Excellence and objectivity in our research
- Commitment to consultation and dialogue with the academic, legal and policy communities, as well as broader civil society
- Transparency and integrity in our use of resources.

Relationships

The Commission maintains a range of important relationships with external individuals and organisations.

The Commission recognises the particular importance of its relationship with the Attorney General and the Office of the Attorney General. Under section 4(2) of the *Law Reform Commission Act 1975*, the Attorney General may request that the Commission examine and conduct research on particular areas of the law (that is, in addition to the projects in our Programmes of Law Reform), which the Commission must then examine. Where such requests (or referrals, as they are sometimes described) arise, the Commission will adapt its work programme to take account of the resources required to fulfil its obligations to the Attorney General. The subjects covered by such requests are invariably of general interest to the public and may arise from discussions within the Oireachtas on the need for reform or from proposals contained in a Programme for Government. Recent Attorney General requests have included: the issue of consent, knowledge and belief in the law of sexual offences; the law of defamation as it applies to court reporting; and the law on mandatory sentences. The Director General of the Attorney General's Office is the accounting officer for the Commission.

A Consultative Committee, under the aegis of the Office of the Attorney General, also has assigned responsibilities in relation to law reform, including assisting the Attorney General on specific aspects of law reform, notably in liaising with the Commission on a draft Programme of Law Reform. The Committee comprises representatives of the Attorney General's Office, Departments of the Taoiseach, Finance, Justice and Equality, Business, Enterprise and Innovation, Health, Children and Youth Affairs, the Bar Council, and the Law Society. The Department of the Taoiseach liaises regularly with the Commission on matters of mutual interest, including concerning the Commission's Access to Legislation work.

Members of the judiciary, solicitors and practising barristers, academic lawyers, Departmental representatives, non-governmental organisations and other statutory bodies and agencies, experts in various non-legal areas of relevance, representatives of interest groups and members of the public provide outside expertise and work collaboratively with us, which is of great benefit to the Commission.

The Department of Justice and Equality plays an important role in supporting the work of the Commission, both generally and in the implementation of many of the law reform recommendations of the Commission.

The Commission also appears regularly before Oireachtas Committees to discuss its work, notably the Oireachtas Committee on Justice and Equality.

In addition to the above relationships, the Commission participates in information sharing and best practice discussions with other law reform agencies and maintains a close relationship with them.

Resources

The Commission is committed to using the resources it receives in the most effective manner to ensure its objectives are met. In particular, the Commission continues to pursue the use of shared services wherever possible. Best practice is followed in human resource and financial management, and information technology is harnessed wherever possible to improve performance and deliver a consistently high quality service at the most economically advantageous cost. The Commission continues to move towards greater use of e-publishing on its website in order to reduce both the output cost of producing reports and to ensure the widest possible audience for its publications.

The Commission recognises the importance of delivering high quality output and of demonstrating the ongoing relevance and importance of keeping the law up to date, accessible and accurate, including

through its Access to Legislation work which is published exclusively online in accordance with the “digital first” policy.

Staff Contribution and Development

The staff of the Commission is its key asset. Clear and open lines of communication, definition of roles and responsibilities, and a team-based approach are the hallmarks of the Commission’s approach to the involvement and development of its staff. The Commission is committed to providing opportunities to all members of staff to develop to their full potential through training and development and to improving performance through the Performance and Management Development System (PMDS) for civil service staff and through a separate performance management and development system for legal staff.

Commissioners

The members of the Commission are collectively responsible for promoting the success of the Commission by leading and directing its activities. They provide strategic direction to the Commission and monitor the activities and effectiveness of its management.

A co-ordinating Commissioner is nominated for each law reform project. The co-ordinating Commissioner engages at the research stage of the project in developing and preparing papers for consideration by the Commission and ensuring the progress of the project.

KEY OBJECTIVES

Three key objectives have been identified based on the analysis in this statement and represent the Commission's commitment to delivery for the period 2018-2020. The actions required to meet these objectives will be set out in the Commission's annual business plans. Monitoring arrangements to ensure our targets are being met are summarised in the final section of this Strategy Statement.

KEY OBJECTIVE 1

LAW REFORM

To review the law and to conduct research with a view to developing, simplifying, modernising and codifying the law of Ireland.

Outcome

An expert and thoroughly researched body of work containing proposals for law reform, available in published form for examination and consideration, which contribute to the development of laws that are responsive to the contemporary and anticipated needs of society in Ireland.

Performance Indicators

1. Manage and complete the remaining projects in the *Fourth Programme of Law Reform* and existing requests from the Attorney General to examine specific areas of law.
2. Manage and complete the process for the development of the *Fifth Programme of Law Reform*, including completing the consultation process begun in 2017.
3. Develop towards completion the projects in the *Fifth Programme of Law Reform* and, if made, any future requests from the Attorney General to examine specific areas of law.

Strategy

1. Review of the role, function and methodology of the Commission having regard to the available human and financial resources so as to adopt the most focussed and efficient approach possible.
2. Assign and manage research resources effectively and efficiently.
3. Develop initial papers and draft texts for consideration by the Commission.
4. Monitor the content of legal research (which includes analysis of current law and relevant comparative and international law) and the effective use of legal information sources (which includes online sources).
5. Publish Commission-approved Issues Papers for public consultation.
6. Engage in suitable and thorough public consultation process, and review outcomes.
7. Develop draft text of Reports (and, where relevant, Discussion Papers) for consideration by Commission.
8. Publish Commission-approved Reports with final recommendations for law reform and, where required, draft Bill.
9. Monitor and review effectiveness and efficiency of legal research process.
10. Active participation of co-ordinating Commissioner in individual projects as determined by the Commission.

