

DÁIL ÉIREANN

SELECT SUB-COMMITTEE ON EDUCATION AND SKILLS

Déardaoin, 17 Eanáir 2013

Thursday, 17 January 2013

The Select Sub-Committee met at 10 a.m.

MEMBERS PRESENT:

Deputy Ray Butler,	Deputy Jonathan O'Brien,
Deputy Jim Daly,	Deputy Thomas Pringle,*
Deputy Derek Keating,	Deputy Ruairí Quinn (Minister for Education and Skills),
Deputy Charlie McConalogue,	Deputy Brendan Ryan.
Deputy Aodhán Ó Ríordáin,	

* In the absence of Deputy Clare Daly.

In attendance: Deputies Brendan Griffin and Sandra McLellan.

DEPUTY JOANNA TUFFY IN THE CHAIR.

Education and Training Boards Bill 2012: Committee Stage

Chairman: This Bill was referred to the select subcommittee by order of the Dáil on 17 October 2012. I welcome the Minister for Education and Skills and his officials to the committee.

Despite the large number of amendments, I intend that the committee consider the Bill until Committee Stage is concluded in its entirety. We will break for lunch from 1 p.m. to 2 p.m. If it is not possible to conclude today, the room is booked for 9.30 a.m. tomorrow morning and again on Tuesday, 22 January from 10.30 a.m. to 1.30 p.m. We should, however, conclude today.

The following amendments are grouped for the purposes of debate: amendments Nos. 2 and 3; amendments Nos. 7, 8 and 22; amendments Nos. 9, 10 and 16; amendments Nos. 12 to 14, inclusive; amendments Nos. 17 to 19, inclusive; amendments Nos. 24 to 27, inclusive; amendments Nos. 31, 35, 42 and 58; amendments Nos. 32 and 33; amendments No. 41, 43, 44 and 57; amendments Nos. 45 to 47, inclusive, and amendment No. 60; amendments Nos. 48 to 51, inclusive; amendments Nos. 53 to 56, inclusive; amendments Nos. 63 and 64; amendments Nos. 67 and 69; amendments Nos. 68, 70 and 71; amendments Nos. 75 and 80; and amendments Nos. 76 and 81. All other amendments will be discussed individually.

I will now set out the amendments that have been ruled out of order in accordance with Standing Order 156(3), which provides that an amendment to a Bill that could have the effect of imposing or increasing a charge upon the Revenue may not be moved by any member, save a member of the Government or a Minister of State.

The purpose of the Bill is to replace vocational educational committees with bodies to be established as education and training boards, and to reform and modernise governance in this section. Amendment No. 6 from Deputies Daly, O'Brien and McConalogue proposes as an additional function of the ETB through the provision of Irish language service to any training or education centre or school that operates through Irish within the ETB area. As the amendment would impose a positive obligation on the ETBs to provide an Irish language service to both ETB schools and non-ETB schools, it involves a potential charge on the Revenue and must be ruled out of order in accordance with Standing Order 156(3).

Section 28 on membership provides that each ETB shall consist of 18 members to be appointed as follows: ten local authority representatives; two staff representatives; two parents' representatives and four community representatives. Section 36 provides for payment to ETB members of travel and subsistence expenses reasonably incurred in attendance at meetings of the ETB and other events. A number of amendments propose to increase the number of members of an ETB as set out. Amendment No. 29, tabled by Deputies Daly and O'Brien, proposes to increase that number from 18 to 20 and amendment No. 39 by Deputy Daly provides for the appointment of two members from the adult student body to an ETB as an additional category of representatives, and is consequential on the proposed increase in membership from 18 to 20. Amendment No. 38 from Deputy O'Brien is also consequential on the proposed increase in the membership of an ETB and proposes to increase the number of community representatives to be appointed from four to six. Amendment No. 52 from Deputy O'Brien is consequential on amendment No. 38 in providing for the method of appointment of community representa-

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tives, it also makes provision for the appointment of six community representatives, increased from four, to an ETB. Amendment No. 34 from Deputy McConalogue proposes the number of members elected by local authorities may be increased from ten members in cases where two or more counties are represented on an ETB. In amendment No. 36, Deputy McConalogue proposes there should be at least one staff representative on an ETB from each county within an ETB area and where there are more than two counties within an ETB area, the number of staff representatives shall be increased proportionally. Amendment No. 37 from Deputy McConalogue proposes there shall be at least one parent representative on an ETB from each county within an ETB area where there are two or more counties within an ETB area, the number of parent representatives shall be increased proportionally. In amendment No. 40, Deputy McConalogue provides for the appointment of one learner in a children's detention school or other such facility as an additional category of representatives on an ETB.

These amendments, as they propose an increase in the membership of an ETB, would give rise to a potential charge on the Revenue and must be ruled out of order in accordance with Standing Order 156(3).

Amendment No. 61 from Deputy McConalogue proposes that an ETB school boards of management shall include at least two members of the ETB and at least one of those members must be present at the meetings of the board of management. As members of the ETB receive travel and subsistence expenses for attendance at meetings, this amendment could give rise to a potential charge on the Revenue and must be ruled out of order in accordance with Standing Order 156(3).

We will now proceed to the Bill.

Section 1 agreed.

SECTION 2

Deputy Charlie McConalogue: I move amendment No. 1:

In page 8, line 28, after "instruction" to insert the following:

"to include apprenticeships (formerly provided by FÁS), adult literacy and community and adult education".

I ask the Minister to consider inserting this line to include apprenticeships formerly provided by FÁS, adult literacy and community and adult education.

Minister for Education and Skills (Deputy Ruairí Quinn): Before dealing with the first amendment to the Bill, I would like to make the committee aware there are a small number of matters on which I am considering amendments on Report Stage. With the permission of the Chairman and in the interests of ensuring fairness, and in respect for the committee, I will briefly outline these. The reason for doing so is that I cannot properly introduce them on Report Stage unless they have been referred to during Committee Stage.

In moving the Bill on Second Stage, I referred to the fact that the published general scheme of the Bill permitted education and training boards to jointly operate education facilities with bodies that are not education and training boards. It also contained an enabling provision allowing them to provide support services for other providers. While this was not included in the published Bill, I indicated that I intended to introduce the necessary amendment on Committee

Stage. Unfortunately it has not been possible to finalise the draft of this provision in time for the committee's consideration of the Bill today. I remain committed, however, to the inclusion of this provision and intend to bring forward the necessary amendment on Report Stage to give effect to this policy.

In the published Bill, the Minister is enabled to request the Irish Vocational Education Association to give assistance to education and training boards for the effective implementation of a ministerial direction. I want to consider if the legislation should reflect the IVEA's current and potential future role both in its capacity to coordinate information and to provide support more generally within the sector. I may wish to return to this issue on Report Stage.

Finally, there is a small number of human resource matters, particularly for new chief executives, that are needed to future-proof the restructured sector and to ensure there is a degree of flexibility. My officials are exploring these points with the drafting office.

Turning to Deputy McConalogue's amendment, I am inclined to accept it. I will bring to Cabinet the draft of the legislation to deal with the dissolution of FÁS and those who had apprenticeships under FÁS. The speaking note I have states that the definition of education and training facility is deliberately broad as it is intended to cover any place other than a recognised school or centre for education which provides education, training or instruction. It does not need to be owned, or even run directly, by an education and training board. The key requirement is that the board maintains or resources it. I intend to cover the courses the Deputy refers to, and other courses. It is also intended to be broad enough to anticipate the changes to be brought about by the establishment of SOLAS, the new further education and training body to which I referred earlier.

My preference is to maintain the current wide definition without going into individual examples. If we were to start to set down an indicative list of what is to be included, doubts could creep in about courses not on the list. As I noted, Deputy McConalogue and I are not at odds on this matter. However, as FÁS is about to be abolished - the amendment refers to apprenticeships "formerly provided by FÁS" - I am open to considering this measure to provide for a degree of continuity that people other than lawyers would necessarily understand. I invite the Deputy to table the amendment on Report Stage and we will consider it again.

Deputy Charlie McConalogue: I accept the Minister's suggestion.

Chairman: Does the Deputy intend to withdraw and resubmit the amendment on Report Stage?

Deputy Charlie McConalogue: Is the Minister asking that I remove the reference to FÁS?

Deputy Ruairí Quinn: No. While I am inclined to accept the amendment, I do not wish to do so yet as I would first like to obtain legal advice. I suggest the Deputy withdraw the amendment and table it again on Report Stage for further consideration.

Deputy Charlie McConalogue: That is perfect. I will withdraw the amendment.

Amendment, by leave, withdrawn.

Section 2 agreed to.

Section 3 agreed to.

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SECTION 4

Chairman: Amendments Nos. 2 and 3 are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 2:

In page 10, subsection (1), line 1, to delete “*columns (1) and (2)*” and substitute “*columns (2) and (3)*”.

Amendments Nos. 2 and 3 are technical amendments which arise as a result of replacing the existing Schedule 1 with a new Schedule 1. When published, the Bill provided for the repeal of all the Vocational Education Acts. However, vocational education committees are also referred to in other legislation and, as a result, the original Schedule has been expanded to provide for the repeal of a small number of provisions of non-VEC Acts which contain a reference to VECs and are no longer considered relevant. This is provided for in amendment No. 77.

As the new table has an extra column, amendments Nos. 2 and 3 are needed to ensure the references to the columns in the new table are correct.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 3:

In page 10, subsection (1), line 2, to delete “*column (3)*” and substitute “*column (4)*”.

Amendment agreed to.

Section 4, as amended, agreed to.

Sections 5 to 8, inclusive, agreed to.

SECTION 9

Deputy Ruairí Quinn: I move amendment No. 4:

In page 10, subsection (1), line 36, after “boards” to insert the following:

“(each of which shall be known as an education and training board)”.

The purpose of this amendment is to provide that each education and training board will be known by that name. It is a technical amendment which will avoid the need to define education and training boards in other legislation that contains a reference to them.

Amendment agreed to.

Section 9, as amended, agreed to.

SECTION 10

Deputy Charlie McConalogue: I move amendment No. 5:

In page 12, subsection (1)(i), line 13, after “support” to insert “in accordance with the Youth Work Act 2001”.

Section 10 sets out the general functions of an education and training board. Under subsection (1)(i) one of the functions will be to “support the provision, coordination, administration

and assessment of youth work services in its functional area and provide such information as may be requested by the Minister for Children and Youth Affairs in relation to such support". The amendment proposes to insert the words "in accordance with the Youth Work Act 2001" after the word "support". This will require education and training boards to carry out the prescribed functions in accordance with that Act.

Deputy Ruairí Quinn: This issue was raised in the course of an earlier discussion. Section 10 currently provides that it will be a function of the new education and training boards to support the provision, co-ordination, administration and assessment of youth work services and provide information requested by the Minister for Children and Youth Affairs in relation to that support. The effect of Deputy McConalogue's amendment would be to require that these functions be done "in accordance with the Youth Work Act 2001". It should be noted that subsection (5) provides that "youth work" has the same meaning as it has in the Youth Work Act 2001. In addition, the inclusion of this function here does not take away from the provisions of the 2001 Act and, through a later amendment, the references to vocational education committees in that Act will be changed to education and training boards.

The reason for the inclusion of youth work services in the Bill is to ensure that education and training boards are enabled to assist in the implementation of policy in this area which is determined by my colleague, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. In light of these points, I am not convinced the amendment is necessary. The reason these requirements are coming into effect is that youth work is no longer a responsibility of the Department as it has been transferred to the Department of Children and Youth Affairs.

Deputy Charlie McConalogue: As the Minister is satisfied that the Bill, as worded, accommodates my position, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Chairman: Amendment No. 6 has been ruled out of order as it involves a potential charge on the Revenue.

Amendment No. 6 not moved.

Chairman: Amendments Nos. 7, 8 and 22 are related and may be discussed together. Amendment No. 7 is in the name of Deputy Jonathan O'Brien who is not present.

Amendment No. 7 not moved.

Deputy Ruairí Quinn: I move amendment No. 8:

In page 12, subsection (2), between lines 41 and 42, to insert the following:

"(g) bodies representative of business, industry and employers,".

The purpose of my amendments Nos. 8 and 22 is to ensure that bodies representative of business, industry and employers are consulted, both in the performance by an education and training board of its functions generally and when drawing up its strategy statement. In this way, the needs of business will be appropriately reflected in the work of the boards.

My colleague, the Minister for Social Protection, Deputy Joan Burton, has also emphasised the need for the functions of education and training boards to include explicit reference to education and training for the purpose of employment. I intend to consider this matter further with a view to bringing forward an amendment on Report Stage.

Amendment agreed to.

Section 10, as amended, agreed to.

Sections 11 to 13, inclusive, agreed to.

SECTION 14

Chairman: Amendments Nos. 9, 10 and 16 are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 9:

In page 15, subsection (2), lines 1 to 7, to delete paragraphs (a) and (b) and substitute the following:

“(a) in accordance with procedures determined by the Minister following consultation with the Minister for Public Expenditure and Reform, and
(b) with the consent of the Minister.”.

The purpose of the amendments is twofold. First, the current requirement for appointment of the chief executive and staff is that this will be done in accordance with procedures determined by the Minister for Public Expenditure and Reform or Minister for Education and Skills with the consent of the Minister for Public Expenditure and Reform. In addition, the appointment requires the consent of the Minister for Public Expenditure and Reform. Amendments Nos. 9 and 16 simplify this matter so that the appointment procedures will be determined by the Minister for Education and Skills following consultation with the Minister for Public Expenditure and Reform and an appointment will be subject to the consent of the Minister for Education and Skills.

Second, the terms and conditions of employment of a chief executive officer are currently determined by the Minister for Public Expenditure and Reform or the Minister for Education and Skills acting with the consent of the Minister for Public Expenditure and Reform. Amendment No. 10 changes the position so that the employment terms and conditions will be determined by the Minister for Education and Skills with the consent of the Minister for Public Expenditure and Reform.

Chairman: Do you wish to discuss amendment No. 16? It is being discussed with amendments Nos. 9 and 10.

Deputy Ruairí Quinn: Not at this point.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 10:

In page 15, subsection (3), to delete lines 10 to 14 and substitute the following:

“remuneration, allowances and superannuation, as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform.”.

Amendment agreed to.

Section 14, as amended, agreed to.

SECTION 15

Deputy Charlie McConalogue: I move amendment No. 11:

In page 15, subsection (2), line 40, after “functions,” to insert the following:

“and all relevant information in relation to the conduct of industrial relations,”.

Deputy Ruairí Quinn: Section 15 places an obligation on the chief executive of each ETB to provide such information to the board regarding the performance of his or her functions as the board might from time to time require. This obligation relates specifically to the CEO’s functions. Any function which is not declared by section 12 to be a function reserved to the elected members is, by definition, an executive function which is the responsibility of the chief executive. As human resource and industrial relations matters are not declared to be reserved functions, they are automatically executive functions. Therefore, the CEO is obliged to provide information relating to industrial relations matters to the ETB if the members require it and this amendment does not add to that provision. In view of this I do not propose to accept it.

