

DÁIL ÉIREANN

AN ROGHCHOISTE UM OIDEACHAS AGUS SCILEANNA

SELECT COMMITTEE ON EDUCATION AND SKILLS

Dé Céadaoin, 22 Samhain 2017

Wednesday, 22 November 2017

Tháinig an Roghchoiste le chéile ag 5 p.m.

The Select Committee met at 5 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	
Thomas Byrne,	
Catherine Martin,	
Tony McLoughlin,	
Mary Mitchell O'Connor (Minister of State at the Department of Education and Skills).	

I láthair / In attendance: Deputy James Lawless.

Teachta / Deputy Fiona O'Loughlin sa Chathaoir / in the Chair.

Technological Universities Bill 2015: Committee Stage (Resumed)

SECTION 42

Chairman: Apologies have been received from Deputy Kathleen Funchion. I understand Deputy Catherine Martin will have to leave early.

The meeting has been convened to resume our consideration of Committee Stage of the Technological Universities Bill 2015. I welcome the Minister of State at the Department of Education and Skills, Deputy Mary Mitchell O'Connor, and her officials. We will resume our consideration of the Bill on section 42. We cannot discuss sections or amendments that have been disposed of. Where an amendment is part of a group of amendments that were discussed at the previous meeting, no further discussion can take place on the amendments in that group and the sponsor will be asked to move the amendment only, on which I will then put the question. Amendment No. 115 was discussed with amendment No. 66.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I move amendment No. 115:

In page 36, lines 17 and 18, to delete “appointed and having assessed the application under *section 39*, the advisory panel shall” and substitute the following:

“appointed, the advisory panel, having assessed the application under *section 26*, and having had regard to the matters referred to in *section 31(2)*, shall”.

Amendment agreed to.

Chairman: Amendment No. 116 was discussed with amendment No. 4.

Deputy Mary Mitchell O'Connor: I move amendment No. 116:

In page 36, line 20, to delete “merged institute does not comply” and substitute “applicant institutes do not jointly comply”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 117:

In page 36, line 25, to delete “merged institute to comply” and substitute “applicant institutes to jointly comply”.

Amendment agreed to.

Section 42, as amended, agreed to.

Section 43 agreed to.

SECTION 44

Deputy Mary Mitchell O'Connor: I move amendment No. 118:

In page 36, lines 36 and 37, to delete “and having considered the application and information under *section 39*,” and substitute the following:

“having considered the application and information under *section 26* and having had regard to the matters referred to in *subsection (2)*,”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 119:

In page 36, line 37, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 120:

In page 36, after line 39, to insert the following:

“(2) When considering the report, views and information under *section 30* and the application and information under *section 26* in accordance with *subsection (1)*, the Minister shall have regard to the following matters:

(a) if the needs of students, business, enterprise, the professions, the community and other related stakeholders in the region in which the campuses of the applicant institutes are located would be more efficiently and effectively served by the proposed technological university;

(b) if the projected demand, based on demographic trends, for higher education in the region in which the campuses of the applicant institutes are located would justify the making of the order under *section 33*;

(c) if sufficient financial resources are available to the applicant institutes to meet projected costs arising on the making of the order under *section 33*;

(d) if the proposed technological university would be financially viable if the order under *section 33* were made;

(e) if making the order under *section 33* would comply with such policies of the Government as relate to higher education.”.

It is my intention to withdraw the amendment following the discussions we had last week about references to community and stakeholder interests in earlier sections.

Chairman: Is the amendment being withdrawn?

Deputy Mary Mitchell O'Connor: Yes. It was agreed that my officials would contact other members. That has been done and what was discussed at a meeting will be followed up.

Deputy Thomas Byrne: I have agreed to the changes proposed.

Deputy Mary Mitchell O'Connor: My Department will be bringing forward several technical amendments on Report Stage, in consultation with the Office of the Parliamentary Counsel, to provide clarification on the superannuation of new staff appointed to technological universities. They arise from the process relating to financial approval and concern the correction of a numerical error found following a further check.

Amendment, by leave, withdrawn.

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Deputy Mary Mitchell O'Connor: I move amendment No. 121:

In page 37, line 1, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 122:

In page 37, line 3, to delete “service of” and substitute “the giving of”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 123:

In page 37, line 10, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 124:

In page 37, line 14, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 125:

In page 37, line 15, to delete “it may,” and substitute “they jointly may,”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 126:

In page 37, line 19, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Section 44, as amended, agreed to.

