



An Roinn Cumarsáide,
Fionnainn agus Aonacháin Náisiúnta
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources
Dublin 2.

2 June 2010

Mr McKeever Rowan
McKeever Rowan Solicitors
5 Harbourmaster Place
International Financial Services Centre
Dublin 1

Dear Mr Rowan

I refer to your freedom of information request received in this Department on 6 May 2010

Your request relates to documentation received by DCENR in respect of appointments to the RTÉ Board and the Broadcasting Authority of Ireland and the committees and sub-committees of these bodies between June 2007 and December 2009.

The relevant records are held on three files, file reference S1/30-C/09 entitled "RTÉ Board Appointment of Members", file reference S1/509-E/09 entitled "BAI Board Appointments 2009" and file reference S1/509/1-m/09 entitled "BAI Committee Appointments"

I have now considered your request and I have identified seventeen relevant records, three of which I have refused to disclose as per Section 28 of the FOI Act. I propose to release the relevant sections of each of these fifteen records which I have decided to release. A schedule of the records relevant to your request is attached.

I note the period of time in which you are seeking your requested information is between June 2007 and December 2009. As the RTÉ Board was not established until September 1, 2009 and the Broadcasting Authority of Ireland was not established until October 1, 2009, I have applied a timeframe of September 1, 2009 to December 31, 2009 in the case of the RTÉ Board and October 1, 2009 to December 31, 2009 in the case of B.A.I. in terms of this Freedom of Information request.

The only information I hold on applicants for appointment to the RTÉ board and B.A.I. (in the timeframe of the FOI request) are those with whom I hold information in respect of the appointments made via the assistance and advice of the Joint Oireachtas Committee (J.O.C). I do not consider the direct Government appointments to the Board of RTÉ and BAI as "applicants" as such.

Furthermore, in respect of the J.O.C. advised appointments, I hold no information on any unsuccessful applicants as these records would be held by the Public Appointments Service (P.A.S.) There is no documentation from DCENR to successful applicants in respect of the JOC advised appointments in 2009 as these appointments were not finalized until 2010.

I shall not be releasing documentation pertaining managerial, governance, industry, occupational experience and academic qualifications of each successful appointee as I consider this personal information which is not already in the public domain and therefore covered by Section 28 of the Act. I note you refer to disclosure of information under FOI/2009/22 but in that particular instance and unlike this request, the personal information related to people employed by this Department.

Please find information in respect of successful applicants to the i) Board of RTÉ ii) BAI iii) Contract Awards Committee of BAI and iv) Compliance Committee of the BAI hereunder.

Successful Applicants to the Board of RTÉ

Mr. Stuart Switzer
Ms. Orlaith Carmody
Ms. Eunice O'Raw
Ms. Aileen O'Meara

Successful Applicants to the Broadcasting Authority of Ireland

Mr. Larry Bass
Mr. Michael Moriarty
Professor Colum Kenny
Ms. Siobhán Ní Ghadra

Successful Applicants to the Contract Awards Committee of the B.A.I.

Siobhán Burke
David Barniville, S.C.
Eimer McGovern
Neil Leyden

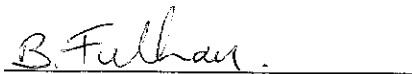
Successful Applicants to the Compliance Committee of the B.A.I.

Professor Chris Morash
John Reynolds
Aidine O'Reilly
Edel Hackett

If you have any queries in respect of this reply, please ring me at 01 6783095.

If you are not satisfied with this reply, you have the right to appeal this decision. Should you wish to make such an appeal, you can do so by writing to Mr Frank O'Brien, FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan. The appeal is a full and new examination of the matter carried out by a senior member of staff of this Department. Should you want to make such an appeal, please do so in writing, within four weeks.

