



**AN BILLE UM ÚDARÁS NÁISIÚNTA FORBARTHA
TURASÓIREACHTA, 2002
NATIONAL TOURISM DEVELOPMENT AUTHORITY
BILL, 2002**

EXPLANATORY AND FINANCIAL MEMORANDUM

General

The Government has approved the creation of a National Tourism Development Authority to promote tourism within and to the State and the development of tourism facilities and services, including the promotion of training, human resource and marketing skills development in the tourism sector. The primary purpose of the Bill is to provide the statutory basis for this new Authority. On its establishment, Bord Fáilte Éireann and C.E.R.T. Ltd. will be dissolved and the functions currently carried out by them will be transferred to the new body. Certain provisions of the Tourist Traffic Acts are also repealed to take account of the provisions of this Bill.

The Bill contains 3 parts. The main provisions are summarised below.

PART 1

PRELIMINARY AND GENERAL

(Sections 1 to 5)

This Part contains standard provisions regarding: short title; collective citation and construction with the Tourist Traffic Acts, 1939 to 1998; the expenses of the Minister; and definitions of key terms used in the Bill. Provision is also made for the laying of orders made by the Minister before each House of the Oireachtas. This Part also provides for the repeal of certain provisions of the Tourist Traffic Acts relating to the corporate governance of Bord Fáilte Éireann, and to its financial expenditure limits, to take account of the provisions of this Bill. C.E.R.T. Ltd., which was established by Bord Fáilte Éireann, is not a statutory body. The provisions repealed are detailed at *Schedule 1*.

PART 2

NATIONAL TOURISM DEVELOPMENT AUTHORITY

(Sections 6 to 36)

Sections 6 to 7 provide for the making of an order by the Minister to set a day for the establishment of the Authority, which may, for operational purposes, describe itself as Fáilte Ireland and for a corporate seal.

Section 8 describes the Authority's functions. The primary functions of the Authority will be to encourage, promote and support the development of tourist traffic within and to the State. Within that overall context, it will encourage, promote and support the development and marketing of tourist facilities and services and the recruitment, training, and education and development, of persons for the purpose of employment in tourism. The Authority will exercise powers relating to the registration and grading of certain types of tourist accommodation. It will engage in research and planning, either alone or with others. It may engage in advertising or publicity, or provide advice, consultancy services, training or support, including financial support.

Section 9 is a standard provision that the Minister may confer additional functions on the Authority, by order, and that such an order can be revoked or amended.

Section 10 provides the Authority with powers to establish companies and to acquire, hold, or dispose of shares, or other interests, in companies.

Section 11 provides that the Authority, subject to the Minister's consent or at his direction, may delegate certain of its functions to a committee, a subsidiary, a company which operates in accordance with its policy directions and to Tourism Ireland Ltd.

Section 12 provides that the Authority may, in accordance with current practice, contract out certain of its registration, grading and inspection functions under the Tourist Traffic Acts, 1939 to 1998. *Schedule 2* lists the relevant provisions.

Section 13 allows the Minister to give general policy directions to the Authority.

Sections 14 to 18 set out details regarding the membership of the Authority and the standard conditions in relation to the holding of its meetings. The Authority will consist of a chairman and twelve members. Members will hold office for a period of up to 5 years. They may not serve more than two consecutive terms and there is to be an annual rotation of the membership after an initial 3-year period. These sections also contain standard conditions covering cessation of membership, the filling of casual vacancies and the payment of remuneration and expenses to members.

Section 19 contains the standard prohibitions on members of the Authority holding political office, either at national or European level, and also provides for secondment arrangements where persons employed by the Authority secure election to office at these levels.

Sections 20 and 21 provide that, where members of the Authority and its staff have a material interest in any arrangement or agreement for consideration by the Authority, they must disclose it and they must not seek to influence decisions by the Authority in relation to it.

Section 22 prohibits the unauthorised disclosure of confidential information by a member of the Authority, a committee, a staff member, adviser, consultant or member of staff of the adviser or consultant, and provides for appropriate penalties for non-compliance with this provision.

Section 23 permits the Authority to establish committees to advise it in relation to the performance of its functions, or to perform functions that the Authority may delegate to it. It also provides for the payment of committee members' expenses, subject to the consent of the Minister and the Minister for Finance.

Section 24 provides that, with the consent of the Minister for Finance, the Minister may make advances, up to an aggregate level of €65 million, to the Authority out of moneys provided by the Oireachtas, for the purpose of supporting enterprises and projects relating to the development of tourist traffic and the development and marketing of tourist facilities and services.

Section 25 provides that the Authority may, from the moneys it receives, provide financial aid in relation to the carrying out of its functions under the Bill.

Section 26 provides that the Authority may administer EU schemes and issue payments in relation to these.

Sections 27 and *28* contain standard provisions in relation to the submission of audited accounts and annual reports to the Minister and any other reports on the work of the Authority as may be specified by the Minister. Accounts must be audited by the Comptroller and Auditor General whose report must be laid before each House of the Oireachtas.

Section 29 provides for the application of the Freedom of Information Act, 1997, to the Authority.

Section 30 is a standard provision providing that the Authority may, subject to the consent of the Minister and Minister for Finance, accept gifts on conditions consistent with the Authority's functions.

Sections 31 to *33* provide for the appointment, with the consent of the Minister, of a Chief Executive by the Authority. These sections also include standard provision for the attendance by the Chief Executive at meetings of the Authority, Oireachtas Committees and the Committee of Public Accounts.

Section 34 is a standard provision for the appointment and payment of staff.

Section 35 provides for the transfer of the existing staff of Bord Fáilte Éireann and C.E.R.T. Ltd. to the new Authority, on the establishment day, on terms and conditions no less favourable than those to which they were subject immediately beforehand.

Section 36 provides for the continuation of existing superannuation benefits for staff transferred to the Authority and of pensioners of the two bodies; and for preparation by the Authority, for approval by the Minister and the Minister for Finance, of superannuation schemes in respect of staff.

PART 3

DISSOLUTION OF BORD FÁILTE ÉIREANN AND C.E.R.T. LTD.

(*Sections 37* to *42*)

This Part contains standard transitional provisions concerning a range of items and (at *Schedule 1* and *Schedule 2*) details of the provisions under the Tourist Traffic Acts, 1939 to 1998, that have

been repealed or may be contracted out as a consequence of the provisions included in the Bill.

Section 37 provides for the dissolution of Bord Fáilte Éireann and C.E.R.T. Ltd. on the establishment day.

Sections 38 and 39 contain provisions relating to the vesting in the Authority, on the establishment day, of land and other property formerly vested in the dissolved bodies.

Sections 40, 41 and 42 are standard provisions for the transfer to the Authority of the rights and liabilities of dissolved bodies, including liabilities for losses occurring before establishment day, and for the continuation and completion by the Authority of leases, licences, permissions, instruments, etc. granted by the dissolved bodies.

Financial Implications

There are no significant budgetary or financial implications in the proposals contained in this Bill.

*An Roinn Ealaíon, Spóirt agus Turasóireachta
Samhain, 2002.*