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**AN BILLE UM CHEAPACHÁIN CHUIG COMHLACHTAÍ  
POIBLÍ 2009**

**APPOINTMENTS TO PUBLIC BODIES BILL 2009**

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**EXPLANATORY MEMORANDUM**

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*Purpose of Bill*

Public bodies are an essential feature of governance in Ireland and important decisions affecting the lives of people are taken by individuals appointed to the boards of these bodies. The present procedures for appointing board chairpersons and members are diverse and badly defined. This has the potential of giving elite groups a monopoly of such positions and therefore an inordinate degree of influence on decision making. Renewed public confidence is required in the integrity of procedures and there is a need to eradicate any element of patronage. This Bill seeks to establish an independent merit based appointment system, through a new institutional framework which will allow for a systematic and transparent process of selection and appointments. This will ultimately enhance accountability and rigor in these bodies.

*Provisions of Bill*

*Section 1* relates to the commencement of the Act by resolution.

*Section 2* sets out certain definitions used in the Bill.

*Section 3* provides for the application of the provisions of this Bill to chairs and board members of all public bodies and special appointments.

*Section 4* provides for the extension of the provisions to new public bodies.

*Section 5* provides for the Minister to remain ultimately responsible for the appointments to public bodies.

*Section 6* provides for the establishment of an appointments to public bodies unit within the remit of the office of the commission for public service appointments.

*Section 7* amends the Public Service Management (Recruitment and Appointments) Act 2004.

*Section 8* provides for the establishment of a Joint Oireachtas Committee on Appointments to Public Bodies.

*Section 9* sets out the functions of the appointments to public bodies unit as being the establishment, monitoring, regulation, approval and carrying out of appointment procedures.

*Section 10* sets out the functions of the Joint Oireachtas Committee on Appointments to Public Bodies as being the review of current practices, the drawing up of a list appointments to be subjected to new procedures and the ratification of the appointment to public bodies unit's actions.

*Section 11* provides for the drawing up of a code of practice to govern the appointment process, to be made publicly available and the principles which should apply in that code.

*Section 12* provides for the drawing up of appointments to public bodies plans by government departments.

*Section 13* requires the appointment process to be carried out as follows. The appointment to public bodies unit will advertise positions and will recruit through open competition after the candidates have disclosed political activities and interests. The selected chairs and board membership composition will be ratified by the appointment to public bodies committee. Selection criteria, position descriptions and names of appointees will be made publicly available.

*Section 14* gives the appointment to public bodies unit the power to draw up non-compliance procedures and the committee on appointments to public bodies the power to enforce these procedures.

*Section 15* subjects the new system to the scrutiny of the Joint Oireachtas Committee on Appointments to Public Bodies.

*Section 16* restricts the terms of office of chairpersons and board members to two terms.

*Section 17* requires each chairperson to come before the Joint Oireachtas Committee on Appointments to Public Bodies for questioning at the end of each terms of office.

*Section 18* gives the Joint Oireachtas Committee on Appointments to Public Bodies the power to dismiss chairpersons or board members.

*Section 19* requires special appointments to international bodies to be subject to a vote of approval by Dail Eireann.

*Senators Shane Ross, Joe O'Toole, Rónán Mullen, David Norris, Feargal Quinn,*  
*Deireadh Fómhair, 2009.*