Yours sincerely



Barry Fulham
Broadcasting Policy Division

FOI Request Reference: 0015 2010

Schedule of Records: Summary of Decision Making

Description of request: Documentation received by DCENR in respect of appointments to the RTÉ Board and the Broadcasting Authority of Ireland and the committees and sub-committees of these bodies between June 2007 and December 2009.

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Relevant facts	Findings/ conclusions (Public Interest Considerations, (If applicable))	Grant/refuse / part-grant	Basis of Refusal: Section of Act	Record edited/Identify deletions
1	Letter to Mr. J. Reynolds re: his appointment to Compliance Committee of B.A.I. - 23 November 2009	S1/509-M/09	1			Grant		Delete Address
2	Letter to Ms A. O'Reilly re: her appointment to Compliance Committee of B.A.I. - 23 November 2009	S1/509-M/09	1			Grant		Delete Address
3	Letter to Ms E. Hackett re: her appointment to Compliance Committee of B.A.I. - 23 November 2009	S1/509-M/09	1			Grant		Delete Address
4	Letter to Professor C. Morash re: his appointment to Compliance Committee of B.A.I. - 23 November 2009	S1/509-M/09	1			Grant		Delete Address
5	Letter to Mr. N. Leyden re: his appointment to Contract Awards	S1/509-M/09	1			Grant		Delete Address

	Committee of B.A.I. - 23 November 2009								
6	Letter to Mr. D. Barniville re: his appointment to Contract Awards Committee of B.A.I. - 23 November 2009	S1/509- M/09	1				Grant		Delete Address
7	Letter to Ms. E. McGovern re: her appointment to Contract Awards Committee of B.A.I. - 23 November 2009	S1/509- M/09	1				Grant		Delete Address
8	Letter to Ms. S. Burke re: her appointment to Contract Awards Committee of B.A.I. - 23 November 2009	S1/509- M/09	1				Grant		Delete Address
9	Letter to the Minister from the Chairman of the Joint Oireachtas Committee outlining the names of the successful applicants to the Boards of RTÉ and BAI and a description of their qualifications and experience – 16 December 2009	S1/30- C09	3				Part-Grant		Delete Personal Info
10	Letter from Minister to clerk of Joint Oireachtas Committee outlining guidance on the criteria required to be met by new members of RTE board	S1/30- C09	2				Grant		
11	Letter from Clerk to the JOC to the Minister to Minister of DCENR requesting more detailed criteria in which to assess applicants – 4 November 2009	S1/30- C09	1				Grant		
12	Email from DCENR to Public Appointments Service re general info on RTE Board – 22 October	S1/30- C09	4				Refuse	Section 28 – Personal Information	

	2009								
13	Email from DCENR to Public Appointments Service re guidelines for choosing candidates for nomination – 21 October 2009	S1/30-C09	5				Grant		
14	Letter expressing interest in serving on BAI Board – 3 November 2009	S1/509-E09	1				Part-Grant		Delete Personal Info
15	Letter from Minister to Clerk to the JOC re criteria required for new members of BAI – 23 November 2009	S1/509-E09	2				Grant		
16	Cover Letter from Minister to Chairperson of JOC advising of requirement to appoint JOC appointees – 13 October 2009	S1/509-E09	1				Grant		
17	Biographical Information on 5 Direct Governmental Appointees of B.A.I. – 13 October 2009	S1/509-E00	7				Refuse	Section 28- Personal information	

Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

23 November 2009

Mr. John Reynolds


Dear John

I am pleased to inform you that on foot of a Government Decision of 28th October 2009 in respect of appointments to the Compliance Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Compliance Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

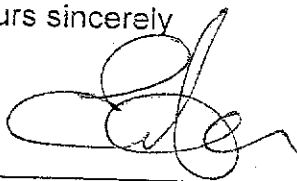
The Government has determined your terms of appointment and those of the other members of the Compliance Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely



Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

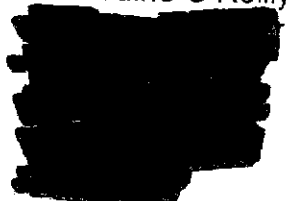
29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

