



An Comhchoiste um Chumarsáid,
Gníomhú ar son na hAeráide agus Comhshaol

*Joint Committee on Communications,
Climate Action and Environment*

Appointment to the Board of Raidió Teilifís Éireann

Closing Date: Wednesday 16 November 2016 at 5.00 pm

Tithe an Oireachtais, Teach Laighean, Sráid Chill Dara,
Baile Átha Cliath 2, D02 XR20, Éire

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The Joint Committee on Communications, Climate Action and
Environment is committed to a policy of equal opportunity.

Corrected version published 1 November 2016

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Note

This version includes a correction of a typographical error in the Ministers' letter on page 14 regarding the number of women and men on the board.

"I would draw your attention to Section 81(3) of the Act which requires that not less than five members of the Board shall be men and not less than five members shall be women. *Currently there are five woman and six men on the Board.*"

should read

"I would draw your attention to Section 81(3) of the Act which requires that not less than five members of the Board shall be men and not less than five members shall be women. *Currently there are six women and five men on the Board.*"

(Italics added for clarity.)

Committee Secretariat 1 November 2016

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Appointment to the Board of Raidió Teilifís Éireann

Appointment to the Board of Raidió Teilifís Éireann

1. Membership of State Boards

High standards of corporate governance in all State Agencies, whether in the commercial or non-commercial sphere, are critical to ensuring a positive contribution to the State's overall social and economic development.

Members of State Boards are appointed to act on behalf of the citizen to oversee the running of the affairs of state bodies. State bodies must serve the interests of the taxpayer, pursue value for money in their endeavours (including managing risk appropriately), and act transparently as public entities. Members of State Boards, and the relevant management team, are accountable for the proper management of the organisation.

Board members should act on a fully informed basis, in good faith, with due diligence and care, and in the best interest of the State body, subject to the objectives set by Government. In that regard and in accordance with 13.2 of the Guidelines on Appointments to State Boards, "it is advisable that no member of a State Board should serve more than two full terms of appointment or should hold appointments to more than two State Boards."

The [Code of Practice for the Governance of State Bodies](#) provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies.

In order to be an effective contributor on a State Board it is recommended that members should:

- bring independent and objective scrutiny to the oversight of the organisation;
- be prepared to be challenging when necessary while being supportive to the delivery of organisational strategy and objectives;
- be equipped to offer considered advice on the basis of sound judgement and experience;
- be prepared to make a time commitment to their work commensurate with their role.

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2. Appointment to the Board of Raidió Teilifís Éireann

Table 1 Details of the vacancy on the board

Location:	Raidió Teilifís Éireann, Donnybrook, Dublin 4, D04 P297
Number of Vacancies:	One (proposed by the Joint Committee on Communications, Climate Action and Environment for nomination by the Minister for Communications, Climate Action and Environment for appointment by Government).
Remuneration:	€15,750 per annum. For Dublin-based members, there is an allowance of €950 net to cover all travel and incidental expenses through the calendar year. Members based outside of Dublin can claim travel expenses based on car engine size and fuel used. Other expenses (Travel or accommodation) can be claimed on foot of receipts.
Time Requirements:	9-10 meetings per annum. In addition it is expected that board members attend some sub-committee meetings (depends on the individual board member).

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3. Background

RTÉ (Raidió Teilifís Éireann) is Ireland's national public-service media organisation. Its role is, *inter alia*, to maintain and operate a national television and sound broadcasting service which shall have the character of a public service, be a free-to-air service and be made available, in so far as it is reasonably practicable, to the whole community on the island of Ireland.

The RTÉ Board is the governing authority of RTÉ and replaced the former RTÉ Authority following the enactment of the Broadcasting Act in 2009.

Pursuant to Section 81(1) Broadcasting Act 2009, the number of members of the board of RTÉ shall be 12 in number, of which:

- 6 of them shall be appointed by the Government on the nomination of the Minister;
- 4 of them shall be appointed by the Government on the nomination of the Minister, having given due regard to the advice of the Joint Committee on its proposed nominees;
- 1 shall be appointed by the Government following an election by fellow staff members who are aged 18 years or over and who have at least one year of continuous service in RTÉ; and
- 1 shall be the director general of RTÉ.

