



# **SEANAD ÉIREANN**

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## **BILLE AN ÚDARÁIS UM ARD-OIDEACHAS, 2022 HIGHER EDUCATION AUTHORITY BILL 2022**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## BILLE AN ÚDARÁIS UM ARD-OIDEACHAS, 2022 —AN COISTE

### HIGHER EDUCATION AUTHORITY BILL 2022 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 1

1. In page 11, to delete lines 29 and 30, and in page 12, to delete lines 1 and 2.

*—Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

#### SECTION 2

2. In page 12, between lines 7 and 8, to insert the following:

“ “academic member” means a member of An tÚdarás who, at the time of his appointment as such member, held an academic post;

“academic post” means a post in an institution of higher education (other than a post as chief officer) all or part of the duties of the holder of which is to teach any students of the institution or to carry out research;”.

*—Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

3. In page 13, line 18, after “disadvantaged,” to insert “persons to whom the Equal Status Acts 2000 to 2018 apply to,”.

*—Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

4. In page 13, line 19, after “society” to insert “and social classes”.

*—Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

5. In page 13, line 26, to delete “(including knowledge of humankind, culture and society)”.

*—Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

6. In page 13, to delete lines 33 and 34.

*—Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 2]

7. In page 13, to delete lines 33 and 34 and substitute the following:

“ “students’ union” means an independent and self-governing body, recognised by a higher education provider or by the Minister, that is established for the purpose of promoting the general interests of students of a designated higher education institution, and of representing students, both individually and collectively, in respect of their well-being and academic, disciplinary and other matters arising within, and outside of that institution;”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

8. In page 13, to delete lines 33 and 34 and substitute the following:

“ “student union” means an independent and self-governing body, elected by students in a higher education institution, that is established for the purpose of promoting the general interests of students of a designated higher education institution, and of representing students, both individually and collectively, in respect of their well-being and academic, disciplinary and other matters arising within, and outside of that institution;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

9. In page 13, between lines 36 and 37, to insert the following:

“ “United Nations Sustainable Development Goals” means the United Nations Sustainable Development Goals 1 to 17 set out in the document entitled “Transforming our World: The 2030 Agenda for Sustainable Development, published by the UN Department of Economic and Social Affairs 2015” or any document which amends or replaces that document.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

10. In page 13, to delete lines 39 and 40, and in page 14, to delete lines 1 to 3.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

11. In page 13, to delete line 40, and in page 14, to delete lines 1 to 3 and substitute the following:

“(3) In this Act, references to environmental development and sustainability shall be construed as references to development and actions that meet the needs of the present and which contribute to climate action without accelerating or worsening the climate emergency for those already experiencing its effects and those belonging to future generations who may experience its impacts.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

12. In page 14, line 1, after “needs” to insert the following:

“, while recognising historic responsibility for climate change and its effects on current populations,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

13. In page 14, line 3, after “development,” to insert “climate justice,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 2]

14. In page 14, between lines 3 and 4, to insert the following:

“(4) This Act shall not be construed as modifying or restricting—

- (a) the entitlement of a designated institution of higher education to regulate its affairs in accordance with its independent ethos, and
- (b) the right and responsibility of such an institution to preserve and promote the principles of academic freedom in the conduct of its internal and external affairs.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 3

15. In page 14, line 6, to delete “or to be prescribed”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

16. In page 14, to delete lines 7 to 9.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

17. In page 14, line 8, to delete “, supplementary”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 7

18. In page 14, after line 39, to insert the following:

**“Report following Citizen’s Assembly on Education**

7. The Minister shall, following the conclusion of the Citizen’s Assembly on Education, prepare and lay a report before both Houses of the Oireachtas outlining how they plan to implement or reflect the recommendations of the Citizen’s Assembly in respect of higher education with regard to amendments to the provisions of this Act and policy relating to higher education in the State more broadly.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

19. In page 15, line 16, after “Reform” to insert the following:

“and following consultation with the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

20. In page 15, line 19, to delete “2 members” and substitute “a majority of the members”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

21. In page 15, to delete lines 20 and 21.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 8]

SECTION 8

22. In page 15, line 32, to delete “a high quality higher education system” and substitute “high quality higher education”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

23. In page 15, between lines 32 and 33, to insert the following:

“(b) to protect and enhance the public nature of the higher education system;”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

24. In page 15, between lines 32 and 33, to insert the following:

“(b) creating a coherent system of diverse institutions with distinct missions;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

25. In page 15, between lines 32 and 33, to insert the following:

“(b) creating a coherent system of diverse institutions with distinct missions which is responsive to the social, cultural, environmental and economic needs of Ireland and its people and the achievement of national objectives;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

26. In page 15, line 34, to delete “and environmental development and sustainability” and substitute “, environmental and sustainable development”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

27. In page 15, line 35, to delete “agility” and substitute “excellence”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

28. In page 16, to delete lines 1 to 3.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

29. In page 16, to delete lines 1 to 3 and substitute the following:

“(c) to report on the international standing of degrees and awards from higher education institutions in Ireland and in conjunction with the Comptroller and Auditor General to secure value for money in the use of funding provided under this Act;”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

30. In page 16, to delete lines 1 to 3 and substitute the following:

“(c) ensure that designated higher education institutions are transparent in their use of public money and that such monies are used in a sustainable and ethical manner;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

31. In page 16, between lines 3 and 4, to insert the following:

“(c) to hold designated institutions of higher education to account for their

[SECTION 8]

performance and for the ethical and sustainable use of funding provided under this Act;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

32. In page 16, line 4, after “advance” to insert “and promote”.

—*Senator Malcolm Byrne.*

33. In page 16, line 4, after “opportunity,” to insert “equity,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

34. In page 16, line 4, after “diversity” to insert “, participation”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

35. In page 16, between lines 4 and 5, to insert the following:

“(e) to ensure decent pay and good working conditions for academic (including PhD researchers) and non-academic staff in designated institutions of higher education;”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

36. In page 16, line 6, after “respect” to insert “and protect”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

37. In page 16, line 6, after “freedom” to insert “autonomy, collegiality and internal democracy”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

38. In page 16, line 6, after “staff” to insert “and students”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

39. In page 16, line 9, after “institutions” to insert the following:

“, including the validating the international standing of Irish qualifications and awards; autonomous, collegiate and democratic governance and financial standards stipulated by the Comptroller and Auditor General”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

40. In page 16, between lines 9 and 10, to insert the following:

“(h) to promote the attainment of the national aims of restoring the Irish language and preserving and developing the national culture, including by promoting teaching, learning and research across the wide diversity of disciplines at higher level through the medium of Irish.”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

41. In page 16, between lines 9 and 10, to insert the following:

“(h) to promote an appreciation of the value of higher education and research.”.

