



SEANAD ÉIREANN

**AN BILLE UM CHÁILÍOCHTAÍ AGUS DEARBHÚ
CÁILÍOCHTA (OIDEACHAS AGUS OILIÚINT) (LEASÚ), 2018
QUALIFICATIONS AND QUALITY ASSURANCE
(EDUCATION AND TRAINING) (AMENDMENT) BILL 2018**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM CHÁILÍOCHTAÍ AGUS DEARBHÚ CÁILÍOCHTA (OIDEACHAS AGUS OILIÚINT) (LEASÚ), 2018 —AN TUARASCÁIL

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) (AMENDMENT) BILL 2018 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

*1. In page 5, line 24, after “mark;” to insert the following:

“to add to the cases in which a provider may be authorised to describe itself as a
“university” and, for that purpose, to amend the Universities Act 1997; ”.

*2. In page 13, between lines 10 and 11, to insert the following:

“(b) a reference to—

(i) a specified provider demonstrating to the Authority that it meets
the criteria specified in regulations under section 29B(1), or

(ii) such a provider meeting, or not meeting, those criteria or
ceasing to meet them,

shall, where regulations made under subsection (1) of section 29B
provide for what are referred to in subsection (3)# of that section as
related criteria in respect of a specified provider, be deemed to
include a reference to—

(I) a specified provider demonstrating to the Authority that those
related criteria are met in respect of it, or

(II) where the context requires, those related criteria being met, not
being met or ceasing to be met in respect of it,

as the case may be;”.

[#This is a reference to the subsection proposed to be inserted by Amendment No.7]

*3. In page 13, line 11, to delete “(b) a reference” and substitute “(c) a reference”.

*4. In page 13, line 14, to delete “(c) ‘operative date’ ” and substitute “(d) ‘operative date’ ”.

*5. In page 13, line 36, to delete “and”.

*6. In page 13, line 40, to delete “governance.” and substitute the following:

“governance, and

- (c) criteria related to the compliance by the specified provider with any enactment or instrument under an enactment (including any enactment or such an instrument passed or made after the operative date) imposing obligations on employers with respect to their employees or making provision in relation to any such obligations.”.

*7. In page 13, between lines 40 and 41, to insert the following:

“(3) With prejudice to subsection (2)(a), the relevant criteria, in the case of a specified provider that is a body corporate or an unincorporated body of persons, may include the following related criteria in respect of it, that is to say criteria as to every person who falls in the description contained in paragraph (a) or (b) (in his or her capacity as described therein) being a fit and proper person, namely:

- (a) a director of the provider or other person holding a position on its board of management or, where the affairs of the provider are managed by its members, each member of it;
- (b) a person employed by the provider whose duties include making decisions that, to a significant extent, could affect the management of the provider.”.

*8. In page 13, line 41, to delete “(3) A specified provider” and substitute “(4) A specified provider”.

*9. In page 14, line 4, to delete “(4) As soon” and substitute “(5) As soon”.

*10. In page 14, line 5, to delete “subsection (3)” and substitute “subsection (4)”.

*11. In page 14, line 12, to delete “(5) A provider” and substitute “(6) A provider”.

*12. In page 14, line 13, to delete “subsection (4)” and substitute “subsection (5)”.

*13. In page 14, line 16, to delete “(6) Nothing” and substitute “(7) Nothing”.

*14. In page 14, line 27, to delete “section 29B(3)” and substitute “section 29B(4)”.

*15. In page 23, line 40, to delete “subsection (2)” and substitute “subsections (2) to (4)”.

*16. In page 24, line 8, after “provider” to insert “and without prejudice to subsection (3)”.

*17. In page 24, between lines 10 and 11, to insert the following:

“(3) In respect of an award made by a designated awarding body, such an award shall, without the need for the making of a decision under section 55D, be regarded as an award that is included within the Framework if—

- (a) arrangements of the kind referred to in subsection (4) have been put in place by the designated awarding body and the Authority, and
- (b) on foot of those arrangements, the Authority—
 - (i) expresses its agreement with the view, concerning that award, of

the designated awarding body referred to in paragraph (a) of subsection (4), and

(ii) notifies the body, in writing, to that effect,

and an award, the subject of such a notification, is referred to subsequently in this Act as a 'section 55B(3) award'.