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The principal objects of RTÉ are set out in section 114(1) of the Broadcasting Act 2009. Accordingly, the Board shall:-

- establish, maintain and operate a national television and sound broadcasting service which shall have the character of a public service, be a free-to-air service and be made available, in so far as it is reasonably practicable, to the whole community on the island of Ireland;
- establish and maintain a website and teletext services in connection with the services of RTÉ;
- establish and maintain orchestras, choirs and other cultural performing groups in connection with the services of RTÉ;
- assist and co-operate with the relevant public bodies in preparation for, and execution of, the dissemination of relevant information to the public in the event of a major emergency;
- establish and maintain archives and libraries containing materials relevant to the objects of RTÉ;
- establish, maintain and operate a television broadcasting service and a sound broadcasting service which shall have the character of a public service, which services shall be made available, in so far as RTÉ considers reasonably practicable, to Irish communities outside the island of Ireland;
- subject to the consent of the Minister, the Minister having consulted with the Board, establish, maintain and operate, in so far as it is reasonably practicable, community, local, or regional broadcasting services, which shall have the character of a public service, and be available free-to-air;
- subject to the consent of the Minister, the Minister having consulted with the Board, establish and maintain non-broadcast non-linear audio-visual media services, in so far as it is reasonably practicable, which shall have the character of a public broadcasting service;
- to establish, maintain, and operate one or more national multiplexes; and
- so far as it is reasonably practicable, exploit such commercial opportunities as may arise in pursuit of the objects outlined in paragraphs above.

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Table 2: The current composition of the Board

Name	Term end-date	Position type
Moya Doherty	03/11/2017	Board Member (Chairman)
Fergus Armstrong	03/11/2017	Board Member
Deborah Kelleher	03/11/2017	Board Member
Dee Forbes	N/A ¹	Board Member (Director General of RTÉ ²)
Frank Hannigan	03/11/2019	Board Member
Dr PJ Matthews	03/11/2019	Board Member
Anne O’Leary	03/11/2019	Board Member
Aengus MacGrianna	03/11/2019	Board Member
Fionnuala Sheehan	16/02/2020	Board Member
Margaret Ward	16/02/2020	Board Member
Shane Naughton	16/02/2020	Board Member
Vacancy ³	16/02/2020	Board Member

¹ The term on the Board for the Director General is determined by their holding of the post of Director General, and so will not be limited by a 5-year term - Section 82(8) Broadcasting Act 2009.

² Ex-officio member of the Board - Section 89(9) Broadcasting Act 2009.

³ The Minister advised the committee that a casual vacancy has been created by the resignation of Pádraig Ó Céidigh following his decision to run for election to Seanad Éireann.

4. Person specification

The Committee invites applications from suitably qualified candidates with significant senior level experience in one or more of the following areas⁴:

- media affairs;
- public service broadcasting;
- broadcast content production;
- digital media technologies;
- trade union affairs;
- business or commercial affairs;
- matters pertaining to the development of the Irish language;
- matters pertaining to disability;
- arts, music, sport or culture;
- science, technology or environmental matters;
- legal or regulatory affairs; and
- social, educational or community activities or Gaeltacht affairs.

⁴ Section 82(1) Broadcasting Act 2009.

5. Term of appointment

Under the Act, the appointment to the Board shall be for the unexpired period of the term of membership of the Board member who occasioned the casual vacancy. In this instance, the unexpired period will expire on 16 February 2020. The appointment is subject to:

- The membership of any member of the Board may be terminated by the Minister at any time, on the basis of reasons to be stated by the Minister.
- A member of the Board may resign his or her membership of the Board by notice in writing sent or given to the Minister, and the resignation shall take effect on the day on which the Minister receives the notice.
- Members of the Board shall, subject to the provisions of this Schedule, hold office upon such terms and conditions as the Minister may, with the consent of the Minister for Finance from time to time determine.
- The roles and responsibilities of Board Members are described in the Code of Practice for the Governance of State Bodies 2016, which is available on the website of the Department of Public Expenditure and Reform ([Code of Practice for the Governance of State Bodies](#)).
- Where a member of the board of a corporation is:
 - nominated as a candidate for election to the European Parliament, either House of the Oireachtas, or as a member of Seanad Éireann,
 - elected as a member of either House of the Oireachtas or the European Parliament,
 - regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament to fill a vacancy,he or she thereupon ceases to be a member of the corporation.⁵

⁵ Section 86(1) Broadcasting Act 2009.

6. Submitting your Expression of Interest

Having considered the general suitability criteria for membership of a State Board, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet. Please give careful consideration to the possibility of any potential conflict of interest that may arise if appointed to this board.

Your submission should be made by sending an electronic copy of your *Curriculum Vitae* (CV) and a cover letter to stateboards@oireachtas.ie.

A hard copy of your CV and cover letter should also be sent to:

The Clerk
Joint Committee on Communications, Climate Action and Environment
Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20
Ireland

IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Working Group on Appointments to State Boards (“the Working Group”) of the Joint Committee on Communications, Climate Action and Environment will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Board position(s) specified in this booklet.

This will help ensure that the Working Group is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this State Board.