Amendment, by leave, withdrawn.

Section 15 agreed to.

Section 16 agreed to.

SECTION 17

Chairman: Amendments Nos. 12 to 14, inclusive, are related and will be discussed together.

Deputy Ruairí Quinn: I move amendment No. 12:

In page 16, subsection (2), lines 29 and 30, to delete “A notice of intention to propose a resolution under *subsection (1)*” and substitute the following:

“Where an education and training board intends to propose a resolution to suspend the chief executive of that board for any of the reasons set out in *subsection (1)*, a notice of intention to propose the resolution”.

Amendment Number 12 is a drafting amendment. Its purpose is to make clear that where an ETB intends to propose a resolution to suspend its chief executive, a notice of intention to propose that resolution must be served on the chief executive. Amendments Nos. 13 and 14 relate to the power to suspend and remove a chief executive. At present, a notice of intention to propose such a resolution requires the signatures of at least one third of education and training board members. The resolution must be approved of two thirds of members to be passed.

Given the pivotal role of a chief executive in the running of an education and training board and the effect such a process can have both on him or her and on the organisation generally, this procedure is not something to be entered into lightly. I have sought to keep the maximum number of members on an education and training board at a relatively modest level to ensure that the governance of the new bodies is workable. We will return to this matter later. As a result, it is sufficient for a notice to suspend to be considered if a mere six members approve of it. Having reflected on this, in my judgment it is too low a threshold. I am therefore proposing to increase this threshold to half the members or nine people. Regarding the threshold to have the resolution passed, I have looked again at the local government model from which this is drawn. In

the corresponding provision for county managers, the threshold required is three quarters rather than two thirds. I am proposing to amend this provision to bring it into line with that position.

These provisions set the thresholds which, once reached, trigger consideration of suspension of a chief executive and the initiation of a disciplinary process. The levels set for them must be reasonable having regard to the need to have a consensus among board members as to the seriousness of the matter before them. I believe that the revised thresholds achieve this. If there is any change in the composition of the total numbers, we might have to revisit this. I put the members on notice about that because I am aware it is a matter of concern for people. However, in the context of 18 members, I propose that members accept these new threshold levels.

Deputy Jim Daly: If there was a change at local government level, would that have any impact?

Deputy Ruairí Quinn: No.

Deputy Jim Daly: It is being used as a mirror.

Deputy Ruairí Quinn: We are using the current system and practice in local government. The purpose is to harmonise it because we are talking about people who, in many cases, will also be members of local authorities. If new local government legislation changes that, it might be necessary to harmonise it with this legislation. I am not sure whether that local government legislation could necessarily amend this legislation. I am advised it could not. We can only deal with what is law at present and the law for local government at present with regard to this aspect is as I have described. I am proposing that we harmonise this draft law with the existing local government law.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 13:

In page 16, subsection (3)(a), line 33, to delete “one third” and substitute “half”.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 14:

In page 17, subsection (5), line 8, to delete “two thirds” and substitute “three quarters”.

Amendment agreed to.

Section 17, as amended, agreed to.

NEW SECTION

Deputy Ruairí Quinn: I move amendment No. 15:

In page 18, before section 18, to insert the following new section:

18.—(1) The Minister may, subject to this section, suspend a chief executive of an education and training board—

(a) for stated misbehaviour, or

(b) where it appears necessary to the Minister for the effective performance by the

board of its functions.

(2) Where the Minister proposes to suspend a chief executive of an education and training board for any of the reasons set out in *subsection (1)*, a notice of intention to suspend the chief executive shall be served by the Minister on the chief executive and on each member of the board concerned.

(3) A notice under *subsection (2)* shall—

(a) state the reasons for the proposed suspension, and

(b) state that the chief executive, and the education and training board concerned, may each submit a statement to the Minister within 14 days of the service of the notice in relation to the reasons stated under *paragraph (a)*.

(4) The Minister may, having considered any statements submitted under *paragraph (b)* of *subsection (3)*, suspend the chief executive of the education and training board from such date as may be specified by the Minister.

(5) The Minister shall notify the chief executive and the board concerned of his or her decision as soon as practicable after the decision is made.

(6) The Minister shall, within 21 days of any decision to suspend a chief executive under *subsection (4)*, appoint a board of 3 persons having knowledge of, or experience in, education, human resources or management (in this section referred to as an “advisory board”).

(7) The Minister shall nominate one of the 3 persons appointed to the advisory board to be the chairperson of that board.

(8) An advisory board shall, within 21 days of being appointed, having considered the notice of intention to suspend, any statement submitted to the Minister under *paragraph (b)* of *subsection (3)* and the decision of the Minister, submit a report to the Minister containing its recommendations as to—

(a) whether the chief executive should remain suspended and, if so, for what period,

(b) whether the chief executive should be removed from office, or

(c) any other matter arising out of its considerations as the board thinks appropriate in the circumstances.

(9) Upon consideration of a report submitted under *subsection (8)*, the Minister shall, within 14 days of the receipt of the report—

(a) lift the suspension of the chief executive, subject to such terms and conditions (if any) as the Minister considers appropriate,

(b) confirm the suspension of the chief executive setting out the period for which the suspension is to apply and setting out such terms and conditions (if any) as shall apply to the chief executive on the expiration of the period of suspension, or

(c) remove the chief executive from office.

(10) The Minister shall notify the education and training board and the chief executive

concerned of his or her decision under *subsection (9)* and the date from which such decision is to take effect.

(11) An advisory board appointed under this section shall be independent in the performance of its functions.

(12) The Minister may by regulations prescribe any matter of procedure for the purpose of this section.”.

The purpose of this new section is to ensure that the Minister’s existing power to suspend VEC officers is retained in respect of the chief executive. This amendment ensures that a similar procedure to that applicable to suspension of a chief executive by an education and training board will apply where the Minister decides to suspend a chief executive of his or her own volition. The procedure builds in the same guarantees of due process as apply to a suspension initiated by an education and training board and requires the appointment of an expert board to make a recommendation to the Minister.

Amendment agreed to.

SECTION 18

Deputy Ruairí Quinn: I move amendment No. 16:

In page 18, subsection (1), lines 9 to 15, to delete paragraphs (a) and (b) and substitute the following:

“(a) in accordance with procedures determined by the Minister following consultation with the Minister for Public Expenditure and Reform, and

(b) with the consent of the Minister,”.

Amendment agreed to.

Chairman: Amendments Nos. 17 to 19, inclusive, are related and will be discussed together.

Deputy Charlie McConalogue: I move amendment No. 17:

In page 18, subsection (1), line 16, after “persons” to insert “comprising an equal number of men and women”.

It is important that, where possible, we try to ensure there is gender equality. This would be an appropriate place to ensure a similar number of male and female members of staff are appointed to the board when those appointments are being made.

Amendment No. 19 provides: “It will be ensured that there will be adequate staffing in the Education and Training Board that have fluency in Irish and that they will be competent to carry out the duties of their positions in Irish or in English.”.

I urge the Minister to accept the amendments.

Deputy Ruairí Quinn: The effect of amendment No. 17 would be to require ETBs to appoint women and men in equal numbers. Having a diversity of views in organisations is of huge benefit. However, the introduction of gender quotas in public service recruitment is not something I am aware of and it is not appropriate for me, as Minister for Education and Skills,

to seek to impose this in respect of one set of bodies in the public service. This is something for which my colleague the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, has responsibility and it is an issue of relevance to all public service employers. Accordingly, I would not consider it appropriate to accept this amendment.

The effect of amendment No. 18 would be to remove the requirement for the Minister for Public Expenditure and Reform to consent to the terms and conditions of education and training board staff. It is a well-established practice and requirement that the Minister for Public Expenditure and Reform has an integral role in setting, or consenting to, the terms and conditions of employment of public servants. Certain terms and conditions of public servants are set centrally, while others require the agreement of the Department of Public Expenditure and Reform. This is only right and proper given the public service wide remit the Minister, Deputy Howlin, has and his responsibility for ensuring prudent use of public finances within the public sector. The provision as it currently stands is merely reflecting that reality. Therefore, I cannot accept this amendment.

On amendment No. 19, to which Deputy McConalogue referred, the Government has, through its programme for Government, committed to supporting the 20-year strategy for the Irish language. In addition, VECs and the future ETBs are public bodies, which fall within the terms of the Official Languages Act of 2003 and are therefore obliged to meet the relevant Irish language requirements. I do not think it is appropriate to impose additional Irish language obligations on these new public bodies in the way proposed. Therefore, I am not inclined to accept this amendment.

Deputy Charlie McConalogue: I accept the Minister's response and will not press the amendment.

Deputy Thomas Pringle: In the context of amendment No. 19, what additional constraints does it place on the ETBs in relation to the Irish language? I believe the amendment would actually strengthen the Bill. If it is in line with the Official Languages Act and reflects the contents of that legislation, then there should not be any real conflict and it would strengthen the belief in and support for the language within the Bill.

Deputy Jim Daly: I disagree because I do not think ensuring there is a balance in language or a competency is reason enough to provide a job or give a position to anybody. I would agree with the Minister that the Official Languages Act already places a lot of obligations on these bodies to ensure that language fluency is available for service users and for those who require it.

Deputy Ruairí Quinn: I am aware of some of the concerns that have informed this debate and the amendment being discussed and we can return to this on Report Stage if necessary. There will be no change in the constituency of Donegal, where there is already a very large Gaeltacht area. There will be Gaeltacht areas within the enlarged Mayo, Sligo and Leitrim ETB and Kerry can be included here also. It seems obvious that where someone is looking for a job in an area which includes a Gaeltacht area then fluency, or at least competence, in the Irish language would be an automatic requirement. However, I would sooner not enshrine that in primary legislation, which gives it a certain degree of rigidity. Compliance with the 20-year strategy and the fact that the VECs and the new ETBs are public bodies is sufficient. There would be an interview process for applicants for any job in those areas where there is a Gaeltacht and therefore, being able to conduct business as Gaeilge would be an automatic requirement. I would prefer to leave that to the interview process rather than insert it into primary legislation because the legal obligations are already set out in the 20-year strategy.

Deputy Thomas Pringle: I am not sure about the legality with regard to the 20-year strategy and how legally enforceable it is on the boards. There is a broader issue in that the Irish language has moved out from the Gaeltacht areas and people in any part of the country who contact an ETB should be able to do their business as Gaeilge if they so wish. It would be important to recognise the language in the Act in this way so that people can have the confidence that they will be able to do their business in both languages.

Deputy Ruairí Quinn: The fact is that currently VECs are public bodies and in future, the ETBs will be public bodies. As a consequence, they fall within the terms of the Official Languages Act 2003, which is statutory legislation as distinct from a policy strategy, which is what the 20-year strategy for the Irish language is. I take on board the Deputy's point that a policy strategy is different to legislation. I am advised that as a consequence of the ETBs being public bodies which fall under the terms of the Official Languages Act 2003, the Deputy's concerns are covered. However, if the Deputy wishes to resubmit the amendment on Report Stage, I can obtain further clarification in the interim.

Deputy Thomas Pringle: I thank the Minister.

Chairman: I note that Deputy Jonathan O'Brien has just arrived and one of the amendments we are discussing is amendment No. 18, in his name. Does Deputy O'Brien wish to speak on the amendment or make any comment or would he prefer to wait until the amendment is moved?

Deputy Jonathan O'Brien: I will wait, thank you.

Deputy Charlie McConalogue: I withdraw amendment No. 17.

Amendment, by leave, withdrawn.

Deputy Jonathan O'Brien: I move amendment No. 18:

In page 18, subsection (2), line 20, to delete "and the Minister for Public Expenditure and Reform".

On reflection, I will withdraw this amendment.

Amendment, by leave, withdrawn.

Deputy Charlie McConalogue: I wish to inform the committee that I do not intend to press amendment No. 20.

Chairman: Thank you, Deputy. We will deal with that when we get to it.

Deputy Thomas Pringle: I move amendment No.19:

In page 18, between lines 27 and 28, to insert the following subsection:

"(5) It will be ensured that there will be adequate staffing in the Education and Training Board that have fluency in Irish and that they will be competent to carry out the duties of their positions in Irish or in English."

I shall not be pressing the amendment now but reserve the right to resubmit it on Report

Stage.

Deputy Jonathan O'Brien: I only caught the tail end of the Minister's comments but I gather that because the ETBs are covered by the Official Languages Act, the concerns we have regarding the boards being able to carry out their functions in Irish would be covered.

Deputy Ruairí Quinn: That is my understanding and that is the advice I have. The 20-year strategy is a policy position rather than statutory legislation. However, the Official Languages Act 2003, which I was in the course of describing when Deputy O'Brien arrived, is law and that Act, among other things, obliges public bodies, which the VECs are and the ETBs will be, to meet the relevant Irish language requirements and that would be specifically the case where there are Gaeltacht areas within the area of the relevant ETB.

Deputy Jonathan O'Brien: On that basis, I will not press the amendment now. Perhaps we can look at this again on Report Stage.

Amendment, by leave, withdrawn.

Section 18, as amended, agreed to.

Section 19 agreed to.

SECTION 20

Chairman: Deputy Charlie McConalogue has already said that he is not pressing amendment No. 20.

Amendment No. 20 not moved.

Section 20 agreed to.

Sections 21 to 23, inclusive, agreed to.

SECTION 24

Deputy Ruairí Quinn: I move amendment No. 21:

In page 22, subsection (8), line 19, to delete "in" and substitute "of".

The purpose of this amendment is to correct a typographical error. Section 24 deals with the accountability of the CEO to certain Oireachtas committees. At the moment, subsection (8) excludes certain committees from this provision. It refers to the "Committee on Members' Interests in Seanad Éireann". In fact, it should refer to the Committee on Member's Interests "of" Seanad Éireann. This amendment corrects that typographical error.

Amendment agreed to.

Section 24, as amended, agreed to.

SECTION 25

Deputy Ruairí Quinn: I move amendment No. 22:

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In page 23, subsection (4)(f), line 16, to delete “and” and substitute the following:

“(g) bodies representative of business, industry and employers, and”.

Amendment agreed to.

Section 25, as amended, agreed to.

Section 26 agreed to.

SECTION 27

Deputy Ruairí Quinn: I move amendment No. 23:

In page 24, to delete line 25 and substitute the following:

“27.—(1) Where a person—

(a) makes an offer of a gift of money, land or other property to an education and training board, or

(b) requests the board to act as a trustee of any trust or charity, the chief executive of that board shall, within one month of the offer or request being made, prepare and submit a proposal to the board setting out his or her observations on the offer or request,

as the case may be, and his or her recommendation as to whether the board should accept

the gift or agree to act as a trustee, as the case may be.

(2) Subject to *subsection (2)**, an education and training”.

The purpose of this amendment is to place an obligation on a chief executive to submit a proposal to the members of an ETB where a person has made an offer of a gift of money, land or other property or has requested the board to act as a trustee of any trust or charity. There is no such obligation contained in the published Bill and this amendment will remedy that particular omission.

Amendment agreed to.

