



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 16/11/2017 Time: 11.00am Venue: BAI Offices

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Rosemary Day, Séamus Martin, Denis Wolinski, Seán Ó Mórdha, Grace Smith, Maeve McDonagh.

Apologies: Mary Curtis

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Andrew Robinson, Clare O'Sullivan, Neil O'Brien, Anne Louise O'Donovan (items 2-5), Liam Boyle, Rachel Casey (item 2.1), Elizabeth Farrelly (items 4.3-4.5).

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 19th October 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. BAI/CMF Funding Initiative Launch

The Chief Executive advised the members that the launch of the joint BAI/Canadian Media Fund initiative for the development of audio visual projects had taken place at Mediacon in Vancouver on the 10th November. The BAI was represented at the launch by Ciarán Kissane.

b. Discussion on Communicorp

The Chief Executive provided members with an update regarding correspondence that had issued to Communicorp, on foot of its decision to no longer engage representatives of the Irish Times to feature on Communicorp contractor stations. He further advised that the matter had been given initial consideration by the Compliance Committee at its meeting on 15th November and was scheduled for more detailed consideration at the December meeting.

c. BAI & Broadcast Fund 3-Year Estimates 2018-2020

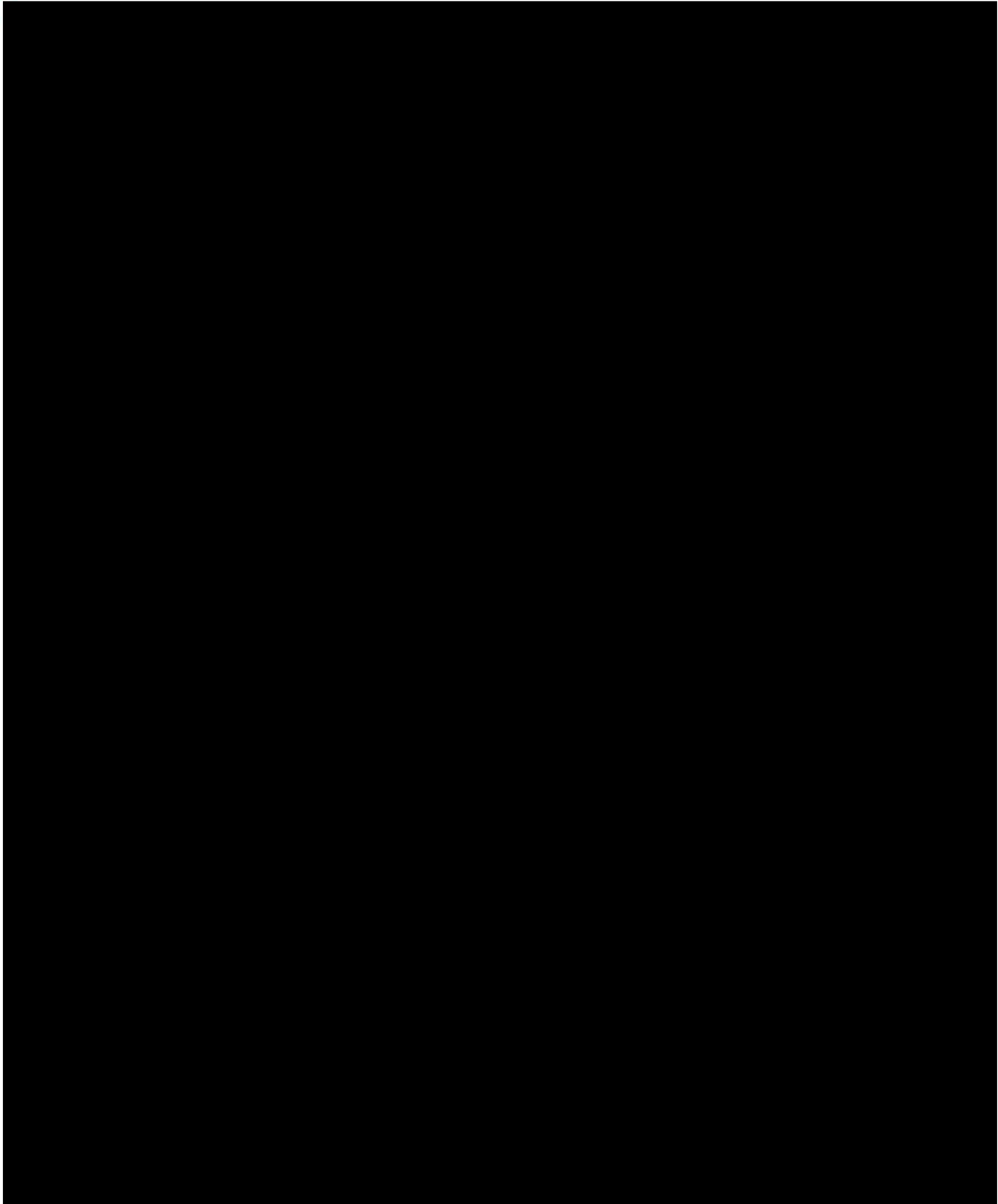
The Chief Executive advised that, the revised estimates had been submitted to the Minister for Communications, Climate Action and Environment and that no clarifications had been sought from the Department officials. Ministerial approval to publish the estimates was still awaited.

