

**Opening Statement to**

**Joint Committee on Education, Further & Higher Education, Research, Innovation and Science**

**on the**

**General Scheme of the Higher Education Authority (HEA) Bill, 2021**

Chairman, members of the Committee, thank you for the opportunity to participate in the Pre-Legislative scrutiny of the HEA Bill 2021. We have provided the Committee with a detailed submission so I will confine my remarks to a number of key points.

* The IUA welcomes this Bill, noting the need to update the half-century old legislation. In overall terms, it is essential that the Bill clearly differentiates the respective roles of the HEA and the Department of Further, Higher Education, Research, Innovation & Science.
* The legislative reform, while welcome, must be accompanied by the long-awaited decision to address the serious under-funding of the sector. New laws for the sector, without adequate funding will be meaningless.
* The provisions in the Bill to underpin accountability are strongly supported by the IUA. It is important, however, that the agility of individual universities is not unduly constrained. The principle of maintaining the primacy of the Governing Authority in the governance of universities with the HEA providing appropriate oversight is a sound one. But, it’s essential that the specific provisions of the Bill do not compromise “institutional autonomy” defined by UNESCO as “a degree of self-governance, necessary for effective decision-making by institutes of higher education regarding their academic work standards, management and related activities”.
* The Bill provides for a statutory basis for codes of governance and guidelines for the sector. While this provision is necessary, it is important that the codes themselves continue to be developed in partnership with the sector and that a ‘comply or explain’ approach is maintained in line with best governance practice.
* There are a range of provisions in relation to regulatory oversight by the HEA including those relating to intervention with a particular institution or determination for action. It is critically important that the trigger mechanism for such intervention is clearly defined and that there is adequate provision for an independent appeals process in such cases. We have outlined this in more detail in our Submission.
* While noting the need for consultation on strategic plans, it is important that Governing Authorities retain ultimate decision authority on university plans.
* We welcome the move to competency-based Governing Authorities in line with best governance practice and we have proposed that consideration be given to providing for a range in size of GAs in line with the individual needs of universities.
* We believe that the proposed cap of 70 on the size of Academic Councils be removed. Academic Councils are effectively the ‘parliaments of our universities and, as such, it is important that size constraints do not impair the representation of the diverse range of interests in our universities.
* There is a need for the HEA’s role in research to be strengthened and we have outlined a number of proposed measures in our Submission in this regard.
* Finally, the Committee should be aware that any increase in direct State control of our autonomous universities arising from this Bill could risk the €1 billion borrowings of our members being transferred to the State Balance Sheet at a time when State borrowings are already severely stretched.