



LAW REFORM COMMISSION

Governance Review

FINAL REPORT

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Executive Summary

The Governance Review of the Commission was initiated to evaluate the present division of responsibilities and operational relationships within the organisation. The overarching goal was to bolster the Commission's effectiveness by considering its capabilities in terms of structure, roles, leadership, strategy, delivery, governance, and corporate support. The review considered the evolving landscape of civil, state and public service reform and governance and the need to address potential resource challenges facing the organisation.

Firstly, throughout this review, as part of external stakeholder feedback, the Commission's role in law reform was recognised as strategically important, embodying independence, transparency, and clarity. Notably, the Commission demonstrated good governance arrangements, compliance with standards, and effective oversight. The Commission's reputation as a high-performing organisation with international recognition was also acknowledged.

As with any organisation, maintaining and sustaining high performance requires contemplation and review. This report reflects our examination of current arrangements, our bilateral engagements within and outside the organisation, review of relevant documents and other material. The recommendations are anchored within three areas of governance:

- (1) clarity of roles and responsibilities,
- (2) accountability and assurance arrangements, and
- (3) resource and research output management.

A fundamental model of good governance requires clarity of roles and responsibilities, and this review revealed diversity in role delineation, which necessitates the development of precise role profiles to promote shared understandings of responsibilities across the organisation and to focus on a coherent framework of roles and responsibilities. Equally, variations in accountability practices were identified, which highlights the need for standardisation of accountability protocols, calling for a consistent framework to ensure accountability measures and enhancement of transparency. Finally, notwithstanding the overhang of COVID experienced by all organisations, hazards in current resource allocation and research output management processes were identified, leading to recommendations to optimise research outputs.

We want to acknowledge and thank the staff and Commissioners of the Law Reform Commission, together with the Bar Council of Ireland, the Department of Justice and the Attorney General's Department, for their professionalism and commitment and for their valuable insights on the range of areas we examined. Finally, we would like to acknowledge and thank the full-time Commissioner, Mr Richard Barrett and the President of the Law Reform Commission, the Honourable Justice Frank Clarke, for entrusting us with the opportunity to undertake this assignment. The report sets out our observations, findings and recommendations based on the assignment scope, and we wish the Commission success in its important work on behalf of the State.

1. INTRODUCTION

1.1 Overview

In February 2023, the Law Reform Commission (LRC) commissioned the Institute of Public Administration (IPA) to carry out a high-level governance review focusing on assessing the current division of responsibilities and operational relationship arrangements at the Commission. The proposed review committed to be future focussed and aimed at assessing the capability of the Commission by reference to structure and roles, leadership, strategy, delivery, governance arrangements and corporate support, taking account of the wider civil and public service reform agenda, the evolving governance agenda and noting any resource issues that may require further consideration.

The review benchmarked the activities of the Commission to relevant management and governance standards and norms for an independent body in the civil / public service and where relevant comparable international peers. It also incorporated engagement with key stakeholders as well as a documentary review of current policies, procedures, and protocols. The key deliverable from this review is this report outlining observations, findings, and recommendations for consideration by the Commission.

The LRC's Statement of Strategy (2021 – 2023) has set out three objectives, with each objective having defined outcomes, performance indicators and strategy and these objectives are:

- (1) Law Reform
- (2) Access to Legislation
- (3) Administration and Research Support

Within this context, the purpose of this report was to present the findings of the review in according to:

- Clarity of roles and responsibilities within the organisation,
- The current nature and extent of accountability and assurance arrangements,
- Resources/research output and process.

The report includes a number of recommendations for the Commission's consideration (Appendix 1) and are designed to facilitate discussion and agreement on possible next steps.

Below is an outline of the methodology used for this review.

1.2 Methodology

1.2.1 Desk Review

Part of the data gathering process entailed a review of relevant governance material. This included, but was not limited to, a number of recent Commission meetings agendas (agenda, minutes, papers) as well as the LRC Strategy Statement 2021-2023, the Risk Register and Risk Management Policy, Entertainment Policy, Protected Disclosures Policy, Fraud Statement, Asset Register, Safety statement and Risk assessments.

1.2.2 Semi-structured Interviews with Stakeholders

We conducted confidential semi-structured interviews with internal and external stakeholders of the LRC. This includes the Commissioners, Director and Deputy Directors of Research, Head of Administration, a member of the Bar Council, the Attorney General's office, and the Department of Justice. Our approach featured open-ended questions in relation to the work of the Commission, focussing on role clarity, work programme, assurance arrangements, resources and research process and reporting.

We conducted the interviews over a four-month period. We would like to acknowledge and thank the interviewees who afforded us time and for the open and honest engagement and for providing rich invaluable insights relating to the review objectives.

The main findings and recommendations are presented in Section 2. The report also includes some additional observations which, although not directly aligned with the review scope, merit consideration.

1.1 Report

This report is structured for easy navigation and understanding. It begins with this section, the Introduction, which sets the overview and methodology of the report. This is followed by a comprehensive chapter on Law Reform, where the focus is on the following sections:

Section 2.1 Clarity of roles and responsibilities outlines the governance context under the Law Reform 1975 Act and the specific duties of the Commission. The discussion addresses the role of the Commissioners, Full-Time Commissioners, Executive Management Committee, and administrative support for the Commission.

Section 2.2 Assurance arrangements examines the mechanism that supports the Law Reform Commissions' performance, achievements and the current nature and extent of arrangements, identifying elements that function well, and areas that could benefit from improvement.

Section 2.3 Resources/Research output and process arrangements. This section documents vulnerabilities to the existing process arrangements for research output. The comments here are considered within the context of the previous discussions in 2.1 and 2.2.

The report ends with a Conclusion, summarizing the key findings and offering recommendation. Supplementary material is included in the Appendices, including a consolidation of recommendations, for further reference.

2. Law Reform Review

The value and merit of a Law Reform Commission or an entity undertaking law reform was discussed with many stakeholders during this review. In summary, the LRC was seen to fulfil a key public duty. Its role was identified as crucial in the public sector, providing independent engagement in modernising obsolete or ineffective legislation, thus enhancing transparency, clarity and certainty in high-priority or high-visibility areas. The LRC paves the way for potential advancements and comprehension in law, facilitating adaptation and transformation. The work programme, for example, is signed off at the highest levels in Government and reflects contemporary areas where attention and focus are seen as necessary. Therefore, the review's scope focused on some of the areas considered critical to the optimal functioning of the LRC in Ireland.

The importance of clarity in roles and responsibilities, effective assurance and accountability arrangements, and a robust performance focus are crucial elements of good governance in any organisation. The delivery of a mandate necessitates these elements. Clear delineation and understanding of roles facilitate efficiency and performance accountability, reducing potential conflicts and misunderstandings. Assurance arrangements, encompassing performance checks, progress reviews, performance-type audits, and risk management, are key governance instruments that maintain the integrity, relevance, and reliability of the organisation's output. They serve as a validation of effectiveness and evidence adherence to process, procedures and regulations, aiding decision-making and delivery of performance obligations as well as project, business and strategic planning. Additionally, for the LRC, identifying and managing resource/research output hazards should protect the organisation from disruptions and ensure the quality and timeliness of output. All these aspects are interconnected, and a better and more informed understanding and proactive management of these aspects are crucial for the sustainability and successful delivery of the organisation's mandate into the future.

This chapter is organised as follows:

Section 2.1 Clarity of roles and responsibilities outlines the governance context under the Law Reform 1975 Act and the specific duties of the Commission. The discussion addresses the role of the Commissioners, Full-Time Commissioners, Executive Management Committee, and administrative support for the Commission.

Section 2.2 Assurance arrangements examines the mechanism that support the Law Reform Commissions' performance, achievements and examines the current nature and extent of arrangements, identifying elements that function well, and areas that could benefit from improvement.

Section 2.3 Resources/Research output and process arrangements. This section documents vulnerabilities to the existing process arrangements for research output. The comments here are considered within the context of the previous discussions in 2.1 and 2.2.

2.1 Clarity of Roles and Responsibilities

Clarity of roles and responsibilities is a cornerstone of effective governance. Clear definitions of each position's duties and reporting lines promote smoother operations, enhanced decision-making, and heightened productivity by reducing overlaps or gaps. This transparency bolsters accountability, ensuring tasks are completed and saves potential duplication. It also fosters trust and collaboration, as individuals understand their contributions to plans and related projects and know whom to approach for specific issues. Moreover, clear roles and responsibilities facilitate better communication and engagement within the team. To maintain this robust governance framework, regular reviews of these roles should be conducted to adapt to evolving organisational needs and challenges.

2.1.1 Governance Context

As cited in the most recent Annual Report, the functions of the Commission are set out in section 4 of the 1975 Act, legislation that is almost 50 years old. The Commission is accountable to the Office of the Attorney General, the Department of An Taoiseach and the Minister for Public Expenditure, National Development Plan Delivery and Reform. While the legislation lists various functions as part of its mandate, provisions within various governance standards and codes of practice relevant to civil service, public service and state body entities impose a much wider range of additional governance functions and obligations - obligations which have evolved significantly in the last decade.

The Commission, as a collective, is responsible for ensuring adherence to good governance norms and standards and performs these obligations in accordance with different governance policies in place and additional guidance and guidelines communicated within the state and public sector. This includes setting strategic objectives and targets in its Strategy Statement and taking strategic decisions on all key business issues as part of matters reserved for the Commission. Like any governing body, the Commission delegates certain and appropriate activities to an executive leadership team. The regular day-to-day management, control and direction of the Law Reform Commission are the responsibility of the Full-Time Commissioner (FTC) and Executive Management Committee. The Full-Time Commissioner and the Executive Management Committee must follow the broad strategic direction set by the Commission and must ensure that all Commission members have clear understanding of the key activities and decisions related to the Commission, and of any significant risks likely to arise. As a governing body, the Commission must be provided with all the information necessary for collective oversight and decision-making. Currently, the Full-Time Commissioner acts as a direct liaison between the Commission and the Executive Management Committee. We will return to the Full-Time Commissioner liaison process later in this report.

2.1.2 Commission Responsibilities

The Commission is an independent body established under the Law Reform Commission Act 1975. The Law Reform Commission Act 1975 states that the Commission's role is to keep the law under review and to conduct research with a view to the reform of the law. The 1975 Act defines law reform to include:

- the development of law,

- its codification (including its simplification and modernisation), and
- the revision and consolidation of statute law.

The Commission's law reform research work arises from two main sources:

- 1.) A Programme of Law Reform is prepared by the Commission, approved by Government and placed before both Houses of the Oireachtas in accordance with the 1975 Act.
- 2.) Attorney General Requests, which may include specific areas of law in addition to those in a Programme of Law Reform.

