



**AN COMHCHOISTE UM CHOMHSHAOL, CULTÚR AGUS
GAELTACHT**

31Ú DÁIL ÉIREANN / 24Ú SEANAD ÉIREANN

**TUARASCÁIL AN CHOMHCHOISTE MAIDIR LE SCÉIM
GHINEARÁLTA AN BHILLE UM FHORAIS CHULTÚIR
NÁISIÚNTA (AN CEOLÁRAS NÁISIÚNTA) 2014**

Nollaig 2014

**JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE
GAELTACHT**

31ST DÁIL ÉIREANN / 24TH SEANAD ÉIREANN

**REPORT OF THE JOINT COMMITTEE ON THE GENERAL
SCHEME OF THE NATIONAL CULTURAL INSTITUTIONS
(NATIONAL CONCERT HALL) BILL 2014**

DECEMBER 2014

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1. RÉAMHRÁ / PREFACE

Tá an Ceoláras Náisiúnta ar cheann de sheoda cultúrtha Bhaile Átha Cliath agus na hÉireann. Ba chóir dúinn go léir a bheith bródúil as an bhfoirgneamh agus as an bhforas seo, lena gcuirtear an-taitneamh ar fáil dúinn go léir. Feidhmíonn sé mar cheannáras do gach saghas ceoil Éireannaigh agus is láithreán é ina gcasann na taibheoirí is cumasaí in Éirinn. Is láithreán é freisin do thaibheoirí eachtrannacha agus iad ar cuairt ar Éirinn agus is suíomh iontach dóibh é chun taibhiú a dhéanamh os comhair lucht éisteachta na hÉireann.

Cé gur eagraíocht chultúrtha é an Ceoláras Náisiúnta atá dírithe go príomha ar cheol agus ar ealaíona gaolmhara a chur chun cinn, is gnóthas é freisin agus ní mór déileáil leis agus é a chosaint ar an mbonn sin agus a chumasú dó feidhmiú amhlaidh.

Is é seo an chríoch atá leis an mBille atá á mholadh, an Bille um Fhorais Chultúir Náisiúnta (An Ceoláras Náisiúnta), 2014. Tá an reachtaíocht seo dírithe ar a chinntiú gur féidir leis an gCeoláras Náisiúnta feidhmiú go héifeachtach sna blianta atá romhainn agus aghaidh a thabhairt ar na dúshláin go léir a mbíonn ar eagraíocht tráchtála aghaidh a thabhairt orthu le linn di a misean a chomhlíonadh agus a cuid spriocanna a bhaint amach fad a fhanfaidh sí ina heagraíocht inmharthana ó thaobh na tráchtála de.

Tá an Comhchoiste um Chomhshaol, Cultúr agus Gaeltacht tar éis Scéim Ghinearálta an Bhille a bhreithniú, ar scéim í trína mbeartaíonn an tAire Ealaíon, Oidhreacht agus Gaeltachta an Ceoláras Náisiúnta a chur ar bhonn reachtúil, agus chuaigh an Comhchoiste i gcomhairle leis na páirtithe leasmhara iomchuí i dtaca leis.

Tá súil againn go mbreithneoidh an tAire na 19 mholadh atá sa tuarascáil seo agus go n-áireoidh sí an oiread acu is féidir ina cuid pleananna maidir leis an gCeoláras Náisiúnta agus más cuí, go gcuirfidh sí na forálacha is gá sa Bhille um Fhorais Chultúir Náisiúnta (An Ceoláras Náisiúnta), 2014, agus in aon Bhille eile de réir mar is gá. Cé go bhfuil tábhacht le gach ceann de na 44 mholadh atá sa Bhille seo, is mian liom tagairt go sonrath do chuid acu ar leithligh.

Baineann Moladh 2 le Ceannteideal 2, agus is í tuairim an Choiste gurb é an rogha is fearr atá ag an Rialtas agus ag Cuideachta an Cheolárais Náisiúnta Teo. an Ceoláras Náisiúnta a chur ar bhonn reachtúil. Táimid den tuairim gurb é seo an rogha is fearr chun todhchaí an Cheolárais mar eagraíocht chultúir agus tráchtála a áirithiú.

The National Concert Hall is one of the cultural icons of Dublin and Ireland. It is a building and institution of which we are all rightly proud and from which we obtain much enjoyment. It is the cultural home of Irish music in all its genres and acts as a stage for the performance of our most talented artists. It also provides a stage for international artists when they visit Ireland and offers a wonderful setting for them to perform to Irish audiences.

While the National Concert Hall is a cultural organisation primarily concerned with the promotion of music and associated disciplines, it is also a business concern and must be treated, protected and enabled to operate as such.

This is the purpose of the proposed National Cultural Institutions (National Concert Hall) Bill 2014. This legislation is aimed at ensuring that the National Concert Hall can, in the coming years, operate effectively and meet the many challenges which face a commercial organisation as it strives to fulfil its mission and meet its objectives and at the same time remain commercially viable.

The Joint Committee on Environment, Culture and the Gaeltacht has considered the General Scheme of the Bill, through which the Minister for Arts, Heritage and the Gaeltacht intends to establish the National Concert Hall on a statutory basis, and has consulted with the relevant stakeholders concerning it.

This report includes 19 recommendations which we hope the Minister will consider. We hope she will include as many of these as possible in her plans for the National Concert Hall and that where appropriate, she will include the necessary provisions in the National Cultural Institutions (National Concert Hall) Bill 2014 and any other Bill as necessary. While all 44 recommendations in this Bill are important, I wish to comment specifically on a number of them in particular.

Recommendation 2 refers to Head 2 and the Committee agrees that the best option open to the Government and the National Concert Hall Company Ltd is to establish the National Concert Hall on a statutory basis. We think that this is the best option in securing its future as a cultural and as a commercial organisation.

Baineann Moladh 3 le Ceannteideal 9, agus iarrtar go dtabharfar stádas speisialta do Raidió Teilifís Éireann agus í ag déileáil leis an gCeoláras Náisiúnta. Creideann an Comhchoiste go bhfuil tábhacht ar leithligh ag baint leis an moladh seo mar gheall ar an ngarghaol oibre atá idir an dá eagraíocht, agus an ról lárnach atá ag Raidió Teilifís Éireann maidir le tacaíocht a thabhairt don cheol in Éirinn agus an ceol a chur chun cinn.

Baineann Moladh 5 le Ceannteideal 9, agus iarrtar go mbeidh ráiteas soiléir sa Bhille um Fhorais Chultúir Náisiúnta (An Ceoláras Náisiúnta), 2014 á rá nach mbeidh tionchar ag 'treoracha ginearálta beartais' a eiseoidh an tAire ar chinntí a bhaineann le nithe ealaíon nó feighlíochta ná nach gcuirfidh siad isteach ar an gcéanna. Creideann an Comhchoiste go bhfuil gá leis seo chun saoirse agus sláine an Cheolárais Náisiúnta a chinntiú ó thaobh cultúir agus gairmiúlachta de.

Baineann Moladh 6 le Ceannteideal 11 agus baineann Moltaí 7 agus 8 le Ceannteideal 17. Leis na moltaí seo, tá an Comhchoiste ag lorg ról i gcinntí maidir le feidhmeanna a thabhairt don Cheoláras Náisiúnta nó a bhaint de; agus le linn ainmniúcháin a mholadh do Bhord an Cheolárais Náisiúnta; agus le linn comhairle a chur ar an Aire maidir le Cathaoirleach a cheapadh ar Bhord an Cheolárais Náisiúnta. Creideann an Comhchoiste gur cuí ról a bheith ag an gCoiste Oireachtais iomchuí mar gheall ar an ról lárnach, ceannródaíoch atá ag an gCeoláras Náisiúnta i gcultúr na hÉireann.

Baineann Moladh 12 le Ceannteideal 13, agus iarrtar go mbeidh ar áireamh i gcomhaltas Bhord an Cheolárais Náisiúnta comhalta amháin is cumadóir nó ealaíontóir ceoil Éireannach. Creideann an Comhchoiste gur moladh ríthábhachtach an moladh seo chun a chinntiú go mbeidh ionadaíocht ag cumadóirí agus ceoltóirí Éireannacha ag an leibhéal seo.

Ba mhaith liom mo bhuíochas a ghabháil leis na daoine agus na heagraíochtaí a bhí rannpháirteach le linn dúinn an t-ábhar seo a bhreithniú mar nach bhféadfaí tuarascáil chomh cuimsitheach agus chomh héifeachtach a ullmhú in éagmais a n-ionchur. Ba mhaith liom buíochas a ghabháil leis na páirtithe leasmhara éagsúla as a bheith rannpháirteach, as comhoibriú linn agus as na moltaí a fuarthas uathu, ar moltaí iad a bhfuil go leor acu curtha san áireamh ag an gCoiste sa tuarascáil seo.

Recommendation 3 refers to Head 9 and calls for special status to be given to Raidió Teilifís Éireann in its dealings with the National Concert Hall. The Joint Committee believes that this recommendation is particularly important given the close working relationship of the two organisations and the central role Raidió Teilifís Éireann has in supporting and promoting music in Ireland.

Recommendation 5 concerns Head 9 and calls for a clear statement in the National Cultural Institutions (National Concert Hall) Bill 2014 that any 'general policy directions' issued by the Minister will in no way influence or interfere with decisions relating to artistic and curatorial matters. The Joint Committee believes that this is essential to ensure the cultural and professional independence and integrity of the National Concert Hall.

Recommendation 6 refers to Head 11 and Recommendations 7 and 8 refer to Head 17. In these recommendations, the Joint Committee seeks a role in decisions concerning the allocation of, or the removal of, functions to and from the National Concert Hall; in proposing nominees to the Board of the National Concert Hall; and in advising the Minister on the appointment of a Chairperson of the Board of the National Concert Hall. The Joint Committee believes that a role in such decisions is appropriate for the relevant Oireachtas Committee, given the central and leading role of the National Concert Hall in Irish culture.

Recommendation 12 refers to Head 13 and calls for the membership of the Board of the National Concert Hall to include, at all times, at least one member of the Board who is either an Irish composer or an Irish musical artist. The Joint Committee believes that this recommendation is particularly important in ensuring that the views of Irish composers and music artists are represented at this level.


I would like to thank the individuals and organisations who contributed to our consideration of this subject and without whose input it would not have been possible to produce such a comprehensive and effective report. I would like to thank the various stakeholders for their participation, cooperation and suggestions, many of which the Joint Committee has included in this report.

Is mian liom buíochas a ghabháil le comhaltaí an Choiste as a gcuid oibre le linn an tuarascáil seo a ullmhú agus le foireann Rúnaireacht an Choiste agus le Seirbhís Leabharlainne agus Taighde an Oireachtais as an gcomhairle a chuir siad ar an gComhchoiste agus as an gcabhair a thug siad le linn dúinn an dréacht-tuarascáil a thiomsú.

Mar fhocal scoir, iarraim ar an Aire Ealaíon, Oidhreachta agus Gaeltachta staidéar a dhéanamh ar an tuarascáil agus na 19 mholadh ón gComhchoiste go háirithe. Tá súil agam agus ag an gComhchoiste dul i mbun pléití leis an Aire ar an ábhar seo gan mórán moille.

I wish to thank the members of the Joint Committee for their work in preparing this report and the staff of the Committee Secretariat and the Oireachtas Library Research Service for their advice to the Joint Committee and their assistance in compiling the draft report.

To conclude, I call on the Minister for Arts, Heritage and the Gaeltacht to study this report and in particular the 19 recommendations the Joint Committee has put forward. I and the Joint Committee look forward to engaging with the Minister on this subject in the near future.



Michael Mc Carthy TD
Cathaoirleach
16/03/2014

2. RECOMMENDATIONS

Head 2 – Interpretation

1. An interpretation of 'the Board' which is not given in this Head should be given in the Bill.

Head 7 – Establishment of National Concert Hall

2. The best option open to the Government and the National Concert Hall Company Ltd is to establish the National Concert Hall on a statutory basis as outlined in the General Scheme of the National Cultural Institutions (National Concert Hall) Bill 2014 but incorporating the recommendations made by the Joint Committee in this report.

Head 9 – Functions of the National Concert Hall

3. The National Concert Hall should be designated as a national cultural institution for music with its principal functions being to:-
 - (1) Provide a national venue in Ireland for the performance of music and the arts;
 - (2) Provide a venue for the performance of music of the highest international standard and for the promotion of artistic, creative, cultural, educational and musical activities;
 - (3) Promote and support the creation, enjoyment, knowledge and performance of music as an integral part of Irish life;
 - (4) Encourage and promote diversity, inclusivity and participation through experimentation and involvement in music by composers and performers and by individuals and communities.
 - (5) Develop and maintain a comprehensive programme of activities, drawing on the expertise and experience of national and international artists, composers, performers and other experts;

- (6) Provide adequate facilities to various artists and organisations including Raidió Teilifís Éireann, subject to such financial and other arrangements as may be necessary;
 - (7) Provide a setting for the appreciation, exhibition and performance of other art forms or creative activities subject to fulfilling its own mandate and terms of reference.
4. Provide a recognised status for Raidió Teilifís Éireann and its performing groups in respect of the National Concert Hall and oblige the National Concert Hall to proactively sustain its relationship with Raidió Teilifís Éireann and with its performing groups.
5. For the avoidance of doubt, the arms-length principle with regard to artistic programming should be enshrined in the National Concert Hall (National Concert Hall) Bill 2014 and the Bill should clearly state that any 'general policy directions' issued by the Minister will in no way influence or interfere with decisions relating to artistic and curatorial matters.

Head 10 – Powers of the National Concert Hall

6. The principal functions of the Board of the National Concert Hall should be to:
 - (1) Govern and oversee business;
 - (2) Appoint a Chief Executive Officer, to be known as the Director;
 - (3) Appoint officers and employees of the Board as it deems appropriate;
 - (4) Oversee and support the work of the Director, senior management and employees;
 - (5) Promote and safeguard the National Concert Hall and its reputation and ensure it is managed efficiently, cost effectively and in a manner consistent with legislation and ministerial oversight;
 - (6) Enter into requisite and advantageous arrangements, including contracts and licencing, to ensure financial viability and sustainability;

- (7) Ensure financial management and management of reserves, in accordance with best practice;
- (8) Prepare and adopt draft statements of strategy and annual business plans consistent with ministerial oversight;
- (9) Report annually on activities;
- (10) Engage with third parties in pursuit of objectives and in furtherance of a national cultural strategy subject to ministerial determination.