(4) The arrangements referred to in subsection (3) are arrangements that consist of the following 2 procedures—

(a) a procedure under which, following its forming such a view in relation to an award it makes, a designated awarding body may, by notice in writing served on the Authority, state that the body is of the view it is appropriate that the award be regarded as an award that is included within the Framework, and

(b) a procedure under which the Authority may—

(i) having had regard to the view of the body expressed in that notice, and

(ii) having consulted with the body,

express the agreement of the Authority with that view.

(5) Notwithstanding that a section 55B(3) award has not been preceded by the making of a decision by the Authority under section 55D in relation to it, a section 55B(3) award shall for the purposes, and the purposes only, of subsections (6) to (8) of section 55D (and the relevant provisions of sections 55I and 80 referred to in those subsections) be deemed to have been the subject of an affirmative decision made under section 55D.”.

***18.** In page 25, to delete lines 30 and 31 and substitute the following:

“make the particular award, whether—

(a) a listed awarding body,

(b) save where the award concerned of such a body is a section 55B(3) award, a designated awarding body, or

(c) a body or provider referred to in section 55B(2)(c) or (d),
the Authority”.

***19.** In page 35, to delete lines 19 to 29 and substitute the following:

“(c) in subsection (6)—

(i) in paragraph (b), by the deletion of “and”,

(ii) in paragraph (c), by the substitution of “provider, and” for “provider.”, and

(iii) by the insertion of the following paragraph after paragraph (c):

“(d) the establishment of policies and procedures in writing by a provider for the purposes of the management of human resources, including policies and procedures for the recruitment, training, continuing professional development, employment and cessation of employment of education and teaching staff.”, and

(d) by the substitution of the following subsection for subsection (7):

“(7) In specifying, under subsection (6), requirements relating to the matters referred to in paragraph (d) of that subsection, the Authority shall consult, in such manner as it thinks fit, with such person or persons, who represent education and training staff of providers, as it considers appropriate.”.

***20.** In page 37, between lines 12 and 13, to insert the following:

“(a) in subsection (1)—

(i) in paragraph (b), by the substitution of “section 61,” for “section 61.”, and

(ii) by the insertion of the following after paragraph (b):

“and, in carrying out such a review, the Authority where, in its discretion, having regard to all the circumstances of the matter, the taking of such steps is considered by it to be appropriate, may take steps to ascertain whether a failure of the kind, in the particular respect there referred to, specified in subsection (4) has occurred on the part of the provider to comply with an enactment or an instrument under an enactment.”.

***21.** In page 37, line 14, to delete “and”.

***22.** In page 37, between lines 14 and 15, to insert the following:

“(c) in subsection (4)—

(i) in paragraph (a), by the deletion of “or”, and

(ii) by the insertion of the following paragraphs after paragraph (b):

“(c) a provider has failed to comply with an enactment or instrument referred to in section 29B(2)(c)# where such failure is in a respect which the Authority considers could be said to affect adversely the standing of the international education mark, or

(d) a provider has failed to comply with any other enactment or instrument under an enactment where such failure is in a respect which the Authority considers could be said to affect adversely the standing of the international education mark among those seeking to receive education and training in the sector concerned,”, and”.

[#This is the correct reference if Amendment No.6 is accepted.]

***23.** In page 39, between lines 34 and 35, to insert the following:

“(l) the Institute of Public Administration,”.

- *24. In page 39, line 35, to delete “(l) a recognised” and substitute “(m) a recognised”.
- *25. In page 39, line 36, to delete “(m) the Royal College” and substitute “(n) the Royal College”.
- *26. In page 39, line 37, to delete “(n) the Royal Irish” and substitute “(o) the Royal Irish”.
- *27. In page 39, line 38, to delete “(o) Mary Immaculate” and substitute “(p) Mary Immaculate”.
- *28. In page 39, line 39, to delete “(p) Marino Institute” and substitute “(q) Marino Institute”.
- *29. In page 40, line 1, to delete “(q) a body” and substitute “(r) a body”.
- *30. In page 44, to delete line 9 and substitute the following:

“person.

- (15) On the expiry of 5 years after the date of the establishment under subsection (1) of the Learner Protection Fund, and on every 5th anniversary thereafter, the Authority shall conduct a review of the operation of that Fund and in conducting that review shall invite, and have regard to, submissions from obligated providers in relation to that Fund’s operation and the matters specified in subsection (16) relating to the annual charge.
- (16) A review under subsection (15) shall extend to the consideration by the Authority of the annual charge and the extent to which the provision made by this Part for such a charge, and the amount thereof as it stands prescribed for the time being, enable the giving of effective financial assistance to enrolled learners in the circumstances specified in this Part.
- (17) The Authority shall prepare and publish a report setting out the results of a review under subsection (15) and subsections (13) and (14) shall apply to such a report as they apply to a report under subsection (11).”.”.

