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**AN BILLE UM BAINISTÍOCHT NA SEIRBHÍSE POIBLÍ, 1997**  
**PUBLIC SERVICE MANAGEMENT BILL, 1997**

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*Mar a tionscnaíodh*  
*As initiated*

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ARRANGEMENT OF SECTIONS

PART I

Preliminary and General

Section

1. Interpretation.
2. Application to Scheduled Offices and amendment of Schedule.
3. Responsibilities of Minister of the Government having charge of Department.
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13. Corporate status of certain offices.
14. Short title and commencement.

SCHEDULE

Offices and Branches of the Public Service

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#### Acts Referred to

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Comptroller and Auditor General (Amendment) Act, 1993	1993, No. 8
Defence Acts, 1954 to 1993	
Ethics in Public Office Act, 1995	1995, No. 22
Ministers and Secretaries (Amendment) (No. 2) Act, 1977	1977, No. 28
Ministers and Secretaries Acts, 1924 to 1995	



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**AN BILLE UM BAINISTÍOCHT NA SEIRBHÍSE POIBLÍ, 1997**  
**PUBLIC SERVICE MANAGEMENT BILL, 1997**

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# **BILL**

*entitled*

5 AN ACT TO PROVIDE FOR A NEW MANAGEMENT STRUCTURE TO ENHANCE THE MANAGEMENT, EFFECTIVENESS AND TRANSPARENCY OF OPERATIONS OF DEPARTMENTS OF STATE AND CERTAIN OTHER OFFICES OF THE PUBLIC SERVICE AND INCREASE  
10 THE ACCOUNTABILITY OF CIVIL SERVANTS WHILE PRESERVING THE DISCRETION OF THE GOVERNMENT IN RELATION TO THEIR RESPONSIBILITY TO DÁIL ÉIREANN, TO PROVIDE FOR THE ADMINISTRATION OF DEPARTMENTS OF STATE AND THE  
15 OFFICES AFORESAID, THE APPOINTMENT OF SPECIAL ADVISERS, THE ASSIGNMENT OF CROSS-DEPARTMENTAL FUNCTIONS AND THE CORPORATE STATUS OF CERTAIN PUBLIC OFFICES AND TO PROVIDE FOR RELATED MATTERS.

20 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, unless the context otherwise requires— Interpretation.

“civil servant” has the meaning assigned to it by the Civil Service Regulation Act, 1956;

25 “enactment” means a statute or an instrument made under a power conferred by a statute;

30 “Department” means the part of a Department of State that is staffed by civil servants who exercise functions directly under a Minister of the Government or a Minister of State and, in the case of the Department of Defence, means that part of the Department together with the principal military branches, but does not include a Scheduled Office;

35 “functions” includes powers and duties and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties;

40 “Head”, in relation to a Scheduled Office, means the person appointed as the principal officer of the Scheduled Office or, where no such person has been appointed, the person designated by order of the Government to be the Head of the Scheduled Office for the purposes of this Act;

“Minister of the Government” includes, in relation to a Scheduled Office specified in *column (1) of Part I* of the *Schedule* at any reference number, the person who holds the office specified in *column (2)* of that *Schedule* at that reference number;

“Minister of State” means a person appointed under section 1(1) of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977, to be a Minister of State; 5

“outputs”, in relation to a Department or a Scheduled Office, means the goods and services (including standards of service) that are a consequence of the activities of the Department or Scheduled Office; 10

“Scheduled Office” means an office or branch of the public service specified in *column (1) of Part I* or in *Part II* of the *Schedule*;

“Secretary General”, in relation to a Department, means the person appointed as the Secretary General of the Department or, where more than one person holds the rank of Secretary General in a Department, means the person holding such rank who is the principal officer of the Department; 15

“strategy statement” shall be construed in accordance with *section 5*.

(2) In this Act, unless the contrary intention appears—

(a) a reference to a section or the *Schedule* is a reference to a section of or the *Schedule* to this Act unless it is indicated that reference to some other enactment is intended, 20

(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended, and 25

(c) a reference to an enactment includes a reference to that enactment as amended or adapted, whether before or after the commencement of this section, by or under any subsequent enactment. 30

Application to Scheduled Offices and amendment of Schedule.