To date the Commission has published 43 reports on matters referred to it by the Attorney General. You can see a separate list of these reports on the LRC website (<https://www.lawreform.ie/>). The LRC importantly makes legislation more accessible to the public through the following resources:

- The Legislation Directory: an online directory of amendments to primary and secondary legislation and important related information,
- Revised Acts bring together all amendments and changes to an Act in a single text you can search online, and
- The Classified List is an online database of all Acts of the Oireachtas that remain in force organised into 36 subject-based headings or titles. The Classified List makes it easier find related legislation on a particular subject. It is the only publicly available resource that does this.

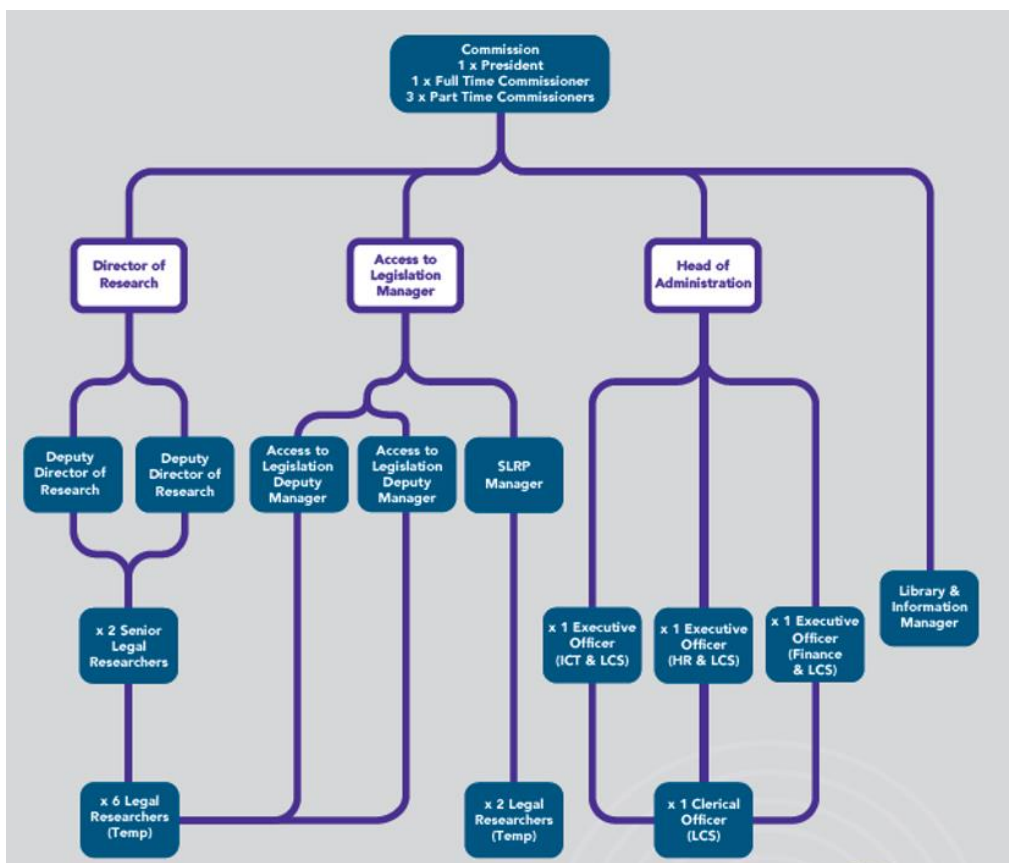
Consistent with public audit and accountability obligations, section nine of the Law Reform Commission Act 1975 requires the Commission members to keep in such form as may be approved by the Minister for Public Expenditure, National Development Plan Delivery and Reform, proper accounts of money received and expended by it, and these are subject to external audit. Of particular note, in the context of governance roles and responsibilities, is the opinion on the Commission Financial Statements (2021, pg. 46) as per the Comptroller and Auditor General which states that "*the Commission members are responsible for:*

- *The preparation of annual financial statements in the form prescribed under Section 9 of the Law Reform Commission Act 1975,*
- *Ensuring that the financial statements give a true and fair view in accordance with FRS 102,*
- *Ensure the regularity of transactions,*
- *Assessing whether the use of the going concern basis of accounting is appropriate, and*
- *Such internal controls as they determine is necessary to enable the preparation of financial statement that are free from material misstatement, whether due to fraud or error.*

For the avoidance of doubt, the overall responsibility and accountability for Commission activities rests with the Commission, who are de facto, the governing body / board. The Commission is assisted in that role by an Executive Management Committee, the Administration team and the Research team (persons directly related to research output). The Accounting Officer for the Commission, in accordance with public financial procedures, is the Director General of the Office of the Attorney General. Under current financial management and accounting procedures, funding is drawn down

from the Office of the Attorney General monthly by way of a grant-in-aid. There is a service-level agreement between the Commission and the Office of the Attorney General with relevant terms and conditions to be fulfilled. While the Commission is an entity under the aegis of a Government Department / Office, the LRC recognises the Code of Practice for the Governance of State Bodies (2016) and subsequent amendments as a framework of best practice to be followed (as per Annual Report 2021). Figure 1 below illustrates the organisational structure as of July 2023:

Figure 1: Law Reform Commission Organisation Structure



Source: Law Reform Commission

2.1.3 Governance Context (The Commissioners, Research, Access to Legislation, and Administration)

The Commissioners

The Commissioners hold statutory duties (1975 Act) in relation to the operation of the Commission, in addition to their publications. The current roles and responsibilities of the Commissioners, individually and collectively, comprise duties relating to LRC reports / research output as well as duties relating to corporate governance (direction and control).

Within the interview process, there was a focus on duties and generally, the feedback received on roles and responsibilities in relation to the reporting / research function was consistent. However, the clarity of roles and responsibility of the wider statutory corporate governance and compliance

obligations saw a more varied and mixed response. The interview responses and a desk review of the minutes and agendas of Commission meetings suggests the Commission time and commitment to delivering the law reform programme, etc., comprises the most significant portion of the meeting with some time given over to administrative duties, required of a Board, such as receipt of the finance report and suggestions to consider budget profiles in addition to suggestions on how best to use the budget in the future. The potential crowding out of key governance duties and ensuring the most effective use of time at meetings needs to be reflected upon.

In addition to the Commissioner duties mentioned above, the Full-Time Commissioner (FTC) has significant executive leadership and management duties - implied if not fully explicit. As a result, the FTC roles and responsibilities are somewhat unclear, particularly in the absence of a formal job description. Under the comparators where the Code of practice for the Governance of State Bodies (2016) would apply, an organisation would be led by a board that directs, controls and sets the strategy. The day-to-day role of implementing strategy, guiding the organisation, reporting on performance, and being held to account would rest with a Chief Executive. The Chief Executive provides the leadership, administration oversight, assurances and general compliance with overall good governance functions within the organisation.

The FTC's current role - which encompasses actively contributing to the research and reporting output, and seeking to set time aside for necessary governance, leadership, and management challenges - is not, in our opinion, fit for purpose and needs serious reflection.

Research

The primary role of the research staff is to develop draft texts for consideration by the Commission. This includes preparing an initial scoping paper for a project which sets out the parameters of the areas under discussion. In the subsequent stages of a project, this involves the development of draft consultation papers and draft reports. The Director of Research, supported by the Deputy Directors of Research, leads, and manages the law reform research team, advising and assisting the researchers to ensure appropriate output and quality of work. This includes conducting general background research, preparing and scoping papers, drafting documents, and reports for the Commission.

In general, this remit is well understood, and functions reasonably well based on the interview responses. However, areas for improvement were identified; including the challenge of managing and overseeing roles shared across different activities and the impact sharing of resources may have on other output. The organisational chart (Figure 1) suggests six legal researchers are shared between the Research Unit and the Access to Legislation Unit. The sharing of resources can be commended in terms of increasing collaboration and teamwork within the LRC while developing the skills of the researchers. However, there may be instances where efficiency, task, and performance management can be difficult without clear delineation and communications.

Concerns have emerged regarding the influence of a robust market for legal researchers, which appears to be affecting the availability of researchers for the Law Reform Commission. In addition,

there is an acknowledgement that the Director/ Deputy roles have required participation in primary research and writing. However, this has created some confusion as to the quality assurance, direction, and control of the output. Notwithstanding the organisational chart (Figure 1), the configuration of the Law Reform Research team and its resemblance or reality to the actual work being executed is somewhat unclear. Significant risk and uncertainty prevail as to the capacity, recruitment, and retention of staff in this key area. This results in a high turnover of research staff in an active market for legal staff and poses leadership and management challenges.

Access to Legislation

The LRC is involved in three connected activities (Revised Acts, the Legislation Directory, and the Classified List of In-Force Legislation) to ensure greater online accessibility of legislation. There was significant positive commentary on the merit and value of this work, and this will remain a key work area for the foreseeable future.

Administration

The Head of Administration at the Law Reform Commission has a role in developing and implementing administrative policies, ensuring compliance with regulatory standards, and liaising with other department heads to support their administrative needs, fostering efficient interdepartmental collaboration. The Head of Administration (HA) also plays a pivotal role in planning and executing strategic administrative initiatives and is often involved in decision-making processes related to resource allocation, risk management, and operational efficiency. With their management peers, they are expected to provide leadership, including managing and motivating the administrative staff to ensure high performance. In summary, the role seeks to ensure that the organisation's administrative processes run smoothly and support the achievement of the organisation's overall objectives and mandate efficiently and effectively.

The Head of Administration at the Law Reform Commission is a position at the Assistant Principal (AP) level, supported by three Executive Officers (EOs) and one clerical officer (CO). The role of Head of Administration (HA) in smaller entities, typically oversees a range of administrative functions of an organisation including budgeting, personnel management, record-keeping, and office organisation. As outlined in the 2022 LRC Annual Report, the administration team have the following duties:

- Managing, processing and reporting on all financial transactions in the Commission;
- Managing the Commission's accommodation and IT infrastructure;
- Managing the Commission's human resource function, including the organisation of recruitment processes under the Commission's CPSA recruitment licence;
- Providing administrative support for the research team; and
- Carrying out a variety of administrative functions in relation to launches of publications and the online publication of consultative Papers and Reports (and a limited print run of consultative Papers and Reports).

Firstly, concerns were raised as to the scope of administration duties, which encompass finance, human resources, information technology, planning, etc. The shared use of resources (mentioned

earlier and illustrated in Figure 1) for multiple purposes can lead to communication, coordination, and performance evaluation ambiguities. Administration duties also include operating and ensuring compliance with CPSA license requirements and managing shared resources with the research unit. It is worth noting that the CPSA license is distinct from typical administrative functions.

