

DÁIL ÉIREANN

AN COMHCHOISTE UM CHOMHSHAOL, CULTÚR AGUS GAELTACHT

JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE GAELTACHT

Déardaoin, 2 Deireadh Fómhair 2014

Thursday, 2 October 2014

The Joint Committee met at 10 a.m.

MEMBERS PRESENT:

Deputy Dessie Ellis,*	Senator Denis Landy,
Deputy Michelle Mulherin,	Senator Fiach Mac Conghail,
	Senator Hildegard Naughton.

* In the absence of Deputy Brian Stanley.

In attendance: Deputy Sandra McLellan.

DEPUTY MICHAEL MCCARTHY IN THE CHAIR.

The joint committee met in private session until 10.30 a.m.

National Cultural Institutions (National Concert Hall) Bill 2014: (Resumed) RTE

Chairman: We will consider the general scheme of the national cultural institutions (National Concert Hall) Bill 2014 with representatives from Raidió Teilifís Éireann. Is that agreed? Agreed. I welcome on behalf of RTE, Mr. John O’Kane, executive director, of RTE orchestras, quartet and choirs, Aodán Ó Dubhghaill Uasal, head of RTE Lyric FM and Ms Lorelei Harris, head of arts and cultural strategy.

I draw the witnesses’ attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed by the committee to cease giving evidence in respect of a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I advise witnesses that the opening statements and any other documents they have submitted to the committee may be published on the committee’s website after the meeting. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or any official by name or in such a way as to make him or her identifiable.

The purpose of the Bill we are considering is to give statutory status to the National Concert Hall in line with the governance and accountability regime that applies to other national cultural institutions. Accordingly, we have already scrutinised the general scheme of the Bill today with the assistance of officials from the Department of Arts, Heritage and the Gaeltacht and representatives from the National Concert Hall. Today, the joint committee will continue that scrutiny with the assistance of the representatives in attendance from Raidió Teilifís Éireann. The joint committee will then prepare a report on the general scheme of the Bill and present it to the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys.

I now invite the witnesses to make their opening statement.

Mr. John O’Kane: I thank the Chairman and members for inviting RTE to meet the joint committee. We note the Bill and the significant step that, if enacted, this legislation would represent in terms of formalising the National Concert Hall’s status as a national cultural institution. Many of us within the arts community recognise that the NCH has *de facto* operated as a national cultural institution, but we recognise that this Bill will formalise that in a particular way, as has just been outlined. We have submitted an opening statement in writing, and I do not propose to go through it.

Senator Fiach Mac Conghail: We did not get a copy of that.

Chairman: We have a copy here.

Mr. John O’Kane: We have set out our position in the opening statement and, with the committee’s agreement, I propose to highlight three aspects. In order to provide a degree of context, our note describes the current relationship between RTE, in particular the RTE orches-

tras, quartet and choirs, and the NCH. The relationship between RTE and the NCH is encapsulated in a formal, legal agreement which in effect gives us a licence for our activities within the NCH. The fact that we have such an agreement reflects the significance of the relationship and the central position the work of each organisation represents *vis-à-vis* the other. There is a high degree of mutual reliance between the RTE orchestras and the NCH. The significance of that can be understood easily enough if we look at very simple measures in regard to volume and expenditure. The sheer level of activity promoted in the NCH by the RTE orchestras and of course subsequently broadcast nationally to a national audience from the NCH is of great importance. The scale of RTE's financial contribution to the NCH's income is also significant. By virtue of both the level of activity and the scale of expenditure, it is a unique relationship that demonstrates mutual reliance.

Building upon that point about the close alignment of the work of the two organisations, we note that there are common challenges which everybody in the arts and certainly everybody in the music business faces: the question of how to promote music in the contemporary environment. The marketplace for music and the arts, entertainment and culture has become increasingly sophisticated and complex and thus has become highly competitive. The common challenge is to attract and engage the public. It is important to see the mutual interest in facing into those challenges and we think that in so doing one can see that there are opportunities. They lie, for example, in exploitation of the full implications of the arrival of the digital age. This is not yet fully described or understood but it affords a great opportunity to reach many more people and to engage with the public in a different way than was heretofore possible. We have already made some initial attempts in that regard but believe there is a lot more scope. The second area that contains a good deal more scope is the potential to develop the NCH complex. If the NCH were to develop the amazing premises that it has, it would acquire a good deal more operational flexibility and that in turn would have a direct impact upon its capacity and the capacity of RTE to serve the public more effectively and with a greater impact in terms of the public benefit.

