



PUBLIC HOLIDAYS (LÁ NA POBLACHTA) BILL 2013

As initiated

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[No. ? of 2013]

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PUBLIC HOLIDAYS (LÁ NA POBLACHTA) BILL 2013

BILL

Entitled

AN ACT TO PROVIDE FOR THE AMENDMENT OF THE ORGANISATION OF WORKING TIME ACT, 1997 AND ESTABLISHMENT OF A BODY TO BE KNOWN AS BORD LÁ NA POBLACHTA AND FOR RELATED MATTERS. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1 10

PRELIMINARY AND GENERAL

Short title. 1.—This Act may be cited as the Public Holidays (Lá na Poblachta) Act 2013.

Interpretation. 2.—In this Act—

“the Minister” means the Minister for Arts, Heritage and Gaeltacht Affairs; 15

“public holiday” has the meaning assigned to it in the Public Holidays (Employees) Act 1973.

PART 2

LÁ NA POBLACHTA 20

Lá na Poblachta. 3.—That April 24th in each calendar year shall be a public holiday within the meaning of the Public Holidays (Employees) Act 1973. This public holiday shall be known and referred to as Lá na Poblachta.

In the event of that date falling on either a Saturday or Sunday that the succeeding Monday, be the public holiday, unless it is Easter Sunday and the preceding Saturday, in which case the public holiday shall be on the Friday preceding. 25

PART 3

AMENDMENT TO THE ORGANISATION OF WORK TIME ACT 1997

Amendment to the Organisation of Work Time Act 1997.

4.—The organisation of Work Time Act 1997 is amended in paragraph 1 of the Second Schedule to that Act by the substitution of the following for subparagraph (g):

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- “(g) that the 24th of April in each calendar year,
- (h) any other day or days prescribed for the purposes of this paragraph.”.

PART 4

BORD LÁ NA POBLACHTA AND CISTE LÁ NA POBLACHTA

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Bord Lá na Poblachta — establishment, functions and funding.

5.—(1) There shall stand established, on the establishment day, a body to be known as Bord Lá na Poblachta, and in this Act referred as “An Bord”, to perform the functions assigned to it by this Act.

(2) The minister shall by order within a month from the passing of this Act appoint a day to be the establishment day for the purposes of this Act.

(3) The function of An Bord shall be to annually promote, encourage, coordinate and fund a programme of events, in commemoration and appreciation of the contribution made to the Irish nation by those who, during the centuries of occupation of Ireland by a foreign power, gave their lives and liberty to pursue the freedom of the Irish nation. It shall also seek to raise awareness and promote discourse, analysis and understanding of the ideals and aspirations contained in the key revolutionary documents and events leading up to the declaration of the Irish Republic at the GPO on Monday 24th April, 1916.

(4) The programme of events under subsection (3) shall take place primarily on Lá na Poblachta each year.

(5) In promoting, encouraging, coordinating or funding the events referred to in subsection (3), An Bord shall ensure that such programme of events will include events to take place in each county of the thirty two counties of Ireland and shall have no cover charge.

Ciste Lá na Poblachta.

6.—(1) There shall be established by the minister, out of monies provided for by the Oireachtas, a fund, to be known as Ciste Lá na Poblachta.

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(2) The functions of An Bord and the programme of events funded by An Bord shall be paid for out of Ciste Lá na Poblachta.

Membership of An Bord.

7.—(1) An Bord shall consist of 12 members, who shall be appointed by the Minister, following on their nomination by the Oireachtas joint Committee on Arts, Heritage and the Gaeltacht,

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having in its opinion a special interest and expertise in matters relating to the functions of An Bord.

(2) The Minister shall appoint from amongst the 12 members referred to in *subsection (1)* a member to be Cathaoirleach of An Bord. 5

(3) The term of An Bord shall be five years and every member of An Bord shall hold office for a period of five years from the date of their appointment.

(4) On each expiration of a term of membership of An Bord, the Minister shall appoint another 12 persons as per *subsection (1)*, (2) 10 and (3).

(5) An outgoing member of An Bord shall not be eligible for re-appointment to An Bord, but a person who has been a member of An Bord in the past, but not during the immediately preceding term of An Bord, shall be eligible for appointment again as a 15 member of An Bord.

(6) A member of An Bord may resign from office by notice in writing given to the Minister, and the resignation shall take effect on the date on which the Minister receives the notice.

(7) A member of An Bord shall, subject to the provisions of this 20 Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Minister, in consultation with the Oireachtas Joint Committee on the Arts, Heritage and Gaeltacht Affairs.

(8) The Minister shall at any time, following a request from the 25 Oireachtas Joint Committee on the Arts, Heritage and Gaeltacht Affairs remove from office a member of An Bord, for a stated breach of the terms and conditions in *Section 7(7)* or for gross misconduct.

(9) If a vacancy arises on An Bord, The Minister may, having 30 consulted with the Oireachtas Joint Committee on the Arts, Heritage and Gaeltacht Affairs, appoint a person to be a member of An Bord to fill the vacancy so occasioned by the resignation of a member as per *subsection (6)* or the removal of a member under the terms of *subsection (8)*.

(10) A person appointed to be a member of An Bord pursuant to 35 *subsection (9)* shall hold office for the period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment.