If you have any questions regarding the application process please email stateboards@oireachtas.ie

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7. Assessment Process

The Working Group, as established by the Joint Committee, will consider and assess the expressions of interest received. The Working Group will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
 - Consideration of the written applications; and/or
 - Meeting/conference call; and/or
 - Referee checks; and/or
 - Interviewing of candidates; and/or
 - Any other selection or verification method deemed appropriate (this may include the Working Group requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of suitable candidates to be sent forward for consideration by the Joint Committee, following which the name of a proposed nominee will be sent to the Minister for Communications, Climate Action and Environment for consideration. The Minister shall have regard to the advice and may accept the proposed named persons or some of them or the named person or decide to nominate as he or she sees fit other persons or another person.⁶
- The Joint Committee may decide to form a panel for the purpose of filling vacancies which may arise on the Board in the future.⁷

8. Confidentiality

Subject to the provisions of the Freedom of Information Act 2014, applications will be treated in strict confidence. All enquiries, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside of those directly involved in that aspect of the process.

9. Data Protection Act 1988 (as amended)

For further information on Data Protection please follow the [link](#).

⁶ Section 81(2)(d) Broadcasting Act 2009.

⁷ Section 81(4) Broadcasting Act 2009.

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Appendix 1 – Letter from the Minister for Communications, Climate Action and Environment to the Joint Committee

01 September 2016

Ms. Hildegarde Naughton T.D.

Chairperson

Joint Committee on Communications, Climate Action and Environment

Leinster House

Kildare Street

Dublin 2

D02 XR20

Re: Nomination to the Board of Radió Teilifís Éireann (RTÉ)

Dear Hildegarde

In accordance with Section 81 of the Broadcasting Act 2009 (the Act), I am writing to advise you of a current vacancy on the Board of RTÉ.

As per Section 81 of the Act, the RTÉ Board shall be twelve in number of which, the Minister shall nominate six members and the Minister shall have regard to the advice of the Joint Oireachtas Committee (JOC) on the nomination of the remaining four. One shall be an elected staff member and one shall be the Director General of the corporation.

There currently exists a casual vacancy left by the resignation of Mr. Pádraig Ó Céidigh following his decision to run for election to Seanad Éireann. As Mr. Ó Céidigh was appointed to the Board following the advice of the JOC, in accordance with Section 84(12) of the Act the JOC must advise on the appointment of a person to replace him for the unexpired period of his term, that is, until 16th February 2020.

Under Section 81(1)(b) of the Act, the JOC shall, within a period of 90 days of being so informed, advise the Minister of the names of the persons it proposes the Minister should nominate.

I would draw your attention to Section 81(3) of the Act which requires that not less than five members of the Board shall be men and not less than five members shall be women. Currently there are six women and five men on the Board.

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As per Section 82(1) of the Act, a person shall not be appointed by the Government to be a member of the Board of RTÉ unless he or she has had experience of or shown capacity in one or more of the following areas:

- (a) media affairs,
- (b) public service broadcasting,
- (c) broadcast content production,
- (d) digital media technologies,
- (e) trade union affairs,
- (f) business or commercial affairs,
- (g) matters pertaining to the development of the Irish language,
- (h) matters pertaining to disability,
- (i) arts, music, sport or culture,
- (j) science, technology or environmental matters,
- (k) legal or regulatory affairs, and
- (l) social, educational or community activities or Gaeltacht affairs,

RTÉ has advised that, in light of Mr. Ó Céidigh's departure, the current Board is in particular need of further accountancy and financial experience. I would request that the JOC take this identified need into account during the selection process. For information, the current salary for a Board member of RTÉ is €15,750.

If my Department can be of any assistance to you in this task, please contact Ms. Barbara Leeson at 01-6782234.

I look forward to hearing from you shortly.

Yours sincerely

Denis Naughten, T.D.

Minister for Communications, Climate Action and Environment

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Appendix 2 – Extract from the Broadcasting Act 2009 (non exhaustive)

Note: the complete [Broadcasting Act 2009](#) is available on the [Irish Statute Book](#) Web site.

PART 7

Public Service Broadcasting

Chapter 1

Public Service Broadcasting Corporations — Common Provisions

Bodies corporate.

79) Each corporation continues as a body corporate with perpetual succession and power to sue and be sued and to acquire, hold and dispose of land.

Seals of corporations.

80)–

- (1) A corporation shall as soon as may be after the passing of this Act provide itself with a new seal.
- (2) The seal of a corporation shall be authenticated by the signature of the chairperson of the corporation, or some other member of it authorised by the corporation to act in that behalf, and the signature of an officer of the corporation authorised by the corporation to act in that behalf.
- (3) Judicial notice shall be taken of the seal of a corporation, and every document purporting to be an instrument made by the corporation and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the corporation shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Appointment of board.