—*Senator Malcolm Byrne.*

[SECTION 8]

42. In page 16, between lines 9 and 10, to insert the following:

“(h) to support the role of the higher education system in contributing to democracy and democratic values.”.

—*Senator Malcolm Byrne.*

43. In page 16, between lines 9 and 10, to insert the following:

“(h) to advance sustainability in higher education.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

44. In page 16, between lines 9 and 10, to insert the following:

“(h) to promote the development of public research for the public good which addresses social and environmental needs.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

45. In page 16, between lines 9 and 10, to insert the following:

“(h) to promote and support the development of public-public partnerships for research between designated higher education institutions and public bodies both in Ireland and internationally.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

46. In page 16, between lines 9 and 10, to insert the following:

“(h) to enable and assist research sharing and technology transfer between designated higher education institutions and public bodies in line with and with due regard to Article 4(1)(g) of the United Nations Framework Convention on Climate Change.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

47. In page 16, between lines 12 and 13, to insert the following:

“(3) There shall be at least four student representatives on each governing body. Student representation will increase in proportion to increases in the numbers of students.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 9

48. In page 16, line 16, after “engagement” to insert “, including as members of the governing authority,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

49. In page 16, to delete lines 19 and 20.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

50. In page 16, to delete lines 19 and 20 and substitute the following:

“(c) ensure financial transparency in designated higher education institutions and effective expenditure of An tÚdarás of public monies provided to it,”.



[SECTION 9]

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

51. In page 16, line 19, after “money” to insert the following:

“, in conjunction with the Comptroller and Auditor General as indicated in Article 33.1 of Bunreacht na hEireann”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

52. In page 16, line 21, after “provision” to insert the following:

“, without prejudice to such other recommendations as may be made by individual designated higher education institutions,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

53. In page 16, to delete lines 23 and 24 and substitute the following:

“(e) plan for research in higher education and to make recommendations on overall higher education research,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

54. In page 16, line 23, after “system” to insert the following:

“, without prejudice to such other recommendations as may be made by individual designated higher education institutions,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

55. In page 16, between lines 24 and 25, to insert the following:

“(f) promote research and development and practices in higher education which contribute to the protection of the environment and sustainable development,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

56. In page 16, between lines 24 and 25, to insert the following:

“(f) respond to recommendations from designated higher education institutions in respect of the overall higher education and research system,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

57. In page 16, to delete lines 25 to 32 and substitute the following:

“(f) support the provision of a range of programmes of higher education and training aimed at meeting the educational and skills needs of individuals, society, the environment, the arts and culture, enterprise, the professions, community development, local interests and other stakeholders locally, regionally, nationally,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

58. In page 16, line 26, after “individuals,” to insert “society,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 9]

59. In page 16, line 26, after “business,” to insert “the environment,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

60. In page 16, line 27, after “enterprise,” to insert “the arts,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

61. In page 16, line 28, to delete “and nationally” and substitute “, nationally, internationally”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

62. In page 16, line 33, to delete “a national” and substitute “international, national”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

63. In page 16, line 33, after “national,” to insert “international,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

64. In page 17, to delete lines 1 to 4 and substitute the following:

“(i) to promote research in higher education,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

65. In page 17, to delete lines 8 to 11.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

66. In page 17, to delete lines 12 to 15.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

67. In page 17, to delete lines 16 and 17.

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane,  
Eileen Flynn, Frances Black.*

68. In page 17, line 16, after “bodies” to insert “, in conjunction with the Comptroller and Auditor General,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

69. In page 17, between lines 17 and 18, to insert the following:

“(n) promote co-operation between higher education institutions in the European Union and internationally for the purposes of advancing public research and development which seeks to address social and economic inequalities and environmental challenges and climate change,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

70. In page 17, between lines 17 and 18, to insert the following:

“(n) promote and assist the delivery of education on and the carrying out of research relating to Traveller culture and history,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 9]

71. In page 17, between lines 17 and 18, to insert the following:

“(n) promote, support and respect academic freedom for staff and students,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

72. In page 17, between lines 17 and 18, to insert the following:

“(n) promote and support public research and development in relation to the achievement of the United Nations Sustainable Development Goals,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

73. In page 17, line 18, after “equality,” to insert “equity,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

74. In page 17, between lines 20 and 21, to insert the following:

“(o) monitor and assist the implementation of the United Nations Convention on the Rights of Persons with Disabilities, in particular Article 24, across designated higher education institutions,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

75. In page 17, line 28, after “the” where it secondly occurs to insert “promotion of cross border”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

76. In page 17, line 30, to delete “designated”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

77. In page 17, between lines 31 and 32, to insert the following:

“(r) in accordance with Article 3 of Bunreacht na hÉireann, recognise the promotion of harmony and friendship among all the people who share the territory of the island of Ireland in all the diversity of their identities and traditions, the Royal Charters and Letters Patent before the foundation of the State shall remain in force in accordance with the Belfast/Good Friday Agreement between the governments of Ireland, the United Kingdom and the United States dated 10 April 1998 reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions”, and endorsed by referendums in both jurisdictions and lodged as an international treaty and the United Nations.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

78. In page 17, to delete lines 38 to 41.

—*Senators David Norris, Victor Boyhan, Gerard P. Craughwell, Tom Clonan.*

79. In page 18, between lines 2 and 3, to insert the following:

“(2) In performing its functions described in *subsection (1)*, An tÚdarás shall have due regard to the following:

(a) section 42 of the Irish Human Rights and Equality Act 2014;

[SECTION 9]

- (b) the United Nations Convention on the Rights of Persons with Disabilities;
- (c) the Charter of Fundamental Rights of the European Union;
- (d) the Equal Status Acts 2000 to 2018;
- (e) the United Nations Sustainable Development Goals; and
- (f) the Paris Agreement.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**80.** In page 18, to delete lines 3 and 4.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**81.** In page 18, line 3, to delete “or expedient”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**82.** In page 18, line 3, to delete “or expedient” and substitute “and proportionate”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**83.** In page 18, line 6, after “by” to insert “the Board of”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**84.** In page 18, line 8, after “by” to insert “the Board of”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 10

**85.** In page 18, line 10, to delete “An” and substitute “The Board of an”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**86.** In page 18, to delete lines 12 to 14.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**87.** In page 18, to delete lines 12 to 14 and substitute the following:

“(2) An tÚdarás shall comply with any directions concerning the engagement of consultants and advisers which may from time to time be given to it by the Minister, given with the consent of the Minister for Public Expenditure and Reform, and any such engagements shall be subject to an appropriate and transparent process.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**88.** In page 18, line 12, to delete “An” and substitute “The Board of an”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**89.** In page 18, line 12, to delete “shall comply with” and substitute “may consider”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 11]