Head 11 – Conferral of Powers on the National Concert Hall

7. As agreed concerning Head 9 of the General Scheme of the National Concert Hall (National Concert Hall) Bill 2014, for the avoidance of doubt, the arms-length principle with regards to artistic programming should be enshrined in the Bill and the wording of subsection (1) of Head 11 should reflect this principle.
8. The relevant Oireachtas Committee should have a role in the conferral of, or the revocation of, functions or extra functions from the National Concert Hall.

Head 13 – Statement of Strategy (Statement of Strategy, Business Plan and Annual Report

9. As agreed concerning Head 9 of the General Scheme of the National Concert Hall (National Concert Hall) Bill 2014, for the avoidance of doubt, the arms-length principle with regards to artistic programming should be enshrined in the Bill and the wording of subsection (5) of Head 13 should reflect this principle.

Head 17 – Board of the National Concert Hall

10. Provide a role for the relevant Oireachtas Committee in proposing nominees to the Board of the National Concert Hall.
11. Provide a role for the relevant Oireachtas Committee in advising the Minister on whether or not it considered the nominee for Chairperson of the Board of the National Concert Hall has the competencies necessary to be appointed as Chairperson.

12. Ensure the membership of the Board of the National Concert Hall reflects a balance in terms of artistic disciplines, gender and societal groupings.
13. Ensure that the membership of the Board of the National Concert Hall includes, at all times, at least one member of the Board, who is either an Irish composer or an Irish musical artist.
14. Provide a statutory role to the Chairperson of the Board and the Director of the National Concert Hall in advising on the design of the skills matrix to be drawn up in respect of appointees to the Board of the National Concert Hall.

Head 23 – Director

15. Authorise payment of allowances and remuneration of expenses, subject to Ministerial approval and the consent of the relevant Minister (currently the Minister for Public Expenditure and Reform); and in respect of any such payments or remuneration to the Director, to have regard to Government and nationally agreed guidelines.

Head 24 – Staff of the Hall / Board

16. The Board of the National Concert Hall should be empowered to:-
 - (1) Appoint managers;
 - (2) Determine the organisational structure and the resources required for the fulfilment of its objectives, and engage such permanent, temporary or casual staff, as it may deem appropriate for this purpose; while at all times having regard to Government or nationally agreed guidelines;
 - (3) Determine the terms and conditions of officers and employees, subject to Government and nationally agreed guidelines;
 - (4) Dismiss an employee for stated misbehaviour, subject to legislation and the terms and conditions of employment;

Head 30 – Accounts and Audits

17. While the National Concert Hall must be subject to accountability and transparency and auditing and inspection, it should also have sufficient autonomy to enable it to effectively fulfil its functions as a commercial State body.

Head 32 – Miscellaneous

18. The records of the National Concert Hall, including any draft plans or strategies it formulates, should be subject to the provisions of the Freedom of Information Acts from the day it is established and there should be no exemption for any initial period of time.

Head 33 – Subsidiaries, Joint Ventures, Etc

19. The National Concert Hall should, subject to the Minister and with the consent of the relevant Minister (currently the Minister for Public Expenditure and Reform), have the authority to:-
 - (1) Determine that certain functions may be performed by a joint venture, partnership, subsidiary or other appropriate corporate vehicle;
 - (2) Participate in the establishment of a company, or enter into a joint venture or partnership (as may a subsidiary established by the Board);
 - (3) Establish subsidiary corporations or foundations for the purpose of fundraising;
 - (4) Acquire, hold or dispose of shares or other interests in a company and become a member of a company;

3. INTRODUCTION

On 16 September 2014, Ms Heather Humphreys TD, Minister for Arts, Heritage and the Gaeltacht (the Minister) requested the Joint Committee on Environment, Culture and the Gaeltacht (the Joint Committee) to engage in pre-legislative scrutiny of the General Scheme of the National Cultural Institutions (National Concert Hall) Bill 2014. The Joint Committee agreed to this request on 23 September 2014.

The Joint Committee invited and met with the following organisations which assisted it in its consideration:-

30 September 2014 Department of Arts, Heritage and the Gaeltacht,
National Concert Hall Company Ltd;

2 October 2014 Raidió Teilifís Éireann.

The Joint Committee also considered a written submission from the Green Party / Comhaontas Glas.

The National Cultural Institutions (National Concert Hall) Bill 2014, if enacted, will:-

- (1) Provide the statutory basis for the conversion of An Ceoláras Náisiúnta / the National Concert Hall from a company limited by guarantee to a statutory body similar to other national cultural institutions.

In responding to a written Parliamentary Question in Dáil Éireann on 13 May 2014, Mr Jimmy Deenihan TD, the then Minister for Arts, Heritage and the Gaeltacht stated that this:-

“Legislation will mean that the board of the National Concert Hall will have absolute clarity in respect of the position on all governance and operational issues at the Concert Hall. Any future significant developments at the Hall will be framed by the revised legislative provisions.”

The General Scheme contains 44 Heads of which the most notable, in the opinion of the Joint Committee, are Heads 9, 17, 24 and 30.

4. NATIONAL CULTURAL INSTITUTIONS

The National Concert Hall is one of eight national cultural institutions and as such is a member of the Council of National Cultural Institutions. The Council was established under the Heritage Fund Act 2001 with the purpose of promoting the national cultural interest. It achieves this through the cooperation of these institutions and by making recommendations to the Minister for Arts, Heritage and the Gaeltacht on proposed acquisitions using the Heritage Fund in respect of five eligible institutions, provided for under section 2 (1) of the said Act. The National Concert Hall is not one of these five institutions.

The eight National Cultural Institutions are:-

- (1) Chester Beatty Library;
- (2) Crawford Art Gallery Cork;
- (3) Irish Museum of Modern Art;
- (4) National Archives;
- (5) National Concert Hall;
- (6) National Gallery of Ireland;
- (7) National Library of Ireland;
- (8) National Museum of Ireland;

In addition to these eight organisations, the Abbey Theatre, the Arts Council / An Chomhairle Ealaíon and the Heritage Council are also represented on the Council of National Cultural Institutions.

5. PUBLIC SECTOR REFORM PLAN

“To enhance access to and to recognise the social and economic role of the arts, culture and film sectors in Ireland by promoting and encouraging artistic expression, cultural awareness and participation, through an appropriate policy, legislative and resource framework”.

Policy Goal of the Department of Arts, Heritage and the Gaeltacht

On 17 November 2011, Mr Brendan Howlin TD, Minister for Public Expenditure and Reform launched the Public Sector Reform Plan as part of an integrated approach by Government which included a sectoral reform through the Comprehensive Review of Expenditure.

<http://per.gov.ie/comprehensive-review-of-expenditure/> and public service pay agreements.

The Plan outlined a number of recommendations and actions and had the following central themes:-

- (1) Placing customer services at the core of everything we do;
- (2) Maximising new and innovative service-delivery channels;
- (3) Radically reducing our costs to drive better value for money;
- (4) Leading, organising and working in new ways;
- (5) Placing a strong focus on implementation and delivery.

The Plan aimed to rationalise and reorganise 48 non-commercial State agencies and by January 2014, 44 of these had been successfully rationalised or amalgamated.

Second progress report on the Public Service Reform Plan. DPER, January 2014 page 14
<http://reformplan.per.gov.ie/downloads/files/Progress%20Report%202014.pdf>

Measures involving a further 63 bodies were at an advanced stage and following a 2012 critical review, further measures involving 109 bodies had also been initiated.

Progress on the implementation of the Government's Public Service Reform Plan, September 2012
<http://per.gov.ie/progress-on-the-implementation-of-the-governments-public-service-reform-plan/>.

A successor to this Plan was launched in January 2014.

Public Sector Reform Plan 2014-2016 <http://reformplan.per.gov.ie/>

In response to a Parliamentary Question in Dáil Éireann on 11 June 2014, Mr Jimmy Deenihan TD, the then Minister for Arts, Heritage and the Gaeltacht stated:-

“The key reforms being progressed for the National Cultural Institutions relate to:-

- Governance, including a streamlining of boards;
- Reinforcement of curatorial independence and identity;
- Shared supports; and
- Statutory underpinning.

The Government has decided in relation to the legislation that:-

- The legislation underpinning the National Gallery of Ireland is to be updated appropriately;
- The statutory accountability framework supporting IMMA [Irish Museum of Modern Art] and the Crawford Art Gallery is to be clarified;
- The existing National Archives governance model is to be deployed to the National Library and the National Museum;
- Statutory curatorial and operational independence is to be underscored for the Directors of the two institutions;
- The current boards of the National Library and National Museum are to be replaced with smaller Advisory Councils, which will operate pro bono and provide, inter alia, advice to the Minister;
- The National Archives Act 1986 will be updated appropriately; and
- The National Concert Hall will in the future operate as a statutory body under primary legislation.”

Regarding the General Scheme of the National Cultural Institutions (National Concert Hall) Bill 2014, the Department of Arts, Heritage and the Gaeltacht informed the Joint Committee that it had reviewed a number of different pieces of legislation before drafting this General Scheme including the Arts Council Act 2003 and the National Cultural Institutions Act 1997. The Department also examined recent examples of legislation establishing statutory bodies.

6. AN CEOLÁRAS NÁISIÚNTA / THE NATIONAL CONCERT HALL

“As one of the busiest and most successful concert halls in Europe, we set the standard for our competitors in Ireland, not only in terms of the events we deliver, but also in the service levels we apply, the artists we are able to attract and the development work we undertake to bring music to as wide an audience as possible. As an educator, we have brought music to many disadvantaged areas. Through investment in projects relating to music therapy, cultural integration and social cohesion, we continually see the benefits and influence of the National Concert Hall throughout the country.”

National Concert Hall – Core Philosophy <https://www.National Concert Hall.ie/Online/About-Us>

The National Concert Hall Company Ltd, situated at Earlsfort Terrace in Dublin, was founded in 1981. The building includes a main auditorium with seating for 1,200 people, the John Field room with seating for 250 people, the Carolan room with seating for 100 people and a bar and a bistro.

It provides a range of concerts, performances and recitals catering for a wide range of musical tastes including classical, jazz, operatic, popular and traditional and a stage for artists from Ireland and from around the world. It also provides a number of ancillary services including community outreach and educational programmes.

In addition to its own resident orchestra, it is used by a number of other choirs, orchestras and music societies, including Festival Productions, the Irish Baroque Orchestra, Lyric Opera Productions, Music Network, the National Chamber Choir and the Raidió Teilifís Éireann National Symphonic and National Concert Orchestras.

It comes within the remit of, and is grant-aided by, the Department of Arts, Heritage and the Gaeltacht. The Department provides grant-aid to the Hall and appoints its Board of Directors. In 2013, it employed 78 staff engaged in concert support and 25 staff engaged in administration two categories of staff. This was a reduction of 2 from 2012.

Annual Report and Accounts 2013 page 12.

Addressing the Joint Committee, the National Concert Hall Company Ltd described the context in which it operates as being a blend of music service and commercial activity which is:-

“possibly unique among national cultural institutions ... one in which we must seek to balance the public interest role of the Hall as the national venue for the performance and appreciation of music with the challenges of conducting much of our operations in a commercial environment.”

The breakdown of the direct income of the National Concert Hall in 2013 was €2.33 million from State Grant-in-Aid and €4.563 million from ticket sales, the hire of the National Concert Hall to external promoters, rental income from the Raidió Teilifís Éireann National Symphony Orchestra and catering and bar facilities.

<http://www.dublinrocks.com/venue/National-Concert-Hall>

As with the other national cultural institutions, the National Concert Hall deals directly with its own day-to-day management, while the Department of Arts, Heritage and the Gaeltacht deals with matters relating to the general policy under which it operates and the provision of financial resources to it.

In February 2014, the Government approved the proposal to place the National Concert Hall on a statutory footing, similar to other National Cultural Institutions. This proposal was approved in the context of the review of the National Cultural Institutions prompted by the Public Service Reform Plan which was accepted by Government. The Department of Arts, Heritage and the Gaeltacht subsequently drafted General Schemes for a number of National Cultural Institutions Bills, which have since been approved by Government. The key reforms being progressed relate to governance, curatorial independence and identity, supports and statutory underpinning. Mr Jimmy Deenihan TD, the then Minister for Arts, Heritage and the Gaeltacht stated that the proposed legislation would provide the next board of the National Concert Hall with 'absolute clarity in respect of the position on all governance and operational issues at the National Concert Hall' and as a statutory body and in line with good governance would be required adopt statements of strategy, prepare annual business plans and submit progress reports. Its new status would enhance its capacity to engage in fund-raising similar to other National Cultural Institutions.

In considering the General Scheme of the National Cultural Institutions (National Concert Hall) Bill 2014, the Joint Committee noted the special relationship between the National Concert Hall and Raidió Teilifís Éireann. The Raidió Teilifís Éireann orchestras rehearse in the National Concert Hall on approximately 100 days each year and regularly stage concerts there, including on Friday evenings and during the Christmas season. Raidió Teilifís Éireann rents facilities, office space and storage and keeps equipment in the Hall which it uses in staging and recording these performances. These facilities include a full digital sound studio which is linked to the main auditorium, the John Field room, the foyer, etc. Typically, all concerts given by the Raidió Teilifís Éireann National Symphony Orchestra in the Hall are broadcast live via Raidió Teilifís Éireann Lyric FM and Raidió Teilifís Éireann radio broadcasts Live 1.

7. CONSIDERATION OF THE HEADS OF BILL

7.1 Head 1 – Short Title and Commencement

Head 1 provides the collective citation of the Bill and enables the Minister to bring provisions of the Bill as enacted into operation as required.

Provide that:

- This Act may be cited as the National Cultural Institutions (National Concert) Hall) Act;
- The Act shall come into operation on such day or days as, by order or orders of the Minister made under this section and different days may be fixed for specified purposes and provisions.

Explanatory Note

This provides that the Minister can appoint different days for different sections and parts of the Act to come into operation if required.

7.2 Head 2 – Interpretation

Head 2 explains the specific terms and expressions used in the Bill.

Provide for the interpretation as follows:

(1) In this Act -

“the Board”,

“a committee” means a committee established by Head 21;

“company” has the meaning it has in the Companies Act 1963 as amended;

“Director” has the meaning assigned to it by Head 23;

“functions” includes powers and duties and references to the performance of functions includes as respects powers and duties, references to the exercise of powers and the carrying out of the duties;

“the Hall” means the National Concert Hall;

“the Minister” means the Minister for Arts, Heritage and the Gaeltacht;

“development” has the meaning assigned under section 3 of the Planning and Development Act 2000

“a subsidiary” means a subsidiary within the meaning of section 155 of the Companies Act 1963;

“Superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

<p>(2) A reference in this Act to a section, Part or Schedule is a reference to a section or Part of or Schedule to this Act unless it is indicated that reference to some other enactment is intended.</p> <p>(3) A reference in this Act 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.</p> <p>(4) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted, whether before or after the commencement of this section, by or under any subsequent enactment.</p> <p>Explanatory Note</p> <p>This section will provide the interpretation for all the various terms used in this Act.</p>
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RECOMMENDATION 1: The Joint Committee noted that no interpretation of ‘the Board’ is given in this Head and recommended that such an interpretation be given in the Bill.