23 November 2009

Ms. Aidine O'Reilly



Dear Aidine

I am pleased to inform you that on foot of a Government Decision 28th October 2009 in respect of appointments to the Compliance Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Compliance Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

The Government has determined your terms of appointment and those of the other members of the Compliance Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

29-31 Adelaide Road
Dublin 2

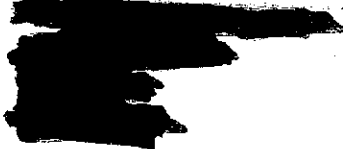
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Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

23 November 2009

Ms. Edel Hackett



Dear Edel

I am pleased to inform you that on foot of a Government Decision of 28th October 2009 in respect of appointments to the Compliance Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

The Government has determined your terms of appointment and those of the other members of the Compliance Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources

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Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádartha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

23 November 2009

Professor Chris Morash

[REDACTED]

Dear Chris

I am pleased to inform you that on foot of a Government Decision of 17th November 2009 in respect of appointments to the Compliance Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be the Chairperson and member of the Compliance Committee for a period of 5 years concluding on 17th November 2014 with the pro-rata remuneration rate of €9,450 per annum.

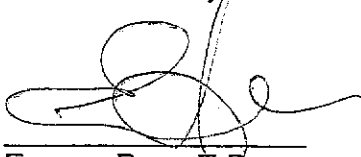
The Government has determined your terms of appointment and those of the other members of the Compliance Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely



Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

November 2009

Mr Neil Leyden

[Redacted address block]

Dear Neil

I am pleased to inform you that on foot of a Government Decision of 28th October 2009 in respect of appointments to the Contract Awards Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Contract Awards Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

The Government has determined your terms of appointment and those of the other members of the Contract Awards Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources

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Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Náúúrtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

23 November 2009

Mr. David Barniville S.C.



Dear David

I am pleased to inform you that on foot of a Government Decision of 28th October 2009 in respect of appointments to the Contract Awards Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Contract Awards Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

The Government has determined your terms of appointment and those of the other members of the Contract Awards Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

22 November 2009

Ms. Eimer McGovern

[Redacted address block]

Dear Eimer

I am pleased to inform you that on foot of a Government Decision of 28th October 2009 in respect of appointments to the Contract Awards Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be a member of the Contract Awards Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €6,300 per annum.

The Government has determined your terms of appointment and those of the other members of the Contract Awards Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádirtha

29-31 Adelaide Road
Dublin 2

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Office of the Minister
Oifig an Aire
23 November 2009

29-31 Bóthar Adelaide
Baile Átha Cliath 2

Ms. Siobhán Burke
[Redacted]
[Redacted]

Dear Siobhán

I am pleased to inform you that on foot of a Government Decision of 17th November 2009 in respect of appointments to the Contract Awards Committee of the Broadcasting Authority of Ireland under Section 8 of the Broadcasting Act, 2009, the Government has appointed you to be the Chairperson and member of the Contract Awards Committee for a period of 5 years concluding on 28th October 2014 with the pro-rata remuneration rate of €9,450 per annum.

The Government has determined your terms of appointment and those of the other members of the Contract Awards Committee to be as follows:-

1. each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
2. each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of Broadcasting Authority of Ireland, and
3. a member who is removed from office, or who ceases otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal.

I would ask you to confirm your acceptance of your appointment.

I enclose a copy of the Broadcasting Act 2009 for your information.

