



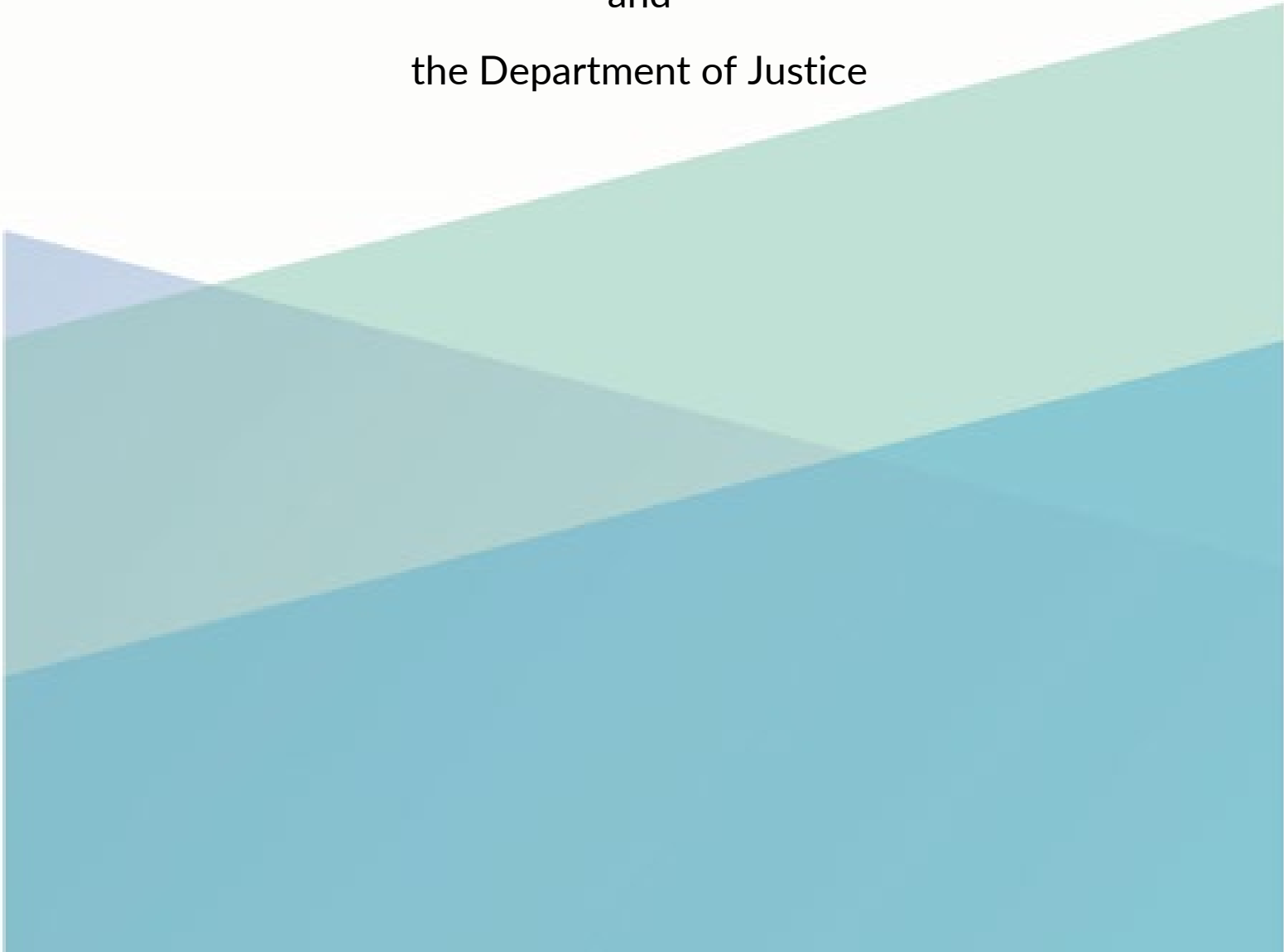
An tÚdarás Rialála  
Seirbhísi Dlí  
Legal Services  
Regulatory Authority



An Roinn Dlí agus Cirt  
Department of Justice

# Corporate Governance Assurance Agreement 2024 – 2026

between the  
Legal Services Regulatory Authority  
and  
the Department of Justice



# Assurance Agreement

## 1. Introduction

The Legal Services Regulatory Authority, in accordance with section 13 of the Legal Services Regulation Act 2015 (the “Act”), regulates the provision of legal services by legal practitioners and ensures the maintenance and improvement of standards in the provision of such services in the State.