- *31. In page 44, line 23, after “to” to insert “the”.
- *32. In page 49, after line 39, to insert the following:

“Authorisation to use description: “university”

- 37. (1) In this section “Act of 1997” means the Universities Act 1997.
- (2) Section 52 of the Act of 1997 is amended, in subsection (1) (amended by section 6 of the Education (Miscellaneous Provisions) Act 2015), by the insertion of “sections 53 to 58 and to” after “Subject to”.
- (3) The Act of 1997 is amended by the insertion of the following sections after section 52:

“Definitions for the purposes of sections 54 to 58

- 53. In sections 54 to 58—
 - ‘Act of 2012’ means the Qualifications and Quality Assurance (Education

and Training) Act 2012;

‘authorised provider’ means an education provider in respect of which a university authorisation order is in force;

‘education provider’ means a person who provides a programme of education and training;

‘revocation order’ shall be construed in accordance with section 56(7);

‘university authorisation order’ shall be construed in accordance with section 54(3).

Authorisation to education provider to describe itself as a university

- 54.** (1) An education provider, whose primary income does not derive from moneys provided by an tÚdarás (being moneys provided to an tÚdarás under section 12 of the Higher Education Authority Act 1971), may make an application to the Minister for the making of an order under subsection (3) in respect of it.
- (2) Such an application shall be in such form and be accompanied by such information as the Minister may direct.
- (3) Subject to the following subsections and sections 55 to 58, on an application being made under subsection (1) the Minister may decide to make, or may decide to refuse to make, an order under this subsection (in this Act referred to as a ‘university authorisation order’) that authorises the education provider to use, in respect of itself, the description ‘university’ and to style itself accordingly and where the Minister decides to make such an order, the Minister shall, subject to subsection (9), make the order accordingly.
- (4) In making a decision under subsection (3), the Minister—
- (a) shall consult with an tÚdarás, and
 - (b) may appoint an advisory panel, that may include national and international experts having a special interest in or expertise in, or knowledge of, matters relating to higher education, and may receive and have regard to advice given by that panel with respect to the education provider’s application,
- and the Minister shall not make a decision to make a university authorisation order unless the Minister is satisfied that the conditions specified in section 55(1) are complied with in respect of the education provider concerned.
- (5) In addition to any information provided by it pursuant to a direction under subsection (2), the education provider concerned shall provide to the Minister such information and documentation as the Minister may specify for the purpose of considering its application under subsection (1).

- (6) The Minister shall make a decision under subsection (3) within a period of 4 months after the date of receipt of the application concerned under subsection (1).
- (7) The Minister shall notify, in writing, the education provider concerned of the Minister's decision under subsection (3) as soon as may be after the making of it and where the decision notified is a decision to refuse to make a university authorisation order, the notification shall state the reasons for the refusal.
- (8) Where the Minister makes a decision under subsection (3) to refuse to make a university authorisation order in respect of the education provider concerned, the provider may, in accordance with section 57, appeal against that decision within 30 days after the service of the notice under subsection (7).
- (9) Where a university authorisation order is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.

Conditions to be complied with for making of university authorisation order

55. (1) The conditions referred to in section 54(4) in respect of an education provider are:

- (a) that the provider shall:
 - (i) have provided programmes of education and training and conducted examinations, leading to the awarding by it of degrees and other qualifications to at least doctoral degree level for not less than 5 years in the State prior to the date of making the application,
 - (ii) have conducted research for not less than 5 years in the State prior to the date of making the application,
 - (iii) be a designated awarding body permitted to award degrees and other qualifications to doctoral degree level in accordance with the provisions of the Act of 2012,
 - (iv) demonstrate—
 - (I) that it has integrated, coherent and effective governance structures in place concerning academic, administrative, financial and management matters,
 - (II) that it has strong links with business, enterprise, the professions, the community, local interests and other stakeholders,
 - (III) that it has, under section 28 of the Act of 2012, established procedures in writing for quality assurance in relation to