Chairman: Amendments Nos. 24 to 27, inclusive, are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 24:

In page 24, subsection (1), line 26, to delete “or” and substitute “and”.

These are all drafting amendments. Amendment No. 24 simply changes the requirement of an education and training board to consider observations or recommendations of the chief execu-

tive officer in regard to a proposed gift or trust to a requirement to consider observations and recommendations. Amendments Nos. 25 to 27, inclusive, change the reference to an education and training board “being a trustee” to “acting as a trustee”, which is considered a more appropriate wording. The amendments do not propose any change in the substance or meaning of the provisions.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 25:

In page 24, subsection (1)(a)(i), line 30, to delete “be” and substitute “act as”.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 26:

In page 24, subsection (1)(b), line 36, to delete “be” where it firstly occurs and substitute “act as”.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 27:

In page 24, subsection (2), line 37, to delete “be” and substitute “act as”.

Amendment agreed to.

Section 27, as amended, agreed to.

SECTION 28

Deputy Ruairí Quinn: I move amendment No. 28:

In page 25, subsection (1), line 9, to delete “Each” and substitute “Subject to section 9(5), each”.

This amendment makes the composition of the new boards subject to section 9(5) of the Bill, which provides that members of VECs holding office immediately before the establishment of education and training boards will automatically become members of those boards and will remain in office until the next local elections. This means that for the interim period, the boards will be larger than the standard 18-person boards envisaged under section 28.

Amendment agreed to.

Chairman: Amendment No. 29 in the names of Deputies Jonathan O’Brien and Clare Daly has been ruled out of order as it involves a potential charge on the Revenue.

Amendment No. 29 not moved.

Chairman: Amendments Nos. 30, 31, 35, 42 and 58 are related and may be discussed together.

Deputy Jonathan O’Brien: I move amendment No. 30:

In page 25, subsection (1), line 10, after “comprise” to insert the following:

“of whom a minimum of 8 shall be women and a minimum of 8 shall be men with the remainder to be composed of either men or women”.

These amendments are straightforward, the objective being to ensure there is a gender balance in appointments to education and training boards. Amendment No. 30 provides that there should be a minimum of eight men and eight women, respectively, on the board.

Deputy Ruairí Quinn: The Bill provides that parents and community representatives will have an equal number of men and women on the education and training boards. In regard to staff, the Minister of the day is conferred with a regulation-making power to establish women-only and men-only panels from which people will be elected. That is the position under the current regulations. In the case of local authority members, current gender balance requirements applicable to members appointed to VECs can and have given rise to practical difficulties. Those difficulties arise particularly where a gender balance requirement is applied in a situation where several bodies are coming together to form the local authority membership of an education and training board.

I would personally favour the introduction of gender quotas in some form for local elections. It is probably the only way in which this issue can be fairly addressed. In the absence of such strictures, however, and having regard to the mandate of members who are democratically elected in local elections, I am reluctant to attempt to impose gender balance criteria in regard to education and training boards to which local authority members are appointed and form a majority of the ETB membership. Nevertheless, I am open to giving this matter further consideration and the Deputy is welcome to return to it on Report Stage. As a former member of a local authority, he will acknowledge that where there is an imbalance in the gender composition of an authority, a requirement that its appointments to the VEC and subsequently the ETB must be so balanced could prove unworkable. That is our concern. It is not that we are opposed ideologically to the notion of gender balance. On the contrary, where we do have the capacity to direct that such balance be achieved in the appointments to a particular panel or body, we have done so. The difficulty in this instance is that we do not have that type of control in respect of local authorities.

Deputy Jonathan O’Brien: I take the Minister’s point. There could indeed be a scenario where a local authority is all male, in which case it would be impossible to have a gender balance on the education and training board. None the less, it is important that we be very clear in this legislation that where there is a gender balance within a local authority, it should be carried over into appointments to the ETB. Where such a balance is possible, there should be an obligation to ensure it is achieved. I accept, however, that pending the introduction of gender quotas, it cannot happen in every case, simply because of the existing make-up of local authorities.

Deputy Ruairí Quinn: I share the Deputy’s view. However, we cannot write recommendations into statutory legislation. Recommendations are not part of making law. This is not to say that directives, suggestions and guidelines cannot be issued by the Minister of the day, after 2014, in respect of the composition of the boards. If the Deputy wishes to re-table the amendment on Report Stage for further consideration, I will look at it again.

Deputy Jonathan O’Brien: I might well come back to this on Report Stage. If it is pos-

sible to do it, then it should be done.

Deputy Ruairí Quinn: There are legal issues to be taken into account. I will have to take advice on the matter but it might be possible to include a provision along the lines that, where possible, gender balance should inform the composition of appointments from the local authority to the board. However, I am not a lawyer, nor a legislator in the technical sense. We will have to be sure we are not compounding the problem rather than solving it.

Chairman: My colleagues may be aware that I am opposed in principle to gender quotas. The issue in this case is that even if the same legislative provisions regarding the selection of candidates as will apply to general elections were also to apply to local elections, those provisions relate only to the nomination of candidates. The bottom line is that voters will ultimately determine the gender mix of elected members. If we were to stipulate that a local authority which does have a gender balance in its membership must ensure the same balance is achieved in its appointments to the education and training board, we would effectively be discriminating against such authorities as against those which do not have a gender balance. We cannot have legislation which treats local authorities differently in respect of their nominations to VECs and ETBs. What Deputy O'Brien is proposing would actually impose a restriction in terms of who can be appointed by a local authority. The requirement would not simply be that the authority must put forward a particular type of candidate; there would actually be a limitation on its democratic mandate. That is my difficulty with these amendments.

Deputy Charlie McConalogue's earlier amendment, which was withdrawn, sought to impose a restriction on the staff that could be employed by local authorities. Any move towards proscribing the recruitment of staff on the basis of gender would amount to a very dramatic innovation. That, in my view, is going too far and would be a mistake. We must be more reflective in considering these issues.

Deputy Ruairí Quinn: I agree with the Chairman's analysis. All that we can do, even in general elections, is stipulate that there be a gender balance in the selection of candidates. We cannot second guess the outcome as decided by the electorate. There is nothing to prevent the Minister of the day, either the Minister for the Environment, Community and Local Government or the Minister for Education and Skills, from making a recommendation after June 2014 to the newly formed education and training boards that they have regard to gender balance. That is, however, as far as we could go. If the boards do not take it on board, there would be no sanction.

Deputy Jonathan O'Brien: I completely understand that. Having served on a local authority made up of 31 members, six of whom were women, it was my experience that when appointments were made to external committees, it was almost always men who were put forward. The six women very rarely got an opportunity to serve. I am strongly of the view that where there already is a gender balance within a local authority, we should - through whatever means, whether by directive or recommendation or whatever powers the Minister has outside of the particular legislation - require that this balance is, where practicable, reflected in all external appointments.

Deputy Jim Daly: I do not agree that legislation is the way to deal with gender imbalances and, as such, I am very supportive of the points made by the Chairman in this regard. Positive discrimination can be taken too far in some circumstances including, as I noted in another context, in respect of the Irish language. Legislation is certainly not the vehicle for such provisions and there are many other avenues open to people.

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I disagree with Deputy O'Brien. I was a member of Cork County Council. Due to the electoral system, a minority of members were women, but there was no active discrimination against their participation on external boards and vocational education committees, VECs. There is a culture of encouraging gender balance. This was certainly the case with Cork County Council when we appointed members to the County Cork VEC. Indeed, I would go further than calling it a culture, in that there was a responsibility on councillors to ensure positive discrimination.

Deputy Jonathan O'Brien: To clarify, I was not suggesting that there was active discrimination against female members of Cork City Council. It was just how the appointments happened to fall on that day. Cork City Council did not take the conscious decision not to appoint women to external bodies.

Deputy Jim Daly: Even if there was an issue, legislation would not be the way to deal with it. Doing so would create impossible scenarios.

Deputy Jonathan O'Brien: I will withdraw the amendment, but will consider tabling it again on Report Stage.

Amendment, by leave, withdrawn.

Amendment No. 31 not moved.

Chairman: Amendment No. 33 is an alternative to amendment No. 32. Amendments Nos. 32 and 33 will be discussed together. If the former is agreed, the latter cannot be moved.

Deputy Jonathan O'Brien: As we have already discussed this amendment and considering the Minister's comments, I will not move this amendment.

Amendments Nos. 32 and 33 not moved.

Chairman: Amendment No. 34 has been ruled out of order, as it involves a potential charge on revenue.

Amendments Nos. 34 and 35 not moved.

Chairman: Amendments Nos. 36 to 40, inclusive, have been ruled out of order, as they involve a potential charge on revenue.

Amendments Nos. 36 to 40, inclusive, not moved.

Chairman: Amendments Nos. 41, 43, 44 and 57 are related and may be discussed together. Does anyone wish to move amendment No. 41 on behalf of Deputy McConalogue? No.

Amendments Nos. 41 to 44, inclusive, not moved.

Chairman: Amendments Nos. 45 to 47, inclusive, and amendment No. 60 are related and may be discussed together. As Deputy O'Brien has tabled amendment No. 60, I ask him to move amendment No. 45.

Deputy Jonathan O'Brien: I move amendment No. 45:

In page 26, subsection (7)(a), line 17, after "woman" to insert the following:

"each of whom shall be from and have knowledge of education and training in the functional area of the relevant education and training board".

The amalgamation of the VECs poses a concern. Given the fact that the boundaries will change, members may find themselves just outside the boundaries of the new education and training boards, ETBs, yet be in close proximity to one of the relevant schools. We are attempting to ensure that someone is not discriminated against on these grounds. As far as is practicable, such persons should be accommodated.

Deputy Ruairí Quinn: Are we discussing the grouping of amendments beginning with amendment No. 48?

Chairman: The other grouped amendments might not be moved, but the Minister can comment now. This grouping consists of amendments Nos. 45 to 47, inclusive, and amendment No. 60.

Deputy Ruairí Quinn: Regarding ETBs, while parents' representatives are to be nominated by national associations of parents, those nominated must themselves be parents of children registered as students in an ETB facility. This is a considerable improvement on the current position whereby parents of registered students do the electing but the representatives themselves do not need to be parents of students in VEC schools. To underline this, by virtue of section 31, a person will cease to be an ETB member if he or she ceases to have a child attending an ETB institution. Therefore, I do not propose to accept Deputy McConologue's amendments.

Turning to amendment No. 60, the Bill provides that the Minister may give directions to a committee of an ETB that acts as the board of management of a school or centre for education. These directions may include a requirement that members of those committees must live within a certain distance of the school. The direction can specify that, if it is not possible to find an ETB member within the specified distance, such a committee can consist entirely of non-members.

The Department has taken a policy decision to the effect that living in the locality is, all other elements being equal, a more important factor than being an ETB member. It is important and of paramount concern that local voices be heard on these governance structures. A school is of a specific area and community. Schools draw their board of management members from their localities. There is no reason that ETB schools should be any different in this respect. The board will still have nominees on these committees, but it is not essential that these nominees be members of the board. I do not intend to accept this amendment.

Deputy Jonathan O'Brien: The Minister has addressed my issue.

Chairman: How stands the amendment?

Deputy Jonathan O'Brien: To clarify, the Minister stated that he would have the power to set distances. If a school is close to the border of an ETB area, will a person from outside the distance set by the Minister be allowed to serve on its board of management?

Deputy Ruairí Quinn: Yes. We are establishing in law the primacy of the community in respect of the school itself. We are not prescribing the rules and regulations as to how that is to be implemented. We will probably need to provide policy guidelines, directions or statutory instruments to address the issue of ETB members who do not live within their ETBs' areas, but we will certainly not use primary legislation. Anything that we insert in this documentation will be justiciable.

There has been a practice across all of our parties of members of VECs becoming board members of schools at the far end of the areas from which they come. We should not continue that practice. It is fine if an ETB member living in the area wants to be on the school committee. For example, Athlone is one area, yet the River Shannon runs through its middle and County Roscommon comes close to the bridge. There are many other places where communities stretch across distances. Waterford comes to mind, in that its communities stretch into south County Kilkenny. We will have to think it out for those areas. The old practice, with people on one end of the county finding themselves on the board of a school at the other end of the county, is not something for which we wish to legislate.

Deputy Charlie McConalogue: There is a definite concern regarding the operation of school boards and management and ensuring proper linkages. I take the point about unacceptable practices from the past, which we must get away from. In VECs across the country, members would have had to travel to schools far away when somebody who lived closer could have just as easily represented the VEC board of management.

With the way the Bill is laid out, it is quite likely that in many instances boards of management could be meeting without members of the education and training board being present. That creates governance issues, including ensuring proper linkages between the education and training board and a board of management. Issues may arise and people should be in a position to contribute to an education and training board meeting with authority with regard to what is going on with the board of management. If we do not ensure in legislation that education and training board members are always present at board of management meetings, there will be governance issues that could be preventable. These will take up time if experience is not brought to bear.

We have mentioned areas that are close to two or three counties, but I am not looking for large boards. We have reduced the number of education and training board members. When we speak about a large geographical area, there is a difficulty with the workload that is put on board members, and we should balance having an efficient education and training board with ensuring there is capacity without exceptional duress to be present at board of management meetings. This concerns a critical role of the education and training board with regard to governance. Boards of management often need such interaction but with this legislation, the obligation is not there.

Some of the amendments seek additional members on a board where three VECs are amalgamating. Elected representatives will ensure there is good representation from each area but there should be additional parent representatives, preferably one from each county. Without having such a level of flexibility, there will be exceptional pressure on an education and training board in carrying out the role and linking properly to boards of management. I object to the types of practice that went on in the past in many VECs, and we must ensure that we take the most sensible approach in ensuring we involve people who live close by.

In some instances it may be useful to have a board member from outside a parish, as it can be difficult for those close to an issue to act. This should be taken within reason. Will the Minister comment on this?

Chairman: We will suspend the meeting because a vote has been called in the Dáil. The Minister may respond when we resume.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Chairman: We were discussing amendments Nos. 45, 46, 47 and 60.

Deputy Ruairí Quinn: I am listening to what the committee has to say. This is a major change in culture and there will be other changes. I am glad there is broad consensus among all parties that the old practices are no longer acceptable. We should do it rather than have it done to us.

There will be a transition period. I cannot think of any other way of doing it and I said this in Piper's Hill at a meeting of the Irish Vocational Education Association, IVEA. In Mayo, Leitrim and Sligo, for example, between the enactment of the Bill and the local elections in June 2014, the combined membership of three vocational education committees, VECs, will meet together, and this will attract public attention. We will need a communications strategy to minimise the banner headlines we are likely to see.

I was struck by a point made by Deputy McConalogue. Sometimes a stranger from outside the parish can say things that cannot be said in a more intimate community. I stand over the proposals, but many local community schools will not have a direct member of an education and training board, ECB, on its board of management. Does that make them any less democratic than the nuns' or brothers' schools up the road? The traditional assertion has been that there is democratic accountability in a VEC school by virtue of its composition and the fact that there was usually a member of the VEC on its board. The motivation for being a member of a school board could be questioned. Whether or not the member made a significant contribution to the discourse of the board of management could also be questioned. Practice and experience will vary.