7.3 Head 3 – Orders and Regulations

Head 3 provides that all orders or regulations made by the Minister under this Bill are laid before the Houses of the Oireachtas as soon as possible.

<p>Provide that:</p> <p>The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed, or for the purpose of giving effect to this Act.</p> <p>The regulations may contain such consequential, supplementary or incidental provisions as may be necessary or expedient for that purpose.</p> <p>Every order and regulation made under this Act by the Minister shall be laid before each House of the Oireachtas as soon as practicable after it is made and if a resolution annulling it is passed by either House within the next 21 days on which the House has sat after the order or regulation is laid before it, the order or regulation shall be annulled but without prejudice to the validity of anything previously done under the order or regulation.</p> <p>Explanatory Note</p> <p>This is a standard provision covering the laying before the Houses of the Oireachtas of any orders or regulations made under this Act.</p>
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7.4 Head 4 – Expenses of the Minister

Head 4 provides for the payment of any expenses incurred by the Minister, in the administration of the National Cultural Institutions (National Concert Hall) Act, out of monies provided by the Oireachtas.

Provide that:

The expenses incurred by the Minister in the administration of this Act shall, to such an extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

Explanatory Note

This is a standard provision that allows for the payment of any expenses incurred by the Minister in the administration of the Act out of monies provided by the Oireachtas.

7.5 Head 5 – Amendment of Legislation

Head 5 lists the Acts and statutory instruments in which the National Concert Hall Company Ltd is mentioned.

Provide that:

Wherever the National Concert Hall Company is mentioned in other legislation (other than the Comptroller and Auditor General (Amendment) Act 1993) it should be replaced by the National Concert Hall.

Delete National Concert Hall Company from the Second Schedule of the Comptroller and Auditor General (Amendment) Act 1993.

Explanatory Note

The following is a list of the legislation and statutory instruments in which the National Concert Hall Company is mentioned.

Legislation

Measure	Provision	Effect
Intoxicating Liquor NCH Act 1983	All Act	Licensing of Hall
Finance Act 1992 (now incorporated in Schedule 13 to the Taxes Consolidation Act 1997)	Second Schedule	Exemption – certain taxes
Comptroller and Auditor General (Amendment) Act 1993	Second Schedule	Exclusion – some provisions
Finance Act 1994	Second Schedule	Exemption – certain taxes
Prompt Payment of Accounts Act 1997	Schedule	NCH within the scope of Act
Taxes Consolidation Act 1997	Schedule 4	Exemption – certain taxes
Taxes Consolidation Act 1997	Schedule 13	Accountable persons
Finance Act 2001	S. 171, 172	Duty on NCH liquor licence
Finance Act 2001	S. 234	Tax Clearance Cert – NCH Licence
Valuation Act 2001	Schedule 4	NCH not rateable
Heritage Fund Act 2001	Schedule 9	NCH membership
Finance Act 2003	Section 64	Amendment of Schedule 4 1997 Act
Official Languages Act 2003	First Schedule	NCH within scope of Act
Finance (No. 2) Act 2008	S. 59	Increase in duty on licence
Statutory Instruments		
Ombudsman Act Order	S.I. 69/1985	NCH within the scope of the Act
Occupational Pension Regulations	S.I. 37/1991	Funding standard for NCH Scheme

7.6 Head 6 – Establishment Day

Head 6 authorises the Minister to appoint the day on which to bring the National Concert Hall into existence.

Provide that:

The Minister may by order appoint a day to be the establishment day of the National Concert Hall.

Explanatory Note

This enables the Minister to appoint a day way of Ministerial Order for the National Concert Hall to come into existence. This Order should not require a motion of each of each House of the Oireachtas.

7.7 Head 7 – Establishment of National Concert Hall

Head 7 provides for the establishment of the National Concert Hall as a body corporate and with certain powers.

Provide that:

- (1) There shall stand established on the establishment day a body to be known as “National Concert Hall” to perform the functions conferred on it by or under this Act.
- (2) The National Concert Hall shall be a body corporate with perpetual succession and an official seal and with power to
 - sue and be sued in its corporate name
 - with the consent of the Minister for Public Expenditure and Reform, to acquire, hold and dispose of land or an interest in land, and
 - acquire, hold and dispose of any other property.
- (3) The National Concert Hall shall consist of the former National Concert Hall Company.

Explanatory Note

The National Concert Hall was originally established under the Companies Acts as a company limited by Guarantee and not having a Share Capital.

The Joint Committee noted that the National Concert Hall Company Ltd has operated as a company limited by guarantee since its establishment in 1981. The Joint Committee considered the appropriateness of different corporate governance structures and how these would best facilitate the organisational autonomy the National Concert Hall would require in protecting and promoting its artistic integrity, while at the same time being subject to appropriate ministerial control (not including artistic and curatorial). The Joint Committee considered the balance necessary to preserve a public sector ethos while at the same time allowing the Hall to engage successfully in commercial activities.

The Joint Committee noted the advantages of establishing the National Concert Hall on a statutory basis:-

- (1) Providing it with the same statutory status as other national statutory cultural bodies;
- (2) Strengthening its mandate and organisational capacity through the articulation of its statutory functions, together with governance provisions appropriate to the commercial challenges it faces;
- (3) Securing its position as a cultural asset of national and international importance;
- (4) Furthering its development as a national centre of excellence for the performance of music;

The Joint Committee also noted other options for the National Concert Hall:-

- (1) Remaining a company but with revisions made to the Memorandum and Articles of Association;
- (2) Remaining a company but one established by an Act of the Oireachtas.

RECOMMENDATION 2: The Joint Committee agreed that the best option open to the Government and the National Concert Hall Company was to establish the National Concert Hall on a statutory basis as outlined in the General Scheme of the National Cultural Institutions (National Concert Hall) Bill 2014 but incorporating the recommendations made by the Joint Committee in this report.

7.8 Head 8 – Seal of the National Concert Hall

Head 8 provides for the seal of the National Concert Hall and for the courts to take notice of it.

Provide that:

- (1) The seal of the National Concert Hall shall be authenticated by the signature of its Chairperson or another member of the Board authorised by it to act in that behalf and by the signature of an officer of the Board authorised by it to act in that behalf.
- (2) All courts shall take judicial notice of the seal of the National Concert Hall and every instrument purporting to be an instrument made by the National Concert Hall and to be sealed with its seal (purporting to be authenticated in accordance with subsection (1) shall be received in evidence and be deemed to be such instrument without further proof, until the contrary is shown.

Explanatory Note

The purpose of this section is to enable the National Concert Hall to hold its seal and it obliges courts to take notice of the seal and documents sealed with the seal.

7.9 Head 9 – Functions of the National Concert Hall

Head 9 details the National Concert Hall's primary and ancillary functions.

Provide that:

- (1) The principal function of the Hall / the Board shall be to promote and encourage the performance of music to the highest standards, to further and promote public knowledge, appreciation and enjoyment of music, drama, ballet and the like arts.
- (2) The Hall / the Board shall do all things necessary and reasonable to further its principal functions and perform its functions in the public interest.
- (3) Without prejudice to the generality of subsections (1) and (2), the Hall / the Board may
 - (a) Provide a prestigious National Concert Hall for the promotion of concerts and recitals of musical works of artistic, educational or cultural value ("Concert Hall").
 - (b) Provide facilities for practice, rehearsals and performances by the National Symphony Orchestra, subject to such financial and other arrangements as may be determined by the Board from time to time.
 - (c) Purchase, manufacture make or hire stage lighting, sound appliances, amplification, electronic equipment, television cameras, stage fittings, stage properties and effects and personal property of every description required for the purposes of the Company.
 - (d) Enter into arrangements, agreements, contracts and engagements with recording companies, film companies, audio visual companies, television broadcasting and other authorities and with festival, opera, ballet, theatrical and musical bodies and societies, impresarios, concert agents and artistic directors for providing performance os music suitable for their programmes.
 - (e) Enter into arrangements, agreements, contracts and engagements with orchestras, ensembles, groups, choirs, soloists, producers, orchestral players, singers, actors, dancers, entertainers, administrators, managers and other persons necessary and proper for the carrying into effect of the functions in this section.
 - (f) Enter into arrangements, agreements, contracts and engagements with composers, arrangers, authors, playwrights, poets, artists, choreographers, designers or any other persons for the musical performance or presentation of their works, and subject to the terms of such arrangements, agreements and contracts to sell the rights acquired by the Hall / the Board as it thinks fit; to commission musical compositions, to act as promoters, impresarios and agents, and to provide all services by artists.
 - (g) Carry out research, investigations and experimental work of every description in relation to any of the objects herein mentioned.
 - (h) Advise and co-operate as appropriate with Government Departments, the Arts Council / An Chomhairle Ealaion, Raidió Teilifís Éireann, local authorities and other bodies or persons on any matters concerned directly or indirectly with the main objects.
 - (i) Admit the public or private groups or persons to recitals or concerts and to charge and collect admission fees of every description to such performances and to apply same towards the upkeep of the Concert Hall or the payment of salaries of persons employed by the Hall / the Board and to share with or donate same in whole or in part to any bodies or the musicians, artists, promoters or otherwise as appropriate at such performances.

- (j) Solicit, collect and receive subscriptions or gifts of all descriptions whether absolute or conditional for the purposes of the Hall and to accept donations upon any special trusts within the limits of the objects for which the Hall is established. Without limitation, to cooperate with any foundation which may be established to further the aims of the Hall.
 - (k) Invest any part of the moneys of the Hall / the Board not immediately required for its objects in trustee securities as provided under the Trustee Act, 1893 as extended by the Trustee (Authorised Investments) Act, 1958.
 - (l) Carry on the business of concert hall proprietors, managers or agents, to provide for exhibitions and for the production, presentation, management, conduct and performance of concerts, lectures, conferences, musical events, shows, ballet and other musical or artistic performances and to make or participate in the making of films, documentaries, sound recordings or television productions or other similar activities and to participate in or undertake the distribution and sale thereof within or without the State and generally to engage in any undertaking for public or private entertainment, instruction or amusement.
 - (m) Apply for or acquire licences of every description for the sale of intoxicating liquor, minerals or sweets and to apply for or acquire restaurant certificates, refreshment house licences or other similar certificates or licences and to carry on business as vintners, bar owners, publicans, refreshment house-keepers or restaurateurs.
 - (n) Acquire copyrights, inventions, rights of production licences and privileges and other rights and interests in the publication, display, recording, presentation and reproduction of works of music, pictures, books, songs, art and other works, to deal with such rights and interests, to grant licences or copyrights in respect of any property of the Hall / the Board, to buy, sell and deal in musical instruments, musical manuscripts, scores and/or parts published or otherwise, to make all necessary arrangements, agreements and contracts with publishers and owners of copyrights and to act as musical and artistic agents.
 - (o) Engage in any kind of publicity for the purposes of fostering the functions of the Hall / the Board, and to print, publish and distribute and arrange the printing, publication and distribution of any literature, catalogues, programmes, music, periodicals, books or leaflets as the Hall / the Board may think fit.
 - (p) Maintain and operate banking accounts and to draw, accept, endorse and issue cheques and other negotiable or transferable instruments.
 - (q) Do all or any of the above things as principals, agents, contractors, trustees or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others and to do all such other things as are incidental or conducive to the attainment of the above object.
- (4) The Minister may give general policy directions in writing to the Hall / the Board in relation to the performance of the functions of the Hall / the Board with the exception of functions relating to artistic and curatorial matters.
 - (5) Nothing in directions given under subsection (3) is to be construed as preventing the Hall / the Board from, or limiting the Hall / the Board in, performing its functions.
 - (6) The Hall / the Board shall comply with a direction given by the Minister under subsection (3).

Explanatory Note

This section contains the primary functions of the National Concert Hall and ancillary functions.

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:-

“Much of what is contained in the general scheme is taken from the memorandum and articles of association, which are more than 30 years old and which were written in a different context ... It needs some reflection at a policy level, as well as simpler and more clear language as to its particular remit, and this is what we have sought to offer the Department. We want to be absolutely clear that the board has the powers to deliver on this.”

RECOMMENDATION 3: The Joint Committee agreed that the National Concert Hall should be designated as a national cultural institution for music with its principal functions being to:-

- (1) Provide a national venue in Ireland for the performance of music and the arts;**
- (2) Provide a venue for the performance of music of the highest international standard and for the promotion of artistic, creative, cultural, educational and musical activities;**
- (3) Promote and support the creation, enjoyment, knowledge and performance of music as an integral part of Irish life;**
- (4) Encourage and promote diversity, inclusivity and participation through experimentation and involvement in music by composers and performers and by individuals and communities;**
- (5) Develop and maintain a comprehensive programme of activities, drawing on the expertise and experience of national and international artists, composers, performers and other experts;**
- (6) Provide adequate facilities to various artists and organisations including Raidió Teilifís Éireann, subject to such financial and other arrangements as may be necessary;**
- (7) Provide a setting for the appreciation, exhibition and performance of other art forms or creative activities subject to fulfilling its own mandate and terms of reference.**

The Joint Committee noted that in contrast to the Raidió Teilifís Éireann Symphony Orchestra, the Raidió Teilifís Éireann Concert Orchestra must apply for dates to perform in the National Concert Hall, and recording and live broadcasting of its concerts are subject to the availability of the necessary human and financial resources there. The Joint Committee noted that the Raidió Teilifís Éireann Concert Orchestra promoted more than 40 events in the National Concert Hall in 2013.

RECOMMENDATION 4: The Joint Committee agreed that the National Concert Hall (National Concert Hall) Bill 2014 should provide a recognised status for Raidió Teilifís Éireann and its performing groups in respect of the National Concert Hall and oblige the National Concert Hall to proactively sustain its relationship with Raidió Teilifís Éireann and with its performing groups.

The Joint Committee expressed concern in respect of Head 9(3) which allows for the Minister to ‘give general policy directions in writing to the National Concert Hall in relation to the performance of its functions with the exception of functions relating to artistic and curatorial matters’.

“A particular head would be required to define when an issue is not artistic and when it is not business. It is fairly predominant throughout the proposed scheme that the Minister has a huge amount of power in terms of managing and interfering, with no arm’s-length principle, and that he or she can find many different ways to influence the board.”