The Authority is a body corporate with perpetual succession and a seal.

The Authority, subject to the Act, shall be independent in the performance of its functions.

The Authority’s official date of establishment was 1 October 2016. Since then the Authority has rolled out its functions in an orderly fashion culminating with the commencement of the Complaints function, under Part 6 of the Act, on 7 October 2019. In establishing the **complaints function**, the Authority has introduced processes by which complaints can be received, informally resolved or determined. It has also established the Review Committee which reviews determinations of complaints made by the Authority and the Complaints Committee which investigates and determines complaints relating to misconduct. The Authority publishes bi-annual reports on the operation of the Complaints function.

The Authority provides logistical and administrative support to the independent **Legal Practitioners Disciplinary Tribunal (LPDT)** which was established in November 2020 and held its first inquiry hearings in June 2023.

The Authority maintains the **Roll of Practising Barristers** which is a register of all barristers entitled to provide legal services in the State. The LSRA also manages the framework by which existing solicitor partnerships can apply to operate with limited liability and be included on the Register of **Limited Liability Partnerships**.

The Authority has introduced regulations in relation to the advertising of legal services and has taken over the responsibility for **regulating the advertising** of all legal services.

The Authority has also introduced regulations in relation to **professional indemnity insurance** for practising barristers.

The Authority provides administrative and logistical support to the **Advisory Committee on the grant of patents of precedence** which considers applications, from both solicitors and barristers, for the grant of the title Senior Counsel.

The Authority has a challenging research agenda. In December 2023, just prior to the commencement of this Agreement, the Authority, in accordance with Section 34 of the Act, reported to the Minister on the possible creation of a **new profession of conveyancer**.

At the request of the Minister for Justice, the Authority also conducted **research into barriers** that may prevent entry into the solicitors' or barristers' profession and a final report arising from that research was submitted to the Minister in January 2024.

On an annual basis the Authority publishes a **report on admissions to the legal profession**.

The Authority has commenced its second **review of the operation of the 2015 Act** and will report on that review in quarter one 2024.

The Authority issues an **annual levy** based on the provisions of Part 7 of the Act which provides funding for the Authority. The Authority first issued the statutory levy on the legal professions in 2019. The Authority worked with the Department to ensure that the necessary amendments to the 2015 Act were included in the Courts and Civil Law (Miscellaneous Provisions) Act 2023 to ensure that the levy funding arrangements

provide a sustainable long term funding model for the LSRA. The first levy under this revised model was implemented in 2023.

The Authority comprises eleven members, including a lay majority and a lay Chairperson. Under the terms of the Act, members of the Authority are put forward by prescribed nominating bodies and appointed by the Government with the approval of a resolution of each House of the Oireachtas. The Chairperson of the Authority is Dr. Don Thornhill. Dr. Thornhill was appointed for a second term as Chairperson on 17 November 2020 and so his term of office will expire during the lifetime of this agreement (30 Sept 2024).

The Authority has premises at Manor Street in Dublin 7 and has leased suitable premises at Bow Street to accommodate the Legal Practitioner’s Disciplinary Tribunal (LPDT).

The Authority submits its Annual Reports under the terms of the Act on or before 30 April each year.

The Authority submitted its First Strategic Plan for the period 2018 to 2020 to the Minister on 6 April 2018. Its third and current Strategic Plan 2022-2025 was laid before the Houses in October 2022 and covers the period 1 October 2022 until 30 September 2025.

The Authority maintains a detailed and informative website at [www.lsr.ie](http://www.lsr.ie) and also provides information to the public and legal practitioners through its Twitter account @LSRAIreland.

Against that background, this will be the third Corporate Governance Assurance Agreement between the Legal Services Regulatory Authority (“the Authority”) and the Department of Justice (“the Department”).

In broad terms the following represent the key outputs under the Act that are expected to inform and shape the collaboration between the Department and the Authority for the period of this third Corporate Governance Assurance Agreement.