(11) The chairperson and each ordinary member of An Bord shall 40 be reimbursed expenses expended in relation to their duties on behalf of An Bord and may receive an annual remuneration based on attendance at An Bord meetings in line with such guidelines as issued by the Minister, with the approval of the Minister for Finance, having consulted with the Oireachtas Joint Committee on the Arts, 45 Heritage and Gaeltacht Affairs.

Meetings of An
Bord.

8.—(1) An Bord shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

(2) At a meeting of An Bord—

(a) the chairperson of An Bord, shall if present, be the chairperson of the meeting, or

(b) if, and so long as the chairperson of An Bord is not present, or if that office is vacant, the members of An Bord who are present shall choose one of their number to be chairperson of the meeting. 5

(3) Every question at a meeting shall be determined by a majority of the votes of the members of An Bord present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 10

(4) An Bord may act notwithstanding one or more vacancies among its members.

(5) Subject to the provisions of this Act, An Bord shall regulate its procedures by rules or otherwise.

(6) The quorum for a meeting of An Bord shall, unless the Minister otherwise directs, be seven. 15

Disclosure of interests and confidentiality.

9.—(1) Where at a meeting of An Bord any of the following matters arise, namely—

(a) an arrangement to which An Bord is a part or a proposed such arrangement, or, 20

(b) a contract or other agreement with An Bord or a proposed such contract or other agreement.

then, any member of An Bord present at the meeting who otherwise than in his or her capacity as such a member has an interest in the matter shall— 25

(i) at the meeting to disclose to An Bord the fact of such interest and the nature thereof,

(ii) neither influence nor seek to influence a decision to be made in relation to the matter,

(iii) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed, 30

(iv) take no part in any deliberation of An Bord relating to the matter, and

(v) not vote on a decision relating to the matter.

(2) Where an interest is disclosed pursuant to *subsection (1)*, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting. 35

(3) Where at a meeting of An Bord a question arises as to whether or not a course of conduct, if pursued by a member of An Bord, would constitute a failure by him or her to comply with the requirements of *subsection (1)*, the question may be determined by 40

the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recoded in the minutes of the meeting.

(4) Where the Minister is satisfied that a member of An Bord has contravened *subsection (1)*, the Minister may, if he or she thinks fit, remove that member from office and, in a case where a person is removed from office pursuant to this section, he or she shall thenceforth be disqualified for membership of An Bord. 5

(5) Where a member of the staff of An Bord has an interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or purposed contract, agreement or arrangement, to which An Bord is a part, that person shall— 10

(a) disclose to An Bord his or her interest and the nature thereof,

(b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by An Bord or members of the staff of An Bord in relation thereto, and 15

(c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement. 20

(6) *Subsection (5)* shall not apply to contracts or purposed contracts of employment of members of the staff of An Bord with An Bord.

(7) Where a person contravenes *subsection (5)*, An Bord may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment. 25

(8) A person shall not disclose confidential information obtained by him or her while performing duties as a member of, or as a member of the staff of, or as an advisor or consultant to, An Bord unless he or she is duty authorised by An Bord to do so. 30

(9) A person who contravenes *subsection (8)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment. 35

(10) In this section, "confidential information" includes—

(a) information that is expressed by An Bord to be confidential either as regards particular information or as regards information of a particular class or description, and

(b) proposals of a commercial nature or tenders submitted to An Bord by contractors, consultants or any other person. 40

10.—(1) An Bord shall establish committees to advise An Bord on the performance of its functions under *Section 5(3) and (4)* in regard to, though not limited to, the following five areas of activity by An Bord—

- (a) The Community; 5
- (b) Education;
- (c) Culture;
- (d) Citizenship; and
- (e) Tourism.

An Bord may at any stage agree to set up additional committees under this provision with a stated specific field to advise An Bord on. 10

(2) All committees established under *subsection (1)* shall prepare an annual report to An Bord to be included in An Bord's annual report and accounts produced under *section 11(1)*.

(3) An Bord shall determine the terms of reference and regulate the procedure of the committees established under *subsection (1)*. 15

(4) A committee established under *subsection (1)* shall include persons who are not members of An Bord and persons who are members of An Bord but such a committee shall include at least one person who is a member of An Bord. 20

(5) All members of An Bord shall be entitled to attend any or all meetings of a committee or of committees established under *subsection (1)* but only those who are committee members shall be entitled to vote in a division.

(6) A member of a committee established under this section may be removed from office at any time by An Bord. 25

(7) An Bord may at any time replace any or all of the members of a committee established under this section.

(8) An Bord shall appoint a person to be chairperson of a committee established under this section. 30

(9) There may be paid by An Bord to members of a committee established under *subsection (1)* such allowances or expenses (if any) incurred by them as members of such committee in line with the provisions of *section 7(11)*.

11.—(1) In June each year, An Bord shall issue a report on the performance of its functions during the previous year, including an account of the operation of Ciste Lá na Poblachta, and the Minister shall cause a copy of the annual report to be laid before each House of the Oireachtas, and the chairperson of An Bord shall attend before the Oireachtas joint Committee on Arts, Heritage and the Gaeltacht, if so requested by that Committee, to discuss the annual report and accounts. 35
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(2) The Minister shall cause a copy of an abstract of the audited accounts of Ciste Lá na Poblachta, together with a copy of any auditor's report thereon, to be laid before each House of the Oireachtas.

Expenses of
Minister.

12.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided for by the Oireachtas. 5