SECTION 11

90. In page 18, lines 21 and 22, to delete from and including “(1) The” in line 21, down to and including line 22 and substitute the following:

“(1) The Minister may give a direction in writing to An tÚdarás, following consultation with the Board of An tÚdarás, for any purpose relating to this Act and concerning—”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

91. In page 18, line 21, after “tÚdarás” to insert “, following consultation with the Board of An tÚdarás,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

92. In page 18, line 23, to delete “or any other enactment”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

93. In page 18, line 23, to delete “or any other enactment” and substitute “or any other related enactment”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

94. In page 18, to delete line 24.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

95. In page 18, between lines 24 and 25, to insert the following:

“(2) A direction from the Minister to An tÚdarás made under *subsection (1)(b)* shall require approval by a motion of the Joint Oireachtas Committee on Education, Further and Higher Education, Research, Innovation and Science before taking effect.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

96. In page 18, line 25, to delete “shall comply with” and substitute “shall have regard to”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

97. In page 18, between lines 29 and 30, to insert the following:

“(5) All directions issued under *subsection (1)* shall be made public.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

*Section opposed.*

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 12

98. In page 18, lines 31 and 32, to delete from and including “(1) The” in line 31, down to and including line 32 and substitute the following:

“(1) The Minister may issue guidelines in writing to An tÚdarás, following consultation with the Board, for the purposes of this Act.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 12]

99. In page 18, line 31, to delete “guidelines” and substitute “advice”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

100. In page 18, line 32, after “Act” to insert “, following consultation with the Board of An tÚdarás”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

101. In page 18, line 35, after “Government” to insert “with the approval of the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

102. In page 19, to delete lines 2 and 3.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

103. In page 19, to delete lines 6 and 7 and substitute the following:

“(5) All guidelines issued under *subsection (1)* shall be made public.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

104. In page 19, to delete lines 6 and 7 and substitute the following:

“(4) The Minister shall publish—

(a) any direction issued under *section 11*, and

(b) any guidelines issued under *subsection (1)*,

in such manner as he or she considers appropriate.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

105. In page 19, to delete lines 6 and 7 and substitute the following:

“(4) The Minister shall publish guidelines issued by him or her under *subsection (1)* in an accessible manner and shall lay such guidelines before both Houses of the Oireachtas.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

106. In page 19, line 6, to delete “may” and substitute “shall”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 13

107. In page 19, line 9, after “such” where it firstly occurs to insert “public published”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 14

108. In page 19, line 15, after “provide” to insert “public”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 15]

SECTION 15

109. In page 19, between lines 17 and 18, to insert the following:

**“Advocacy role of An tÚdarás and designated higher education institutions**

15. Nothing in this Act shall be construed as preventing An tÚdarás, or designated higher education institutions, from freely expressing its views on matters concerning higher education.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

110. In page 20, to delete lines 3 to 7.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

111. In page 20, to delete lines 13 to 19.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

112. In page 20, between lines 19 and 20, to insert the following:

“(8) Meeting minutes, agendas and documents of the Board of An tÚdarás, safe for confidential information, shall be made public.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 16

113. In page 20, to delete line 22 and substitute the following:

“(a) a chairperson who shall be appointed by the Government;

(b) ten ordinary members chosen by a Citizen’s Assembly on Higher Education;”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

114. In page 20, to delete lines 23 to 32.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

115. In page 20, line 25, after “Minister” to insert “, following a recommendation from the Public Appointments Service,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

116. In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a trade union representative of academic staff in the sector, nominated by the relevant trade union(s).”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

117. In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).”.

[SECTION 16]

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

**118.** In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than one of the persons appointed under *paragraph (a)* shall be a person with international higher education experience, that being defined as having spent at least two years working in a higher education environment outside of Ireland, or working on international higher education policy.”.

—*Senator Malcolm Byrne.*

**119.** In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than 2 of the persons appointed under *paragraph (a)* shall be a trade union representative, one representing academic and the other professional staff.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**120.** In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than four of the persons appointed under *paragraph (a)* shall be academic members.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**121.** In page 20, between lines 35 and 36, to insert the following:

“(c) Not less than two of the persons appointed under *paragraph (a)* shall be a trade union representative, one representing professional staff and the other academic staff.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**122.** In page 20, line 36, to delete “Minister” and substitute “Citizen’s Assembly”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**123.** In page 21, between lines 15 and 16, to insert the following:

“(9) Where a member of the Board has a financial interest in an item before the Board, that member shall declare that interest and recuse themselves from discussion on that item.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**124.** In page 21, between lines 23 and 24, to insert the following:

“(11) All appointments to the Board of An tÚdarás by the Minister should follow a Public Appointments Service process.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 17

**125.** In page 21, line 28, after “secure” to insert “voluntary”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*



[SECTION 17]

126. In page 22, to delete lines 1 and 2.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

127. In page 22, to delete lines 7 and 8.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

128. In page 22, between lines 25 and 26, to insert the following:

“(iii) the Irish Research Council,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

129. In page 22, between lines 25 and 26, to insert the following:

“(iii) the Royal Irish Academy,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

130. In page 22, between lines 25 and 26, to insert the following:

“(iii) the Health Research Board,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

131. In page 22, line 29, after “education” where it firstly occurs to insert “or the conduct of research”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 20

132. In page 23, to delete lines 19 and 20.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

133. In page 24, between lines 2 and 3, to insert the following:

“(c) refer the plan to the economic and social research departments of higher education institutions in Ireland and abroad requesting their analysis of the plan in respect of overall economic and social development,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

134. In page 24, to delete line 10.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 21

135. In page 24, between lines 31 and 32, to insert the following:

“(h) comply with the Budget allocations of the Minister for Finance and the Minister for Public Expenditure and Reform.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

136. In page 24, to delete lines 32 to 36.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 22]

SECTION 22

137. In page 25, line 32, after “accounts” to insert “certified by the Comptroller and Auditor General”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 25

138. In page 26, between lines 24 and 25, to insert the following:

“(3) A person may not be appointed as Chief Executive where, in the last 3 years, they have been directly employed by the Government or a Minister thereof.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

139. In page 26, between lines 24 and 25, to insert the following:

“(3) A person who is appointed as Chief Executive may not hold shares with a value in excess of €30,000.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

140. In page 26, between lines 24 and 25, to insert the following:

“(4) When making a recommendation to the Minister under *subsection (2)*, the Board shall have regard to the following—

- (a) section 42 of the Irish Human Rights and Equality Act 2014,
- (b) the United Nations Convention on the Rights of Persons with Disabilities, and
- (c) the Equal Status Acts 2000 to 2018.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 26

141. In page 27, line 19, after “Officer” where it secondly occurs to insert “for a period of up to one month”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