- The Authority will introduce the framework for the establishment of **Legal Partnerships**, allowing barristers to enter partnerships with other barristers and with solicitors for the first time.
- The Authority is establishing an education and training committee under section 16 of the 2015 Act which will deliver the framework required to facilitate the establishment of an **independent Legal Practitioners Education and Training (LPET) Committee** with responsibility for oversight of the education of both solicitors and barristers. The section 16 Committee is chaired by the Chairperson of the Authority. The Authority member from the Legal Aid Board has been appointed to the section 16 Committee, with QQI to also nominate a member.

Subject to sanction from the Department of Public Expenditure, NDP Delivery and Reform (DPENDPR), the Authority will engage in a recruitment process to identify the remaining suitable members of the section 16 Education and Training Committee. The Authority will report to the Department on

- the establishment of a competency framework for legal practitioners,
- the processes required to enable the statutory LPET Committee to accredit new and existing providers of legal education and training,
- the resources required to establish the LPET Committee and recommendations for a proposed funding model and
- the legislative amendments required to enable the Authority (or a separate body) to operate as the admitting body for the legal profession.

Reports in respect of the LPET Committee will be provided in accordance with the timelines set out in the Work Plan for the Committee's establishment, as was agreed with the Department and approved by Government in December 2023.

- The continuing provision of an **independent complaints system** dealing with legal professional misconduct and the resolution and determination of complaints of excessive costs and inadequate service.
- The Authority will continue to provide logistical and administrative support to the independent **Legal Practitioners Disciplinary Tribunal** which adjudicates on matters of serious misconduct in relation to both solicitors and barristers. Part 6 of the Act mainly refers.
- The Authority will carry out its **second Review of the Operation of the 2015 Act** and will report to the Minister on this in quarter one 2024.

Over the course of the lifetime of this Agreement and based on the knowledge and experience garnered by the Authority since it was established, the Authority will also conduct a further formal **workforce planning review** to ensure that its staffing complement is sufficient to meet current and future demands. This review is in addition to the review and submission completed in 2023 the implementation of which is subject to agreement with DPENDPR following the completion of the levy cycle under the revised levy model.

## **2. Role of the Legal Services Regulatory Authority within the Justice Sector**

### **2.1 Objectives**

The Authority will regulate the provision of legal services by legal practitioners and will ensure the maintenance and improvement of standards in the provision of such services in the State with regard to the following objectives under section 13(4) of the Act:

- protecting and promoting the public interest,
- supporting the proper and effective administration of justice,

- protecting and promoting the interests of consumers relating to the provision of legal services,
- promoting competition in the provision of legal services in the State,
- encouraging an independent, strong and effective legal profession, and
- promoting and maintaining adherence to the professional principles.

## 2.2 Functions

In regulating the provision of legal services by legal practitioners and ensuring the maintenance and improvement of standards in the provision of such services in the State, the Authority undertakes the statutory functions conferred on it by section 13(2) of the 2015 Act including the following specific functions as part of its role:

- Keep under review and make recommendations to the Minister and disseminate information in respect of:
  - admission requirements of Law Society, Bar Council, and Honorable Society of King's Inns;
  - availability and quality of education and training including ongoing training for the two professions;
  - policies in relation to admission and, or, entitlement to practise of the Law Society, Bar Council and Honorable Society of the King's Inns;
  - professional codes;
  - the organisation of the provision of legal services in the State.
- Specify the nature and minimum levels of professional indemnity insurance;
- Establish and administer a system of inspection of legal practitioners for the purposes of the Act;
- Receive and investigate complaints under sections 46 and 47 of the Act;
- Establish and maintain the Roll of Practising Barristers;
- Promote public awareness and disseminate information in respect of legal services including their cost;

- Keep the Minister informed of developments in respect of the provision of legal services and make recommendations to assist the Minister in coordinating and developing policy;
- To undertake, commission or assist in research projects and other activities in respect of the provision of legal services, which in the opinion of the Authority may promote an improvement in standards for the provision of those services and public awareness of them, and make recommendations to the Minister arising from those projects or activities; and
- Perform any other functions conferred by the Act or by regulations made under it.

### **3. Corporate Governance**

#### **3.1 Advance Funding Arrangements**

##### *Advance Funding Statements*

Although amendments to 2015 Act which came into operation on 31 July 2023 have put the Authority on a more sustainable financial footing, it is recognised that, during the period of this agreement, the Authority may require on occasion to draw down funds in support of its continuing operation (including the funding of the operation of the Legal Practitioners Disciplinary Tribunal) under section 32 of the Act relating to “Advances by Minister to Authority”.