Secondly, the LRC is somewhat unique in having an FTC role with attendant duties for leadership, management and administration while also contributing to the reporting / research programme similar to other Commissioners. In governance codes, the evolution of governance structures and arrangements often advocates for a consistent model involving a governing board and senior executives. The current situation at the LRC concerning the governing body and accountable senior executives is ambiguous. Typically, a Head of Office / Director General / Chief Executive operates with a governing board, implements strategy, supports decision-making and works under the governing body/board's delegation. The presence of an Executive Management Committee is also a norm. This committee is essential for clear communication and accountability, effective resource allocation, smooth organisational functioning, and interdepartmental collaboration. Notably, the current Executive Management Committee principal responsibilities include "to monitor progress on achieving the targets set out in the Commission's work programme".

Our research on comparative Law Reform Commissions confirms that many are supported by professional and administrative arrangements, which are different to the current operation of the LRC. For example, the Law Commission in the UK had, as of 31 March 2021, a Chief Executive, a Parliamentary Counsel, and 29 Lawyers (FTE 13.7 in Property, Family and Trust Law, 4.6 in Criminal Law, 5.0 in Public Law and the Law in Wales, 3.9 in Commercial and Common Law). The UK commission was supported by 19 research assistants in 2020. The UK Commission also has an economist who provides specialist advice concerning assessing the impact of the work (see Appendix 3). From an administration perspective, the UK commission is supported by a Chief Executive, who coordinates administration and related support through a Strategic Planning/Corporate Services unit.

In summary, this section highlights the need for clarity on the Executive stream and how best to ensure the work programme is delivered merits serious consideration. A summary of the recommendations is included below.

2.1.4 Recommendation for Consideration: Clarity of Roles and Responsibilities

No.	Recommendation
2.1 R1	<i>Establishing Commissioner Role Boundaries:</i> Role profiles and job descriptions for the Commissioner role should be developed and circulated upon appointment to the role or as part of information-seeking process for potential candidates for a vacant position.
2.1 R2	<i>Distinct Full-Time Commissioner Responsibilities:</i> Separate role profile and job description for the Full-Time Commissioner to clearly outline the roles and responsibilities of the Full-Time Commissioner and other key personnel regarding the corporate function, especially in relation to statutory corporate compliance obligations. This will include clarity on who oversees what responsibilities, how decisions are made, and the division between strategic and operational roles.
2.1 R3	<i>Establishing a Corporate Executive Lead Role:</i> Consider appointing a Corporate Executive Lead to manage the day-to-day operations of the organisation, allowing the Full-Time Commissioner to focus on strategic, board-level functions. This division would align with traditional organisational structures, help enhance accountability, and improve communication flow and functioning of the Administration of the LRC. The role could be titled Director General, Chief Operations Officer etc. This recommendation would require a supporting business case in line with the requirements of the Public Spending Code (2019).
2.1 R4	<i>Performance Evaluation Framework for Shared Roles:</i> Consider a performance evaluation framework that reflects the unique dynamics of shared roles. This framework should clearly articulate how contribution to multiple functions within the organisation (i.e., Research and Access to Legislation) will be assessed. Such a framework would provide clarity for individuals and ensure that the sharing of resources doesn't unduly impact the performance assessment of the shared roles. This would help mitigate confusion, prevent overlaps, and facilitate efficient task completion.
2.1 R5	In the context of changes, there will be a need for a robust business planning process focusing on the resources for the organisation.
2.1 R6	<i>Role of Director of Research and Deputy Director of Research:</i> Address the extent of the Director's and Deputy Director's involvement in primary research and writing. It should be clear whether these roles are primarily for research management and oversight. This clarity will help avoid confusion and assist with quality assurance activities.
2.1 R7	<i>Enhancing Staff Retention Strategies:</i> Consider how best to address the talent management and personnel challenges of attraction, recruitment, development, and retention of staff. This may involve reviewing workload expectations, offering opportunities for professional development, or improving internal communication.

2.2 Assurance Arrangements

Assurance arrangements are critical in validating and verifying the performance, achievements, and adherence to compliance obligations. They provide confidence to stakeholders that the organisation operates effectively and in accordance with the necessary regulations and standards. This report examines the current nature and extent of these assurance arrangements, identifying elements that function well, and areas that could benefit from improvement. The previous discussion regarding clarity of roles will complement recommendations in this section but will not be repeated here.

2.2.1 The Work of the Commissioners in Law Reform

According to the 2021-2023 Strategy Statement, the mission of the LRC is to 'keep the law under independent, objective and expert review, to make recommendations for law reform and to make current law accessible for all'. The first programme was adopted in January 1977, and the current programme includes elements of the fourth (2013) programme and the subsequent fifth programme. In her speech launching the Commission's Fourth Programme in 2013, Attorney General Marie Whelan Senior Counsel¹, identified the need for change and reform as follows:

- *Judgements from the Court interpret and construe the law, frequently identifying anomalies and inconsistencies;*
- *Judge-made principles and Rules may need evaluation and clarification particularly if being applied to circumstances not contemplated by the judge in the first place;*
- *Legislation over time may become obsolete or operate unfairly or in a way never intended by the drafters;*
- *It is important that our laws are responsive to changes in value and to the need for inclusiveness at every level in our multi-cultural society.*

Although outlined ten years ago, arguably, these needs are even more pronounced in 2023. The Commission's work on law reform comes from two principal sources:

- Programmes of Law Reform prepared by the Commission and agreed by Government and laid before the Houses of the Oireachtas and
- Requests from the Attorney General in relation to particular matters.

According to the 1975 Law Reform Commission Act, s. 3, the maximum number of positions at the LRC is five. Each Commissioner holds a term of up to five years, and their appointment can be renewed. The appointment basis of each commissioner is "on the advice of the Attorney General"².

The following table represents the current appointees:

¹ https://www.lawreform.ie/_fileupload/Speeches/SP%20Fourth%20Programme%20of%20Law%20Reform.pdf

² <https://membership.stateboards.ie/en/board/Law%20Reform%20Commission/>

Name	First Appointed	Expiry Date	Position
The Hon. Mr Justice Frank Clarke	12/07/2022	12/07/2027	President
Ms Justice Niamh Hyland	19/05/2021	19/05/2026	Part-time
Mr Justice Maurice Collins	01/10/2020	01/10/2025	Part-time
Prof Andrea Mulligan BL	01/10/2020	01/10/2025	Part-time
Mr Richard Barrett	05/04/2022	04/04/2026	Full Time

There was a strong consensus among the members of the Commission that there is active participation and robust, constructive challenge within the group. There was a general view that independence of contributions and the existence of an appropriate environment where everyone speaks freely reflected well on the Commission and the President, as Chairperson.

In terms of engagement with the research function within the LRC, there was significant discussion within the interviews on the potential for improvement. It should be noted many of these improvements relate to the current challenges and demands with the achievability of the current and former work programmes. There was a universal acknowledgement of the need for a robust understood process as well as project and programme management, as many cited that there is "no strong set or processes" currently operating.

2.2.2 The Programme of Work

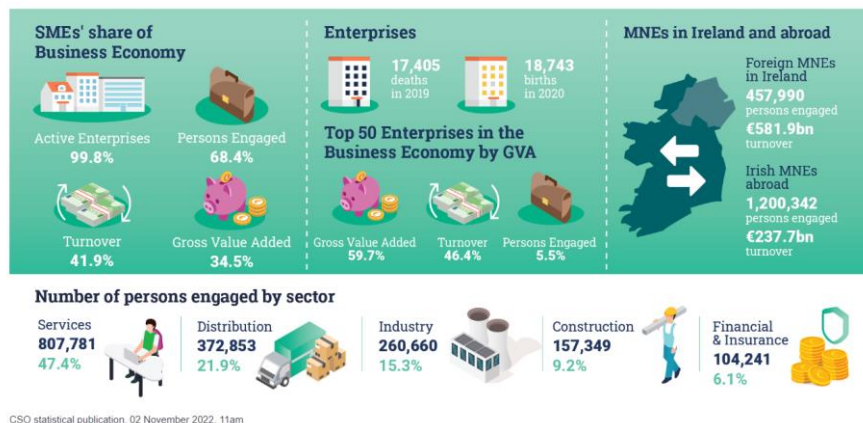
The Commission's Programme of Law Reform is the principal basis on which the Commission carries out its statutory mandate. The programme of work currently sits between the fourth and fifth programmes, and there is an acknowledged gap and slippage in the fulfilment of the work programmes. This poses a reputational risk for the LRC and is a significant negative influence on motivation due to lateness of completion and the challenge of sustaining interest in a topic from several years ago where new priorities arise and need to be considered.

The potential expansion of the number of full-time Commissioners and indeed the matching of commissioners and their insights and, skills and/or interests to the work programme areas are two principal recommendations from the review.

The commitment to consultation and outreach for programme contributions was strongly commended and recognised as a very important element of the commission's remit. Law reform provides a contribution to legal history with mapping of laws at a particular moment in history. The complexity and size of the Irish population and society have changed significantly since the original 1975 establishment Act. The Law Reform Commission Act was enacted on the 16th of April 1975, two years after Ireland first joined the European Economic Community (now known as the EU) on the 1st of January 1973. Since joining the EU, the primacy of EU law means that Ireland (along with other member states) cannot pass national laws that contradict EU laws. It also means that an EU law can over-rule an Irish law, even if the Irish law was enacted before the EU law came into effect. It also means that the complexity of Law Reform takes place within the context of EU Law as well as Irish Law. When the LRC was established, Ireland was largely agriculturally based and highly reliant on our closest trading partner, the UK. Today, Ireland operates on a global stage, within key commercial and

industrial sectors and with many of the largest multinational enterprises in technology, pharmaceuticals and life science, etc., headquartered here, as illustrated in the figure below:

Figure 2: Summary Census 2022



Our population has changed since 1975. The 2022 census identified the state's population at 5,149,139³ people representing an approximate increase of 8% since April 2016, or an approximate 73% increase in population⁴ from the census of 1971 or an approximate 53% increase from 1979. The legal landscape, operating environment, and consequent legal and regulatory demands and societal expectations fundamentally differ from when the Commission was established.

While the preceding paragraphs have alluded to the fundamentally changed Irish society since 1975 and the possible implications for the functioning of the Commission, the manner of the legacy development of the review programme has and is having current consequences for the organisation. Many interviewees raised challenges and concerns in relation to the framework under which the law review programme is agreed upon. Again, it is a product of a legacy process and may not reflect contemporary needs. Interviewees agreed on the importance of the value of public consultation. However, unless well managed and overseen, the process of consultation was considered to carry a range of threats, including:

- Inadequate responses may lead to biased inclusions;
- Volume of responses might be overwhelming and requires a framework for determination and prioritisation;
- Influence of powerful interests may direct the work programme or significant parts of it;
- Possibly niche areas, with very narrow focus may gain excessive influence.