142. In page 27, to delete lines 23 to 27.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 27

143. In page 27, line 34, to delete “in writing”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

144. In page 28, between lines 8 and 9, to insert the following:

“(e) any matter arising from the discharge of the constitutional role of the Comptroller and Auditor General.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

145. In page 28, to delete lines 9 to 12.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 28]

SECTION 28

146. In page 28, line 14, to delete “in writing”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

147. In page 28, line 18, to delete “or may be”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

148. In page 28, line 36, to delete “21 days” and substitute “7 days”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

149. In page 29, line 10, to delete “shall not question or” and substitute “may”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

150. In page 31, line 7, after “confidential”, to insert “commercial”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 33

151. In page 32, between lines 11 and 12, to insert the following:

“(b) the United Nations Sustainable Development Goals,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

152. In page 32, between lines 11 and 12, to insert the following:

“(b) section 42 of the Irish Human Rights and Equality Act 2014,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

153. In page 32, between lines 11 and 12, to insert the following:

“(b) the United Nations Convention on the Rights of Persons with Disabilities,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

154. In page 32, between lines 11 and 12, to insert the following:

“(b) Ireland’s national and international obligations in respect of emissions reduction,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

155. In page 32, between lines 22 and 23, to insert the following:

“(e) the Irish Research Council,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 34

156. In page 33, between lines 33 and 34, to insert the following:

“(v) the needs of society to address issues of poverty, social and economic

[SECTION 34]

inequality, racial inequalities and inequities and gender inequalities and inequities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 35

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 36

**157.** In page 36, to delete line 9 and substitute the following:

“(a) goals reflecting regional concerns, and”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

SECTION 37

**158.** In page 37, to delete lines 1 to 7.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**159.** In page 37, to delete lines 16 to 38, and in page 38, to delete lines 1 to 4.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**160.** In page 37, between lines 31 and 32, to insert the following:

“(6) Nothing in this section shall be construed as permitting an interference with the autonomous capacity of each designated institution of higher education to determine—

(a) which courses and programmes it develops and maintains, or

(b) the number of students that will be accommodated on any course or programme or within each designated institution of higher education.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**161.** In page 37, to delete lines 32 to 34 and substitute the following:

“(6) Nothing in this section shall be taken to mean that a designated institution of higher education, any other higher education provider or any other education provider, body or person—

(a) shall be allocated funding by An tÚdarás in any financial year,

(b) is prevented from deciding on the courses and programmes it will maintain, or the number of student places for each such course or programme.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 38

**162.** In page 38, line 7, after “Officer” to insert “, with the approval of the Board,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 38]

163. In page 38, line 12, to delete “Chief Executive Officer” and substitute “Board”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

164. In page 38, to delete lines 15 and 16.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

165. In page 38, to delete lines 15 and 16 and substitute the following:

“(d) to comply with the guidelines, codes and policies issued by An tÚdarás under section 143 provided it doesn’t violate guidelines, codes, policies or by-laws set by the City or County Council.”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

166. In page 38, line 15, to delete “An tÚdarás” and substitute “the Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

167. In page 38, line 16, after “143” to insert “or to adequately explain non-compliance”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell, Rónán Mullen, Gerard P. Craughwell.*

168. In page 38, line 16, after “143” to insert “or to adequately explain non-compliance under subsection (7) of that section”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

169. In page 38, to delete lines 20 and 21.

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

170. In page 38, line 20, after “determined” to insert “by the Board”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 39

171. In page 38, line 23, to delete “Chief Executive Officer” and substitute “Board”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 40

172. In page 38, line 32, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

173. In page 39, line 3, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

174. In page 39, line 8, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 40]

175. In page 39, line 12, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

176. In page 39, line 15, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

177. In page 39, line 16, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 41

178. In page 39, line 20, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

179. In page 39, lines 27 and 28, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

180. In page 39, lines 28 and 29, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 42

181. In page 39, line 32, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

182. In page 39, line 39, to delete “Chief Executive Officer” and substitute “Minister”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

183. In page 40, to delete lines 1 to 42, and in page 41, to delete lines 1 to 26.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 43

184. In page 41, line 29, to delete “Notwithstanding” and substitute “In support of”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

185. In page 41, line 29, to delete “Notwithstanding” and substitute “Building on”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

186. In page 41, lines 31 and 32, to delete “in collaboration with the Qualifications and Quality Assurance Authority of Ireland”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

187. In page 41, line 32, after “students” to insert “, their many societies, clubs, publications which are a vital part of university life in Ireland”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

188. In page 41, line 33, after “formal” to insert “and informal”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 43]

189. In page 41, line 36, after “encourage” to insert “the staff of”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

190. In page 41, line 36, after “the” to insert “continuing”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

191. In page 41, line 37, after “formalised” to insert “and informal”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

192. In page 41, after line 41, to insert the following:

“(2) Proposals to reduce student representation on governing bodies, reduced funding for student clubs, societies and groups, and reduced accommodation and facilities such as playing fields, club rooms, musical and theatrical venues, debating chambers etc. will be examined from the total collegiate rather than university manager perspective.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

193. In page 42, to delete lines 1 to 14.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

194. In page 42, to delete lines 7 to 14.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

SECTION 45

195. In page 43, between lines 13 and 14, to insert the following:

“(4) The democratic deficit due to the restrictions on meetings in higher education institutions over the Covid emergency will be addressed as a matter of urgency.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

*Section opposed.*

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tomás Ó Clónán.*

SECTION 46

196. In page 43, between lines 29 and 30, to insert the following:

“(b) the policy inputs of other Ministers, in particular, those whose remit includes equity, reduction of income inequality and poverty alleviation,

(c) the experience of SUSI, and Local Authority Higher Education Grants officers from many decades promoting greater equity in higher education,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

197. In page 43, line 33, to delete “or” and substitute “and”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 46]

**198.** In page 43, between lines 35 and 36, to insert the following:

“(g) representatives of preschool and primary education, DEIS schools, and School Attendance Officers,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**199.** In page 44, line 3, to delete “and” and substitute the following:

“(i) Local authorities and Councillors, and”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

SECTION 47

**200.** In page 45, line 23, to delete “Notwithstanding” and substitute “Building on”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 49

**201.** In page 47, to delete lines 39 to 41.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**202.** In page 47, after line 41, to insert the following:

“(7) Prior to a disclosure of personal data being made under this section, a designated higher education institution must carry out a data protection impact assessment.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**203.** In page 47, after line 41, to insert the following:

“(7) Personal data obtained under this section shall not, in any circumstance, be used for commercial purposes.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 51