**2.—**(1) This Act shall apply to a Scheduled Office specified in *column (1) of Part I* of the *Schedule* at any reference number if, but only if, the person who holds the office specified in *column 2 of Part I* of the *Schedule* at that reference number consents thereto in writing, and any such consent shall be binding in respect of any subsequent holder of the office concerned. 35

(2) The following provisions do not apply in respect of a Scheduled Office specified in *Part I* of the *Schedule*:

(a) *section 4(1)(e)*, 40

(b) *section 11*, and

(c) *section 12*.

(3) The Government may, by order, amend the *Schedule* by adding thereto, deleting therefrom or substituting therein the name of any Scheduled Office, office or branch of the public service.

5       **3.**—A Minister of the Government having charge of a Department shall, in accordance with the Ministers and Secretaries Acts, 1924 to 1995, be responsible for the performance of functions that are assigned to the Department pursuant to any of those Acts.

Responsibilities of Minister of the Government having charge of Department.

10       **4.**—(1) Except as otherwise directed by the Government or provided by or under any other Act, the Secretary General of a Department or Head of a Scheduled Office, as the case may be, shall, subject to the determination of matters of policy by the Minister of the Government having charge of the Department or Scheduled Office or by the Government, have the authority, responsibility and  
15       accountability for carrying out the following duties in respect of the Department or Scheduled Office:

Responsibility and accountability within Departments and Offices.

20       (a) managing the Department or Scheduled Office, implementing Government policies appropriate to the Department or Scheduled Office, monitoring Government policies that affect the Department or Scheduled Office and delivering outputs as determined with the Minister of the Government having charge of the Department or Scheduled Office,

25       (b) at the following times, or at an earlier time if the Minister of the Government having charge of the Department or Scheduled Office so requires, preparing and submitting to the Minister of the Government a strategy statement in respect of the Department or Scheduled Office—

30       (i) within 6 months after the coming into operation of this Act,

35       (ii) within 6 months after the appointment of a new Minister of the Government having charge of the Department or Scheduled Office, and

40       (iii) at the expiration of the 3 year period since the last such statement was prepared and submitted,

45       and providing progress reports to the Minister of the Government on the implementation of the strategy statement annually or at such intervals as the Government may by order from time to time direct,

50       (c) preparing, with a view to giving effect to *section 9*, an outline of how specific elements of the responsibilities described in *paragraphs (d) to (h)* are to be assigned so as to ensure that the functions performed on behalf of the Minister of the Government are performed by an appropriate officer, or an officer of an appropriate grade or rank, of the Department or Scheduled Office,

55       (d) providing advice to the Minister of the Government having charge of the Department or Scheduled Office with respect to any matter within, affecting or connected with, the responsibilities of the Minister or the Department or Scheduled Office giving rise to material expenditure chargeable to its appropriation account,

- (e) ensuring that appropriate arrangements are put into place that will facilitate an effective response to matters that pertain to both the Department or Scheduled Office and other branches of the public service,
- (f) ensuring that the resources of the Department or Scheduled Office are used in a manner that is in accordance with the Comptroller and Auditor General (Amendment) Act, 1993, with a view to enabling the matters referred to in paragraphs (a) to (d) of section 19 (1) of that Act to be appropriately addressed by the Department or Scheduled Office,
- (g) examining and developing means that will improve the provision by the Department or Scheduled Office of cost effective public services,
- (h) subject to the Civil Service Regulation Act, 1956, the Civil Service Commissioners Act, 1956, the Defence Acts, 1954 to 1993 (in respect of civilian employees recruited or appointed under the Defence Acts, 1954 to 1993) and any other Act affecting the appointment, performance, discipline or dismissal of civil servants or civilian employees of the Department of Defence, managing all matters pertaining to appointments, performance, discipline and dismissals of staff below the grade of Principal or its equivalent in the Department or Scheduled Office, and
- (i) subject to *section 9(1)(f)*, assigning the responsibility for performance of the functions for which the Secretary General of the Department or Head of the Scheduled Office is responsible to other officers or to a grade or grades of officer of the Department or Scheduled Office including the conditions pertaining to such assignments in order to ensure coherence of policy across the Department or Scheduled Office, and ensuring that, where appropriate, the responsibility for the performance of those functions is further assigned to other officers or to a grade or grades of officer within the Department or Scheduled Office.

