

DÁIL ÉIREANN

AN ROGHCHOISTE UM OIDEACHAS, BREISOIDEACHAS AGUS ÁRDOIDEACHAS, TAIGHDE, NUÁLAÍOCHT AGUS EOLAÍOCHT

SELECT COMMITTEE ON EDUCATION, FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION AND SCIENCE

Dé Céadaoin, 27 Aibreán 2022

Wednesday, 27 April 2022

Tháinig an Romhchoiste le chéile ag 5.30 p.m.

The Select Committee met at 5.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	
Rose Conway-Walsh,	
Alan Farrell,	
Simon Harris (Minister for Further and Higher Education, Research, Innovation and Science),	
Jim O'Callaghan,	
Pádraig O'Sullivan,	
Marc Ó Cathasaigh,	
Donnchadh Ó Laoghaire,	
Aodhán Ó Ríordáin.	

I láthair / In attendance: Deputy Aengus Ó Snodaigh.

Teachta / Deputy Paul Kehoe sa Chathaoir / in the Chair.

Higher Education Authority Bill 2022: Committee Stage (Resumed)

Chairman: No apologies have been received. I remind members and officials to ensure that their mobile phones are switched off for the duration of the meeting because they interfere with the broadcasting equipment, even when in silent mode.

This meeting has been convened to allow us to resume our consideration of the Higher Education Authority Bill 2022. I remind members of the constitutional requirement that they must be physically present within the confines of Leinster House in order to participate in public meetings. I will not permit a member to participate where they are not adhering to that constitutional requirement. Any member who intends to participate from outside the precincts is asked to leave the meeting. Should a vote be called, members must be physically present in the committee room in order to vote.

I welcome the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, and his officials. We will now proceed with our consideration of the Bill.

NEW SECTION

Chairman: Amendments Nos. 84 to 87, inclusive, are related and may be discussed together. Amendments Nos. 85 and 86 are physical alternatives to No. 84.

Deputy Rose Conway-Walsh: I move amendment No. 84:

In page 33, to delete lines 30 to 34 and substitute the following:

“**35.** (1) An tÚdarás shall prepare a performance framework for the higher education and research system (in this section referred to as a “performance framework”) at intervals of not less than once every 5 years and may publish the performance framework in such manner as it considers appropriate.

(2) An tÚdarás shall, for the purpose of preparing a performance framework, consult with—

- (a) representatives of students attending designated institutions of higher education,
- (b) designated institutions of higher education or their representative bodies, and
- (c) such other bodies or persons as the Minister considers appropriate.”

This is a straightforward amendment. Together with those in the sector, we feel that there is a need for specific reference to the groups which, at a minimum, will be consulted in the preparation of the performance framework. The Minister has brought forward an amendment to the same effect, which is positive.

Deputy Simon Harris: I thank Deputy Conway-Walsh. She is entirely correct. I agree with her in that the only slight addition in my amendment, amendment No. 85, is the inclusion of a role for ministerial approval of the framework as well, so we are both landing in the same zone.

Amendment No. 86 to this section seeks just to fix a typographical error. I propose that I move amendments Nos. 85 to 87, inclusive. I agree with Deputy Conway-Walsh that we have addressed amendment No. 84 through those amendments.

Deputy Rose Conway-Walsh: I will withdraw amendment No. 84 on the basis that its provisions are included in the Minister's amendment.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 85:

In page 33, lines 30 and 31, to delete "An tÚdarás, following consultation with the Minister, shall, prepare in such manner as it considers appropriate" and substitute "An tÚdarás shall, with the approval of the Minister, prepare and establish".

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 86:

In page 33, line 33, to delete "of not less than" and substitute "of not less than".

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 87:

In page 33, between lines 34 and 35, to insert the following:

"(2) An tÚdarás shall, for the purposes of preparing or amending a performance framework, consult with—

- (a) representatives of students of designated institutions of higher education,
- (b) designated institutions of higher education or their representative bodies, and
- (c) such other body or person as An tÚdarás considers appropriate."

Amendment agreed to.

Chairman: Amendments Nos. 88 to 90, inclusive, are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 88:

In page 34, line 11, after "*section 33*," to insert the following:

"taking account of the diversity of functions, objects and priorities of different higher education providers,".

Amendment No. 88 recognises the diversity of functions, objects and priorities of different higher education providers in preparing the performance framework. This amendment provides that the Higher Education Authority, in preparing the performance framework, should have regard to the strategy for tertiary education, taking account of the diversity, which is important in this sector, of functions, objects and priorities of different higher education providers. For example, the research-intensive aspects of the universities is an example of a point of differentiation from some other institutions. This is another section on which Deputy Conway-Walsh and I engaged with the sector. Deputy Ó Ríordáin and Deputy Conway-Walsh's amendments Nos. 89 and 90 seem to endeavour to address the same matter. I engaged with the sector in bringing forward my amendment. Without in any way seeking to speak for the Deputy, I think we are largely trying to land at the same point. I fully understand the purpose of amendments Nos. 89 and 90 and have brought forward amendment No. 88 to endeavour to

address the matter.

Deputy Rose Conway-Walsh: The differentiation of functions is vital. It is an important objective for the success of our higher education sector. We need to do more in this regard, including through reform of the funding model, but we certainly welcome the inclusion of this provision.

Amendment agreed to.

Deputy Aodhán Ó Ríordáin: I move amendment No. 89:

In page 34, between lines 11 and 12, to insert the following:

“(b) the funding status of individual designated institutions of higher education,”.

I will withdraw this amendment and try to move it again on Report Stage. That is the best thing to do in the circumstances.

Deputy Simon Harris: I have endeavoured to address the Deputy’s concerns in the amendment I have just introduced, amendment No. 88.

Deputy Aodhán Ó Ríordáin: Excellent. I thank the Minister. I will withdraw the amendment and try to move it again on Report Stage. That is probably the best thing to do in the circumstances.

Amendment, by leave, withdrawn.

Amendment No. 90 not moved.

Deputy Simon Harris: I move amendment No. 91:

In page 34, line 15, after “review” to insert “and with the approval of the Minister”.

This amendment simply adds “the approval of the Minister” in respect of amending the performance framework, so we will need the Minister’s approval to amend the framework. It is a technical amendment to align with amendment No. 85.

Amendment agreed to.

Section 35, as amended, agreed to.

SECTION 36

Chairman: Amendments Nos. 92 and 93 are related and will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 92:

In page 34, line 26, to delete “consultation” and substitute “partnership”.

This is a very simple proposition, that the word “partnership” is stronger than the word “consultation”. It is as simple as that.

Deputy Rose Conway-Walsh: I support the amendment for the same reason, that is, the need to deepen the engagement and reshape the manner of the engagement to one of partnership. The higher education sector is not being dealt with in such a way that reflects the partnership that exists, so I feel that the word “partnership” is a better fit for what we are trying to achieve.

Deputy Simon Harris: I thank the Deputies. I fully understand what they want to achieve.

I have engaged with the sector on this. I wish to flag at this stage that I propose to review the provision with a view to introducing a suitable amendment on Report Stage which will reflect the policy intent of very close co-operation and collaboration between the HEA and designated institutes of higher education development and performance agreement. Based on my legal engagement, the word “partnership” has specific legal connotations, so I am flagging that I am not in a position to accept either amendments at this stage, but I am flagging my intention to endeavour to introduce a suitable amendment that can get through legal drafters on Report Stage.

Deputy Aodhán Ó Ríordáin: On that basis I am happy to withdraw the amendment, but it is contingent on my being happy with the Minister’s endeavours between now and Report Stage. We will move on a basis of good faith.

Chairman: Is the Deputy withdrawing the amendment?

Deputy Aodhán Ó Ríordáin: On that basis, yes. If the Minister is working on the language-----

Chairman: Deputy Conway-Walsh?

Deputy Rose Conway-Walsh: Likewise, I support the withdrawal of the amendment on the basis that we will see what the Minister comes up with.

Amendment, by leave, withdrawn.

Amendment No. 93 not moved.

Section 36 agreed to.

SECTION 37

Amendment No. 94 not moved.

Chairman: Amendments Nos. 95 and 96 are related and will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 95:

In page 35, between lines 36 to 37, to insert the following:

“(b) in developing a funding framework under *paragraph (a)*, An tÚdarás consult with the designated institutions of higher education or their representative bodies.”.

Again, this is all about consultation. The amendment inserts a line that concludes, “An tÚdarás consult with the designated institutions of higher education or their representative bodies”. It is purely to make the Bill more robust when it comes to consultation.

Senator Rose Conway-Walsh: Likewise, I see that the Minister has tabled a similar amendment below. On that basis I support the withdrawal of the amendment.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 96:

In page 35, between lines 36 and 37, to insert the following:

“(3) An tÚdarás shall, for the purposes of preparing and establishing a funding framework, consult with bodies seeking funding or their representative bodies.”.

I have run through amendment No. 96 with drafters, the Office of the Parliamentary Counsel and the likes. I think it achieves what Deputies Conway-Walsh and Ó Ríordáin seek to achieve with amendment No. 95.

Amendment agreed to.

Chairman: Amendments Nos. 97, 98, 101 and 108 are related and will be discussed together.

Deputy Simon Harris: Deputy Ó Cathasaigh, in fairness, has done a lot of work on this, but other Deputies have also raised the issue of climate action, sustainability and how we endeavour to strengthen the Bill. I said at the previous session of Committee Stage of the Bill that, under this legislation, the HEA will be able to issue guidelines, codes and policies in respect of climate action. I think we were discussing towards the end of the previous session that it is grand for me to say that but that Deputies want an assurance beyond that. I wish to flag that it is my intention to see if I can re-engage with the HEA to try to provide a greater degree of assurance to the committee in writing regarding the climate agenda being prioritised in respect of guidelines and codes by the HEA when this Bill passes.

Second, and I say this as a reminder because it will come up quite a bit in this evening's session, and maybe if I say it now I will not keep saying it and taking the committee's time, we are also looking at how we can strengthen definitions relating to sustainability and the likes. I flagged on the previous day that I would see if I could bring forward amendments in this regard on Report Stage. I just wanted to flag that in respect of amendments Nos. 97, 98, 101 and 108.

Chairman: As Deputy Ó Cathasaigh is not present, amendments Nos. 97 and 98 cannot be moved.

Amendments Nos. 97 to 99, inclusive, not moved.

Section 37, as amended, agreed to.

SECTION 38

Amendments Nos. 100 to 103, inclusive, not moved.

Chairman: Amendments Nos. 104, 136, 156 to 159, inclusive, 168 to 171, inclusive, 204, 207 and 208 are related. Amendments Nos. 157 to 159, inclusive, are physical alternatives to amendment No. 156. Amendments Nos. 169 to 171, inclusive, are physical alternatives to amendment No. 168. Amendments Nos. 104, 136, 156 to 159, inclusive, 168 to 171, inclusive, 204, 207 and 208 are related and will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 104:

In page 37, line 5, after "*section 126*" to insert "or to adequately explain non-compliance in accordance with *section 126(7)**".

This is on conditions of funding. Section 38 states:

(1) Funding that is provided by An tÚdarás to a funded body under *section 37* shall be paid in such manner, and subject to such conditions, as the Chief Executive Officer specifies in writing to the body.

(2) The conditions, referred to in *subsection (1)*, that a funded body in receipt of funding under *section 37* shall comply with shall be consistent with the objects and functions of An

tÚdarás provided for in this Act and may include a requirement on the body—

Paragraph (d) indicates “to comply with the guidelines, codes and policies issued by An tÚdarás under *section 126*,”. We are suggesting the addition of “or to adequately explain non-compliance in accordance with *section 126(7)**”. Again, there must be a level of transparency and if there is non-compliance, it should be explained.

Deputy Rose Conway-Walsh: It is clear from section 126 that the HEA may issue guidelines, codes and policies concerning any matter referred to in this Act or any other enactment and the implementation of any policy or objective of the Minister or the Government. In effect, this means policies and objectives of the Minister and the Government become legally enforceable without being enacted in the form of legislation. It is proposed that compliance with guidelines, codes and policies should be assessed by reference to the principle of “comply or explain”. This approach would serve to restore the balance between autonomy and accountability and is an approach that is proportionate in circumstances. Any policy or objective of the Minister can become the subject of a guideline, code or policy. Non-compliance can lead to direct intervention by the HEA and the imposition of financial penalties under section 42 and determinations for action under section 65. This has the potential to undermine the autonomy of the university governing authorities and it potentially increases risk of third level institutions being regarded as being under public control.

The “comply or explain” principle operates on the basis that the entities at which the legislation is directed should not favour strict compliance over effective governance and transparency. Instead, the entities at which the legislation is directed are encouraged to consider their individual circumstances carefully and choose what is best for them while ensuring they provide full, clear and meaningful explanations for departures from what is expected of them under the guidelines, codes and policies. This allows entities to develop governance, processes and practices most suitable for their particular circumstances and to report them in a meaningful way rather than declaring strict compliance with the guidelines, codes and policies that result in reporting that lack of substance and information about governance outcomes. The “comply or explain” principle seems particularly appropriate in the current context where the circumstances affecting each designated institution of higher education tend to be quite different.

Chairman: I apologise to Deputy Ó Cathasaigh as the meeting was indicated on the screen as not being broadcast. I know we cannot go back to his amendments but I will bring this to the attention of the engineers.

Deputy Simon Harris: I do not want to go back to the amendments but I acknowledged Deputy Ó Cathasaigh’s work on the amendments he put forward and my intention to provide additional clarity and assurance with guidelines, and what that might look like, in advance of Report Stage. I also indicated that I will endeavour to come back with greater definitions around sustainability. I will put on the record that I will work closely with Deputy Ó Cathasaigh and others between now and Report Stage on that matter.

On section 38 more broadly, I flag to the committee that my Department continues to engage with the Central Statistics Office on how borrowing for this sector is treated in terms of money being on and off balance sheet. It is a broader point but it is important to say that while we are on section 38 of the Bill.

To be clear, the policy intent of the Bill is not to change in any way, shape or form the existing principle of “comply or explain”. That is for the reasons Deputies Ó Riordáin and Conway-Walsh outlined in terms of the autonomy of institutions and diversity. I genuinely get that.

Already, though, with the existing principle of “comply or explain”, the HEA must agree the explanation with the designated institution of higher education for a derogation from a guideline, code or policy to apply. If a guideline or code is not complied with, the CEO would view the explanation and a reasonable explanation would be accepted by the HEA.

I have engaged intensively with the sector on this and I would not like to change the current principle beyond “comply or explain” or accidentally dilute it. I would not like to have a “comply or explain” process and if you do not like the explanation, goodnight and good luck. This would accidentally diminish the process, and that is not what the sector wants to do either. I have looked at this quite extensively but I am satisfied, in regard to the proposed amendments, that the current policy intent is in line with the existing policy of “comply or explain”. I have no doubt the Deputies will return to this on Report Stage because it is important for the sector. That is my view.