which—

- (A) no notice has been furnished by the Qualifications and Quality Assurance Authority of Ireland under section 36(1) of the Act of 2012, or
 - (B) approval has not been withdrawn under section 36 of that Act,
- (IV) that subject to the right and responsibility to preserve the principles of academic freedom in the conduct of its internal and external affairs, it provides, and has procedures in place to further develop, the provision of programmes that respond to the delivery of policies or objectives of the Government or the Minister as they relate to higher education and to the needs of business, enterprise, the professions, the community, local interests and other stakeholders,
- (V) that it—
- (A) provides opportunities for staff and students to teach, learn or conduct research at institutions that provide higher education outside the State, or to obtain relevant work experience outside the State,
 - (B) provides opportunities for staff and students of institutions that provide higher education outside the State to teach, learn or conduct research at the education provider, and
 - (C) collaborates with institutions that provide higher education outside the State, including on joint research projects and for the purpose of provision of programmes,
- (VI) that it is financially viable and has sufficient financial resources available to meet any projected costs arising from the making of a university authorisation order in respect of it,
- (VII) that it develops and promotes and has procedures in place to further develop and promote strong social and cultural links, and links supporting creativity, between the education provider and the community,
- (VIII) that it contributes in so far as possible in the education and training, research, innovation and other activities it provides to the promotion of the economic, cultural, social and scientific development of the State, while fostering and respecting the diversity of its own traditions,

- (IX) that it respects the diversity of values, beliefs and traditions in Irish society,
 - (X) that it promotes critical and free enquiry, informed intellectual discourse and public debate within the education provider and in wider society, and
 - (XI) that it promotes access to the education it provides, by economically or socially disadvantaged persons, by persons who have disability and by persons from sections of society who are significantly under-represented in its student body;
- (b) that of the students of the education provider registered (at the time of the making of the application) on programmes that lead to—
- (i) an award at honours bachelor degree level, or
 - (ii) an award at a level higher than that referred to in subparagraph (i),
- at least 4 per cent of them are research students registered on a programme which leads to an award to at least master's degree level;
- (c) that of the full-time academic staff of the education provider engaged (at the time of the making of the application) in the provision of a programme that leads to an award to at least honours bachelor degree level—
- (i) at least 90 per cent of such staff hold a master's degree or doctoral degree,
 - (ii) at least 45 per cent of such staff either—
 - (I) hold a doctoral degree, or
 - (II) subject to subparagraph (iii), hold a terminal degree and possess sufficient practical experience gained in the practice of a profession to which the programme relates, such that the degree and experience together can reasonably be viewed by the Minister (after consultation, if such a panel has been appointed under that provision, with the advisory panel referred to in section 54(4)(b)) as equivalent to a doctoral degree,
- and
- (iii) not more than 10 per cent of such staff hold only the qualifications referred to in subparagraph (ii)(II);
- (d) that of the full-time academic staff of the education provider engaged (at the time of the making of the application) in both of the following activities, namely—

- (i) the provision of a programme that leads to an award at doctoral degree level, and
 - (ii) the conduct of research,
at least 80 per cent of such hold a doctoral degree;
- (e) that each of the full-time academic staff of the education provider engaged (at the time of the making of the application) in the supervision of students registered on a programme that leads to an award at doctoral degree level—
- (i) either—
 - (I) holds a doctoral degree, or
 - (II) holds a terminal degree and possesses sufficient practical experience gained in the practice of a profession to which the programme relates, such that the degree and experience together can reasonably be viewed as equivalent to a doctoral degree,

and
 - (ii) has a record of continued conduct of research in an area relevant to the programme;
- (f) that it provides teaching and facilitates learning that is informed by research and promotes excellence at appropriate levels of higher education within the National Framework of Qualifications and that in relation to a programme referred to in paragraph (d)—
- (i) it conducts research and carries out innovation activity to a high standard, and
 - (ii) the research and innovation contributes to the furtherance of knowledge and has positive social and economic effects on business, enterprise, the professions, the community, local stakeholders and other related stakeholders;
- (g) that all programmes provided by the education provider that lead to an award at doctoral degree level comply with any policy relating to doctoral education as may be agreed from time to time between An tÚdarás and the Qualifications and Quality Assurance Authority of Ireland following consultation with bodies representing the interests of an institute of technology, a technological university or a university specified in any of paragraphs (a) to (d) of section 4 (1).
- (2) In subsection (1)—
- ‘award’ means an award that is included within the National Framework of Qualifications (within the meaning of the Act of 2012);

‘level’ means included at the level concerned within the National Framework of Qualifications.