SECTION 45

Deputy Mary Mitchell O'Connor: I move amendment No. 127:

In page 37, lines 31 and 32, to delete “which the merged institute is required to comply with” and substitute “with which the applicant institutes are required to jointly comply with”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 128:

In page 37, lines 37 and 38, to delete “a merged institute does not comply” and substitute “the applicant institutes do not jointly comply”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 129:

In page 38, to delete lines 2 to 5 and substitute the following:

“(4)(a) Where the applicant institutes are of the view, before the expiration of the period specified in the conditions specified under *subsection (1)*, that they have jointly complied with the conditions concerned, they shall jointly so notify the Minister in writing, giving their reasons for forming the view.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 130:

In page 38, line 7, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 131:

In page 38, line 10, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 132:

In page 38, line 11, to delete “merged institute complies” and substitute “applicant institutes jointly comply”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 133:

In page 38, line 13, to delete “merged institute may make” and substitute “applicant institutes may jointly make”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 134:

In page 38, line 15, to delete “service of the notice on the merged institute” and substitute “the giving of the notice to the applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 135:

In page 38, line 20, to delete “merged institute concerned” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 136:

In page 38, line 24, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 137:

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In page 38, line 25, to delete “it may,” and substitute “they jointly may,”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 138:

In page 38, line 29, to delete “merged institute that the decisions” and substitute “applicant institutes that the decision”.

Amendment agreed to.

Section 45, as amended, agreed to.

SECTION 46

Deputy Mary Mitchell O’Connor: I move amendment No. 139:

In page 39, line 8, to delete “merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 140:

In page 39, line 9, to delete “dissolved merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Section 46, as amended, agreed to.

SECTION 47

Deputy Mary Mitchell O’Connor: I move amendment No. 141:

In page 39, line 16, to delete “dissolved merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 142:

In page 39, line 19, to delete “dissolved merged institute” and substitute “applicant institutes”.

Amendment agreed to.

Section 47, as amended, agreed to.

SECTION 48

Deputy Mary Mitchell O’Connor: I move amendment No. 143:

In page 39, lines 25 and 26, to delete “college to which the Act of 1992 applies, other than a merged institute,” and substitute the following:

“institute which is not one of the applicant institutes in respect of which an application for an order under *section 33* is in being”.

Amendment agreed to.

Section 48, as amended, agreed to.

Sections 49 and 50 agreed to.

SECTION 51

Deputy Mary Mitchell O'Connor: I move amendment No. 144:

In page 40, line 27, to delete “the professions and” and substitute “the professions, the community and”.

It is my intention to withdraw the amendment following the discussions we had on Committee Stage last week about references to community and stakeholder interests in earlier sections of the Bill.

Amendment, by leave, withdrawn.

Section 51 agreed to.

Section 52 agreed to.

SECTION 53

Deputy Mary Mitchell O'Connor: I move amendment No. 145:

In page 41, line 37, after “college” to insert “specified in the order”.

Amendment agreed to.

Section 53, as amended, agreed to.

Section 54 agreed to.

SECTION 55

Deputy Mary Mitchell O'Connor: I move amendment No. 146:

In page 42, lines 13 and 14, to delete all words from and including “(1) A” in line 13 down to and including line 14 and substitute the following:

“(1) Applicant institutes may appeal a decision under *section 31(4)(b)* or *(c)* or *32(4)(d)(ii)* and an applicant college and applicant technological university may appeal a decision under *section 39(3)(b)*.”.

Amendments Nos. 146 to 148, inclusive, are related. Amendment No. 146 provides for applicant institutes rather than a person to appeal a decision by the Minister on an application for technological university designation. This limits the scope of appeals from staff or third parties. Amendments Nos. 147 and 148 are consequential amendments which arise from the amendment of section 55(1) which provides for applicant institutes to appeal a decision by the Minister. Amendment No. 147 deletes the words “from an appellant” with regard to the receipt of a notice of appeal. Amendment No. 148 is also a technical amendment to replace the word “appellant” with “the parties to the appeal”. The amendments were recommended in technical drafting terms by the Office of the Attorney General.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 147:

In page 42, line 15, to delete “from an appellant”.

Amendment agreed to.

Section 55, as amended, agreed to.

SECTION 56

Deputy Mary Mitchell O'Connor: I move amendment No. 148:

In page 44, to delete line 7 and substitute the following:

“(b) consultation with the parties to the appeal; and”.

Amendment agreed to.

Sections 56, as amended, agreed to.

Section 57 deleted.

SECTION 58

Question proposed: “That section 58 be deleted.”

Deputy Thomas Byrne: This goes to the heart of the problem many people had with the Bill. I thank the Minister of State and her officials for working on it in the past couple of years in terms of the merged institute and the gap that was there. That is why we are deleting all of these sections, which is welcome.

Question put and agreed to.

Sections 59 to 72, inclusive, deleted.

SECTION 73

Chairman: Amendment No. 149 has been discussed with amendment No. 4.

Deputy Mary Mitchell O'Connor: I move amendment No. 149:

In page 54, line 2, to delete “the merged institute” and substitute “any one of the applicant institutes”.

Amendment agreed to.

Chairman: Amendment No. 150 has been discussed.

Deputy Mary Mitchell O'Connor: I move amendment No. 150:

In page 54, to delete lines 6 and 7.

