



*Minutes of the Commission
Wednesday, 12th November, 2008*

1. The seventh meeting of the Commission of 2008 took place at 5 p.m. in Room 2, Leinster House.

2. MEMBERS PRESENT.

Deputy John O'Donoghue, T.D., Ceann Comhairle (Chairperson), Senator Pat Moylan, Cathaoirleach of the Seanad (Deputy Chairperson), Mr. Kieran Coughlan, Secretary General, Deputy Tom Hayes, Senator Cecilia Keaveney, Deputy Séamus Kirk, Deputy Michael Mulcahy, Deputy Dan Neville, Deputy Pat Rabbitte and Senator Jim Walsh.

Apologies were received from Senator Paul Bradford.

3. MINUTES OF PREVIOUS MEETING.

The minutes of the meeting of 8th October, 2008, were agreed by the Commission.

4. LEINSTER HOUSE CONSERVATION WORKS - UPDATE FROM MR. SEAN BENTON, CHAIRMAN, OPW, ON PRESS RELEASE RE DEFERMENT OF CONSERVATION WORKS

Mr. Seán Benton (Chairman), Ms. Claire McGrath, Commissioner, and Mr. John Cahill, OPW, were admitted to the meeting.

Leinster House Conservation Works.

The Commission was informed that due to the current financial situation the OPW would not be in a position to proceed with the proposed conservation works to address structural and services deficiencies in Leinster House and that the works would now be deferred to a more opportune time. In the interim, the OPW confirmed that all necessary remedial works will be undertaken to address the risks associated with the deferment of the works, specifically it proposes to (i) decant all personnel from the second floor in Leinster House to reduce the load on that floor; (ii) to remove the debris from the attic and top floor; (iii) to address structural issues at roof level; and (iv) to continue with fire protection works. The alternative accommodation for decanted staff will be ready by January 2009. The OPW further confirmed that ongoing investigative works will continue with the preparation of the contract documents for when the conservation works are eventually proceeded with.

A general discussion ensued wherein the Commission questioned the rationale for the deferment of these very necessary works which were originally identified by the OPW and the urgency of addressing the works were reported to both the Commission and to the Committees on Procedures and Privileges of both Houses. The Commission questioned how the OPW budget is prioritised and requested a breakdown of the costs estimated for the conservation works. The OPW stated that the cost of the refurbishment works would represent a significant proportion of the OPW's non-contractually committed spend for 2009. The OPW confirmed that its priority for 2009 is addressing health and safety works around the country, including Leinster House.

Restoration of Leinster Lawn.

The OPW advised the Commission that the current temporary car park in Leinster Lawn needs to be considered in the context of the Part IX planning process which stipulate that the lawn be re-instated following the completion of the LH 2000 development works. The OPW is committed to honouring this planning requirement but was previously requested by the Commission to make the necessary planning arrangements for the retention of the temporary car park pending the construction of the underground car park as it was viewed at that time that it would be impractical and a poor use of public funds to restore the lawn only to have it dug up again a few years later to facilitate the construction of the underground car park. The OPW confirmed that in the event of the lawn being restored it would be obliged to provide suitable replacement parking for the spaces from Kildare House which were lost when the Oireachtas printing facility was located there. The Commission noted that in the current financial climate the Government funding for the underground car park will not now be made available to the OPW in the immediate future. Nevertheless, the Commission questioned the logic of the OPW proceeding to restore the lawn whilst not proceeding with the more immediate essential conservation works.

Leinster House Development Control Plan.

The Commission was informed that the OPW would continue to strategically progress the Leinster House development control plan as much as possible using available in-house resources.

The Commission:

- (i) requested that the OPW seek an extension of the permission for the retention of the temporary car park at Leinster Lawn pending the completion of the Leinster House conservation works and that the OPW report back to the Commission in this matter;
- (ii) agreed that Deputy Martin Mansergh, Minister of State with responsibility for the OPW, be invited to attend before the Commission to explain the rationale for not prioritising the Leinster House conservation works in the OPW work plan for 2009 in view of the urgency attached to remedying the structural deficiencies already identified by the OPW;
- (iii) noted that the OPW Leinster House development plan would continue to be strategically progressed by the OPW using in-house OPW resources.