Therefore, there should be clarity on the framework under which a law review is considered and agreed for inclusion. An assessment framework provides a structured and systematic approach to evaluating the submissions and assessing the particular area of law for inclusion into the work programme. Once an area of law has been submitted for review, the focus of the review should be tested and supported by clearly defined goals or purposes to support an achievable programme of work.

³ <https://www.citizensinformation.ie/en/government-in-ireland/how-government-works/government-records-and-statistics/census/>

⁴ <https://www.cso.ie/en/media/csoie/newsevents/documents/census2016summaryresultspart1/Census2016SummaryPart1.pdf>

During the review, a question emerged about the timing and necessity of consultations at various phases of a project. Two suggestions emerged for consideration: (1) Engaging with a wide range of stakeholders early on could foster agreement and facilitate the discussion of diverse perspectives. And (2) Continuous consultation throughout the research process may provide those who could be directly impacted by the changes—such as the general public, academics, and professionals—a chance to share their firsthand experiences and insights on the effects of the reforms.

While the programme of work is agreed by the Government, and laid before the houses of the Oireachtas (as per the 1975 act), an interesting question was posed from the review: Could there be room for more nuanced interactions between the two entities during this period? Specifically, the suggestion was made to explore the potential for reciprocal knowledge exchange between researchers at the Law Reform Commission and legal professionals and researchers within various government departments. For example, the Department of Justice has a criminal law reform division that reviews criminal law to identify potential reforms for consideration by Government. This suggestion of knowledge exchange must be balanced with the need to maintain independence while responding to government expectations. The importance of autonomy requires consideration to support the integrity of the process as it demonstrates independence of mind unconstrained by expectations or interests. The question remains as to how close a Law Reform Commission should be with the Government and the concomitant challenges of engagement.

Both Commissioners and staff were unequivocal in their dedication to improving and effectively defining each commitment within the scope of the work programme. For example, once an area of law was identified for review, a defined objective supported by specific areas of focus could help create visibility on expanding scope and set boundaries for the resource commitments to deliver a particular area of Law Reform. A well-crafted, structured approach increases the likelihood of project objectives being met.

Recognition is given to the iterative process of research. However, refinement of scope before committing to a body of work was highlighted by many stakeholders. The whole process would benefit from undertaking two discrete activities: (1) risk proofing of the proposed work and (2) resource proofing of the proposed work. The first would consider the wider uncertainties, threats, exposures, vulnerabilities, and opportunities, and the second would consider the nature, extent and availability of resources to deliver the work within the set timeframe.

Finally, the project management of the work programme was of particular concern and is discussed further under the next section on research output and performance.

2.2.3 Recommendations for Consideration: Assurance Arrangements

No.	Recommendation
2.2 R1	<i>Revisiting Outdated Legislation Context:</i> The existing 1975 Law Reform legislation is based on social conditions and understanding that may not resonate with Ireland in 2023. Governance expectations on entities like the LRC have evolved significantly in 50 years. Reviewing the legislation merits contemplation to reflect this evolution in society's mandate and operating environment.
2.2 R2	Within the context of 2.2R1, a refresh / re-prioritisation / curation of the current list of work programme commitments should also be considered.
2.2 R3	<i>Strengthening Relationships and Communication:</i> Improved engagement with the research function and Commissioners, including implementing structured communication and engagement processes between the Commissioners and the research staff.
2.2 R4	<i>Formalise Research Production Process:</i> Recognise and agree a process for initiating, planning, prioritising, and managing work activities with embedded flexibility necessary to accommodate evolving research practices.
2.2 R5	<i>Additional Full-Time Commissioners:</i> The report calls for the appointment of two to three additional full-time Commissioners to effectively manage the work programme of the Commission in 2023 and beyond. Additional capacity could lead to more diverse perspectives and a greater capacity for work and contributions to Irish society. This will require statutory changes.
2.2 R6	<i>Aligning Skills:</i> Skills/Interest matching for Commissioners and the work programme could be considered to align projects to each Commissioner's strengths and area of expertise.

2.3 Resources/Research Output and Process

The efficient utilisation of resources and the generation of high-quality research outputs are critical components of any successful Law Reform Programme. However, this does not happen without potential hazards and challenges. From resource allocation issues to co-creation concerns, these aspects require well-structured process arrangements to ensure smooth operations and optimal productivity. This section documents vulnerabilities to the existing process arrangements for research output. The comments here are considered within the context of the previous discussion in relation to roles and responsibilities and work of the commission through the work programme. The frame of law reform affirms a central concept of the rule of law itself: renewal. Therefore, this section represents a potential opportunity for renewal of the output of the Law Reform Commission.

2.3.1 Work Programme

Firstly, the Commission's work has been highly commended by all external stakeholders. The Access to legislation's work on distilling complex law into a more accessible framework, together with the Law Reform products delivered, such as the reform of Compulsory Purchase Orders, were commended highly.

Currently the LRC faces the challenge of delivering across two programmes (fourth and fifth) which date back 10 years. As such this has led to some projects starting but becoming obsolete whilst still in progress. This was attributed to many factors including but not limited to the time it has taken to accomplish the work necessary to complete a fully comprehensive reform, the difficulties with the original scope of work, EU and / or Irish legislation intervening, etc. Lessons have been learned and are acknowledged. An internal review of the recent Compulsory Purchase Order (CPO) project suggests the following lessons:

- Difficulties with projects which straddle the fourth and fifth work programmes mean the Commissioners working on the original projects were no longer in the Commission when the project was ready for submission.
- In addition, some of the Commissions' projects were overtaken by external events, thereby reducing the focus on large bodes of work not progressed. The morale impact for the researchers can be significant when projects are displaced or deemed obsolete.
- Changes also took place in relation to project team members within the staff of the LRC, which led to undesirable instability.
- The lack of formal control over project plans led to shifting goals, further emphasising the need for targeted strategies, particularly for large consolidation projects.
- Commitment to deadlines and adequate resourcing for all plans are also pivotal for successful project execution.

2.3.2 Project Management

The issue of better project management has been commented upon and was a regular topic in the interviews.

Firstly, it is strongly recommended that (for example, as a possible approach as per Section D of the Solicitors Regulation Authority in the UK⁵) a formal process of research production is recognised and agreed upon by the research division and the Commissioners. This will support the initiation, planning, prioritising and managing of work activities to ensure, within the limitations of scope, that they are completed efficiently, on time and to an appropriate standard. This ambition should be supported by:

- Clarifying instructions to agree the scope and objectives of the work, and deliverables within short-term and long-term ambitions.
- Governance arrangements, considering the availability of resources in initiating work activities, key roles, and responsibilities with written project roles and who will be performing those roles.
- Meeting timescales, resource requirements and budgets.
- Monitoring, and keeping stakeholders informed of, progress reports and meeting frequency.
- Procurement arrangements for any external provider of services.
- Dealing effectively with unforeseen circumstances.
- Paying appropriate attention to detail.

Secondly, within this context a strong need for project management training is evident. Project management defines a project as "a temporary endeavour undertaken to create a unique product, service or result." Following this definition, all projects generally share three characteristics where they:

- Have a definite start and end point.
- Are of a temporary nature, so once the endpoint is reached, the project is over.
- Create something new or unique.

Consideration might be given to a designated project manager of research projects, with research expertise, who reports to the Deputy and Director of Research as to the functioning of the projects. The review highlighted that there had been investment in formal project management training.

Thirdly, notwithstanding the presence of the Director of Research at the Commission meetings, a consideration for a project progress template could systematise the research capacity of the Commission. Within the current process, every Commissioner should have awareness of the following:

- Name of the Project, Researchers and Designated Commissioner, if relevant.
- Project Headlines: Providing a snapshot to date.
- Traffic light status of project fundamentals and risk management tracking. Red usually meaning that a section of the project requires immediate attention. Amber indicates an area of difficulty but under control, while Green usually means an element of the work which has been passed through the Commission and agreed upon.
- Identification of the top issues for the Commissioners to consider.

⁵ [https://uk.practicallaw.thomsonreuters.com/w-005-3765?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-005-3765?transitionType=Default&contextData=(sc.Default)&firstPage=true)

- Milestones Summary to following the projects progress.
- Closing projects and project review (what worked well, what did not work well, issues which may impact future project management etc.)

Fourthly, if additional Full-Time Commissioners are added to the Commission (2.2.2, *pg. 15 and 2.3.4 below*) together with the expected greater use of third-party services providers (legal consultants) there will be additional project management required. It is important to understand how both the work output and management of the third-party service providers will impact those working at the Law Reform Commission. According to the 2021-2023 strategy statement, each project is assigned to researchers who work under the general supervision of the Director of Research and a Deputy Director of Research. Where external service providers and researchers are used, the quality and control of the work submitted requires focus and resource to ensure value for money. It was suggested that external legal consultants are "not particularly well-positioned to draft full chapters for Commission outputs and the potential efficiency gain from contracting them to do this work is less that it may first appear". The question was also asked, who would manage the third-party service providers? Hence the expectation for additional project management resources.

2.3.3 Culture and Tone

Culture and tone both within the Commission and wider interactions, merits reflection. The area of culture is increasingly gaining emphasis in discourse on good governance. In being the focal point for the direction and control of an organisation, the Commissioners are expected to set the tone and ensure an alignment between the organisation's culture, values and its strategy and they also need to play a role in monitoring and assessing culture. Firstly, Commissioners should be provided with an effective induction process and as a group, may require periodic training or briefings to ensure that the discharge of their research and organisational duties are well understood and executed. A good induction will usually include:

- Documentation (e.g., 1975 Act, Governance Manual, Strategy),
- Face-to-face meetings (e.g., Full -Time Commissioner, Executive Lead, President/Chairperson, etc.),
- Briefings (e.g., Director and Deputies to outline work areas and key issues, objectives, risks),
- Mentor (where appropriate – e.g., upon first Commission membership for the individual).

In reality, whilst an induction policy can be framed around these key components, it should also provide for bespoke tailoring, as no two Commissioners will be appointed with the same experience or background.

Expectations on the nature of engagement between the LRC staff and the Commissioners also require reflection. In any research project, productive engagement and constructive tensions often arise. The normative rules of engagement should be clear. Several contributions during the interviews indicated there are possible opportunities for improvement here. With the mutually beneficial interests in law reform output, clarity in relation to timelines, methodology, and communication requires attention to distill complex reform into practical output. The promotion of open dialogue and constructive collaboration between the research unit and the Commissioners

would cultivate an environment where research can coexist with pragmatic legal reform. Initial recommendations to strengthen relationships is to consider the following:

- Agreement on the best ways to communicate with consideration for flexibility understanding the nature of the Commissioner's role (part-time or full-time).
- How regularly the Commissioner is expected to meet and/or interact with the draft research output.
- Preference for days/times/ deadlines.
- When material is submitted, in what format, and when feedback is expected.
- What kinds of feedback is expected and is useful for the final output.
- Summary of discussion and decision-making and next steps.
- Consideration of lessons learned.