One of the strengths of VEC community schools is that they are accountable to the electorate, if the electorate want to pursue that accountability, through the chief executive or members of the VEC in a way that none of the free voluntary schools are accountable at all. We have an emerging situation in some of our primary schools where the bishop does not want to know if there is a problem on the ground. In a primary school the catchment area is smaller, there is a board of management and a parent can get involved, but they are still at the mercy of parents' representatives or community representatives who do not want to exercise their responsibilities.

I do not have a formula for dealing with this. One can over-prescribe requirements but one is dependent on human behaviour for which one cannot legislate. I will reflect and read the blacks of the Committee Stage debate to see if we can get a balance between the perception of democratic accountability and the exercise of that responsibility in a frugal manner, more frugal than has previously been the case.

Chairman: In my experience of local authorities, although I have never served on a VEC, councillors make difficult and unpopular decisions. I was a member of a local authority that made provision for Traveller accommodation which was being resisted by the local community. We knew it was the right thing to do and we showed leadership and brought the community on board. People from the community are better placed to bring the rest of the community on board, apart from reflecting their point of view and representing them. One needs balance, but it is generally better when the local community is represented. I see the balance as being in favour of people from the local area.

Deputy Charlie McConalogue: I will not press the amendment, on the understanding that it will be discussed on Report Stage.

Amendment, by leave withdrawn.

Deputy Charlie McConalogue: I move amendment No. 46:

In page 26, subsection (7)(b), line 25, after “woman” to insert the following:

“each of whom shall be from and have knowledge of education and training in the functional area of the relevant education and training board”.

Amendment, by leave, withdrawn.

Deputy Charlie McConalogue: I move amendment No. 47:

In page 26, subsection (7)(c), line 32, after “woman” to insert the following:

“each of whom shall be from and have knowledge of education and training in the functional area of the relevant education and training board”.

Amendment, by leave, withdrawn.

Chairman: Amendment No. 49 is an alternative to amendment No. 48. If amendment No. 48 is agreed amendment No. 49 cannot be moved. Amendments Nos. 50, 51 and 53 to 56, inclusive, are related. Therefore, amendments Nos. 48 to 51, inclusive, and Nos. 53 to 56, inclusive, will be discussed together.

Deputy Jonathan O’Brien: I move amendment No. 48:

In page 26, subsection (8)(a), line 36, after “training” to insert the following:

“including mandatory representation from representatives of recognised voluntary secondary schools, the business sector, Údarás na Gaeltachta, a recognised teaching union, student unions and adult learners,”.

The purpose of the amendment is to ensure that education and training boards are as representative as possible. I accept that each board will have only four voluntary members. We sought to increase that to six but that amendment was ruled out of order.

One could argue that representatives need to be from the business community, adult learners and the Irish language sector. One could have a wide range of people who would bring their experience to a particular education and training board, but the four voluntary appointments on each ETB need not represent all the sectors requiring representation. One ETB might have a representative of adult learners and another might not. One could have a business representative and another might not. The Irish language representation is particularly important. If an ETB covers a Gaeltacht area at least one of the four appointments should be made by Údarás na Gaeltachta or Foras na Gaeilge to represent the Irish language sector. The amendments proposes that we would define who the representatives should be and then leave it up to the ETB to appoint them.

Deputy Aodhán Ó Ríordáin: My amendment specifies the need for an adult learner to be on the ETBs. It states: “and the Minister shall nominate 1 man and 1 woman who are representative of students and who are registered as students in a centre for education or recognised school or are learners in an education or training facility or other facility maintained by any other public service body where the board provides education or training and have reached 18 years of age for appointment to the board.” This is recommended by NALA. I would like the

Minister to consider this, if not now, on Report Stage.

Deputy Charlie McConalogue: I concur with the previous speakers. Like other amendments the Minister has agreed to consider, we need to ensure the ETBs have a good spread of expertise on them and include people who represent the wider community, including the business community and adult learners. I ask the Minister to consider this.

Deputy Ruairí Quinn: I have no hard opinion as to the precise methodology of doing this. I have sympathy for what members are trying to do, whether that relates to a business representative or an adult learner. In the past, a former councillor who ran a shop and lost his or her seat in an election could end up representing the business community because he or she is a mate, etc., and unless we specify clearly what is the business community or an adult learner, we will have a problem. For example, if people are doing a course, they are learning and, therefore, they are adult learners, even though they may have stood and failed to be elected to the local council. Those are the dynamics that we all know within our own parties but they are within the democratic space that makes politics work. The alternative is to say to IBEC to nominate a business representative or to NALA to nominate an adult learner. Does that dilute democratic accountability and control from the point of view of the party system because democracy does not exist without the party system? We are one of the few democracies in Europe that pays no recognition to the role of political parties in democracy, which is why the so-called leader's allowance that goes to individual Oireachtas Members does so because legally - I was the Minister for Finance who brought it in with the then Minister for the Environment, Deputy Howlin - one cannot discriminate against Members who are not members of a political party.

If the responsibility is left to the elected members of the ETBs to have a say in who is co-opted onto them, it will be left to the elected political system, in which I have full faith, notwithstanding the individual failures of all of us on occasions. If it is left to outside nominating bodies such as the chamber of commerce, IBEC or NALA, will responsibility and power be ceded with no accountability? To whom ultimately is NALA responsible or to whom ultimately would the board of a particular chamber of commerce be accountable?

We are setting down a provision that will probably operate with few amendments for the next 20 or 25 years and whatever amendment is made will be limited in scope. I would like all of us to consider that. There is no ideological division on any of this between us. We all know what we are trying to do but how can we appoint people to an ETB with a contribution to make who have specific informed experience of adult learning or who know business in a way that they can simply say the courses provided by the ETB, as distinct from the VEC schools or PLC courses, are of no relevant employment application to the needs of their community and the jobs that could be created as distinct from appointing somebody who is in business but is only being appointed to the board by virtue of his or her political connections rather than his or her business expertise?

Deputy Jonathan O'Brien: Will that not be the case as the legislation is drafted? If the Minister does not specify that the individual should represent the business community, for instance, and he or she does not come from the business sector in terms of the being nominated by the bodies that represent him or her, then potentially the individual could be appointed to the board because he runs a local shop and, therefore, he will not represent the business sector in the wider sense. That is one of the fears I have as the legislation is drafted. I understand what the Minister is saying and I do not know how we can rectify that but, potentially, we could have a scenario where people are nominated and co-opted onto the boards because of who they know and not on behalf of those they should represent.

Deputy Ruairí Quinn: We are all agreed, for example, that someone should represent the business sector but our concern is the quality of the people and that they have a knowledge of the area rather than ticking a few boxes such as they run a shop, are former councillors and are friendly with the majority of members of the new ETB. There is one possibility that would still give power to the elected members and for which there is precedent. I respect the fact that the members will be elected, which is a strength of the current VECs and will be a strength of the ETBs, but we could list in a Schedule attached to the legislation nominating bodies for business. There could be a person representing the business community nominated by A, B, C, D or E. That could be the chamber of commerce, IBEC or A. N. Other. Such nominations might get through but, ultimately, the decision on co-option would be made by the members.

Deputy Aodhán Ó Ríordáin: I understand where the Minister is coming from and I acknowledge the business element might be difficult to nail down but because of the education that will be provided by ETBs, the nature of the students who will attend, the nature of the further education sector and the fact that the empowerment of the student body has not necessarily always been to the forefront, it would be much easier to close that circle of empowerment by having an adult learner on the board and to make that a statutory requirement along with a requirement relating to the other representatives the Minister suggests.

Deputy Charlie McConalogue: A structure such as that would be important to consider because if we end up in a scenario where a business representative does not represent that community strongly, the ETB will be weaker for it. It will always be difficult. Ultimately, somebody could be appointed by the pre-eminent business organisation and he or she might still not bring to bear the necessary application. A structure is needed to ensure it is not just another member because if we do not have that input into the ETB which is responsible for administering these courses and if the business community is not plugged into this as much as possible through the laws and regulations we introduce, the boards will be weaker as a result.

Deputy Jonathan O'Brien: Our amendment No. 56 proposes to specify a list of bodies. The amendment deals with the Irish language sector and we propose that Foras na Gaeilge and Údarás na Gaeltachta would comprise the specified list of bodies. If we come at the issue in this way, If we come at the issue in this way, we should have a specified list of nominating bodies and leave it up to the members of the local ETB to pick one of the nominations that has come from those bodies. That could represent a way around it.

Deputy Ruairí Quinn: I have just consulted the official. There will be the elected councillors - ten accountable people with a clear democratic mandate. There will be two parents' representatives and two staff representatives with a clear focus and mandate. Those 14 people will co-opt the remaining people to bring it up to 18. There is a fair degree of balance and counterbalance in that composition. The legitimacy of the staff and parents' representatives is self-evident and the democratic ballot box has given legitimacy to the ten members.

We could say that those 14 members will have to appoint people for specific areas, including learner, business, etc., from a list nominated by chambers of commerce, NALA and others. The person would need to come through the first hoop of being acceptable to a chamber of commerce or to the IBEC committee and then ultimately the decision would be made by the 14 based on local knowledge. The learner representative would clearly need to have experience of NALA or some other body. We cannot have just one body but would have to involve other bodies. It comes through that filter - that first selection process - and then ultimately again to return the democratic legitimacy to that group of 14 people to choose one person from a list of, for example, three, rather than giving an organisation automatic rights to nominate somebody

to the ET board simply because it is listed.

That is my thinking. We might reflect on it. For procedural reasons on Report Stage we do not have the option of having this kind of dialogue. I am quite open to having an informal discussion on what we want to do in this area so that when we come to Report Stage, there is consensus on it. The importance of this legislation is not that it is somebody's political triumph but that it has democratic consensus.

Chairman: How stands the amendment?

Deputy Jonathan O'Brien: In light of the discussion, I will withdraw the amendments and come back on Report Stage and have a more detailed discussion. In the meantime the Minister might reflect on how we can best address what we are trying to achieve.

Deputy Ruairí Quinn: I have a suggestion that might be slightly unorthodox. None of us will be around when the next ETB legislation is being dealt with. I certainly will not. We will draft a Report Stage amendment that incorporates some of the thinking I have just articulated and will circulate it informally to the Sinn Féin and Fianna Fáil spokespersons as well as our Fine Gael and Labour Party colleagues for consideration. We can then tweak it accordingly. When we get to the Report Stage debate, it will be a straight run, as members will know. Is that acceptable politically?

Deputy Jonathan O'Brien: Yes.

Amendment, by leave withdrawn.

Amendments Nos. 49 to 51, inclusive, not moved.

Chairman: Amendment No. 52 is out of order as it involves a potential charge on the Revenue.

Amendment No. 52 not moved.

Amendments Nos. 53 to 56, inclusive, not moved.

Deputy Ruairí Quinn: I move amendment No. 57:

In page 26, lines 43 and 44, to delete subsection (9) and substitute the following:

“(9) In this section—

“population” means the population ascertained by the Central Statistics Office in the most recent census report published by that office setting out the final result of a census of population of the State (whether or not that is the most recent such census of population);

“national association of parents” has the same meaning as it has in the Act of 1998.”.

In order to keep the Bills Office happy, I wish to make the following comments. My proposed amendment No. 57 to section 28(3) adds a definition of “population” for these purposes by

reference to the latest census report produced by the Central Statistics Office. This will ensure there is certainty as to how the relative populations in each local authority area are arrived at when the order is being made.

There may be a difficulty in including factors additional to population and then using those to determine the proportions in which each local authority area is represented. If a blend of factors is used, questions arise as to what weight should be given to which factors. Ultimately such an approach is likely to lead to more subjective decisions being made and accusations of unfairness arising.

I accept that there may be instances where larger population counties, in merging with much less populated areas, could have the effect of squeezing out those areas. I have heard the concerns expressed, particularly on certain configurations. While I think it is important that proportionality based on population be maintained, in light of the issues being raised I would like to consider this matter further with a view to bringing forward a suitable Report Stage amendment.

Amendment agreed to.

Section 28, as amended, agreed to.

Sections 29 to 36, inclusive, agreed to.

Amendment No. 58 not moved.

Section 37 agreed to.

Sections 38 to 40, inclusive, agreed to.

SECTION 41

Deputy Ruairí Quinn: I move amendment No. 59:

In page 36, lines 37 to 43, to delete subsections (6) and (7) and substitute the following:

“(6) An order under *subsection (3)* shall specify a date, being not more than 12 months

from the date of the order, for the purposes of *section 29* as modified by *subsection (7)*.

(7) Where an order is made under *subsection (3)*, *section 29* shall apply to the election and appointment of new members to the education and training board concerned subject to the following modifications—

(a) in *subsection (1)*—

(i) by deleting “in every election year,” and

(ii) by substituting “the date specified by the Minister by order under

section 41(6)” for “the local elections concerned”,

(b) in *subsection (2)*—

(i) by substituting “The Minister” for “Every education and training board”,

(ii) by deleting “in every election year,”, and

(iii) by substituting “the date specified by the Minister by order under *section 41(6)*” for “the local elections concerned”,

and

(c) in *subsection (3)* by substituting “the date specified by the Minister by order under *section 41(6)*” for “the date of the local elections concerned”.”.

The purpose of the amendment is to provide a mechanism for appointment of new members to an education and training board following the removal of all previous members by the Minister. It requires the Minister to specify a date within a year of the members being removed during which the process of electing new members must begin. It uses the same procedure for appointing members as that applicable following the holding of local elections.

It has been pointed out to me that there is a cross-reference in the current subsection (5) of this section which ought to be changed as a result of this amendment. It refers to subsection (6) but should refer to subsection (7). I will introduce a Report Stage amendment to rectify this.

Amendment agreed to.

Section 41, as amended, agreed to.

SECTION 42

Amendment No. 60 not moved.

Chairman: Amendment No. 61 has been ruled out of order as it involves a potential charge on the Revenue.

Deputy Charlie McConalogue: On the point of these amendments being ruled out of order, when drafting primary legislation such as this and when genuine amendments such as these are tabled, it is incredible that such amendments can be ruled out of order. What is the alternative to allow for genuine amendments such as this to be given consideration?

Chairman: Amendment No. 61 proposes that all ETB school boards of management shall include at least two members of the ETB and that at least one of those be present at any meeting of the board of management. The issue is that members of the ETB receive travel and subsistence expenses for attendance at the meetings and this amendment could give rise to a charge on the revenue, and that is the reason the amendment has been ruled out of order under Standing Order 156(3). Obviously, it involves a cost.

Under the Standing Orders which have been adopted by these House, the rule is that an amendment to a Bill which could have the effect of imposing or increasing a charge upon the revenue may not be moved by any Member, save a member of the Government - a Minister or

Minister of State.