Amendment agreed to.

Section 73, as amended, agreed to.

Sections 74 to 78, inclusive, agreed to.

SECTION 79

Chairman: Amendment No. 151 was discussed with amendment No. 42.

Deputy Mary Mitchell O'Connor: I move amendment No. 151:

In page 56, to delete lines 35 to 39 and substitute the following:

“(2) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person referred to in *subsection (1)* shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the appointed day.”.

Amendment agreed to:

Deputy Mary Mitchell O'Connor: I move amendment No. 152:

In page 56, line 40, to delete “conditions of remuneration” and substitute “terms and conditions relating to remuneration”.

Amendment agreed to.

Section 79, as amended, agreed to.

SECTION 80

Deputy Mary Mitchell O'Connor: I move amendment No. 153:

In page 57, line 17, to delete “the relevant” and substitute “a relevant”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 154:

In page 57, line 20, to delete “A pensionable” and substitute the following:

“Subject to section 48 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, a pensionable”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 155:

In page 57, line 25, to delete “of the relevant superannuation scheme” and substitute “of the Education Sector Superannuation Scheme 2015 (S.I. No. 290 of 2015)”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 156:

In page 57, line 27, to delete “the relevant” and substitute “a relevant”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 157:

In page 57, to delete lines 32 to 35 and substitute the following:

“ “relevant superannuation scheme” means, as the case may be—

(a) the Education Sector Superannuation Scheme 2015 or the ESSS 2015 (S.I. No. 290 of 2015), or

(b) the Education Sector Superannuation Scheme referred to in Article 3(4) of the Education Sector Superannuation Scheme (Transfer of Departmental Administration and Ministerial Functions) Order 2001 (S.I. No. 14 of 2001), in so far as that scheme has not been revoked by the scheme referred to in *paragraph (a)*.”.

Amendment agreed to.

Section 80, as amended, agreed to.

SECTION 81

Chairman: Amendments Nos. 158 to 170, inclusive, and 172 to 179, inclusive, are related and will be discussed together. Is that agreed? Agreed.

Deputy Mary Mitchell O’Connor: I move amendment No. 158:

In page 58, lines 4 and 5, to delete “the appointed day” and substitute “the day appointed by order under *section 33*”.

Amendments Nos. 158 to 160, inclusive, are technical amendments. Amendment No. 158 provides for the dissolution of the governing body of the applicant institute on the day appointed by ministerial order under section 33 establishing the technological university.

Will I speak to amendment No. 159?

Chairman: The Minister of State can discuss all of the amendments together. This is the only opportunity to do so.

Deputy Mary Mitchell O’Connor: Amendment No. 159 provides that the first governing body shall be appointed by the Minister, comprising a chairperson, two external members and one external member nominated by the relevant education and training board or boards. The governing body shall establish procedures for the conducting of elections and the appointing of members to enable the full complement of members of the governing body to be completed. This applies where the technological university in question comprises two or more institutes of technology or four or more institutes of technology, as appropriate.

Amendment No. 161 is a technical amendment to amend an erroneous reference to Schedule 2.

Amendment No. 162 provides that the Minister may designate a person as the first president of a technological university and that the duration of that person’s term of office shall not

exceed ten years. It shall include any unserved term of office of a person designated as the first president of a technological university who at the time is a director of an institute of technology or a president of the Dublin Institute of Technology. A term of office of up to ten years is deemed to be a sufficient period to attract candidates of high calibre through open competition and a period which will afford the new technological university sufficient time to experience a period of stability and implementation of the strategic vision for the technological university and a plan to be developed under the first president.

Amendment No. 163 provides for the insertion of a new section into the Bill to provide for arrangements for a director or president of an applicant institute who does not become the first president of a technological university and who shall instead become a fixed-term employee of the technological university for the duration of his or her contract of employment.

Amendment No. 164 deals with circumstances where a single applicant college joins an existing applicant technological university and an order is made under section 40 dissolving the applicant college and where the order, in turn, increases the composition of the technological university from three to four. The increase in the technological university composition of institutes will necessitate a different larger composition of the governing body such that the relevant provisions of section 12(2) in making regulations establishing procedures for the conduct of elections, seeking nominations for appointments and the appointment of members to a governing body must be complied with.

Amendments Nos. 165 to 170, inclusive, and 172 to 176, inclusive, are technical drafting amendments which are necessitated following consultations with the Office of the Attorney General.

Amendment No. 177 inserts a new section that provides for the arrangements for the suspension or dismissal of a member of staff before an order is made under section 46 or section 53 establishing a technological university. The amendment provides that the earlier decision-making procedures commenced initially under the Dublin Institute of Technology Act 1992 or the Regional Technical Colleges Act 1992 shall run their due course. The amendment was agreed to previously on Committee Stage of the Technological Universities Bill 2015.