In support of funding arrangements and until such time as the operation of the new statutory levy model provides a sustainable funding model for the Authority, it is agreed that an *Advance Funding Statement* shall be signed between the Department of Justice and the Legal Services Regulatory Authority in respect of each draw-down of the funding concerned. The relevant funding terms will be as agreed by the parties to this agreement under the *Advance Funding Statement*.



The Authority acknowledges the position of the Department that, now that the new levy provisions have been commenced and the Authority are collecting a levy from legal practitioners on an annual basis, the funds that are advanced under Section 32 of the Act are advanced with the intention of being recouped from the Authority.

The Authority also acknowledges the levy-based funding model as set out in the legislation and the position of the Department that the Authority should be funded by way of a levy on the legal profession.

### **3.2 Roles and Responsibilities**

#### *Accounting Officers*

It is noted that the Legal Services Regulatory Authority, in drawing down funds under section 32 of the Act relating to “Advances by Minister to Authority”, falls under the Vote of the Department of Justice (Vote 24). As such, the Secretary General of the Department is the Accounting Officer insofar as advances to the Authority may be concerned.

It is also recognised that, under the specified terms of section 29 of the Act, the Chief Executive of the Legal Services Regulatory Authority shall, whenever required in writing, give evidence to a Committee of Dáil Éireann established to examine and report on the appropriation accounts and reports of the Comptroller and Auditor General – i.e. the Public Accounts Committee. This includes the regularity and propriety of transactions, the economy and efficiency of the use of resources, the systems, procedures and practices employed for evaluating the effectiveness of operations or any matter relating to these that may be raised in a report of the Comptroller and Auditor General.

Similarly, it is noted that under section 30, the Chief Executive is also publicly accountable for the general administration of the Authority to the Oireachtas Joint Committee on Justice.

It is therefore recognised by both parties that the Chief Executive of the Authority and the Department’s Secretary General may be held accountable, where relevant, before a

Committee of Dáil Éireann for the monies advanced to, or expended by, the Authority, including the operating costs and administrative expenses of the LPDT. Both parties agree to provide any such information to the other, as may be required for the purposes of an appearance before a Committee of Dáil Éireann, to account for said monies in accordance with Sections 29 and 30 of the 2015 Act.

It is similarly recognised that the Minister for Justice has wider accountability to Dáil Éireann in respect of the overall justice policy framework, including for the implementation and effectiveness of the 2015 Act under which the Legal Services Regulatory Authority continues to play a key and independent role.

#### *The Authority*

Section 9 of the Legal Services Regulation Act 2015 requires the Legal Services Regulatory Authority to consist of eleven members including a lay majority and lay Chairperson.

Each member of the Authority shall be appointed by Government, subject to the provisions of the Act. The term of membership of any Authority member will not exceed four years and no member shall hold office for periods the aggregate of which exceeds 8 years. At the same time, under the Act, terms of appointment are staggered to support continuity.

The duly appointed members of the Legal Services Regulatory Authority at the time of signature of this Agreement are as set out in *Table 1* below:

*Table 1: Members of the Legal Services Regulatory Authority*

Authority Member	Nominating Body	Term of Appointment (Years)
Don Thornhill – Chairperson	The Higher Education Authority	4
Angela Black	The Citizens Information Board	4
Síona Ryan	The Competition and Consumer Protection Commission	3
Vacancy	The Irish Human Rights and Equality Commission	4
Shane Galligan	The Institute of Legal Costs Accountants	3
Dermott Jewell	The Consumers Association of Ireland	2
Sara Moorhead	The Bar Council	3
Joan Crawford	The Legal Aid Board	4
Eileen Barrington	The Honorable Society of King’s Inns	4
Simon Murphy	The Law Society	4
Geraldine Clarke	The Law Society	2

The members of the Authority are collectively responsible for leading and directing the Authority’s activities within a framework of prudent and effective control as set forth in the *Code of Practice for the Governance of State Bodies* (2016). The Authority formally adopted the *DPENDPR Code of Practice* at its meeting in January 2017.