Deputy Jonathan O'Brien: Perhaps I might comment on that because it is something Deputy McConalogue and I discussed. One could potentially find a charge on the Exchequer in almost every amendment one wanted to put down. For instance, even in discussing this Bill when we were looking at the make-up of the boards and we wished to change it from 18 to 20, it was ruled out of order because it was a potential charge on the Exchequer. There was no scope to even change the make-up of the boards. There was no scope to make amendments. Including even the particular amendment that Deputy McConalogue has put down, with every amendment that one could potentially put down the Minister could probably find a way of saying it involves a charge to the Exchequer.

It is very frustrating because many of the amendments that my party put down were ones which at least merited discussion. For instance, we had valid reasons for increasing representation on the boards from 18 to 20 because we wanted a wider spread of persons sitting on the ETBs, yet these were ruled out of order because they involve a potential charge on the Exchequer. It may be in Standing Orders but if that is the case, then Standing Orders need to be changed.

Chairman: We could discuss it further now briefly if members want to comment on that aspect of it but we cannot move the amendment. That is the rule. Standing Orders would have to be changed for us to do that.

Deputy Brendan Ryan: I tend to agree with the two previous speakers. We will not change Standing Orders today but we should air the matter a little. If, for example, we were dealing with a education and training (amendment) Bill, that is, we were changing something that already existed, then there might be a case for saying the amendment would involve an additional charge, but where we are setting something down for the first time and setting out a way of dealing with this, everything that is included in the Bill is a charge on the Exchequer in the first instance. If we are setting something down on an initial basis, it is odd that we should be ruling out amendments on that basis.

Deputy Ruairí Quinn: The rules are the rules. They do reflect a one-party state when the Government of the day can propose anything it likes and Members of the Oireachtas who are not Government supporters cannot do so. I see the illogicality of it.

Returning to the spirit of what Deputy McConalogue proposes, and an earlier question that arose. If the expenses regime changes as all kinds of other matters have had to change, I get the sense from members here that, all other matters being equal, it is desirable that representatives of the ETB, either full members or persons nominated by it to be members of a board of management of a school, should be facilitated. I understand this is what Deputy McConalogue is trying to achieve. As a result, logically, a problem may well arise. The net point is do we trust each other as elected democrats, with the staff representatives and with the parents' representative. Say, for the sake of argument, that in Carrick-on-Shannon there is no member on the board of management who will be able to sit but that a presence on the ETB is desired. If such a person cannot be an elected member of the board, a parent representative who, by coincidence, might be from the same school, or a staff member who might live in the area and who could attend the community, then the elected members - they would be ten out of the 14 - could decide in the normal way in which politics works to nominate somebody who is well known - it could be a party activist or a respected person - who is willing to go on the board of the community school in that area. Deputy McConalogue suggests if there are two such members there is a

guarantee that there will always be oversight if an issues arises.

We do not have any democratic accountability in the free voluntary sector. There are just under 500 schools in that sector and we do not know what goes on.

I refer to the existing management infrastructure. An existentialist crisis is imminent here. The Catholic Church and the religious teaching orders provided an infrastructure of highly-dedicated highly-motivated persons. For whatever reason - one can dispute their motivation or not, but one cannot doubt their motivation and commitment to education - they are disappearing in terms of real numbers. There is an emerging vacuum arising in this regard. We have a period over the next three to four years to provide for democratic accountability in terms of membership. I refer to a citizen, not an elected member, who is appointed by the ETB of, for instance and to take the biggest one geographically, Mayo, Sligo and Leitrim. The Government is asking the person would he or she be prepared to represent the ETB in his or her capacity as a citizen by sitting on the board of the community school in his or her area because he or she has a connection with the school or whatever. In that way if anything untoward arises or if there is an issue we can then make a contribution. That is essentially what we are concerned with.

While the amendment is out of order, I can resubmit it at Report Stage if I wish. The present system of democratic accountability is limited geographically, with 16 as against 33 areas, and there were more than 33. I think I am correct in stating that, originally, there were 38 VECs at one stage. There is a big difference between 38 and 16.

Logistically, it will not be possible to have the eyes and ears of the ETB on the board of a school for the reason we suggested. It seems better that we have the capacity to nominate through the ten elected members which, given our political system, will be broadly cross-party representative. Given proportional representation, it will certainly be democratically representative unlike the free voluntary sector. This is not in any way to impugn the free voluntary sector. They will have to address their issues of accountability and representation. The legacy of the VECs since 1930 is that, however imperfect, ultimately, it still has a line of democratic accountability that does not exist anywhere else in the post-primary sector.

We are changing the geography. We are reducing the number to 16. It seems we should have representation indirectly, if not directly. We are providing for it directly but we are saying that if the member does not live in the area, then he or she is invalid as a member for the board of management of a particular school, and there is a coherence about that.

I understand Deputy McConalogue's amendment provides that at all stages the eyes and ears of the ETB will be present on the boards of management of schools in question. Is that a fair description?

Deputy Charlie McConalogue: Yes. That has been the practice at VEC level previously. There have been abuses in terms of how it has been operated but the Bill moves away from a position whereby the ETB has a presence. I spent a short time, 18 months, as a member of a VEC and sat on two or three boards of management, actually within my own area. I found it useful that there was a member of the VEC able to comment to VEC board members and it nipped issues in the bud. It meant there was a linkage at all times between the VEC and its core work at secondary level, which was managing the schools under its remit. If we get away from that culture whereby there is not a requirement to have an ETB board member at management meetings, over time one will see it becoming increasingly the practice at ETBs that there will not be ETB board members at meetings because it will be difficult and inconvenient for them to attend.

I attended board of management meetings and they were not necessarily something to which one looked forward. They were a pain but it was an obligation and the meetings were productive and useful.

Every school has ongoing issues, such as disciplinary or developmental issues. It would also be very useful for those in VEC management to have somebody on the board who attends meetings who they can ask about what is happening. The VEC can also talk to school management but an ETB board member could provide this link. If we move away from this, over time a vacuum will be created which would be to the detriment of the sector. It would allow issues arise and develop which may not happen as quickly if the link were in place.

I understand what the Minister is saying about having a panel and appointing people directly. This acknowledges the issue which exists but it does not ensure a direct link between the ETB and each board of management. I am not sure whether having 18 members makes it logistically feasible. It would put a lot of work on the members to attend. It would be more than possible to draw up a structure to ensure members attend local schools. A scheme should be in place so that where a certain amount of work is to be done a formula ensures members attend the school closest to them and the work burden is divided evenly. Losing this would impact on the governance of the ETB over the schools it controls.

Deputy Ruairí Quinn: The issues have become conflated. At one stage we were discussing the composition of the ETB itself, but now we are discussing boards of management at VEC schools. We have 723 post-primary schools and approximately 250 are in the community and VEC, or free voluntary, sector. Leaving aside isolated schools in isolated communities and to take Dublin city as an example, it has a school population of approximately 31,000 in 80 schools, which means the average population is less than 300. They are simply not viable in terms of subject choice or varying levels of subject. There will be some degree of consolidation and rationalisation over time given the exigencies of demographic pressures, and not only the free voluntary sector will contract. Increasingly we must have a line of democratic accountability and not elections for a school board as exist in some parts of the United States. We have separated education from the local authority. In Britain it is a function of the local authority, in some cases with spectacular success, but in many other areas with not as much success. If one does not have a good local authority, one does not have good schools. This is why the Labour Party Government under Tony Blair introduced the academies for non-performing schools, which the Conservative Party has accelerated.

I am open to the idea that on the board of management of each school there must be somebody with a direct line of answerability and accountability to the ETB whom the board members and management of the ETB can ask what is happening, just as Deputy McConalogue outlined. Most of the time it will not be a problem because the leadership and principal should run the school effectively, but in the event there is a problem having a democratic person who has made himself or herself available to go on a panel to be considered for appointment to the board of management of two or three schools in his or her area who is then formally nominated by the ETB will create a link. I will reflect on this and come back on Report Stage. We might have preliminary discussions on it before we go into it formally.

Amendment No. 61 not moved.

Deputy Ruairí Quinn: I move amendment No. 62:

In page 39, between lines 15 and 16, to insert the following subsections:

“(19) Notwithstanding the repeal of the Vocational Education (Amendment) Act 2001 by *section 4(1)*, a subcommittee established under subsection (1) or pursuant to a direction under subsection (3) of section 31 of that Act, which immediately before the establishment day performs any of the functions referred to in *paragraph (a)* or *(b)* of *subsection (11)* shall continue in being on and after the establishment day as if—

(a) in the case of a subcommittee established under subsection (1) of section 31 of that Act, it were a committee established by the relevant education and training board under *subsection (1)*, or

(b) in the case of a subcommittee established pursuant to a direction under subsection (3) of section 31 of that Act, it were a committee established by the relevant education and training board under *subsection (7)*, and the provisions of this Act shall apply to the subcommittee accordingly.

(20) In this section “relevant education and training board” has the same meaning as it has in *section 51*.”.

This amendment ensures existing VEC committees which serve as boards of management for schools and other educational institutions will continue to exist following the commencement of this legislation. This will ensure there is no interregnum in governance structures and will avoid the need for the new bodies to formally establish such committees immediately on their formation. It provides for continuity.

Amendment agreed to.

Section 42, as amended, agreed to.

Sections 43 to 45, inclusive, agreed to.

SECTION 46

Chairman: Amendments Nos. 63 and 64 are related and will be discussed together.

Deputy Ruairí Quinn: I move amendment No. 63:

In page 43, subsection (1)(b), lines 31 and 32, to delete all words from and including “subject” in line 31 down to and including “Finance.” in line 32 and substitute the following:

“subject to any directions given by the Minister for Finance.”.

Section 46 deals with the deposit of moneys held by an education and training board. Under the provision in the published Bill, a board may deposit moneys with a credit institution on such terms as it may agree with that institution and subject to the consent of, and any directions given by, the Minister for Finance. It is considered that this double requirement of consent and directions is unnecessary and has the potential to cause confusion. Amendment No. 63 has the effect of simply making the deposit of monies subject to any directions given by the Minister for Finance and will remove the need for consent to individual transactions.

With regard to amendment 64, the Bill provides that an education and training board, having considered a proposal from the chief executive to borrow money, may do so with the consent of the Minister for Public Expenditure and Reform and the Minister for Finance, or with the

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consent of the Minister for Education and Skills acting in accordance with any requirements or directions of these Ministers. The amendment simplifies this procedure by providing that the board may borrow money with the consent of the Minister for Education and Skills and having regard to any directions of the other two Ministers. There will be one line of communication which will be to contact the Department of Education and Skills. If we must sanction money being borrowed we will obtain clearance from the Minister for Public Expenditure and Reform and the Minister for Finance. The ETB itself would not have to go down this road.

Amendment agreed to.

Section 46, as amended, agreed to.

SECTION 47

Deputy Ruairí Quinn: I move amendment No. 64:

In page 44, lines 1 to 9, to delete subsection (3) and substitute the following:

“(3) An education and training board may, having considered a proposal under *subsection (1)*, with the consent of the Minister, and having regard to any directions of the Minister for Public Expenditure and Reform or the Minister for Finance, accept the proposal and borrow by the means specified in the proposal for the purposes of carrying out the functions of the board.”.

Amendment agreed to.

Section 47, as amended, agreed to.

Section 48 agreed to.

SECTION 49

Deputy Ruairí Quinn: I move amendment No. 65:

In page 45, subsection (1), line 11, to delete “paid” and substitute “expended”.

The purpose of this amendment is to standardise the wording on the keeping of accounts by replacing the word “paid” with “expended”. This will bring it into line with the standard wording used in other legislation.

Amendment agreed to.

Section 49, as amended, agreed to.

Section 50 agreed to.

NEW SECTION

Chairman: Amendments Nos. 66 and 78 are related and will be discussed together.

Deputy Ruairí Quinn: I move amendment No. 66:

In page 45, before section 51, but in Part 6, to insert the following new section:

51.—(1) An education and training board shall provide such information to the Minister in respect of any acquisition, holding or disposal of land, or an interest in land, by the board as the Minister may specify from time to time.

(2) The Minister may give a direction to an education and training board to acquire, hold or dispose of land, or an interest in land, where he or she considers it necessary having regard to the interests of the local community within the functional area of the board and the public interest in ensuring value for money.

(3) The Minister shall, by notice in writing, inform an education and training board where he or she proposes to give a direction under *subsection (2)* and state the terms of the proposed direction.

(4) An education and training board may make representations in writing to the Minister in relation to the proposed direction not later than 14 days from the date of service of a notice under *subsection (3)*.

(5) The Minister shall consider any representations made under *subsection (4)* prior to giving a direction under *subsection (2)*.

(6) An education and training board shall comply with a direction given to that board under this section.

(7) All moneys received by an education and training board on the sale or other disposal of land or any interest in land may be recovered by the Minister and where not recovered by the Minister shall be applied towards such purposes as the Minister determines.

(8) The Minister may make regulations in relation to the acquisition, holding or disposal of land or an interest in land by education and training boards.

(9) Without prejudice to the generality of *subsection (8)*, regulations made under that subsection may—

(a) require an education and training board to manage, maintain or develop land or an interest in land, including the project management of such development,

(b) require an education and training board to obtain an independent valuation of any land or interest in land in respect of a proposed acquisition or disposal of such land,

(c) require an education and training board to set a reserve price in respect of a proposed disposal of land having regard to any independent valuation obtained,

(d) specify the method by which land or an interest in land held by an education and training board shall be advertised, offered for sale or otherwise disposed of,

(e) require an education and training board to ensure that costs, including professional fees, incurred in relation to the acquisition, holding or disposal of land or an interest in land are minimised,

(f) specify the maximum term of a lease or licence which may be entered into by

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an education and training board which shall not require the consent of the Minister,

(g) specify a maximum value for any transaction in relation to the acquisition or disposal of land, or an interest in land, which may be entered into by an education and training board above which the consent of the Minister shall be required, and

(h) require an education and training board to keep such records as may be specified in respect of any acquisition, holding or disposal of land or an interest in land.”.

The amendments are for clarification purposes and to tidy up the Bill. They relate to the acquisition, holding and disposal of land by education and training boards. Amendment No. 66 introduces a new section which places an obligation on the new boards to provide information to the Minister on land matters. It also gives the Minister power to issue directions to boards in respect of land issues where the Minister considers this necessary having regard to the interests of the local community within the functional area of the board.

The proceeds of any sale of land will be recovered by the Minister or, if not recovered, must be applied towards a purpose which he or she determines. The Minister of the day is also given a regulation-making power which may include a requirement that a board manage, maintain or develop land, including project management; requirements on the proper handling of a disposal of land; and giving permission for a board to enter into an arrangement on land up to a maximum period of time or a maximum value without requiring ministerial consent. If I may, I will include amendment No. 78 because it is linked. Amendment No. 78 makes a change to Schedule 3. It provides that the education and training boards’ power to hold and dispose of land will be subject to this new section, any ministerial regulations made under it and the consent of the Minister.

Amendment agreed to.

Sections 51 to 54, inclusive, agreed to.

SECTION 55

Chairman: Amendments Nos. 67 and 69 are related and may be discussed together.

Deputy Jonathan O’Brien: I move amendment No. 67:

In page 46, subsection (1)(a), line 52, after “board” to insert the following:

“and that as far as is practicable, serving teachers will be transferred within the boundaries of their current VEC administrative areas and will only be deployed within 45km of their current VEC place of work or confines of the original VEC area”.