Amendment No. 178 inserts a new section that provides for the arrangements for an academic council in terms of the continuity of a recommendation made by an academic council under the Dublin Institute of Technology Act 1992 or the Regional Technical Colleges Act 1992 before an order is made on an application for technological university designation. It provides that any such recommendation shall hold forth under the technological universities legislation. The recommendations in question relate to programmes for the development of research or the awarding of fellowships, scholarships, prizes or other awards. The amendment was agreed to previously on Committee Stage of the Technological Universities Bill 2015.

Amendment No. 179 inserts a new section on the arrangements for certain procedures where a process has been commenced under the relevant 1992 legislation for the selection, admission, retention or exclusion of students, the conduct of examinations or the evaluation of the academic progress of students, or the awarding of scholarships, prizes or other awards to students or other persons but the process has not been completed before the making of the order establishing a technological university. In these circumstances, the commenced process shall continue as if an order for the establishment of the technological university had not been made. The provision also provides that where a recommendation has been made by the academic council under the 1992 legislation on the selection, admission, retention or exclusion of students but a

final decision has not been made by the governing body on a student, both the academic council and the recommendation shall continue in being until a final decision of that governing body is so made. This amendment was also previously agreed to on Committee Stage of the Technological Universities Bill 2015.

Deputy James Lawless: On sections 81 and 82, the Minister of State may have dealt with the following issue in her amendments. In my first review of the Bill I noticed what appeared to be a lacuna whereby the president of a technological university had no term limit and effectively could be president for life. I was going to query this. If I understand the Minister of State's amendments correctly, amendment No. 162 to section 82 inserts a maximum period of ten years. Deputy Thomas Byrne alluded to the Schedule to the Bill. It seems, therefore, that the matter has been covered. There is still, however, a little discrepancy because section 81(5)(a) talks about the term of office of an ordinary board member not being the president. If I read it correctly, it refers to a maximum term of two years. It is wise to put a cap on the president's term of office, but I wonder whether it is wise to have a term of two years for ordinary members and ten for the president. I would welcome the Minister of State's views on the matter.

Deputy Mary Mitchell O'Connor: To what section is the Deputy referring?

Deputy James Lawless: Section 81(5)(a), which states the term of office of a member of the governing body of a technological university, other than the president, shall be two years, whereas under the amendment proposed, the president will have a term of office of ten years.

Chairman: If the Deputy was to give us the amendment number to which he is referring, it would be helpful.

Deputy James Lawless: There is no amendment number because I am not referring to an amendment but to the section.

Chairman: We can only deal with amendments at this point. As it is not directly related to an amendment, we cannot deal with the matter.

Deputy James Lawless: May we query what is stated in the section at the end?

Chairman: Yes.

Deputy Mary Mitchell O'Connor: The Deputy can follow up the matter with the officials afterwards. We are dealing with amendments only.

Deputy James Lawless: I will reserve the right to introduce an amendment on Report Stage.

Chairman: No; the Deputy cannot introduce an amendment. He tabled amendments and we had a discussion on all of them. They were all voted on.

Deputy James Lawless: I appreciate that, but I am not referring to my previous amendments. Is it possible to query the wording of the section and, if there is a question mark against it, is there a right to introduce an amendment on Report Stage?

Chairman: Yes.

Deputy James Lawless: I reserve the right to do so. I would welcome any comment the Minister of State might wish to make on it.

Deputy Mary Mitchell O'Connor: In the meantime the Deputy can speak to the officials. Is he happy with the term of office of the president?

Deputy James Lawless: Yes. I welcome that amendment. I thank the Minister for tabling it. I had intended to table a similar amendment and I am delighted that this provision is included.

Chairman: When we have dealt with all the amendments to section 81, we will have a discussion on the section as amended. I will put the questions and members can speak on the section before it is agreed.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 159:

In page 58, to delete lines 17 and 18 and substitute the following:

“(b) establish procedures for, as the case may be,—

(i) conducting elections under *section 12(1)(c), (d) and (e)* and appointing members under *section 12(1)(h)*, or

(ii) conducting elections under *section 12(2)(c), (d) and (e)* and appointing members under *section 12(2)(h)*,

and”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 160:

In page 58, lines 29 and 30, to delete “stand to be elected under *section 25(1)(c) or (d)* or appointed under *section 25(1)(g)*” and substitute the following:

“stand to be, as the case may be, elected under *section 12(1)(c), (d) or (e) or 12(2)(c), (d) or (e)* or appointed under *section 12(1)(h) or 12(2)(h)*”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 161:

In page 59, line 2, to delete “*Schedule 2*” and substitute “*Schedule 1*”.

Amendment agreed to.

Question proposed: “That section 81, as amended, stand part of the Bill.”

Chairman: Deputy Lawless raised some issues on the section. Does the Minister of State wish to respond at this point?

Deputy Mary Mitchell O'Connor: Deputy Lawless raised an issue on the section, and he indicated that he would table an amendment on Report Stage. In the meantime, I would like him to discuss the specific issue with my officials.