(2) Nothing in *subsection (1)* shall be construed as preventing or limiting the Secretary General of a Department or Head of a Scheduled Office from carrying out, on behalf of the Minister of the Government having charge of the Department or Scheduled Office, any other function of the Minister of the Government.

(3) Nothing in this Act shall be construed as limiting the power of the Government to assign, by warrant or decision, to a Secretary General who is not the principal officer of the Department, functions that are to be carried out by that Secretary General in accordance with the conditions set out in the warrant or decision.

(4) The position, in relation to a Department, heretofore known as Secretary of the Department or any other person in the Department known as Secretary shall be known as Secretary General of the Department or Secretary General, as the case may be, and the position heretofore known as Secretary to the Government shall be known as Secretary General to the Government and the position, in relation to the Office of the Attorney General, heretofore known as Senior Legal Assistant of the Office of the Attorney General, shall be known as Director General of the Office of the Attorney General.

5.—(1) A statement referred to in this Act as a “strategy statement” shall— Strategy statement.

5 (a) comprise the key objectives, outputs and related strategies (including use of resources) of the Department of State or Scheduled Office concerned,

(b) be prepared in a form and manner in accordance with any directions issued from time to time by the Government, and

10 (c) be submitted to and approved by the relevant Minister of the Government with or without amendment.

(2) The Minister of the Government shall, not later than 60 days after the strategy statement has been approved, cause a copy thereof to be laid before each House of the Oireachtas.

15 **6.**—Subject to *section 12*, the Secretary General of a Department or the Head of a Scheduled Office shall, in accordance with directions issued from time to time by the Government, be accountable to the Minister of the Government having charge of the Department or Scheduled Office in carrying out the duties or functions referred to in *section 4*. Secretary or Head accountable to Minister of the Government.

20 **7.**—Subject to any other Act but notwithstanding anything in this Act, the Minister of the Government having charge of a Department or a Scheduled Office may, in writing, give directions to the Secretary General of the Department or Head of the Scheduled Office in connection with the obligations of the Secretary or Head under *sections* Directions by Minister of the Government.  
25 *4 to 6*, other than *section 4(1)(h)*.

**8.**—Nothing in this Act shall be construed as limiting the power of a Minister of the Government to delegate a function under any other Act. Delegated functions under other Acts not affected.

30 **9.**—(1) The assignment of the responsibility for the performance of functions to officers or to a grade or grades of officer of a Department or a Scheduled Office shall include a requirement, where deemed appropriate to the assignment, that the officer to whom the assignment is made shall— Assignment of responsibility in respect of functions.

(a) achieve the outputs specified in the assignment,

35 (b) provide policy advice in relation to the subject-matter of the assignment and related matters,

(c) assume responsibility for the statutory schemes or programmes specified in the assignment,

40 (d) assume responsibility for the delivery of quality services in respect of the area of the assignment,

(e) ensure that the expenditure made in respect of the area of the assignment accords with the purpose for which the expenditure was chargeable to the appropriation account of the Department or Scheduled Office and that value for money is obtained, and  
45

(f) perform, on behalf of the Secretary General of the Department or Head of the Scheduled Office, functions in respect of appointments, performance and discipline of personnel in the area of the assignment, other than dismissals, that are the responsibility of the aforesaid Secretary General or Head pursuant to *section 4 (1)(h)*. 5

(2) An officer of a Department or Scheduled Office to whom the responsibility for the performance of functions has been assigned shall be accountable for the performance of those functions to the Secretary General of the Department or Head of the Scheduled Office, as the case may be, and to such other officers (if any) as may be specified under the assignment. 10

Appearance before committees of Houses of Oireachtas.

**10.**—The Secretary General of a Department or Head of a Scheduled Office or such other officer of the Department or Scheduled Office who is designated by the aforesaid Secretary General or Head and to whom the relevant responsibility for the performance of functions has been assigned, shall, when requested to do so in writing by a committee of either or both of the Houses of the Oireachtas authorised in that behalf to make the request in connection with the subject-matter before the committee, appear before the committee in relation to any strategy statement that has been laid before each House of the Oireachtas under *section 5 (2)* in respect of the Department or Scheduled Office. 15 20

Special Advisers.