Yours sincerely

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources

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Houses of the Oireachtas
Tithe an Oireachtais

Leinster House, Dublin 2
Teach Laighean, Baile Átha Cliath 2

Office of the Minister
Dept. of Communications,
and Natural Resources
An Comhcheiste um Chumarsáid, Fuinnimh agus Acmhair
17 DEC 2009

Phone: +353 (0)1 618 3147 / 3153 / 3154
Fax: +353 (0)1 618 4123

Mr. Eamonn Ryan, T.D.
Minister for Communications, Energy and Natural Resources
Department of Communications, Energy and Natural Resources
29-31, Adelaide Road
Dublin 2

16 December 2009

Dear Minister,

FAO Minister
For Observations _____
For Action _____
For Follow Up _____
For Information _____
C.C. PCN, EOL, OF, SL
Date 17/12/09

I am writing to you to convey the names of the individuals selected by the Joint Committee for recommendation to you for nomination to the board of RTE and to the Broadcasting Authority of Ireland.

The Joint Committee was aware from the outset that this process was an innovation in the way members of such bodies are selected for nomination. It was also a new responsibility for the Committee and we were concerned to ensure that we got it right. We have worked hard to ensure that the selection process would be transparent and open; accessible to anyone meeting the required criteria, and that it would enable us to select the best candidates for the role, based on merit, but subject to compliance with the legislation and best practise in appointments procedure.

We consulted the Public Appointments Service and their advice and involvement throughout the process was a reassurance that we were operating within the bounds of fair and best practice.

I am happy to say that the Committee can stand over the process and are agreed that the following individuals are recommended for nomination:

For the Board of RTE
Mr. Stuart Switzer,

[Redacted]

Ms. Orlaith Carmody,

[Redacted]

Ms. Eunice O'Raw,

[Redacted]

O'Meara,

for the Broadcasting Authority of Ireland

Mr. Larry Bass,

Mr. Michael Moriarty

Professor Colum Kenny

Ms. Siobhán Ní Ghadhra

I recommend these people for nomination to the board of RTÉ and to the Broadcasting Authority, as indicated.

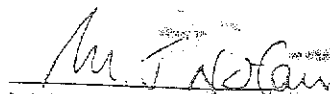
Establishment of Panel

The Joint Committee are considering establishing a panel from which future vacancies on the boards can be filled. The list of people on the panel with an outline of their qualifications will be sent to you following a final decision on this issue. The decision on this issue is expected to be made in January.

In conclusion, I am happy to report to you that this initiative was widely welcomed by the candidates themselves. Many of them expressed their satisfaction at the open nature of the selection process.

The Joint Committee will undertake an evaluation of the process now that we have concluded this round of nominations and I will ensure that a report of the Committee's findings is sent to you as soon as possible.

Yours sincerely




M.J. Nolan, T.D.
Chairman

RECOMMENDATIONS OF THE
JOINT COMMITTEE ON COMMUNICATIONS, ENERGY AND NATURAL RESOURCES
FOR NOMINATION TO
THE BOARD OF RTÉ AND THE BROADCASTING AUTHORITY OF IRELAND


CONTACT DETAILS OF RECOMMENDED CANDIDATES

For the Board of RTÉ


Mr. Stuart Switzer,




Ms. Orlaith Carmody,



Ms. Eunice O'Raw,




Ms. Aileen O'Meara,




For the Broadcasting Authority of Ireland

Mr. Larry Bass,




Mr. Michael Moriarty



Professor Colum Kenny



Ms. Siobhán Ni Ghadhra





Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Náúúrtha

Office of the Minister
Oifig an Aire

29-31 Adelaide Road
Dublin 2

29-31 Bóthar Adelaide
Baile Átha Cliath 2

10

5 November 2009

Ms. Patricia Doran
Clerk to the Joint Committee on Communications, Energy
and Natural Resources
Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2

Dear Ms. Doran

Your letter of November 4th in which you requested guidance on the criteria met by the current members of RTÉ Board and on the criteria required to be met by new members to the RTÉ Board, refers.

Under Section 82 (1) of the Broadcasting Act 2009, the relevant experience and shown capacity required by members of the RTÉ Board are set out.

In nominating members to the RTÉ Board, I was cognisant of these requirements and endeavoured to provide as wide a range of experience and expertise as possible. In this regard, I consider that the current RTÉ Board members have relevant expertise and experience in many of the areas detailed in Section 82 (1).