This amendment is grouped with amendments Nos. 157 and 169, which are in my name. The purpose of these amendments is to clarify that the obligation of the governing body of a technological university is to have appropriate systems, procedures and practices in place in order to implement and report on compliance with the policies of the Government or a Minister of the Government to the extent that those policies may affect or relate to the function of the university or technological university. The wording has been amended from “enable compliance” with the policies to “implement and report on compliance” to more accurately reflect the policy intent. To be clear, there is no intended change with regard to policy intent in the subsection. Amendments Nos. 158 and 170 are covered by amendments Nos. 157 and 169, if I might put it like that.

Amendments Nos. 204 and 208 propose to remove the provision that the Minister may give a direction in writing to the HEA to prepare guidelines, codes or policies, and the HEA shall comply with the direction with a new provision. The proposed new provision provides that the Minister shall provide a draft of a direction to the HEA and the HEA may make submissions to the Minister on the draft direction, and the Minister shall consider any submission received. The new provision also provides, as we previously discussed, that the direction shall be published. I am satisfied with the provisions relating to directions as currently reflected in the Bill. I do not propose to accept other amendments to this section.

Deputy Aodhán Ó Ríordáin: As is generally the case with these matters, if the Minister is not in a position to accept the amendment we will try to work on it and bring it back on Report Stage. It is what I intend to do.

Deputy Rose Conway-Walsh: We will withdraw the amendment but reserve the right to bring it back on Report Stage on that basis.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 105 to 107, inclusive, are related and will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 105:

In page 37, line 7, after “requirements,” to insert “and”.

This is a simple insertion of the word “and” after paragraph (f). Amendment No. 106 would delete “thereunder, and” and substitute “thereunder.” It is a question of strengthening the

language. Amendment No. 107 would delete lines 9 and 10 on page 37.

Deputy Simon Harris: I thank the Deputy. What we are endeavouring to do in this section is ensure the chief executive officer of the HEA can deal with a number of matters as they arise. There is standard provision in legislation relating to what are called “other conditions”. I accept “other conditions” could perhaps be viewed as a catch-all, although it is not a legal term. It can be a standard provision. I am trying to get the threshold right of what is appropriate for the CEO to be able to discharge as chief executive and what the CEO should have to receive board approval for.

I am not in a position to accept amendments Nos. 105 to 107, inclusive, but I am considering making an amendment on Report Stage based on Deputy Ó Ríordáin’s overall point to include a requirement for board approval for the addition of other conditions. I am flagging that I am considering bringing forward an amendment on Report Stage that board approval would be required for the addition of other conditions.

Deputy Aodhán Ó Ríordáin: That would be to our liking. As can be seen in the Act, the autonomy of the CEOs is a little bit too strong so board approval will be appreciated. I will withdraw on that basis.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 106:

In page 37, line 8, to delete “thereunder, and” and substitute “thereunder.”

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 107:

In page 37, to delete lines 9 and 10.

Amendment, by leave, withdrawn.

Section 38 agreed to.

SECTION 39

Chairman: Amendment No. 108 has already been discussed with amendment No. 97. Is Deputy Ó Cathasaigh withdrawing the amendment?

Deputy Marc Ó Cathasaigh: It was not moved in the first place. I understand it was grouped with an earlier amendment. I will take the advice of the Chair on whether I can move it now.

Chairman: The Deputy can go ahead.

Deputy Marc Ó Cathasaigh: I move amendment No. 108

In page 37, between lines 17 and 18, to insert the following:

“(b) in the case of a body seeking funding, to establish whether the body complies with national policy, legislation and objectives with regard to climate action.”.

I am happy to move the amendment. I apologise to the committee for not being present to move the previous amendment. I was monitoring online from another meeting and, unfortu-

nately, it was not being broadcast. I missed those amendments for that reason.

That series of amendments, which I discussed with the Minister, as he acknowledged, is about trying to set on a firmer footing the importance and primacy of climate action within this piece of legislation, and in particular that the Climate Action and Low Carbon Development (Amendment) Bill 2021 and our obligations under the Paris Agreement are acknowledged explicitly within the text of this Bill.

I understand the argument that, of course, this Bill must have cognisance and reference to all of the other pieces of legislation. I feel the case for climate action is such that it deserves a specific reference in and of itself, however. I will not delay the committee any further than that given that I missed my initial opportunity. I am glad to have had the opportunity to retrospectively put the case for those amendment.

Deputy Simon Harris: I again thank Deputy Ó Cathasaigh for this series of amendments, which we discussed the previous day and, indeed, that come later. As I indicated earlier in the meeting with Deputy Ó Cathasaigh, my response is that we are looking to see how we can, and I think it is the wish of the committee, further strengthen definitions in this important area of climate action. I am also looking to see what can be done in addition to the legislation.

A significance to this legislation that sometimes does not get discussed enough is the Higher Education Authority, HEA, being able to devise and develop codes and guidelines. I think the healthy scepticism at this committee the last time was that this was an enabling provision and about whether there will be guidelines or codes in these areas in two or three years' time and what assurances I can give the committee. I am working with my officials and the HEA to see if I can perhaps, even in advance of the legislation being passed, indicate in writing that this is an area we wish to see prioritised. I will work with the Deputies and Deputy Ó Cathasaigh in advance of Report Stage.

Amendment, by leave, withdrawn.

Section 39 agreed to.

SECTION 40

Chairman: Amendments Nos. 109 to 112, inclusive, are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 109:

In page 37, line 34, to delete “shall review” and substitute “shall assess”.

I will be very brief on this because these are largely technical amendments to clarify. What I did not want was any confusion with regard to the difference between “review” and “assess”. Again, it is similar to the point Deputy Conway-Walsh made earlier. I think the words “assess” and “assessment” are more appropriate and perhaps more accurate rather than the word “review”. They are technical but clarifying.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 110:

In page 38, line 1, to delete “a review” and substitute “an assessment”.

Amendment agreed to.

Section 40, as amended, agreed to.

SECTION 41

Deputy Simon Harris: I move amendment No. 111:

In page 38, line 9, to delete “a review” and substitute “an assessment”.

Amendment agreed to.

Section 41, as amended, agreed to.

SECTION 42

Deputy Simon Harris: I move amendment No. 112:

In page 38, line 20, to delete “a review” and substitute “an assessment”.

Amendment agreed to.

Section 42, as amended, agreed to.

SECTION 43

Chairman: Amendments Nos. 113 to 115, inclusive, are related and may be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 113:

In page 40, line 28, to delete “may” and substitute “shall”.

This amendment is about structured engagement with students and particularly the training for students on governing boards. I would like to thank the University College Dublin students’ union for bringing this to my attention. This is a straightforward amendment to assure that these positive initiatives around training are delivered in all institutes.

Deputy Simon Harris: I will flag at this stage that based on our very extensive discussions on the Irish language with Deputies Ó Snodaigh, Conway-Walsh, Ó Cathasaigh and Ó Ríordáin at the previous meeting, I am considering bringing forward an amendment on Report Stage in relation to engagement with students who are Irish language speakers. I will also be considering a very similar amendment in section 44 with regard to students who are Irish language speakers. I thank Deputy Conway-Walsh for her amendment and, indeed, her engagement with the UCD students’ union on this.

I did look at this and I will read my note to be clear on my advice. Amendment No. 113 proposes to provide that a formalised engagement process between students of designated institutions of higher education and those institutions shall - with an emphasis on that word - include training for students participating as members of the governing bodies of those institutions and a mechanism for students to request such training. The amendment is seeking to replace the word “may” with the word “shall”. My own view from consulting is that it is not appropriate as some students may have sourced alternative training and may not require that training. I am not being pedantic because I know what the Deputy is endeavouring to do here. On the idea that the training must or shall happen, we believe the word “may” is an enabling provision to provide for good engagement processes. It is also noted that the institution is required to report annually to the HEA on training and engagement processes. If training has been requested and

not provided, we will see this annually in the report to the HEA, which I think is important for transparency as well.

As the Deputy said, amendments Nos. 114 and 115 request two additional provisions to be included in the annual report to the HEA. I went to check this because it is important. I agree with what the Deputy is endeavouring to do here. My advice is that there is no need for those amendments, however, because they are already included as part of the reporting process to the HEA under subsection (3)(a)(b)(c). There is a nervousness that changing the word “may” to “shall” has an unintended consequence. We believe the reporting mechanism is captured in subsection (3)(a)(b)(c).

Deputy Rose Conway-Walsh: I will withdraw amendment No. 113 on that basis. I accept that “shall” could appear to be mandatory. If the intention of what it sets out to do is already covered, that is okay.

Amendment, by leave, withdrawn.

Deputy Rose Conway-Walsh: I move amendment No. 114:

In page 41, between lines 2 and 3, to insert the following:

“(d) a summary of any proposed means of addressing issues of concerns referred to in subsection (3)(a) put forward by students and representatives of students, including as part of the processes referred to in subsection (1) developed by it.”.

Amendment, by leave, withdrawn.

Deputy Rose Conway-Walsh: I move amendment No. 115:

In page 41, between lines 2 and 3, to insert the following:

“(d) a summary of engagement with the students’ union of the designated institute of higher education, including as part of the processes referred to in subsection (1) developed by it.”.

Amendment, by leave, withdrawn.

Section 43 agreed to.

Section 44 agreed to.

SECTION 45

Deputy Simon Harris: I move amendment No. 116:

In page 41, line 16, to delete “partnership” and substitute “co-operation”.

This goes back to the legal connotations of “partnership”. On the basis of the legal advice, therefore, I am replacing it with “co-operation”. I take the point, however, because it is different but similar to the discussion we had earlier. I hear the committee on the importance of the word “partnership”. I obviously outlined the legal concerns around “partnership” and flagged it in an earlier section. I do believe, however, that “co-operation” accurately reflects the policy intent with regard to student surveys. As I said, it aligns with a similar amendment to section 9(1)(i).

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 117:

In page 41, between lines 32 and 33, to insert the following:

“(g) provide information to ensure the provision of courses and services through Irish to students.”.

I do not know if Deputy Ó Snodaigh wants to speak to this but we were trying to make sure that the Irish medium provision is taken into account when seeking information and feedback from students through student surveys.

Deputy Aengus Ó Snodaigh: We had the discussion at the previous meeting to ensure that it is set out. The Minister indicated the last week that he would be interested in some of the amendments that were put forward and hopefully this will be included among them.

Deputy Simon Harris: I thank the Deputies for the very constructive engagement on this. I again thank Conradh na Gaeilge for its work and I met with its representatives on this. We have brought forward multiple amendments to the Bill. I have outlined, even in the last few minutes, more amendments that we will be bringing forward based on some of the discussions we had at the last session and some other areas Conradh na Gaeilge has highlighted.

In regard to this amendment, I want to flag that our view as a Department is that this information can be gathered under subsection (f) once agreed with relevant parties. I will look at all of these in the round for Report Stage but our view is that the legislation under subsection (f) already enables this.

Amendment, by leave, withdrawn.

Section 45, as amended, agreed to.

SECTION 46

Deputy Simon Harris: I move amendment No. 118:

In page 42, to delete line 15 and substitute the following:

“(a) the Minister for Education and such other Ministers of the Government as it considers appropriate,”.

This arises following engagement with my colleagues in the Department of Education. There is a provision in section 46 for consultation by the HEA with myself, as Minister, and other listed bodies. This includes any Minister of the Government but we thought it was appropriate to specify specifically the Minister for Education, considering the obvious strong links there are between equity and access, participation and promotion of success at first and second level, and the implications for further and higher education. I think it is sensible to clarify what was already intended.

Amendment agreed to.

Chairman: Amendments Nos. 119 and 120 are related and may be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 119:

In page 42, between lines 18 and 19, to insert the following:

“(e) recognised trade unions and staff associations in designated institutions of higher education,”.

There is a very comprehensive list in the legislation of those who should be consulted with when preparing a draft plan but the glaring omission is the trade unions and staff associations in designated institutions of higher education. I see Deputy Rose Conway-Walsh makes the same point. If we have a comprehensive list of those who should be consulted, the trade unions need to be in there.

Deputy Rose Conway-Walsh: It really does seem a substantial oversight not to include the trade unions as one of the core stakeholders to consult on issues of equity of access, participation and promotion of success. I know through my own engagement with the committee work how seriously unions and their members take the development of higher education as a public good. I urge the Minister to accept this amendment.

Deputy Donnchadh Ó Laoghaire: I agree with this point. As well as being institutions of learning and huge economic drivers, institutions in the third level sector are major employers with tens of thousands of workers. There are several unions that would be a regular part of engagement with higher education institutions, such as the Teachers’ Union of Ireland, TUI, the Irish Federation of University Teachers, SIPTU and Fórsa, and there are probably several more as well. This is vital. Typically, with some exceptions, these institutions are engaging in general terms with these unions but that needs to continue and it needs to be preserved. I believe they should have an equal place with the other stakeholders in that regard.

Deputy Simon Harris: I agree with this point. It is a thing that used to annoy me when I was a Deputy bringing forward amendments. I wish to bring forward my own amendment to do exactly this on Report Stage and while we need to run things through the Office of the Parliamentary Counsel, there is no disagreement here. To be clear, this should be in the Bill. We did engage with the TUI and others and they identified a number of areas where trade unions and staff associations should be in the Bill. The Deputies will remember from the last day that we brought forward quite a lot of amendments where we ensured that trade unions and staff associations were listed in the Bill explicitly rather than implicitly. This was not a section where it was identified in our engagement but, nonetheless, it is an accepted oversight and I will rectify it on the basis of the Deputy’s amendments.

Deputy Aodhán Ó Riordáin: On that basis, I will withdraw the amendment.

Deputy Rose Conway-Walsh: I will also withdraw my amendment on the basis that this is included.

Amendment, by leave, withdrawn.

Deputy Rose Conway-Walsh: I move amendment No. 120:

In page 42, between lines 19 and 20, to insert the following:

(f) trade unions,”.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 121:

In page 43, line 22, to delete “in each year and”.

I have been looking at the whole issue of equity of access in the totality and in the round. There are many reports that come to me in regard to equity of access and that are published by the HEA every year and I felt the phrase “in each year” was nearly limiting in terms of flexibility, so I am bringing forward this amendment to reflect the fact there is an ongoing flow of information from the HEA to the Minister.

Amendment agreed to.

Section 46, as amended, agreed to.

SECTION 47

Chairman: Amendments Nos. 122 and 125 are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 122:

In page 44, between lines 15 and 16, to insert the following:

“(g) meets the needs of persons who are competent to speak the Irish language,”.