We have offered a critique of the Bill from RTE's perspective, which stems from operational aspects of the relationship between RTE and the NCH. We have done this as an appendix to our statement, which provides the specific commentary. We would prefer if the legislation were to ensure that RTE's position was more explicitly secured for the longer term. We have made a number of specific suggestions in that regard. The first is that the discretion which the board of the NCH can exercise in regard to the RTE orchestras should be replaced with an obligation to sustain the relationship. We suggest that RTE's position in the Bill would be reinforced by naming all of the RTE performing groups in the Bill rather than just one of them, as is currently the case. It would be better if the NCH were required to reach agreement with RTE on financial and other matters, rather than leaving the NCH as the sole determinant on those conditions. In the event that an agreement on those conditions were not to be reached, it would be helpful if there were provision for independent arbitration.

Chairman: The relationship between RTE and the NCH is probably very much like a landlord-tenant relationship, although I do not mean to be that cold about it. What is the financial benefit to the NCH by virtue of RTE's tenancy worth in numerical terms?

Mr. John O'Kane: In 2013 it was over €1 million including VAT, or €900,000 plus VAT. In 2014 we expect that to be a little less because of some changes, we expect it to be €800,000 plus VAT.

Chairman: What VAT rate is applied?

Mr. John O’Kane: It varies according to the charge on the different services. I do not have the specifics of it.

Chairman: That is a significant amount of money.

Mr. John O’Kane: Yes, it is a significant part of our outlay in terms of our operating costs and discretionary spend to put on concerts and other activities. It is a very large part of our business. Most of our costs are absorbed in the people we employ. Then we have a certain amount to deploy to put on concerts. A large proportion of that is being invested in the relationship with the NCH. It is very important to us and to NCH in terms of the proportion of their income derived from it.

Chairman: I know this is a movable feast in many respects but how many people in RTE itself, in terms of human resources, would be involved in the NCH at any one time, between performers, administrative people and so on?

Mr. John O’Kane: The bulk of the people is made up by the musicians. In the division that I am involved with there are two orchestras, the RTE National Symphony Orchestra and the RTE Concert Orchestra. They have 81 and 45 musicians respectively. There is also a quartet. This makes a total of approximately 130 full-time, professional musicians, and then there is some support staff which takes the figure close to about 150. They are not all involved in the NCH but it is a very close relationship. There is a particularly close relationship with the RTE National Symphony Orchestra, NSO, the larger of the two ensembles. That is because that orchestra rehearses in the NCH as well as giving concerts there. It is very much based there and in fact the strapline the Hall uses is that it is “the home of the RTE National Symphony Orchestra”, which I think is a fair account of it. The orchestra rehearses there and gives concerts there, and its support staff are housed there. We rent offices and storage facilities, and so on, so we have a strong physical presence in the NCH and it is a matter of our daily business. It affects everything at all levels within the two organisations, so there is continuous contact between ourselves and the NCH at management level, at the level of the musicians and the production staff within the Hall, and at the level of the broadcasting teams. Many people in both organisations work very closely together on a daily basis as part of this relationship.

Chairman: Interesting. In terms of the choirs, how many people who are now successful singers in their own right would have begun in the choir itself? I am thinking of Eleanor McEvoy and others. I know this is probably not in relation to the Bill, but in the wider scheme of things-----

Mr. John O’Kane: It is funny that you mention Eleanor McEvoy. Eleanor started her career as a professional violinist and was a member of the NSO before going on to forge a career as a singer-songwriter. She is an unusual character and a very interesting musician on account of that.

The important thing to appreciate about the RTE choirs is that in contradistinction to the orchestras, the choirs are essentially non-professional; an amateur ethos governs the RTE Philharmonic Choir and the RTE Cór na nÓg. The Philharmonic Choir is full of people who are music enthusiasts, with real jobs, who come along once a week. They are deeply committed but their engagement comes from a love of music. They are also attracted by the opportunity to perform with a professional symphony orchestra, which is unique. They get to play big standard pieces of repertoire, great works of the music canon, which were written specifically for choir and orchestra together. That is how we deploy the choirs. It would be fair to say that the choirs

are not really the natural career pathway for those who are interested in solo singing as a career. We do work with many well-known household names, singers across all genres, but they would work with us in the capacity of guest artists rather than as members of the choir.

Senator Fiach Mac Conghail: I thank the Chairman for allowing me to jump the queue of speakers. I welcome all three witnesses and thank Mr. O’Kane for his opening statement. To put on the record, I am the director of the Abbey Theatre, which receives funding from the Arts Council. The Abbey Theatre sits on the Council of National Cultural Institutions and therefore I share a particular room with the director of the NCH. I say this for the sake of transparency and accountability; it does not mean that I am less qualified to ask any of these questions.