d. Screening of Poc na nGael

Members were reminded that the screening of Poc na nGael, in conjunction with the Canadian Embassy, was scheduled to take place on Thursday 23rd November, in the GAA Museum, Croke Park.

2. Sectoral Sustainability

2.1 Public Service Broadcasting: Annual Review (2016) of Public Funding for RTÉ and TG4





3. Communicating & Influencing

3.1 PSB: Request for Ministerial Advice: Section 104 Broadcasting Act 2009

Members considered a report, prepared by Communications Chambers, assessing a proposal made by RTÉ to create a commercial joint venture, (GAAGO), between RTÉ Commercial Enterprises Designated Activity Company (a wholly-owned subsidiary of RTÉ) and the GAA. The Authority noted that the GAAGO service had been in operation since 2014 and that the report had been prepared further to a Ministerial request received, seeking the advice of the BAI, further to the provisions of Section 104 of the Broadcasting Act 2009 ("the 2009 Act").

In considering the advice to be provided to the Minister, the Authority had regard to the report prepared by Communications Chambers, together with the submission made by RTÉ. Having regard to request for advice, the scope of the Authority's considerations extended to:

- Consistency with existing permissions of RTÉ and whether the joint venture in question should be subject to a review under section 103
- Consistency with RTÉ's Statutory Objects
- Consistency with RTÉ's published Strategy
- Consistency with State Aid rules/guidance
- Risk (financial, reputational or otherwise)
- Impact on competition in the State, if (exceptionally) not already considered by the Competition and Consumer Protection Commission ("the CCPC").

Following discussion, the Authority was satisfied that there were no compelling reasons for withholding consent for the formation of the joint venture. It was agreed that advice, on this basis, would be communicated to the Minister.

Following its determination in respect of advice to be provided to the Minister, the Authority was apprised of a number of process issues relating to previous regulatory approvals in respect of the GAAGO service, which had arisen in the context of the current review. A separate report, prepared by Communications Chambers, together with legal advice in respect of the relevant statutory provisions, and a submission received from RTÉ was considered in this regard. Following discussion, it was agreed that these process issues would be brought to the attention of Department officials in the context of the regulatory framework for the consideration of submissions under sections 103 and 104 of the Broadcasting Act.

4. Promoting Plurality & Diversity

4.1 BAI Strategy Statement 2017-2019: Proposals for a BAI Gender Action Plan

The Authority was presented with proposals for a BAI Gender Action Plan in support of the achievement of the strategic objective under the theme of Promoting Plurality and Diversity to '*foster a media landscape that is representative of, and accessible to, the diversity of Irish society*'.



In considering the draft action plan, Members noted and discussed the gender initiatives already supported by the BAI through a number of regulatory mechanisms and development initiatives, aligned to the BAI Sectoral Learning and Development Policy. Members also noted that the draft BAI Gender Action Plan would be positioned within the framework of the Council of Europe Recommendations on Gender Equality, focusing on data collection and publication, supporting research, encouraging the development of gender initiatives internally and with stakeholders and enhancing accountability processes.

Having regard to the specific initiatives proposed, the Authority agreed that the collation and analysis of data would be critical in providing an appropriate evidence base from which to devise an action plan. Following discussion, the Authority was satisfied to support and approve the implementation initiatives proposed by the Executive. It was agreed that further work was required to develop a timeframe for the launch and phased implementation of the BAI Gender Action Plan.

4.2 Recommendations of the Contract Awards Committee: Temporary Sound Broadcasting Services

In their capacity as members of the Contract Awards Committee, Authority members Grace Smith and Séamus Martin and Executive staff member Celene Craig, declared an interest in this item and recused themselves from discussion and decision on the matter.