This is another one of these points that is becoming common because I think Deputy Conway-Walsh and I must talk to the same people on this legislation. In any case, there is amendment No. 122 in my name and No. 125 in the Deputy’s name which intend to do the exact same thing. It is just a question of legal wording on how best to do this. This is basically about making sure that the provision for lifelong and flexible learning provides that the HEA should promote and support the institutions of higher education in the development and provision of lifelong and flexible learning for learners which meets the requirements of the learners. The amendment I am bringing forward, which captures the Deputy’s view too, adds a specific provision to meet the needs of persons who are competent to speak the Irish language. This amendment is another example of how we are working to strengthen the provisions in regard to the Irish language in the Bill. I move amendment No. 122 and respectfully suggest it encapsulates what amendment No. 125 was seeking to do.

Deputy Rose Conway-Walsh: As the Minister said, the Irish language is important in lifelong learning, as it is in any other aspect of the education system, and the Bill would benefit from a specific reference in this section to the Irish language. I welcome it.

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 123:

In page 44, to delete lines 20 and 21 and substitute the following:

“(j) supports all learners to acquire the knowledge and skills needed-

(i) to address the interconnected global challenges of climate change, environmental degradation, loss of biodiversity, poverty and inequality including gender inequality, and

(ii) to promote sustainable development and sustainable lifestyles, human rights, a culture of peace and non-violence, global citizenship and an appreciation of cultural diversity and of culture’s contribution to sustainable development,

and”.

Chairman: This was already discussed with amendment No. 3.

Deputy Aodhán Ó Ríordáin: I had a whole speech prepared.

Chairman: Is the amendment withdrawn?

Deputy Aodhán Ó Ríordáin: Does the Minister want to speak to it?

Deputy Simon Harris: Just to help our memory given it was so far back, I want to clarify that this was one of those areas, similar to my conversation with Deputy Ó Cathasaigh, where I intend to work with the Deputy between now and Report Stage.

Deputy Aodhán Ó Ríordáin: I am happy with that.

Amendment, by leave, withdrawn.

Deputy Marc Ó Cathasaigh: I move amendment No. 124:

In page 44, line 21, after “development,” to insert the following:

“in line with Sustainable Development Goal 4.7 “through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture’s contribution to sustainable development”,”.

Amendment, by leave, withdrawn.

Deputy Rose Conway-Walsh: I move amendment 125:

In page 44, between lines 23 and 24, to insert the following:

“(l) meets the needs of native Irish speakers and other speakers of the language.”.

Amendment, by leave, withdrawn.

Section 47, as amended, agreed to.

SECTION 48

Chairman: Amendments Nos. 126 to 128, inclusive, are related and may be discussed together.

Deputy Marc Ó Cathasaigh: I move amendment No. 126:

In page 45, line 6, after “data,” to insert the following:

“including, but not limited to, disaggregated data in relation to public and private funding, funding from foreign sources (including the country to which the source is attributable, date of funding and description of any conditions or restrictions applied), and funding streams from entities outside of the designated higher education institutions that operate substantially for the benefit or under the auspices of the institutions, both inside and outside the State,”.

I would accept that amendments Nos. 126 and 127 are very close in their intention and aims and, indeed, in their wording, but I would make an argument that amendment No. 128 is slightly different. Amendments Nos. 126 and 127 are aimed towards transparency in the funding model. As I have said previously, the State makes a significant investment in the third

level sector and we should expect that the State's values are mirrored back to it in the investment in third level institutions by having oversight of the types of funding and the funding sources other than State funding that are feeding into the provision of third level education. These two amendments go to the point about transparency and clarity in terms of the funding.

The HEA initiated a review of higher education and funding in 2017, the "Review of the Allocation Model for Funding Higher Education Institutions" final report for the independent expert panel of the HEA. I would emphasise the inconsistent and incoherent nature of the administration of funding for data collection and lack of overall transparency in HEA funding. This item references governance and public confidence in the system and I think transparency around private sources of funding will only strengthen people's confidence in the third level sector. To quote from that report, funding streams from entities outside of the designated higher education institutions that operate substantially for the benefit of or under the auspices of the institutions, both inside and outside the State, are included in some instances. This is the practice of having a separate legal entity that may operate parallel to the actual third level institution. I do not think we have good oversight or good insight as to where the funding sources are coming from in that respect. As a major stakeholder in third level funding, the State should expect to have that level of transparency.

Amendment No. 128 is slightly different in its focus. It is related to something commonly known as the divestment movement. That is the idea that, with regard to investments made by third level institutions commonly held as, for example, pension pots, we should limit the exposure of those investments, in terms of investment in fossil fuels in particular. There is an issue around reflecting the values of the State, as well as the matter of stranded assets and the destabilising influence that could arise from investments being made in fossil fuels infrastructure or having that as part of a pension portfolio, and that subsequently devaluing. That is what this amendment goes towards.

Deputy Simon Harris: I thank the Deputy. I have looked into this matter. In the context of the horrific situation in Ukraine, there has been a need to seek information in relation to transparency around funding. There have been some parliamentary questions tabled to me that required me to go to institutions to seek data I do not have on that situation and the need for Russia to experience significant sanctions and isolation. I have recent experience of the importance of being able to seek data from institutions.

I have checked that in the existing provisions for data collection specified in the legislation there is a category relating to financial data. I am advised that these amendments appear to be covered by the subsection on financial data. If it is deemed necessary to collect the data, that can be done under the heading of financial data and prescribed by the Minister of the day in consultation with the HEA.

This is another instance where I am not in a position to accept the amendments, but I can engage with the Deputy and seek to expand what I have said between now and Report Stage in order to see if that provides assurance.

Chairman: We will suspend the meeting because there is a vote in the Dáil.

Sitting suspended at 6.22 p.m. and resumed at 6.43 p.m.

Chairman: We were on amendment No. 126. Deputy Ó Cathasaigh is not here so we shall move on.

SEFHERIS

Amendment, by leave, withdrawn.

Amendments Nos. 127 and 128 not moved.

Section 48 agreed to.

Sections 49 to 54, inclusive, agreed to.

SECTION 55

Deputy Simon Harris: I move amendment No. 129:

In page 50, to delete lines 35 to 41 and substitute the following:

“(f) that the higher education provider—

(i) has, under section 28 of the Act of 2012, established procedures in writing for quality assurance in relation to which the Qualifications and Quality Assurance Authority of Ireland—

(I) has approved those procedures under the Act of 2012,

(II) has not proposed by notice under section 36(1) of that Act to withdraw that approval, and

(III) has not withdrawn that approval under section 36 of that Act,

or

(ii) if the higher education provider is a linked provider within the meaning of the Act of 2012, has, under section 28 of that Act, established procedures in writing for quality assurance in relation to which a relevant designated awarding body within the meaning of that Act—

(I) has approved those procedures under the Act of 2012,

(II) has not proposed by notice under section 39(1) of that Act to withdraw that approval, and

(III) has not withdrawn that approval under section 39 of that Act;”.

The amendments in this section are technical in nature and are designed to ensure that the conditions to be complied with for making a designation order include the quality-assurance arrangements that providers can and will have with QQI and as linked providers of designated awarding bodies. These amendments are designed to reflect and align with provisions under the Qualifications and Quality Assurance (Education and Training) Act 2012.

Amendment agreed to.

Section 55, as amended, agreed to.

Sections 56 to 60, inclusive, agreed to.

SECTION 61

Chairman: Amendments Nos. 130 and 131 are related and may be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 130:

In page 56, line 1, to delete “and cultural” and substitute “, cultural and Irish language”.

While strategic planning is necessary at national level, it will ultimately be the role of institutions to deliver education through Irish. Therefore, plans should be included in the strategic development plan of the designated institutions outlining how they will contribute towards the aim of progressively increasing Irish-language provision. At present, most institutions, especially those covered under this section, seem to act as if they have no duty to provide education through Irish, but it should be the role of all institutions to play their part. That is why we are proposing this amendment.

Deputy Simon Harris: Section 61 provides for the development of the strategic development plans in our designated institutions of higher education that are not universities, technological universities, institutes of technology or the National College of Art and Design. This amendment proposes to include the Irish-language requirement in their development plans but for what are mainly private and not-for-profit institutions. We generally attach conditions through funding. These institutions may not be receiving any funding from the Exchequer, and some may be receiving competitive funding only, as we discussed the last day. I outlined this in my engagement with Conradh na Gaeilge. While I am considering more amendments in the round on Irish, that is my position on these amendments.

Deputy Aengus Ó Snodaigh: They are strategic plans. What amendment No. 131 seeks to impose is not onerous. It just proposes that in the strategic plan, an institution consider how it will progressively increase. If it is starting from a low level, a progressive increase can be from a very minimal level. One of the big challenges for society as a whole regarding Irish concerns how we expand its use outside the third level institutions where Irish is pigeonholed as one of the arts subjects or whatever. In this instance, as the Minister correctly said, the institutions in question are private, not-for-profit institutions, but many of them are delivering courses on business, finance and whatnot. It is important that those courses be available through Irish or, at the very least, that there be an understanding, by virtue of the promotion of the Irish language within the institutions, that graduates may end up in areas where Irish is the vernacular and that there is a need to protect and enhance the language.

Deputy Simon Harris: With all this new-politics stuff, the power of persuasion has changed my mind, but I am not going to accept amendment No. 131, for the reasons I outlined. I am sure we can reflect on it between now and Report Stage. I will accept amendment No. 130 because I believe the Deputy is right. The institutions are already committing to a cultural element in their strategic development plans. The amendment proposes only to include “cultural and Irish language”. I believe the intention behind this is acceptable, so I propose to accept amendment No. 130 but not No. 131 at this stage.

Deputy Aengus Ó Snodaigh: I thank the Minister for that. I will try to persuade him about amendment No. 131 on Report Stage.

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 131:

In page 56, between lines 5 and 6, to insert the following:

“(g) how the institution intends to progressively increase the provision of education across disciplines through the medium of Irish and promote increased

use of the Irish language, and”.

I propose to withdraw this amendment on the basis that it may be resubmitted on Report Stage.

Amendment, by leave, withdrawn.

Section 61, as amended, agreed to.

SECTION 62

Chairman: Amendments Nos. 132 and 133 are related and may be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 132:

In page 57, to delete lines 1 to 3 and substitute the following:

“(a) the policy of the institution for increasing access, participation, and course completion, by students in priority groups and persons,”.

It is important that we expand our understanding of equality in higher education beyond access. I welcome that this has been done in some parts of the Bill. Amendment No. 132 continues in that vein. Often, one of the main forms of discrimination, socioeconomic discrimination, is overlooked. It would be positive to include a specific reference to this in the section, as proposed in amendment No. 133.

Deputy Simon Harris: I very much appreciate the work the Deputy is doing in respect of equity of access and I agree that through her work and that of my officials we have tried to strengthen equity of access provision throughout the Bill. This section, however, relates to the private colleges. We had a debate on this earlier in terms of private versus public and the likes. The way we pursue access to education is through the publicly funded higher education sector or where we provide specific funding to a private or not-for-profit college for a specific purpose, we attach conditions of funding. That is how we try to highlight priorities, be they access, participation or course completion, considering we do not fund these institutions, I do not have a direct policy lever. For example, I will bring forward a national access plan and the Deputy and I will debate its merits and demerits but it relates to trying to ensure people get through the public education system. For those reasons, I am not in a position to accept the amendment.

Deputy Rose Conway-Walsh: How can the Minister ensure it will be a condition of funding?

Deputy Simon Harris: That is an interesting one. I will have to go back to previous sections, but I am satisfied that in the context of institutions we are funding, the Bill provides an ability for the HEA to attach conditions to funding. That is one of the significant benefits of the Bill. We can consider that and see whether the Deputy is satisfied it is strong enough but, where we do not fund the institutions, we do not have the policy lever. That is my view. I will reflect on what the Deputy has said in respect of publicly funded institutions. It is a fair point.

Deputy Rose Conway-Walsh: On that basis, I will withdraw the amendment and we will examine further in respect of the condition in the funding. I think that will satisfy what I am trying to achieve there.

Amendment, by leave, withdrawn.

Section 62 agreed to.

Section 63 agreed to.

SECTION 64

Chairman: Amendments Nos. 134 and 135 are related. Amendment No. 135 is a physical alternative to amendment No. 134. Amendments Nos. 134 and 135 may be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 134:

In page 58, line 4, to delete “is concerned” and substitute “has serious, significant or material concerns”.

What I am trying to outline with this amendment is the nature of “concern”. I want to replace the word “concerned” with “serious, significant or material concerns”. That is a slightly more robust definition of what a concern may be, a concern that the CEO may have about the governance of an institution, that it should be serious, significant or material.

Deputy Simon Harris: I thank the Deputy. As the Chairman indicated, amendment No. 134 tabled by Deputy Ó Ríordáin and amendment No. 135 that I have brought forward are alternatives in the sense that they are both trying to achieve the same thing. I would argue that my amendment achieves what Deputy Ó Ríordáin is seeking to achieve, which is a legitimate point that I heard from the sector, that is, what is “concern”. I am proposing in my amendment to delete the phrase “concerned about”, which could be construed to be vague and subjective, and substitute it with, “of opinion that there are significant concerns regarding”. The policy intent of this section is that the CEO of the HEA would only request a review and report from a designated institution where there are significant concerns regarding the institution. It is not intended that this provision is used to address minor or trivial issues that can be addressed through normal working arrangements. An amendment is proposed to provide that the word “significant” is now inserted in the section. This amendment will provide that the CEO may request a designated institution to undertake a review if there is a significant concern about the institution’s governance, performance or compliance. I do not think anybody is suggesting it, but we need to be careful we do not inadvertently prevent the CEO requesting a report if there are significant concerns. I do take the point in respect of the vagueness of the original language and I contend that amendment No. 135 in my name achieves that balance.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 135:

In page 58, line 4, to delete “concerned about” and substitute “of opinion that there are significant concerns regarding”.

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 136:

In page 58, line 7, after “*section 126*” to insert “or the adequacy of any explanation for non-compliance provided pursuant to *section 126(7)*”.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 137 to 144, inclusive, are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 137:

In page 58, line 26, after “may” to insert “, with the approval of the Board,”.

Amendments Nos. 137 and 138 provide that the chief executive of the HEA requires board approval for the publication of a report of a review under section 64. This is important where there is potential reputational risk to an institution. It is the view of the sector and, I suspect, that of the committee that it would be appropriate for the CEO to require the approval of the board of the HEA before the publication of a report of a review. That is the purpose of amendments Nos. 137 and 138.