#### *Chairperson of Authority*

In accordance with Section 9 (2)(b) of the Act, one of the lay members of the Authority shall be appointed to be chairperson of the Authority by the Government. The Chairperson is responsible for leading and guiding the Authority in its task of setting the Authority’s strategic policies. The Chairperson works with the Chief Executive to manage the Authority’s agenda and provides direction to the Secretary to the Authority.

The Chairperson will furnish an annual Comprehensive Report to the Minister for Justice (“the Minister”), in conjunction with the Authority’s annual report and financial statements.

This report will outline any significant commercial developments in the preceding year and affirm the Authority's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies (2016). In particular, addressing the requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the 2016 *Code of Practice for the Governance of State Bodies*.

### *Chief Executive Officer*

In accordance with Section 24 and 28 of the Legal Services Regulation Act 2015, the Chief Executive is appointed by the Authority and shall hold office under a written contract for service. Reporting to the Authority, the Chief Executive is responsible for implementing the policies and decisions of the Authority and for the day-to-day management and administration of the business and resources (financial and non-financial) of the Authority.

In overall terms, and in addition to those specific matters referred to under the heading of "Accounting Officer" above, the Chief Executive is tasked with:

- Implementing the policies and decisions of the Authority.
- Managing and controlling generally staff, administration and business.
- Performing such other functions (if any), as may be required by the Authority or authorised under the Act.
- Keeping, under the direction of the Authority, all proper and usual accounts of moneys received and spent by the Authority or submit estimates with its approval.
- Submitting, with the agreement of the Authority, estimates of income and expenditure, proposals and plans as may arise under section 28 of the 2015 Act.

### **3.3 Annual Self-Assessment Evaluation**

Since 2018, the Authority has undertaken an annual self-assessment evaluation of its own performance in accordance with the Code of Practice for the Governance of State Bodies (except for the period of Covid restrictions). The most recent self-assessment took

place in 2023. This self-assessment has been coordinated by the Authority's Accountants (*CrowleysDFK*). When the Authority has committees in place, the performance of those committees will be included in the self-assessment evaluations. The Authority's Finance, Audit and Risk (FAR) Committee will undertake a self-assessment in 2024 following on from the Authority's self-assessment. An external evaluation of the Authority's performance should be carried out every three years and the LSRA intend to undertake that process in 2024.

### **3.4 Statement of Strategy**

The Authority submitted its First Statement of Strategy (covering the period 2018-2021) to the Minister on 6 April 2018 as provided under the Act. The Authority submitted its Second Statement of Strategy (covering the period 2019-2022) to the Minister on 1 October 2019. This First Statement of Strategy was laid before the Oireachtas on 1 May 2018 and the Second Statement of Strategy was laid before the Oireachtas on 9 January 2020. The third and current Strategy Statement 2022-2025 was laid before the Houses in October 2023. LSRA Strategy Statements are available on the Authority's website [www.lsr.ie](http://www.lsr.ie).

### **3.5 Draft Unaudited Financial Statements**

During the period of this Agreement, draft unaudited annual financial statements should be submitted to the Department not later than two months after the end of the relevant financial year, in accordance with the *Code of Practice for the Governance of State Bodies* (1.4 (ii) – 'Business and Financial Reporting' Annex).

### **3.6 Annual Report and Accounts**

Section 21 of the Legal Services Regulation Act 2015 requires the Authority to make a report to the Minister for Justice ("the Minister") and to the Oireachtas Joint Committee

on Justice, not later than 30 April in each year, in relation to the performance of the functions and activities of the Authority during the preceding year.

### **3.7 Reporting Requirements – Annual Report**

In accordance with Appendix A of the ‘Business & Financial Reporting’ Annex to the *Code of Practice for the Governance of State Bodies*, the Annual Report should include:

- i. A statement noting that this Corporate Governance Assurance Agreement has been reached with the Department of Justice and, in particular, indicating the Authority’s level of compliance with the requirements of the Code of Practice for the Governance of State Bodies.
- ii. A statement of how the Authority operates;
- iii. A statement of how the performance evaluation of the Authority and its committees has been conducted;
- iv. Number of Authority meetings and attendance level of each Authority member;
- v. Names of Chairperson, the CEO and members of the Authority and its committees;
- vi. Confirmation that an appropriate assessment of the Authority’s principal risks has been carried out, including a description of these risks, where appropriate and associated mitigation measures or strategies; and
- vii. Confirmation that the Authority has complied with all relevant tax law.