**11.**—(1) The Government may, by order, on the request of a Minister of the Government having charge of a Department, referred to subsequently in this section as “Minister”, appoint one or more Special Advisers to the Minister or to a Minister of State who is assigned to that Department or to a Scheduled Office specified at reference numbers *1* or *6* of *Part II* of the *Schedule*. 25

(2) A Special Adviser to a Minister or to a Minister of State, as the case may be, shall— 30

(a) assist the Minister or the Minister of State, as the case may be, by—

(i) providing advice,

(ii) monitoring, facilitating and securing the achievement of Government objectives that relate to the Department, as requested by the Minister or the Minister of State, as the case may be, and 35

(iii) performing such other functions as may be directed by the Minister or the Minister of State, as the case may be, that are not otherwise provided for in this Act and do not involve the exercise of any specific powers conferred on the Minister or the Minister of State, as the case may be, or any other office holder by or under any other Act, and 40 45

(b) be accountable to the Minister or the Minister of State, as the case may be, in the performance of those functions.

(3) The terms and conditions of employment of a Special Adviser shall be such as may be determined from time to time by the Minister for Finance. 50



(4) The term of office of a Special Adviser shall cease—

(a) in the case of a Special Adviser to the Minister, on the date on which the Minister ceases to hold the office by reference to which he or she is an office holder, or

5 (b) in the case of a Special Adviser to a Minister of State assigned to a Department, on the expiration of the assignment of the Minister of State to that Department.

(5) The provisions of the Ethics in Public Office Act, 1995, other than subsections (2) and (6)(a) of section 19, that apply in respect of a special adviser referred to in that section apply in respect of a Special Adviser appointed under this Act.

15 **12.—**(1) A Minister of the Government having charge of an office (being a Department or a Scheduled Office) may, jointly with a Minister of the Government having charge of another such office or other such offices after consultation with the Secretary General or Head of each Department or, as the case may be, Scheduled Office concerned, by order assign to one or more civil servants responsibility for the performance of functions in relation to matters that pertain to the offices aforesaid concerned as may be specified in the order or in any order made by those Ministers of the Government in substitution therefor.

Assignment of responsibility in respect of cross-departmental matters.

25 (2) A function of the Minister of the Government under this section may be delegated to a Minister of State under section 2 of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977, only as respects other functions of that Minister of the Government standing delegated to that Minister of State under the said section 2.

30 (3) An assignment by Ministers of the Government under *subsection (1)* of responsibilities for the performance of functions shall be construed as reserving to those Ministers of the Government the right to perform those functions concurrently with the assignees.

35 (4) An order under *subsection (1)* shall specify the manner in which the civil servants to which the order relates shall be accountable for the carrying out of the responsibilities concerned and, where the Minister for Finance has agreed (which he or she is hereby authorised to do) that those responsibilities are to include functions pertaining to the utilisation of financial resources related to the carrying out of those responsibilities, the Minister for Finance may specify the manner in which the civil servants concerned shall be accountable for such utilisation.

40 (5) An order made by Ministers of the Government under *subsection (1)* shall specify the date when the assignment made thereby shall cease and may be amended or revoked by the Ministers of the Government before that date.

45 **13.—**(1) The Government may by order declare any office specified at *reference numbers 2 to 5 of column (2) of Part I of the Schedule* to be a corporation sole for the purpose of the office specified in *column (2) of the Schedule* at that reference number.

Corporate status of certain offices.

(2) An office declared under *subsection (1)* to be a corporation sole shall have perpetual succession and an official seal (which shall be officially and judicially noticed) and may sue and be sued and may acquire, hold and dispose of land for the purposes of the office.

Short title and commencement.

**14.—(1)** This Act may be cited as the Public Service Management Act, 1997. 5

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions. 10

Section 2.

## SCHEDULE

### Offices and Branches of the Public Service

#### Part I

Reference Number	(1)	(2)	
1.	The Office of the Houses of the Oireachtas	The Ceann Comhairle	15
2.	The Office of the Attorney General including the services assigned to the Attorney General	The Attorney General	20
3.	The Office of the Comptroller and Auditor General	The Comptroller and Auditor General	
4.	The Office of the Director of Public Prosecutions	The Director of Public Prosecutions	25
5.	The Office of the Ombudsman	The Ombudsman	