81)–

- (1) The number of members of the board of a corporation shall be 12 in number, of which—
 - (a) 6 of them shall be appointed by the Government on the nomination of the Minister,
 - (b) subject to subsection (2), 4 of them shall be appointed by the Government on the nomination of the Minister,
 - (c) one shall be appointed by the Government following an election in accordance with section 83 , and
 - (d) one shall be the director general of the corporation.

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- (2) Where an appointment is to be made by the Government under subsection (1)(b) or under that paragraph arising from a vacancy referred to in section 84 (12)—
- (a) the Minister shall inform the Joint Oireachtas Committee of the proposed appointment,
 - (b) The Minister in respect of an appointment under subsection (1)(a) shall provide a statement to the Joint Oireachtas Committee indicating the relevant experience and expertise of the persons or person nominated by the Minister for appointment or appointed by the Government on the nomination of the Minister, and such other matters as the Minister considers relevant,
 - (c) the Joint Oireachtas Committee shall within the period of 90 days of being so informed, advise the Minister of the names of the persons or name of the person it proposes that the Minister should nominate under subsection (1)(b) giving reasons, such as relevant experience and expertise, in relation to the proposed named persons or person,
 - (d) the Minister shall have regard to the advice and may accept the proposed named persons or some of them or the named person or decide to nominate as he or she sees fit other persons or another person, and
 - (e) inform the Joint Oireachtas Committee of his or her decision.
- (3) Not less than 5 of the members of the board of a corporation shall be men and not less than 5 of them shall be women.
- (4) The Joint Oireachtas Committee for the purposes of providing advice to the Minister under subsection (2) may establish a panel, for such duration, and consisting of such number of persons as the Joint Oireachtas Committee shall think proper.
- (5) Persons placed on a panel established under subsection (4) shall—
- (a) have experience of or have shown capacity in one or more of the matters stated in section 82 (1),
 - (b) in respect of TG4 comply with the requirements of section 82 (2), and
 - (c) be chosen with a view to representing the public interest in respect of public service broadcasting matters.

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- (6) The Joint Oireachtas Committee shall, insofar as is practicable, endeavour to ensure that among the persons placed on a panel under subsection (4) there is an equitable balance between men and women.
- (7) The Joint Oireachtas Committee shall have sole responsibility for the selection and placing of candidates on a panel established under subsection (4).

Criteria for board membership.

82)–

- (1) A person shall not be appointed to be a member of the board of a corporation unless he or she has experience of or shown capacity in one or more of the following matters—
- (a) media affairs,
 - (b) public service broadcasting,
 - (c) broadcast content production,
 - (d) digital media technologies,
 - (e) trade union affairs,
 - (f) business or commercial affairs,
 - (g) matters pertaining to the development of the Irish language,
 - (h) matters pertaining to disability,
 - (i) arts, music, sport or culture,
 - (j) science, technology or environmental matters,
 - (k) legal or regulatory affairs, and
 - (l) social, educational or community activities or Gaeltacht affairs,
- relevant to the oversight of a public service broadcaster.
- (2) A person shall not be appointed to be a member of the board of TG4 unless he or she is able to communicate proficiently in the Irish language.
- (3) Each member of the board of a corporation shall be appointed for a period not exceeding 5 years.
- (4) The Government in setting a term of appointment under subsection (3) shall consider the need for continuity of membership of the board of a corporation.
- (5) A member of the board of a corporation whose term of office expires by the effluxion of time shall be eligible for re-appointment.
- (6) A member of the board of a corporation shall not serve more than 2 consecutive terms of office.
- (7) A member of the board of a corporation may at any time resign his or her office by letter addressed to the Government and the resignation shall

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take effect on the date specified therein or upon receipt of the letter by the Government, whichever is the later.

- (8) Subsections (3) to (7) do not apply to the membership of the director general of the board of a corporation.

Appointment of staff member.

83)–

- (1) The Government shall appoint to be a member of the board of each corporation one member of staff of the corporation elected to be a staff member of the board in accordance with this section.
- (2) A member of the board of a corporation appointed under this section shall, subject to this section, be eligible for nomination as a candidate and for election at an election.
- (3) An election shall be held as soon as practicable after the passing of this Act or such longer period as may be agreed between the corporation and recognised trade unions and staff associations.
- (4) Subsections (5) to (16) apply for the purposes of an election.
- (5) –
 - (a) The secretary of a corporation (or a person selected by him or her after consultation with representatives of recognised trade unions or staff associations) shall be the returning officer for each election of a staff member of the board of the corporation.
 - (b) The returning officer shall not be entitled to be nominated as, or to nominate, act as agent for or promote the interests of, a candidate at the election.
 - (c) The returning officer may authorise any person to exercise designated functions on his or her behalf and paragraph (b) applies to any such person.
- (6) –
 - (a) A poll shall be conducted where there is more than one candidate.
 - (b) Voting shall be by secret ballot and on the basis of proportional representation by means of a single transferable vote.
 - (c) Presiding officers at the poll and polling clerks shall be appointed by the returning officer.
 - (d) An election shall be held in accordance with arrangements made by the returning officer.