Amendment No. 139a in my name removes the provision that the chief executive can make a determination to provide assistance in accordance with section 66 following a review under section 64. The amendment has been tabled because it is proposed to remove section 66 of the Bill, relating to the provision of assistance by an tÚdarás, and, therefore, this provision is no longer necessary. This, too, is something that came from engagement with the sector. It would like to be in a position to request assistance but does not wish to have that assistance forced upon it. That language may be slightly inaccurate. I apologise; some of my language should be tighter. It is just a change of emphasis in terms of assistance. In light of the fact that we will be removing section 66, amendment No. 139a removes a provision that is no longer required.

On amendment No. 139, I am not proposing to accept the amendment. It proposes to insert a provision that HEA board approval will be needed by the chief executive in order to make a determination to take action following a review. This whole legislation is a question of balance. We are all trying to get the balance right. My amendment proposes that, for reputational reasons and the like, the chief executive cannot go ahead and publish the report of the review without the approval of the board. It is still appropriate for the CEO to be able to take action. In fact, it is empowering and important for the CEO to be able to take the action without the requirement of a board meeting. For that reason, I prefer the amendment I have tabled, so I do not propose to accept amendment No. 139. It is important that when the HEA identifies an issue in a higher education institution, the HEA can react in a timely manner. Of course, all present have great confidence in the sector, but we also have to legislate for times when things go wrong. Being able to act in a timely manner is important. The steps include a request for self-review and a report from the institution by the CEO. I think we have the balance right in this area.

I do not propose to accept amendment No. 140. It provides that an appeal can be taken in respect of any determination made by the CEO under section 65. The Bill provides that an appeal can only be taken against the imposition of remedial measures. That is important too. If there are remedial measures, one can taken an appeal in respect of one’s unhappiness with that, but if there is not a remedial measure, I do not think there is a need for an appeal. As I stated, amendment No. 139 removes the provision that the chief executive officer can make a determination to provide assistance. I have dealt with that. I wish to flag that I am considering introducing an amendment on Report Stage to provide for an appeal in respect of the appointment of a reviewer. I will consider amendment No. 140 again prior to Report Stage. That is basically what I am saying. I think we have the balance right without amendment No. 139, based on the amendment I have brought forward. I will consider the issues relating to amendment No. 140 in advance of Report Stage.

Deputy Rose Conway-Walsh: I welcome what the Minister has said. We will look at the drafting when it moves to next Stage. On the basis that we will consider the drafting and may present again if needed, I will withdraw the amendment.

Deputy Aodhán Ó Ríordáin: I may need more convincing in respect of why approval of the board is required in section 64 but not in section 65. However, similar to Deputy Conway-Walsh, I will withdraw my amendment and consider what the Minister does on Report Stage.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 138:

In page 58, line 27, to delete “as he or she considers” and substitute “as the Board considers”.

Amendment agreed to.

Section 64, as amended, agreed to.

SECTION 65

Deputy Rose Conway-Walsh: I move amendment No. 139:

In page 59, line 3, after “may” to insert “, with the approval of the Board,”.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 139a:

In page 59, to delete lines 8 and 9.

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 140:

In page 59, line 17, to delete “*paragraph (b)* of”.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 141:

In page 59, lines 25 to 29, to delete all words from and including “not” in line 25 down to and including line 29 and substitute the following:

“operate to stay the coming into operation of the measure pending the determination or discontinuance of the appeal.”.

Amendment, by leave, withdrawn.

Section 65, as amended, agreed to.

SECTION 66

Chairman: Amendments. Nos. 142 and 146 are related and will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 142:

In page 60, between lines 7 and 8, to insert the following:

“(4) A decision by the Chief Executive Officer to provide assistance under subsection (1) may be appealed by the designated institution of higher education concerned in

accordance with section 70 within the prescribed period after the service of a notice on that institution under subsection (2).

(5) The bringing of an appeal by a designated institution of higher education against a decision to provide assistance under subsection (3) shall operate to stay the provision of such assistance pending the determination or discontinuance of the appeal.”.

I am interested in the Minister’s view, to speed things along.

Deputy Rose Conway-Walsh: The amendment inserts two new subsections into section 66. The proposed new subsection (4) provides for the right of appeal against a decision of the HEA’s CEO to provide assistance on a mandatory basis. The proposed new subsection (5) provides that when an appeal is made against the proposal to provide mandatory assistance, the appeal has the effect of placing a stay on the provision of such assistance until such time as the appeal has been determined.

Deputy Simon Harris: I thank both Deputies. Amendment No. 142 provides for an appeal of a decision by the CEO to provide assistance to a designated institution of higher education and provides that when an appeal is made, the appeal has the effect of placing a stay on the provision of such assistance until such time as the appeal has been determined. I have proposed to remove section 66 from the Bill to remove that mandatory provision of assistance. A later section of the Bill provides the ability to seek assistance, but we will remove the mandatory provision of assistance through the removal of section 66. Therefore, amendment No. 142 is no longer necessary.

Amendment No. 146 provides for the right of appeal against a decision of the HEA CEO to appoint a reviewer. This amendment also provides that if an appeal is made against the appointment of a reviewer, it has the effect of placing a stay on the appointment or shall require a cessation of the work of the reviewer pending the determination or discontinuance of the appeal. The appointment of a reviewer is considered to be part of the process of assessing whether there is an issue which needs to be addressed. The reviewer will undertake a review of the institution to establish the facts. The institution will then receive a copy of the draft report and may make representations on the draft report to the reviewer, which the reviewer shall consider prior to finalising the report. I am not in a position to accept the amendment, but I have indicated and now indicate again that I can consider an amendment on Report Stage to provide for an appeal process for the appointment of the reviewer.

Amendment, by leave, withdrawn.

Question, “That section 66 be deleted”, put and agreed to.

SECTION 67

Chairman: Amendments Nos. 143 to 145, inclusive, are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 143:

In page 61, line 13, to delete “The remedial” and substitute “Subject to subsection (4), the remedial”.

Amendments Nos. 143 and 144 provide that the approval of the board is required before a remedial or other measure referred to in paragraphs (a), (b) or (d) of subsection (3) may be

imposed on a designated institution of higher education. As I outlined earlier, the requirement for board approval in these cases takes into account reputational aspects for designated institutions. The measures are the admonishment and censure in writing of the institution, the requirement for members of the governing body or members of staff of the institution to undertake a course of training on matters related to governance, or the review of the strategic development plan of the institution. This adds the requirement for the approval of the HEA board rather than unilateral action of the CEO.

Amendment No. 145 is in the name of Deputies Ó Ríordáin and Conway-Walsh. It proposes to introduce a provision for the appeal of the imposition of a remedial measure and a stay on the imposition of a remedial measure if the appeal is made pending the determination or discontinuance of the appeal. Section 65(4) of the Bill provides for an appeal of the imposition of the remedial measure. Amendment No. 141 addresses the same issue, of proposing to put a stay on the coming into operation of a remedial measure if an appeal is made, pending the determination. In English, I believe amendment No. 141, which we discussed, has addressed what the Deputies are trying to do in amendment No. 145. Amendments Nos. 143 and 144 are about a greater role for the HEA board, in the interests of recognising the importance of the reputation of the institution.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 144:

In page 61, between lines 31 and 32, to insert the following:

“(4) The approval of the Board shall be required before a remedial or other measure referred to in paragraph (a), (b) or (d) of subsection (3) may be imposed on designated institution of higher education.”.

Amendment agreed to.

Deputy Rose Conway-Walsh: I move amendment No. 145:

In page 61, between lines 31 and 32, to insert the following:

“(4) A remedial or other measure proposed by the Chief Executive Officer under subsection (3) may be appealed by the designated institution of higher education concerned in accordance with section 70 within the prescribed period after the service of a notice on that institution under subsection (2).

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

Amendment, by leave, withdrawn.

Section 67, as amended, agreed to.

Section 68 agreed to.

SECTION 69

Deputy Aodhán Ó Ríordáin: I move amendment No. 146:

In page 62, between lines 27 and 28, to insert the following:

“(3) The appointment of a reviewer under subsection (4) may be appealed by the designated institution of higher education concerned in accordance with section 70 within the prescribed period after the service of a notice on that institution under subsection (2).

(4) The bringing of an appeal by a designated institution of higher education against the appointment of a reviewer under subsection (1) shall operate to stay the appointment or result in a cessation of the work of the reviewer pending the determination or discontinuance of the appeal.”.”.

Amendment, by leave, withdrawn.

Section 69 agreed to.

SECTION 70

Deputy Aodhán Ó Ríordáin: I move amendment No. 147:

In page 63, line 15, to delete “or 65(4)” and substitute “, 65, 66, 67 or 69”.

I am interested in the Minister’s view on this.

Deputy Simon Harris: This amendment is on appeals provisions for the provision of assistance and information to other bodies, and the undertaking of a review. This amendment was dealt with just a few moments ago under amendments Nos. 140, 142 and 146. An appeals provision is in place to appeal the imposition of remedial measures. We have agreed to remove section 66, so I think we have addressed this through earlier actions. I am considering the introduction of an appeals process for the appointment of a reviewer on Report Stage. If this amendment is made, an appropriate consequential amendment will be required on Report Stage.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 148 and 149 are related. Amendment No. 149 is a physical alternative to amendment No. 148. Amendments Nos. 148 and 149 will be discussed together.

Deputy Aodhán Ó Ríordáin: I move amendment No. 148:

In page 63, to delete lines 20 to 22 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 in 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”.

We are replacing what has been suggested regarding the appeals board and its appointees. The Bill states, “two persons having a special interest in or expertise in, or knowledge of, matters relating to higher education or the functions of An tÚdarás”. We are replacing that with, “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 in institution of higher education)”. That is a more thorough definition. We also include, “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)”.

The Minister might comment on the amendment.

Deputy Rose Conway-Walsh: Section 70 of the Bill provides for the appointment of the three-person appeals board to be appointed by the Minister. It is to comprise two persons with special interest in higher education and one practising solicitor and barrister. The purpose of the amendment is to recast section 70(a) to provide that one of the three nominees of the appeals board must be a suitably qualified international higher education expert, who may be an academic, depending on the matter under appeal. The revised text also precludes a public servant or any person employed by the institution of higher education from being eligible to be appointed to the appeals board. The use of an appeals board is envisaged by all within the Department and the sector to be an unusual occurrence. In the event that it is required, we believe that an international perspective would be beneficial. It is not an unusual use of international expertise, as there are existing panels of relevant experts to draw from.

Chairman: There is a division in the Dáil. We are on amendment No. 148. The Minister will reply when we return after a suspension of the meeting. We could pair off to try to continue the meeting. I could pair with Deputy Conway-Walsh, and the Minister, Deputy Harris, could pair with Deputy Ó Ríordáin. Deputy Ó Laoghaire, will you inform somebody in the Dáil of the arrangements?

Deputy Donnchadh Ó Laoghaire: Yes.

Chairman: Come back with good news, not bad news.

Deputy Aengus Ó Snodaigh: May I stay?

Chairman: Yes, you may. As a former Whip, Deputy Ó Snodaigh-----

Deputy Aengus Ó Snodaigh: I do not mind.

Chairman: It takes two people to pair with me I am so good.

Deputy Aengus Ó Snodaigh: I know that.

Deputy Simon Harris: I was about to respond to the amendment. I will move amendment No. 149 shortly. That amendment will make a new provision to preclude serving members of staff of the Department of Further and Higher Education, Research, Innovation and Science from being members of the appeals board. It is an important amendment to clarify and to further embed what is absolutely the intention set out in section 71(12) of the Bill that the appeals board should be independent in the performance of its functions. It is important it is independent and seen to be independent. That is the purpose of that amendment.

As for amendment No. 148 in the names of Deputies Ó Ríordáin and Conway-Walsh, section 70 of the Bill provides for the three-person appeals boards to be appointed by the Minister. It is to comprise two persons with a special interest in higher education, so that provision is already there, and one practising solicitor or barrister. Members of the HEA board, members of staff of the HEA and solicitors or barristers in full-time service of the State are precluded

from membership of the appeals board. To clarify, we are already providing that nobody who works in the Department of Further and Higher Education, Research, Innovation and Science can serve on the board, nobody who is a member of the HEA board can work on the appeals board, nobody who is a member of staff of the HEA can do so and nobody who is a solicitor or barrister in full-time service of the State can do so. That is quite a number of people we are taking out of circulation, and appropriately so, in the context of independence. It is my view that amendment No. 148, in precluding any public servant or employee of an institution of higher education from membership of the appeals board, would significantly risk narrowing the pool of people with expertise. Members may remember that the legislation states that we will comprise the board of two persons with a special interest in higher education. I think it is entirely possible to be a public servant not in the Department of Further and Higher Education, Research, Innovation and Science or in the HEA or a staff member of an institution of higher education that is not in any way involved in this and to serve on the board. The amendment I am bringing forward takes a further step. For that reason I do not want to narrow the pool further.

Deputy Rose Conway-Walsh: I really doubt that that addresses some of our concerns about this, but in terms of former officials of the Department-----

Deputy Simon Harris: They are not precluded from serving as members. My amendment relates just to serving officials. Former officials are not precluded. Obviously, the appointment process is through the Minister of the day.

Chairman: Is the amendment withdrawn?

Deputy Rose Conway-Walsh: Yes, I will withdraw it on the basis that there is a lot covered there.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 149:

In page 63, line 22, after “tÚdarás” to insert “or officers of the Minister”.

Amendment agreed to.

Section 70, as amended, agreed to.

Sections 71 to 73, inclusive, agreed to.

SECTION 74

Chairman: Amendments Nos. 150, 151 and 213 are related and will be discussed together. Amendment No. 151 is a physical alternative to amendment No. 150.

Deputy Rose Conway-Walsh: I move amendment No. 150:

In page 66, to delete lines 12 to 32.

I have engaged extensively, as I know the Minister and others on the committee have, with this sector over recent months, and it is clear that the management of every institution accepted the need for the highest standard of transparency and accountability for public finances. That is beyond question. The Government will always have our support for any policy that achieves that. There are, however, many proposals in the Bill that reduce the autonomy of institutes without any clear relationship with transparency or accountability, and I have yet to

see or hear a convincing justification for dictating such rigid governance structures such as the mandatory 17-member limit on the governing bodies. The Technological Universities Act 2018 allowed for a governing authority of 22 to 26. The Minister has changed the position since the general scheme was issued, and now the right number on the governing authority is 17. I put it to the Minister, however, that the reason the number keeps changing is that there is no magic number and no one size that fits all. The people best placed to come up with the right size of the governing authority are the institutions themselves. These are unpaid positions, and every governing body has its own unique make-up and tradition. The removal of the broad representation on the governing bodies will be a real loss, I believe.