In response, the Department of Arts, Heritage and the Gaeltacht stated:-

“It was not the intention for the Minister in any way to step into the curatorial and artistic functions of the board or the director of the National Concert Hall, or any cultural institution for that matter. ... We are discussing the general scheme of the Bill and if the position needs to be clarified further then it is open to the Committee to ask that it would be done.”

RECOMMENDATION 5: The Joint Committee agreed that for the avoidance of doubt, the arms-length principle with regard to artistic programming should be enshrined in the National Concert Hall (National Concert Hall) Bill 2014 and the Bill should clearly state that any ‘general policy directions’ issued by the Minister will in no way influence or interfere with decisions relating to artistic and curatorial matters.

7.10 Head 10– Powers of the National Concert Hall

Head 10 provides the National Concert Hall with the necessary powers to perform its functions, including the power to enter into arrangements or agreements with third parties as necessary.

Provide that:

- a. Subject to this Act, the Hall / the Board shall have power to do anything that appears to it to be requisite, advantageous or incidental to, or to facilitate, the performance of its functions, including the making of arrangements with any person or body to assist the Hall / the Board or in the proper discharge of any of its functions.
- b. The Hall / the Board may enter into agreements with other bodies or persons in order to carry out its functions whether by means of a concession, joint venture, public private partnership or any other means.
- c. The Hall / the Board may recover as a simple contract debt in any court of competent jurisdiction from the person by whom it is payable.

Explanatory Note

This section deals with the powers of the National Concert Hall.

Some fundamental questions for Ireland were raised at a Royal Irish Academy seminar convened on 26 March 2014 to explore international best practice in the governance of national cultural institutions:-

“It will be noted that the rate of Structural alteration and reclassification of cultural functions within and between government Departments and agencies has become particularly turbulent since 1993, the year the first full cabinet level minister for cultural matters was appointed.

Against this background, the recent proposals to alter the governance structures of the National Museum and the National Library are, it will be argued, merely the latest instance of a wider challenge: finding a stable framework within which to manage the State’s responsibilities for culture. The quality of governance in publicly funded cultural institutions is determined to a considerable extent by the broader governmental structures and political culture within which they sit. The history of national institutions in Ireland reveals a fundamental ambivalence about whether they should be treated as functional arms of government or arm’s length bodies with independent boards.

Some of the reasons for this will be explored. Drawing upon J. Mark Schuster’s five tools of government action, it will be suggested that Irish governmental attempts to allocate responsibilities between departmental and non-departmental bodies has been characterised by a muddled application of two of these tools: ‘ownership and operation’ and ‘regulation’.

Given the complex, multidisciplinary demands posed by cultural policy formulation and execution in a contemporary, globalised world, it will be suggested that there may be a need for better training of those civil servants and key decision makers involved in formulating cultural policy and devising its executive structures.”

Mr Pat Cooke, National University of Ireland Dublin, School of Art History and Cultural Policy
<http://www.ria.ie/getmedia/21da699e-649b-400e-9adb-33f2c5202c61/Pat-Cooke-Abstract.pdf.aspx>

Seminar overview
<http://www.ria.ie/Events/Events-Listing/Academy-Seminar--Governance-of-Cultural-Institutio?lang=ga-IE>.

State bodies are either wholly owned or substantially owned by the State. While their boards are independent, their powers and duties are set either by statute or by Ministerial authority and they are appointed by, and responsible to, Ministers and the Government. One of their key tasks is to define their mission, to decide their strategic aims and to develop their policies.

http://www.governance.ie/reference/reporting_relationships/

Some State bodies are registered as companies under the Companies Acts 1963 to 2006 and under these Acts the board members, as ‘directors’, are subject to the legal and fiduciary obligations imposed on company directors by statute and at common law.

2009 code of practice for governance of state bodies (PAI, Journal Issue 59 June 2009)
<http://www.beauchamps.ie/downloads/IR%20PAI.pdf>

However, most State bodies are incorporated by statute and accordingly are not subject to the Companies Acts. Board members are not directors and the legal obligations imposed on registered company directors do not apply to them. These companies and their subsidiaries are required to adopt the ‘Code of Practice for the Governance of State Bodies’ published by the Department of Finance in 2001 and to confirm its adoption to the relevant Minister. The Code provides a corporate governance best practice framework and makes provision for all aspects of corporate governance including codes of conduct, diversification, disposal of assets and access by third parties, establishment of subsidiaries and acquisitions by state bodies, internal audit, investment appraisal, procurement and importance of procurement function, remuneration and directors’ fees, reports and accounts of state bodies, reporting additional to annual report and accounts, strategic and corporate planning, tax clearance procedures and tax compliance.

http://www.governance.ie/reference/code_of_practice_for_the_governance_of_state_bodies/

Other guidelines and recommendations include:-

- (1) Report of the Working group on the Accountability of Secretaries General and Accounting Officers (Mullarkey Report 2002);

<https://www.dcu.ie/sites/default/files/ocoo/5.%20Mullarkey%20Report%202003.pdf>

- (2) Public Management Review – Towards an Integrated Public Service (Organisation for Economic Co-operation and Development, 2008) subsequently addressed the relationship between Irish agencies, semi-State Bodies;

Executive summary

http://www.oecd-ilibrary.org/governance/oecd-public-management-reviews-ireland-2008/executive-summary_9789264043268-2-en

- (3) Report of the Taskforce on the Public Service (November 2008).

http://per.gov.ie/wp-content/uploads/Transforming_Public_Services_Report.pdf

In addition to the above, the National Concert Hall is also guided by its own Memorandum and Articles of Association.

The Government is committed to reviewing existing agencies and introducing new governance and performance frameworks and it has, already, in May 2009, updated the Code of Practice to address such matters as:-

- (1) Salaries of Chief Executive Officers of commercial State Bodies;
- (2) Tax clearance procedures for public sector contracts;
- (3) Ethics and Standards in Public Office legislation.

The revised guidelines concede that some State bodies may consider that certain requirements may have a disproportionate effect on them because of the nature and scale of their activities, the resources available to them and their governing statutes.

<http://govacc.per.gov.ie/files/2012/03/codepractstatebod09.pdf>

Corporate governance in the private and public sector do not always operate to different rules and there are many commonalities, linkages and lessons applicable to both sectors:-

“In order to carry out its ownership functions, the government should refer to private and public sector governance standards, notably the OECD [Organisation for Economic Cooperation and Development] Principles of Corporate Governance, which are also applicable to SOEs [State Owned Enterprises].”

OECD Guidelines on Corporate Governance of State-owned Enterprises, 2005, page 24

In the public sector, there are four categories of governance including Government departments, non-commercial local and regional bodies such as local authorities, State agencies such as the Health Service Executive and commercial State-owned enterprises such as Bord na Móna.

Ownership of a number of Irish commercial enterprises is spread across various departments, with the Department of Finance or the Department of Public Expenditure and Reform playing a coordinating role. In most cases, ownership is shared between these departments and the relevant sectoral department.

The Corporate Governance of Commercial State-owned Enterprises in Ireland (2009),
CPMR Research report no.9

http://www.ipa.ie/pdf/cpmr/reports/CPMR_RR9_Corporate_Governance_of_Stateowned_Enterprises_Ireland.pdf

RECOMMENDATION 6: The Joint Committee agreed that the principal functions of the Board of National Concert Hall should to:-

- (1) Govern and oversee business;**
- (2) Appoint a Chief Executive Officer, to be known as the Director;**
- (3) Appoint officers and employees of the Board as it deems appropriate;**
- (4) Oversee and support the work of the Director, senior management and employees;**
- (5) Promote and safeguard the National Concert Hall and its reputation and ensure it is managed efficiently, cost effectively and in a manner consistent with legislation and ministerial oversight;**
- (6) Enter into requisite and advantageous arrangements, including contracts and licencing, to ensure financial viability and sustainability;**
- (7) Ensure financial management and management of reserves, in accordance with best practice;**
- (8) Prepare and adopt draft statements of strategy and annual business plans consistent with ministerial oversight;**
- (9) Report annually on activities;**
- (10) Engage with third parties in pursuit of objectives and in furtherance of a national cultural strategy subject to ministerial determination.**

7.11 Head 11 – Conferral of additional functions on the National Concert Hall

Head 11 allows the Minister to confer additional functions on, or to revoke functions previously conferred on, the National Concert Hall.

Provide that:

- (1) The Minister may, if he or she so thinks fit, by order, confer on the Hall / the Board such additional functions connected with the functions for the time being of the Hall / the Board or the services or activities that the Hall / the Board is authorised to provide or carry on, as he or she thinks fit subject to such conditions (if any) as may be specified in the order.
- (2) An order under this section may contain such incidental, supplementary and consequential provisions as may in the opinion of the Minister be necessary to give full effect to the order.
- (3) The Minister may, by order amend, or revoke an order under this section (including an order under this subsection).
- (4) Every order under this section shall be laid before the Houses of the Oireachtas as soon as may be made and if a resolution is passed by either such House within the next 21 days, the order shall be annulled accordingly but without prejudice to the validity of anything previously done.

Explanatory Note

This section is to enable the Minister to confer additional functions on the National Concert Hall by way of statutory instrument. The Minister should also be able to revoke decisions to confer additional functions. Any order of this nature is required to be laid before the Houses of the Oireachtas.

The Joint Committee noted that the Minister may, by order, confer additional functions on the National Concert Hall.

RECOMMENDATION 7: The Joint Committee agreed, as agreed concerning Head 9 of the General Scheme of the National Concert Hall (National Concert Hall) Bill 2014, that for the avoidance of doubt, the arms-length principle with regards to artistic programming should be enshrined in the Bill and that the wording of subsection (1) of Head 11 should reflect this principle.

RECOMMENDATION 8: The Joint Committee agreed that the relevant Oireachtas Committee should have a role in the conferral of, or the revocation of, functions or extra functions from the National Concert Hall.

7.12 Head 12 – Prohibition of unauthorised disclosure of confidential information

Head 12 prohibits the unauthorised disclosure of confidential information by persons connected with the National Concert Hall. In such instances, the Minister can remove members of the Board, a committee or the board of a subsidiary. It will be a matter for the National Concert Hall to deal with the other people mentioned in the section.

Provide that:

- (1) A person shall not, unless authorised by the Hall / the Board or by an employee of the Hall / the Board duly authorised in that behalf to do, or as appropriate a board of a subsidiary of the Hall / the Board or an employee of that board duly authorised in that behalf to do, or required by law so to do, disclose confidential information, obtained by him or her in his or her capacity, or while performing duties, as any of the following:
 - (a) a member of the Board of the Hall or a committee,
 - (b) a member of a board of a subsidiary,
 - (c) a member of the staff of the Hall / the Board or a subsidiary,
 - (d) a consultant or adviser engaged by the Hall / the Board or a subsidiary, or an employee of such a consultant or adviser,
 - (e) or a person engaged by the Hall / the Board or a subsidiary in any other capacity.
- (2) Where the Minister is satisfied that a member of the Board of the Hall or a committee or a member of a board of a subsidiary has disclosed confidential information without authorisation, he or she may remove that member from office and if a person is so removed, he or she shall then be disqualified for being a member of the Board of the Hall or a committee or a member of a board of a subsidiary.
- (3) Where any other person mentioned in subsection (1) discloses confidential information without authorisation, the Hall / the Board or the subsidiary shall decide the appropriate action to be taken including the termination of the contract of service or a contract for services with the person.
- (4) Nothing in this section shall prevent the disclosure of information to the Hall / the Board or as appropriate, a subsidiary or by or on behalf of the Hall / the Board to the Minister.
- (5) In this section, confidential information includes:
 - (a) information that is expressed by the Hall / the Board or a subsidiary to be confidential either as regards particular information or as regards information of a particular class or description, and
 - (b) information relating to proposals of a commercial nature or to tenders submitted to the Hall / the Board or a subsidiary by a contractor, a consultant or any other person.

Explanatory Note

This section is to provide a prohibition against the unauthorised disclosure of confidential information by members of the Board of the National Concert Hall, a committee or members of a board of a subsidiary. It also applies to staff of the National Concert Hall or a subsidiary, consultants or advisers or employees of same or any person engaged in any other capacity. The Minister can remove members of the Board of the National Concert Hall, a committee or a member of a board of a subsidiary for unauthorised disclosure of confidential information. It will be a matter for the National Concert Hall to deal with the other people mentioned in the section.

7.13 Head 13 – Statement of Strategy (Statement of Strategy, Business Plan and Annual Report)

Head 13 authorises the Board of the National Concert Hall to adopt a statement of strategy for a period of three years and to provide an opportunity to the general public to comment on the draft strategy before it is adopted.

Provide that:

- (1) The Board / the Hall shall
 - (a) prepare and adopt a statement of strategy for a period of three years and
 - (b) submit the statement to the Minister –

not less than 6 months after the commencement of this subsection,

not later than 6 months after the appointment of a new Minister having charge of the Department of Arts, Heritage and the Gaeltacht if that Minister requests that a statement of strategy be submitted, or

not later than 6 months after the beginning of the term of office of each new Board / the Hall appointed under this Act.
- (2) The Board / the Hall shall prepare a statement of strategy in a form and manner in accordance with any directions issued by the Minister and shall ensure that the statement specifies:
 - (a) the key objectives of the Hall / the Board for the period to which the statement relates and the strategies for achieving those objectives,
 - (b) the manner in which the Board / the Hall proposes to measure the achievement of those objectives and
 - (c) the uses for which the Board / the Hall proposes to apply the resources of the Hall.
- (3) The Board / the Hall shall, in preparing the statement of strategy, have regard to the policies of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the Hall.
- (4) The Board / the Hall shall ensure that
 - (a) a draft of the statement of strategy that it proposes to adopt under this section is published in the prescribed manner, not later than 2 months before the time when the Board is to submit a statement of strategy to the Minister under subsection 1(b);
 - (b) when the draft is published, an invitation is issued to members of the public, any organisation and anybody to comment on the draft before a date, which shall not be earlier than one month after the date of the publication, which the Board / the Hall specifies in the invitation, and
 - (c) it considers any comments received under paragraph (b) in preparing the statement of strategy that it submits to the Minister under this section.
- (5) The Minister may direct the Board / the Hall to amend a statement of strategy to the Minister, except in the areas of artistic and musical matters, if, in the Minister's opinion, the statement
 - (a) does not contain any information required under subsection (2),

<p>(b) does not comply in any other respect with subsection (2), or</p> <p>(c) has been prepared without regard to the policies referred to in subsection (3).</p> <p>(6) The Board / the Hall shall comply with a direction given to it under subsection (5) within the period, if any, specified in the direction, being a period reasonable in the circumstances.</p> <p>(7) The Board / the Hall may amend an adopted statement of strategy and, in any case,</p> <p>(a) subsections (2) to (6) shall, with all necessary modifications, apply to the preparation of the amended statement as they apply to a statement of strategy prepared under subsection (1), and</p> <p>(b) the Board / the Hall shall adopt the amended statement and submit to the Minister not later than 3 weeks after the date on which the Board / the Hall adopted the amended statement.</p> <p>(8) Nothing in a statement of strategy is to be construed as preventing the Board / the Hall from, or limiting the Board / the Hall in, performing its functions.</p> <p>Explanatory Note</p> <p>The purpose of this provision is to provide that the Board of the Hall shall adopt a statement of strategy.</p>

RECOMMENDATION 9: The Joint Committee agreed, as agreed concerning Head 9 of the General Scheme of the National Concert Hall (National Concert Hall) Bill 2014, that for the avoidance of doubt, the arms-length principle with regards to artistic programming should be enshrined in the Bill and that the wording of subsection (5) of Head 13 should reflect this principle.