Deputy James Lawless: I thank the Minister.

Question put and agreed to.

SECTION 82

Deputy Mary Mitchell O'Connor: I move amendment No. 162:

In page 59, lines 5 to 8, to delete all words from and including “(1) The” in line 5 down to and including line 8 and substitute the following:

“(1) The Minister, at any time before the day appointed by order under *section 33*, may designate a person to be appointed to be the first president of the technological university.

(2) If, immediately before the day appointed by order under *section 33* a person stands designated by the Minister under *subsection (1)*, the technological university shall appoint that person to be the first president with effect from the day appointed by order under *section 33*.

(3) A person standing designated under *subsection (1)* who stood appointed immediately before his or her appointment as president of the technological university under *subsection (2)*, as Director or, as the case may be, president of a dissolved body (in this section referred to as the “first appointment”) shall hold office as the first president of the technological university for such term as the Minister may direct when designating that person under *subsection (1)* being—

(a) the unexpired term of the first appointment, or

(b) a period longer than the unexpired term which does not exceed 10 years.

(4) A person, other than a person referred to in *subsection (3)*, standing designated under *subsection (1)* shall hold office as the first president of the technological university for such term not exceeding 10 years as the Minister shall direct when designating that person under *subsection (1)*.”.

Amendment agreed to.

Section 82, as amended, agreed to.

NEW SECTION

Deputy Mary Mitchell O'Connor: I move amendment No. 163:

In page 59, between lines 9 and 10, to insert the following:

“Arrangements for Director or president of a dissolved body following order under Part 2

83. (1) A person (other than a person referred to in *section 53(3)*) who, immediately before the day appointed by order under *section 33* stands appointed as a Director or, as the case may be, president of a dissolved body shall on and after that day, cease to be such Director or president and shall become and be a fixed-term employee of the technological university for the duration of his or her contract of employment.

(2) A person who, immediately before the day appointed by order under *section 40*,

stands appointed as a Director or, as the case may be, president of a dissolved body shall on and after that day, cease to be such Director or president and shall become and be a fixed-term employee of the technological university for the duration of his or her contract of employment.

(3) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person referred to in *subsection (1)* or *(2)* shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the appointed day.

(4) In relation to a person referred to in *subsection (1)* or *(2)*, previous service with the dissolved body shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

- (a) the Redundancy Payments Acts 1967 to 2014;
- (b) the Protection of Employees (Part-Time Work) Act 2001;
- (c) the Protection of Employees (Fixed-Term Work) Act 2003;
- (d) the Organisation of Working Time Act 1997;
- (e) the Terms of Employment (Information) Acts 1994 to 2014;
- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
- (g) the Unfair Dismissals Acts 1977 to 2015;
- (h) the Maternity Protection Acts 1994 and 2004;
- (i) the Parental Leave Acts 1998 and 2006;
- (j) the Adoptive Leave Acts 1995 and 2005;
- (k) the Carer's Leave Act 2001.

(5) In *subsection (3)*, a reference to terms and conditions relating to remuneration does not include conditions in relation to superannuation.”.

Amendment agreed to.

Section 83 deleted.

NEW SECTION

Deputy Mary Mitchell O'Connor: I move amendment No. 164:

In page 59, between lines 19 and 20, to insert the following:

“Arrangements for certain governing bodies following order under *section 40*

84. (1) For the purposes of this section, *section 12(1)* and *(2)* shall be read subject to the modification that a reference to an order under *section 33* includes a reference to an

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order under *section 40* and a reference to applicant institutes includes a reference to an applicant college and subject to any other necessary modifications.

(2) *Subsections (3), (4) and (5)* apply to a technological university in respect of whose governing body *section 12(1)* applies, which, following an order under *section 40*, becomes a technological university in respect of whose governing body *section 12(2)* applies.

(3) The governing body of a technological university referred to in *subsection (2)* standing appointed immediately before the appointed day under *section 40* shall, on that appointed day, continue to stand so appointed.

(4) The governing body referred to in *subsection (3)* shall comply with *section 12(2)* within 6 months of the appointed day under *section 40*, and shall as soon as practicable following the appointed day—

(a) establish procedures for conducting elections under *sections 12(2)(c), (d) and (e)*,

(b) nominate and appoint members under *section 12(2)(b) and (h)*, and

(c) conduct those elections and make those appointments.

(5) Members of the governing body elected or appointed under *subsection (4)* shall hold office for the unexpired term of office of the members of the governing body referred to in *subsection (3)*.”.

Amendment agreed to.

SECTION 84

Deputy Mary Mitchell O’Connor: I move amendment No. 165:

In page 59, line 21, to delete “appointed day” and substitute “day appointed by order under *section 33* or *40*”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 166:

In page 59, line 30, to delete “university” and substitute “university in respect of which the order under *section 33* or *40* is made”.