Further to the provisions of section 68(1) of the Broadcasting Act 2009, the Authority was satisfied to accept the recommendations of the Contract Awards Committee and enter into contract negotiations with two pilot community services, Limerick City Community Radio and Owenea FM, and one temporary sound broadcasting service, Community Radio Kildorrery.

4.3 TV3 Group: Re-branding

The Authority considered a proposal received from TV3 Television Network Limited ("TV3 Group") seeking approval to rebrand all television channels operated by the TV3 Group. In considering the proposal, the Authority had regard to a submission received from TV3 Group, together with a short Executive analysis of the proposal. It was noted that the proposal to re-brand would not affect any of the contractual commitments for any of the services concerned.

Following discussion, the Authority was satisfied to approve the re-branding proposal, as submitted. Members were advised that the re-branding was scheduled to take place in Spring 2018.

5. Excellence & Accountability

5.1 BAI's Risk Management Framework & Corporate Risk Register

In accordance with the requirements of the Code of Practice for the Governance of State Bodies, the Authority was presented with the BAI Risk Management Framework and Corporate Risk Register, for consideration and approval, on the recommendation of the Finance, Audit and Risk (FAR) Committee.



In considering the framework and register, the Authority noted the changes implemented in respect of the BAI's risk management practices and procedures, following an advisory review of the BAI's approach to risk, conducted in 2016. The Authority also noted that the proposed Corporate Risk Register was aligned to the BAI's Strategy Statement 2017-2019 and that the risks identified were linked to one or more of the BAI's 12 high-level strategic objectives. The process for the on-going review of the register, at both an operational and a strategic level, was also highlighted. The Chairperson of the FAR advised that the Committee was in the early stages of considering a Board Assurance Framework and that further detail in this regard would be brought to the Authority for consideration, in due course.

Following discussion, the Authority was satisfied to approve the BAI Risk Management Framework, as recommended by the FAR Committee. The Authority was further satisfied to approve the Corporate Risk Register, subject to a small number of drafting amendments.

5.2 BAI Borrowing Facility

The BAI considered and approved a proposal to obtain a borrowing facility, pursuant to section 35 of the Broadcasting Act, subject to the approval of the Minister for Communications, Climate Action and Environment, with the consent of the Minister for Finance, Public Expenditure and Reform. The Authority was further satisfied to approve the resolution in respect of the borrowing facility with the NTMA, the signing of the resolution by the Chairperson, and the ratification of the NTMA Customer Mandate.

5.3 Proposal re Board Secretary

In accordance with the Schedule of Matters Reserved for the Decision of the Authority and Statutory Committees and the relevant requirements of the Code of Practice for the Governance of State Bodies, the Authority considered and approved the appointment of Andrew Robinson as Secretary to the Board.

5.4 Authority and Committee Meeting Dates 2018

The Authority was circulated with proposed dates for meetings in 2018. It was agreed that any changes to the dates would be circulated to the members. It was further agreed that additional dates for meetings of the FAR Committee could be accommodated, if required.

6. For Information

6.1 Minutes of the Compliance Committee Meeting

Minutes of the Compliance Committee meeting, held on the 13th September, were circulated to the Members for information.

6.2 Minutes of the Contract Awards Committee

Minutes of the Contract Awards Committee meetings, held on 20th July and 7th September, were circulated to the Members for information.



6.3 Minutes of the Finance, Audit and Risk Committee

Minutes of the Finance, Audit and Risk Committee meetings, held on 17th July, 14th September and 17th October, were circulated to the Members for information.

7. Any Other Business

7.1 Completion of Term of Office: Séamus Martin

The Chairperson and Chief Executive extended their warm appreciation to Authority member Seamus Martin, on the completion of his term of office with the BAI. The Chairperson acknowledged the strong ethical views and ethos that Mr. Martin brought to bear in the Authority's discussions and deliberations and thanked him for his valued input. Mr. Martin recorded his thanks to the Authority and Contract Awards Committee members and to the Executive. His also reflected on the value of experience of media affairs being a criterion for membership of the Authority.

8. Date of Next Meeting

The next meeting of the Authority will be held on **Tuesday 19th December at 11am** in the BAI offices.

A handwritten signature in blue ink, reading 'Pauric Travers', is written over a horizontal line.

**Professor Pauric Travers,
Chairperson.
19th December 2017.**