#### Part II

Reference Number		
1.	The Office of the Tánaiste	30
2.	The Central Statistics Office	
3.	The Office of the Civil Service Commissioners	
4.	The Office of the Local Appointments Commissioners	
5.	The Land Registry and the Registry of Deeds	
6.	The Office of the Commissioners of Public Works in Ireland	35
7.	The Office of the Revenue Commissioners	
8.	The Valuation and Ordnance Survey Office	
9.	The State Laboratory	
10.	The Office of Charitable Donations and Bequests	



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**AN BILLE UM BAINISTÍOCHTA NA SEIRBHÍSE POIBLÍ,  
1997  
PUBLIC SERVICE MANAGEMENT BILL, 1997**

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**EXPLANATORY MEMORANDUM**

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*Principal Features*

This Bill introduces a statutory basis for the creation of a new management structure for the Civil Service. The purpose is to enhance the management, effectiveness and transparency of operations of Departments and Offices and to put in place a mechanism for increased accountability of civil servants. At the same time the discretion of Ministers in charge of Departments of State for the administration of their Departments is virtually unchanged and the collective responsibility of the Government to Dáil Éireann is preserved.

The current definition of a Department of State includes various Offices which, while under the direction of the Minister in charge of the particular Department, function independently of the Secretary. In order to clarify managerial responsibilities for each branch of the public service to which the new management structure will apply, the Bill distinguishes between the “core” Department and associated offices. The Bill provides for the replacement of the title of “Secretary” by the new title of “Secretary General”. In addition, it provides that managerial responsibility for the Department will be assigned to the “Secretary General” and, for offices included in the Schedule, to the “Head” of that office. It also defines the “outputs” of a Department or office.

Under the new management structure, the Bill provides that specified tasks will be assigned to Secretaries General in accordance with various categories as set out in the Government’s policy statement *Delivering Better Government*. The Secretary General will be given formal responsibility, under the Minister, for the day-to-day management of the Department. This will involve implementing and monitoring policies and delivering the goods and services of the Department to its customers and clients. Other functions include giving advice to the Minister in relation to the wider concerns of his or her Department, making arrangements in relation to cross-departmental matters, examining and developing means to improve the provision of cost-effective services and ensuring that the Department’s resources are used appropriately and with respect to value for money. Subject to existing legislation, Secretaries General will have responsibility for appointments, performance, discipline and dismissal in relation to staff below the level of Principal. These responsibilities will be exercised in addition to the functions which a Secretary normally exercises at present in the routine management of all staff in his or her Department.

Each Secretary General will be required to prepare a strategy statement setting out the specific objectives, outputs and strategies of the Department. This will then be submitted to the Minister who

may amend it. The approved statement will be made available to the public through the Oireachtas within a specified time limit. Heads of Scheduled Offices will generally follow a similar procedure — with adjustments for those Offices which are headed by independent office-holders. Provision is also made for regular updating and revising of these statements.

It is intended that only those Strategy Statements laid before the Oireachtas will be on the public record. All other versions will be confidential documents. Directions provided for in *section 7* are also to be confidential documents. It is envisaged that any necessary amendment to other statutes will be made at an appropriate stage to cater for these intentions.

Ministers retain a power of direction (other than in relation to dismissals of staff below Principal) to ensure that, in cases of disagreement, the Minister's instructions will be followed. The Secretary General will be accountable to the Minister in respect of the functions assigned and, in certain circumstances, will be required to appear before Oireachtas committees.

The Bill provides for formal assignment, by the Secretary General, of specified tasks, analogous to his or her responsibilities, to other officers or grades of officer within Departments. This arrangement is intended to ensure that staff at various levels in each Department have a clear idea of what is expected of them.

The Bill also creates a statutory basis for the appointment of Special Advisers and for the assignment of responsibility for matters which cross departmental boundaries. At present, only Ministers are corporations sole which allows them to sue and be sued as corporate entities rather than as individuals. The Bill provides a mechanism which would allow certain public offices to become corporations sole.

A provision to allow for the creation of executive agencies by order of the Government was part of the original scheme of the Bill. Subject to the resolution of technical issues in relation to the structure and design of such provisions, the Government will consider introducing them as amendments to the present Bill at an appropriate stage.

*Section 1:* This section defines particular terms as they apply in the Bill.