These amendments arise because in some cases it is proposed to amalgamate a number of VECs which will cover a large geographical area. There is a concern among teaching staff within particular VECs that when the amalgamation happens, and because the ETB will be much larger geographically, a teacher could be transferred from one end of a county to another, or even to a different county. Where re-deployment has to take place it should happen within agreed existing structures.

The amendments have been tabled to get this matter onto the agenda so that we can discuss it and hear the Minister’s view on how he plans to proceed.

Deputy Ruairí Quinn: I thank Deputy O’Brien for raising this matter, thus enabling me to respond. He has raised an issue which has been brought to my Department’s attention by the

TUI. I understand from my officials that work is under way on this and that a meeting under the auspices of the Teachers' Conciliation Council is being convened to consider this matter. I do not wish to comment further on this matter given that those talks are to take place, except to say that whatever arrangements are arrived at, they are ones that would more appropriately be documented in an administrative or industrial relations context rather than something which we should seek to put into primary legislation.

There is a reference - it was relevant in relation to the headquarters of the new ETBs - to the 45 km rule. That is not a statutory requirement - it is what is written into the Croke Park agreement. It may very well be altered in any extension to it. The Deputy is right. There is a need to have a clear understanding about re-deployment or transfers which, given the physical scale of some of the bodies we are talking about, could have an onerous impact on the working conditions of staff, be they teachers or VEC/ETB staff members themselves. However, I do not think - the Deputy might agree with me - that it is appropriate to put it into primary legislation because in order to change it, if there was a change in the agreement, one would have to come back to this House to get it changed. It is properly part and parcel of the IR negotiated relationships between staff and management. The TUI and the Teachers' Conciliation Council are dealing with this on an ongoing basis. That is the place for it.

Deputy Jonathan O'Brien: I fully agree but, as I said, we tabled the amendments so we could put the matter on the agenda and have it discussed because it is important.

Deputy Ruairí Quinn: I welcome that.

Deputy Jonathan O'Brien: I welcome the Minister's statement that there are ongoing discussions to try to resolve this issue. I will withdraw the amendments. I just wanted to ensure that the matter was discussed on Committee Stage.

Amendment, by leave, withdrawn.

Chairman: Amendments Nos. 68, 70 and 71 are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 68:

In page 47, subsection (1)(b), lines 3 and 4, to delete "hold an unestablished position as" and substitute "become and be".

These amendments remove the reference to a fixed-term employee who is transferred on establishment day holding "an unestablished position". This is not a phrase that tends to be used in the education sector. The overall thrust of the provision, whereby an employee's fixed-term contract is unaffected by the creation of the new bodies and that the balance of the period of any contract carries through to their new employer, remains in place. This is a clarifying amendment and I commend it to the House.

Amendment agreed to.

Amendment No. 69 not moved.

Deputy Ruairí Quinn: I move amendment No. 70:

In page 47, subsection (3)(b), lines 25 and 26, to delete "hold an unestablished position as" and substitute "become and be".

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 71:

In page 48, subsection (7), lines 22 to 24, to delete all words from and including “employees;” in line 22 down to and including “Act 2004.” in line 24 and substitute “employees.”.

Amendment agreed to.

Section 55, as amended, agreed to.

NEW SECTION

Deputy Ruairí Quinn: I move amendment No. 72:

In page 48, before section 56, to insert the following new section:

56.—(1) A person referred to in *section 55(1)* who, immediately before the establishment day, was a member of a relevant superannuation scheme shall, on the establishment day, continue to be a member of such scheme in accordance with its terms and conditions.

(2) A pensionable public servant who—

(a) is not a member of the Single Public Service Pension Scheme, and

(b) is appointed under *section 18* to be a member of staff of an education and training board, shall, on his or her appointment to the education and training board concerned, become and be a member of a relevant superannuation scheme in accordance with its terms and conditions.

(3) Nothing in this section prevents a relevant superannuation scheme being varied in accordance with its terms and conditions.

(4) In this section—

“pensionable public servant” shall be construed in accordance with Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012;

“relevant superannuation scheme” means—

(a) in the case of a person employed as a teacher, the Vocational Teachers’ Superannuation Schemes within the meaning of Article 3(5) of the Vocational Education Superannuation Schemes (Transfer of Departmental Administration and Ministerial Functions) Order 1998 (S.I. No. 362 of 1998), and

(b) in the case of all other members of staff, the Education Sector Superannuation Scheme, within the meaning of Article 3(4) of the Education Sector Superannuation Scheme (Transfer of Departmental Administration and Ministerial Functions) Order 2001 (S.I. No. 14 of 2001).”.

This amendment provides for superannuation matters for education and training board staff. It provides that where a person, on establishment day, transfers from a VEC to an ETB, he or she will continue in their existing pension scheme. It also states that a pensionable public ser-

vant who moves into an ETB will become a member of their existing schemes unless, under the rules of the new Single Public Service Pension Scheme, he or she becomes a member of that scheme. The power to vary the scheme rules under the existing legislative provisions is also retained.

Amendment agreed to.

Sections 56 to 61, inclusive, agreed to.

NEW SECTIONS

Deputy Ruairí Quinn: I move amendment No. 73:

In page 50, before section 62, to insert the following new section:

62.—Section 13 of the Act of 1998 is amended by inserting the following subsection after subsection (12):

“(12A) A person who obstructs or interferes with an inspector in the course of exercising a power conferred on the inspector by this section or impedes the exercise by the inspector of such a power commits an offence and is liable—

(a) on summary conviction to a Class A fine, or

(b) on conviction on indictment, to a fine not exceeding €100,000.”.”.

Under section 114 of the Vocational Education Act 1930, every person who obstructs or impedes an inspector in the exercise of his or her powers conferred by that section, is guilty of a criminal offence. That section conferred power on an inspector to enter and inspect any school which was funded by the Minister under the 1930 Act or any school or course maintained or assisted by a VEC.

The purpose of this amendment is to retain that criminal offence, to update the fines associated with it and to extend its potential application beyond VEC institutions to any place inspected by the Department's inspectorate.

The principle of having a criminal penalty where a person obstructs or interferes with a statutory inspection regime is not unusual. Let me cite an example of a similar approach in other sectors. Under section 79 of the Health Act 2007, a person who obstructs or impedes a HIQA inspection is guilty of an offence and may be liable to a fine or a term of imprisonment of up to two years, or both. I can read other examples into the record if the sub-committee so wishes. That is the reason why, as an ultimate sanction, the criminal offence is there.

Amendment agreed to.

Deputy Ruairí Quinn: I move amendment No. 74:

In page 50, before section 62, to insert the following new section:

63.—(1) Notwithstanding the repeal by *section 4(1)* of section 2 of the Act of 1944, that section shall apply as if it had not been repealed in respect of a person who is a member of an education and training board pursuant to *section 9(5)* for the period beginning on the establishment day and ending on the date of the next post election meeting of that board.

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(2) *Sections 32 and 35 shall not apply to a person referred to in subsection (1) for the period specified in that subsection.*

(3) Where a person becomes a member of an education and training board pursuant to *section 9(5)* and the person dies, resigns, ceases to be qualified for office or ceases to hold office during a period beginning on the establishment day and ending on the date of the next post election meeting, the casual vacancy arising shall be filled—

(a) in the case of a vacancy occasioned by a member who was elected by a local authority, by a person elected by the local authority concerned,

(b) in the case of a vacancy occasioned by a member who was appointed by a local authority, by a person appointed by the local authority concerned, or

(c) in the case of any other vacancy, in accordance with directions given by the Minister.

(4) A person who becomes a member of an education and training board under *subsection (3)* shall, subject to this Act, hold office for the period ending on the date of the next post election meeting of that board.”.

Amendment agreed to.

Sections 62 to 65, inclusive, agreed to.

NEW SECTIONS

Chairman: Amendments Nos. 75 and 80 are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 75:

In page 50, before Schedule 1, to insert the following new section:

66.—The Acts specified in *columns (2) and (3) of Schedule 6* are amended to the extent specified *column (4) of that Schedule.*”.

These are technical amendments. There are many references to vocational education committees in legislation other than the Vocational Education Acts. They are commonly referred to in legislation dealing with public bodies generally. The purpose of these amendments is to make the necessary changes to relevant legislation in order that references to VECs will be replaced by references to the new education and training boards. All changes are done by way of textual amendment and are to be contained in a table contained in a new Schedule 6 to the Bill. This is set out in amendment No. 80.

Amendment agreed to.

Chairman: Amendments Nos. 76 and 81 are related and may be discussed together.

Deputy Ruairí Quinn: I move amendment No. 76:

In page 50, before Schedule 1, to insert the following new section:

“PART 9

AMENDMENT OF NATIONAL DEVELOPMENT FINANCE AGENCY ACT 2002

67.—(1) The National Development Finance Agency Act 2002 is amended—

(a) in subsection (1) of section 3 (amended by section 3 of the Act of 2007)—

(i) in paragraph (e) by deleting “and”, where it lastly occurs,

(ii) in paragraph (f) by substituting “public private partnership arrangement,” for “public private partnership arrangement.”, and

(iii) by inserting the following paragraph after paragraph (f):

“(g) to enter into any arrangement or contract to procure as agent for the Minister for Education and Skills any public investment project in relation to a school, educational facility or other building or structure, including the financing, management, design and construction of such building or structure, as that Minister may from time to time designate.”,

(b) in section 3A (inserted by section 4 of the Act of 2007), by substituting the following subsection for subsection (1):

“(1) The Agency shall draw up, and may from time to time revise, a code of conduct that is based on best practices so as to ensure good corporate governance in the performance of the functions of the Agency under paragraphs (e), (f) and (g) of subsection (1) of section (3).”,

(c) in subsection (1) (amended by section 5 of the Act of 2007) of section 4 by substituting “paragraph (e), (f) or (g)” for “paragraph (e) or (f)”, and

(d) in section 26 (amended by section 10 of the Act of 2007)—

(i) in subsection (1) by substituting “costs and expenses” for “expenses”,

(ii) in subsection (2) by substituting “costs and expenses” for “expenses”,

(iii) in paragraph (a) of subsection (3) by substituting “costs and expenses” for “expenses” and by substituting “paragraphs (a), (c), (e), (f) and (g)” for “paragraphs (a), (c), (e) and (f)”, and

(iv) by substituting the following subsection for subsection (4):

“(4) In this section ‘costs and expenses’ includes—

(a) remuneration and allowances for expenses payable under section 12(5) to Board members,

(b) any fee payable or any payment due to a consultant, adviser, contractor, subcontractor, supplier, or other service provider engaged by the Agency under this Act, and

(c) any other costs, charges or expenses incurred by the Agency in the performance of its functions under this Act.”.

(2) In this section “Act of 2007” means the National Development Finance Agency

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(Amendment) Act 2007.”.

Colleagues may recall that on 12 March 2012, I announced a new school building programme outlining the investment of €2 billion to deliver 275 projects over the next five years. In order to achieve this goal, my Department has received the support of a number of State bodies, including the National Development Finance Agency, NDFA, to assist in the delivery of projects. The NDFA, which continues to support the Department’s public private partnership, PPP, initiatives, has agreed to take responsibility for the delivery of approximately 20 school projects by traditional methods under a devolved scheme currently being finalised. The projects in question are anticipated to proceed to construction in 2014. The NDFA will be expected to supervise the design and construction of each designated project and will, on behalf of the Department, manage the procurement of design teams, required consultants and the appointment of contractors.

To achieve the delivery of this scheme, the NDFA has advised the Department that changes are required to its legislation. These changes are to expand the NDFA’s procurement capability beyond its public private partnership focus, conferring on it the power to procure contractors and to execute contracts for these more traditional projects. In addition, the proposed amendments will, where necessary, enable the NDFA to process payments to parties acting on its behalf for the delivery of the designated projects including consultants, design teams and contractors, or to assist the Department in processing those payments. These amendments are designed to achieve those objectives.

Amendment agreed to.

SCHEDULE 1

Deputy Ruairí Quinn: I move amendment No. 77:

In page 51, to delete lines 4 to 31 and substitute the following:

Item(1)	Year and Number(2)	Short Title(3)	Extent of Repeal(4)
1	No. 29 of 1930	Vocational Education Act 1930	The Whole Act
2	No. 42 of 1935	Local Authorities (Mutual Assurance) Act 1935	Section 2
3	No. 50 of 1936	Vocational Education (Amendment) Act 1936	The Whole Act
4	No. 9 of 1944	Vocational Education (Amendment) Act 1944	The Whole Act
5	No. 24 of 1946	Local Government Act 1946	The reference to “vocational education committee” in sub-section (7) of section 68

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6	No. 1 of 1947	Vocational Education (Amendment) Act 1947	The Whole Act
7	No. 33 of 1950	Vocational Education (Amendment) Act 1950	The Whole Act
8	No. 37 of 1953	Vocational Education (Amendment) Act 1953	The Whole Act
9	No. 28 of 1962	Vocational Education (Amendment) Act 1962	The Whole Act
10	No. 15 of 1970	Vocational Education (Amendment) Act 1970	The Whole Act
11	No. 31 of 1993	Local Government (Dublin) Act 1993	Section 19
12	No. 20 of 1999	Regional Technical Colleges (Amendment) Act 1999	Section 12
13	No. 23 of 2001	Vocational Education (Amendment) Act 2001	The Whole Act, other than section 36
14	No. 37 of 2001	Local Government Act 2001	Section 29(2)

As I mentioned towards the beginning of the Committee Stage debate, the Bill on its publication provided for the repeal of all the Vocational Education Acts. However, VECs also are referred to in other legislation and, consequently, the original schedule has been expanded to provide for the repeal of a small number of provisions of non-VEC Acts but which contain a reference to a VEC or to VECs and which are no longer considered relevant. The purpose of this amendment is to replace the existing table of provisions to be repealed with a new table.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

SCHEDULE 3

Deputy Ruairí Quinn: I move amendment No. 78:

In page 57, lines 6 and 7, to delete all words from and including “shall,” in line 6 down to and including “Reform” in line 7 and substitute the following:

“shall, subject to *section 51* and any regulations made under that section, with the consent of the Minister”.

Amendment agreed to.

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Deputy Ruairí Quinn: I move amendment No. 79:

In page 58, line 48, to delete “*paragraph 9(1),*” and substitute “*paragraph 5(1),*”.

This is a drafting amendment that will correct a typographical error. Paragraph 6 of Schedule 3 refers to “paragraph 9(1)” when in fact, it should refer to “paragraph 5(1)”. This fixes that incorrect cross-reference.

Amendment agreed to.

Schedule 3, as amended, agreed to.

Schedules 4 and 5 agreed to.