### **3.8 Reporting Requirements – Financial Statements**

In accordance with Appendix B of the ‘Business & Financial Reporting’ Annex to the *Code of Practice for the Governance of State Bodies*, the Financial Statements should include:

- i. Details of non-salary related fees paid in respect of Authority members and the salary of CEO;
- ii. Aggregate pay bill, total number of employees and compensation of key management level;

- iii. Total Costs incurred in relation to travel and subsistence and hospitality;
- iv. Details of expenditure on external consultancy/adviser fees;
- v. Details of the number of employees whose total employee benefits for the reporting period fell within each band of €10,000 from €60,000 upwards;
- vi. Details of termination/severance payments and agreements with a value in excess of €10,000, made within the period.

### **3.9 Internal Audit**

The parties are agreed that for the lifetime of this Corporate Governance Assurance Agreement the Department of Justice's Internal Audit Unit will provide support to the Authority in monitoring and reviewing the effectiveness of the Authority's arrangements for governance, risk management and internal control. The most recent such report was completed in May 2023. Audit work will be agreed between the Authority and the Head of Internal Audit in the Department of Justice. The Audit Unit will, subject to resources, carry out the audits within an agreed timeframe.

### **3.10 Audit and Risk Committee**

The Authority's Finance, Audit and Risk Committee (FAR Committee) has been established in accordance with the DPENDPR Code and includes two independent, non-executive Committee members.

The FAR Committee has written terms of reference which clearly outline the Committee's authority and duties. The role of the Committee is to ensure that the interests of Government and other stakeholders are fully protected in relation to business and financial reporting and internal control.

### **3.11 Protected Disclosures**

The Protected Disclosures (Amendment) Act 2022 commenced operation on 1 January 2023. The Authority should maintain awareness of the new obligations under the Act, which amends the Protected Disclosures Act 2014, and should adhere to the Protected Disclosures Act Statutory Guidance for Public Bodies and Prescribed Persons published by the Department of Public Expenditure, NDP Delivery and Reform in November 2023 and any subsequent guidance issued over the lifetime of this Agreement.

### **3.12 Governance Obligations**

The Legal Services Regulatory Authority is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. The Authority will ensure that all the necessary obligations, including those for risk management, internal audit and the Public Spending Code are fully complied with.

### **3.13 Chairperson's Comprehensive Report to the Minister**

To confirm compliance (or otherwise) with key provisions of the Code of Practice and the Governance Standard for Justice Sector Bodies, the Chairperson of the Authority completes, on an annual basis, a Comprehensive Report to the Minister in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This report addresses all of the relevant requirements of paragraph 1.9 of the '*Business & Financial Reporting Requirements*' Annex to the *Code of Practice for the Governance of State Bodies*.



### **3.14 Data Protection**

The LSRA will engage proactively in respect of its data protection obligations and ensure compliance with the General Data Protection Regulation (GDPR) and the Data Protection Acts.

### **3.15 Procurement**

In accordance with section 8.16 of the Code of Practice, the LSRA will ensure that competitive tendering is standard procedure in its procurement processes and that procurement policies and procedures have been developed and published to all staff. The Chairperson of the Authority should affirm adherence to the relevant procurement policy and procedures in the annual Comprehensive Report to the Minister.

### **3.16 Provision of Information to Members of the Oireachtas**

In accordance with DPENDPR Circular 25/2016 - *Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices*, the Authority are obliged to:

- i. Provide and maintain a dedicated email address (lsra-oir@lsra.ie) for Oireachtas members.
- ii. Put in place formal feedback processes to obtain feedback from Oireachtas members.
- iii. Comply with target deadlines and standards in terms of acknowledgements and responses to queries.
- iv. Designate a person at senior management level within the Authority with responsibility for ensuring the timely provision of information to members of the Oireachtas.
- v. Report annually (in the Chairperson's comprehensive report to the Minister) on compliance with standards set out in Circular 25/2016.

- vi. Seek, where appropriate, to publish the response to queries from members of the Oireachtas on Authority's website.

**3.17** Governance obligations will also be reviewed as part of the overall monitoring process of this Corporate Governance Assurance Agreement.