The Commission thanked Chairman Benton and his officials for their attendance at the meeting and they withdrew from the meeting.

5. ESTIMATE 2009.

The Commission had before it for consideration the Statement of Estimates for 2009 [07-02-08], an explanatory note on the scope of each subhead [07-03-08], a report on decisions on priority investments in the current 2007-09 budgetary cycle [07-04-08], and a letter from the Working Group of Committee Chairmen concerning the 2009 Estimates [07-05-08].

A general discussion ensued and the Commission noted the Estimate is in the context of the three year timeframe of the budget and the commitment for significant savings in a projected underspend of 5%. In addition, an efficiency action programme is currently underway in the Office which is committed to identifying savings in the administrative and political expenditure areas. A report identifying areas of potential savings in the programme will be forwarded to the Commission at its next meeting. The Office will report to the Finance Committee, or directly to the Commission as appropriate, on a quarterly basis on the efficiency programme. The Office will also be responding to the Task Force report on foot of the OECD review which is expected to be published shortly.

The Commission:

- (i) Approved the Statement of Estimate 2009 and noted that the Estimate will be presented to the Dáil next week for noting by way of motion, in accordance with the Houses of the Oireachtas Commission Acts 2003 and 2006. Deputy Seamus Kirk, Chairperson of the Finance Committee, was nominated to move the motion in the Dáil.

- (ii) Noted the explanatory note on the scope of each subhead.
- (iii) Noted the report of July 2008 setting out the decisions of the Finance Committee on the identification of priority investments in the current 2007-09 Commission budgetary cycle.
- (iv) Noted the letter from Mr. Noel O'Flynn, Chairman, Working Group of Committee Chairmen, proposing a reduction in the Committee's Estimate allocation – the 2009 Estimate for Committee travel (subhead 5(c)) to remain at 2008 outturn levels.

Senator Jim Walsh dissented from the decision to approve the Statement of Estimates for 2009.

6. LEGAL ADVICE SERVICES FOR THE JOINT COMMITTEE ON THE CONSTITUTIONAL AMENDMENT ON CHILDREN – REQUEST FOR SANCTION FOR ADDITIONAL FUNDING.

The Commission had before it for consideration a proposal from the Joint Committee on the Constitutional Amendment on Children seeking sanction for additional funding of €122,300 for legal advice services to cover the Committee's legal costs (including fees payable to special advisers to the party groups represented on the Committee) up to its report back deadline of 30th November, 2008 [07-06-08, 07-06a-08].

The Commission noted that there is a strong possibility that the Joint Committee may be seeking a further extension on its report back date up to May 2009.

The Commission agreed to sanction the request for €122,210 to cover the Joint Committee's legal costs up to its report back deadline of 30th November, 2008, but in the event of the Committee extending its deliberations up to May 2009, and requests for further additional funding being sought by the Committee, the Commission agreed that in the current financial climate the issue of the engagement of the three special advisers for the parties should be re-evaluated in view of the cost implications associated therewith.

Senator Jim Walsh dissented from the specific fee rate of €1,500 payable to counsel.

7. 90th ANNIVERSARY OF THE FIRST DÁIL – COMMEMMORATION PROPOSALS.

The Commission had before it for consideration a business case for the following programme of events proposed to commemorate the 90th Anniversary of the first sitting of Dáil Éireann [07-07-08]:

- (i) A Special Joint Sitting of the Houses in the Mansion House on 20th January;
- (ii) The production of a souvenir national newspaper supplement which will also be sent to every primary and post-primary school;
- (iii) The commencement of an Oireachtas Parliamentary Fellowship to post graduate students of Irish History beginning in 2009 and continuing up to the 100th Anniversary;
- (iv) The creation of a photographic exhibition of 90 years of Dáil Éireann;
- (v) The commissioning of an An Post Commemorative Stamp – to be confirmed - this may yet be postponed to mark 100th Anniversary; and
- (vi) 90th Anniversary branding of Oireachtas literature, letterheads, etc.