However, I believe that there are several areas where expertise is lacking or where additional experience may be necessary, in particular;

1. *Business or commercial affairs*
2. *Broadcast content production*
3. *Digital media technologies*
4. *Trade union affairs*
5. *Matter pertaining to the development of the Irish language*
6. *Matters pertaining to disability*
7. *Sport*
8. *Science, technology or environmental matters*
9. *Social, educational or community activities or Gaeltacht affairs*

In relation to the first area of expertise – *Business or commercial affairs*, I must reiterate and emphasise that it is of critical importance that at least one appointee to be recommended by the Joint Oireachtas Committee possesses this area of expertise.

I look forward to the Joint Oireachtas Committee concluding its role in this regard and should further information be required, please do not hesitate to contact my office. In addition, I am happy to come before the Joint Oireachtas Committee to discuss the nominations to the RTÉ Board if the Committee feels this would assist them in their deliberations.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Eamon Ryan', written over a horizontal line.

Eamon Ryan T.D.

Minister for Communications, Energy and Natural Resources



Houses of the
Oireachtas
Tithe an Oireachtais

Leinster House, Dublin 2
Teach Laighean, Baile Átha Cliath 2

**Joint Committee on Communications, Energy
and Natural Resources**
An Comhchoiste um Chumarsáid, Fuinnimh agus
Acmhainní Nádirtha

Phone +353 (0)1 618 3147
Fax +353 (0)1 618 4123

Mr. Eamonn Ryan, T.D.
Minister for Communications, Energy and Natural Resources
Department of Communications, Energy and Natural Resources
29-31, Adelaide Road
Dublin 2

Office of the Minister
Dept. of Communications, Energy And
Natural Resources

5 NOV 2009

Cllr an Aire
Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádirtha

Wednesday, 04 November 2009

Dear Minister,

I am directed by Mr. M.J. Nolan, T.D., Chairman of the Joint Committee on Communications, Energy and Natural Resources, to write to you in connection with the proposals by the Joint Committee for nomination of members to the Broadcasting Authority of Ireland and the Board of RTE.

The Committee have received the list of your nominees and note the information given regarding their general qualifications. However, in view of the fact that the Joint Committee are requested to consider complementing the experience of your nominees when selecting candidates, the Members have asked for a more detailed indication of the criteria under which your nominees were selected. In attempting to complement the experience of your nominees, the Committee must consider assigning a relative weighting to the criteria in order to give some priority to skills identified as gaps in the skill set of your nominees.

Specifically, can you please indicate which of the criteria for membership of the BAI under section 9(1) of the Act and for membership of the Board of RTE under section 82(1) of the Act you consider to have been satisfied by your nominees?

Yours sincerely,

Patricia Doran
Clerk to the Joint Committee

FAO Minister
For Observations _____
For Action _____
For Follow Up _____
For Information _____
C.C. EOG, SF, AMO, COO, SD, SL
Date 5/11/09

Margaret Mulhall

From: Margaret Mulhall
Sent: 21 October 2009 14:12
To: 'Margaret.McCabe@publicjobs.ie'
Cc: Eanna O'Conghaile; Susan Fieming; Barry Fulham
Subject: RTE Appointments
Attachments: Draft Guidelines for choosing Candidates for nomination to the RTÉ Board by the Joint Oireachtas Committee.doc

Margaret

As discussed this morning, I attach guidelines for appointments to RTE.

If you require further information / clarification, please contact me.