Revocation of university authorisation order

- 56.** (1) References in this section to a continuing condition shall be construed in accordance with subsection (2).
- (2) For the purposes of this section, each of the conditions specified in paragraph (a)(iii) and (iv) and paragraphs (b) to (g) of section 55(1) shall be regarded as a continuing condition, that is to say each such condition (with the modification, where appropriate, of it referred to in subsection (3)) shall operate as a condition that must continue to be complied with in respect of the authorised provider subsequent to the making of a university authorisation order in respect of it.
- (3) For the purposes of this section, a reference in any of paragraphs (b) to (g) of section 55(1) to the time of the making of the application shall be construed as a reference to—
- (a) if the power under subsection (5) has been exercised in relation to the authorised provider concerned, the time of the exercise of that power, or
- (b) if a review has been conducted under this section (but the foregoing power has not been exercised in relation to the authorised provider concerned), such time during the course of the conduct of the review as An tÚdarás considers appropriate.
- (4) An tÚdarás may at any time review the activities of an authorised provider for the purposes of ascertaining whether each of the continuing conditions is being complied in respect of the provider.
- (5) Where—
- (a) a review under subsection (4) is being conducted, or
- (b) An tÚdarás otherwise considers it appropriate to exercise the following power in relation to an authorised provider,
- An tÚdarás may, by notice in writing, request the authorised provider concerned to provide to it such information, in relation to the activities of the provider, as is specified in the notice and the provider shall provide that information to An tÚdarás within such period as is specified in the notice.
- (6) Where following a review under subsection (4), or upon consideration of information received from an authorised provider on foot of a notice under subsection (5) (served in the circumstances referred to in paragraph (b) of that subsection), an tÚdarás is of the opinion that any of the continuing conditions is not being complied with in respect of an authorised provider, it shall inform the Minister, in writing, of its opinion and the reasons for the opinion.

- (7) Subject to subsections (8) to (12), where in relation to an authorised provider—
- (a) the Minister is informed by an tÚdarás, under subsection (5), that it is of the opinion referred to in that subsection, or
 - (b) it otherwise comes to the notice of the Minister that that any of the continuing conditions is not being complied with in respect of an authorised provider,
- the Minister may, after consultation with An tÚdarás, make an order revoking the university authorisation order in respect of the provider (in this section referred to as a ‘revocation order’).
- (8) Where the Minister proposes to make a revocation order he or she shall, by notice in writing to the authorised provider concerned, inform the provider that he or she proposes to make such an order in respect of it and state the reasons for the proposed revocation.
- (9) A notice under subsection (8) shall state that the authorised provider may make representations to the Minister in relation to the reasons for the proposed revocation that have been stated in the notice not later than 30 days after the service of the notice on the provider.
- (10) Where, after consideration of representations (if any) made to the Minister in accordance with subsection (9), the Minister decides, for the reasons stated in the notice concerned under subsection (8), to make a revocation order in respect of the authorised provider, the Minister shall notify, in writing, the provider of that decision and of the date that the Minister proposes to specify in the order as the date on which the order shall come into operation (which date shall not be a date earlier than the end of the period within which an appeal may be brought under subsection (11)).
- (11) Where the Minister makes a decision under subsection (10) to make a revocation order in respect of the authorised provider, the authorised provider may, in accordance with section 57, appeal against that decision within 30 days after the service of the notice under subsection (10).
- (12) Unless, within the foregoing period, an appeal is made in accordance with section 57 against the decision of the Minister referred to in subsection (11), the Minister shall make the revocation order in respect of the authorised provider.

Appeals Board

57. (1) This section applies to each of the following cases:

- (a) a case in which an education provider appeals against a decision of the Minister to refuse to make a university authorisation order in respect of it;