It is unfair to say that this legislation will move the sector to a competency-based governance model. Governing bodies are currently made up of members of academic and non-academic bodies, undergraduate, graduate and postgraduate students, the alumni, the local authority nominees, trade union representatives, employers' organisations and others. The expertise is vitally important, particularly in the more technical areas such as financial reporting. However, we should not limit the value of the contribution and valuable input from a wide variety of people. The Minister should look again at the rigid, overly prescriptive governance structures and a fair approach that can be applied to everyone without damaging the unique characteristics and differentiated missions of the different institutions.

The Bill curtails staff representation on the governing bodies and assumes without any actual evidence that having a majority of external members is superior. It takes an upstairs-downstairs attitude to both academic and professional staff, who are not seen as worthy of significant influence in the governance of their own institutions. There are clearly established dangers in shrinking governing bodies so dramatically. The risks in terms of the loss of expertise are significant for organisations as complex as the higher education institutions, particularly the larger ones. Five internal members of staff is a very small number to bring all the competencies required to the table of the governing body. Also, there is no indication that more ministerial nominees will lead to greater diversity. In the past, ministerial or external nominees have had a strong bias towards business and corporate appointments. The Irish Congress of Trade Unions made an excellent submission to the consultation on the Bill and pointed out that the academic institutions with the highest reputations and the most effective track records worldwide are those that enjoy the highest levels of autonomy. It is hardly a coincidence that the two highest ranking universities in the UK, Oxford and Cambridge, are precisely those where governance by academics has not been diluted by external governance influence. Closer to home, Trinity is the highest ranking of the universities in Ireland and in this Bill has been singled out to protect its autonomy.

During debates on the Universities Act 1997, the then Minister for Education attracted criticism for proposing a minimum of three ministerial nominees on governing bodies that varied between 20 to 30 members. The current Minister is proposing boards of 17 with a majority of external nominees and a minority of staff from each institution, with the exception of Trinity, but here too the proposed changes to the governing body will reduce staff representation and curtail the number of elected staff members to the board of TCD. The governing body's size should be adequate to accommodate all stakeholders, students, staff, alumni, funders, enterprise partners, local communities, government and society. This can be provided for without compromising a feature of governance which has been proven worldwide to be appropriate for institutes of higher education.

The provision for boards of 17 members is too rigid and I would like the Minister to look at it again. I am thinking as well about the Atlantic Technological University and the whole scope

that covers in the counties that it has to represent. I cannot see how a number of 17 would do that. I will be a bit parochial. We need Mayo and other places to be represented as well. We need a bit more room there.

Deputy Simon Harris: I thank the Deputy. A key tenet of this Bill is to make sure that we protect the autonomy of our institutions. That is really important. To ensure that happens, we need to make sure that we improve internal governance, and this Bill is trying to do that.

At the outset, and I want to be really clear on this, people who serve on governing authorities are doing so for the public good. They do not get a cent. These are non-remunerated positions. This is the definition of public service. They work hard and they do a good job. None of what I am about to say is in any way a criticism of people who serve on governing authorities. In my time as Minister, I have had the honour and pleasure of appointing many excellent people to governing authorities.

However, some governing authorities have 40 people on them. I do not believe that is effective for oversight. I definitely do not think that it is effective for the CEO of an organisation to also be chairperson of the board, so that they can ask themselves if they are doing a good job. I do not think that works. I cannot think of a comparable situation, although the HSE used to be like that for a brief period of time, where there is an idea that the chairperson is also the CEO. We are therefore trying to make sure that there external chair. The Deputy is right that there are differences for Trinity College Dublin. We will get to the Trinity section in a minute, if I may call it that. However, there are legal differences around Trinity. We are trying to respond to those differences, while also bringing about the reform.

The Deputy is correct to say that there is not one magic number - although I am not sure if she used the word “magic” - and why the figure should be 17, rather than 18 or 15, etc. I do take that point. However, a consistency of approach across the sector is what we are trying to achieve. There is not one magic number and it is an arbitrary decision as to how one lands at a number. That is not incorrect. However, the purpose here is to agree a composition that can work for the sector, that can make sure it has access to the expertise it requires, that makes sure that the staff voice and the student voice are still there and that there is an external majority. I see this as a strength for the institutions. If we take Atlantic Technological University as an example, and the Deputy rightly raised it, involving external voices will strengthen and embed the university more in a region.

This idea of reforming the governing authorities was not mine. I cannot take credit for it. It has been recommended in the National Strategy for Higher Education to 2030. I am not sure that there is an issue that has been consulted on more than this issue. I think even the sector itself would acknowledge it, although I cannot speak for it. I know their representative bodies - such as the university representative bodies, technological universities or institutes of technology - would all accept that there needs to be change and reform in the composition of governing authorities. In meetings I have had with them, that has not been the debating point. They have wanted to get the composition right. I think I am accurate in saying that they all accept there needs to be a change in the composition. Certainly, that was the distinct impression that I got.

The provisional smaller competency-based governing authorities is a vital part of the over-all reform of the Higher Education Authority Act. I accept that the Deputy and I have differences of view on this, but that is why I cannot accept amendments Nos. 150 and 230.

Amendment No. 151 is in the name of Deputy Ó Ríordáin. The Deputy has not yet spoken

to it.

Deputy Aodhán Ó Ríordáin: I will speak to it now. I presume that the Minister would agree with me that the student voice is often relegated. It happens right throughout education. Most of the discussions that take place are about learning, and about those who may learn, without those people having input at the top table.

Within all of that, I have to congratulate the Minister for Education, Deputy Foley, today on elevating the issue to a higher area of responsibility than had been there before.

In the Bill, there is a provision for two student members. We are simply proposing that it would be increased to three. I think that would be a better balance. By having three within themselves as a body, it is easier for them to have a coherent view on something, rather than having two opposing views. The Minister might see where I am coming from there. We would like the Minister to move from two members to three members to strengthen the student voice.

Deputy Simon Harris: I want to say to Deputy Conway-Walsh, who made the point about geographic representation, which is an important point in Mayo and in the north west. Section 87(8)b refers to when the membership of a technological university is being put in place and to the geographical piece. We can come back to that, but I would just mention it in passing to the Deputy.

I get Deputy Ó Ríordáin's point. I am not in a position to agree with it----

Deputy Aodhán Ó Ríordáin: "Ah go on."

Deputy Simon Harris: The Deputy is as persuasive as Deputy Ó Cathasaigh. I do not want to suggest that he is in anyway less persuasive.

Deputy Aodhán Ó Ríordáin: "You will, you will, you will, you will".

Deputy Simon Harris: What I am trying to do here with the number of 17 is that we have been a long time in arriving at a composition. If I alter one part of the composition, it will have knock-on effects for all the other components. I would say here, to the USI and to the student voice in general, that at the moment they are under the provisions of the Universities Act. There are three to four members of the student body on governing authorities of up to 40 people. Proportionately, while there were three or four out of 40, there will now be two out of 17. Therefore, the weight of influence that the student voice will have on the governing authority has truthfully and factorially increased as a proportion of the overall body.

However, I do not want to be in any way disingenuous. I know that the USI and others would prefer three members. They have conveyed that view to me. However, the rationale behind two is contained within the overall composition of the Bill.

Chairman: Does the Deputy want to come back in in response to the Minister?

Deputy Aodhán Ó Ríordáin: No, I am happy to proceed.

Deputy Rose Conway-Walsh: The Minister is not for changing. I would like for him to reconsider the number of 17. I do not know whether in his discussions the institutes have told him that they can effectively work within those numbers.

Deputy Simon Harris: They have, but the institutions are not my primary and sole con-

stituency here either. I am trying to be able to tell the people of Ireland that I am satisfied that the governance structure works. We have been collaborative on this Bill, so I do not wish to be argumentative. However, if we passed Deputy Conway-Walsh's amendment No. 150, we would be removing all the reforms to the composition of the governing authority. The challenge that I have faced as Minister, and people would argue as to whether I have gotten this right or wrong, is to come up with a composition. If we passed amendment No. 150, we would just keep the *status quo*. I do not think that even the sector believes in the *status quo*. The challenge is to try to get it right.

I accept that it would be counter-factual to suggest that the figure of 17 is not an arbitrary number. Of course, it is. However, there is a rationale behind it that includes an external chairperson, eight other external members, two students, the chief officer and five internal members. That is how we get there. We are trying to be fair to the constituent parts.

We have made a policy decision that there should be an external majority. Some would agree and some would disagree with that decision. However, it is a policy decision and I think it is an important policy decision to protect autonomy. I say this because they will be able to stand over strong internal governance by having an external majority. I think that helps to protect the autonomy. We see this across the Bill, which enables the institutions to have the right modern governance structures in place, as well as being able to get on with their own affairs. It is an important policy intent. It is entirely up to Deputy Conway-Walsh and to the stakeholders to bring forward further proposals on Report Stage. However, my position on this is set. That is my honest answer to her question.

Chairman: Is the amendment being pressed?

Deputy Rose Conway-Walsh: I will not press it at this stage, but I reserve the right to bring it back again on Report Stage.

Amendment, by leave, withdrawn.

Chairman: Amendment No. 151 has already been discussed with amendment No 150.

Deputy Aodhán Ó Riordáin: I move amendment No. 151:

“In page 66, line 23, to delete “two” and substitute “three”.”

Amendment put.

The Committee divided: Tá;, 3; Níl, 6.	
Tá;	Níl;
Conway-Walsh, Rose.	Farrell, Alan.
Ó Laoghaire, Donnchadh.	Harris, Simon.
Ó Riordáin, Aodhán.	Kehoe, Paul.
	O'Callaghan, Jim.
	O'Sullivan, Pádraig.
	Ó Cathasaigh, Marc.

Amendment declared lost.

Deputy Rose Conway-Walsh: If the question is lost, can we bring it back on Report Stage?

Chairman: You can bring it back later on. You can recommit, is my understanding.

Amendments Nos. 152 to 155, inclusive, are related and may be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 152:

In page 67, between lines 13 and 14, to insert the following:

“(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),”.

I put this forward because it increases the Irish language competency on the governing authority, and it is the same for amendment No. 153.

Deputy Simon Harris: While I am not accepting amendments Nos. 152, 153 and 155, I will move amendment No. 154, which inserts “including persons who are competent in the Irish language”. We discussed this last time. I do not like the idea of asking people to show how they got on in an exam. We do not ask people on the board of SFI to tell us what they got in their leaving certificate in science. I do not like the idea of asking people to produce proof that they have a level B2 or higher of competency in spoken Irish but I take the point. We had a convincing discussion on this and I am trying to make progress by inserting “including persons who are competent in the Irish language” but not putting a specific level or percentage.

Amendment, by leave, withdrawn.

Amendment No. 153 not moved.

Deputy Simon Harris: I move amendment No. 154:

In page 67, line 15, after “society” to insert “, including persons who are competent in the Irish language”.

Amendment agreed to.

Section 74, as amended, agreed to.

SECTION 75

Amendment No. 155 not moved.

Section 75 agreed to.

Section 76 agreed to.

SECTION 77

Amendment No. 156 not moved.

Deputy Simon Harris: I move amendment No. 157:

In page 69, line 22, to delete “enable compliance with the policies” and substitute “implement, and report on compliance with, the policies”.

Amendment agreed to.

Deputy Aodhán Ó Ríordáin: I move amendment No. 158:

In page 69, line 22, to delete “enable” and substitute “report upon”.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 159:

In page 69, line 26, after “university” to insert the following:

“or in order to enable the provision of an adequate explanation for any non-compliance in accordance with section 126(7)* of the Higher Education Authority Act 2022,”.

Amendment, by leave, withdrawn.

Section 77, as amended, agreed to.

Sections 78 and 79 agreed to.

NEW SECTION

Deputy Simon Harris: I move amendment No. 160:

In page 72, between lines 11 and 12, to insert the following:

“Amendment of section 33(2) of Act of 1997

80. Section 33(2) of the Act of 1997 is amended by the substitution of “the making of a statute or a regulation under section 18(2) or 25(1)” for “the making of a statute or a regulation under section 17(2) or 24(1)”.

This amendment corrects a cross-referencing error in the Universities Act 1997.

Amendment agreed to.

SECTION 80

Chairman: Amendments Nos. 161 and 162 are related and may be discussed together. Amendment No. 162 is a physical alternative to No. 161.

Deputy Aodhán Ó Ríordáin: I move amendment No. 161:

In page 72, line 15, to delete “governing authority” and substitute “chief officer”.

I will listen to the Minister’s explanation.

Deputy Simon Harris: I hope amendment No. 162 addresses the Deputy’s concern. The current wording of section 34(1) of the Universities Act 1997 provides that the strategic development plan is prepared by the chief officer and approved by the governing authority. The wording in the Bill provides that the governing authority shall, “for the purposes of preparing a strategic development plan under this section, consult with” certain persons or bodies. The amendment provides that the governing authority shall, “before approving a strategic development plan under this section, be satisfied that the chief officer has for the purposes of preparing the plan consulted with” certain persons or bodies. This amendment reflects the responsibility of the chief officer to prepare the strategic development plan and the responsibility of the gov-

erning authority to approve the plan.

I cannot accept amendment No. 161 as I think this proposed amendment is covered by amendment No. 162.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 162:

In page 72, lines 15 and 16, to delete “for the purposes of preparing a strategic development plan under this section, consult with” and substitute the following:

“before approving a strategic development plan under this section, be satisfied that the chief officer has for the purposes of preparing the plan consulted with”.

Amendment agreed to.

Section 80, as amended, agreed to.

Section 81 agreed to.

SECTION 82

Question proposed: “That section 82 stand part of the Bill.”

Deputy Simon Harris: An amendment to this section and-or section 79 may be needed at Report Stage with regard to the period of appointment of governing authority members to address a potential conflict between the sections in question.

Question put and agreed to.

Section 83 agreed to.

SECTION 84

Chairman: Amendments Nos. 163 to 167, inclusive, are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 163:

In page 76, line 7, to delete “by”.

Amendments Nos. 163 to 166, inclusive, are technical amendments to facilitate amendment No. 167, which seeks to amend paragraph 7 of the Fourth Schedule to the Universities Act. That paragraph provides that the chief officer of a university shall hold office for a period of ten years. This amendment provides that he or she shall hold office for a period of up to ten years. This provision is similar to those in the Technological Universities Act.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 164:

In page 76, line 8, to delete “the” and substitute “by the”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 165:

In page 76, to delete line 20.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 166:

In page 76, to delete line 21 and substitute the following: “(b) by the deletion of paragraph 5, and”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 167:

In page 76, between lines 21 and 22, to insert the following:

“(c) in paragraph 7, by the substitution of “such period as the governing authority determines but the period shall not exceed 10 years from the date of the appointment of the chief officer” for “a period of 10 years”.”

Amendment agreed to.

Section 84, as amended, agreed to.