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(e) The returning officer shall be required to give due notice of these arrangements to the electorate and to designate premises as an election office.

(7) –

(a) The returning officer shall fix the nomination day and give notice of the election not later than 4 weeks before that day.

(b) The nomination day shall be not earlier than 4 weeks after the day on which eligibility of voters and candidates is determined in accordance with subsections (13) and (14), respectively.

(8) The returning officer may declare a candidate elected if the number of candidates standing duly nominated does not exceed one.

(9) If the nomination of candidates or any poll is interrupted or cannot be proceeded with the returning officer may adjourn the nomination or poll for such period as he or she considers appropriate to enable him or her, on its expiration, to proceed with or complete the nomination or poll.

(10) On receipt of a notification from the returning officer of the name of the candidate elected or declared to be elected under subsection (8), the Government shall, in accordance with this section, appoint the candidate as a member of the board of the corporation.

(11) The returning officer shall place the remaining candidates in order of votes credited to each at the last count in which he or she was involved.

(12) A corporation shall bear the cost of holding an election except costs incurred by candidates on their own behalf.

(13) Every employee of a corporation who, on the day specified by the returning officer and on the day on which the poll is taken—

(a) is not less than 18 years of age, and

(b) has been an employee of the corporation for a continuous period of not less than one year,

shall be entitled to vote at an election.

(14) –

(a) Every employee of a corporation who, on the day specified by the returning officer under subsection (13), is not less than 18 years of age and has been an employee of the corporation for a continuous period of not less than 18 months, shall be eligible to be nominated as a candidate at the election.

(b) A candidate may be nominated by—

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- (i) a recognised trade union or staff association or jointly by 2 or more such bodies, or
 - (ii) a minimum of 20 eligible voters.
 - (c) Nominations shall be made in the manner specified by the returning officer.
 - (d) The returning officer shall rule on the validity of nominations and his or her decision shall be final.
- (15) The returning officer shall prepare and maintain a list of eligible voters and candidates.
- (16) The returning officer shall prepare and maintain a list of recognised trade unions and staff associations for the purposes of this section.
- (17) In this section " election " means an election held under this section for the appointment of a staff member to be a staff member of the board of a corporation.

Terms and removal.

84)–

- (1) There shall be paid to members of the board of a corporation, out of monies at the disposal of the corporation, such remuneration (if any) as the Minister, with the consent of the Minister for Finance, from time to time determines.
- (2) There shall be paid to members of the board of a corporation, out of monies at the disposal of the corporation, such allowances for expenses incurred by them in the performance of their functions as the Minister, with the consent of the Minister for Finance, from time to time determines.
- (3) Subject to this Act, a member of the board of a corporation shall hold office on such terms (other than the payment of remuneration and allowances for expenses) as the Minister, with the consent of the Minister for Finance, from time to time determines.
- (4) The Minister shall cause a statement in writing specifying the expertise or experience, terms of office and remuneration of the members of a corporation to be laid before both Houses of the Oireachtas and published in the Iris Oifigiúil.
- (5) A member of the board of a corporation may at any time be removed from membership of the board of the corporation by the Government if, in the Government's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Government to be

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necessary for the effective performance by the corporation of its functions, and only if, resolutions are passed by each House of the Oireachtas calling for his or her removal.

- (6) A member of the board of a corporation shall cease to be and shall be disqualified from being a member of the corporation where such member—
- (a) is adjudicated a bankrupt,
 - (b) makes a composition or arrangement with creditors,
 - (c) on conviction on indictment by a court of competent jurisdiction is sentenced to a term of imprisonment,
 - (d) is convicted of an offence involving fraud or dishonesty, or
 - (e) is disqualified or restricted from being a director of any company.
- (7) A member of staff of a corporation, who is appointed to serve on the board of the corporation or the director general of the corporation, shall cease to be a member of the board of the corporation on the cessation of his or her contract of service with the corporation.
- (8) Where a member of the board of a corporation fails—
- (a) for a consecutive period of 6 months, to attend a meeting of the corporation, unless the member demonstrates to the Minister's satisfaction that the failure to attend was due to illness, or
 - (b) to comply with the requirements of section 93 , or
 - (c) to make a declaration in accordance with the requirements of section 17 of the Ethics in Public Office Act 1995 ,
- the Minister may with the consent of the Government by order remove the member from office.
- (9) –
- (a) An order made under subsection (8) shall be laid before each House of the Oireachtas as soon as practicable after it is made.
 - (b) Either House of the Oireachtas may, within 21 sitting days after the day on which an order was laid before it in accordance with paragraph (a), pass a resolution annulling the order.
 - (c) The annulment under paragraph (b) of an order takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under the order before the passing of the resolution.
- (10) If a member of the board of a corporation appointed by the Government, on the nomination of the Minister under section 81 (1)(a) or following an