2.3.4 Strategic Direction and Resources

Strategic Direction

The next strategic plan for the Commission represents an opportunity for recalibration to both address the recommendations and observations above and other aspects including financial governance and budgeting.

At the Commission meetings, there was a recognition that, ascribing adequate time to review how the strategy and core objectives are being delivered, for instance, by front-load/ring-fencing these agenda items on the Commission agenda periodically or when needed, is important. There may be merit in having thematic meetings across the year, including governance meetings, to address the business and governance agenda of the Commission.

There is a complex issue of measurement, and the need to define relevant key performance indicators (KPIs) and metrics to better assess the ultimate outcomes of the work carried out (as opposed to tracking inputs/activities). We recognise the specific challenges of measuring the overall impact of research activities, in particular, those activities that do not result in output. This was echoed in the Value for Money Review (2007)⁶ where the effectiveness of the Commission is not always about the translation of reform into reports and legislation. But rather the effectiveness of the Commission by reference to the influence which it exerts over debate on matters relating to law reform, e.g., highlighting issues which might not otherwise attract interest, and on the value of the reports as analysing and setting out the law in particular areas.

Consideration should be given to key performance indicators which enhance the knowledge and capabilities and competencies of the researchers, staff, and overall commission, which are not measured by reform output. In particular, a contemplation of implicit knowledge and experience accumulation during the tenure of researcher had led to many very successful contributions to the legal profession in Ireland over the last almost 50 years. The Commission output is recognised within the legal profession but is opaque in its ability to translate into tangible KPIs.

⁶ https://www.attorneygeneral.ie/pub/Value_for_Money_Policy_Review_The_Law_Reform.pdf

For the tangible outputs, i.e., the law reform itself, several interviewees support the need for adequate measurement of impact in addition to information on progress, along with timelines. What emerged quite clearly, though, is the aspiration for a truly bespoke set of measurement that would combine the need for impact assessment with the specific nature of the organisation and of its activities. Whatever model is favoured, it would be important for the Commission to identify what measures it believes would be the most credible, realistic, and manageable to provide useful insights into what is being achieved, reflective of the work Law Reform Commission does.

In addition, according to the VFM (2007)⁷ the Government formally requested the Commission to take on the additional role of preparing a programme of Statute Law Restatements with responsibility for the Chronological Tables to the Statutes. Known as the 'Access to Legislation services', this output has received extensive internal and external support for the quality of work and the service it provides to the citizens of Ireland. As this work continues (now takes the form of Revised Acts and the Legislative Directory), it was identified that designated resources would be required to continue to build out the database and indeed to keep up to date with technology options for further delivery of the chronicle.

It should be noted, that in 2023, the opportunities for Access to Legislation services to develop beyond its current delivery is anchored in the significance of technological advancements such as Artificial Intelligence (AI) and how it is expected to revolutionise the legal profession. At a minimum, skills such as streamlining document analysis and research, enhancing predictive analytics for case outcomes, and facilitating more efficient client communication through automated systems are now available through AI. Many of the AI-powered tools enable lawyers to quickly sift through vast amounts of legal texts, predict legal trends, and offer more tailored legal services, ultimately increasing overall productivity and accessibility within the legal field. Contemplation should be given to consider how the technology opportunities could be capitalised upon by the Law Reform Commission in its service offering.

Resources

The Law Reform Commission receives its money in the form of a grant in aid from central exchequer funds through Vote 3 Attorney General's Office. The table below illustrates the level of funding from 2006 to 2021. It also includes an analysis of the surplus which is being surrendered each year due to a lack of spending, together with population figures and an estimated spend per citizen on law reform. It should be noted that the 2021 figure for spend per citizen is estimated on the reported population as per the 2022 census.

⁷ https://www.attorneygeneral.ie/pub/Value_for_Money_Policy_Review_The_Law_Reform.pdf

Table 1: Grant-in-Aid Analysis Estimated Spend Per Citizen

Year	Estimate (€000)	Outturn (€000)	Difference (€000)	Population (€000)	Estimated Spend Per Citizen (€)
2022	N/A	N/A	N/A	5146	N/A
2021	2460	2460	0	N/A	0.48*
2020	2439	2129	-310	N/A	N/A
2019	2295	2073	-222	N/A	N/A
2018	2280	2008	-272	N/A	N/A
2017	2239	2187	-52	N/A	N/A
2016	2119	1878	-241	4762	0.39
2015	2149	2002	-147	N/A	N/A
2014	2091	1952	-139	N/A	N/A
2013	2103	1896	-207	N/A	N/A
2012	2342	2218	-124	N/A	N/A
2011	2191	2132	-59	4581	0.47
2010	2385	2349	-36	N/A	N/A
2009	3581	3297	-284	N/A	N/A
2008	4162	3554	-608	N/A	N/A
2007	4910	3567	-1343	N/A	N/A
2006	2044	2044	0	4240	0.48

Source: Vote 3 2006-2021 and CSO estimates. *Estimated spend based on 2022 population estimates.

The explicit funds above may underreport the overall cost of delivering the Law Reform work programmes. As highlighted in the Value for Money (2007)⁸ report *Expenditure Review Initiative*, the Commission benefits from services and support provided on a free-of-charge basis, e.g., the professional support which comes from the participation of the part-time Commissioners themselves and any working committees interacting with the Commission projects. This is illustrated through the schedule of Commissioner meeting attendance, fees, and expenses from the 2021 Annual report is shown below:

Table 2: 2021 Annual Report Schedule of Commissioner Attendance, Fees, and Expenses

Commissioner Name	No. of Meetings Attended	2021		2020		
		Salary	Expenses	Salary	Expenses	
		€	€	€	€	
President						
Ms Justice Mary Laffoy 14th January 2022 (retired)	11	49,000	-	11	49,008	
Full Time Commissioner						
Mr Raymond Byrne 14th July 2021 (retired)	7	92,965	-	11	151,955	
Part Time Commissioners						
Mr Tom O'Malley	-	-	-	7	-	296
Prof Donncha O'Connell	-	-	-	8	-	668
Ms Justice Carmel Stewart	-	-	-	8	-	-
Mr Justice Maurice Collins	11	-	-	3	-	-
Mr Justice Richard Humphreys 16th April 2021 (ceased)	4	-	-	3	-	-
Dr Andrea Mulligan, BL	6	-	-	3	-	-
Ms Justice Niamh Hyland 18th May 2021 (appointed)	6	-	-	-	-	-
Total		141,965	-		200,963	-

Source: Annual Report 2021, pg. 20.

The question remains as to whether there will be compensation-based arrangements or economic impact value for disposition of duties for part-time Commissioners in the future which currently masks an inherent cost subsidy?

⁸ https://www.attorneygeneral.ie/pub/Value_for_Money_Policy_Review_The_Law_Reform.pdf

Regarding future resources, this report recommends the appointment of two to three additional full-time Commissioners (*section 2.2.2, pg. 15*) to help effectively discharge the Commission’s work programme in 2023 and into the future and acknowledging the additional social-economic demands of Irish society and the different operating environments within which the LRC functions. In addition to the full-time roles, there is a recommendation for the role of a designated Executive Lead/ Director General/ Chief Executive Officer.

Notwithstanding the existing budget for training, consideration might be given to elevate project management specific training. Additional resources (if not already in the budget) may be necessary if designated project-management personnel are added to the organisation to respond to either additional full-time Commissioner’s work programme and / or additional use of external consultants. These recommendations require a supporting business case in line with the requirements of the Public Spending Code (2019).

Clarity is required to estimate the funds / resources necessary for consultation of any new work programmes. The importance of consultation for any programme of Law Reform requires significant resources (e.g., research of important areas for new programme, planning, co-ordinating of and engagement with stakeholders, delivery of final programme report, etc.). Bad planning at the programme stage can have multiple-year negative impacts. If the staff are engaged in completing projects under the fifth programme, for example, while the consultation process for the sixth programme is undertaken, are additional resources required during this time to ensure a robust consultation process and business as usual approach to the fifth programme? The impact of broad consultation and outreach and the additional resources required to adequately promote public ownership over the law reform process might be considered.

Finally, this report recommends expanding the use of consultancy to bridge knowledge gaps, skills, and speciality areas required to deliver committed Law Reform programmes now and in the future. The budgetary impact of this recommendation can be considered within the context of Table 3, which shows the 2021 and 2020 consultancy costs as outlined in the Financial Statements:

Table 3: Financial Statement Disclosure of Consultancy Costs

	2021	2020
	€	€
Dignity at Work Adjudication	20,808	-
VAT Advice on Brexit	307	-
Unincorporated Associations Issues Paper	1,775	-
Collective Citation of Acts	-	600
4th Programme of Law Reform, Content of Court	4,400	16,675
Classified List and classification of SIs made under European Communities Act 1972, s.3	-	6,500
4th Programme of Law Reform, Compulsory Acquisition of Land	33,557	1,500
Statute Law Revision Programme	1,880	4,590
Consultancy Research Campaign	1,200	-
Revised Acts	-	1,440
Rent Review- Styne House	-	8,470
Total	63,927	39,775

Source: Financial Statements, 2021, pg. 7.

Overall, there is an expectation that the costs would increase, for example more work programme completions due to the presence of additional Full-Time Commissioners. Consideration might be given to investment in technology within the context of the opportunities presented by innovations such as Artificial Intelligence. A summary of the considerations within this section is provided below:

- A funding model which is linked to socio-economic demographics and complexity. The grant-in-aid spend per citizen in table 1 above shows the spend per citizen is at its highest level since 2006, however, as a country we have faced significant changes since 2006.
- Will there be compensation-based arrangements for part-time Commissioners in the future?
- The recommendation for two to three new full-time Commissioners and a role designated to an Executive Lead/ Director General/ Chief Executive Officer requires additional resourcing for the future.
- Reform projects are not based on a fixed model but rather respond to the area of law under review. Together with additional full-time Commissioners, future project management expertise and training may require additional resources.
- Work Programme research, planning, co-ordinating of and engagement with stakeholders, and delivery of final programme report absorb significant resources and / or require additional resources to execute effectively and efficiently.
- Engagement with and management of externally sourced expertise may expand with new work programme areas. Consideration might be given to a dynamic model of funding for projects that will require a focused element of external expertise.
- Technology opportunities, such as Artificial Intelligence, require commitments.