NEW SECTIONS

Chairman: Amendments Nos. 167a to 167c, inclusive, and Nos. 182b to 182h, inclusive, are related and may be discussed together. Amendment 182h is consequential to No. 182b.

Deputy Simon Harris: I move amendment No. 167a:

In page 76, between lines 23 and 24, to insert the following:

“Amendment of section 2 of Act of 2018

85. Section 2 of the Act of 2018 is amended by—

(a) the substitution of the following definition for the definition of “applicant technological university”:

“ ‘applicant technological university’ —

(a) in Chapter 11 of Part 2, has the meaning assigned to it by section 38,

(b) in Chapter 12 of Part 2, has the meaning assigned to it by section 44A,
and

(c) in any other provision of this Act, means a technological university to which paragraph (a) or (b) applies;”,

and

(b) the insertion of the following definitions:

“ ‘applicant higher education provider’ has the meaning assigned to it by section 44A;

‘business and operation’, in relation to a higher education provider includes—

(a) the programmes of education and training, and the programmes of research, provided by it,

(b) any land and any rights, powers and privileges related to or connected with such land owned by it or to which it is entitled,

(c) any property (other than land), including choses-in-action, owned by it or to which it is entitled,

(d) any liabilities incurred by it or other commitments entered into by it, including liabilities with regard to superannuation benefits in respect of members of its staff,

(e) the members of its staff,

(f) its body of students, and

(g) the records and data held by it;

‘higher education provider’ means a person or institution which provides at least one programme of education and training leading to the award of a degree or other qualification which is at least at bachelor degree level and is included within the Framework;”.

This is an important series of amendments, and I do not think it is controversial. It will be widely anticipated and welcomed by colleagues. Deputy Conway-Walsh and I have had discussions about this in the context of the north west. It does two things. First, it seeks to amend the Technological Universities Act to provide that the Minister may, following an application by order, provide that an education institution or part thereof can be incorporated into a technological university. Second, it amends the aforementioned Act to recognise applications for incorporation made on an administrative basis, ahead of the commencement of the provisions I have just outlined. It is expected this will be availed of to facilitate the incorporation of St. Angela’s College into Atlantic Technological University.

We are trying to support St. Angela’s College, Sligo, joining Atlantic Technological University, ATU. That is, in the first instance, a matter for the governing authority of ATU. I believe it will consider it at its board meeting of 9 May and then follow the procedure set out. There was no legal basis for this to happen in advance of the Bill. I am pleased we are doing that. We are also providing an administrative basis, which is important to ensuring there is no delay. We can move ahead on an administrative basis and, while we are at it, we are future-proofing the legislation in case such a situation should arise in the future.

Deputy Rose Conway-Walsh: This is a necessary amendment and I appreciate the Minister putting it forward and the rationale for it.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 167b:

In page 76, between lines 23 and 24, to insert the following:

“Amendment of section 3 of Act of 2018

86. Section 3 of the Act of 2018 is amended by the substitution of “an order under section 36, 43 or 44F” for “an order under section 36 or 43”.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 167c:

In page 76, between lines 23 and 24, to insert the following:

“Amendment of section 7 of Act of 2018

87. Section 7 of the Act of 2018 is amended—

(a) in subsection (1), by the substitution of the following definitions for the definitions of “advisory panel” and “appointed day” respectively:

“ ‘advisory panel’—

(a) in so far as it relates to an application under section 29, has the meaning assigned to it by section 31,

(b) in so far as it relates to an application under section 38, has the meaning assigned to it by section 40, and

(c) in so far as it relates to an application under section 44A, has the meaning assigned to it by section 44C;

‘appointed day’ means, as may be appropriate—

(a) in so far as it relates to an order under section 36, the day appointed by that order,

(b) in so far as it relates to an order under section 43, the day appointed by that order, and

(c) in so far as it relates to an order under section 44F, the day appointed by that order;”

and

(b) in subsection (2), by the substitution of “the campuses of a technological university, applicant institutes or an applicant higher education provider, as may be appropriate,” for “the campuses of a technological university or, as the case may be, applicant institutes”.”.

Amendment agreed to.

Section 85 agreed to.

SECTION 86

Amendment No. 168 not moved.

Deputy Simon Harris: I move amendment No. 169:

In page 77, line 7, to delete “enable compliance with the policies” and substitute “imple-

ment, and report on compliance with, the policies”.

Amendment agreed to.

Amendments Nos. 170 and 171 not moved.

Section 86, as amended, agreed to.

SECTION 87

Chairman: Amendments Nos. 172 to 176, inclusive, are related and may be taken together. Amendments Nos. 173 to 176, inclusive, are physical alternatives to No. 172.

Deputy Rose Conway-Walsh: I move amendment No. 172:

In page 77, to delete lines 33 to 38, and in page 78, to delete lines 1 to 15.

The amendment deletes the section that outlines the composition of the governing authorities. It is quite a blunt approach but, fundamentally, we think we are trying to solve a problem that does not exist here. I have spoken on it previously so will not say any more on it. I will withdraw it but reserve the right to bring it back on Report Stage.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 173:

In page 77, line 33, after “body” to insert “of a technological university”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 174:

In page 78, to delete lines 4 and 5 and substitute the following:

“(d) 5 internal members (other than the president), being—

(i) 3 members of the academic staff of the technological university, elected by the academic staff of the technological university,

(ii) one member of the non-academic staff of the technological university, elected by the non-academic staff of the technological university, and

(iii) 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”.

Amendment agreed to.

Deputy Aodhán Ó Ríordáin: I move amendment No. 175:

In page 78, line 6, to delete “2” and substitute “3”.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 176:

In page 78, line 7, to delete “or selected”.

Amendment agreed to.

Chairman: Amendments Nos. 177 and 178 are related and may be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 177:

In page 78, after line 40, to insert the following:

“(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),”.

These are self-explanatory. Amendment No. 177 seeks to increase the Irish language competency of the governing authority.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 178:

In page 79, line 5, after “society” to insert “, including persons who are competent in the Irish language”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 179:

In page 79, line 9, after “thereof” to insert “or a member of the academic council of the technological university”.

Amendment agreed to.

Chairman: Amendments Nos. 179, 180, 182, 187 and 188 are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 179:

In page 79, line 9, after “thereof” to insert “or a member of the academic council of the technological university”.

Amendments Nos. 179 and 180 are amendments to the definition of “external member” and “internal member” of the governing body of a technological university. These amendments exclude a member of the academic council of the college from being classified as an external member for the purpose of appointment to the governing authority. The amendments also remove members of the academic council from the definition of an internal member. This means that an internal member is a member of staff of the technological university or is a person who is remunerated under contract with the technological university. These definitions are now accurate. They align with the definitions in the Technological Universities Act 2018. Amendments Nos. 187 and 188 make similar amendments to the definitions of “external member” and “internal member” of the governing body of an institute of technology. Amendments Nos. 180 and 182 provide for consultation by the president of a technological university with trade unions or staff associations of members of staff on the preparation of the strategic development plan and the equality statement of the technological university. Sec-

27 April 2022

tions 89 and 90 amend the Technological Universities Act to provide for consultation on the preparation of these plans with certain persons and bodies. It is considered - and I know it is a view conveyed today - to include trade unions and staff associations of members of staff in these consultation processes.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 180:

In page 79, lines 11 and 12, to delete “a member of the academic council of the technological university,”.

Amendment agreed to.

Section 87, as amended, agreed to.

SECTION 88

Question proposed: “That section 88 stand part of the Bill.”

Chairman: Section 88 is being opposed by Deputy Conway-Walsh.

Deputy Simon Harris: I wish to state that I am considering an amendment on Report Stage to this section and-or section 55 of the Technological Universities Act 1997 in regard to the period of appointment of a governing body member to address a potential conflict between this section and section 55 of the Technological Universities Act. I am seeking legal advice on it.

Deputy Rose Conway-Walsh: I will withdraw my opposition to the section.

Question put and agreed to.

SECTION 89

Deputy Simon Harris: I move amendment No. 181:

In page 80, line 32, after “university” to insert “or the trades unions or staff associations of those members of staff”.

Amendment agreed to.

Section 89, as amended, agreed to.

SECTION 90

Deputy Simon Harris: I move amendment No. 182:

In page 81, line 12, after “university” to insert “or the trades unions or staff associations of those members of staff”.

Amendment agreed to.

Section 90, as amended, agreed to.

Section 91 agreed to.

NEW SECTION

Deputy Simon Harris: I move amendment No. 182a:

In page 81, between lines 23 and 24, to insert the following:

“Amendment of section 25 of Act of 2018

92. Section 25 of the Act of 2018 is amended—

(a) in subsection (3), by—

(i) the substitution of “Subject to subsection (3A), a technological university” for “A technological university”, and

(ii) the deletion of “, with the consent of the Minister and the Minister for Public Expenditure and Reform”,

and

(b) by the insertion of the following subsection after subsection (3):

“(3A) A technological university shall obtain the consent of the Minister and the Minister for Public Expenditure and Reform if the company concerned referred to in subsection (3) is formed for purposes other than the manufacture or development of a product, service or process, or the creation and use of intellectual property connected therewith for commercial purposes, arising from the conduct of research or the undertaking of innovation activity by the technological university.”.

Amendment agreed to.

Section 92 agreed to.

NEW SECTIONS

Deputy Simon Harris: I move amendment No. 182b:

In page 82, between lines 15 and 16, to insert the following:

“Joint application of higher education provider and technological university

93. The Act of 2018 is amended by the insertion in Part 2 of the following Chapter after Chapter 11:

“CHAPTER 12

Joint application of higher education provider and technological university

Application for order under section 44F

44A. (1) One, and only one, higher education provider (in this Chapter referred to as an ‘applicant higher education provider’) and a technological university (in this Chapter referred to as an ‘applicant technological university’) may jointly apply to the Minister for an order under section 44F.

(2) The Minister shall not consider more than one application under this section by a particular technological university at any one time.

(3) An application under this section may relate to a part only of the business and operation of an applicant higher education provider that is specified in the application.

(4) An application under this section shall be in writing in such form, including electronic form, as may be directed by the Minister.

Requirements on application under section 44A

44B. An application under section 44A shall include information—

(a) demonstrating the capability of the applicant higher education provider and applicant technological university to jointly perform the functions of a technological university,

(b) demonstrating that plans and arrangements are in place for managing academic, financial and administrative matters arising on the making of an order under section 44F, and

(c) to enable the Minister and advisory panel to consider the matters referred to in section 44D.

Advisory panel for purposes of application under section 44A

44C. (1) The Minister, within 30 days of the receipt of an application under section 44A, shall forward the application to An tÚdarás with a direction in writing to appoint an advisory panel under subsection (2).

(2) Within 60 days of the receipt of a direction under subsection (1), An tÚdarás shall appoint a panel of at least 3 persons having a special interest or expertise in, or knowledge of, matters relating to higher education, at least one of whom shall have expertise, at an international level, in standards and practice in higher education (in this Chapter referred to as an ‘advisory panel’), to assess the application under section 44A.

(3) Within 120 days of being appointed, the advisory panel, having assessed the application under section 44A, and having had regard to the matters referred to in section 44D, shall furnish a report to the Minister and An tÚdarás with a recommendation whether to make an order under section 44F.

(4) For the purposes of its assessment and report under this section, the advisory panel may consult with the applicant higher education provider, the applicant technological university, An tÚdarás, the Qualifications and Quality Assurance Authority of Ireland, and any other person or body it considers appropriate.

Matters to which Minister shall have regard on application under section 44A

44D. (1) The Minister shall, for the purposes of subsection (2), have regard to such of the following matters as respects the applicant higher education provider as the Minister considers appropriate:

(a) whether the applicant higher education provider has been established and is operated for the principal purposes of higher education, training and research;

(b) the number of programmes of education and training provided by the applicant higher education provider which lead to education awards that are included within the Framework;

(c) whether the applicant higher education provider has a good track record in relation to performance in the field of education and has provided programmes referred to in paragraph (b) in the State for such period before the application under section 44A as the Minister considers appropriate in order to demonstrate that performance;

(d) whether the level of qualifications of the academic staff of the applicant higher education provider are at a sufficiently high level to provide the programmes of education and training which it provides;

(e) whether the applicant higher education provider has integrated, coherent and effective governance structures in place concerning academic, administrative, financial and management matters;

(f) whether the applicant higher education provider has, under section 28 of the Act of 2012, established procedures in writing for quality assurance in relation to which the Qualifications and Quality Assurance Authority of Ireland—

(i) has approved those procedures under the Act of 2012,

(ii) has not proposed by notice under section 36(1) or 39(1), as the case may be, of that Act to withdraw that approval, and

(iii) has not withdrawn that approval under section 36 or 39, as the case may be, of that Act;

(g) whether the applicant higher education provider is financially viable and has sufficient financial resources available, should an order be made under section 44F, to meet any projected costs arising as a result of the application under section 44A and to continue to provide education for such period as may be specified in that application;

(h) the outcome of the due diligence processes undertaken in relation to the applicant higher education provider for the purposes of the application under section 44A to assess the appropriateness of an order being made under section 44F;

(i) the arrangements proposed for the business and operation or, as the case may be, a part of the business and operation of the applicant higher education provider to become and form part of the applicant technological university;

(j) such other matters as may be determined by the Minister in consultation with An tÚdarás.

(2) In deciding whether to make an order under section 44F, the Minister shall, in addition to the matters to which he or she had regard under subsection (1), have regard to the following matters:

(a) if the needs of students, business, enterprise, the professions, the community, local interests and other related stakeholders in the region in which the campuses of the applicant higher education provider and applicant technological university are located would be more efficiently and effectively served if the order were made;

(b) if the projected demand, based on demographic trends, for higher education in the region in which the campuses of the applicant higher education provider and applicant technological university are located, would justify the making of the order;

(c) if sufficient financial resources are available to the applicant higher education provider and applicant technological university to meet the projected costs arising on the making of the order;

(d) if the applicant higher education provider and the applicant technological university would together be financially viable if the order were made;

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

(3) In this section ‘level’, in relation to qualifications, means included at the level concerned within the Framework.

Decision on application under section 44A

44E. (1) Within 60 days of receiving the report under section 44C(3), the Minister, having considered the application and information under sections 44A and 44B and the report and recommendation under section 44C, and having had regard to the matters referred to in section 44D, and consulted with An tÚdarás, shall, by notice in writing, inform the applicant higher education provider and applicant technological university of his or her proposed decision and shall in the notice provide reasons for the proposed decision.

(2) A notice under subsection (1) shall state that the applicant higher education provider and applicant technological university may make representations to the Minister in relation to the proposed decision not later than 30 days after service of the notice.

(3) The Minister shall consider any representations made under subsection(2) before deciding to—

(a) make an order under section 44F, or

(b) refuse to make an order under section 44F.