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election under section 83 , dies, resigns, becomes disqualified or is removed from office or for any other reason ceases to be a member of the board of the corporation, the Government on the nomination of the Minister, may appoint a person to be a member of the board of the corporation to fill the casual vacancy so occasioned and the person so appointed shall be appointed for the unexpired period of the term of membership of, and in the same manner as, the member of the board of the corporation appointed by the Government, on the nomination of the Minister or following an election under section 83 , who occasioned the casual vacancy.

(11) In choosing a person to fill a casual vacancy occasioned by the cessation of membership of a member appointed by Government following an election under section 83 , the Government shall select the next eligible candidate, if any, under section 83 (11). Where 2 or more candidates are credited with an equal number of votes, the Government shall select one of them by lot.

(12) If a member of the board of a corporation appointed by the Government on the nomination of the Minister under paragraph (b) of section 81 (1) dies, resigns, becomes disqualified or is removed from office or for any other reason ceases to be a member of the board of the corporation, the Government on the nomination of the Minister, the Minister having regard to the advice of the Joint Oireachtas Committee, may appoint a person to be a member of the board of the corporation to fill the casual vacancy so occasioned and the person so appointed shall be appointed for the unexpired period of the term of membership of, and in the same manner as, the member of the board of the corporation appointed by the Government on the nomination of the Minister under paragraph (b) of section 81 (1), who occasioned the casual vacancy.

Chairperson.

85)–

- (1) The Government shall from time to time as occasion requires appoint, on the nomination of the Minister, a member of the board of a corporation to be chairperson of it.
- (2) A chairperson of a corporation shall, unless he or she sooner dies, resigns the office of chairperson or ceases to be chairperson under subsection (4), hold office until the expiration of his or her period of office as a member of the board of the corporation.

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- (3) A chairperson of a corporation may at any time resign his or her office as chairperson by letter sent to the Government and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the corporation held next after the corporation has been informed by the Government of the resignation.
- (4) Where a chairperson of a corporation ceases during his or her term of office as chairperson to be a member of the corporation he or she shall also cease to be chairperson of the corporation.
- (5) A member of staff of a corporation appointed by the Government to membership of the board of the corporation or a director general of a corporation shall not be appointed as chairperson of the corporation.

Exclusions from board membership.

86)–

- (1) Where a member of the board of a corporation is—
 - (a) nominated as a candidate for election to the European Parliament, either House of the Oireachtas, or as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or 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 Parliament to fill a vacancy,he or she thereupon ceases to be a member of the corporation.
- (2) Where the person who is the director general or a member of the staff of a corporation is—
 - (a) nominated as a candidate for election to the European Parliament, either House of the Oireachtas, or as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or 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 Parliament to fill a vacancy,he or she shall thereupon stand seconded from employment by the corporation and shall not be paid by, or be entitled to receive from, the corporation any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected as the case may be, and ending when

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such person ceases to be a member of either such House or that Parliament.

- (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 so entitled or such a member, be disqualified from becoming a member of the board of a corporation or the director general or a member of the staff of a corporation.
- (4) A person who is appointed a member of the Authority, the Contract Awards Committee or the Compliance Committee shall be disqualified from becoming or ceases to be a member of the board of a corporation or a director general or a member of staff of a corporation.
- (5) A person who holds employment, save for educational or performing creative work, or has an interest in an undertaking holding a contract under this Act, shall be disqualified from becoming or ceases to be a member of the board of a corporation.
- (6) A person who holds employment in RTÉ shall be disqualified from becoming or ceases to be a member of the board of TG4.
- (7) A person who holds employment in TG4 shall be disqualified from becoming or ceases to be a member of the board of RTÉ.
- (8) A person who holds membership of the board of RTÉ shall be disqualified from becoming or ceases to be a member of the board of TG4.
- (9) A person who holds membership of the board of TG4 shall be disqualified from becoming or ceases to be a member of the board of RTÉ.
- (10) Without prejudice to the generality of subsection (2), that subsection shall be read as prohibiting, inter alia, the reckoning of a period mentioned in that subsection as service with the corporation for the purposes of any superannuation benefits.