The recommendations are summarised in the table below (2.3.5)

2.3.5 Recommendation for Consideration: Resources/Research Output and Process

No.	Recommendation
2.3 R1	<i>Management of Multi-Programme Projects:</i> Develop a system for managing projects that span across multiple programmes (e.g., fourth and fifth). This should include robust continuity and transition plans.
2.3 R2	<i>Maintaining Team Stability:</i> Aim to ensure stability in research and specialist team composition, perhaps by rethinking recruitment, retention, or transition strategies.
2.3 R3	<i>Clear Project Plans and Goals:</i> Establish formal control over project plans to avoid shifting goals. Strategies should be clear, targeted, and consistent, particularly for large consolidation projects.
2.3 R4	<i>Project Management Training:</i> Implement a comprehensive training program on project management for all Commission members. Consider hiring a designated project manager for research projects who can report to the Deputy and Director of Research (see 2.3 R 12)
2.3 R5	<i>Develop Project Progress Templates:</i> Consider using a standardised template to track and communicate project progress, making sure every Commissioner has an awareness of the project name, researchers involved, designated Commissioner, project headlines, status, issues, milestones summary, and closing projects review.
2.3 R6	<i>Consider the use of Third-Party Service Providers:</i> Use of external service providers can be considered for additional support. However, the work output and management of these third-party service providers should be carefully monitored to ensure quality control and value for money.
2.3 R7	<i>Expansion of the Commission:</i> Recommendation have been made to increase the size of the full-time members of the Commission to ensure the delivery of the work program which will increase costs.
2.3 R8	<i>Defining Relevant Key Performance Indicators (KPIs):</i> In order to better assess the outcomes of the Commission's work, there's a need for relevant KPIs, beyond just tracking inputs and activities. This is particularly challenging given the difficulty in measuring the overall impact of research activities, especially those that do not result in immediate output.
2.3 R9	<i>Recognition of Implicit Knowledge and Experience:</i> The Commission should recognise the value of the implicit knowledge and experience gained by the researchers and staff during their tenure. This is a crucial factor in the Commission's overall success and contributes to the legal profession in Ireland, yet difficult to measure in tangible KPIs.
2.3 R 10	<i>Additional Resources for Statute Law Restatements:</i> The Commission should ensure adequate resources for the Statute Law Restatements and the Chronological Tables to the Statutes, per the Government's request in May 2006. As this work continues, designated resources will be required to build out the database and keep up with technology advancements (e.g., Artificial Intelligence) for the chronicle's delivery.
2.3 R11	<i>Compensation-Based Arrangement for Commissioners:</i> Given the substantial input from the part-time Commissioners, the Commission might consider a compensation-based arrangement for their work or possibly adjusting their duties elsewhere, for example, reduced working time in the courts if applicable.
2.3 R 12	<i>Project Management Resources:</i> Consider a designated allocation of resources for project management personnel and/or training.

3. Conclusion

This Governance Review of the Law Reform Commission unveils a roadmap for revisiting responsibilities, accountability, and resource management arrangements within the Commission. The outlined recommendations (Appendix 1) present a comprehensive strategy for elevating the Commission's efficiency and impact. By enhancing personnel resources, role definitions, and potentially appointing full-time Commissioners, this lays the groundwork for a refreshed dynamic, research-focused environment. The proposed strategic process improvements, encompassing research management, program execution, and communication, will foster a greater culture of agility and collaboration. Additionally, the measures to strengthen assurances, control, and resources, including appointing a Corporate Executive Lead/ Director General and aligning Commissioner roles, signify a further commitment to excellence and responsiveness. Addressing the gap between historical legislative reform and present demands, alongside considering additional full-time Commissioners, reflects a proactive approach towards embracing change. These collective efforts are poised to propel the Commission into a new era of timely, impactful research and meaningful outcomes.

We believe, by embracing the recommendations, the Commission's strategic importance in law reform and its positive governance attributes will be strengthened, enabling it to navigate the dynamic landscape of civil and public service governance while maintaining its invaluable contributions to Irish society.

APPENDIX 1

Consolidated Schedule of Recommendations for Consideration

Strategy

No.	Recommendation
2.2 R1	<i>Revisiting Outdated Legislation Context:</i> The existing 1975 Law Reform legislation is based on social conditions and understanding that may not resonate with Ireland in 2023. Governance expectations on entities like the LRC have evolved significantly in 50 years. Reviewing the legislation merits contemplation to reflect this evolution in society's mandate and the addition of more Full-Time Commissioners.
2.2 R2	Within the context of 2.2R1, a refresh / re-prioritisation / curation of the current list of work programme commitments should also be considered.

Governance Arrangements: Structures, Resources and Leadership

Structure

No.	Recommendation
2.1 R3	<i>Establishing a Corporate Executive Lead Role:</i> Consider appointing a Corporate Executive Lead to manage the day-to-day operations of the organisation, allowing the Full-Time Commissioner to focus on strategic, board-level functions. This division would align with traditional organisational structures, help enhance accountability, and improve communication flow and functioning of the Administration of the LRC. The role could be titled Director General, Chief Operations Officer etc. This recommendation would require a supporting business case in line with the requirements of the Public Spending Code (2019).
2.1 R4	<i>Performance Evaluation Framework for Shared Roles:</i> Consider a performance evaluation framework that reflects the unique dynamics of shared roles. This framework should clearly articulate how contribution to multiple functions within the organisation (i.e., Research and Access to Legislation) will be assessed. Such a framework would provide clarity for individuals and ensure that the sharing of resources doesn't unduly impact the performance assessment of the shared roles. This would help mitigate confusion, prevent overlaps, and facilitate efficient task completion.
2.1 R5	In the context of changes, there will be a need for a robust business planning process focusing on the resources for the organisation.

Resources

No.	Recommendation
2.3 R6	<i>Consider the use of Third-Party Service Providers:</i> Use of external service providers can be considered for additional support. However, the work output and management of these third-party service providers should be carefully monitored to ensure quality control and value for money.
2.3 R10	<i>Additional Resources for Statute Law Restatements:</i> The Commission should ensure adequate resources for the Statute Law Restatements and the Chronological Tables to the Statutes, per the Government's request in May 2006. As this work continues, designated resources will be required to build out the database and keep up with technology advancements (e.g., Artificial Intelligence) for the chronicle's delivery.

- 2.3 R11 *Compensation-Based Arrangement for Commissioners:* Given the substantial input from the part-time Commissioners, the Commission might consider a compensation-based arrangement for their work or possibly adjusting their duties elsewhere, like reduced working time in the courts if applicable.
- 2.2 R5 *Additional Full-Time Commissioners:* The report calls for the appointment of two to three additional full-time Commissioners to effectively manage the work programme of the Commission in 2023 and beyond. Additional capacity could lead to more diverse perspectives and a greater capacity for work and contributions to Irish society. This will require statutory changes.

Leadership

Accountability and Acknowledgement (Role clarity, job descriptions, performance and recognition)

No.	Recommendation
2.1 R1	<i>Establishing Commissioner Role Boundaries:</i> Role profiles and job descriptions for the Commissioner role should be developed and circulated upon appointment to the role or as part of information-seeking process for potential candidates for a vacant position.
2.1 R2	<i>Distinct Full-Time Commissioner Responsibilities:</i> Separate role profile and job description for Full-Time Commissioner to clearly outline the roles and responsibilities of the Full-Time Commissioner and other key personnel regarding the corporate function, especially in relation to statutory corporate compliance obligations. This will include clarity on who oversees what responsibilities, how decisions are made, and the division between strategic and operational roles.
2.1 R6	<i>Role of Director of Research and Deputy Director of Research:</i> Address the extent of the Director's and Deputy Director's involvement in primary research and writing. It should be clear whether these roles are primarily for research management and oversight. This clarity will help avoid confusion and assist with quality assurance activities.
2.3 R8	<i>Defining Relevant Key Performance Indicators (KPIs):</i> In order to better assess the outcomes of the Commission's work, there's a need for relevant KPIs, beyond just tracking inputs and activities. This is particularly challenging given the difficulty in measuring the overall impact of research activities, especially those that do not result in immediate output.
2.3 R9	<i>Recognition of Implicit Knowledge and Experience:</i> The Commission should recognise the value of the implicit knowledge and experience gained by the researchers and staff during their tenure. This is a crucial factor in the Commission's overall success and contributes to the legal profession in Ireland, yet difficult to measure in tangible KPIs.

Delivery: Talent Management, Team Composition, Skill Utilisation and Development.

No.	Recommendation
2.1 R7	<i>Enhancing Staff Retention Strategies:</i> Consider how best to address the talent management and personnel challenges of attraction, recruitment, development, and retention of staff. This may involve reviewing workload expectations, offering opportunities for professional development, or improving internal communication.

2.2 R3	<i>Strengthening Relationships and Communication:</i> Improved engagement with the research function and Commissioners, including implementing structured communication and engagement processes between the Commissioners and the research staff.
2.2 R6	<i>Aligning Skills:</i> Skills/Interest matching for Commissioners and the work programme could be considered to align projects to each Commissioner's strengths and area of expertise.
2.3 R2	<i>Maintaining Team Stability:</i> Aim to ensure stability in research and specialist team composition, perhaps by rethinking recruitment, retention, or transition strategies.
2.3 R7	<i>Expansion of the Commission:</i> Recommendation have been made to increase the size of the full-time Commission to ensure the delivery of the identified work program.
2.3 R12	<i>Project Management Resources:</i> Consider a designated allocation of resources for project management personnel and/or training (2.3 R4).

Process and Product: Project Management and Planning

No.	Recommendation
2.2 R4	<i>Formalise Research Production Process:</i> Recognise and agreed a process for initiating, planning, prioritising, and managing work activities with embedded flexibility necessary to accommodate evolving research practices.
2.3 R1	<i>Management of Multi-Programme Projects:</i> Develop a system for managing projects that span across multiple programmes (e.g., fourth and fifth). This should include robust continuity and transition plans.
2.3 R3	<i>Clear Project Plans and Goals:</i> Establish formal control over project plans to avoid shifting goals. Strategies should be clear, targeted, and consistent, particularly for large consolidation projects.
2.3 R4	<i>Project Management Training:</i> Implement a comprehensive training program on project management for all Commission members. Consider hiring a designated project manager for research projects who can report to the Deputy and Director of Research (see 2.3 R 12).
2.3 R5	<i>Develop Project Progress Templates:</i> Consider using a standardised template to track and communicate project progress, making sure every Commissioner has an awareness of the project name, researchers involved, designated Commissioner, project headlines, status, issues, milestones summary, and closing projects review.