(4) The Minister shall give notice in writing to the applicant higher education provider and applicant technological university of a decision under subsection (3) as soon as practicable after it is made, which shall, in relation to a decision under subsection (3)(b)—

(a) include reasons for the decision,

(b) inform the applicant higher education provider and applicant technological university that—

(i) they may jointly, under Part 3, appeal the decision within 30 days of the date of the notice, and

(ii) the notice of appeal shall specify the grounds for the appeal,

(c) inform the applicant higher education provider and applicant technological university that the decision shall be suspended until—

(i) the decision becomes final under subsection (5), or

(ii) subject to subsection (6), the disposal of an appeal under Part 3.

(5) If, on the expiration of the period of 30 days beginning on the date of the notice under subsection (4), no appeal under Part 3 is made, the decision of the Minister under subsection (3)(b) is final.

(6) If, following an appeal of a decision under subsection (3)(b), the appeals board orders the Minister under section 46(5)(b) to reconsider the decision, that decision is suspended until it has been reconsidered by the Minister.

Order for business and operation of higher education provider or part thereof to become and form part of technological university

44F. (1) The Minister, following a decision under section 44E(3)(a), shall by order appoint a day (in this Chapter referred to as the ‘appointed day’) for the purposes of subsection (2).

(2) On the appointed day, the business and operation of the applicant higher education provider shall become and form part of the applicant technological university or, if the application under section 44A for an order under this section relates to a part only of that business and operation, that part of the business and operation of the applicant higher education provider shall become and form part of the applicant technological university on that day.

(3) An order under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the order.

(4) The applicant higher education provider shall arrange with the applicant technological university for the transfer, with effect from the appointed day, of its business and operation or that part of its business and operation, as the case may be, to the applicant technological university consequent upon the making of an order under this section.

(5) Other than in cases where a part only of the business and operation of an applicant higher education provider is the subject of an order under this section, references in any enactment (other than this Act) to the applicant higher education provider specified in an order under this section shall, on and after the appointed day, be construed as references to the applicant technological university which jointly applied, with that applicant higher education provider, for an order under this sec-

tion.”.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 182c:

In page 82, between lines 15 and 16, to insert the following:

“Amendment of section 45(1) of Act of 2018

94. Section 45(1) of the Act of 2018 is amended by the insertion of “and an applicant higher education provider and applicant technological university may appeal a decision under section 44E(3)(b)” after “appeal a decision under section 42(3)(b)”.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 182d:

In page 82, between lines 15 and 16, to insert the following:

“Amendment of section 47 of Act of 2018

95. Section 47 of the Act of 2018 is amended by—

(a) the substitution of the following definition for the definition of “appointed day”:

“ ‘appointed day’ means, as may be appropriate—

(a) in so far as it relates to an order under section 36, the day appointed by that order,

(b) in so far as it relates to an order under section 43, the day appointed by that order, and

(c) in so far as it relates to an order under section 44F, the day appointed by that order;”,

and

(b) the substitution of the following definition for the definition of “technological university”:

“ ‘technological university’ means, as may be appropriate—

(a) in so far as it relates to an order under section 36, a technological university established by that order,

(b) in so far as it relates to an order under section 43, the technological university to which, under section 44(1) and this Part, the functions of the applicant college specified in the order are transferred, and

(c) in so far as it relates to an order under section 44F, the technological university as respects which the business and operation, or a part thereof, of the applicant higher education provider specified in the order became and

formed part of it under that section;”.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 182e:

In page 82, between lines 15 and 16, to insert the following:

“Amendment of section 59 of Act of 2018

96. Section 59 of the Act of 2018 is amended by—

(a) the insertion of the following paragraph after paragraph (a):

“(aa) made by the dissolved body as a designated awarding body for the purposes of the Act of 2012,”,

(b) the designation of that section (as amended by paragraph (a)) as subsection (1),

and

(c) the addition of the following subsections:

“(2) Subject to subsection (3), every programme of education and training that is included in the business and operation of the applicant higher education provider the subject of an order under section 44F, immediately before the day appointed by that order was provided by the applicant higher education provider and led to an award—

(a) made by the Qualifications and Quality Assurance Authority of Ireland under section 50 of the Act of 2012,

(b) made by a relevant designated awarding body within the meaning of the Act of 2012 pursuant to an arrangement under section 2(3) of that Act with the applicant higher education provider as a linked provider within the meaning of that Act, or

(c) made by the applicant higher education provider in accordance with the authority delegated to that provider by the Qualifications and Quality Assurance Authority of Ireland under section 53 of the Act of 2012, shall, on the appointed day, become and be a programme of education and training provided by the technological university in respect of which the order under section 44F is made that leads to an award made by that technological university.

(3) A technological university in respect of which an order under section 44F is made may, with the approval of the Minister, determine in respect of programmes of education and training referred to in subsection (2) to which paragraph (b) of that subsection applies that the relevant designated awarding body concerned may continue, after the appointed day, to make awards in respect of those programmes to students who are enrolled in those programmes immediately before that day.”.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 182f:

In page 82, between lines 15 and 16, to insert the following:

“Amendment of section 60 of Act of 2018

97. Section 60 of the Act of 2018 is amended—

(a) in subsection (3), by the substitution of “in respect of which the order is made shall, on the date that is 12 months after the appointed day, be deemed to have been withdrawn under section 63 of the Act of 2012, unless before that date the technological university applies for and is authorised to continue to use the international education mark” for “in respect of which the order is made shall, on the appointed day, be withdrawn under section 63 of the Act of 2012”,

(b) by the insertion of the following subsections after subsection (3):

“(3A) Where, immediately before the day appointed by order under section 44F, both a higher education provider and a technological university were authorised by the Qualifications and Quality Assurance Authority of Ireland to use the international education mark under section 61 of the Act of 2012, the technological university, in respect of which the order is made shall, on and after that day—

(a) comply with any condition, imposed under section 61(8)(b) of the Act of 2012, to which the authorisation of the higher education provider is subject,

(b) continue to comply with any condition imposed under that section 61(8)(b) of that Act to which its authorisation is subject,

(c) be liable to pay the annual charge under section 62 of the Act of 2012 in respect of the authorisation of the higher education provider, and

(d) continue to be liable to pay the annual charge in respect of its authorisation under that section 62 of that Act.

(3B) Where, immediately before the day appointed by order under section 44F, a technological university was authorised by the Qualifications and Quality Assurance Authority of Ireland to use the international education mark under section 61 of the Act of 2012 but the applicant higher education provider was not so authorised, the authorisation of the technological university, in respect of which the order is made shall, on the date that is 12 months after the appointed day, be deemed to have been withdrawn under section 63 of the Act of 2012, unless before that date the technological university applies for and is authorised to continue to use the international education mark.

(3C) A technological university referred to in subsection (3) or (3B) may, in accordance with each of those subsections, apply to the Qualifications and Quality Assurance Authority of Ireland for authorisation for its continued use of the international education mark under section 61 of the Act of 2012 and that section shall, with any necessary modifications, apply to such an application as it applies to an application for authorisation to use the international education mark.”,

and

(c) in subsection (4), by the addition of the following paragraph after paragraph (b):

“(c) For the purposes of subsection (3A), the liability date shall be the anniversary of the appointed day and on the first such liability date the technological university concerned shall pay any portion of the annual charge remaining unpaid by the higher education provider on the appointed day.”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 182g:

In page 82, between lines 15 and 16, to insert the following:

“Amendment of section 61 of Act of 2018

98. Section 61 of the Act of 2018 is amended by the addition of the following subsection:

“(3) On the day appointed by order under section 44F—

(a) any procedures for quality assurance under section 28 of the Act of 2012 standing established immediately before that day shall—

(i) where they were established by the applicant higher education provider, no longer apply, and

(ii) where they were established by the technological university, in respect of which the order is made, continue to apply,

and

(b) any procedures for access, transfer and progression in relation to learners standing established, immediately before that day, under section 56 of the Act of 2012 shall—

(i) where they were established by the applicant higher education provider, no longer apply, and

(ii) where they were established by the technological university, in respect of which the order is made, continue to apply.”.

Amendment agreed to.

Section 93 agreed to.

NEW SECTION

Deputy Simon Harris: I move amendment No. 182h:

In page 82, between lines 22 and 23, to insert the following:

“Application deemed to be made under Chapter 12 of Part 2 of Act of 2018 in certain circumstances

94. If, at any time before the coming into operation of Chapter 12 of Part 2 of the Act of 2018 (inserted by section 93*), an application is made to the Minister jointly by a higher education provider and a technological university on an administrative basis in accordance with the requirements of that Chapter—

(a) the application shall be deemed to have been made under that Chapter by an applicant higher education provider and an applicant technological university (both within the meaning of the Act of 2018) as if that Chapter were in operation and that Chapter shall apply accordingly, and

(b) at any time after the coming into operation of that Chapter, the Minister may, if he or she is satisfied that the requirements of that Chapter have been complied with as respects that application and the assessment and consideration thereof, make or, as may be appropriate, refuse to make an order under section 44F of the Act of 2018 accordingly.”.

Amendment agreed to.

Section 94 to 96, inclusive, agreed to.

SECTION 97

Chairman: Amendments Nos. 183 and 184 are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 183:

In page 83, to delete lines 25 and 26 and substitute the following:

“(d) 5 internal members (other than the Director), being—

(i) 3 members of the academic staff of the college, elected by the academic staff of the college,

(ii) one member of the non-academic staff of the college, elected by the non-academic staff of the college, and

(iii) one other internal member of the college,

and”.

Again, a lot of this conversation took place earlier. I do not mean to be rude, but I think my Opposition colleagues’ amendments are probably part of the same argument that we had earlier. I think the same arguments on both sides stand. I will not repeat my argument on that. Amendment No. 183 seeks to provide specific details of the breakdown of the membership of the five internal members, other than the president of the governing body of an institute of technology. These provisions are in accordance with the provisions for internal memberships of the governing body of a college under section 82 of the Technological Universities Act. The reason for amendment No. 183 is to ensure it is in accordance with the election provisions for academic and non-academic staff to the governing body of institute of technology, as set out in section 82 of the Technological Universities Act. I think this was something sought by staff representatives.

Deputy Rose Conway-Walsh: I strongly welcome the inclusion of academic and non-academic staff on the governing authority. However, my view remains the same. We are attempt-

ing to squeeze too much needed representation into an unnecessarily small governing authority. That said, I think this is a very positive improvement.

Amendment agreed to.

Deputy Aodhán Ó Ríordáin: I move amendment No. 184:

In page 83, line 27, to delete “2” and substitute “3”.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 185 and 1986 are related and will be discussed together.

Deputy Rose Conway-Walsh: I move amendment No. 185:

In page 84, between lines 22 and 23, to insert the following:

“(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),”.

Again, the amendment seeks to increase the Irish language competency on the governing authority. We have discussed the issue.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 186:

In page 84, line 26, after “society” to insert “, including persons who are competent in the Irish language”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 187:

In page 84, line 30, after “thereof” to insert “or a member of the academic council of the college”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 188:

In page 84, lines 32 and 33, to delete “a member of the academic council of the college,”.

Amendment agreed to.

Section 97, as amended, agreed to.

Section 98 agreed to.

SECTION 99

Chairman: Amendments Nos. 189 to 192, inclusive, are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 189:

In page 86, lines 2 and 3, to delete all words from and including “(1) Section” in line 2 down to and including line 3 and substitute the following:

“Section 7 of the Act of 1992 is amended—

(a) by the insertion of the following subsections after subsection (1):”.

These are largely technical amendments. Amendment No. 189 is a technical amendment to allow for the additional amendment, amendment No. 192. Amendment No. 189 inserts (a) and amendment No. 192 inserts (b). Amendment No. 191 is a technical amendment to insert the word “and” to facilitate amendment No. 192. Amendment No. 192 is a consequential amendment to section 7(6) of the 1992 Act, which is required as a result of the repeal of subsections 4 and 5 of section 7. These subsections are being replaced by paragraph 6 of the Second Schedule, to be inserted by section 103 of the Bill. For clarity, there is a need to reference a committee of the governing body of a college as there are also committees of the academic council of a college. Amendment No. 190 is to clarify that the obligation of the governing authority of an institute of technology is to have appropriate systems, procedures and practices in place in order to implement and report on compliance with the policies of the Government or a Minister of the Government to the extent that these policies may affect or relate to the functions of the institute of technology. As we discussed earlier, the wording has been amended from “enable compliance with the policies” to “implement, and report on compliance with, the policies” to more accurately reflect the policy intent of the subsection.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 190:

In page 86, line 15, to delete “enable compliance with the policies” and substitute “implement, and report on compliance with, the policies”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 191:

In page 86, to delete line 39 and substitute “tÚdarás.”, and”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 192:

In page 86, after line 39, to insert the following:

“(b) in subsection (6), by the substitution of “a committee of the governing body established under paragraph 6 of the Second Schedule” for “a committee”.”.

Amendment agreed to.

Section 99, as amended, agreed to.

SECTION 100

Chairman: Amendments Nos. 193 and 194 are related and will be discussed together.

Deputy Simon Harris: I move amendment No. 193:

In page 87, line 11, after “college” to insert “or the trades unions or staff associations of

those members of staff”.

These amendments provide for consultation by the governing body of an institute of technology with trade unions or staff associations of members of staff on the preparation of the strategic development plan and the equality statement of the institute of technology. Sections 100 and 101 amend the Institutes of Technology Act to provide for consultation on the preparation of these plans with certain persons from bodies. As I have already said, it is important to include trade unions and staff associations of members of staff in these consultation processes.

Amendment agreed to.

Section 100, as amended, agreed to.

SECTION 101

Deputy Simon Harris: I move amendment No. 194:

In page 87, line 31, after “college” to insert “or the trades unions or staff associations of those members of staff”.

Amendment agreed to.

Section 101, as amended, agreed to.

Sections 102 to 106, inclusive, agreed to.

SECTION 107

Deputy Simon Harris: I move amendment No. 195:

In page 95, line 32, to delete “enable compliance with the policies” and substitute “implement, and report on compliance with, the policies”.

This is a clarifying amendment to clarify that the obligation of the governing body of the National College of Art and Design is to have appropriate systems, procedures and practices in place in order to implement and report on compliance with the policies of the Government or a Minister of the Government to the extent that these policies may affect or relate to the functions of the National College of Art and Design.

Amendment agreed to.

Section 107, as amended, agreed to.

Sections 108 to 115, inclusive, agreed to.

SECTION 116

Deputy Rose Conway-Walsh: I move amendment No. 196:

In page 102, lines 8 and 9, to delete “and cultural” and substitute “, cultural and Irish language”.

The aim of the amendment is “to delete “and cultural” and substitute “, cultural and Irish language””.