Duties of board members.

- 87)- Subject to the requirements of this Act every member of the board of a corporation shall perform his or her functions in such a manner as to—
- (a) represent the interests of viewers and listeners,
 - (b) ensure that the activities of the corporation in pursuance of its objectives as set out in section 114 (1) or 118 (1) are performed efficiently and effectively,
 - (c) ensure that the gathering and presentation by the corporation of news and current affairs is accurate and impartial, and

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- (d) safeguard the independence of the corporation, as regards, the conception, content and production of programmes, the editing and presentation of news and current affairs programmes and the definition of programme schedules from State, political and commercial influences.

Meetings.

88)–

- (1) The board of a corporation shall hold such and so many meetings as may be necessary for the due performance of its functions.
- (2) At a meeting of the board of a corporation—
 - (a) the chairperson of the board of a corporation shall, if present, be chairperson of the meeting, and
 - (b) if and so long as the chairperson of the board of a corporation is not present or if the office of chairperson is vacant, the members of the board of a corporation who are present shall choose one of their number to be chairperson of the meeting.
- (3) Every question at a meeting of the board of a corporation shall be determined by a majority of the votes of the members of the board present and voting on the question, and in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.
- (4) The board of a corporation may act notwithstanding one or more vacancies among its members.
- (5) Subject to this Part, the board of a corporation shall regulate its procedure and practice by rules made under this section.
- (6) The quorum for a meeting of the board of a corporation shall be 7.
- (7) Subject to any rule made under subsection (5) meetings of the board of a corporation shall be capable of being held by telephone or other suitable electronic means whereby all the members of the board can hear and be heard.
- (8) The board of a corporation may delegate any of its functions to a subcommittee of the board of the corporation subject to such conditions as the board of the corporation considers appropriate.

Director general.

89)–

- (1) A corporation shall from time to time appoint a person to be the chief executive officer of the corporation and who shall be known, and is in this

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Part referred to, as, in the Irish language, ardstiúrthóir or, in the English language, director general.

- (2) A director general shall—
 - (a) carry on and manage, and control generally, the administration of the corporation,
 - (b) act as editor-in-chief in respect of content published by the corporation in pursuance of its objects under this Act, and
 - (c) perform such other functions (if any) as may be determined by the board of the corporation.
- (3) The consent of the Government is necessary before a corporation appoints or removes the director general of the corporation, or alters his or her remuneration or his or her terms and conditions of holding office.
- (4) The person who, immediately before the passing of this Act, was the director general of Radio Telefís Éireann, continues as director general of RTÉ.
- (5) The person who, immediately before the passing of this Act, was the chief executive officer of TG4, continues as director general of TG4.
- (6) A director general shall not hold any other office or employment or carry on any business without the consent of the board of the corporation.
- (7) A director general shall furnish the board of the corporation with such information (including financial information) in relation to the performance of his or her functions as the board of the corporation may from time to time require.
- (8) The functions of a director general may be performed in his or her absence or when the position of director general is vacant by such member of the staff of the corporation as may, from time to time, be designated for that purpose by the board of the corporation.
- (9) A director general shall, for the duration of his or her appointment, serve as an ex officio member of the board of his or her corporation.

Principal objects and associated powers of RTÉ.

114) –

- (1) The objects of RTÉ are—
 - (a) to establish, maintain and operate a national television and sound broadcasting service which shall have the character of a public service, be a free-to-air service and be made available, in so far as

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it is reasonably practicable, to the whole community on the island of Ireland,

- (b) to establish and maintain a website and teletext services in connection with the services of RTÉ under paragraphs (a), (c), (d), (e), (f), (g), (h) and (i),
- (c) to establish and maintain orchestras, choirs and other cultural performing groups in connection with the services of RTÉ under paragraphs (a), (f), (g) and (h),
- (d) to assist and co-operate with the relevant public bodies in preparation for, and execution of, the dissemination of relevant information to the public in the event of a major emergency,
- (e) to establish and maintain archives and libraries containing materials relevant to the objects of RTÉ under this subsection,
- (f) to establish, maintain and operate a television broadcasting service and a sound broadcasting service which shall have the character of a public service, which services shall be made available, in so far as RTÉ considers reasonably practicable, to Irish communities outside the island of Ireland,
- (g) subject to the consent of the Minister, the Minister having consulted with the Authority, to establish, maintain and operate, in so far as it is reasonably practicable, community, local, or regional broadcasting services, which shall have the character of a public service, and be available free-to-air,
- (h) subject to the consent of the Minister, the Minister having consulted with the Authority, to establish and maintain non-broadcast non-linear audio-visual media services, in so far as it is reasonably practicable, which shall have the character of a public broadcasting service (such consent not being required in respect of such services which are ancillary to a broadcasting service provided under paragraphs (a), (d), (f) and (g)),
- (i) to establish, maintain, and operate one or more national multiplexes,
- (j) so far as it is reasonably practicable, to exploit such commercial opportunities as may arise in pursuit of the objects outlined in paragraphs (a) to (i).