APPENDIX 2

Sample Job Descriptions of Chief Executive

The Chief Executive is responsible for providing strategic and operational leadership to the Equality Commission for Northern Ireland, supporting the Commission to fulfil its statutory duties, and ensuring that professional and expert advice is provided to the Commission and its Committees when making decisions. The main duties of the post are:

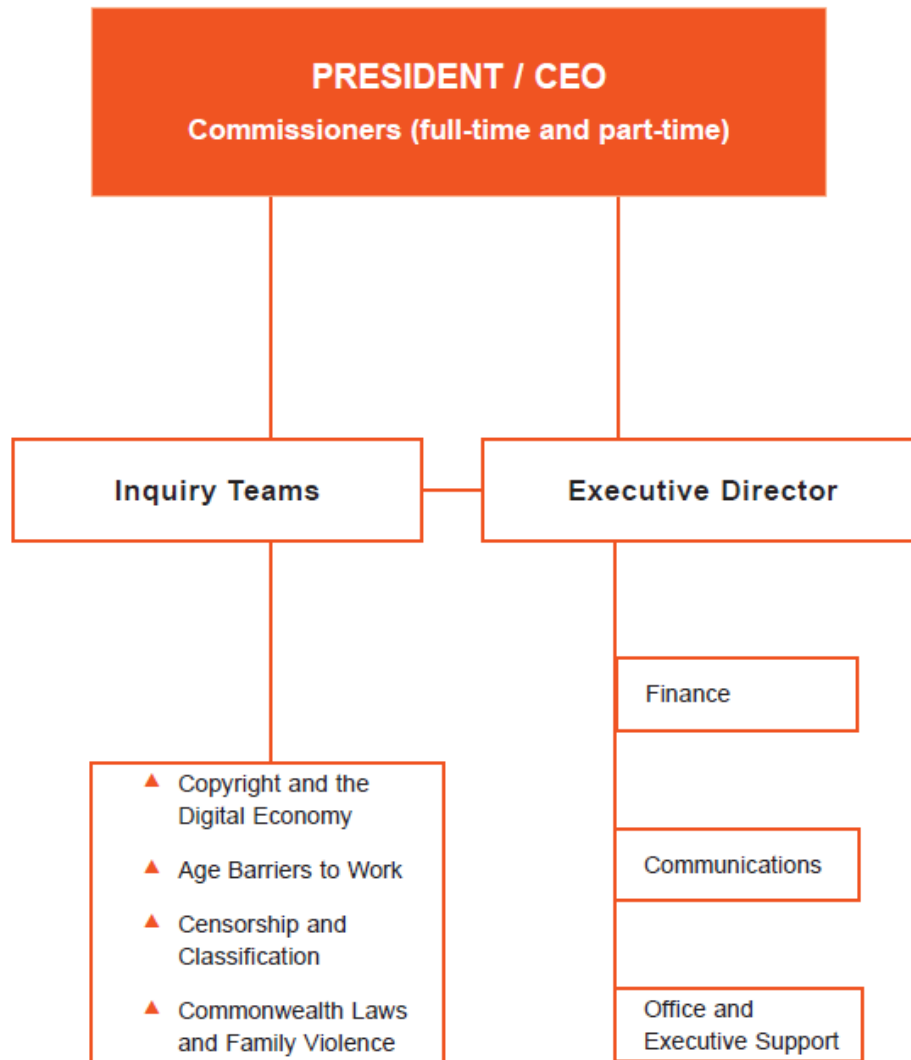
1. Act as Accounting Officer for the Commission's budget, have personal responsibility for the propriety and regularity of the public funds allocated to the Commission, maintaining robust governance systems, including assurance and financial controls.
2. Act as principal advisor to the Commission and its Committees, providing expert strategic and operational guidance and advice on matters relating to the Commission's remit.
3. Support the Commission in developing and implementing its Corporate Plans and annual Business Plans.
4. Lead and manage the Commission's staff team to ensure that corporate objectives are delivered, embedding a culture of high performance, outcome focused, continuous improvement and collaborative working within and beyond the organisation.
5. Implementing corporate and annual business plans to ensure the delivery of the Commission's statutory remit and strategic objectives of the Commission.
6. Build trusted relationships and work collaboratively at the most senior levels with all key stakeholders of the Commission, including the Commission's Sponsor Department, The Executive Office.
7. Represent and advocate on behalf of the Commission on relevant equality matters, building toward a shared understanding of equality in Northern Ireland and promoting equality across the breadth of the Commission's remit.
8. Support the Chief Commissioner in improving board effectiveness and establishing high standards of corporate governance, regularly reviewing systems to deliver continuous improvement.
9. Other relevant duties appropriate for the proper functioning of the Commission

Source: <https://irecruit-ext.hrconnect.nigov.net/resources/documents/i/r/c/irc234132---cib-v3-final.pdf>

APPENDIX 3

Law Reform Comparative Organisational Charts

Australian Law Reform Commission Organisational Chart
ALRC organisational structure

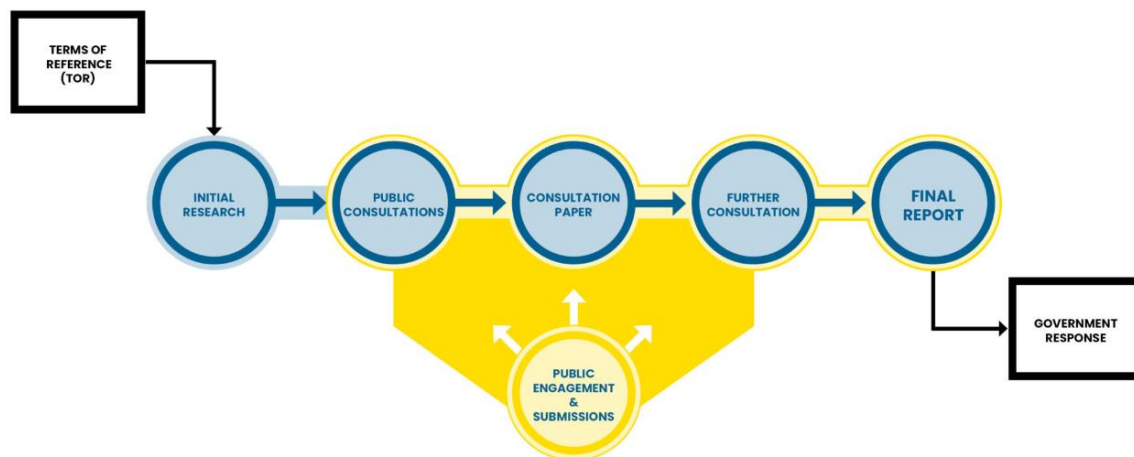


Source: <https://www.alrc.gov.au/publication/annual-report-2011-2012-alrc-report-119/corporate-overview/alrc-organisational-structure/>

APPENDIX 4 Process and Project Management Illustrations

Australian Law Reform Commission Work Programme Process

While the exact procedure needs to be tailored to suit each topic, the ALRC usually works within a particular framework when it develops recommendations for reform. The ALRC typically has two inquiries in progress at any one time, and, with staggered timetables, completes 1-2 inquiries in a year.

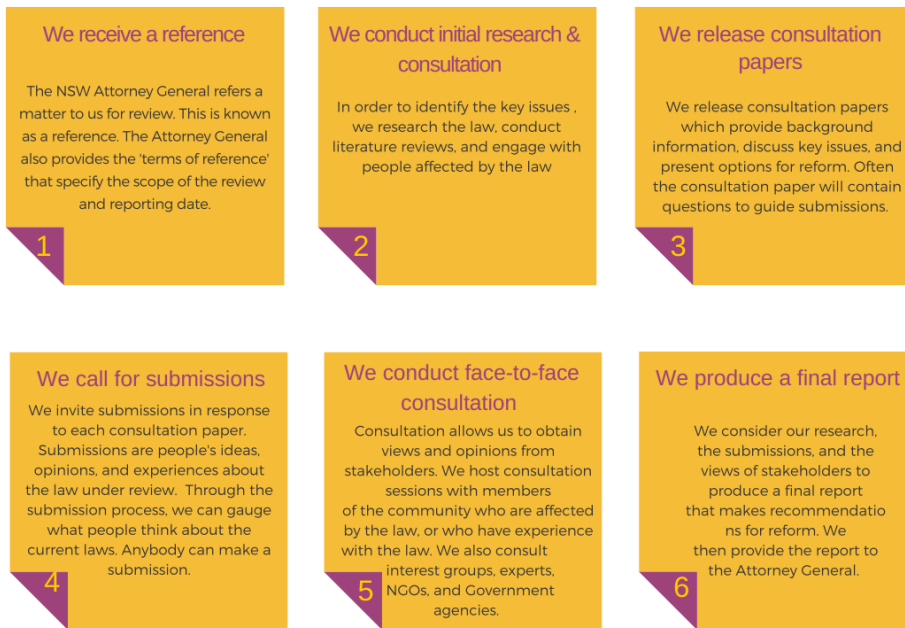


Once a project is underway, the ALRC usually forms an advisory committee or panel of experts. Members of these committees are selected because of the expertise of each committee member in a particular area relevant to the area of law under consideration. An advisory committee will not necessarily include representatives from each stakeholder group, as these may be consulted separately.

An advisory committee has value in helping the ALRC identify key issues, and in providing quality assurance in the research and consultation processes. Advisory committees usually meet at least twice during an inquiry, before the publication of a consultation document and final report. Committees may give advice on questions, proposals and recommendations, however advisory committees do not make recommendations in any ALRC inquiry. Final recommendations are made by the ALRC, according to the process established under the governing legislation.