Deputy Simon Harris: The section relates to a strategic development plan for the National College of Art and Design, NCAD. The view is that the word “cultural” covers Irish language. It is not considered appropriate to specify that NCAD, given the nature of its educational and

artistic role, must specify the plans for the Irish language links with the community. I will give the matter relating to the Irish language consideration in the round between now and Report Stage.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 197 to 199, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Deputy Simon Harris: I move amendment No. 197:

In page 102, lines 13 and 14, to delete “the Qualifications and Quality Assurance Authority of Ireland” and substitute the following:

“a relevant designated awarding body within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012”.

The amendments relate to technical changes. They capture NCAD’s quality assurance relationship as a link provider of UCD and the relevant arrangements put in place under the Qualifications and Quality Assurance (Education and Training) Act 2012 to cover such a relationship. This change will ensure that NCAD reflects directions given by UCD in relation to quality assurance when preparing its strategic development plan.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 198:

In page 102, line 15, to delete “section 34” and substitute “section 37”.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 199:

In page 102, line 17, to delete “section 35” and substitute “section 38”.

Amendment agreed to.

Section 116, as amended, agreed to.

Sections 117 and 118 agreed to.

SECTION 119

Chairman: Amendments Nos. 199a and 214 are related and may be discussed together. Is that agreed? Agreed.

Deputy Simon Harris: I move amendment No. 199a:

In page 106, between lines 20 and 21, to insert the following:

“PART 14

AMENDMENT OF HOUSING FINANCE AGENCY ACT 1981

Amendment of Housing Finance Agency Act 1981

119. The Housing Finance Agency Act 1981 is amended—

(a) in section 1, by—

(i) the insertion of the following definition:

“ ‘Act of 2022’ means the Higher Education Authority Act 2022;”,

and

(ii) the substitution of the following definition for the definition of “institution of higher education”:

“ ‘institution of higher education’ means—

(a) a designated institution of higher education within the meaning of the Act of 2022 that is also a funded body within the meaning of that Act, and

(b) a higher education provider that is not a designated institution of higher education within the meaning of the Act of 2022 but is a funded body within the meaning of that Act whose primary income derives from funding provided to it by An tÚdarás um Ard-Oideachas under section 37 of the Act of 2022;”,

and

(b) in section 5, by the substitution of the following paragraph for paragraph (f):

“(f) an institution of higher education, to be used by it in respect of the provision or management of housing accommodation for students, including the acquisition of land by such an institution for that purpose and, other than in the case of an institution of higher education referred to in subparagraph (i) or (ii) of section 53(1)(a) of the Act of 2022, only with the prior consent in writing of the Minister for Further and Higher Education, Research, Innovation and Science,”.”.

I am considering on Report stage amending the Student Support Act 2011 to give legal powers to the student grants awarding authority, to allow for the reduction or cancellation of debts owed by students in limited cases and to give the awarding authority the powers to offset debt, by way of up to 10% offset without requiring the consent of the student, against present or future grants in other circumstances. I will also allow my Department or the student grants awarding authority to assist in the administration of any non-statutory schemes, programmes or funds to facilitate persons from educational disadvantaged backgrounds. In addition, I intend to allow the student grants awarding authority to administer or assist in the administration of any statutory schemes or administrative or non-statutory schemes, programmes or funds to facilitate persons provided with protection under section 60 of the International Protection Act 2015 accessing further education, higher education or research. I also intend to amend sections 12 and 28 of the Student Support Act 2011 to give SUSI the powers to process data for policy considerations. I just wanted to flag that I may propose introducing such measures on Report Stage.

Amendment agreed to.

Sections 120 to 122, inclusive, agreed to.

SECTION 124

Chairman: Amendments Nos. 200 and 202 are related and may be discussed together. Is

that agreed? Agreed.

Deputy Simon Harris: I move amendment No. 200:

In page 107, line 23, to delete “(m) and (r)” and substitute “(n) and (u)”.

I am considering an additional amendment on Report Stage to the National Treasury Management Agency (Amendment) Act 2014 to insert a definition of infrastructure. This proposed additional amendment is at the suggestion of the Department of Public Expenditure and Reform and the necessity for this amendment will be discussed with the Office of the Parliamentary Counsel. I just want to flag that for Report Stage.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 201:

In page 108, line 3, after “building” to insert “or other”.

The amendment is being introduced to enable the National Development Finance Agency, NDFA, to procure non-PPP infrastructure on behalf of both my own Department and local authorities, if requested to do so. This allows for the approach already in place for the Department of Education whereby the NDFA can procure a bundle of school projects on behalf of the Department. The NTMA Act already provides for the NDFA to procure PPP infrastructure on behalf of all Departments, as required. I am flagging my intention to consider the matter further on Report Stage.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 202:

In page 108, line 5, after “building” to insert “or other”.

Amendment agreed to.

Section 124, as amended, agreed to.

Section 125 agreed to.

NEW SECTION

Deputy Simon Harris: I move amendment No. 202a:

In page 108, between lines 15 and 16, to insert the following:

“Provision of assistance by An tÚdarás

126. (1) An tÚdarás may provide assistance in accordance with this section to a designated institution of higher education following a request in writing for such assistance from the institution.

(2) The assistance that may be provided by An tÚdarás to a designated institution of higher education under this section may comprise either of the following for such period as is agreed by the Chief Executive Officer with the institution:

(a) the appointment by the Chief Executive Officer of a person or persons, or of a body, to provide advice or assistance of a specialist nature to the institution;

(b) the issuing of guidance to the institution regarding a particular matter or matters.

(3) A person or persons, or a body, appointed under *subsection (2)(a)* by the Chief Executive Officer may—

(a) provide advice or assistance or make recommendations to the designated institution of higher education concerned regarding any matter relating to its functions or its viability,

(b) carry out an assessment of particular reports, financial plans, governance practices or the undertaking of particular functions and may, following such an assessment, make recommendations to the designated institution of higher education concerned with regard to the changes or improvements required to be made by it,

(c) agree with the designated institution of higher education concerned a plan of action to be implemented regarding any matter related to the performance of its functions or its viability,

(d) assess and monitor the implementation by the institution of higher education concerned of any recommendations made or plans agreed, or both, and

(e) prepare a report and submit it to the Chief Executive Officer regarding the assistance provided to, and the action taken by, the designated institution of higher education concerned.”.

Amendment agreed to.

SECTION 126

Deputy Aodhán Ó Ríordáin: I move amendment No. 203:

In page 108, between lines 20 and 21, to insert the following:

“(2) Without prejudice to the generality of subsection (1), An tÚdarás shall prepare or adopt and issue to designated institutions of higher education a policy concerning the sustainable investment of the funds of those institutions, including a prohibition on investing those funds, directly or indirectly, in a fossil fuel undertaking within the meaning of the Fossil Fuel Divestment Act 2018.”.

I would like to hear the Minister’s response. Deputy Ó Cathasaigh suggested earlier that there is a specific reference to ensuring there is a prohibition on investing in fossil fuel undertakings within the meaning of the Fossil Fuel Divestment Act 2018.

Deputy Simon Harris: My answer is as the Deputy suggested, that I will be looking at guidelines, codes or policies that can be issued on the sustainable investment of funds by institutions of higher education. The amendment as currently drafted is too detailed for this legislation. It is envisaged that guidelines, codes and policies will be issued to the designated institutions of higher education under this section on a regular basis. While I am not in a position to accept the amendment, I will consider the inclusion of provisions in relation to sustainable development prior to Report Stage. I take the Deputy’s point regarding divestments. I will consider these matters in the round between now and Report Stage.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 204:

In page 108, to delete lines 29 and 30.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 205 and 206 are related and may be discussed together. Is that agreed? Agreed.

Deputy Simon Harris: I move amendment No. 205:

In page 108, line 33, to delete “may publish” and substitute “shall publish”.

We are effectively trying to achieve the same end. The purpose of the amendment is to provide the guidelines, codes or policies prepared or adopted by the HEA under this section must be published. Amendment No. 206 has the same effect as amendment No. 205 and is therefore not necessary.

Amendment agreed to.

Deputy Aodhán Ó Ríordáin: I move amendment No. 206:

In page 108, line 33, to delete “may” and substitute “shall”.

Amendment, by leave, withdrawn.

Deputy Rose Conway-Walsh: I move amendment No. 207:

In page 109, between lines 3 and 4, 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.”.

Amendment, by leave, withdrawn.

Section 126, as amended, agreed to.

NEW SECTION

Deputy Aodhán Ó Ríordáin: I move amendment No. 208:

In page 109, between lines 3 and 4, to insert the following:

“Ministerial directions

127. (1) Subject to the requirements of this section, the Minister may give a direction in writing to An tÚdarás to prepare guidelines, codes or policies under section 126(1).

(2) The Minister shall, in the interests of procedural fairness, give a notice in

writing to An tÚdarás to which is attached a draft of the direction concerned stating that—

(a) the Minister is minded to give that direction to An tÚdarás, and

(b) An tÚdarás may, if it wishes to do so, within the period specified in the notice (being a period of not less than four weeks from the giving of the notice) make submissions in writing to the Minister on the direction.

(3) Where the Minister receives submissions referred to in subsection (2) before the expiration of the period referred to in that subsection, he or she may, after having regard to those submissions—

(a) give the direction concerned to An tÚdarás with such revisions to the direction as the Minister considers are warranted in view of those submissions,

(b) give the direction concerned to An tÚdarás without any revisions to the direction if the Minister considers that no such revisions are warranted in view of those submissions and stating the reasons therefor, or

(c) decline to give the direction concerned to An tÚdarás if the Minister considers that—

(i) in view of those submissions, the direction is not warranted, or

(ii) for any other reason, the direction is no longer warranted.

(4) Where the Minister receives no submissions referred to in subsection (2) before the expiration of the period referred to in that subsection, he or she may—

(a) give the direction concerned to An tÚdarás, or

(b) decline to give the direction concerned to An tÚdarás if the Minister considers that, for any reason, the direction is no longer warranted.

(5) The Minister shall cause a direction under this section to be published on a website of the Government at the same time as it is given to An tÚdarás or as soon as is practicable thereafter being a time which is not later than the next business day following the date on which it is given to An tÚdarás.

(6) Where a direction has been duly issued under this section An tÚdarás shall comply with the direction.”.

Amendment, by leave, withdrawn.

Sections 127 and 128 agreed to.

SCHEDULE 1

Chairman: Amendments Nos. 209 and 210 are related and may be discussed together. Is that agreed? Agreed.

Deputy Simon Harris: I move amendment No. 209:

In page 110, to delete lines 12 and 13 and substitute the following:

“

No. 24 of 1997	Universities Act 1997	Sections 4(2), (3) and (4), 19, 20, 21 and 50
----------------	-----------------------	---

“

Amendment No. 209 is a technical amendment to align the repeal of provisions in the Universities Act 1997. The other provisions being repealed are set out in Schedule 1 of the Bill. Amendment No. 210 provides for the repeal of section 58 of the Technological Universities Act. This is the section that applies to technological universities in respect of which governing authority under section 12(1) applies, and is to follow the incorporation of an additional institute of technology into the technological universities governing body under section 12(2). This section provides for the appointment of the new larger governing authority. Within six months, section 58 will no longer be relevant due to the changes being introduced under this Bill and therefore section 58 will be repealed.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 210:

In page 110, to delete lines 14 and 15 and substitute the following:

“

No. 3 of 2018	Technological Universities Act 2018	Sections 26, 27(2) and (3), 58, 80(b), 82, 83, 84 and 91
---------------	-------------------------------------	--

“

Schedule 1, as amended, agreed to.

Schedules 2 and 3 agreed to.

SCHEDULE 4

Question proposed: “That Schedule 4 be a Schedule to the Bill.”

Deputy Simon Harris: I am considering amendments on Report stage to Schedule 4 to list all the consequential amendments of enactments. Work is ongoing on identifying all of the consequential amendments and I want to flag that now.

Question put and agreed to.

Chairman: This is something I have never seen before. Amendment No. 211 concerns the Preamble. I have never known Deputies Ó Ríordáin or Conway-Walsh to preamble before but they are out of order.

Deputy Rose Conway-Walsh: That is not a first, to be out of order.

Chairman: There is nothing we can do about it. That is a new one to me.

Amendment No. 211 not moved.

Preamble agreed to.

TITLE

Amendments Nos. 212 and 213 not moved.

Deputy Simon Harris: I move amendment No. 214:

In page 11, line 19, after “Design Act 1971,” to insert “the Housing Finance Agency Act 1981,”

Amendment agreed to.

Chairman: Pursuant to Standing Order 187(3), I have to report specifically to Dáil Éireann that the committee has amended the Title to the Bill to read as follows:

Bill entitled an Act to provide for changes to the functions and governance of An tÚdarás um Ard-Oideachas and the oversight by it of higher education providers which are designated institutions of higher education under this Act; to provide for the preparation, review and amendment of a strategy for tertiary education; to provide for better engagement with students and equity of access to, and participation and the promotion of success in, higher education and lifelong and flexible learning; to provide for the designation of certain higher education providers as designated institutions of higher education and, if appropriate, the removal of such designation in certain circumstances; to amend the provisions regarding the composition of the governing authorities or governing bodies of certain designated institutions of higher education, including the Supplemental Letters Patent of 1911 in respect of Trinity College, Dublin; for those purposes, to repeal and replace the Higher Education Authority Act 1971 and to amend the Universities Act 1997, the Technological Universities Act 2018, the Regional Technical Colleges Act 1992, the Regional Technical Colleges (Amendment) Act 1994, the National College of Art and Design Act 1971, the Housing Finance Agency Act 1981, the Student Support Act 2011, the Industrial Training Act 1967, the Social Welfare Consolidation Act 2005, the Qualifications and Quality Assurance (Education and Training) Act 2012 and the National Treasury Management Agency (Amendment) Act 2014; and to provide for related matters.

Title, as amended, agreed to.

Deputy Donnchadh Ó Laoghaire: I did not see an appropriate place to mention it but I, along with Deputy Conway-Walsh, may bring forward on Report Stage amendments relating to funding issues.

Bill reported with amendments.

Chairman: I thank members, the Minister, my officials and the Minister’s officials. I thought we might have to come back. Ms Kelly and I were planning for a full day but we have done good work in getting this over the line.

Message to Dáil

Chairman: In accordance with Standing Order 101, the following message will be sent to the Clerk of the Dáil:

The Select Committee on Further and Higher Education, Research, Innovation and Science has completed its consideration of the Higher Education Authority Bill 2022 and has made amendments thereto.

27 April 2022

Under Standing Order 100(2), this shall be deemed to be the report of the select committee on the Bill.

The select committee adjourned at 8.14 p.m. *sine die*.