7.14 Head 14 – Publication and Implementation of Statement of Strategy

Head 14 provides that statements of strategy be laid before each House of the Oireachtas and that the Board of the National Concert Hall submits progress reports on their implementation.

<p>Provide that:</p> <p>(1) The Minister shall ensure that a copy of a statement of strategy or an amended statement of strategy is laid before each House of the Oireachtas within 21 days after the statement is received by the Minister.</p> <p>(2) The Board / the Hall shall ensure, that as soon as practicable after copies of a statement of strategy (or of an amended statement of strategy) are laid before the Houses of the Oireachtas, the statement is published in the prescribed manner.</p> <p>(3) The Board / Hall shall submit progress reports to the Minister on the implementation of a statement of strategy or an amended statement of strategy, as the case requires-</p> <p>(a) In its annual report, and</p>

- (b) In such other manner and at such intervals as the Minister may direct.
- (4) During the specified period, the Freedom of Information Acts 1997 and 2003 shall not apply to a record containing
 - (a) a statement of strategy, or an amendment to a statement of strategy, that has not been adopted by the Board / Hall , or
 - (b) a preliminary or other draft of all or part of the contents of a statement of strategy or of an amendment to a statement of strategy.
- (5) In subsection (4), "specified period", in relation to a record, means a period of 5 years commencing on the date of creation of the record.

Explanatory Note

The purpose of this provision is to deal with the publication and implementation of the Statement of Strategy of the National Concert Hall.

7.15 Head 15 –Business Plan

Head 15 authorises the Board of the National Concert Hall to adopt business plans for periods as determined by the Minister and to submit these to the Minister, who shall ensure they are laid before the Houses of the Oireachtas and published. Notwithstanding this the Minister shall not issue directions in relation to artistic and musical matters.

Provide that:

- (1) The Board / Hall shall, in each year, prepare and adopt a business plan in respect of that year or such other period as may be determined by the Minister and submit the plan to the Minister.
- (2) The Board / the Hall shall, prepare a business plan in a form and manner in accordance with any directions issued by the Minister (including any timescale in which the plan must be submitted to the Minister) and shall ensure that the plan
 - (a) Indicates the type and volume of business to be undertaken by the Hall during the period to which the plan relates,
 - (b) Indicates any capital plans proposed by the Hall,
 - (c) Contains estimates of the number of employees of the Hall for the period and the business to which the plan relates, and
 - (d) Contains any other information specified by the Minister.

Notwithstanding the above, the Minister shall not issue directions in relation to artistic and musical matters.

- (3) In preparing a business plan, the Board / the Hall shall have regard to
 - (a) The statement of strategy in operation at the time,
 - (b) Any directions issued by the Minister under section? and
 - (c) The policies and objectives of the Minister and the Government as they relate to the functions of the Hall.

- (4) The Board / Hall shall submit to the Minister with a business plan a statement of its estimate of the income and expenditure relating to the plan that is consistent with the moneys estimated to be available to the Hall for the period to which the business plan relates.
- (5) The Minister shall ensure that copies of a business plan submitted to the Minister are laid before the Houses of the Oireachtas and that the plan is published in the prescribed manner.
- (6) The Board / Hall may amend an adopted business plan, in any such case –
 - (a) Subsections (2) to (5) shall, with all necessary modifications, apply to the preparation of the amended plan as they apply to a business plan prepared under subsection (1), and
 - (b) The Board / the Hall shall adopt the amended plan and submit it to the Minister not later than 3 weeks after the date on which the Board adopted the amended plan.

Explanatory Note

The purpose of this section is to describe the requirements for the National Concert Hall to prepare a business plan for the Hall.

7.16 Head 16 – Reports and Information to Minister

Head 16 authorises the Board of the National Concert Hall to submit annual reports to the Minister, who shall ensure these are laid before each House of the Oireachtas.

Provide that:

- (1) The Board / Hall shall, as soon as may be, but not later than 3 months, after the end of each financial year of the Hall or such further period, not exceeding 3 months, as the Minister permits, submit to the Minister a report (in this section referred to as the "annual report") of its activities during the immediately preceding financial year.
- (2) The Minister may specify, by direction in writing to the Board / the Hall, any information which is required to be included in the annual report and the Board / the Hall shall comply with such direction.
- (3) The Minister shall ensure that copies of the annual report are laid before each House of the Oireachtas as soon as may be after the report is received by the Minister.

Explanatory Note

The purpose of this section is to set out the requirements of the Hall in relation to the provision of the Annual Report to the Minister.

7.17 Head 17 – Board of the Hall

Head 17 authorises the Minister to appoint a chairperson and 8 other members of the Board of the National Concert Hall. Appointments must have regard to an independent assessment process, endeavour to ensure an equitable balance between men and women and have regard to the need for appropriate expertise. Appointments shall be made on the basis of 3, 4 and 5 year periods.

Provide that:

- (1) The members of the Board of the Hall shall consist of a chairperson and 8 other members. The chairperson and members of the Board shall be appointed by the Minister.
- (2) All appointments by the Minister shall have regard to an independent assessment process, based on a published skills matrix to be drawn up by the Minister, and managed by the Public Appointments Service.
- (3) The Minister shall, to the greatest extent practicable, endeavour to ensure that there is an equitable balance between men and women in the membership of the Board.
- (4) All appointments to the Board shall have regard to the need for appropriate expertise on the Board such as skills and/or expertise in arts and music, learning and access, finance, business, administration, marketing, fundraising and philanthropy.
- (5) The chairperson shall hold office for a period of 5 years from the date of his or her appointment and shall not be eligible for re-appointment after serving 2 terms of 5 years (for which purpose chairmanship of the Board which occurred before the commencement of this section shall be taken into account and whether or not consecutive).
- (6) The persons first appointed as ordinary members shall hold office as follows:
 - 3 of the members shall hold office for the period of 3 years from the date of their appointment
 - 3 of the members shall hold office for the period of 4 years from the date of their appointment
 - 2 of the members shall hold office for the period of 5 years from the date of their appointment

These terms shall be treated as full terms for the purposes of subsection (10).
- (7) Members who are to hold office for the periods set out in the previous subsection shall be decided by lot to be drawn in such manner as may be decided by the Minister.
- (8) Subject to subsection (7), an ordinary member shall serve for a period of 5 years from the date of his or her appointment.
- (9) A person shall not be eligible for reappointment where he or she has served 2 terms of 5 years as a member of the Board (for which purpose chairmanship or membership of the Board which occurred before the commencement of this section shall be taken into account and whether or not consecutive).
- (10) Members of the Board of the National Concert Hall Company who held office before the enactment of this Act shall cease to hold office upon such enactment but such members shall be eligible to be appointed as a member of the Board of the Hall subject to subsections (7), (8), (9) and (10).

Explanatory Note

The purpose of this section is to deal with the appointment of the members of the Board of the National Concert Hall.

All appointments (including the Chairperson) shall be made by the Minister. The appointments shall have regard to an independent assessment process, based upon a published skills matrix to be drawn up by the Minister and managed through the Public Appointments Service.

All members will be subject to a maximum of 2 terms.

On 30 September 2014, Mr Brendan Howlin TD, Minister for Public Expenditure and Reform announced that a revised model for ministerial appointments to fill vacancies on State boards would be introduced. In future, vacancies would be advertised openly, meet specific and detailed criteria determined by the relevant Minister and be subject to a transparent assessment system.

<http://www.merrionstreet.ie/index.php/2014/09/howlin-announces-revised-model-for-ministerial-appointments-to-state-boards-2/?cat=3>.

Head 17 sets out that all appointments to the Board shall be made by the Minister, who will have (section 2) regard to an “independent assessment process based on a published skills matrix. Referring to this in its submission to the Joint Committee, the Green Party / Comhaontas Glas, questioned whether, in addition, Oireachtas Committees should have a role in proposing nominees to State boards and suggested that the proposed legislation in respect of the National Concert Hall should include such a provision. Both the Broadcasting Act, 2009 and the Inland Fisheries Act, 2010:-

“Provide that a number of Board members may be appointed by the Minister to the Boards established under these statutes on foot of nominations made by the relevant Joint Oireachtas Committee.”

<http://www.irishstatutebook.ie/pdf/2009/en.act.2009.0018.pdf>

The Joint Committee considered:-

- (1) Whether the relevant Oireachtas Committee should have a role in the appointment of the Chairperson of the Board of the National Concert Hall;
- (2) The composition of members of the Board with regard to various different interests including gender balance and whether, in this regard, there should be a provision for at least 40% female representation;
- (3) Whether the Chairperson of the Board and the Director of the National Concert Hall should have a statutory role in advising the Minister on the design of the skills matrix to be drawn up.

The Joint Committee noted that the National Concert Hall is a host for the Raidió Teilifís Éireann orchestras and that both organisations actively collaborate in joint promotions, partnership style initiatives and the promotion of performers and events. The Joint Committee noted, however, that the two organisations are also in competition with each other.

RECOMMENDATION 10: The Joint Committee agreed that the relevant Oireachtas Committee should be provided with a role in proposing nominees to the Board of the National Concert Hall.

RECOMMENDATION 11: The Joint Committee agreed that the relevant Oireachtas Committee should be provided with a role in advising the Minister on whether or not it considered the nominee for Chairperson of the Board of the National Concert Hall to have the competencies necessary to be appointed as Chairperson.

RECOMMENDATION 12: The Joint Committee agreed that the membership of the Board of the National Concert Hall should reflect a balance in terms of artistic disciplines, gender and societal groupings.

RECOMMENDATION 13: The Joint Committee agreed that the membership of the Board of the National Concert Hall should include, at all times, at least one member of the Board, who is either an Irish composer or an Irish musical artist.

RECOMMENDATION 14: The Joint Committee agreed that the Chairperson of the Board and the Director of the National Concert Hall should have a role in advising on the design of the skills matrix to be drawn up in respect of appointees to the Board of the National Concert Hall.

7.18 Head 18 – Terms and Conditions of membership of the Board

Head 18 sets out the conditions of office of the members of the Board of the National Concert Hall. The Minister may remove a member of the Board for stated reasons and subject to certain conditions. A member of the Board may resign. A member of the Board shall be automatically disqualified from office for certain reasons. The Minister may, by order, direct the Board to perform certain functions but may not direct it in relation to artistic or musical matters. The Minister may, in certain circumstances, appoint a person to conduct an independent review of a matter of concern.

Provide that:

- (1) Notwithstanding the previous head and subject to the provisions of this section, a member of the Board of the Hall shall, unless he or she dies, becomes disqualified for, resigns or is removed from office, hold office until the Minister appoints a person to replace that person as a member of the Board of the Hall.
- (2) The Minister may at any time remove from office a member of the Board of the Hall for stated reasons including where the Minister receives a request in writing from the Board of the Hall to terminate the appointment of a member of the Board on the ground that the member has failed to comply with Head 19 subsection (6) and subject to subsection (3).

- (3) The Minister shall not terminate the appointment of a member of the Board pursuant to a request referred to in subsection (2) unless -
- (a) The request is accompanied by evidence which satisfies the Minister that –
 - (i) The member has been given a reasonable opportunity to make representations in writing to the Board to explain the reasons why the member has failed to comply with Head 19 subsection (6), and
 - (ii) The member has failed or refused to make those representations.
 - (b) The request is accompanied by –
 - (i) Evidence which satisfies the Minister that the member has been given a reasonable opportunity to make representations in writing to the Board of the Hall to explain the reasons why the member has failed to comply with Head 19 subsection (6),
 - (ii) Copies of the representations in writing, if any, made by the member to the Board of the Hall , and
 - (iii) A statement by the Board of the Hall that it has given due regard to those representations in writing but has reached the conclusion that they do not afford a reasonable excuse for the member's failure to comply with Head 19 subsection (6),
- And
- (c) Where subparagraph (b) is applicable, the Minister is satisfied that the conclusion referred to in clause (iii) of that subparagraph is reasonable in the circumstances of the case.
- (4) Stated reasons shall include the following but shall not be limited to the following:
- (a) if in the opinion of the Minister the member has become incapable through ill health of effectively performing the duties of the office,
 - (b) the member has committed stated misbehaviour, or
 - (c) the removal appears necessary because the member's behaviour prevents the Board from, or unnecessarily hinders the Board in performing its functions in an effective manner, or
 - (d) the member has contravened an applicable provision of the Ethics in Public Office Acts 1995 and 2001, or
 - (e) in performing functions under this Act, the member has not been guided by a code of conduct that has been drawn up under section 10(3) of the Standards in Public Office Act 2001 and that relates to the member.
- (5) A member of the Board of the Hall may resign from office by notice in writing to the Minister and the resignation shall take effect on the date on which the Minister receives the notice.
- (6) A person shall be automatically disqualified from office and shall cease to hold office as a member of the Board of the Hall or a committee if he or she
- (a) is adjudged bankrupt
 - (b) makes a composition or arrangement with his or her creditors,
 - (c) is convicted of an offence involving fraud or dishonesty whether or not in connection with a company,

- (d) is convicted of an indictable offence,
 - (e) has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act
 - (f) Is the subject of an order under section 160 of the Companies Act 1990, or
 - (g) has a conflict of interest of such significance that, in the opinion of the Minister, requires that he or she should not hold or should cease to hold such office.
- (7) A member of the Board of the Hall shall, subject to the provisions of this Act, hold office upon such terms and conditions, as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform.
- (8) If a member of the Board of the Hall dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office by the Minister, the Minister may appoint a person to be a member of the Board of the Hall to fill the vacancy created.
- (9) A person appointed under the preceding subsection shall hold office for the remainder of term of office of the member who created the vacancy.
- (10) A person appointed under subsection (8) shall be considered to have served a term of office as a member of the Board of the Hall even though he or she held office for only part of the term of office and therefore shall not be eligible for reappointment after 2 terms.
- (11) Subject to any provision dealing with quorums, the Board of the Hall may act notwithstanding one or more vacancies in its membership
- (12) Where the Board of the Hall does not perform any function conferred on it under this Act, the Minister may, by order, direct the Board to perform that function and for that purpose to do such other things ancillary or incidental thereto as may be specified in the order. The Minister may not direct the Board of the Hall in relation to artistic or musical matters.
- (13) Subject to subsection (15), where the Board fails to comply with any direction of the Minister contained in subsection (12), the Minister may, by order, remove from office the members of the Board.
- (14) Subject to subsection (15), the Minister may, by order, remove all the members of the Board of the Hall from office if the Minister is of the opinion that
- (a) the Board fails to achieve a quorum for 3 consecutive meetings,
 - (b) the Board does not comply with a judgement, order or decree of any court,
 - (c) the Board does not comply with a direction of the Minister or any other requirement imposed on it by or under any enactment including this Act, or
 - (d) whether or not following a review under subsection (17), the members' behaviour prevents the Hall from, or unnecessarily hinders the Hall in, performing its functions in an effective manner.
- (15) Every order made under this section shall be laid before the Houses of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly and the member or members concerned shall be restored to office but without prejudice to the validity of anything done by any person or persons appointed to discharge all or any of the functions of the member or members concerned.
- (16) Where the Board fails to achieve a quorum for 3 consecutive meetings, the Director shall, forthwith upon the occurrence of that failure, give the Minister notice in writing of that failure.