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 54

**204.** In page 50, to delete lines 27 to 32 and substitute the following:

“(7) An tÚdaras shall appoint an advisory panel that will include national and international experts having qualifications in higher education and shall receive and have regard to such advice given by the panel.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*



[SECTION 55]

SECTION 55

- 205.** In page 51, line 35, after “Qualifications” to insert “and that an internationally recognised scheme of external examiners is applied”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 61

- 206.** In page 57, between lines 4 and 5, to insert the following:

“(f) trade union representatives of both academic and professional staff;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 207.** In page 57, between lines 8 and 9, to insert the following:

“(i) City and County Councillors;”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

- 208.** In page 57, line 26, to delete “and” and substitute the following:

“(g) plans to address local regional concerns, and”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 62

- 209.** In page 58, between lines 12 and 13, to insert the following:

“(f) trade union representatives of both academic and professional staff;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 210.** In page 58, between lines 12 and 13, to insert the following:

“(f) the Irish Human Rights and Equality Commission;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 211.** In page 58, between lines 12 and 13, to insert the following:

“(f) representative groups and organisations of students who belong to priority groups;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 212.** In page 58, between lines 12 and 13, to insert the following:

“(f) representative organisations of those to whom the Equal Status Acts 2000 to 2018 applies;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 62]

**213.** In page 58, between lines 22 and 23, to insert the following:

“(b) the policy of the institution regarding the protection of the mental health and well-being of its students and staff, and the supports in place within the institution to promote positive mental health and well-being.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**214.** In page 58, line 23, after “equality” to insert “and equity”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**215.** In page 58, between lines 27 and 28, to insert the following:

“(d) the policy of the institution relating to the implementation of Universal Design of Learning.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**216.** In page 58, between lines 27 and 28, to insert the following:

“(d) the policy of the institution relating to the implementation of adequate mental health supports for students and staff.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**217.** In page 58, between lines 27 and 28, to insert the following:

“(d) the policy of the institution relating to the ending of academic precarity.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 63

**218.** In page 59, lines 7 and 8, to delete “An tÚdarás” and substitute “the Comptroller and Auditor General”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 64

**219.** In page 59, line 23, after “of” to insert “an informed”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**220.** In page 59, line 27, after “143” to insert “or the adequacy of any explanation for non-compliance”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Rónán Mullen, Gerard P. Craughwell.*

**221.** In page 59, line 27, after “143” to insert “or to adequately explain non-compliance”.

—*Senator Michael McDowell.*

**222.** In page 60, between lines 3 and 4, to insert the following:

“(b) refer the matter to the Board of An tÚdaras.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 64]

223. In page 60, line 7, to delete “may” and substitute “shall”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 65

224. In page 60, to delete lines 17 to 41.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

225. In page 60, line 24, after “may” to insert “, with the approval of the Board,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

226. In page 60, line 36, to delete “*paragraph (a) or (c) of*”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

227. In page 60, after line 41, to insert the following:

“(6) The bringing of an appeal by a designated institution of higher education against a determination of the Chief Executive Officer under *subsection (3)* to impose a remedial or other measure on the institution shall operate as a stay on the effect of his or her decision, pending the determination of that appeal.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

228. In page 61, to delete lines 1 to 7 and substitute the following:

“(6) The bringing of an appeal by a designated institution of higher education against a determination of the Chief Executive Officer under *subsection (3)* to impose a remedial or other measure on the institution shall operate to stay the coming into operation of the measure pending the determination or discontinuance of the appeal.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

229. In page 61, to delete lines 1 to 17.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

230. In page 61, to delete lines 3 to 7 and substitute the following:

“remedial or other measure on the institution shall operate to stay the coming into operation of the measure pending the determination or discontinuance of the appeal.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 66

231. In page 61, line 19, to delete “impose” and substitute “recommend the imposition”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

232. In page 61, line 19, after “impose” to insert “, with the approval of the Board,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 66]

- 233.** In page 61, line 25, to delete “required” and substitute “recommended”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 234.** In page 61, line 28, after “may” to insert “seek to”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 235.** In page 62, between lines 3 and 4, to insert the following:

“(j) to refer the matter to arbitration.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 236.** In page 62, between lines 3 and 4, to insert the following:

“(4) Such remedial measures described in *subsection (3)* may not have the effect of comprising the ability of a designated higher education institution to deliver education to students in an equitable manner and shall not compromise research and development initiatives already underway in a designated higher education institution.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 237.** In page 62, to delete lines 4 to 6.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 238.** In page 62, line 5, to delete “*paragraph (a), (b) or (d)* of”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell, Malcolm Byrne, Rónán Mullen, Gerard P. Craughwell, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 68

- 239.** In page 62, line 35, to delete “, with the approval of the Board, may” and substitute “may recommend to the Board to”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 240.** In page 63, between lines 3 and 4, to insert the following:

“(3) The appointment of a reviewer under *subsection (4)* may be appealed by the designated institution of higher education concerned under *Part 9* within the prescribed period from the service of a notice on that institution under *subsection (2)*.

(4) The bringing of an appeal under *subsection (3)* shall operate to stay the work of the reviewer pending the determination or discontinuance of the appeal.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

SECTION 69

- 241.** In page 63, to delete lines 37 to 40 and substitute the following:

“(a) one person having a special interest in or expertise in, or knowledge of, matters relating to higher education or the functions of An tÚdarás (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person

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employed or engaged by an institution of higher education which is party to the appeal),

- (b) one person with demonstrable expertise in, or knowledge of, matters relating to higher education at an international level (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education which is party to the appeal), and”.

—*Senators David Norris, Victor Boyhan, Rónán Mullen, Tom Clonan, Gerard P. Craughwell, Michael McDowell, Lynn Ruane, Alice-Mary Higgins.*

**242.** In page 63, to delete lines 37 to 40 and substitute the following:

- “(a) one person having a special interest in or expertise in, or knowledge of, matters relating to higher education or the functions of An tÚdarás (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education),
- (b) one person with demonstrable expertise in, or knowledge of, matters relating to higher education at an international level (other than a member of the Board, a member of the staff of An tÚdarás, a public servant or a person employed or engaged by an institution of higher education), and”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

**243.** In page 63, lines 38 to 40, to delete from and including “or” in line 38, down to and including line 40.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**244.** In page 64, between lines 33 and 34, to insert the following:

“(10) All appointments to the appeals board by the Minister should follow a Public Appointments Service process.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 73

**245.** In page 66, between lines 21 and 22, to insert the following:

**“Land and other assets**

- 73.** For the avoidance of doubt, nothing in this Act shall be construed as granting the Minister or An tÚdarás the power to compel designated higher education institutions to dispose of land or other assets or to change the primary use of land or other assets owned by such institutions.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**246.** In page 66, between lines 23 and 24, to insert the following:

**“73.** The Act of 1997 is amended by the substitution of the following section for section 16:

**“16.(1)** Subject to this Part, a governing authority, shall consist not less than 14 members and not more than 26 members as determined in

accordance with this Chapter.