The definition of "Department of State" includes the core headquarters of a Department but not its wider remit (e.g. the Department of Finance would include the core Department but not the Office of the Revenue Commissioners or the Office of Public Works; the Department of Health would include the core Civil Service part but not Health Boards or public voluntary hospitals). The inclusion of "principal military branches" in the definition of the Department of Defence is to maintain the existing statutory provision and ensure that the strategy statement of the Department of Defence encompasses the expenditure from the Department's Vote on the Defence Forces, as is the case at present.

The definition of "Head" comprehends those officers who are equivalent to Secretaries of Departments of State within their particular offices.

The term "outputs" is defined for the first time in legislation to identify those goods and services which a Department actually delivers to citizens who constitute its customers and clients.

The definition of "Secretary General" makes it clear that there is only one such officer in each Department to whom the relevant assignments of functions under the Minister will be given. This covers situations where there is more than one officer at Secretary General rank within a Department.

*Section 2: Subsection (1)* provides for the application of the Bill to offices of the public service included in the *Schedule: viz., in Part I,*

the Office of the Houses of the Oireachtas, the Office of the Attorney General, the Office of the Comptroller and Auditor General, the Office of the Director of Public Prosecutions and the Office of the Ombudsman (with the written consent of the relevant officer which shall be binding on his or her successor); and in *Part II*, the Office of the Tánaiste, the Central Statistics Office, the Office of the Civil Service Commissioners, the Office of the Local Appointments Commissioners, the Land Registry and the Registry of Deeds, the Office of the Commissioners of Public Works in Ireland, the Office of the Revenue Commissioners, the Valuation and Ordnance Survey Office, the State Laboratory and the Office of Charitable Donations and Bequests.

*Subsection (2)* excludes the provisions of *section 4 (1) (e)* [effective responses to cross-departmental matters], *section 11* [the appointment of special advisers], and *section 12* [responsibility for cross-departmental matters] from applying to offices in *Part I* of the *Schedule*. This is intended to ensure that the independence of these offices and the relevant office holders is maintained.

*Subsection (3)* provides for amending the *Schedule*.

*Section 3*: This section reaffirms that, notwithstanding any assignment of functions in the Bill, a Minister of the Government is in charge of his or her Department of State and is responsible for the administration of that Department as provided for in the Constitution and the Ministers and Secretaries Acts, 1924 to 1995.

*Section 4*: This section provides for the assignment of authority, responsibility and accountability within Departments and Offices.

*Subsection (1)* lists the functions for which Secretaries/Heads shall have authority and responsibility within the context of policy determined by the relevant Minister or the Government. These include the following:

- managing the Department/Office;
- preparing and submitting to the Minister a strategy statement every three years and providing annual progress reports;
- preparing an outline of how specific responsibilities are to be assigned to other officers within the Department/Office to ensure that functions performed on behalf of the Minister are performed by an appropriate officer, and then making such assignments;
- providing advice to the Minister;
- making sure that arrangements are in place to maximise efficiency in cross-departmental matters;
- ensuring that resources are used in a cost-effective manner and that value for money is obtained; and
- managing all matters relating to the appointment, performance, discipline and dismissal of staff below the grade of Principal or its equivalent.

The staff management functions will be exercised subject to the Civil Service Commissioners Act, 1956 and the Civil Service Regulations Act, 1956 and will not come into effect until amendments to the latter Act, at present being prepared by the Minister for Finance, are enacted.

*Subsection (2)* provides that the above list is not exhaustive and that a Secretary General/Head may carry out, on his or her Minister's behalf, other functions of the Minister.

*Subsection (3)* provides that the assignment of duties listed in *subsection (1)* above does not limit the power of Government in assigning powers, duties and functions to officers at Secretary General rank who are not the principal officers of their Departments for the purposes of this Act.

*Subsection (4)* changes the title of Secretary in all Departments to Secretary General and also changes the title of Senior Legal Assistant, the top civil servant in the Office of the Attorney General, to Director General.

*Section 5: Subsection (1)* provides that the strategy statement shall comprise the key objectives, outputs and related strategies (including use of resources) of the Department/Office, shall be prepared in a manner directed by Government, and shall be submitted to the Minister for approval, with or without amendment.

*Subsection (2)* provides that the strategy statement shall be laid before each House of the Oireachtas within 60 days of such approval.

*Section 6:* This section provides for a Secretary General/Head to be accountable to the Minister in charge of his or her Department/Office for the tasks assigned under the new management structure. A qualification is made with respect to *section 12* which allows for the assignment of responsibilities for the performance of cross-departmental functions and where a particular Minister or Minister of State may be given the lead role.