(2) In pursuit of the objects outlined in subsection (1), RTÉ shall—

- (a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace

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- within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language,
- (b) uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, and
 - (c) have regard to the need for the formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Member States.
- (3) Without prejudice to the generality of subsection (1), RTÉ shall ensure that the programme schedules of the broadcasting services referred to in that subsection—
- (a) provide a comprehensive range of programmes in the Irish and English languages that reflect the cultural diversity of the whole island of Ireland and include programmes that entertain, inform and educate, provide coverage of sporting, religious and cultural activities and cater for the expectations of the community generally as well as members of the community with special or minority interests and which, in every case, respect human dignity,
 - (b) provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament, and
 - (c) facilitate or assist contemporary cultural expression and encourage or promote innovation and experimentation in broadcasting.
- (4) The principal express powers of RTÉ in pursuance of the objects outlined in subsection (1) are—
- (a) to establish, maintain and operate broadcasting stations and to acquire, install and operate apparatus for wireless telegraphy,
 - (b) subject to any regulations under the Act of 1926, which are for the time being in force, to provide for the distribution by means of wired broadcast relay stations of programmes broadcast by RTÉ and such other programmes as RTÉ may decide,
 - (c) to originate programmes and procure programmes from any source,
 - (d) to make contracts, agreements and arrangements incidental or conducive to the objects of RTÉ,

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- (e) to acquire and make use of copyrights, patents, licences, privileges and concessions,
- (f) to collect news and information and to subscribe to news services and such other services as may be conducive to the objects of RTÉ,
- (g) to subscribe to such international associations, and to such educational, musical and dramatic bodies and such other bodies promoting entertainment or culture, as may be conducive to the objects of RTÉ,
- (h) to organise, provide and subsidise concerts, entertainments, education and other activities in connection with a broadcasting service or for any purpose incidental to it and, in relation to any such concert or entertainment, to provide or procure accommodation and, if desired, to make charges for admission,
- (i) to prepare, publish and distribute, with or without charge, such magazines, books, papers and other printed matter as may seem to RTÉ to be conducive or incidental to its objects,
- (j) to arrange with other broadcasting organisations or authorities for the distribution, receipt, exchange and relay of programmes (whether live or recorded),
- (k) to compile, publish and distribute, with or without charge, recorded aural and visual material,
- (l) to provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament,
- (m) to facilitate or assist contemporary cultural expression and encourage or promote innovation and experimentation in broadcasting,
- (n) to invest in, originate or procure films,
- (o) to establish and maintain websites,
- (p) to establish and maintain an electronic communications network subject to any enactment or rule of law,
- (q) to establish and maintain an “ electronic communications service ” meaning a service which consists wholly or mainly of the conveyance of signals on electronic communications networks, subject to the provisions of any enactment or rule of law,
- (r) to make available the broadcasting services of RTÉ in so far as reasonably practicable by any and all means of transmission,

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relaying or distribution, whether by way of broadcast (which includes terrestrial sound and television broadcasting networks, cable networks or satellite networks), or by any form of electronic means (which includes fixed terrestrial networks, mobile terrestrial networks, including the Internet and other electronic communications networks) and whether now known or hereinafter invented on a linear or non-linear basis, and

- (s) to invest any of its funds in any manner in which a trustee is empowered by law to invest trust funds.
- (5) Nothing in this section shall be read as preventing RTÉ from including in the programme schedules programmes made outside the State.
- (6) Nothing in this section shall be read as preventing RTÉ from providing broadcasting services which are of a special interest to only certain members of the community and which are made available on a subscription or pay-per-view basis under its exploitation of commercial opportunities object.
- (7) RTÉ shall have all such powers as are necessary or incidental to the attainment of the objects specified in subsection (1), and which are not inconsistent with this Act.
- (8) RTÉ shall endeavour to ensure that the programme schedules of the television broadcasting service and the sound broadcasting service established and maintained pursuant to subsection (1) (f) are, in so far as it is reasonably practicable, representative of the programme schedules of the national television and sound broadcasting services referred to in subsection (1) (a) and section 118 (1) (a).