### **3.18 Comply or Explain**

- i. This Corporate Governance Assurance Agreement 2024 - 2026 has been agreed between both Parties as satisfying the requirements for an agreement as prescribed in the 2016 Code of Practice for the Governance of State Bodies. This Agreement sets out the broad corporate governance framework within which the Legal Services Regulatory Authority will operate and defines key roles and responsibilities which underpin the relationship between the Authority and the Department of Justice.
- ii. Having regard to the current size of the Authority, it is not deemed feasible for it to establish its own Internal Audit Unit. Alternative arrangements have been put in place to provide the Office with access to the Department of Justice's Internal Audit Unit as set out at paragraph 3.9 above.

### **3.19 Public Sector Equality and Human Rights Duty**

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

The Legal Services Regulatory Authority will have full regard to its obligations under section 42 of the Act to:

- Assess and identify human rights and equality issues relevant to its functions, including through its Strategic Plan 2022-2025.
- Identify the policies and practices that are in place/ will be put in place to address these issues; and
- Report on developments in its Annual Report.

### **3.20 Environmental and energy issues**

The Legal Services Regulatory Authority shall fulfil its statutory and other obligations in relation to environmental and energy issues, as follows;

1. In accordance with requirements set out in the Department of the Environment, Climate and Communications' Climate Action Plan 2023, the LSRA has appointed an Energy Performance Officer, who is responsible for (inter alia) the following actions and targets:
  - a) Striving to achieve the statutory target of a 51% absolute reduction in energy related emissions and a 50% improvement in energy efficiency by 31 December, 2030, in accordance with The Climate Action Plan 2021.
  - b) Accurately reporting energy use, annually, to the Sustainable Energy Authority of Ireland (SEAI), in advance of their deadline.
  - c) Publishing progress (or lack thereof) achieved on energy reduction in the annual report.
2. Eliminating the use of single-use plastics from the organisation, in accordance with the Government Decision of 3 January 2019; and
3. Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.

### **3.21 Periodic Critical Review**

Section 8.14 in the *Code of Practice for the Governance of State Bodies* outlines that non-commercial State bodies shall be subject to a Periodic Critical Review (PCR) at regular, and appropriate, intervals. Sufficient advance note will be given by the Department of Justice if/when the LSRA is to be subject to such a review to allow adequate planning and preparation for the PCR.

### **3.22 Blended Working**

The LSRA will continue to work under a blended working model which balances the operational needs of the Authority with flexible working arrangements for staff in line with Departmental and Government targets. These arrangements will be kept under review by the Authority.

## **4. Commitments**

### **4.1 Mutual Commitments**

- Both parties recognise the statutory independence of the Legal Services Regulatory Authority;
- Both parties agree to proactive and timely communications, cooperation and information on service delivery;
- Both parties support the effective achievement of agreed outcomes, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions;
- Both parties agree to consult and to keep each other fully apprised on all matters of mutual relevance;

- Both parties agree on the effective realisation of this agreement and the agreed outcomes that will come about.

The ongoing support of an annual budgetary provision for the Legal Services Regulatory Authority will form part of the estimates for the Justice Vote until such time as it is agreed that such provision is no longer required and will be considered in that context including in terms of the parties agreeing any recoupability.

#### **4.2 Department of Justice Commitments**

The Department will provide the following supports to the Authority as part of its ongoing collaboration to enable it deliver on its objectives:

- Share information on issues such as Public Financial Procedures and Civil Service HR Policy Guidelines as may arise from time to time;
- Engage with the Authority in activities related to its key role as one of those public bodies which form part of the Justice sector;
- Provide monthly financial reports and general financial advice where this may arise via the Department's Financial Management Unit (FMU);
- Provide assessment and sanction of IT expenditure as may arise under the appropriate ICT Governance Group;
- Exchange information with the Authority in responding to Parliamentary Questions or other public statements which relate to the Authority's functions under the 2015 Act;
- Consult with the Authority in respect of any circulars, memoranda or other matters which may impact on the performance of the Authority's functions;
- Liaise with the Authority and the Department of Public Expenditure NDP Delivery and Reform in support of staffing arrangements if requested.