NEW SCHEDULE

Deputy Ruairí Quinn: I move amendment No. 80:

In page 64, after line 22, to insert the following new Schedule:

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

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Item	Number and Year	Short Title	Amendment
(1)	(2)	(3)	(4)
1	No. 18 of 1954	Defence Act 1954	Section 104:
			In subsection (1) (a) to substitute “an education and training board” for “a vocational education committee”.
2	No. 24 of 1963	Superannuation and Pensions Act 1963	Section 1:
			In the definition of “local authority” to substitute the following paragraph for paragraph (b):
			“(b) an education and training board,”.
3	No. 5 of 1967	Industrial Training Act 1967	Section 32:
			In subsection (1)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
4	No. 21 of 1967	Redundancy Payments Act 1967	Section 2:

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			In subsection (1), in the definition of “employee” (amended by section 3(b) of the Redundancy Payments Act 2003) to substitute “education and training board” for “vocational education committee” in both places where it occurs.
5	No. 14 of 1969	Industrial Relations Act 1969	Section 9:
			In subsection (1) (e) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (1)(f) to substitute “recognised” for “national, secondary, vocational or comprehensive school or in any similar”.
6	No. 11 of 1976	Family Law (Maintenance of Spouses and Children) Act 1976	Section 16:
			In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act, 1930”.
7	No. 8 of 1980	Local Government (Superannuation) Act 1980	Section 1:
			In the definition of “local authority” to substitute the following paragraph for paragraph (b):

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			“(b) an education and training board,”.
			Section 10:
			In subsection (3) to substitute “an education and training board” for “a vocational education committee”.
8	No. 19 of 1990	Industrial Relations Act 1990	Section 23:
			In subsection (1) to substitute the following paragraph for paragraph (e):
			“(e) a member of staff of an education and training board, or”.
			In subsection (2) (c) to substitute “an education and training board” for “a vocational education committee”.
9	No. 25 of 1990	Pensions Act 1990	Section 2:
			In subsection (1), in the definition of “employee” (inserted by section 6 of the Pensions (Amendment) Act 2002)—
			(a) to substitute “a member of staff of an education and training board” for “a vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.
			Section 65:

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			In subsection (2)(b) (amended by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “ or board” for “, board or committee”.
10	No. 25 of 1991	Payment of Wages Act 1991	Section 1:
			In subsection (1) in the definition of “employee”—
			(a) to substitute “a member of staff of an education and training board” for “a vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.
11	No. 15 of 1992	Dublin Institute of Technology Act 1992	Section 2:
			In subsection (1)—
			(a) to delete the definition of “the Vocational Education Committee”, and
			(b) to insert the following definition:
			“ ‘Education and Training Board’ means City of Dublin Education and Training Board;”.
			Section 6:

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			In subsection (5)(a) to substitute “Education and Training Board” for “Vocational Education Committee”.
			Second Schedule:
			In paragraph 3—
			(a) to substitute “Education and Training Board” for “Vocational Education Committee” in each place it occurs, and
			(b) to substitute “on the recommendation of the Board” for “on the recommendation of the Committee”.
			In paragraph 9(b) to substitute “Education and Training Board” for “Vocational Education Committee”.
12	No. 16 of 1992	Regional Technical Colleges Act 1992	Section 2:
			In subsection (1)—
			(a) to insert the following definitions:
			“ ‘education and training board’ in relation to a college, means the education and training board in whose education and training board area the college is situated;
			‘education and training board area’ has the same meaning as it has in the Education and Training Boards Act 2013;”,
			and

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			(b) to delete the definition of “the vocational education committee”.
			Section 6:
			In subsection (6)(a) to substitute “education and training board” for “vocational education committee”.
			First Schedule:
			To delete column (2) of the Table.
			Second Schedule:
			In paragraph 3 to substitute “education and training board” for “vocational education committee” in each place it occurs.
			In paragraph 9(b) to substitute “education and training board” for “vocational education committee”.
13	No. 8 of 1993	Comptroller and Auditor General (Amendment) Act 1993	Section 7:
			In subsection (1) to substitute “education and training boards” for “vocational education committees”.
			In subsection (2)(b) to substitute “board” for “committee” in both places where it occurs.
			In subsection (3)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and

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			(b) to substitute “board” for “committee” in each place where it occurs.
			In subsection (4)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) in paragraph (b), to substitute “board” for “committee”.
			In subsection (5) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (6)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “board” for “committee” in both places where it occurs.
14	No. 2 of 1994	Criminal Justice (Public Order) Act 1994	Section 19A (inserted by section 24 of the Housing (Miscellaneous Provisions) Act 2002):
			In subsection (1), in the definition of “statutory body” to substitute the following paragraph for paragraph (f):
			“(f) an education and training board.”.
15	No. 5 of 1994	Terms of Employment (Information) Act 1994	Section 1:

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			In subsection (1), in the definition of “employee”—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.
16	No. 29 of 1994	Regional Technical Colleges (Amendment) Act 1994	In the Act, to substitute “education and training board” for “vocational education committee” in each place where it occurs.
			Section 4:
			In subsection (4) (1)—
			to
			(a) in paragraph (b) to substitute “other boards” for “other committees”, and
			(b) in paragraph (g), to substitute “that board” for “that committee”.
17	No. 31 of 1994	Dublin Institute of Technology (Amendment) Act 1994	In the Act, to substitute “City of Dublin Education and Training board” for “Vocational Education Committee” in each place where it occurs.
			Section 4:
			In subsection (1)(g) to substitute “that board” for “that Committee”.
18	No. 34 of 1994	Maternity Protection Act 1994	Section 2:
			In subsection (2) (b)—

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			(a) to substitute “a member of staff of an education and training board” for “a vocational education committee” and
			(b) to substitute “or board” for “, board or committee”.
19	No. 2 of 1995	Adoptive Leave Act 1995	Section 2:
			In subsection (2) (b)—
			(a) to substitute “a member of staff of an education and training board” for “a vocational education committee” and,
			(b) to substitute “or board” for “, board or committee”.

Table

20	No. 16 of 1996	Protection of Young Persons (Employment) Act 1996	Section 1:
			In subsection (1) in the definition of “employee”—
			(a) to substitute “a member of staff of an education and training board” for “a vocational education committee” and,
			(b) to substitute “or board” for “, board or committee”.

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21	No. 11 of 1997	National Cultural Institutions Act 1997	Second Schedule (amended by Article 2 of the National Cultural Institutions Act 1997 (Amendment to Second Schedule) Order 2002 (S.I. No. 640 of 2002)):
			To substitute “Cork Education and Training Board” for “city of Cork Vocational Education Committee”.
22	No. 20 of 1997	Organisation of Working Time Act 1997	Section 2:
			In subsection (1) in the definition of “employee”—
			(a) to substitute “a member of staff of an education and training board” for “vocational education committee” and,
			(b) to substitute “or board” for “, board or committee”.
23	No. 31 of 1997	Prompt Payment of Accounts Act 1997	Schedule:
			To substitute “Education and training boards” for “Vocational Education Committees”.
24	No. 39 of 1997	Taxes Consolidation Act 1997	Section 4:
			In subsection (1), in the definition of “company” to substitute the following paragraph for paragraph (c):
			“(c) an education and training board,”.
			Section 214:

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			In subsection (2), to substitute the following paragraph for paragraph (c):
			“(c) an education and training board,”.
			Section 787A (inserted by section 4(1)(d)(v) of the Pensions (Amendment) Act 2002):
			In subsection (1) in the definition of “employee”—
			(a) to substitute “a member of staff of an education and training board” for “vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.
			Schedule 13:
			To substitute the following paragraph for paragraph 17:
			“17. An education and training board.”.
			Schedule 15:
			To substitute the following paragraph for paragraph 8:
			“8. An education and training board.”.
25	No. 21 of 1998	Employment Equality Act 1998	Section 2:
			In subsection (3)(b)—
			(a) to substitute “member of staff of an education and training board” for “vocational education committee”, and

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			(b) to substitute “or board” for “, board or committee”.
			Section 36:
			In subsection (1) to substitute “or a health board or a member of staff of an education and training board” for “, a health board or vocational education committee”.
26	No. 30 of 1998	Parental Leave Act 1998	Section 2:
			In subsection (1), in the definition of “employee”—
			(a) to substitute “a member of staff of an education and training board” for “vocational education committee”, and,
			(b) to substitute “or board” for “, board or committee”.
27	No. 51 of 1998	Education Act 1998	Section 2:
			In subsection (1) to delete the definition of “vocational education committee”.
			Section 8:
			In subsection (4) to substitute “an education and training board, that board” for “a vocational education committee that committee”.
			Section 14:
			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
			Section 18:

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			In subsection (1), to substitute “an education and training board” for “a vocational education committee”.
			Section 24 (amended by section 6 of the Education (Amendment) Act 2012):
			In subsection (5) (b)(ii) to substitute “education and training board” for “vocational education committee”.
			In subsection (7)—
			(a) in paragraph (a) to substitute “education and training board” for “vocational education committee”, and
			(b) in paragraph (b) to substitute “an education and training board, provide the Minister or education and training board” for “a vocational education committee, provide the Minister or vocational education committee”.
			Section 29:
			In subsection (9)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.

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			In subsection (10) to substitute “education and training boards” for “vocational education committees” in each place where it occurs.
28	No. 6 of 1999	Irish Sports Council Act 1999	Section 2:
			In subsection (1), in the definition of “public authority” to substitute the following paragraph for paragraph (c):
			“(c) an education and training board,”.
29	No. 5 of 2000	National Minimum Wage Act 2000	Section 2:
			In subsection (2)—
			(a) to substitute “or of a health board, or a member of staff of an education and training board” for “, health board or vocational education committee”, and
			(b) to substitute “or board ” for “, board or committee”.
30	No. 22 of 2000	Education (Welfare) Act 2000	Section 2:
			In subsection (1) to delete the definition of “vocational education committee”.
			Section 12:
			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (6) to substitute the following for paragraph (h):

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			“(h) an education and training board;”.
31	No. 30 of 2000	Planning and Development Act 2000	Second Schedule:
			In paragraph 5(1) to substitute the following paragraph for paragraph (f):
			“(f) an education and training board;”.
32	No. 39 of 2000	National Treasury Management Agency (Amendment) Act 2000	Section 18:
			In the definition of “designated body” to substitute the following paragraph for paragraph (b):
			“(b) an education and training board;”.
33	No. 8 of 2001	Teaching Council Act 2001	Section 42:
			In subsection (1)(a) to substitute “Education and Training Boards Act 2013” for “Vocational Education Acts, 1930 to 1999”.
			In subsection (5)(b) (ii) to delete “, or the Vocational Education Acts, 1930 to 1999, as the case may be;”.
34	No. 18 of 2001	Sex Offenders Act 2001	Section 25:
			In subsection (1) in the definition of “State work or a service” (amended by section 75 of and Schedule 6 to the Health Act 2004) to substitute the following paragraph for paragraph (d):

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			“(d) is an officer or servant of a harbour authority or a member of staff of an education and training board,”.
35	No. 19 of 2001	Carer’s Leave Act 2001	Section 2:
			In subsection (1), in the definition of “employee”—
			(a) to substitute “or health board, or a member of staff of an education and training board” for “, health board or vocational education committee” and
			(b) to substitute “or board” for “, board or committee”.
36	No. 24 of 2001	Children Act 2001	Section 159A (inserted by section 147 of the Criminal Justice Act 2006):
			In subsection (1) to delete the definition of “vocational education committee”.
			In subsection (3) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (4) to substitute “education and training board” for “vocational education committee”.
37	No. 37 of 2001	Local Government Act 2001	Section 220:

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			In subsection (1), in the definition of “linked body” to substitute “an education and training board” for “a vocational education committee”.
			Schedule 10:
			In paragraph 18—
			(a) in subparagraph (3)(c) to substitute “an education and training board” for “a vocational education committee within the meaning of the Vocational Education Act, 1930”, and
			(b) in subparagraph (4)(b) to substitute “an education and training board” for “a vocational education committee”.
			Schedule 12:
			In Part 2 to delete “Vocational Education Acts, 1930 to 2001” and substitute “Education and Training Boards Act 2013”.
38	No. 42 of 2001	Youth Work Act 2001	Section 2:
			In subsection (1)—
			(a) in the definition of “approved national voluntary youth work organisation” to substitute “education and training board areas” for “vocational education areas”,

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			(b) in the definition of “Youth Work Budget” to substitute “an education and training board” for “a vocational education committee”,
			(c) to delete the definitions of “vocational education area” and “vocational education committee”, and
			(d) to insert the following definition:
			“ ‘education and training board area’ has the same meaning as it has in the Education and Training Boards Act 2013”.
			Section 8:
			In subsection (1)—
			(a) in paragraph (d) to substitute “education and training board areas” for “vocational education areas”,
			(b) in paragraph (g) to substitute “an education and training board” for “a vocational education committee”, and
			(c) in paragraph (h) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (7) to substitute “education and training board” for “vocational education committee” in each place where it occurs.

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			In subsection (8)—
			(a) to substitute “education and training boards” for “vocational education committees”, and
			(b) to substitute “the boards” for “the committees”.
			Section 9:
			In subsection (1)—
			(a) to substitute “(1) In addition to the functions conferred on it by or under the Education and Training Boards Act 2013, each education and training board shall, as far as practicable and within the financial resources available to it—” for “(1) In addition to the functions conferred on it by or under the Vocational Education Acts, 1930 to 1999, each vocational education committee shall, as far as practicable and within the financial resources available to it—”
			(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and
			(c) in paragraph (a) (ii) to substitute “education and training board” for “vocational education committee”.

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			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
			Section 10:
			(a) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs, and
			(b) to substitute “an education and training board” for “a vocational education committee” in each place where it occurs.
			Section 11:
			In subsection (1)—
			(a) to substitute “an education and training board” for “a vocational education committee”,
			(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and
			(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			In subsection (2) to substitute “education and training board” for “vocational education committee”.

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			In subsection (3) to substitute “education and training board” for “vocational education committee” in each place where it occurs.
			In subsection (4) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (5) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (6) to substitute “An education and training board” for “A vocational education committee”.
			Section 12:
			(a) in subsection (1) to substitute “the chief executive of the board” for “the Chief Executive Officer of the committee”,
			(b) to substitute “an education and training board” for “a vocational education committee” in each place where it occurs, and
			(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			Section 13:
			In subsection (1)—

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			(a) to substitute “An education and training board” for “A vocational education committee” and
			(b) to substitute “education and training board area” for “vocational education area”.
			In subsection (4)—
			(a) to substitute “an education and training board” for “a vocational education committee”,
			(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and
			(c) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (6) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (7) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (8)—
			(a) to substitute “An education and training board” for “A vocational education committee”, and

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			(b) to substitute “education and training board area” for “vocational education area”.
			Section 14:
			In subsection (1)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “education and training board area” for “vocational education area” in each place that it occurs.
			In subsection (2)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (3) to substitute “An education and training board” for “A vocational education committee”.
			Section 15:
			(a) to substitute “an education and training board” for “a vocational education committee”,
			(b) to substitute “education and training board areas” for “vocational education areas”, and

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			(c) to substitute “an education and training board area” for “a vocational education area”.
			Section 17:
			In subsection (2)(k) to substitute “education and training boards” for “vocational education committees”.
			Section 19:
			In subsection (1)—
			(a) to substitute “An education and training board” for “A vocational education committee”,
			(b) to substitute “education and training board area” for “vocational education area”, and
			(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (3) to substitute “education and training board” for “vocational education committee”.