- (2) The members of a governing authority shall be—
  - (a) the chairperson, who shall be an external member, appointed by the governing authority,
  - (b) external members (including the chairperson) of the governing authority shall comprise not less than 40 per cent of its membership,
  - (c) the chief officer,
  - (d) internal members (other than the chief officer) appointed by the governing authority,
  - (e) not less than two student members elected by students,
  - (f) not less than one postgraduate student elected by the postgraduate students,
  - (g) not less than one trade union representative of academic staff in the sector, nominated by the relevant trade union(s),
  - (h) not less than one trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).
- (3) The internal members of a governing authority shall be elected or selected for appointment as such internal members in accordance with regulations made under subsection (6).
- (4) Subject to subsection (5), with regard to the appointment of external members of a governing authority—
  - (a) three such members shall be nominated by the Minister, and
  - (b) at least six such members shall be appointed by the governing authority in accordance with a process for such appointments that is determined by the governing authority and approved by the Minister.
- (5) Before a person is nominated for appointment or appointed, as may be appropriate, as an external member of a governing authority of a university, the Minister or the governing authority of the university, as the case may be, shall be satisfied that the person is suitable for appointment as such an external member by reason of his or her possessing knowledge of, and experience in, matters connected with the objects and functions of the university to enable him or her to make a substantial contribution to the effective and efficient performance of those functions.
- (6) A governing authority shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit, and

their selection, election, nomination or appointment shall be carried out in accordance with those regulations.

- (7) In performing functions under this section, the Minister and a governing authority shall have regard to the objectives that—
- (a) not less than 40 per cent of the members of the governing authority shall be women and not less than 40 per cent of them shall be men,
  - (b) at least 20 per cent of members shall have a level B2 or higher of competency in spoken Irish on the Common European Framework of Reference for Languages (CEFR), and
  - (c) the membership of the governing authority shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.

- (8) In this section and in sections 16A, 17 and 23A—

‘external member’, in relation to a governing authority, means a member of the governing authority other than an internal member or a student member thereof;

‘internal member’, in relation to a governing authority, means a member of the governing authority who is a member of the academic council of the university, an employee of the university or a person who is remunerated under a contract with the university and, in the case of Trinity College, including fellows of Trinity College;

‘student member’, in relation to a governing authority, means a member of the governing authority who is a student of the university.”.”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

*[Acceptance of this amendment involves the deletion of section 73 of the Bill.]*

**247.** In page 66, line 25, to delete “19” and substitute “22”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**248.** In page 66, line 30, to delete “nine” and substitute “five”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**249.** In page 66, line 33, to delete “five” and substitute “seven”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**250.** In page 66, between lines 34 and 35, to insert the following:

“(e) not less than two of the persons appointed to the seven internal staff positions shall be a trade union representative, one representing academic and the other professional staff.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

[SECTION 73]

251. In page 66, between lines 34 and 35, to insert the following:

“(e) not less than one of the persons appointed to the five internal staff positions shall be a trade union representative, one representing academic and the other professional staff.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

252. In page 66, line 35, to delete “three” and substitute “four”.

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

253. In page 66, line 35, to delete “appointed by the governing authority” and substitute “elected by the students through the students’ union”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black..*

254. In page 66, after line 35, to insert the following:

“(3) For the avoidance of doubt, in making an appointment under subsection (2)(e), a governing authority may only appoint persons who have received an electoral mandate from students.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

255. In page 67, between lines 3 and 4, to insert the following:

“(3A) Not less than 2 of the persons appointed to the 5 internal staff positions shall be a trade union representative, one representing academic and the other professional staff.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 74

256. In page 68, to delete lines 4 to 20.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

*Section opposed.*

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

SECTION 75

257. In page 69, line 8, to delete “an external member” and substitute “a member”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

258. In page 69, line 13, to delete “an external member” and substitute “a member”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 76

259. In page 69, line 22, after “the” to insert “academic”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*



[SECTION 76]

**260.** In page 69, line 22, to delete “(including academic success)”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**261.** In page 69, line 26, after “the” where it firstly occurs to insert “academic”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**262.** In page 69, line 29, after “its” to insert “academic”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**263.** In page 69, line 29, to delete “, and” and substitute the following:

“, including maintaining and enhancing the international reputation of Irish degrees and research and the reputation of the graduates of Irish universities,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**264.** In page 69, to delete lines 30 to 37.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**265.** In page 69, to delete lines 33 to 37 and substitute the following:

“(iii) in order to implement, and report on compliance with, appropriate statutory provisions to the extent that those provisions may affect or relate to the functions of the university,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**266.** In page 69, line 37, after “university” to insert “or in order to enable the provision of an adequate explanation for any non-compliance”.

—*Senators David Norris, Victor Boyhan, Rónán Mullen, Tom Clonan, Gerard P. Craughwell, Michael McDowell, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

**267.** In page 70, line 6, after “approve” to insert “and monitor and report cost and time overruns”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**268.** In page 70, line 8, after “audit” to insert the following:

“, including internal audit, external audit and compliance with the audit reports of the Comptroller and Auditor General”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**269.** In page 70, between lines 12 and 13, to insert the following:

“(f) to maintain an international network of external examiners for each course of study to report on the international standing of the course and its graduates;”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SECTION 77]

SECTION 77

- 270.** In page 70, line 37, after “concerned” to insert “, including holding public meetings and by public notice seeking submissions,”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 271.** In page 70, line 38, to delete “and” and substitute “those who made verbal or other submissions”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 272.** In page 71, line 6, to delete “retain” and substitute “publish”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 80

- 273.** In page 72, line 40, after “section,” to insert “have an opportunity to propose amendments to the strategic development plan and”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 81

- 274.** In page 73, between lines 26 and 27, to insert the following:

“(e) representative organisations of students belonging to priority groups,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

- 275.** In page 73, between lines 27 and 28, to insert the following:

“(f) trade union representatives of both academic and professional staff,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 83

- 276.** In page 76, line 15, to delete “6 meetings” and substitute “11 meetings”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 277.** In page 76, line 16, to delete “at such times as the chairperson may determine”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 89

- 278.** In page 79, line 5, to delete “success (including academic success)” and substitute “academic success”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 279.** In page 79, line 20, after “university” to insert “or in order to enable the provision of an adequate explanation for any non-compliance”.