There are a couple of issues I would like to tease through in the document. This is a discussion on the general scheme of the Bill, so this committee has a role in formulating views or indeed ambiguities, which we present to the Minister. The Minister will then come in and respond to that before the legislation is drafted. As far as I can see, there is a complication. The complication is that both RTE and the NCH are mixed economy companies; they are both dependent on commercial income and on State subvention through the licence fee on the one hand and the Department on the other. There is a commercial relationship. It is clear in Mr. O’Kane’s statement that the relationship is not entirely symbiotic; sometimes the two are mutually supportive of one another, particularly around the NSO, and often they are competitors. I am thinking in terms of being a promoter.

The committee must consider whether it is of value or of interest to advocate for the NSO or, as Mr. O’Kane suggests, all of RTE’s performing groups, to be part of the legislation and also how that commercial relationship would be enshrined and might bind both organisations. I would like to hear Mr. O’Kane’s comments on that because he is very clear that he wants to expand the scheme to include all performing groups, that he advocates a return to the previous convention whereby a senior staff member is nominated as a director of the NCH, and that he wants essentially to strengthen the contractual obligation that the NCH might have on RTE.

Mr. John O’Kane: Our response to this is based largely on the operational side of things and the Senator is correct in the way he characterises the relationship and also the funding model on which both organisations effectively operate. There is a delicacy in it. We would characterise the relationship in broad terms by saying that we are working towards objectives which are broadly similar at face value. There is a natural harmony, if I may use that word, between the aims of the two organisations. Their interests are not exactly the same, however. This derives from the imperative on both organisations to meet commercial targets and so on. That is why we have this licence in place. We are the NCH’s largest client but it must also deal with many other clients. That forces the NCH into a position where it must engage with us as the largest client but it must also engage with many other clients who want to present their concerts in the NCH. In addition, the NCH wants to promote its own concerts. Betwixt and between those three elements there is a degree of competitiveness because we are competing in the narrowest sense of the term in the same marketplace for audiences. While I do not want to overemphasise the competitive dynamic in the relationship, our natural response when we see the provisions of this Bill is to see an opportunity to reflect the importance of RTE’s relationship with the NCH. Our motivation for that stems not only from our desire to succeed as best we can in every aspect of our remit but also from our recognition that there is a common public investment, as Senator Mac Conghail alludes to, in that the NCH is funded directly from the Department of Environment, Culture and the Gaeltacht, and that the orchestras are indirectly funded by the licence fee. If the ultimate goal is public benefit, then we think that there is a

strong case for making the position of RTE stronger within the scheme of things.

Senator Fiach Mac Conghail: Would it be fair to say, although Mr. O’Kane does not use this word and I do not wish to put words in his mouth, that he would like the involvement of the RTE performing groups to be strengthened in the proposed legislation?

Mr. John O’Kane: Yes, that is probably a fair description.

Senator Fiach Mac Conghail: We did not fully tease out the National Concert Hall’s view of that and we should clarify it. Members of the committee have a serious concern regarding the sweeping powers of the Minister to direct policy at the hall and on the board, particularly under head 9: “The Minister may give general policy directions in writing to the Hall/Board in relation to the performance of the functions of the Hall /Board with the exception of functions relating to artistic and curatorial matters”. That does not in any way limit the Minister in dealing with artistic and curatorial matters because running the National Concert Hall is a matter of dealing with artistic and curatorial matters and one cannot differentiate one from the other. I raise this because that could have an indirect impact on RTE. If its involvement in the hall is enshrined in legislation there could be a view that the Minister might be able to direct policy on RTE’s role in the National Concert Hall. I am concerned about the ambiguity around that although this is only a scheme of the Bill and it might come out differently in the draft.

In respect of day-to-day programming how are RTE broadcasters, performers, conductors and the commission process protected from ministerial involvement? I am talking about artistic freedom.

Mr. John O’Kane: We would be very uncomfortable if as a result of any changes there were to be any interference. We do not believe that the provisions of the Bill are likely to impact on us. We believe our autonomy stems from the statutory basis provided by the Broadcasting Act and we do not believe that the new Bill would significantly undermine our autonomy. The provisions for how we operate our relationship with the National Concert Hall are described in our licence agreement rather than in legislation. We have not picked this up as a threat to our autonomy. We would be very exercised if it were because it is critical that any arts body is able to exercise full independence in how it fulfils its artistic function.

Senator Fiach Mac Conghail: I am glad to hear what Mr. O’Kane has said. From the committee’s point of view, however, the Minister of the day could conceivably issue a policy direction to RTE and its contractual relationship with the National Concert Hall and claim that it does not concern artistic or curatorial but rather commercial arrangements. That is something we should tease out in our final report.

Chairman: That concludes our consideration of the topic. I thank Mr. O’Kane, an tUasal Ó Dubhghaill and Ms Harris for their attendance here this afternoon. Their contribution is important to us in making our report to the Minister.

The joint committee adjourned at 10.55 a.m. until 2 p.m. on Tuesday, 21 October 2014.