
Appendix 10

**Details on wider public
sector management reform**

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The establishment of stand-alone central executive functions

- **National Treasury Management Agency**

The establishment of the National Treasury Management Agency in 1990 enabled the Government to delegate the borrowing and debt management functions of the Minister for Finance to the Agency. The Chief Executive Officer of this Agency is directly responsible to the Minister for Finance for the performance of the functions of the Agency. Prior to the establishment of the Agency the Irish national debt was managed principally by the Department of Finance. The Agency was established due to a number of factors which included:

- The substantial growth in the size and complexity of national debt during the 1980's
- The difficulty of recruitment and retention of experienced professional debt management staffing within the Department of Finance at that time

The National Treasury Management (Amendment) Act 2000 extends the role of the NTMA to cover the following functions:

- Management of personal injury and property claims against the State
- Central Treasury Services — the taking of deposits from and the making of advances to designated bodies such as local authorities and health boards
- Fund Management Services with respect to any fund managed or controlled by a Minister of the government

- **National Roads Authority (NRA)**

More recently, the National Roads Authority (NRA) was formally established as an independent statutory body under the Roads Act, 1993. The NRA's road development programme forms part of the Government's overall strategy for the improvement of national infrastructure, which is contained in the NDP, 2000-2006. The NRA's primary function is 'to secure the provision of a safe and efficient network of national roads'. It has overall responsibility for the planning and supervision of construction and maintenance of national roads. In addition, the NRA has a number of specific functions under the Act, including:

- Preparing, or arranging for the preparation of road designs, maintenance programmes and schemes for the provision of traffic signs on national roads

- Securing the carrying out of construction, improvement and maintenance works on national roads
- Allocating and paying grants for national roads
- Training, research or testing activities in relation to any of its functions.

Historically, the NRA has discharged these functions through the relevant local authority. However, it is empowered (where it considers it would be more convenient, expeditious, effective or economical to do so) to carry out such functions directly.

• **Courts Service**

The Courts Service was established as an independent body in late 1999 to manage and administer court services. The formation of this independent agency was recommended by the Working Group on a Courts Commission, which found a number of shortcomings in the previous arrangements for the delivery of the courts service within the Department of Justice, Equality and Law Reform. These shortcomings included;

- The fact that the Courts system had remained unaltered since 1924
- The increase in the volume of civil and criminal litigation
- A perception of unacceptable delays in the determination of cases
- Instances of overworked and poorly organised staff
- Lack of adequate back up and support structures
- The absence of adequate systems for communicating information and a lack of modern information systems

• **Irish Prisons Service**

The Irish Prison Service was established as an independent executive agency of the Department of Justice, Equality and Law Reform, pending the legislation to establish a statutory Prisons Board which will be responsible for the day-to-day management of the Irish Prisons Service. In advance of the statutory Board being established, the Minister appointed a Prisons Authority Interim Board in 2000. The possibility of the Prison Service becoming an independent executive agency was proposed by the Whitaker Report as far back as 1985. The rationale for the establishment of the agency was that significant change and development in the prison service was necessary and could be achieved more effectively through an independent agency. The establishment of the Agency relieved the Minister of the need to be involved in the day-to-day running of the Prisons Service, but specific powers were reserved for the Minister on matters of significant concern to the public or Oireachtas

Moving service delivery closer to the customer

The development of 'one-stop-shops' by a number of local authorities has supported the provision of customer services closer to the population served. This initiative, which has been funded by the Department of Environment and Local Government, has resulted in the development of a number of models whereby local offices are established in addition to the central offices. In some instances, other state agencies have become involved in providing services from these local offices (e.g. citizen's advice bureau, certain health board services). The use of technology has facilitated this development

greatly — Meath County Council for example support their one-stop-shops by providing access to on-line services such as review of planning applications. Another example of the one-stop-shop is in the North Western Health Board through the REACH project. The Health Board is jointly working with Donegal County Council, FÁS, Department of Social Community and Family Affairs and the National REACH project team in piloting the One Stop Philosophy Donegal.

Independent regulation and oversight

Recent years have seen the development of specialist agencies and legislation charged with independent oversight and regulation of a wide range of public and private services. Some of the most significant recent developments on the regulatory front include:

- **Freedom of Information Act (1997)**

The *Freedom of Information Act 1997* came into force on 21 April 1998. The Act established three new statutory rights:

- A legal right for each person to access information held by public bodies
- A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
- A legal right for each person to obtain reasons for decisions affecting him/herself

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

- **The Office of the Ombudsman**

The Office of the Ombudsman was established under The Ombudsman Act 1980, which sets down the procedures and conditions governing the appointment of the Ombudsman and delineates the powers as regards examination and investigation of complaints made to him. The Ombudsman's role was increased (1985) to cover local authorities, health boards and An Post. He/she can investigate an action where a complaint has been made and having carried out a preliminary examination of the matter, is empowered to make recommendations to enable the complaint to be resolved with the minimum of formality, particularly in the case of the more straightforward complaints.

- **Competition Authority, 1991**

The Competition Authority is a statutory body with a specific role to enforce Irish competition law. Anti-competitive behaviour occurs when firms agree to fix prices, limit output, divide business between them or abuse their market power, with no benefits to consumers. In these situations the Competition Authority will use its enforcement powers to act promptly and rigorously to protect the interests of Irish consumers and overall economic welfare.

- **Ethics in Public Office Act, 1995**

The broad focus of the Ethics in Public Office Act, 1995 (the 1995 Act) and the Standards in Public Office Act, 2001 (the 2001 Act) is towards the disclosure of interests including any material factors which could influence a member of the Oireachtas, an office holder or a public servant in discharging their official duties. This embraces the adoption of position, persuasion, negotiation and decision-making and any other action which constitutes the performance of a function.

The 1995 Act was strengthened by the 2001 Act which provides additionally for tax clearance certification for all members of the Houses of the Oireachtas and for the Attorney General, the Judiciary and appointees to senior office in public bodies. Other provisions of the 2001 Act included codes of conduct, indicating standards of conduct and integrity for members of the Houses of the Oireachtas, office holders and the public service. The codes will be published by the Standards Commission.

- **The Employment Equality Act, 1998**

The Equality Authority 1999 was established under the above Act replaced the Employment Equality Agency, and has a greatly expanded role and functions. The Employment Equality Act, 1998 and the Equal Status Act, 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds. These are: Gender; Marital status; Family status; Age; Disability; Race; Sexual orientation; Religious belief; and Membership of the Traveller Community.

- **The Office of the Director of Corporate Enforcement, 2001**

The Office of the Director of Corporate Enforcement (ODCE) was established under the Company Law Enforcement Act, 2001. Its mission is to improve the compliance environment for corporate activity in the Irish economy by:

- Encouraging adherence to the requirements of the Companies Acts and
- Bringing to account those who disregard the law.

Internationally, there has also been a growth in independent oversight and regulation within the health sector. This has been covered separately in Appendix 8.