



An Roinn Turasóireachta, Cultúir,
Ealaíon, Gaeltachta, Spóirt agus Meán
Department of Tourism, Culture,
Arts, Gaeltacht, Sport and Media

Hearing by Joint Committee on Social Protection, Community and Rural Development, and the Islands on the Safe Deposit Boxes and Related Deposits Bill 2022 (Private Members Bill)

Opening Statement by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media 24 May 2023

I would like to thank the committee for inviting us here today.

I welcome the opportunity on behalf of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to discuss this Private Members Bill, and, in particular those elements which relate to the role and functions of the Director of the National Museum of Ireland and the inclusion of artefacts into the national collections. I am the Principal Officer with responsibility for a number of our National Cultural Institutions, including the National Museum, and am joined here today by my colleague Ciara Moloney.

At the outset, I would like to recognise the positive policy intention behind this Bill which, taking its lead from the success of the Dormant Accounts Fund, aims to provide a means whereby unclaimed property may be used for the benefit of our society. The Bill provides two ways of doing so; either by the disposal of unclaimed property, or by the inclusion of previously unknown cultural or heritage assets in the national collections. Consideration of the disposal of unclaimed property has been addressed by my colleague from the Department of Rural and Community Development, while consideration of the role and implications for financial institutions has been addressed by my colleague from the Department of Finance.

As I mentioned, this Department's consideration relates, in the main, to the proposed role of the Director of the National Museum and the inclusion of artefacts into the national collections. Currently, there are three main ways that heritage and cultural objects and artefacts can enter the national collections – by donation, through acquisition or under the role set out for the National Museum of Ireland under the National Monuments Acts. Under the Monuments Acts, the Director of the National Museum is empowered to assert the State's ownership of archaeological objects which are found and which have no known owner and the Museum engages directly on these finds.

In terms of acquisition, the Department, working with the National Cultural Institutions, has supported an expanding programme over the past number of years which has seen some very significant acquisitions into the collections including *La Vie des Champs* by Cezanne and Jack B Yeats' *Bachelors Walk*, both at the National Gallery. The National Museum, Archives and Library continue to augment the collections with

carefully chosen objects and papers that expand and support our understanding of our national history, culture and heritage. Some recent acquisitions of note include an important collection of Pearse papers at the Museum, the Edna O'Brien papers at the Library and, as you may have seen in the media, the Michael Collins diaries at the Archives.

While these significant acquisitions often make headlines, it should be noted that the National Cultural Institutions are constantly and consistently seeking out and securing important items of cultural or heritage significance and, in particular, those that fill gaps in the collections. In that regard, I would like to highlight the Department funded acquisitions programme at the Irish Museum of Modern Art and the Crawford Art Gallery which explicitly seeks to enhance the contemporary art holdings of the National Collections by ensuring that they are more representative of the diverse perspectives and identities of contemporary Ireland. To date the Department has provided some €2.5m for this purpose and has seen the acquisition of some 500 works.

As I mentioned, the National Cultural Institutions also benefit from donations of items and artworks, including those under Section 176 of the Finance Act, 1995 and Section 1003 of the Taxes Consolidation Act, 1997. Over the past few years, items including a painting by Sir John Lavery, the Port of Cork collection of artworks and a collection of important silver have been donated to the National Gallery, Crawford Art Gallery and National Museum respectively.

Returning to the Bill, as with all legislation, the question arises as to whether the Bill, as drafted meets the objectives of the policy intention in a way that is effective and without creating any legal or administrative challenges in its operation. In that context, the Department considers that there remain some open questions in the drafting around the scope and nature of the role designated to the Director of the National Museum and would welcome further consultation on the drafting. Engaging the Directors of the National Museum and National Archives in this consultation would be essential to ensuring no adverse or unforeseen effects.

In terms of areas for future consultation, the Department notes that, while the Department has no objection to the Bill creating a vehicle for potentially valuable artefacts to enter the national collections, the current drafting may create a potentially significant administrative burden on the Director or her nominees. As such, we consider that further analysis of the number of such boxes and the short timeframe for examination by the Director would be beneficial to the process.

Equally, we are interested in the experience and advice of financial institutions in the types of materials that are typically found in safe deposit boxes. As part of our cross-Departmental engagement on this Bill, it appears that there is anecdotal evidence that the majority of such boxes contain materials that are of personal importance but would not meet the high-standards of the national collections. In that context, the Department considers that there is merit in considering whether all boxes need to be referred to the Director or just those boxes where there has been a determination that the contents may be of national importance. The current drafting sees the assessment by Financial Institutions as limited to reviewing materials with a view to identifying the owner which is a very limited assessment.

Accordingly, the Department, with the Director, would be happy to consider ways to support the financial institutions in assessing the importance of items including through the development of a set of criteria which could be used by the institution to assess whether an object should be referred to the Director for consideration. It is our view that this intermediate step would be critical in ensuring that the role of the Directors of National Museum and National Archives continues to align with role and functions of the Directors set out in their establishing legislation and would not see the introduction of an administrative function that is outside of their area of specialist expertise. Consideration might also be given to how the materials are recorded during this assessment given the growing emphasis on digital collecting among cultural institutions.

Finally, the Department considers that there is a need to expand consideration of indemnity for the State in taking objects into the national collections. In addition, to consideration of the general protections for the State and Director, a further area of consideration not currently provided for in the Bill is where items have been conserved or restored and which could be considered by an owner as an unlawful change to the object.

In closing, I thank the Committee for their time and am happy to take any questions that the members may have.