- (17) The Minister may, if of the opinion that the Board's functions are not being performed in an effective manner, appoint a person to
- (a) conduct an independent review of any matter giving rise to that opinion, and
 - (b) submit a report to the Minister on the results of the review.
- (18) For the purposes of a review referred to in subsection (17), the Board of the Hall shall give the person conducting the review all reasonable assistance, including access to such premises, equipment and records as the person may require for the purposes of the review.
- (19) The removal of the members of the Board from office does not revoke or otherwise affect any delegation of the Board's functions to the Director under Head 23.
- (20) An order under subsection (12) or (13), may contain such provisions as the Minister considers necessary to enable the functions of the Board of the Hall to be performed notwithstanding the removal from office of its members, and any such order may, in particular appoint a person or persons to discharge all or any functions of the Board of the Hall.

Explanatory Note

The purpose of this section is to set out in detail the conditions of office of the members of the Board of the National Concert Hall.

7.19 Head 19 – Meetings and Procedures

Head 19 provides that the Board of the National Concert Hall shall hold at least 4 meetings in every year at which the quorum for a meeting shall be four including the chairperson.

Provide that:

- (1) The Director shall give notice in writing to members of the Board of the Hall of the time and place of the first meeting of the Board after the appointment of members under Head 53.
- (2) The Board shall meet at the time and place notified by the Director under subsection (1) for its first meeting following the appointment of members.
- (3) The Board of the Hall shall hold at least 4 meetings in every year and may hold such other meetings as may be necessary for the due fulfilment of its functions.
- (4) The Board may hold or continue a meeting by the use of any means of communications by which all the members can hear and be heard at the same time (referred to as an "electronic meeting").
- (5) The Board of the Hall may, by notice in writing given to all the members of the Board, specify the minimum number of meetings of the Board which the members are required to attend.
- (6) The Board may, by notice in writing given to all the members of a committee specify the minimum number of meetings of the committee which the members are required to attend.
- (7) A member of the Board given a notice under subsection (5) or (6) shall take all necessary steps to comply with the notice.
- (8) The quorum for a meeting shall be four including the chairperson.

- (9) At a meeting of the Board, the Chairperson when present shall be the chairperson of the meeting and if the Chairperson is not present or the office of chairperson is vacant, the members of the Board who are present shall choose one of their number to be chairperson of the meeting.
- (10) Every question at a meeting shall be determined by a majority vote of the members of the Board of the Hall present and in the case of an equal number of votes, the chairperson of the meeting shall have a casting vote.
- (11) Subject to this Act, the Board of the Hall shall regulate its procedure (including for electronic meetings) and business by standing order, bye law or otherwise.

Explanatory Note

This section is to deal with meetings and procedures of the Board of the National Concert Hall. The quorum in subsection (8) is based upon a board membership of a chairperson and 8 ordinary members.

7.20 Head 20 – Powers to make Bye-laws

Head 20 enables the National Concert Hall to make byelaws relating to the management of the Hall. A person who contravenes such bye-laws shall be guilty of an offence and shall be liable to a fine.

Provide that:

- (1) The Hall / the Board may make bye-laws for the care, maintenance, management, control, preservation and protection of the Hall and the regulation of the use of the Hall and the maintenance of good order therein.
- (2) Without prejudice to the generality of subsection (1), bye-laws under this section may make provision in relation to one or more of the following matters:
- (a) the regulation of access to the Hall , as the case may be, and the prohibition of access thereto at specified places and at specified times,
 - (b) the protection of and the prevention of damage or injury to property in the Hall , as the case may be,
 - (c) the prohibition of access by named persons for reasons stated,
 - (d) the enforcement of bye-laws.
- (3) Bye-laws under this section may contain all such incidental, subsidiary and ancillary provisions as the Hall / the Board considers necessary or expedient for the purposes of this section.
- (4) A person who contravenes a bye-law under this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €XXX.
- (5) Fees or charges received by the Hall / the Board in pursuance of bye-laws under this section and any other income received by a Board in the performance of functions under this Act shall be disposed of by the Board for the purposes of those functions.
- (6) Proceedings for an offence under this section may be brought and prosecuted by the Director, acting for the Hall / the Board.

- (7) As soon as may be after the making of a bye-law under this section, copies of it shall be displayed in the Hall, as the case may be, so as to be seen and be capable of being read by the persons using the said Hall.

Explanatory Note

The purpose of this section is to enable the Hall to make byelaws.

7.21 Head 21 – Committees

Head 21 provides for the Board of the National Concert Hall to establish additional committees to assist and advise it. It may dissolve such committees at any time.

Provide that:

- (1) The Board of the Hall may establish additional committees to assist and advise it on matters relating to any of its functions.
- (2) A committee referred to in sub-section (1) shall consist of a chairperson and such number of other members as the Board of the Hall may determine and may include people who are not members of the Board of the Hall or its staff.
- (3) The Chairperson and other members of a committee shall be appointed by the Board of the Hall upon such terms and conditions as the Board shall determine.
- (4) A member of a committee may be removed at any time from membership of the committee.
- (5) The Board of the Hall may at any time dissolve a committee.
- (6) The Board of the Hall may regulate the procedure and business of a committee but, subject to any such regulation by the Board, a committee may regulate its own procedure and business.
- (7) A committee may act notwithstanding one or more vacancies in its membership.

Explanatory Note

The purpose of this section is to give the Board of the Hall the power to establish the usual committees that a Board would establish e.g. finance committee, audit committee, remuneration committee.

7.22 Head 22 – Expenses of Members of the Board of the Hall and Committees

Head 22 provides that the Chairperson and members of the Board of the National Concert Hall shall not be remunerated for their membership. They, and members of established committees, shall be paid travel and subsistence expenses incurred in attending meetings or in connection with the affairs of the Board.

Provide that:

- (1) Subject to subsection (2), the Chairperson and ordinary members shall operate as honorary members and shall not be entitled to be remunerated.
- (2) The Chairperson, ordinary members of the Board of the Hall or committees established by the Board shall be paid by the Hall such allowances for travelling and subsistence expenses incurred in respect of the member's attendance at a meeting of the Board or of the committee, as the case may be, or otherwise in connection with the affairs of the Board as the Minister, with the approval of the Minister for Public Expenditure and Reform, may determine.

Explanatory Note

This provision is to deal with 2 matters. The first is that the Chairperson and members of the Board shall operate on a pro bono basis. The second is to provide for the payment of travelling and subsistence expenses to the chairperson, ordinary board members and committee members.

7.23 Head 23 – Director

Head 23 provides for the appointment of a Director of the National Concert Hall by the Board with the approval of the Minister. The Director may be removed in this way for stated reasons. The Director shall be responsible for the administration and business of the Hall and Board and shall perform his or her functions subject to policies determined by the Board. The Director shall hold office on conditions determined by the Board with the prior approval of the Minister, given with the consent of the relevant Minister (currently the Minister for Public Expenditure and Reform). The Director shall not be a member of the Board or of any of its committees but may attend meetings and be entitled to speak and offer advice at these meetings. The Director shall be the accountable person in relation to the accounts of the National Concert Hall.

Provide that:

- (1) There shall be a chief executive officer of the Hall who shall be known as and is referred to in this Act as the Director.
- (2) The Director shall be appointed by the Board of the Hall with the approval of the Minister and may with the approval of the Minister be removed from office for stated reasons by the Board of the Hall.
- (3)
 - (a) The Director shall carry on, manage and control generally the administration and business of the Hall / the Board and shall perform such other functions (if any) as may be delegated by the Board of the Hall.

- (b) The Director shall perform his or her functions subject to such policies as may be determined from time to time by the Hall / the Board, and shall be accountable to the Hall / the Board for the efficient and effective management of the Hall / the Board and for the due performance of his or her functions.
 - (c) The Director may make proposals to the Hall / the Board on any matter relating to its functions.
 - (d) The Director shall provide the Board of the Hall with any such information (including financial information) in relation to the performance of his or her functions as the Board may request.
- (4) The Director
- (a) shall hold office on the conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) that are determined from time to time by the Board of the Hall with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform and are so specified, and
 - (b) shall be paid out of moneys at the disposal of the Hall / the Board.
- (5) The Director shall not be a member of the Board of the Hall or a committee, but he or she may, in accordance with procedures established by the Board of the Hall or a committee, as the case may be, attend meetings of the Board of the Hall or a committee and shall be entitled to speak at and advise such meetings.
- (6) The Director shall not hold any office or occupy any other position in respect of which emoluments are payable or carry on any business, without the consent of the Board of the Hall and the approval of the Minister.
- (7) Notwithstanding the dissolution of the National Concert Hall Company in Head 46, the Director in place immediately before the dissolution of the National Concert Hall Company shall be deemed to be the Director.
- (a) as if, on that dissolution, the Board had appointed under subsection (2) the person to be the Director of the Hall / the Board of the Hall for the remaining period, if any, that was left to run for the person to hold the office of Director immediately before the dissolution, and
 - (b) on the same conditions (including those relating to the termination of appointment) as the person held office immediately before that dissolution,
- and the other provisions of the Act shall be construed accordingly.
- (8) The Director shall be the accountable person in relation to the accounts of the Hall / the Board and shall whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Hall / the Board is required by this Act to prepare,
 - (b) the economy and efficiency of the Hall / the Board in the use of its resources,
 - (c) the systems, procedures and practices employed by the Hall / the Board for the purposes of evaluating the effectiveness of its operations, and

<p>(d) any matter affecting the Hall / the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General, in so far as it relates to a matter specified in paragraph (a), (b) or (c), that is laid before Dáil Éireann.</p> <p>(9) In the performance of the duties of Director under subsection (8), the Director shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.</p> <p>If the Director is absent or the position of Director is vacant, the functions of the Director under this section may be performed by an employee of the Hall / the Board designated by the Board.</p> <p>Explanatory Note</p> <p>The purpose of this section is to provide for the appointment of a Director of the National Concert Hall and to allow for the continuation of the current Director.</p>

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:-

“... the board’s thinking is that as we are operating largely in a commercial environment, we need some of the freedoms that are enjoyed by commercial bodies and having us subject to the strictures of a Department is not really fit for the purpose of a body that now derives two thirds of its direct income from commercial activities.”

7.24 Head 24 – Staff of the Hall / the Board

Head 24 provides for the appointment and dismissal of staff of the National Concert Hall and for the terms and conditions under which they are employed. It provides that the terms and conditions for staff continue as they were before the enactment of the National Cultural Institutions (National Concert Hall) Bill 2014.

<p>Provide that:</p> <p>(1) The Hall / the Board may, with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform,</p> <p style="padding-left: 20px;">(a) appoint such and so many persons to be members of the staff of the Hall / the Board as it may from time to time determine</p> <p style="padding-left: 20px;">(b) determine the grades of such staff of the Hall / the Board and the number of staff at each grade.</p> <p>(2) The Hall may at any time remove any member of the staff of the Hall / the Board from being a member of its staff.</p> <p>(3) The terms and conditions of service, including terms and conditions relating to remuneration and allowances for expenses (which shall be paid by the Hall / the Board out of moneys at its disposal) of the members of the staff of the Hall / the Board shall be such as the Hall / the Board may from time to time, with the prior approval of the Minister given with the consent of the Minister of Public Expenditure and Reform, determine.</p> <p>(4) The Hall / the Board may perform any of its functions through or by any member of its staff duly authorised in that behalf by the Hall / the Board.</p>
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- (5) The Hall / the Board may hire such temporary or casual staff as may be appropriate to the staging of specific events from time to time.
- (6) Notwithstanding the dissolution of the National Concert Hall Company in Head 46, a person who was an officer or servant of the Hall / the Board immediately before the repeal, shall be deemed to an employee of the Hall / the Board -
- (a) as if, on that dissolution, the Hall / the Board had appointed under this section the person to be an employee of the Hall / the Board for the remaining period, if any, that was left to run for the person to hold office as such officer or servant, as the case may be, immediately before that dissolution, and
- (b) on the same conditions (including those relating to termination of appointment) as the person held office as such officer or servant, as the case may be, immediately before that dissolution,
- and the other provisions of this Act shall be construed accordingly.

Explanatory Note

This section deals the position of the staff of the National Concert Hall. It provides that the terms and conditions of the staff continue as they were before the enactment of this Bill.

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:

“We seek improved discretion in head 24 in terms of staff pay”

The National Concert Hall described its financial and staffing proposals as being to secure discretions and responsibilities appropriate to the commercial environment in which much of its work was undertaken.

However, the Department of Arts, Heritage and the Gaeltacht informed the Joint Committee that it had discussed the flexibility which should be afforded to the National Concert Hall on the issue of pay, but that the issue of staff pay was a policy issue in terms of public pay and accordingly would not be addressed within the proposed Bill.