Regards

Margaret

Margaret Mulhall
Broadcasting Policy Division
Department of Communications, Energy and Natural Resources
Tel: 01 678 3097

**Guidelines for choosing Candidates for nomination to the RTÉ Board
by the Joint Oireachtas Committee**

October 2009

1. The Rules outlining the appointments to the RTÉ Board are highlighted in the Broadcasting Act, 2009, in particular, Sections 81, 82 and 84.
2. Section 81 sets out the general conditions relating to the nomination of the candidates to the Board, of particular relevance here is:
 - a. The need for gender balance on the RTÉ Board, in that membership must include at least five men and five women. Currently there are nine members on the RTÉ Board (one member is remaining on Board until the appointments have been made by Government following the advice of the Joint Oireachtas Committee). There are four vacancies on the RTÉ Board, and at least three women should be nominated to the RTÉ Board.
 - b. The Minister need not accept some or all of the nominees of the Joint Oireachtas Committee.
 - c. The Joint Oireachtas Committee, for the purposes of providing advice to the Minister may establish a panel, for such duration, and consisting of such number of persons as the Joint Oireachtas think proper.

The establishment of a panel is useful as it provides the Minister with a pool of names which can be used in the immediate but might also be used in filling posts that become vacant during the term of the RTÉ Board.

3. Section 82 sets out the criteria for Board membership. In particular, a person shall not be appointed to be a member of the RTÉ Board 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.

4. Section 86 of the Act provides for specific exclusions from memberships of the RTÉ Board, in particular the following are not eligible for membership:
- a. Those nominated as a candidate for election to the European Parliament, either House of the Oireachtas, or as a member of Seanad Éireann,
 - b. Those who are nominated as members of Seanad Éireann,
 - c. Members of either House of the Oireachtas or the European Parliament,
 - d. Those 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,
 - e. A person who is appointed a member of the Broadcasting Authority of Ireland (BAI), the Contracts Awards Committee or the Compliance Committee,
 - f. A person who holds employment, save for educational or performing creative work, or has an interest in an undertaking holding a contract under the Broadcasting Act, 2009,
 - g. A person who holds employment in TG4, and
 - h. A person who holds membership of the TG4 Board.

The terms of appointment are set out in the Broadcasting Act, 2009. In particular:

- a. Each appointment shall be subject to the provisions of the Broadcasting Act, 2009, and any amendments thereof,
- b. Each member shall devote to the performance of his or her duties as a member so much of his or her time as may be necessary for the proper and efficient discharge by him or her of those duties and for the transaction of the business of RTÉ,
- c. A member who is removed from office, or who ceases to otherwise to hold office, shall have no claim to compensation or other payment in respect of such removal, and
- d. The term of appointment is for a maximum of 5 years.

It should be noted that the fee for a member of the RTÉ Board is based upon Guidelines from the Department of Finance. RTÉ is a Category 1 Organisation and in this regard a pro-rata remuneration rate of €15,750 per annum is applicable.

6. Additional information of relevance:

- a. It would be useful if, in choosing nominees to the RTÉ Board, the Joint Oireachtas Committee would seek to obtain candidates with experience which will add to the overall mix of experience amongst the Board.
- b. It is also usual to nominate candidates of high standing and experience in the community.
- c. Whereas the existing appointees have a wide range of experience there may be a need to add to this experience in certain areas such as digital media technologies, trade union affairs, business or commercial affairs, matters pertaining to the development of the Irish language, matters pertaining to disability, science or technology matters, legal and regulatory affairs, and social, educational, community activities or Gaeltacht affairs.
- d. It is usual to appoint somebody with relevant financial and corporate finance experience to Boards of this nature, particularly because of the Corporate Governance requirements and the requirement to deliver annual reports and statement of accounts. No existing appointees have such experience.

e. In choosing nominees, it is important to ensure, in so far as possible, these nominees do not have any conflicting interests which will prevent them from participating in the work of the RTÉ Board. For example, if a member has an interest in a company involved in supplying services to RTÉ, then he / she may not be able to participate when issues relating to the granting of contracts are being discussed.