*Section 7:* This section empowers a Minister to give directions in writing to a Secretary General/Head for any of the functions performed by the Secretary General/Head. This is to ensure that the provisions of the Bill do not restrict Ministers in the directions they may give Secretaries General/Heads in the management of Departments/Offices. Matters relating to the appointment, performance, discipline and dismissal of staff below the grade of Principal or its equivalent are excluded from such directions in order to maintain the authority of the Secretary General in relation to staff management and to ensure consistency of approach across Departments.

*Section 8:* This section ensures that the provisions of the Bill do not restrict Ministers in delegating powers, duties and functions by means of other statutes.

*Section 9:* This section provides for the assignment of responsibility by the Secretary General/Head to other officers or grades of officer.

*Subsection (1)* provides that, where appropriate, specified officers will be assigned functions in relation to the following areas:

- the achievement of specified outputs;
- providing policy advice;
- assuming responsibility for statutory schemes or programmes;
- delivering quality services;
- ensuring that money spent is in accordance with the Vote for that area and that value for money is obtained; and

- performing functions in relation to the appointment, performance and discipline of staff (powers relating to dismissal are to be retained by the Secretary General/Head).

*Subsection (2)* provides that an officer to whom functions have been assigned shall be accountable to the Secretary General/Head in the performance of such functions.

*Section 10:* This section provides for Secretaries/Heads to appear before Oireachtas committees in relation to the strategy statement for their Department/Office. This will make them accountable for the practical management of their Departments/Offices. It also provides for other officers to attend at Oireachtas committees.

*Section 11:* This section provides a statutory basis for the appointment of Special Advisers, including programme managers, to Government Departments, the Office of the Tánaiste, and the Office of Public Works.

*Subsection (1)* provides for the Government, on the request of the relevant Minister of the Department to which they are appointed, to make such appointments.

*Subsection (2)* provides that such Special Advisers will assist a Minister by:

- providing advice;
- monitoring, facilitating and securing the achievement of Government objectives; and
- performing other functions as directed by the Minister as long as these are not functions already conferred on Ministers or office holders under this or any other Act.

Special Advisers shall be accountable to the relevant Minister.

*Subsection (3)* provides that the terms and conditions of such advisers shall be determined by the Minister for Finance.

*Subsection (4)* provides that the advisers' terms of office will expire with that of the Minister or Minister of State to whom he or she is assigned.

*Subsection (5)* provides that Special Advisers will remain subject to the Ethics in Public Office Act, 1995.

*Section 12:* This section deals with the assignment of responsibility for cross-departmental matters.

*Subsection (1)* provides that Ministers or Ministers of State, jointly with their counterparts in one or more other Departments, may assign responsibility to civil servants for the performance of functions relating to both or all the Departments concerned. Provision is made for consultation with the Secretaries General/Heads of the Departments/Offices involved.

*Subsection (2)* provides that Ministers of State may be delegated authority to make similar arrangements on the lines set out in *subsection (1)* in relation to matters or areas delegated to them under the Ministers and Secretaries (Amendment) (No. 2) Act, 1977.

*Subsection (3)* provides that Ministers retain the right to exercise any function assigned under this section concurrently with those to whom such functions are assigned.

*Subsection (4)* provides that orders assigning responsibilities to civil servants will specify to whom they shall be accountable. The Minister for Finance will specify the manner of accountability for responsibilities that involve the use of financial resources.

*Subsection (5)* provides for the termination of any cross-departmental assignments made under this section.

*Section 13:* This section allows the Government, if it should decide to do so, to confer corporate status on the Attorney General, the Comptroller and Auditor General, the Director of Public Prosecutions and the Ombudsman similar to that already conferred on Ministers of the Government by the Ministers and Secretaries Act, 1924.

*Section 14:* This section provides in *subsection (1)* for the Short Title and in *subsection (2)* for commencement of the Bill. It allows the Minister for Finance to vary commencement dates for different provisions and different purposes.

*Schedule:* The *Schedule* sets out an appropriate categorisation for the various offices and branches of the public service, in addition to Departments of State, to which the new management structure will apply.

*An Roinn Airgeadais,  
Márta, 1997.*