RECOMMENDATION 16: The Joint Committee agreed that the Board of the National Concert Hall should be empowered to:-

- (1) Appoint managers;**
- (2) Determine the organisational structure and the resources required for the fulfilment of its objectives, and engage such permanent, temporary or casual staff, as it may deem appropriate for this purpose; while at all times having regard to Government or nationally agreed guidelines;**
- (3) Determine the terms and conditions of officers and employees, subject to Government and nationally agreed guidelines;**

- (4) **Dismiss an employee for stated misbehaviour, subject to legislation and the terms and conditions of employment;**
- (5) **Authorise payment of allowances and remuneration of expenses, subject to Ministerial approval and the consent of the relevant Minister (currently the Minister for Public Expenditure and Reform); and in respect of any such payments to the Director, to have regard to Government and nationally agreed guidelines.**

7.25 Head 25 – Superannuation

Head 25 provides continuity in pension provision to staff of the National Concert Hall.

Provide that:

Any superannuation benefits awarded to or in respect of a person transferred in Head 40 and the terms relating to those benefits shall be no less favourable than those applicable to or in respect of that person immediately before the commencement of this section.

The pension payments and other superannuation liabilities of the National Concert Hall Company in respect of its former officers or employees shall become, on the commencement of this section, the liabilities of the National Concert Hall.

Explanatory Note:

The purpose of this provision is to provide continuity in terms of pension provision.

7.26 Head 26 – Disclosure of Interests

Head 26 provides for the disclosure of interests by people associated with the National Concert Hall. Where there is a conflict of interest, they should not influence any decision, take part in any deliberation or vote on the matter in question. If this occurs, the Minister may remove members of the Board of committees or of a board of a subsidiary and that person shall be disqualified from being a member of the Board, a committee or a board of a subsidiary of the Hall. Where other people do not comply with this condition, the Board or a subsidiary, shall decide the appropriate action to be taken.

Provide that:

- (1) Where a member of the Board of the Hall or a committee, a member of a board of a subsidiary, a member of staff of the Hall / the Board or a subsidiary or a consultant or adviser engaged by the Hall / the Board or a subsidiary has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Hall, a committee or subsidiary, he or she shall -

- (a) disclose to the Hall / the Board, committee or subsidiary, the nature of the interest in advance of any consideration of the matter;

- (b) neither influence nor seek to influence a decision relating to the matter;
 - (c) take no part in any deliberation or consideration of the matter;
 - (d) withdraw from a meeting or that part of a meeting at which the matter is being discussed or considered;
 - (e) if he or she is a member of the Board of the Hall, a committee or a member of a board of a subsidiary, neither vote nor act as such a Board member in relation to the matter.
- (2) A person shall be regarded as having a beneficial interest in each of the following cases:
- (a) the person, any connected relative of the person or a nominee of either of them is a member of a company or any other body, which has a beneficial interest in or material to any matter in subsection (1),
 - (b) the person or any connected relative of the person is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, any such matter,
 - (c) the person or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which any such matter relates,
 - (d) any connected relative has a beneficial interest in, or material to, any such matter.
- (3) A person shall not be regarded as having a beneficial interest in or material to any matter, if the interest is so remote that it cannot reasonably be regarded as influencing a person in considering, discussing or voting on a particular matter.
- (4) The Hall / the Board will determine any question as to whether a course of conduct would be a failure to comply with the disclosure requirement and particulars of the determination shall be recorded in the minutes of a meeting at which the determination is made.
- (5) If a disclosure is made at a meeting of the Hall, committee or a subsidiary, details of the disclosure shall be recorded in the minutes of the meeting.
- (6) Where the Minister is satisfied that a member of the Board of the Hall or a committee or a member of a board of a subsidiary has not complied with subsection (1) the Minister may remove that member from office and that person shall then be disqualified from being a member of the Board of the Hall or a committee or a member of a board of a subsidiary of the Hall.
- (7) Where a person other than a member of the Board of the Hall or a committee or a member of a board of a subsidiary does not comply with subsection (1), the Hall / the Board or a subsidiary shall decide the appropriate action to be taken including the termination of a contract of services or a contract for services with the person.
- (8) Section 194 of the Companies Act 1963 shall not apply to a member of a board of a subsidiary.
- (9) Nothing in this section shall be taken to prejudice the operation of any rule of law restricting directors of a company from having any interest in contracts with the Hall / the Board or a subsidiary.
- (10) In this section, "connected relative" in relation to a person, means a spouse, partner, parent, brother, sister, child or the spouse of a child of the person.

Explanatory Note

The purpose of this section is to ensure that members of the Board of the National Concert Hall, members of committees, a member of a board of any subsidiaries of the National Concert Hall, a member of staff of the National Concert Hall or a subsidiary or a consultant or adviser of the National Concert Hall will be obliged to disclose any interests in matters to be considered by the National Concert Hall, a committee or a subsidiary. Failure to disclose can lead to dismissal by the Minister in the case of members of the Board of the National Concert Hall or a committee or member of a board of a subsidiary or appropriate action by the National Concert Hall in the case of the other persons to whom the section applies.

7.27 Head 27 – Membership of Either House of the Oireachtas or European Parliament

Head 27 provides that a Member of the Houses of the Oireachtas or a Member of the European Parliament may not be a member of the Board of the National Concert Hall, a member of any of its committees, a member of any board of a subsidiary of the Hall or the Director of the Hall. Where a member of staff of the National Concert Hall is on secondment while serving as a member of the Houses of the Oireachtas or of the European Parliament, that staff member shall not be remunerated by the National Concert Hall and no service during that time will be reckonable for pension purposes.

Provide that:

- (1) Where a member of the Board of the Hall, or a committee, a member of a board of a subsidiary, a member of staff of the Hall / the Board (including the Director) or a subsidiary is
 - (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
 - (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliamenthe or she shall
 - (i) in the case of a member of the Board of the Hall , or a committee, or a member of a board of a subsidiary, cease to be a member of the Board of the Hall , or a committee, or a member of a board of a subsidiary, and
 - (ii) in the case of member of staff of the Hall / the Board (including the Director) or a subsidiary, be seconded from employment by the Hall / the Board or a subsidiary and shall not be paid by, or be entitled to receive from the Hall / the Board or subsidiary any remuneration or allowances for expense in respect of the period commencing on such nomination or election, or when he or she is regarded as having been elected or on such election or co-option, as the case may be, and ending when he or she ceases to be a member of either such House or Parliament.
- (2) There shall be no reckoning of any period mentioned in subsection (1) as service with the Hall / the Board or a subsidiary for the purposes of any superannuation benefits payable.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while that person is so entitled or is a member, be disqualified from being a member of the Board of the Hall, or a committee, a member of a board of a subsidiary, the Director or a member of staff of the institution or a subsidiary.

Explanatory Note

The purpose of this section is to deal with the situation where members of the Board of the National Concert Hall or a Committee, a member of a board of a subsidiary, the Director or a member of the staff of the National Concert Hall or a subsidiary becomes a member of the Dáil or Seanad or the European Parliament. Members of the Board of the National Concert Hall or a committee, a member of a board of a subsidiary will have to give up their office. Members of staff (including the Director) will be seconded but any service at that time will not be reckonable for pension purposes.

7.28 Head 28 – Advances by Minister to the Hall / the Board (Accounts and Finances of the Hall / the Board)

Head 28 enables the Minister to provide funding to the National Concert Hall.

Provide that:

The Minister shall from time to time advance to the Hall / the Board out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure and Reform determine for the purposes of expenditure by the Hall / the Board in the performance of its functions.

Explanatory Note

The purpose of this provision is to enable the Minister to provide funding to the National Concert Hall.

7.29 Head 29 – Borrowing by the Hall / the Board

Head 29 enables the National Concert Hall to borrow monies.

Provide that:

The Hall / the Board may, with the consent of the Minister and the Minister for Public Expenditure and Reform and subject to the conditions, if any, which are imposed by the Minister, or in accordance with the directions, if any, given by the Minister, borrow money for capital or current purposes.

Any moneys borrowed by the Hall / the Board pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Hall / the Board.

Explanatory Note

The purpose of this section is to enable the National Concert Hall to borrow moneys.

7.30 Head 30 – Accounts and Audits

Head 30 provides that the National Concert Hall shall keep proper books of account of all the income and expenditure and property, assets and liabilities and shall submit the accounts to the Comptroller and Auditor General for audit. A copy of these accounts with a copy of the report of the Comptroller and Auditor General shall be presented by the Board of the National Concert Hall and to the Minister who shall have them laid before each House of the Oireachtas. The National Concert Hall shall permit any person appointed by the Minister to examine the books and accounts and shall pay such fee as may be fixed by the Minister. The Director of the National Concert Hall shall progress the ongoing maintenance of a register of the collection of the National Concert Hall.

Provide that:

- (1) The Director under the direction of the Board of the Hall shall cause to be kept on a continuous basis proper books of account of all the income and expenditure of the Hall / the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Hall / the Board, and shall keep and shall account to the Board of the Hall for all such special accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept.
- (2) The books, records and special accounts kept under this section shall be-
 - (b) kept in the form and
 - (c) for the accounting periods,as the Board, with the consent of the Minister, may specify, with the consent of the Minister for Public Expenditure and Reform.
- (3) The accounts of the Hall / the Board prepared by the Director and approved by the Board of the Hall shall be submitted as soon as practicable but not later than 3 months after the end of the financial year to which they relate to the Comptroller and Auditor General for audit.
- (4) When so audited not later than three months after the completion of the audit, a copy of the accounts together with a copy of the report of the Comptroller and Auditor General shall be presented by the Hall / the Board to the Minister who shall, as soon as possible, cause copies of them to be laid before each House of the Oireachtas.
- (5) The financial year of the Hall / the Board shall be the period of 12 months ending on 31 December in any year and, for the purposes of this section, the period commencing on the establishment day and ending on 31 December of that year shall be deemed to be a financial year.
- (6) The Board of the Hall, the Director and the other officers of the Hall / the Board shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books and accounts of the Hall / the Board in respect of any financial year or other period and shall facilitate such examination, and the Hall / the Board shall pay such fee as may be fixed by the Minister.
- (7) The Director shall progress the ongoing maintenance of a register of the collection of the Hall / the Board.

Explanatory Note

The purpose of this section is to set out the requirements of the National Concert Hall in relation to the preparation of accounts. In particular, the section provides that the C&AG will be responsible for auditing the accounts. When audited, the accounts shall be sent to the Minister who shall ensure that the accounts are laid before Dáil Éireann. The section specifies the financial year as the calendar year. The section obliges the National Concert Hall to allow a ministerial appointee to inspect the books. It also requires the Director to maintain an up-to-date register of holdings.

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:-

“We think our current system for the presentation and preparation of accounts is highly efficient and wish to hold onto that, rather than perhaps slowing it down by bringing it directly into the Comptroller and Auditor General process.”

State bodies and their subsidiaries are audited by the Comptroller and Auditor General. An example is the ‘Special Report, Bord na gCon Arrangements for the Procurement of Certain Capital Works and Services and Related Matters (2008).

http://www.audgen.gov.ie/documents/specialreports/09_BordnagCon.pdf

The Second Schedule of the Comptroller and Auditor General Amendment Act 1993 aims to limit the scope of the Comptroller and Auditor General in inquiring into the business of certain bodies under Section 8 (Inspection) and Section 9 (Value for Money Examinations) of that Act. The Schedule includes commercial State bodies, bodies with a significant commercial activity, subsidiary companies of the aforementioned and local authorities. The National Concert Hall Company Ltd is included in the Schedule.

<http://www.irishstatutebook.ie/1993/en/act/pub/0008/>

The general principle of the Schedule is that commercially-focused bodies should have greater autonomy in how they operate than other State bodies and that there should be adequate parliamentary oversight of their operations by the relevant Minister and the relevant Oireachtas Committee, other than the Dáil Committee of Public Accounts. However, the National Cultural Institutions (National Concert Hall Bill) 2014 will ensure that the National Concert Hall, as a statutory body, will be subject to audit by the Comptroller and Auditor General and will be subject to inspection and Value for Money examinations.

RECOMMENDATION 17: The Joint Committee agreed that while the National Concert Hall must be subject to accountability and transparency and auditing and inspection, it should also have sufficient autonomy to enable it to effectively fulfil its functions as a commercial State body.

7.31 Head 31 – Attendance before Oireachtas Committee

Head 31 provides that the Director of the National Concert Hall shall appear before Oireachtas Committees when requested to do so.

Provide that:

- (1) The Director shall, at the written request of an Oireachtas Committee, attend before it to give account for the general administration of the Hall / the Board as may be required by the Committee.
- (2) In this section, an "Oireachtas Committee" means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than
 - (a) the Committee referred to in the previous section
 - (b) the Committee on Members' Interests of Dáil Éireann, or
 - (c) the Committee on Members' Interests of Seanad Éireann,or a sub-committee of such a committee.

Explanatory Note

The purpose of this section is to ensure that the Director of the National Concert Hall will attend before Oireachtas Committees other than the Public Accounts Committee.

7.32 Head 32 – Miscellaneous

Head 32 provides for the inclusion of the National Concert Hall under the provisions of the Freedom of Information Act 1997.

Provide that: **No Provision outlined here**

Explanatory Note

S.I. 359 of 2002 The Freedom of Information Act 1997 (Prescribed Bodies) Regulations 2002 included "the National Concert Hall" as a prescribed body under the First Schedule of the Freedom of Information Act 1997.

RECOMMENDATION 18: The Joint Committee agreed that the records of the National Concert Hall, including any draft plans or strategies it formulates, should be subject to the provisions of the Freedom of Information Act 1997 from the day it is established and that there should be no exemption for any initial period of time.

7.33 Head 33 – Subsidiaries, Joint Ventures, Etc

Head 33 provides that the National Concert Hall may establish subsidiaries and enables it or a subsidiary to form a company or a joint venture or partnership, or to hold shares in a company or become a member.

Provide that:

- (1) Such functions of the Hall / the Board as it may determine, including but not limited to philanthropy and special purpose exhibitions, may be performed by a subsidiary or partnership or other such appropriate corporate vehicle and, accordingly, the Hall / the Board may, with the consent of the Minister and the Minister for Public Expenditure and Reform, for the purpose of such performance, acquire or form and establish one or more subsidiaries.
- (2) The Hall / the Board or a subsidiary may, either by itself or with another person, with the consent of the Minister and the Minister for Public Expenditure and Reform, promote and take part in the formation or establishment of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.
- (3) The Hall / the Board may, with the prior consent of the Minister and the Minister for Public Expenditure and Reform, acquire, hold and dispose of shares or other interests in a company and become a member of a company.
- (4) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be determined by the Hall / the Board, with the consent of the Minister and the Minister for Public Expenditure and Reform.
- (5) The Minister may give a direction in writing to the Hall / the Board on any matter relating to a subsidiary and the Hall / the Board shall comply or secure compliance with such a direction.
- (6) The Minister shall not, without the consent of the Minister for Public Expenditure and Reform, give a direction under this section in relation to the disposal or transfer of assets or surpluses of a subsidiary.