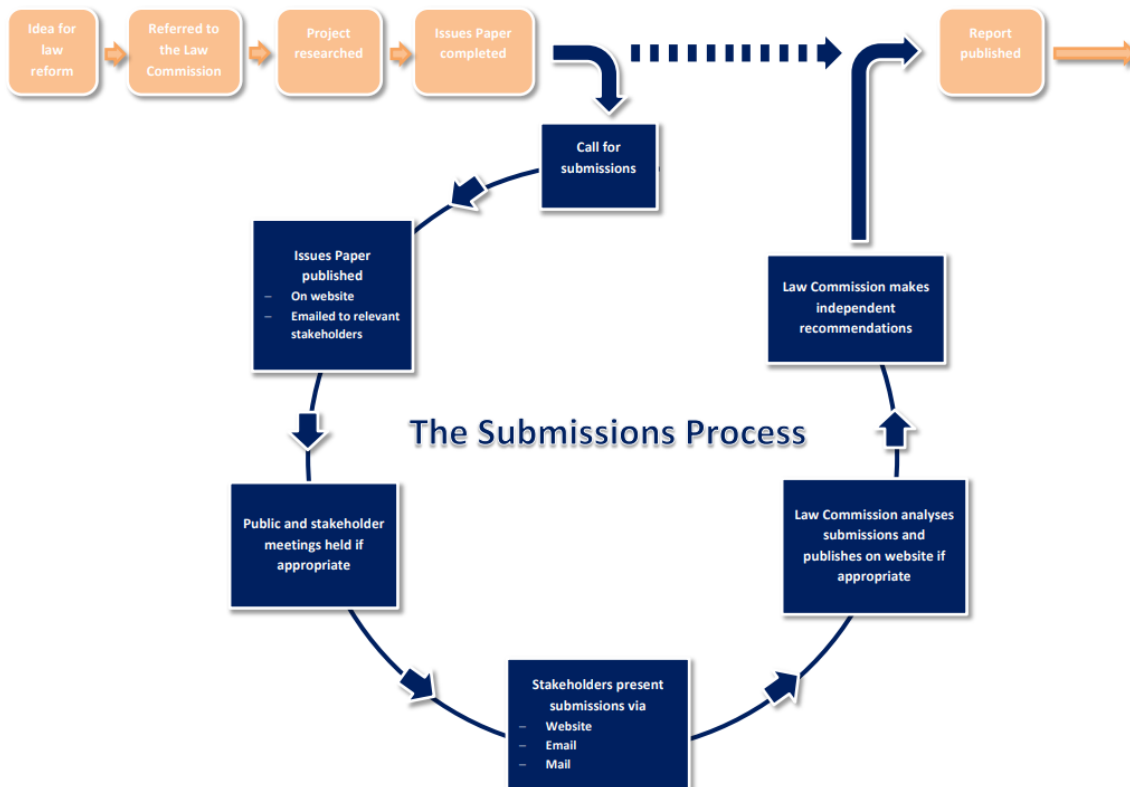
Source: <https://www.alrc.gov.au/about/law-reform-process/>

New South Wales Law Reform Commission Work Programme Process



Source: <https://lawreform.nsw.gov.au/documents/Our-law-reform-process/Our-Law-Reform-Process.pdf>

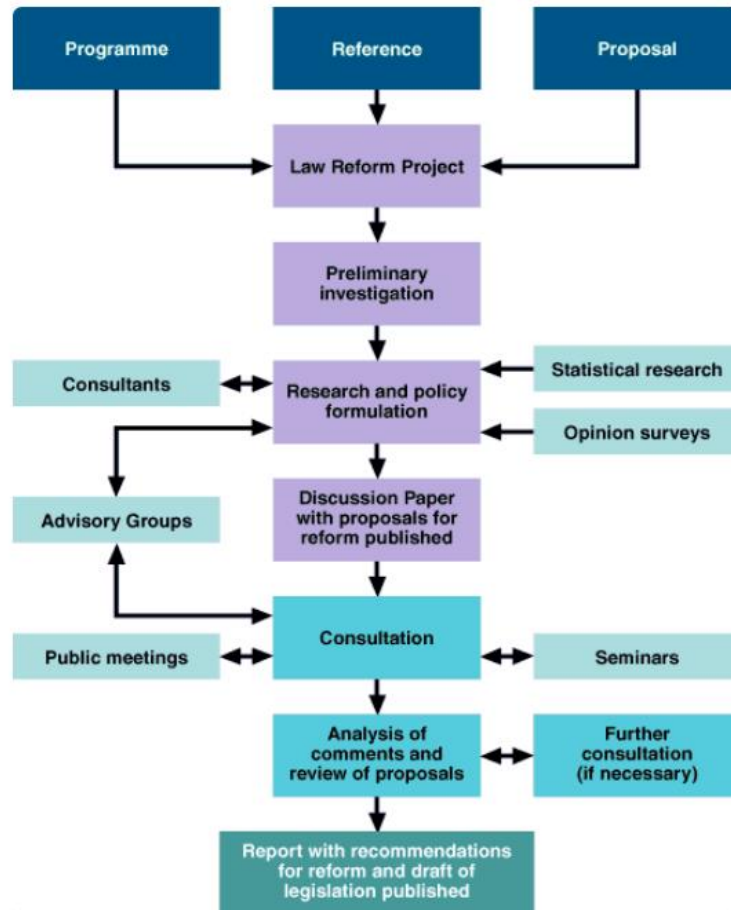
New Zealand Law Reform Commission Work Programme Process



<https://www.lawcom.govt.nz/sites/default/files/have-your-say/TheSubmissionsProcessv1.pdf>

Scottish Law Commission Project Flow Chart

Several contributions to this report indicate a need for project management during the law reform process in ensure the smooth delivery of research. No one size fits all, however, below is a sample project flow chat which may assist in the discussions:



Source: <https://www.scotlawcom.gov.uk/about-us/flow-chart-law-reform-project/>

APPENDIX 5 Ireland: 1970's versus 2023

Table 12 Main categories of employment

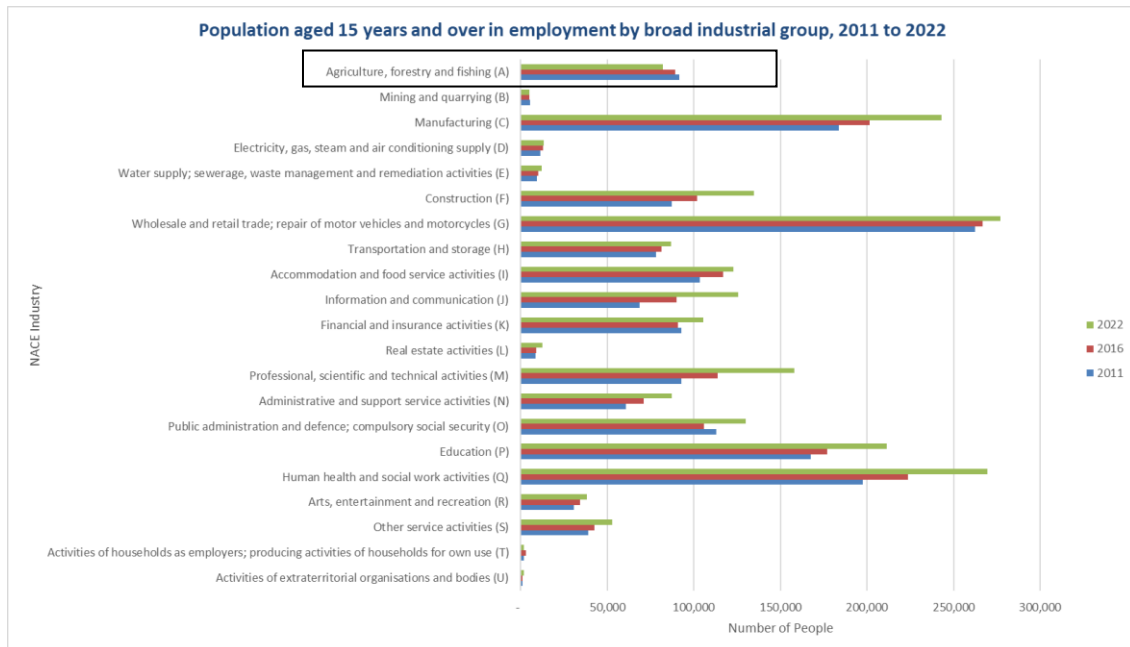
	1973	1978	1983	1988	1993	1998	2003
Agriculture	255,000	226,000	189,000	170,600	149,700	136,000	116,600
Industry	335,000	350,000	331,000	310,200	324,300	428,400	497,500
Services	477,000	534,000	604,000	629,800	709,200	929,600	1,179,300
Total	1,067,000	1,110,000	1,124,000	1,110,700	1,183,100	1,494,000	1,793,400

Totals may not sum due to rounding

Source: CSO

Source: <https://www.cso.ie/en/media/csoie/releasespublications/documents/statisticalyearbook/2004/ireland&theeu.pdf>

Categories of Employment 2011 to 2022



Source: www.cso.ie

APPENDIX 6: Sample Job Descriptions of Lawyers to support Law Reform

Property, Family and Trust Law Team Lawyer (Burial, Cremation, and New Funerary Techniques)

Salary: The national salary range is £51,767 – £59,590, London salary range is £55,720 – £64,135.

Deadline: 12 July 2023

Our project on burial, cremation and new funerary techniques considers the different ways in which we deal with the bodies of the deceased. It considers reform of the law around burial and cremation; the creation of a regulatory framework to govern new methods of dealing with the bodies of the dead (examples of which include alkaline hydrolysis, sometimes called 'water cremation', and natural organic reduction, sometimes called 'human composting'); and how the law should deal with the wishes of the deceased, and disputes between family members, with regard to what happens to a body after death.

We are recruiting for up to two roles, which will be fixed term posts for 18 months. Subject to business needs, there is a possibility that the fixed term could be extended, or that in due course the post(s) could be converted to a permanent position.

The main duties for all lawyer roles at the Commission

For all lawyer roles, the main duties are managing one or more law reform projects against an agreed timetable with the Commissioner, the Team Head, and (where relevant) other team lawyers and research assistants. This may include:

Researching the law and how it works in practice (both in the UK and overseas).

Analysing problems with the law, identifying options for reform and testing potential solutions.

Engaging with stakeholders (both inside and outside Government).

Writing reports and other documents in conjunction with the Commissioner, the Team Head and other team members; preparing these for publication.

Analysing formal consultation responses.

Working with other professionals within the Law Commission including Head of Communications to organise publicity for our work; Economic Adviser to analyse the potential impact of reform options; and potentially Parliamentary Counsel to draft legislation.

Assisting with the promotion and implementation of recommendations from completed projects (including potentially working as part of a Bill Team to take legislation through parliament) and contributing to the consideration of new project work.

Managing one or more Research Assistants.

Contributing to the corporate culture of the Law Commission, for example, through supporting and leading specific activities on areas including learning and development, wellbeing, diversity and inclusion, and ways of working.

In 2019, law reform in the UK was estimated to have an economic impact of over £7.7 billion over ten years.

Source: <https://www.lawcom.gov.uk/law-reform-lawyers/#:~:text=Analysing%20problems%20with%20the%20law,members%3B%20preparing%20these%20for%20publication>.

APPENDIX 7: Abbreviations

AI	Artificial Intelligence
ALRC	Australian Law Reform Commission
CO	Central Office
COVID	Coronavirus Disease
CPO	Compulsory Purchase Order
CPSA	Commission for Public Service Appointments
CSO	Central Statistics Office
EU	European Union
FRS	Financial Reporting Standard
FTC	Full-Time Commissioner
FTE	Full-Time Equivalent
HA	Head of Administration
IPA	Institute of Public Administration
IT	Information Technology
LRC	Law Reform Commission
SC	Senior Counsel
UK	United Kingdom
VFM	Value for Money