11. Continued development of relationships with other law reform bodies with particular reference to comparative analysis of function, policy and methodology in order to provide a better understanding of policy method in other jurisdictions.

NOTE

The Director of Research has overall responsibility and accountability for meeting this Key Objective.

KEY OBJECTIVE 2

ACCESS TO LEGISLATION

To make available online timely information on the current state of all in-force legislation, and to make available online the full text of more in-force legislation in its current, as-amended, state.

Outcome

Online searchable indexes of amendments to all legislation and related information (comprising the Legislation Directory of primary and secondary legislation and the Classified List of In-Force Legislation in Ireland) to facilitate ascertaining the current state of all amended legislation; and increase from current number of 330 Revised Acts (full text of Acts in their as-amended form).

Performance Indicators

1. Production and development of Legislation Directory for publication on the electronic Irish Statute Book (eISB).
2. Publication of increased number of Revised Acts on the Commission website, linked from eISB.
3. Publication in html form of Classified List of In-Force Legislation on the Commission website.
4. Quality assurance standards agreed and applied to Legislation Directory, Revised Acts and Classified List of In-Force Legislation.

Strategy

1. Examination of legislation enacted or made, so as to identify all amending provisions.
2. Provision of updates to the Legislation Directory, comprising a complete list of all recent amendments, together with commencement information, related secondary legislation and other information, for publication on the eISB.
3. Completion of project to backdate Legislation Directory of Statutory Instruments from 1999 to 1972, fully integrating with other components of the Legislation Directory.
4. Provision of increased number (in January 2018, 330) of Revised Acts (administrative consolidations of Acts in their amended form), including all textually amended post-2005 Acts (other than Finance and Social Welfare Acts), for publication on the Commission website, each Revised Act linked from eISB.
5. Provision of updates to the Classified List of Legislation for publication, in html format, on the Commission website, with link from eISB.
6. Continued implementation of a robust and effective system for ascertaining and ensuring accuracy of material produced for publication.
7. Use of best available resources in information technology to support the work, including maintaining awareness of relevant developments in the IT area.
8. Maintenance of relationships with other organisations working in the area to keep abreast of any developments in best practice in the field.

9. Maintenance of relationships with Government Departments and other stakeholders to continue to improve the quality and relevance of our outputs.
10. Continued participation in the eLegislation group and provision of material for publication on the Commission website.

NOTE

The Access to Legislation Manager has overall responsibility and accountability for meeting this Key Objective.

KEY OBJECTIVE 3

ADMINISTRATION

To provide effective, modern and professional corporate administrative and business services to the Commission so as to support it in meeting its objectives.

Outcome

A satisfactory working environment where administrative units support the legal work of the Commission by providing excellent corporate business support services such as human resource management, financial management, legal and corporate support, information technology, and library and information services.

Performance Indicators

1. Staff, services and systems working together effectively to deliver on the Commission's mission statement.
2. Expenditure on non-pay remaining within budgetary limits set by the Department of Public Expenditure and Reform.
3. Recruitment and selection of staff while remaining within our pay budget set by the Department of Public Expenditure and Reform, and the Commission following correct procedures within recruitment licence's criteria.

Strategy

1. Maintain satisfactory office accommodation facilities, keeping arrangements under regular review.
2. Provide a high standard of clerical and legal support service to the Commission
3. Ensure optimal use of human resources through implementing best practice in modern human resource management under the People's Strategy for the Civil Service 2017-2020.
4. Ensure excellent management of information assisted by the best Library and information communication technologies available.

5. Ensure continued and effective operation of the Commission's financial management systems and ongoing implementation of the Code of Practice for State Bodies 2016.
6. Keep the Commission's IT infrastructure under review and ensure it continues to provide a robust foundation for the delivery of IT services under the e-Government Strategy 2017 to 2020.
7. Implement *Our Public Service 2020* and other Government initiatives including National Shared Service Office.

NOTE

The Head of Corporate Services and Administration has overall responsibility and accountability for meeting this key objective.

MONITORING ARRANGEMENTS

The following arrangements will apply over the lifetime of this Strategy Statement:

- The Commission will systematically monitor and review its progress towards the achievement of its Key Objectives and the associated outcomes and strategies. Key performance indicators have been set out against which the performance of the Commission will be assessed over the period.
- Annual business plans will be developed setting out an annual programme of actions to implement the Commission's Strategy Statement and set out the contribution of the administrative and legal research teams toward the achievement of the Key Objectives.
- These business plans will set out clearly the specific actions being taken in each area and will be used as a basis for the role profiles and related obligations of individual staff members working in that area.
- Overall responsibility and accountability for specified business plan targets in relation to Key Objectives will be as identified in the relevant business plans.
- Each quarter the management committee (the full-time Commissioner, Head of Corporate Services and Administration, Director of Research and Access to Legislation Manager) will assess progress on each Key Objective in conjunction with the person(s) having overall accountability for the objective.
- This group will report on progress periodically to the Commission but will immediately bring to its notice any major problems, threats or opportunities emerging.
- A review will take place at the end of each year to consider any changes needed for the following year, thereby allowing the Commission to respond in a flexible way to changes in the operating environment.
- The Commission will produce an Annual Report each year which will report on progress toward achieving the Key Objectives and outcomes.
- Any necessary changes to this Strategy Statement for future years will be decided by the Commission.