



# **SEANAD ÉIREANN**

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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# SEANAD ÉIREANN

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

### HIGHER EDUCATION AUTHORITY BILL 2022 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

1. 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.*

2. 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.*

3. In page 13, to delete lines 39 and 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 who belonging to future generations who may experience its impacts.”.

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

4. In page 13, to delete lines 39 and 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, in line with the United Nations Sustainable Development Goals, without accelerating or worsening the climate emergency for

those already experiencing its effects, in line with principles of recognition and reflection of climate justice and historic responsibility for emissions, and those belonging to future generations who may experience its impacts.”.

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

5. 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.*

6. 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.*

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

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

8. 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.*

9. 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.*

10. 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.*

11. 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.*

12. 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.*

13. 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.*

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

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

15. 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.*

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

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

17. In page 16, line 4, to delete “of opportunity”.

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

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

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

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

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

20. 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.*

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

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

22. In page 16, line 6, after “of” to insert “students,”.

—*Senators Rónán Mullen, Tom Clonan.*

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

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

24. 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.*

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

“(h) 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.*

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

“(h) 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.*

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

“(h) 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.*

28. 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,”.

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

29. 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.*

30. 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.*

31. 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.*

32. 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.*

33. 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.*

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

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

35. 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.*

36. 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.*

37. 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.*

38. 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.*

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

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

40. 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.*

41. 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.*

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

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

43. 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.*

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

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

45. In page 18, to delete lines 21 to 29.

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

46. 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.*

47. In page 18, to delete line 24.

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

48. 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.*

49. 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.*

50. 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.*

51. 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.*

52. 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.*

53. 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.*

54. 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.*

55. 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.*

56. 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.*

57. 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.*

58. 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.*

59. 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.*

60. 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.*

61. 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.*

62. 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.*

63. 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.*

64. 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.*

65. 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.*

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

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

67. 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.*

68. 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.*

69. 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.*

70. 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.*

71. 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.*

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

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

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

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

74. In page 42, to delete lines 29 to 39, and in page 43, to delete lines 1 to 13.

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

75. In page 43, after line 36, to insert the following:

“(h) local authorities and Councillors,”.

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

**76.** 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.*

**77.** 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.*

**78.** 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.*

**79.** In page 57, line 3, to delete “or” and substitute “and”.

—*Senators Rónán Mullen, Tom Clonan.*

**80.** 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.*

**81.** 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.*

**82.** 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.*

**83.** In page 58, line 11, to delete “or” and substitute “and”.

—*Senators Rónán Mullen, Tom Clonan.*

**84.** 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.*

**85.** In page 58, to delete lines 20 to 24 and substitute the following:

“(a) the policy of the institution for enabling access to it, and the education it

provides, by students in priority groups and persons in those groups seeking to become students,

- (b) the policy of the institution relating to equality, including gender equality, in all activities of the institution,
- (c) the policy of the institution relating to the respect for the academic freedom of students in the institution, and”.

—*Senators Rónán Mullen, Tom Clonan.*

**86.** 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.*

**87.** 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.*

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

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

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

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

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

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

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

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

**92.** 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.*

**93.** 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.*

94. 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.*

95. 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.*

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

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

97. 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.*

98. 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.*

99. 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 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 Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Rónán Mullen, Tom Clonan.*

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

**“Local authorities and higher education land use**

- 73.** For the avoidance of doubt and to protect the role of local authorities, 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, either generally or in such a way that would contravene the local development plan of a local authority area.”.

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

**101.** 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.*

**102.** In page 66, to delete lines 23 to 35, and to delete page 67 and substitute 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.*

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

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

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

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

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

“(da) 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.*

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

“(da) 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.*

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

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

**108.** In page 66, line 35, to delete “student members” and substitute “student union representatives”.

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

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

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

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

“(2A) 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.*

**111.** 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.*

**112.** 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 Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall, Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Rónán Mullen, Tom Clonan.*

**113.** 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.*

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

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

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

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

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

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

**116.** 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 Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Rónán Mullen, Tom Clonan.*

**117.** In page 80, to delete lines 4 to 39, and in page 81, to delete lines 1 to 37 and substitute 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
  - (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.*

118. 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.*

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

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

120. In page 80, between lines 14 and 15, to insert the following:

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

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

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

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

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

“(ia) 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.*

123. In page 80, to delete line 24.

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

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

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

125. In page 80, line 25, to delete “student members” and substitute “student union representatives”.

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

126. 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.*

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

“body,

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

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

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

“(4A) 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.*

129. In page 95, to delete lines 16 to 19 and substitute the following:

“107. 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 old 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.*

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

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

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

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

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

“(ia) 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.*

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

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

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

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

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

135. In page 96, line 11, to delete “student members” and substitute “student union representatives”.

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

136. 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.*

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

“(4A) 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.*

138. 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.*

**139.** 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.*

**140.** In page 110, line 8, to delete “of opportunity”.

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

**141.** In page 114, line 36, to delete “or” and substitute “and”.

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

**142.** In page 114, between lines 37 and 38, to insert the following:

“(ea) local authorities, City and County Councillors,”.

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

**143.** In page 114, line 38, to delete “and” and substitute the following:

“(fa) local authorities, City and County Councillors, and”.

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

**144.** In page 116, line 10, to delete “or” and substitute “and”.

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

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

**146.** In page 120, line 6, after “of” to insert “affordable”.

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

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

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

149. 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.*

150. 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.*

151. 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.*

**152.** 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 Gerard P. Craughwell, Sharon Keogan, Victor Boyhan, Michael McDowell, Tom Clonan, Rónán Mullen.*

**153.** 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*.”.

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

**154.** 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.*