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			In subsection (4) to substitute “education and training board” for “vocational education committee” in each place where it occurs.
			In subsection (5) to substitute “education and training board” for “vocational education committee” in each place where it occurs.
			In subsection (6)—
			(a) to substitute “An education and training board” for “A vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			In subsection (7) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (8) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			In subsection (11) to substitute “the education and training board” for “the vocational education committee”.
			Section 20:

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			In subsection (1) to substitute “section 42(2) of the Education and Training Boards Act 2013, the members of a youth work committee shall number not less than 16 and not more than 20, and an education and training board” for “section 21(4) of the Vocational Education Act, 1930, the members of a youth work committee shall number not less than 16 and not more than 20, and a vocational education committee”.
			In subsection (2)—
			(a) to substitute “An education and training board” for “A vocational education committee”,
			(b) in paragraph (a) to substitute “the education and training board” for “the vocational education committee”,
			(c) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and
			(d) in paragraph (b) (vi) to substitute “an education and training board” for “a vocational education committee”.

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			In subsection (3) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (5)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.
			Section 21:
			(a) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and
			(b) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			Section 22:
			In subsection (1) to substitute “education and training board” for “vocational education committee”.
			In subsection (3) to substitute “education and training board area” for “vocational education area”.
			In subsection (5) (a) to substitute “An education and training board” for “A vocational education committee”.

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			In subsection (7) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (8) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (9)—
			(a) to substitute “An education and training board” for “A vocational education committee”, and
			(b) to substitute “education and training board area” for “vocational education area”.
			In subsection (10) to substitute “education and training board” for “vocational education committee”.
			Section 23:
			In subsection (4) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			Section 26:
			To substitute “education and training board areas” for “vocational education areas”.
			Section 29:
			In subsection (1)—

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			(a) to substitute “An education and training board” for “A vocational education committee”, and
			(b) to substitute “the education and training board area of that board” for “the committee’s vocational education area”.
			In subsection (2) to substitute “An education and training board” for “A vocational education committee”.
			Section 30:
			In subsection (1)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.
			In subsection (2) to substitute “the education and training board” for “the vocational education committee”.
			Section 31:
			In subsection (1) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (3)—

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			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (4) to substitute “the education and training board” for “the vocational education committee”.
			In subsection (5) to substitute “an education and training board” for “a vocational education committee”.
			Section 32:
			(a) to substitute “an education and training board” for “a vocational education committee” in each place in which it occurs,
			(b) to substitute “the education and training board” for “the vocational education committee” in each place in which it occurs, and
			(c) in subsection (3)(d) to substitute “education and training board area” for “vocational education area”.
			Section 33:

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			In subsection (1) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (2) to substitute “An education and training board” for “A vocational education committee”.
			In subsection (3)—
			(a) to substitute “an education and training board” for “a vocational education committee”, and
			(b) to substitute “the education and training board” for “the vocational education committee”.
			Section 34:
			In subsection (1) to substitute the following paragraph for paragraph (a):
			“(a) an education and training board,”.
			Section 35:
			In subsection (1) to substitute “an education and training board” for “a vocational education committee”.
			In subsection (2) to substitute “the education and training board” for “the vocational education committee”.

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			In subsection (3) to substitute “The education and training board” for “The vocational education committee”.
			In subsection (5) to substitute “the education and training board” for “the vocational education committee”.
			Section 37:
			In paragraph (c) to substitute “the education and training board” for “the vocational education committee”.
39	No. 45 of 2001	Protection of Employees (Part-Time Work) Act 2001	Section 3:
			In subsection (1) in the definition of “employee”—
			(a) to substitute “or health board, or a member of staff of an education and training board” for “, health board or vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.

Table

40	No. 54 of 2001	Family Support Agency Act 2001	Section 1:
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			In subsection (1), in the definition of “public authority to substitute the following paragraph for paragraph (e):
			“(e) an education and training board,”.
41	No. 1 of 2002	State Authorities (Public Private Partnership Arrangements) Act 2002	Schedule:
			To substitute “An education and training board” for “A vocational education committee within the meaning of section 7 of the Vocational Education Act, 1930”.
42	No. 29 of 2002	National Development Finance Agency Act 2002	Section 16:
			In subsection (1) (d) to substitute “an education and training board” for “a vocational education committee”.
			Schedule:
			To substitute “An education and training board” for “A vocational education committee within the meaning of section 7 of the Vocational Education Act, 1930”.
43	No. 29 of 2003	Protection of Employees (Fixed-Term Work) Act 2003	Section 2:
			In subsection (1) in the definition of “employee”—

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			(a) to substitute “or health board or a member of staff of an education and training board,” for “, a health board or vocational education committee”, and
			(b) to substitute “or board” for “, health board or vocational education committee”.
44	No. 32 of 2003	Official Languages Act 2003	First Schedule:
			In paragraph 1(2) of the Irish text to substitute “bord oideachais agus oiliúna” for “coiste gairmoideachais”.
			In paragraph 1(2) of the English text to substitute “an education and training board” for “a vocational education committee”.
45	No. 46 of 2003	Personal Injuries Assessment Board Act 2003	Section 4:
			In subsection (1) in the definition of “employee”—
			(a) to substitute “or health board, or a member of staff of an education and training board” for “, health board or vocational education committee”, and
			(b) to substitute “or board” for “, board or committee”.

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46	No. 7 of 2004	Public Service Superannuation (Miscellaneous Provisions) Act 2004	Section 1:
			In subsection (1), in the definition of “public service body” to substitute the following paragraph for paragraph (f):
			“(f) an education and training board,”.
47	No. 33 of 2004	Public Service Management (Recruitment and Appointments) Act 2004	Section 2:
			In subsection (1)—
			(a) in the definition of “appointment” to substitute “an education and training board” for “a vocational education committee”,
			(b) in the definition of “public service body” to substitute the following paragraph for paragraph (e):
			“(e) an education and training board, and”,
			and
			(c) to delete the definition of “vocational education committee”.
			Section 5:
			In paragraph (d) to substitute “education and training boards” for “vocational education committees”.
			Section 6:

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			In subsection (1)(a) (ii) to substitute the following clause for clause (III):
			“(III) the Minister for Education and Skills, where that body is an education and training board,”.
			Section 24:
			In subsection (2) to substitute the following paragraph for paragraph (c):
			“(c) one or more education and training boards, the Minister for Education and Skills, or”.
			Section 34:
			In subsection (1)(d) to substitute the following subparagraph for subparagraph (iv):
			“(iv) in respect of education and training boards, at the request of the Minister for Education and Skills or the office holder concerned,”.
			Section 40:
			In subsection (2)(i) to substitute the following subparagraph for subparagraph (iii):
			“(iii) the chief executive of an education and training board — the Secretary General of the Department of Education and Skills.”.
			Section 44:

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			In subsection (1) to substitute the following paragraph for paragraph (d):
			“(d) the chief executive of an education and training board,”.
			Section 58:
			In subsection (4) to substitute “education and training boards” for “vocational education committees” in each place where it occurs.
48	No. 10 of 2005	Safety, Health and Welfare at Work Act 2005	Section 2:
			In subsection (3) to substitute the following paragraph for paragraph (b):
			“(b) an officer or servant of a harbour authority or the Health Service Executive or a member of staff of an education and training board is deemed to be an employee employed by the harbour authority, the Health Service Executive or education and training board, as the case may be, and”.
49	No. 21 of 2005	Grangegorman Development Agency Act 2005	Section 2:
			In subsection (1), in the definition of “statutory body” to substitute the following paragraph for paragraph (d):

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			“(d) City of Dublin Education and Training Board,”.
50	No. 26 of 2005	Social Welfare Consolidation Act 2005	Section 353:
			In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act 1930”.
			Schedule 3:
			In Part 1, in paragraph (b)(ii) of the definition of “maintenance grant” to substitute “education and training boards” for “Vocational Education Committees”.
			Schedule 5:
			In paragraph 1 to substitute the following subparagraph for subparagraph (2A) (inserted by section 6 of the Social Welfare and Pensions Act 2012):
			“(2A) an education and training board,”.
51	No. 9 of 2007	Education (Miscellaneous Provisions) Act 2007	Section 7:
			In subsection (1)—
			(a) to delete the definition of “Committee”, and
			(b) to insert the following definition:
			“ ‘Board’ means Cork Education and Training Board;”.

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			In subsection (2) to substitute “Board” for “Committee” in each place where it occurs.
			In subsection (4) to substitute “Board” for “Committee” in each place where it occurs.
			In subsection (5)(a) to substitute “Board” for “Committee”.
52	No. 5 of 2009	Financial Emergency Measures in the Public Interest Act 2009	Section 1:
			In the definition of “public service body” to substitute the following paragraph for paragraph (g):
			“(g) an education and training board,”.
53	No. 6 of 2009	Charities Act 2009	Section 2:
			In subsection (1), in the definition of “education body” to substitute the following paragraph for paragraph (a):
			“(a) an education and training board,”.
54	No. 22 of 2009	Housing (Miscellaneous Provisions) Act 2009	Section 36:
			In paragraph (d) of the definition of “specified body” to substitute “an education and training board” for “a vocational education committee within the meaning of section 7 of the Vocational Education Act 1930”.

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55	No. 41 of 2009	Financial Emergency Measures in the Public Interest (No. 2) Act 2009	Section 1:
			In the definition of “public service body” to substitute the following paragraph for paragraph (f):
			“(f) an education and training board,”.
56	No. 24 of 2010	Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010	Section 59:
			In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act 1930”.
			Section 182:
			In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act 1930”.
57	No. 38 of 2010	Financial Emergency Measures in the Public Interest Act 2010	Section 1:
			In the definition of “public service body” to substitute the following paragraph for paragraph (h):
			“(h) an education and training board,”.
58	No. 4 of 2011	Student Support Act 2011	Section 2:

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			(a) In the definition of “awarding authority” to substitute the following paragraph for paragraph (a):
			“(a) an education and training board,”
			and
			(b) to delete the definition of “vocational education committee”.
			Section 9:
			In subsection (3) to substitute the following paragraph for paragraph (a):
			“(a) an education and training board;”.
			Section 15:
			In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
59	No. 10 of 2011	Ministers and Secretaries (Amendment) Act 2011	Section 3:
			In subsection (1) to substitute the following paragraph for paragraph (g):
			“(g) an education and training board;”.
60	No. 13 of 2012	Protection of Employees (Temporary Agency Work) Act 2012	Section 2:
			In subsection (3) (b)—

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			(a) to substitute “or the Health Service Executive or a member of staff of an education and training board”, for “, the Health Service Executive or a vocational education committee”, and
			(b) to substitute “that board” for “that committee”.
61	No. 28 of 2012	Qualifications and Quality Assurance (Education and Training) Act 2012	Section 2:
			In subsection (1) to delete the definition of “vocational education committee”.
			Section 44:
			In subsection (9) (f) to substitute “an education and training board” for “a vocational education committee”.
			Section 65:
			In subsection (5) (i) to substitute “an education and training board” for “a vocational education committee”.
62	No. 35 of 2012	Residential Institutions Statutory Fund Act 2012	Section 42:
			In subsection (2)(b) by substituting the following subparagraph for subparagraph (iii):
			“(iii) an education and training board,”.

63	No. 37 of 2012	Public Service Pensions (Single Scheme and Other Provisions) Act 2012	Section 5:
			In subsection (1), in the definition of “public service body” by substituting the following paragraph for paragraph (f):
			“(f) an education and training board,”.

Amendment agreed to.

TITLE

Deputy Ruairí Quinn: I move amendment No. 81:

In page 7, line 17, after “1977” to insert “, THE NATIONAL DEVELOPMENT FINANCE AGENCY ACT 2002”.

On the change of name of the Irish Vocational Education Association, IVEA, I wish to make the following comments, which are relevant at this point in order that members can co-ordinate their legislative activities and facilitate the IVEA in its transfer to its new name. Officials from the Department have been in contact with the IVEA with regard to the proposed change of name. I understand the association is currently going through an internal process to ratify a change of name to reflect the structural reform taking place in the sector overall and obviously, the name of the IVEA must reflect that change. The Department has considered this issue and has raised the matter with the drafting office. The advice of that office is that an amendment changing the reference to the IVEA to its new name cannot be made until the association has formally approved and given effect to that change. I have indicated to the IVEA that if the change of name has been formalised in time for Report Stage, for which no date has yet been set, I will bring forward an amendment to reflect that. If the renaming process has not taken place in advance of Report Stage, then it will need to await another legislative item, such as the SOLAS Bill, which is expected to be published shortly. As I indicated to members earlier, the Bill has been signed off and will be brought to the Cabinet formally by me next Tuesday and will be published. Thereafter, it is a matter of when Members take it in the House. In other words, I am not waiting for a train that is not scheduled to arrive, as hopefully this will happen within the next six weeks, as that is the envisaged timespan.

Therefore, given the current state of play on this issue, any amendment is premature at this time and unfortunately I cannot accept one. Members cannot put into statutory legislation a name that does not, as yet, have the sanction of the constituent parts that must formally sign off on it and it could be challenged accordingly. This is the reason I cannot accept such an amendment. However, the intent is that if the IVEA can come forward with a formally changed name in time for Report Stage, I certainly will do it then. If not, there is another train approaching onto which I can put it quite readily.

Amendment agreed to.

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Title, as amended, agreed to.

Deputy Ruairí Quinn: May I say a few words before Committee Stage concludes?

Chairman: Yes, that would be appropriate. Anyone who wishes may then comment.

Deputy Ruairí Quinn: I wish to confirm what I put on record earlier, which is that there are three areas in which I have undertaken to revert to members. They are the total number on the education and training boards, the mechanism whereby the 14 members will take on the existing four members or, if there are more members, what they will be. I refer to the question of representatives of learners, business, etc. I will revert on that issue and because of the nature of Report Stage, there will be informal consultation with the Opposition parties and Deputies in that regard.

Second, from my perspective the committee had a useful discussion on how the schools currently under the aegis of the VEC will maintain a relationship back to the ETBs, with representation, comprising either one or two members, on the boards of management of such schools. I will reflect on how best that can be done and again, there will be informal consultation. If either Deputy O'Brien or Deputy McConalogue, on behalf of the Opposition, wishes to speak to me or articulate in writing what they think might be useful I would be happy to consider that. I hope there will be broad consensus on Report Stage, such as we have had this morning, because it is important that the system works. I will reflect the spirit of what was said today in future discussions.

Chairman: I thank the Minister and his officials for attending and the members for their contributions.

Bill reported with amendments.

Message to Dáil

Chairman: In accordance with Standing Order 87, the following message will be sent to the Dáil:

The Select Sub-Committee on Education and Skills has completed its consideration of the Education and Training Boards Bill 2012 and has made amendments thereto.

The select sub-committee adjourned at 12.45 p.m. until 1 p.m. on Wednesday, 1 May 2013.