- (b) a case in which an authorised provider appeals against a decision of the Minister to make a revocation order in respect of it.
- (2) An appeal referred to in subsection (1)(a) or (b) shall be made by notice in writing given by the education provider or the authorised provider to the Minister.
- (3) In a case to which this section applies, the Minister shall, within 7 days after the date of receipt of the notice of appeal concerned, request the Qualifications and Quality Assurance Authority of Ireland to nominate persons, as provided for under subsection (4), for appointment to an appeals board for the purposes of the appeal.
- (4) As soon as practicable, and in any event not later than 42 days after the request under subsection (3), the Qualifications and Quality Assurance Authority of Ireland shall nominate—
 - (a) 2 persons having a special interest or expertise in, or knowledge of, matters relating to higher education—
 - (i) one of whom shall be nominated for the purpose of the person’s being appointed the chairperson, and
 - (ii) one of whom shall be nominated for the purpose of the person’s being appointed to be an ordinary member,
 - of the appeals board, and
 - (b) one person who, as a practising solicitor or practising barrister, has not less than 10 years’ experience as such and who shall be nominated for the purpose of the person’s being appointed to be an ordinary member of the appeals board.
- (5) An employee or member of the Qualifications and Quality Assurance Authority of Ireland shall not be nominated under subsection (4)(a).
- (6) A solicitor or barrister who is in the full-time service of the State shall not be nominated under subsection (4)(b).
- (7) In a case to which this section applies, the Minister shall appoint an appeals board, consisting of a chairperson and 2 ordinary members and the persons appointed to those positions shall be the persons nominated, respectively, for that purpose under subsection (4).
- (8) The persons so appointed shall be paid such fees and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.
- (9) The Minister shall furnish such support of an administrative nature to an appeals board as the Minister in his or her opinion determines necessary to enable the board to perform its functions.
- (10) In relation to the appeal falling to be determined by an appeals board, the board—

- (a) shall establish the procedures to be followed regarding the making of submissions to the board and their form, and
- (b) may establish the procedures to be followed regarding—
 - (i) the holding of a hearing,
 - (ii) the examination by the appeals board of the parties to the appeal or other persons,
 - (iii) requests by the appeals board for information or further information, for the purposes of the appeal, from the parties to the appeal or other persons,
 - (iv) provision by the appeals board to the parties to the appeal of all information for the purposes of the appeal received by the appeals board, and
 - (v) any other matter that the appeals board considers appropriate for the proper performance of its functions.
- (11) An appeals board shall be independent in the performance of its functions.

Appeal

- 58.** (1) For the purposes of the appeal for which an appeals board is appointed under section 57, the board—
- (a) shall request submissions from the parties to the appeal and the parties shall furnish the submissions to the appeals board within the period specified in the request,
 - (b) following consideration of those submissions may hold a hearing, and
 - (c) may request such information from the parties to the appeal, or any other person as the appeals board considers necessary for the proper performance of its functions, and the parties to the appeal or other person, as the case may be, shall furnish the information to the appeals board within the period specified in the request.
- (2) If a hearing is held—
- (a) each of the parties to the appeal is entitled to be heard at the hearing, and
 - (b) the appeals board may adjourn the hearing of a matter at any stage in the proceedings until a date specified by the board.
- (3) A decision by a majority of the members of an appeals board shall suffice for any purpose.
- (4) In considering an appeal under this section an appeals board shall consider—

- (a) submissions from the parties to the appeal,
 - (b) the evidence presented at any hearing of the matter, and
 - (c) all information furnished to the appeals board.
- (5) On completion of its consideration of the appeal, the appeals board shall make a decision determining the appeal as soon as practicable in all the circumstances of the case, which may be a determination to—
- (a) affirm the decision concerned of the Minister, or
 - (b) quash the decision concerned of the Minister and direct the Minister, for stated reasons, to reconsider his or her decision within a specified period.
- (6) In a case in which the subject of the appeal is a decision of the Minister to make a revocation order in respect of an authorised provider and the appeals board makes a determination under subsection (5)(a) to affirm that decision, the board shall, at the same time, specify a date that is to be the date specified in the revocation order as the date on which the order shall come into operation and the revocation order made by the Minister shall specify, as the date on which it shall come into operation, the foregoing date.
- (7) The appeals board shall notify the parties to the appeal and the Minister of its determination under subsection (5) as soon as practicable after it is made.
- (8) In the case of a determination under subsection (5)(b), the Minister shall reconsider his or her decision within the specified period or the specified period as extended for a further period by the appeals board following:
- (a) a request from the Minister;
 - (b) consultation with the parties to the appeal; and
 - (c) the board being satisfied that there is good and sufficient reason for so extending.
- (9) Where having reconsidered, on foot of a direction under subsection (5) (b), his or her decision to refuse to make a university authorisation order in respect of an education provider, the Minister decides to make a university authorisation order in respect of the provider, the Minister shall, subject to section 54(9), make the order accordingly.”.”.