Amendment agreed to.

Section 84, as amended, agreed to.

SECTION 85

Deputy Mary Mitchell O’Connor: I move amendment No. 167:

In page 59, line 36, to delete “university” and substitute “university, in respect of which the order under *section 33* is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 168:

In page 60, line 8, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 169:

In page 60, line 22, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 170:

In page 60, lines 24 and 25, to delete “a technological university” and substitute “the technological university concerned”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 171:

In page 60, line 25, to delete “merged institute” and substitute “body”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 172:

In page 60, line 30, after “university” to insert “concerned”.

Amendment agreed to.

Section 85, as amended, agreed to.

SECTION 86

Deputy Mary Mitchell O'Connor: I move amendment No. 173:

In page 60, line 39, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 174:

In page 61, line 1, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 175:

In page 61, line 6, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 176:

In page 61, line 13, to delete “university” and substitute “university, in respect of which the order is made”.

Amendment agreed to.

Section 86, as amended, agreed to.

NEW SECTIONS

Deputy Mary Mitchell O'Connor: I move amendment No. 177:

In page 61, between lines 14 and 15, to insert the following:

“Arrangements for suspension or dismissal of staff following order under *Part 2*

87. (1) Where an order has been made under *section 33* or *40*, and a process that may result in the suspension or dismissal of a member of staff of the dissolved body has, before the appointed day, been commenced but not completed immediately before that day in accordance with procedures made or conditions determined under, as the case may be—

(a) section 12A of the Dublin Institute of Technology Act 1992, or

(b) section 11A of the Act of 1992,

the process shall, on or after that day, be continued by the dissolved body under those procedures or conditions, and the dissolved body may suspend or dismiss a member of staff, as if the order had not been made.

(2) For the purposes of *subsection (1)*, if procedures or conditions referred to in *paragraph (a)* or *(b)* of that subsection provide for the delegation of powers relating to dismissal or suspension to the president or Director of a dissolved body to which an order under *section 33* or *40* refers, and a process for the suspension or dismissal of a member of staff of the dissolved body involving such delegated powers is commenced but not completed immediately before the appointed day, the process shall notwithstanding *section 6, 52* or *53*, on or after that day, be continued by the president or Director of the dissolved body who may suspend or dismiss a member of staff.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 178:

In page 61, between lines 14 and 15, to insert the following:

“Arrangements for academic council following order under *Part 2*

88. Any recommendation made, before the day appointed by order under *section 33* or *40* under section 11(3)(d) or (j) of the Dublin Institute of Technology Act 1992 or section 10(3)(c) or (g) of the Act of 1992, by the academic council of the dissolved body shall on or after that day, be a recommendation, under *section 16(3)(d)* or *(g)*, of the academic council of the technological university in respect of which the order under *section 33* or *40* is made.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 179:

In page 61, between lines 14 and 15, to insert the following:

“Arrangements for certain procedures where order under *Part 2*

89. (1) Where an order has been made under *section 33* or *40* and any process for—

- (a) the selection, admission, retention or exclusion of students of,
- (b) the conduct of examinations or the evaluation of academic progress of students of, or
- (c) the awarding of scholarships, prizes or other awards to students of, or other persons by,

a dissolved body is commenced before the appointed day by the academic council or governing body of the dissolved body under any—

(i) academic regulations made under, as the case may be, *section 11(3)(f)* of the Dublin Institute of Technology Act 1992 or *section 10(3)(e)* of the Act of 1992, or

(ii) conditions determined or regulations or, as the case may be, rules made for the conduct of the affairs of the Institute under the Second Schedule to the Dublin Institute of Technology Act 1992 or of the college, within the meaning of the Act of 1992, under the Second Schedule to that Act,

but not completed immediately before that day, then the process concerned, including in relation to a matter referred to in *subsection (2)* shall, notwithstanding *section 6*, on or after that day, be continued by that academic council or governing body as if the order had not been made.

(2) Where, immediately before the day appointed by order under *section 33* or *40*, a recommendation has been made under *section 11(3)(e)* of the Dublin Institute of Technology Act 1992 or *section 10(3)(d)* of the Act of 1992 by the academic council of the dissolved body but a final decision has not been made by the governing body of the dissolved body in relation to a student, that academic council and recommendation shall, continue in being until a final decision of that governing body is made in relation to the student.”.

Amendment agreed to.

SECTION 87

Deputy Mary Mitchell O'Connor: I move amendment No. 180:

In page 61, line 29, to delete “2015” and substitute “2017”.

Amendment agreed to.

Section 87, as amended, agreed to.

Sections 88 and 89 agreed to.

SECTION 90

Deputy Mary Mitchell O'Connor: I move amendment No. 181:

In page 62, line 32, to delete “elected” and substitute “the number of whom shall be determined, and who shall be elected,”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 182:

In page 62, line 36, to delete “nominated” and substitute “the number of whom shall be determined, and who shall be nominated,”.