The Commission was advised that the Special Joint Sitting of the Houses in the Mansion House is proposed for 20th January as the Mansion House is unavailable on 21st January.

The Commission provisionally approved the programme of events subject to the proviso that the Office attempt to resolve the issue of the reservation of the Mansion House for the 21st January which is the actual anniversary date and therefore the preferred date for the commemoration celebrations.

8. ICT – PROPOSAL FOR PURCHASE AND INSTALLATION OF DATA STORAGE SOLUTION (DSS) AND eMAIL ARCHIVING SYSTEM.

The Commission had before it for consideration a proposal for the purchase and installation of a Data Storage Solution (DSS) and an eMailing Archiving System [07-08-08].

The Commission approved the business case for the appointment of the preferred supplier in respect of the supply, installation, support and maintenance of the system.

9. REPORT ON VISIT BY THE HOUSES OF THE OIREACHTAS COMMISSION TO STORMONT.

The Commission had before it for consideration a report on the recent visit by the Houses of the Oireachtas Commission to Stormont [07-09-08].

The Commission noted the report and welcomed the plans to progress the setting up of a North-South Parliamentary Forum.

10. REPORT ON LIBRARY AND RESEARCH SERVICES FOR OIREACHTAS COMMITTEES.

The Commission had before it for consideration a report from the Head of the Library and Research Services on the provision of information and research services to Oireachtas Committees [07-10-08].

The Commission noted the report.

11. PARLIAMENTARY TV CHANNEL – INFORMATION NOTE RE IMPACT OF BROADCASTING BILL 2008 ON COMMISSION FUNCTIONS.

The Commission had before it for consideration an information note on the parliamentary television channel and the implications of the Broadcasting Bill 2008 on Commission functions [07-11-08].

The Commission noted:

- (i) that the sections in the Broadcasting Bill 2008 applicable to the Commission are enabling provisions regarding the establishment and the payment of the running costs of the channel, but ultimately it is a matter for the Commission to decide if the channel is to proceed and if so, in what format;
- (ii) that the draft report of the feasibility study into the parliamentary channel will be completed shortly and will be forwarded to the Commission for final decision on the sanction of expenditure on the recommendations contained therein;
- (iii) in relation to the general issue of legislative provisions having an impact on the Commission Acts, that the Commission be consulted on proposed amendments which may affect the Commission prior to the amending provision being published in Bill format in order that the views of the Commission may be communicated to the relevant Minister at an early stage.

Senator Cecilia Keaveney left the meeting prior to the Commission's consideration of the following item.

12. CONDUCT OF DEFENCE OF LEGAL PROCEEDINGS ON BEHALF OF NAMED MEMBERS OF THE HOUSES OF THE OIREACHTAS.

Arising from its decision on 8th October, 2008, to agree to sponsor the tabling of motions in both Houses, in accordance with section 4(2)(f)(iv) and (v) of the Houses of the Oireachtas Commission Acts 2003-06, to authorise the defence of proceedings on behalf of Deputy Jim McDaid and Senator Cecilia Keaveney arising out of the performance by the members concerned of their parliamentary functions as members of the Houses, the Commission noted the text of the relevant motions to approved by the Houses [07-12-08]. The Commission noted that this is the first time since the establishment of the Commission that these particular provisions of section 4 have come into play.

13. ANY OTHER BUSINESS.

(i) *Oireachtas pre-paid envelopes.*

The Commission noted that Oireachtas pre-paid envelopes are now stamped with “Seanad Éireann” and “Dáil Éireann” in place of the usual stamp of “Oireachtas Éireann” and questioned the origin of that decision.

(ii) *Oireachtas e-mail – request for facility to respond to multiple e-mails.*

The issue of having a technological facility to respond to multiple e-mails was raised. The Commission agreed that the ICT Unit should explore the options for the provision of this facility for members.

14. ADJOURNMENT.

The meeting adjourned at 6.20 p.m.

JOHN O’DONOGHUE, T.D.,
Ceann Comhairle and Chairperson of the Commission.

Dated: