



An tÚdarás Rialála Limistéir Mhuirí
Maritime Area Regulatory Authority

Minutes of the Maritime Area Regulatory Authority (MARA) Board Meeting

Date	29 July 2024
Venue	Webex - online
Time	12:00 – 13:00
Chair	Mark Mellett Vice Admiral DSM (Rtd), Phd (MM)
Board Members Present	Ms. Karen Banks (KB) Mr. Patrick Gibbons (PG) Ms. Niamh Kenny (NK) Dr. James Massey (JM) Mr. Brendan McGrath (BMCG) Mr. Patrick Moran (PM) Mr. Paul O'Neill (PON)
In attendance	MARA Executive – Ms. Laura Brien (CEO), Ms. SORCHA Byrne (Secretary), Mr. Frank Ronan (FR), Mr Anthony Sinnott (AS)

Agenda Items

1. Welcome and apologies

The Chair welcomed board members noting a quorum was in place and there was no non-executive session for this meeting. Apologies noted for Dr. Ruth Brennan, Philip Daly and Alma Walsh.

2. Declarations of Interest

None declared.

3. Draft minutes of meeting

3.1 Board Minutes (28/6/24) – Minutes adopted. The Chair reviewed matters arising, noting the following updates:

- **Agenda Item 7.0 CEO Report** – Action: Executive to progress the establishment of a working group of regulators. Action: Executive to progress engagement with Department of Defence for an integrated approach to compliance and enforcement. Action: Executive to research best practice approaches from other jurisdictions with regard to MARA operations across compliance, enforcement, approach to security issues, AA etc. Action: Secretariat to provide a glossary of terms to be included in future CEO reports and also make available on the Resources area of OneAdvanced. Update: Progress on these actions carried forward to future Board meeting.
- **Agenda Item 9.0 Conflict of Interest Policy** – Action: Secretariat to circulate updated form to the Board for completion by end September. Update: End September timeframe on track.
- **Agenda Item 11.0 Oversight and Performance Delivery Agreement** – Action: Secretariat to extend opportunity for Board to consider and review agreement to 5 July 2024. Action: Executive to return agreement with suggested amendments to DECC for signing. Update: Completed.

- **Agenda Item 13.0 Scientific and Technical Reference Committee** – Action: Matter to be returned to the Board at the September meeting. Update: Progress to be provided at next Board meeting.
- **Agenda Item 14.0 Draft reply to the consultation on International Connectivity for Telecommunications** – Action: Executive to ask DECC for clarification as to the context regarding treatment of policy and legislative framework in the consultation. Action: MARA's draft response to be circulated to the Board for input in advance of the public consultation closing. Update: Completed.
- **Agenda Item 15.0 AOB** – Action: Secretariat to organise July meetings for the ARC and Board to review the Financial Statements. Update: Completed.

3.2 ARC Minutes (12/06/24) – Minutes adopted.

4. ARC Recommendation on Financial Statements

NK presented the ARC report, confirming it considered the financial statements for the period 17 July 2023 to 31 December 2023 and it received a presentation by the C&AG of its audit completion memorandum which outlined finalisation is subject to some minor edits. FR gave an overview of the memo and associated papers, noting there are 3 outstanding matters raised by the C&AG, none are material in nature and MARA will finalise its response to the C&AG by 31 July 2024. In addition, the ARC sought minor changes to the Chairperson's Comprehensive Report to the Minister and the Statement of Internal Control.

The Board requested the following:

- the addition of a footnote in the financial statements to confirm PG was eligible to attend 5 of 6 pre-establishment meetings due to later initial appointment date.
- a revision to the Delegation of Authority to reflect learnings from the internal control issue reference in the statement on internal control.
- a clarification on MARA's approach to bad debts. The CEO confirmed a "no tolerance" approach to handling bad debts pending the development of a policy which will be presented to the Board for its consideration.
- consistency across the documents in respect of references to protected disclosures. MARA is currently operating on the basis of the civil service policy on protected disclosures. A MARA specific policy on protected disclosures has not yet been presented to the Board for approval.
- a clarification on the reference to the "retention of surplus funds" (Audit Completion Memo – page 6). The CEO confirmed surplus funds are currently held by MARA pending the approval of procedures to return a surplus to the Exchequer.

The Board agreed final documents will be presented to the ARC and the Board utilising the provision for a written resolution. Upon completion of this process, the Board confirmed the financial statements should be signed by the Chair of the Board and the Chair of the ARC.

Actions:

- Executive to highlight changes to the financial statements and papers for ease of review by the ARC and Board under the written resolution procedure.
- Executive to revise wording of MARA's Delegation of Authority for the Board's consideration.
- Executive to draft policy on bad debts for the Board's consideration.
- Executive to draft procedures on the management of surplus funds for Board's consideration.

5. MARA Proposal for Self-financing

The CEO presented the self-financing paper which proposes MARA be funded through a self-financing model instead of voted expenditure, noting a correction to page 4: the income line is expected to be in the region of €20m. The paper confirms a move to this model would require legislative changes and

need to align to the next Estimates process. Given these factors a post 2025 timeline is possible. The Board's consideration of the matter confirmed while it is not opposed to a self-financing model in principle, caution should be exercised in respect of timing. Further consideration and development of the concept is necessary. The Board noted that MARA should initially proceed to engage with DECC informally and requested the Executive to present a revised paper to the Board before year-end to determine if MARA could move from an informal to a formal engagement approach with key Government Departments for the self-financing model.

Actions:

- Revised paper to be presented to the Board before year end 2024.

6. Competitive MAC Request for Tender Corporate Affairs

The CEO presented the memo to the Board on a request for tender (RFT) for the design of the competitive MAC framework. The Board perceived a potential need to seek clearance with MARA's parent Department (including legal opinion) on suitable non-financial criteria. The board noted that the scope of the tender is important. Following the completion of the RFT process, Board approval will be sought in respect of expenditure for this project.

[JM left meeting due to connectivity issues]

7. Award of Contract – Legal Services

FR presented the memo on the award of contract for legal services and in response to queries from the Board, clarified the cascade process and confirmed that the contract is for general legal services. The Board approved the award of the tender for the provision of legal services as outlined in the papers associated with agenda item 7.

8. AOB

Date for the next board meeting is 10 September 2024 with the venue confirmed as the Irish Lights Offices in Dun Laoghaire.

ENDS.