Amendment agreed to.

Section 90, as amended, agreed to.

Sections 91 to 96, inclusive, agreed to.

SECTION 97

Chairman: Amendments Nos. 183 to 198, inclusive, are related and may be discussed together.

Deputy Mary Mitchell O'Connor: I move amendment No. 183

In page 67, line 30, to delete “The” and substitute the following:

“(1) The”.

Amendment No. 183 is a technical amendment to allow for the insertion, under amendment No. 187, of another subsection, relating to Standing Orders, into the Second Schedule to the Dublin Institute of Technology Act 1992 in respect of governing bodies, whereby any Standing Orders for the regulation of procedure and business or regulations for the conduct of the affairs of a college which were made before coming into operation of the amended Second Schedule shall continue in being but may be amended or revoked as required. This amendment and the majority of the grouped amendments are technical in nature and were previously either agreed on Committee Stage or were brought forward on Report Stage of the Technological Universities Bill 2015.

Amendments Nos. 184, 192 and 196 are technical drafting amendments to delete the word “dishonesty, or” and insert “dishonesty,”. brought forward on Report Stage of the Technological Universities Bill 2015.

Amendments Nos. 188 and 189 are technical amendments in line with similar provisions in section 12, where more than one member of a particular group and, in these amendments, academic staff and undergraduate students, respectively, may be determined and either elected to the governing body by the academic staff of the college or nominated to the governing body by the students union in accordance with its own procedures.

Amendments Nos. 190 and 191 are technical amendments to delete “of the Act of 2012” and “of the Act of 1992” respectively. These amendments were previously brought forward on Report Stage of the Technological Universities Bill 2015.

The purpose of amendments Nos. 185, 193 and 197 is to update standard references to the Companies Act in the revised Schedules to be inserted into the Regional Technical Colleges Act 1992 and the Dublin Institute of Technology Act 1992 and in Schedule 1 in relation to the governing body of a technological university. These amendments were previously brought forward on Report Stage of the Technological Universities Bill.

The purpose of amendments Nos. 187 and 195 is to insert into the Second Schedule of both the Dublin Institute of Technology Act 1992 and the Regional Technical Colleges Act 1992 relating to governing bodies the provision that any Standing Orders for the regulation of procedure and business or regulations for the conduct of the affairs of a college made before the coming into operation of the amended Second Schedule shall continue in being but may be amended or revoked, as required.

Amendments Nos. 186, 194 and 198 make clear that governing bodies, as well as making rules, can also amend or revoke these rules.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 184:

In page 68, line 41, to delete “dishonesty, or” and substitute “dishonesty,”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 185:

In page 69, to delete lines 1 to 4 and substitute the following:

“(f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 186:

In page 73, line 12, to delete “make rules” and substitute “make, amend or revoke rules”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 187:

In page 73, between lines 14 and 15, to insert the following:

“(2) Any standing orders for the regulation of its procedure and business, or regulations for the conduct of the affairs of the Dublin Institute of Technology, made under the Second Schedule to the Dublin Institute of Technology Act 1992 and in being immediately before the coming into operation of the amendment of that Second Schedule under *subsection (1)*, shall continue in being after that coming into operation and may be amended or revoked as if made under that Second Schedule as amended under *subsec-*

tion (1).”.

Amendment agreed to.

Section 97, as amended, agreed to.

Sections 98 to 102, inclusive, agreed to.

SECTION 103

Deputy Mary Mitchell O’Connor: I move amendment No. 188:

In page 75, line 12, to delete “elected” and substitute “the number of whom shall be determined, and who shall be elected,”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 189:

In page 75, line 16, to delete “nominated” and substitute “the number of whom shall be determined, and who shall be nominated,”.

Amendment agreed to.

Section 103, as amended, agreed to.

SECTION 104

Deputy Mary Mitchell O’Connor: I move amendment No. 190:

In page 77, line 27, to delete “of the Act of 2012”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 191:

In page 77, lines 29 and 30, to delete “of the Act of 1992”.

Amendment agreed to.

Section 104, as amended, agreed to.

Sections 105 to 110, inclusive, agreed to.

SECTION 111

Deputy Mary Mitchell O’Connor: I move amendment No. 192:

In page 82, line 35, to delete “dishonesty, or” and substitute “dishonesty,”.

Amendment agreed to.

Deputy Mary Mitchell O’Connor: I move amendment No. 193:

In page 82, to delete lines 36 to 39 and substitute the following:

“(f) has a declaration under section 819 of the Companies Act 2014 made against

him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 194:

In page 87, line 6, to delete “make rules” and substitute “make, amend or revoke rules”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 195:

In page 87, between lines 8 and 9, to insert the following:

“(2) Any standing orders for the regulation of its procedure and business, or regulations for the conduct of the affairs of a college, made under the Second Schedule to the Act of 1992 and in being immediately before the coming into operation of the amendment of that Second Schedule under *subsection (1)*, shall continue in being after that coming into operation and may be amended or revoked as if made under that Second Schedule as amended under *subsection (1)*.”.

Amendment agreed to.

Section 111, as amended, agreed to.

Sections 112 to 114, inclusive, agreed to.

SECTION 115

Question proposed: “That section 115 stand part of the Bill.”

Deputy Thomas Byrne: I wish to again raise an issue about the Royal College of Surgeons in Ireland. I will table an amendment on Report Stage to seek to insert a new section in Part 6 of the Bill. I wish to make the case now which I believe I must do before I raise the issue on Report Stage.

Chairman: Yes.

Deputy Thomas Byrne: The issue dates back to the Education (Miscellaneous Provisions) Act 2015 whereby the Royal College of Surgeons in Ireland, RCSI, was allowed to describe itself as a university of medicine and health sciences as a subtitle. As the designation can only be used outside the State, the college has encountered difficulties which the Technological Universities Bill offers us a convenient opportunity to address. I wish to make the case for a change to allow the college to use the designation. Strict criteria and a statutory approach are in place to allow it to use it outside the State. The college is a charitable body. It is a not-for-profit body, not a private institution. In fact, it was founded under statute. It is regulated by various regulatory bodies such as the Charities Regulator; Quality and Qualifications Ireland, QQI; the HSE and various medical regulatory bodies. The college’s current situation in law is unsustainable and the position needs to be changed urgently. I do not believe the change would have implica-

tions for other institutions. It is a totally separate issue for the college, which is already allowed to use the designation of university but only outside the State. I wish to make a strong case for the proposed change.

Deputy Mary Mitchell O'Connor: I know that the Deputy indicated the last day - he has done so again today - that he would table an amendment on the matter on Report Stage. I am very much aware of the issue involved and a meeting has been sought by the Royal College of Surgeons in Ireland, with which I am happy to engage.

Question put and agreed to.

Sections 116 to 123, inclusive, agreed to.

SCHEDULE 1

Deputy Mary Mitchell O'Connor: I move amendment No. 196:

In page 89, line 34, to delete “dishonesty, or” and substitute “dishonesty,”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 197:

In page 89, to delete lines 35 to 37 and substitute the following:

“(f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.”.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 198:

In page 93, line 24, to delete “make rules” and substitute “make, amend or revoke rules”.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

TITLE

Deputy Mary Mitchell O'Connor: I move amendment No. 199:

In page 9, to delete lines 5 to 15 and substitute the following:

“An Act to provide for the establishment of technological universities; to provide for the functions and governance of technological universities; to provide for the dissolution, in certain circumstances, of institutes of technology and Dublin Institute of Technology and the transfer of their functions, assets, liabilities and staff to technological

universities; to provide for the reform of the governing authorities of institutes of technology and Dublin Institute of Technology; to provide for the consequential amendment of certain enactments and to provide for related matters.”.

Amendment agreed to.

Title, as amended, agreed to.

Chairman: I thank everybody for their help and assistance to the Minister of State and her officials, the clerk to the committee and members.

Deputy Mary Mitchell O'Connor: I thank the Chairman, the clerk to the committee and his officials. I also thank the Deputies who attended: Deputies Joan Burton, Thomas Byrne, Kathleen Funchion, James Lawless, Tony McLoughlin, Josepha Madigan, Catherine Martin and Robert Troy.

I thank Ms Deirdre McDonnell who put has so much work into the preparation of this legislation. I am sure the Deputies will join me in congratulating her on being appointed Assistant Secretary in the Department.

Chairman: Congratulations.

Deputy Mary Mitchell O'Connor: I also thank Mr. John McDermott, Mr. Stephen Manning and my private secretary who pulls it all together.

Chairman: I thank everyone for their assistance.

Deputy Thomas Byrne: I, too, congratulate Ms McDonnell.

Deputy Mary Mitchell O'Connor: She will stay with us until we get the legislation through.

Deputy Thomas Byrne: When does the Minister of State expect the Bill to be taken on Report Stage in the Dáil?

Deputy Mary Mitchell O'Connor: Very soon. I have to bring it to the Government first, but I hope it will be taken before Christmas.

Chairman: We will do our best to help the process along because we appreciate the importance of the Bill.

Deputy Mary Mitchell O'Connor: I thank the Chairman and would appreciate any assistance he could give.

Deputy Thomas Byrne: The Fianna Fáil Party will facilitate the process, subject to everything else that is happening.

Deputy Mary Mitchell O'Connor: We will certainly push the Fianna Fáil Party in that regard.

Bill reported with amendments.

Message to Dáil

SES

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Select Committee on Education and Skills has completed its consideration of the Technological Universities Bill 2015 and has made amendments thereto.

The select committee adjourned at 6 p.m. until 4 p.m. on Tuesday, 5 December 2017.