7. Methodology for choosing candidates:

The actual methodology for choosing candidates is for the Joint Oireachtas Committee to decide. Two possible approaches are outlined below:

- a. The Committee may wish to develop a list of potential (suitably qualified) candidates and then investigate these candidates and their availability in more detail.
- b. Alternatively, the Committee may choose to open up the process more broadly by publicly seeking expressions of interest from suitably qualified candidates.

In either case the Committee will need to ensure that the potential candidates are interviewed and their qualifications and backgrounds checked to ensure their suitability for nomination to the RTÉ Board.

14

Office of the Minister
Dept. of Communications, Energy And
Natural Resources

6 NOV 2009

Oifig an Aire
Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádir:

[Redacted]

Minister Eamon Ryan
Department of Communications, Energy & Natural Resources
29-31 Adelaide Road
Dublin 2

November 3 2009

Dear Minister Ryan

Re : Expression of Interest in Appointment to BAI

I am very interested in putting my name forward as possible appointment to new BAI (former BCI) or indeed appointment to the new BAI Contract Awards Committee.

[Redacted]

I understand very well the market realities of the world in which all radio and television stations are trying to survive.

[Redacted]

I look forward to hearing from you on how I can further my interest in this newly formed body or if indeed you require further information from me.

[Redacted]

FAO Minister
For Observations _____
For Action _____
For Follow Up _____
For Information _____
C.C. ECC, SF, PCN
Date 1/11/09

Department of Communications
Roinn Cumarsáide, Fuinnimh agus

Office of the Minister
Oifig an Aire

29-31 Adelaide Road
Dublin 2

15

29-31 Bóthar Adelaide
Baile Átha Cliath 2

Ref: BD_1984
(Please quote reference number)

23 November 2009

Ms. Patricia Doran
Clerk to the Joint Committee on Communications, Energy
and Natural Resources
Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2

Dear Ms. Doran

Your letter of November 4th in which you requested guidance on the criteria met by the current members of the Broadcasting Authority of Ireland and on the criteria required to be met by new members to the BAI, refers.

Under Section 9(1) of the Broadcasting Act 2009, the relevant experience and expertise required by members of the BAI is set out.

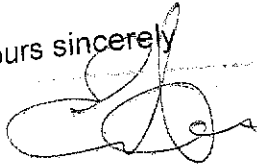
In nominating members to the BAI, I was cognisant of these requirements and endeavoured to provide as wide a range of experience and expertise as possible. In this regard, I consider that the current BAI members have relevant expertise and experience in most of the areas detailed in Section 9(1).

However, I believe that there are several areas where expertise is lacking or where additional experience may be necessary, in particular;

1. *It is vital that an appointee have suitable accounting/financial experience;*
2. *commercial broadcasting or community broadcasting;*
3. *broadcast content production;*
4. *Science, technology or environmental matters;*
5. *Community affairs*
6. *Sport*
7. *Matters pertaining to disability*

I look forward to the Joint Oireachtas Committee concluding its role in this regard and should further information be required, please do not hesitate to contact my office. In addition I would be happy to come before the Committee to discuss the appointments.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'E. Ryan', written over a horizontal dotted line.

Eamon Ryan T.D.
Minister for Communications, Energy and Natural Resources

Office of the Minister
Oifig an Aire

Mar Adelaide
a Cliath 2

13 October 2009

Deputy M.J. Nolan
Chairperson
Joint Committee on Communications, Energy and Natural Resources
Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2

Dear M.J.

As you are aware, the Broadcasting Authority of Ireland (BAI) was established on 1st October 2009.

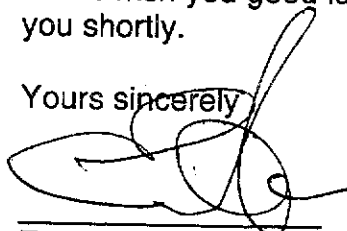
The Broadcasting Act, 2009 provides for the Authority to comprise nine members, appointed by Government. Section 8 of the Act provides that five members are to be appointed on the nomination of the Minister. In this regard, the Government has appointed five people to the Authority and I enclose a brief biography of each of these for your information. Five members constitute a quorum so this means that the BAI can now move forward and start to develop its processes, corporate identity and organisational structure.