—*Senators David Norris, Victor Boyhan, Rónán Mullen, Tom Clonan, Michael McDowell, Gerard P. Craughwell.*

[SECTION 90]

SECTION 90

**280.** In page 80, between lines 4 and 5, to insert the following:

**“90.** The Act of 2018 is amended by the substitution of the following section for section 12:

**“12.(1)** Subject to this Part, a governing authority, shall consist not less than 14 members and not more than 26 members as determined in accordance with this Chapter.

(2) The members of a governing body shall be—

(a) the chairperson, who shall be an external member, appointed by the governing authority,

(b) external members (including the chairperson) of the governing authority shall comprise not less than 40 per cent of its membership,

(c) the president,

(d) internal members (other than the president):

(i) not less than 3 members of the academic staff of the technological university, elected by the academic staff of the technological university;

(ii) not less than one member of the non-academic staff of the technological university, elected by the non-academic staff of the technological university; and

(iii) not less than one member of the academic or non-academic staff of the technological university, elected by the academic and non-academic staff of the technological university,

and

(e) not less than two student members elected by students,

(f) not less than one postgraduate student elected by the postgraduate students,

(g) not less than one trade union representative of academic staff in the sector, nominated by the relevant trade union(s),

(h) not less than one trade union representative of non-academic staff in the sector, nominated by the relevant trade union(s).

(3) The internal members of a governing body shall be elected for appointment as such internal members in accordance with regulations made under subsection (7).

(4) Subject to subsection (5), with regard to the appointment of external members of a governing body—

(a) 3 such members shall be nominated by the Minister, and

[SECTION 90]

- (b) at least 6 such members shall be appointed by the governing authority in accordance with a process for such appointments that is determined by the governing authority and approved by the Minister.
- (5) Before a person is nominated for appointment or appointed, as may be appropriate, as an external member of a governing body of a technological university, the Minister or the governing body of the technological university, as the case may be, shall be satisfied that the person is suitable for appointment as such an external member by reason of his or her possessing knowledge of, and experience in, matters connected with the objects and functions of the technological university to enable him or her to make a substantial contribution to the effective and efficient performance of those functions.
- (6)
  - (a) The term of office of a member of the governing body, other than the president, shall not exceed 4 years and such a member may not serve more than 2 consecutive terms of office.
  - (b) A member of the governing body who is a student at the technological university shall hold office for such period, not exceeding one year, as the governing body may determine but may be re-elected for a further period not exceeding one year.
- (7) A governing body shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing body as it thinks fit, and their selection, election, nomination or appointment shall be carried out in accordance with those regulations.
- (8) In performing functions under this section, the Minister and a governing body shall have regard to the objectives that—
  - (a) not less than 40 per cent of the members of the governing body shall be women and not less than 40 per cent of them shall be men,
  - (b) the membership of the governing body shall take account of the different locations of the campuses of the technological university,
  - (c) at least 20 per cent of members shall have a level B2 or higher of competency in spoken Irish on the Common European Framework of Reference for Languages (CEFR), and
  - (d) the membership of the governing body shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.
- (9) In this section—

‘external member’, in relation to a governing body, means a member of the governing body other than an internal member or a student member thereof or a member of the academic council of the

technological university;

‘internal member’, in relation to a governing body, means a member of the governing body who is a member of the staff of the technological university or a person who is remunerated under a contract with the technological university;

‘student member’, in relation to a governing body, means a member of the governing body who is a student at the technological university.”.”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

*[Acceptance of this amendment involves the deletion of section 90 of the Bill.]*

**281.** In page 80, line 6, to delete “19 members” and substitute “21 members”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

**282.** In page 80, line 6, to delete “19 members” and substitute “22 members”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**283.** In page 80, line 15, to delete “5” and substitute “7”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**284.** In page 80, between lines 20 and 21, to insert the following:

“(iii) two trade union representatives, one representing academic staff and one representing professional staff in the technological university,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**285.** In page 80, to delete line 24.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

**286.** In page 80, line 25, to delete “3 student members” and substitute “4 student members”.

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**287.** In page 80, line 25, to delete “appointed by the governing body” and substitute “elected by the students through the students’ union”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**288.** In page 80, line 25, to delete “appointed by the governing body” and substitute “elected by students through a students’ union”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**289.** In page 80, line 25, to delete “body.” and substitute the following:

“body,

[SECTION 90]

(f) 2 County or City Councillors, chosen by local authorities.”.

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

**290.** In page 80, between lines 28 and 29, to insert the following:

“(3A) Not less than 2 of the persons elected to the 5 internal staff positions shall be a trade union representative, one representing academic and the other professional staff.”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**291.** In page 80, to delete lines 29 to 39, and in page 81, to delete lines 1 to 37.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**292.** In page 80, between lines 34 and 35, to insert the following:

“(5) For the avoidance of doubt, in making an appointment under subsection (2)(e), a governing authority may only appoint persons who have received an electoral mandate from students.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 96

**293.** In page 85, line 23, after “concerned” to insert “shall seek submissions and hold hearings in conducting the review”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 97

**294.** In page 86, line 30, to delete “60 days” and substitute “3 days”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 107

**295.** In page 95, lines 16 to 19, to delete from and including “Section 3(5)” in line 16, down to and including line 19 and substitute the following:

Section 3(5) of the Act of 1992 is amended by the substitution of “and may be sued in its corporate name and may acquire and hold land, and with the consent of the Minister, dispose of land, an interest in land or any other property” for “and be sued in its corporate name and to acquire, hold and dispose of land.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 108

**296.** In page 95, line 23, to delete “subject to the consent of the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

[SECTION 108]

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 109

**297.** In page 95, line 30, to delete “19” and substitute “22”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**298.** In page 96, line 1, to delete “9 external members” and substitute “5 external members”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**299.** In page 96, line 4, to delete “5” and substitute “7”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**300.** In page 96, between lines 6 and 7, to insert the following:

“(ii) two trade union representatives, one representing academic staff and one representing professional staff in the technological university,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**301.** In page 96, between lines 6 and 7, to insert the following:

“(ii) one trade union representative, representing professional staff in the technological university,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**302.** In page 96, line 11, to delete “3 student members” and substitute “4 student members”.

—*Senators David Norris, Victor Boyhan, Tom Clonan, Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**303.** In page 96, line 11, to delete “appointed by the governing body” and substitute “elected by the students through the students’ union”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

**304.** In page 96, line 11, to delete “appointed by the governing body” and substitute “elected by students through a students’ union”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**305.** In page 96, between lines 11 and 12, to insert the following:

“(5) For the avoidance of doubt, in making an appointment under subsection (4)(e), a governing body may only appoint persons who have received an electoral mandate from students.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**306.** In page 96, between lines 14 and 15, to insert the following:

“(5A) Not less than 2 of the persons elected to the 5 internal staff positions shall be a trade union representative, one representing academic and the other professional staff.”.