### 4.3 Legal Services Regulatory Authority Commitments

The Legal Services Regulatory Authority commits to the delivery of its statutory objectives and functions including:

- Making recommendations to the Minister for Justice and disseminating information on the admission requirements relating to the solicitors' and barristers' profession, the availability and quality of the education and training of legal practitioners, the professional codes and the organisation of the provision of legal services in the state;
- Establishing and administering a system of inspection of legal practitioners;
- Receiving and investigating complaints;
- Maintaining the Roll of Practising Barristers, the register of Legal Partnerships and the register of Limited Liability Partnerships;
- Promoting public awareness and disseminating information in respect of legal services;
- Informing the Minister of developments in respect of the provision of legal services and make recommendations to assist the Minister in co-ordinating and developing policy relating to legal service provision;
- Undertaking, commissioning or assisting in research projects and other activities which may promote an improvement in standards in the provision of legal services;
- Making recommendations to the Minister for Justice arising from research or other activities which may promote an improvement in standards in the provision of legal services;
- Conducting public consultations and preparing research reports in relation to the creation of the new profession of conveyancer, barriers to entry into the legal profession and any such other matter as may be requested by the Minister.
- Making such other reports to the Minister for Justice on the functions of the Authority as appropriate.

## 5. Potential Risk Factors

The Legal Services Regulatory Authority operates a formal Risk Management Strategy and maintains a Risk Register and, in accordance with the Department of Finance Guidelines, this is updated on an ongoing basis. The maintenance of the Register ensures that risks are identified and assessed and necessary mitigating actions are, where resources allow, put in place.

The Authority has identified the following risks to be managed as part of the Risk Management Strategy:

- i. **Funding:** There is a risk that the statutory funding arrangements provided by the levy will not be sufficient to properly fund the organisation resulting in a funding shortfall, delayed commencement of the functions of the LSRA and resulting in reputational damage and a lack of sufficient resources. While the implementation of the revised levy funding model in 2023 will see the LSRA move to a sustainable funding cycle, the LSRA estimates that it will take 2 to 3 levy cycles under the new model for it to reach a steady state on sustainable funding.
- ii. **GDPR:** There is a risk that the LSRA may not be adequately prepared to comply with GDPR requirements with the result that it may breach the regulations causing reputational damage and possible proceedings under the GDPR.
- iii. **Business Continuity:** There is a risk that the LSRA's ability to respond to events which impact on general Business Continuity (e.g. the COVID-19 pandemic) is insufficient to deal with prolonged impacts on staff shortages, loss of business continuity and associated reduction in service delivery.
- iv. **Cyber-Security:** There is a risk that the LSRA's business continuity, protection of data and business reputation may be severely impacted as a result of a cyber-security breach.

- v. **Legal Challenges:** There is a risk that the LSRA's financial position and operational capacity may be significantly affected in the event of significant legal challenges to either the LSRA or LPDT.

Where a risk emerges that exceeds the Authority's risk appetite, it will be reviewed by the LSRA and notified to the Department.

## **6. Amendment of Agreement**

Where necessary, both parties will engage to agree on any appropriate amendments to this agreement.

## **7. Monitoring Arrangements**

The Department of Justice commits to a minimum of two meetings per year between the Authority and senior officials in which there will be detailed consideration of matters relating to this agreement and the respective roles and functions of the Authority and the Department as may arise. Similarly, to engage on any matters that may require to be dealt with as a consequence of changes in Departmental or Government policy. These meetings will be supplemented by less formal interactions between the Legal Services Regulatory Authority and the Department in accordance with the business needs and mutual commitments of each party.

The Parties will exchange, as appropriate:

- (a) Relevant and appropriately detailed performance information to allow for the monitoring of this Agreement;
- (b) Relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- (c) Information as may be appropriate to the mutual coordination of such commencements and outputs as will arise in the ongoing implementation of the Act.



## 8. Duration and Signatories to the Agreement

It is agreed that the arrangements as set out in this Agreement will apply with effect from the 1 January 2024 until 31 December 2026. However, the general provisions of the agreement will continue to apply until such time as a subsequent Corporate Governance Assurance Agreement is agreed.



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Dr. Brian Doherty  
Chief Executive Officer  
Legal Services Regulatory Authority

Date: 31 January 2024



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Dr. Stjohn O Connor  
Director of Civil Governance  
Department of Justice

Date: 31 January 2024