Section 8 of the Broadcasting Act also provides that the Joint Oireachtas Committee shall, within 90 days of being so informed by me, **advise me in relation to the other four members of the BAI.**

As guidance to your Committee, I would like to highlight that the Act provides for gender equality on the BAI Board. In this regard, I would request that you advise on the names of four persons in total with **at least one female being nominated to the Board.** I would also suggest that you look at the experience of the existing appointees and look for candidates who would add to the diversity of experience, rather than duplicate it.


If I or my Department can be of assistance to you in this task, please contact me. I wish you good luck in your search for candidates and hope to hear from you shortly.

Yours sincerely



Eamon Ryan T.D.

Minister for Communications, Energy and Natural Resources



13/05/2010

Mr Rowan McKeever
McKeever Rowan Solicitors
5 Harbourmaster Place
IFSC
Dublin 1

FOI Request Reference: FOI/2010/15

Dear Mr McKeever,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 06/05/2010 requesting records between the periods of June 2007 and December 2009 in relation to the RTE Board and the Broadcasting Authority of Ireland. The application was received along with the associated fee.

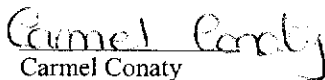
The officer handling your request will be Mr Barry Fulham, Broadcasting Policy Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Barry can be contacted on 01 6783095.

You can expect to receive your decision by the 03/06/2010.

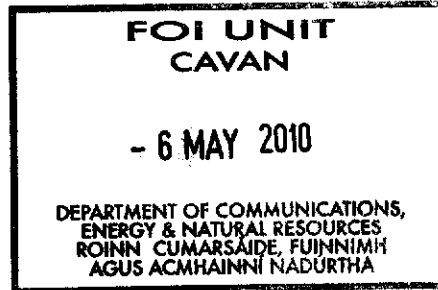
If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Conaty

FOI Unit
Department of Communications,
Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan
Phone: 01 6782902



FOI Unit,
Dept of Communications
Energy & Natural Resources,
Elm House,
Earlsvale Road,
Cavan

4th of May 2010

Our reference:

Dear Sir/Madam,

We am writing to request access under Section 7 of the Freedom of Information 1997 and Freedom of Information (Amendment) Act 2003 to the information detailed below between the periods June 2007 and December 2009 in relation to the RTÉ Board and the Broadcasting Authority of Ireland: *Note:* This request does not relate to information received by the Public Appointments Service in relation to these bodies.

1. A complete list of the applicants (both successful and unsuccessful) to the Department of Communications, Energy and Natural Resources (DCENR) for appointment to the above bodies and to the committees and sub-committees of these bodies.
2. All documentation received by the DCENR from parties expressing interest to serve on these bodies and/or their committees and sub-committees. *Note:* Cover letters in this regard will suffice in cases where a conflict under Section 28 of the Acts relating to personal information may be deemed to apply.
3. All documentation from the DCENR to successful applicants to the above bodies and to the committees and sub-committees of these bodies.
4. All documentation pertaining to the general managerial, governance, industry, occupational experience and academic qualifications of each successful appointee to the RTÉ Authority, Broadcasting Authority of Ireland and to the committees and sub-committees of these bodies. *Note:* In relation to matters that could be deemed to be covered by Section 28 of the Acts relating to personal information, I draw your attention to the decision taken in relation to the disclosure of information by the DCENR under FOI Request Reference FOI/2009/22.
5. All documentation used by the DCENR with regard to the criteria under which candidates' suitability was assessed for appointments to the above bodies and to their committees and sub-committees.

The appropriate statutory fee of €15 is enclosed.

Kindly indicate to our office the date by which the above information will be furnished.

Yours faithfully


MCKEEVER ROWAN