

**Your Reference: S1497 PAC33**

10 November 2023

**BY EMAIL ONLY:** [pac@oireachtas.ie](mailto:pac@oireachtas.ie)

Brian Stanley, T.D.  
Committee of Public Accounts  
Leinster House  
Dublin 2

Dear Cathaoirleach

Thank you for your letter of 10 November 2023 following the meeting of the Committee of Public Accounts on Thursday 9 November 2023.

RTÉ has always been fully committed to ensuring that there is transparency and probity in relation to its dealings with the Committee and on that basis, we sought a compromise in relation to the solicitor's note of the meeting of 7 May. Your letter of 10 November 2023 suggests a slightly different proposal, and we welcome the Committee's engagement on this matter.

We note the assurances of confidentiality given by the Committee around the solicitor's note. RTÉ very much wishes to resolve this matter and will provide the Committee with a copy of the original note on the confidential basis set out in your letter.

RTÉ will also provide the Committee with a detailed summary of the solicitor's note on an open basis, and without restriction. This is the summary of the note that we had drawn up as part of our proposed compromise.

On this basis, we **enclose** the above mentioned documents. You will note that the summary is, as we had stated, an accurate reflection of the note.

If you have questions in relation to the note, we are happy to address those questions in writing.

Yours sincerely



**Kevin Bakhurst**  
**Director-General, RTÉ**

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10 November 2023

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## PRIVATE AND CONFIDENTIAL

Sarah O'Farrell  
Clerk to the Committee of Public Accounts  
Leinster House  
Kildare Street  
Dublin 2  
D02 XR20

Re: Solicitor's Note dated 7 May 2020 (the "Note")

Our client: RTÉ

Dear Ms. O'Farrell

We refer to RTÉ's letter to the Committee of Public Accounts' ("PAC") of 7 November 2023.

The Note was prepared by a Solicitor in RTÉ. It contains handwritten notes of a Microsoft Teams meeting attended by NK Management and RTÉ. We have received and examined a physical copy of this Note.

As stated in the letter of 7 November 2023, the Note is not a verbatim transcript and should not be considered as such, nor has the context of any comments made in the Note been verified with relevant parties. Accordingly, RTÉ has endeavoured to provide the PAC with all key legible, and discernible information contained therein. Significantly, RTÉ believes that the information set out below corresponds with evidence that has been provided to the PAC already, by NK Management and others.

The Note

- The first section of the Note states that Finance is looking at invoicing – scrutiny of us from Rev – most have had rev audits. [We understand that this comment relates to discussions between RTÉ and third-party contractors – that invoices should record the work done in the relevant period, rather than splitting an annual fee over 12 months].
- Under the heading of the name of the sponsor, the Note, *inter alia*, stated the following:
  - They will pay €75,000 – all fine.
  - Slow, sponsor had a bereavement, CFO out.

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- No issue and want to continue on basis discussed.
- Want flex, on what the invoice says. Rough wording. Instead of three appearances, client would like 'bespoke p'ship' between Sponsor and NK Management. To include [personal appearances], prog of activities agreed between Sponsor, RTE and NK.
- Noel, not an issue, do we know how invoices to be broken down; Don't know until the CFO back.
- Query about a Side Letter – No – The former Director General will ensure any sponsorship of the Late Late Show would involve a portion like they were talking a lot here – but only oral; can't write to confirm it as that will negate what we're trying to do.

Up to RTÉ to ensure this happens with the sponsor.

- Refers to person from NK Management – we thought you'd underwrite – cannot in formal sense as that would compromise what we are trying to achieve.
- The former Director General will personally ensure that a portion of the sponsorship will always be apportioned to the individual.
- RTÉ were creative, client and talent happy with it, but rules/regs and sanctions prevented RTÉ providing a letter.
- NK Management indicate that this would be a problem – not what was agreed.
- NK Management – can we look at something if another sponsor, what if no sponsor?
- The former Director General responded that this was unlikely to happen.
- NK Management – big problem, teams change and we've no guarantee on this.
- The former Director General appears to indicate that we all want this to work; we've reputations to uphold. "Cold comfort" in this time.

Not perfect – Best we can do.

- NK Management then queried the effect of another Director General being appointed.
- The former Director General then advised that they thought they could do it, they can't – no way around this. The guarantee [essentially] says RTÉ will pay the talent,
- When is current [agreement] up?
- Under the heading 'Side letter', the note refers further reduction in extreme circumstances.
- NK Management – absolutely not, we've worked well, but no staff could take 40% cut, can't keep moving the goal posts.

No, we've had conversations and negotiations.

**Note ends**

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We respectfully reiterate the necessity around the RTÉ legal office maintaining its confidence over its internal legal file and trust that the above information satisfies the outstanding queries of the PAC in respect of the meeting of 7 May 2020.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Arthur Cox', with a stylized flourish at the end.

ARTHUR COX LLP