[SECTION 109]

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 111

- 307.** In page 98, line 37, to delete “success (including academic success)” and substitute “academic success”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 308.** In page 99, line 18, after “expenditure” to insert “and monitor and report cost and time overruns”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 309.** In page 99, between lines 24 and 25, to insert the following:

“(f) to maintain an international network of external examiners for each course of study to report on the international standing of the course and its graduates;”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

- 310.** In page 99, line 29, after “viability” to insert “in conjunction with the Comptroller and Auditor General”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 114

- 311.** In page 101, line 17, after “concerned” to insert “shall seek submissions and hold hearings in conducting the review”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 118

- 312.** In page 108, lines 13 and 14, to delete “with the consent of the Minister”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 119

- 313.** In page 108, to delete lines 30 to 34 and substitute the following:

“(ii) in order to implement, and report on compliance with appropriate statutory provisions to the extent that those policies may affect or relate to the functions of the College;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

SECTION 128

- 314.** In page 114, line 36, to delete “or” and substitute “and”.

—*Senators Rónán Mullen, Tom Clonan, Gerard P. Craughwell.*

- 315.** In page 114, line 38, to delete “and” and substitute the following:

“(g) Local authorities, City and County Councillors, and”.



[SECTION 128]

—*Senators Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan.*

SECTION 129

**316.** In page 116, line 10, to delete “or” and substitute “and”.

—*Senators Rónán Mullen, Tom Clonan, Gerard P. Craughwell.*

**317.** In page 116, to delete lines 15 to 21 and substitute the following:

- “(a) the policy of the College for enabling access to it, and the education it provides, by economically or socially disadvantaged persons, by persons who have a disability and by persons from sections of society significantly under-represented in the student body,
- (b) the policy of the College relating to equality, including gender equality, in all activities of the College, and
- (c) the policy of the College relating to the respect for the academic freedom of students in the College.”.

—*Senators Rónán Mullen, Tom Clonan, Gerard P. Craughwell.*

SECTION 130

**318.** In page 118, line 32, to delete “or may be”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

SECTION 131

**319.** In page 120, line 6, after “of” to insert “affordable”.

—*Senators Fintan Warfield, Lynn Boylan, Niall Ó Donnghaile, Paul Gavan.*

SECTION 134

**320.** In page 121, between lines 30 and 31, to insert the following:

**“Amendment of section 7 of Act of 2011**

**134.** Section 7 of the Act of 2011 is amended—

(a) in subsection (1), by the insertion of the following paragraph after paragraph (f):

“(g) a higher education institution in respect of which the Minister has made a designation order under section 54 of the *Higher Education Authority Act 2022*”,

and

(b) in subsection (3), by the deletion of paragraph (e).”.

—*Senators Tom Clonan, Gerard P. Craughwell, Rónán Mullen, Michael McDowell.*

[SECTION 134]

**321.** In page 121, between lines 30 and 31, to insert the following:

**“Amendment of section 8 of Act of 2011**

**134.** Section 8 of the Act of 2011 is amended in subsection (2) by the deletion of paragraph (g).”.

—*Senators Tom Clonan, Gerard P. Craughwell, Rónán Mullen, Michael McDowell.*

SECTION 143

**322.** In page 125, between lines 38 and 39, to insert the following:

“(d) trade union representatives of both academic and professional staff.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

**323.** In page 126, between lines 11 and 12, to insert the following:

“(7) Where a designated institution of higher education departs from guidelines, codes or policies prepared under *subsection (1)*, the designated institution of higher education shall be afforded an opportunity to provide an explanation as to—

- (a) which parts of the guidelines, codes or policies it departs from,
- (b) the extent of any such departures,
- (c) the reasons for such departure or non-application of the said guidelines, codes or policies.

(8) The operation of *subsection (7)* is without prejudice to the exercise of powers provided for in Part 8.”.

—*Senators David Norris, Victor Boyhan, Gerard P. Craughwell, Tom Clonan, Michael McDowell.*

**324.** In page 126, between lines 11 and 12, to insert the following:

“(7) An tÚdarás shall not prepare or adopt and issue guidelines, codes or policies to designated institutions of higher education concerning the implementation of a policy or objective of the Minister or the Government unless—

- (a) the Minister has given a direction in writing to An tÚdarás to prepare guidelines, codes or policies concerning the implementation of that specified policy or objective, and
- (b) a draft of the direction concerned has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

**325.** In page 126, between lines 11 and 12, to insert the following:

“(7) Where a designated institution of higher education departs from guidelines, codes or policies prepared under *subsection (1)*, it shall be afforded an opportunity to provide an explanation as to the extent of and the reasons for such departure.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

**326.** In page 126, between lines 11 and 12, to insert the following:

- “(7) Where a designated institution of higher education departs from guidelines, codes or policies prepared and issued under *subsection (1)*, the designated institution of higher education shall be afforded an opportunity to provide an explanation as to—
- (a) which parts of the guidelines, codes or policies it departs from,
  - (b) the extent of any such departures,
  - (c) the reasons for such departure or non-application of the said guidelines, codes or policies.
- (8) The operation of *subsection (7)* is without prejudice to the exercise of powers provided for in *Part 8*.”.

—*Senators Rónán Mullen, Tom Clonan, Gerard P. Craughwell, Lynn Ruane, Alice-Mary Higgins.*

**327.** In page 126, between lines 11 and 12, to insert the following:

- “(7) Where a designated institution of higher education departs from guidelines, codes or policies prepared under *subsection (1)*, the designated institution of higher education shall be afforded an opportunity to provide an explanation as to—
- (a) which parts of the guidelines, codes or policies it departs from,
  - (b) the extent of any such departures,
  - (c) the reasons for such departure or non-application of the said guidelines, codes or policies.
- (8) *Subsection (7)* shall not apply to guidelines, codes or policies prepared under *subsection (1)* which relate to any of the following—
- (a) achieving gender equality,
  - (b) increasing participation of priority groups in higher education,
  - (c) implementing universal design principles on campus,
  - (d) consent, or
  - (e) the achievement or implementation of any of the following—
    - (i) the United Nations Sustainable Development Goals,
    - (ii) the United Nations Convention on the Rights of Persons with Disabilities, or
    - (iii) Ireland’s national and international targets and obligations with respect to reducing carbon emissions.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Eileen Flynn, Frances Black.*

*Section opposed.*

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

[SCHEDULE 2]

SCHEDULE 2

**328.** In page 128, line 22, to delete “appears” and substitute “proven”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*

TITLE

**329.** In page 11, lines 14 and 15, to delete “, including the Supplemental Letters Patent of 1911 in respect of Trinity College, Dublin”.

—*Senators David Norris, Tom Clonan, Victor Boyhan, Michael McDowell.*