Explanatory Note

The purpose of this section is to enable the National Concert Hall to establish a subsidiary with the consent of the Minister and the Minister for Public Expenditure and Reform. It also enables the Hall or a subsidiary to form a company or a joint venture or partnership. The National Gallery can hold shares in a company or become a member. The approval of the Minister and Minister for Public Expenditure and Reform is required for the memorandum and articles of association of a subsidiary. The Minister can give directions to the National Concert Hall about the subsidiary but directions in relation to the disposal of assets or surpluses must be with the consent of the Minister for Public Expenditure and Reform.

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:-

“We welcome what is already there and have suggested this is important. We have introduced more explicitly the issue of fund-raising in this regard. In our deliberations, we noted that the first Schedule to the 1997 legislation governing the national cultural institutions lists the premises at which those bodies are located. We would really welcome it were it possible to reflect in law the premises of the CH [Concert Hall] ... obviously, one would provide the Government and the Minister with the freedom to add additional provision to this, should they so wish. However, in seeking philanthropic giving, in respect of the confidence of donors and in having a National Concert Hall, it

appears highly desirable that one would specify that its location would have statutory recognition.

...

We think our current system for the presentation and preparation of accounts is highly efficient and wish to hold onto that, rather than perhaps slowing it down by bringing it directly into the Comptroller and Auditor General process. Similarly, with regard to heads 33 and 34 in respect of gifts etc [subsidiaries, joint ventures].”

Addressing the Joint Committee, the Department of Arts, Heritage and the Gaeltacht stated that it did:-

“Not envisage a significant change in the level of public sector support. The purpose of the subsidiaries is to give the institutions the flexibility into the future to move with the times and engage in third-party partnerships and other fund-raising activities.”

RECOMMENDATION 19: The Joint Committee agreed that the Board of the National Concert Hall should, subject to the Minister and with the consent of the relevant Minister (currently the Minister for Public Expenditure and Reform), have the authority to:-

- (1) Determine that certain functions may be performed by a joint venture, partnership, subsidiary or other appropriate corporate vehicle;**
- (2) Participate in the establishment of a company, or enter into a joint venture or partnership (as may a subsidiary established by the Board);**
- (3) Establish subsidiary corporations or foundations for the purpose of fundraising;**
- (4) Acquire, hold or dispose of shares or other interests in a company and become a member of a company.**

7.34 Head 34 – Gifts

Head 34 provides that the National Concert Hall may accept gifts from donors so long as no conditions, inconsistent with its functions, are attached to the gifts. The National Concert Hall may dispose of these gifts.

Provide that:

- (1) The Hall / the Board may accept gifts, money, musical instruments, works of art or land (subject to the consent of the Minister) or other property upon such trusts or conditions (if any) as may be specified by the donor.
- (2) The Hall / the Board shall not accept a gift if the trusts or conditions attached to it would be inconsistent with its functions.
- (3) The Hall / the Board may dispose of any musical instrument, work of art or land (subject to the consent of the Minister) or other property received as a gift.

Explanatory Note

The purpose of this head is to enable the National Concert Hall to accept gifts from donors. However, any gift of land must be subject to the consent of the Minister.

Addressing the Joint Committee, the National Concert Hall Company Ltd stated:-

“We think our current system for the presentation and preparation of accounts is highly efficient and wish to hold onto that, rather than perhaps slowing it down by bringing it directly into the Comptroller and Auditor General process. Similarly, with regard to heads 33 and 34 in respect of gifts etc.”

7.35 Head 35 – Exemption from Charge of Rates on Certain Property and Certain Taxes

Head 35 exempts the National Concert Hall from rates on property.

Provide that:

Section 64(g) of the National Cultural Institutions Act 1997 is amended by the deletion of "Company";

Explanatory Note

Section 64 of the National Cultural Institutions Act 1997 already provides for an exemption from charge of rates on property occupied by a number of national cultural institutions including the National Concert Hall Company (section 64(g)). Section 64(g) is amended to delete the word "Company" to reflect the new legal status.

7.36 Head 36 – Fund, Endowment or Scheme

Head 36 provides that the Board of the National Concert Hall may create foundations, endowments or schemes to support its aims and activities.

Provide that:

The Hall / the Board may create foundations, endowments or schemes to support the Hall / the Board in furtherance of its aims and activities.

No Explanatory Note given here

The Joint Committee noted that the issue of how best to enhance fund-raising, sponsorship, etc for cultural institutions, has received international attention:-

“Fundraising has now become a standard part of the arts in Europe. Even highly centralised countries with a proud tradition of public subsidy now encourage the arts to seek funds more broadly. Virtually all governments are redefining their priorities and the arts and heritage face growing competition from education, transport and the environment. There simply is not enough money to go around. The need to attract money from businesses, from foundations and from patrons is greater today than it has ever been. The challenge is particularly acute in areas where the state once had sole responsibility for funding the arts, or where the economy is in a period of reconstruction.”

Funding the future” A user’s manual for fundraising in the arts, Council of Europe (2001, page 9)
http://www.coe.int/t/dg4/cultureheritage/culture/Completed/MOSAIC/DGIV_CULT_MOSAIC%282000%2924_EN.pdf

The following is an excerpt from a media article relating to fundraising-related issues that are reported to have arisen in 2014 at the National Concert Hall:-

“Records seen by the Irish Independent show the National Concert Hall spent €213,086 in legal fees during the course of last year ... The increased costs came against the backdrop of divisions on the National Concert Hall’s board, which culminated in the resignation of five board members last month. Among issues which created tension was a proposed link-up with the Lincoln Centre in New York, which acts as an international fundraising consultancy. If the deal had gone ahead, it could have cost the National Concert Hall about €500,000 in its first year and more than €1m if it continued for a number of years. Along with ticket sales, sponsorship and membership fees, the National Concert Hall receives significant funding from the taxpayer as well as individual donors. The National Concert Hall had hoped the link-up would help it to raise tens of millions of euro from international donors. But fears were expressed that there would be no guarantee of a return for the National Concert Hall on this outlay and the board decided not to proceed. It also considered setting up a separate philanthropic foundation. However, this was rejected by Arts Minister Jimmy Deenihan after he was advised by Attorney General Máire Whelan that this was not possible under the National Concert Hall’s memorandum of association.”

National Concert Hall’s legal costs rise tenfold to hit €213,000’, Irish Independent. 19th May 2014
<http://www.independent.ie/business/irish/national-concert-halls-legal-costs-rise-tenfold-to-hit-213000-30284524.html>

7.37 Head 37 – Exemption from Stamp Duty on Transfer of Land

Head 37 exempts the National Concert Hall from stamp duty on the transfer of land.

Provide that:

Stamp duty shall not be chargeable on any instrument under which any land or interest in or right over any land is conveyed to or vested in the Hall.

Explanatory Note

The purpose of this section is to ensure that no stamp duty is chargeable on the transfer of any land or interest in land to the National Concert Hall.

7.38 Head 38 – Staff Transitional Arrangements (Transitional Provision)

Head 38 provides for the continuation of the employment of the staff of the National Concert Hall Company Ltd by the National Concert Hall.

Provide that:

The Hall / the Board shall accept into its employment on the establishment day, in accordance with the terms of this Act, every person who immediately before that day was an employee of the National Concert Hall Company on terms and conditions not less favourable than those applicable to that person immediately before that day.

Explanatory Note

The purpose of this head to provide that staff of the National Concert Hall Company transfer to the new institution on terms and conditions that are not any less favourable than what they already had before transferring to the National Concert Hall.

7.39 Head 39 – Transfer of Land and Other Property

Head 39 provides that all property vested in the National Concert Hall Company Ltd will be vested in the National Concert Hall.

Provide that:

- (1) On the establishment day, all land which, immediately before that day, was vested in the National Concert Hall Company and all rights, powers and privileges relating to or connected with that land shall, without any conveyance, transfer of assignment, stand vested in the Hall for all the estate or interest for which it was vested in the National Concert Hall Company but subject to all trusts and equities affecting that land subsisting and capable of being performed.
- (2) On the establishment day, all property other than land (including choses-in-action) which, immediately before that day, was the property of the National Concert Hall Company shall, without any transfer or assignment stand transferred to the Hall in trust on behalf of the Minister.

- (3) Every chose-in-action transferred by subsection (2) may, on and after the establishment day, be sued upon, recovered or enforced by the National Concert Hall in its own name and it shall not be necessary for the Hall to give notice to the person bound by any such chose-in-action of the transfer affected by this section.
- (4) All moneys, stocks, shares and securities transferred to the Hall by subsection (2) which, immediately before the establishment day, are in the name of National Concert Hall Company shall, upon the request of the Hall be transferred into its name.

Explanatory Note

This is a provision to ensure that all land and other property in the hands of the National Concert Hall Company transfer to the statutory entity National Concert Hall.

7.40 Head 40 – Transfer of Rights and Liabilities

Head 40 provides that all rights and liabilities of the National Concert Hall Company Ltd stand transferred to the National Concert Hall and that every lease, licence, wayleave or permission in force immediately before the establishment day, shall continue in force for the National Concert Hall.

Provide that:

- (1) All rights and liabilities of the National Concert Hall Company, arising by virtue of any contract or commitment (express or implied) entered into by it before establishment day shall, on that day, stand transferred to the Hall .
- (2) Every right and liability transferred by subsection (1) to the Hall may, on and after the establishment day, be sued on, recovered or enforced by or against the Hall in its own name and it shall not be necessary for the Hall to give to a person whose right or liability is transferred by this section notice of such transfer.
- (3) Every lease, licence, wayleave or permission granted by the company prior to dissolution in relation to land or other property vested in the Hall / the Board by or under this Act, and in force immediately before the establishment day, shall continue in force on and after that day as if granted by the Hall / the Board.

Explanatory Note:

The purpose of this section is to ensure that all existing rights and liabilities of the National Concert Hall Company are transferred to the new entity the National Concert Hall. In addition, all such rights and liabilities can be enforced against the new entity.

7.41 Head 41 – Preservation of Existing Contracts

Head 41 provides that bonds, guarantees, securities, written contracts, written agreements and documents in force immediately before the establishment day shall continue in force for the National Concert Hall.

Provide that:

- (1) Every bond, guarantee or other security of a continuing nature made or given by the National Concert Hall Company to any person, or by any person to the National Concert Hall Company, that is in force immediately before the establishment day, and every contract or agreement in writing made between the National Concert Hall Company that is in force but is not fully executed and completed immediately before the establishment day, shall continue in force on and after that day and shall be construed and have effect as if the name of the Hall were substituted therein for that of the National Concert Hall Company.
- (2) Every other document granted or made by the National Concert Hall Company that is in force immediately before the establishment day shall continue in force on and after that day as if it had been granted or made by the Hall and shall be construed and have effect accordingly.

Explanatory Note

The purpose of this section is preserve the existing contracts already entered into by the National Concert Hall Company and to ensure that the National Concert Hall can enforce those contracts.

7.42 Head 42 – Pending Legal Proceedings to which the National Concert Hall Company [Ltd] is Party

Head 42 provides that the name 'National Concert Hall' shall replace the name National Concert Hall Company [Ltd] in any legal proceedings pending immediately before the establishment day.

Provide that:

The name of the Hall shall be substituted for that of the National Concert Hall Company in any legal proceedings pending immediately before the establishment day to which the National Concert Hall Company is a party and those proceedings shall not abate by reason of such substitution.

Explanatory Note

The purpose of this section is to ensure that the new National Concert Hall can take over in place of the National Concert Hall Company in any legal proceedings that are pending at the time of the establishment of the new entity.

7.43 Head 43 – Records of Dissolved Company

Head 43 provides for the transfer of records from the National Concert Hall Company Ltd to the National Concert Hall.

Provide that:

Each record held by the Company prior to dissolution is on the establishment day transferred to the Hall / the Board and is, on and from that day, held by the Hall / the Board.

Explanatory Note

The purpose of this section is to provide for the transfer of records from the dissolved National Concert Hall Company to the statutory entity the National Concert Hall.

7.44 Head 44 – Dissolution of Existing Company

Head 44 provides for the dissolution of the National Concert Hall Company Ltd.

Provide that:

- (1) With effect from the establishment day of the Hall the company known as the National Concert Hall Company is dissolved.
- (2) References in any enacted (other than this Act) or instrument under an enactment or in the memorandum and articles of association of any company or in any other legal document to the dissolved company shall be construed as a reference to the Hall
- (3) This section shall come into operation on the establishment day.

Explanatory Note

The purpose of this section is to provide for the dissolution of the National Concert Hall Ltd which is a company established under the Companies Act 1963 as amended.

APPENDIX 1 – TERMS OF REFERENCE OF COMMITTEE

a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
 - (c) Estimates for Public Services, and
 - (d) other matters as shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas—
 - (a) matters of policy for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy in respect of bodies under the aegis of the Department,
 - (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill published by the Minister,
 - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

- (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and
 - (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
 - (a) European Union draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for European Union legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any European Union institution in relation to European Union policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant European Union Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees—
 - (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
 - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.
- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments—
 - (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70])

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.
- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

APPENDIX 2 – MEMBERS OF COMMITTEE

Mr James Bannon TD	(Fine Gael)	
Mr Noel Coonan TD	(Fine Gael)	Leas-Chathaoirleach
Ms Ruth Coppinger TD	(Independent)	
Ms Marcella Corcoran Kennedy TD	(Fine Gael)	
Mr Barry Cowen TD	(Fianna Fáil)	
Mr Robert Dowds TD	(Labour)	
Mr Michael Mc Carthy TD	(Labour)	Cathaoirleach
Mr Tony Mc Loughlin TD	(Fine Gael)	
Mr Éamonn Maloney TD	(Labour)	
Ms Michelle Mulherin TD	(Fine Gael)	
Ms Catherine Murphy TD	(Independent)	
Fergus O'Dowd TD	(Fine Gael)	
An t-Uasal Seán Ó Fearghaíl TD	(Fianna Fáil)	
Mr Brian Stanley TD	(Sinn Féin)	
An t-Uasal Peadar Tóibín TD	(Sinn Féin)	
Senator Terry Brennan	(Fine Gael)	
Senator Cáit Keane	(Fine Gael)	
Senator Denis Landy	(Labour)	
An Seanadóir Fiach Mac Conghail	(Neamhspleách)	
An Seanadóir Labhrás Ó Murchú	(Fianna Fáil)	
Senator Ned O'Sullivan	(Fianna Fáil)	