



**Reform of Vocational
Education (RoVE)**

Manufacturing, Engineering and Logistics Workforce Development Council

Kaunihera Whakawhanake Ohu Mahi

Order in Council proposals

Consultation background document

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Te Pānui - How to read this document

The purpose of this document is to:

- Support the ‘Consultation proposal document’, which sets out the Order in Council proposals; and
- Provide readers with the detailed background information to understand how the Order in Council proposals were developed.

How the Order in Council proposals were developed

Manufacturing, Engineering and Logistics Workforce Development Council

Proposed name* : *Hanga-Aro-Rau Manufacturing, Engineering and Logistics Workforce Development Council*

For more information about the Manufacturing, Engineering and Logistics Workforce Development Council, please visit the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/manufacturing-engineering-logistics-wdc-ieb/>

* Please note this is a proposed name, and that it is subject to the current consultation. As a result, in the consultation proposal document and the consultation background document, we refer to Manufacturing, Engineering and Logistics Workforce Development Council.

Appointing the Manufacturing, Engineering and Logistics WDC interim Establishment Board

The Manufacturing, Engineering and Logistics WDC interim Establishment Board (subsequently in this document referred to as “MEL iEB” for short) is one of six interim Establishment Boards appointed by the Tertiary Education Commission (TEC) in June 2020 following an Expression of Interest process.

For more information about the make up of the MEL iEB, please visit the Manufacturing, Engineering and Logistics WDC page on the TEC website and click on ‘*interim Establishment Board members*’.

Developing and engaging on the draft Order in Council proposals

Following its appointment, the MEL iEB developed its draft Order in Council proposals, which included a proposed name, coverage area and governance arrangements.

As part of the Order in Council development process, the iEB engaged with its industries, to test and seek initial feedback on its draft proposals, and to start building connections across the new WDC industry groupings. The MEL iEB carried out its engagement in August-October 2020, via several channels:

Table 1 Overview of engagement channels

Channel	Description	Participation
Webinars	Two webinars were organised (on 26 August and 25 September 2020), which included a briefing on the key elements of the draft Order in Council proposals and	<ul style="list-style-type: none">- Webinar on 26 August 2020: 125 participants- Webinar on 25 September 2020: 45 participants

	the facilitation of breakout groups to gather feedback on the proposals.	
Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	<ul style="list-style-type: none"> - On original proposal: 38 responses - On revised proposal 10 responses
Direct engagement with iEB members	Direct engagement by iEB members with stakeholders through meetings, including one-on-one and sector meetings.	43 engagements
Written submissions	Written submissions via email.	9 submissions

Note: The MEL iEB considered the feedback received during the first half of the engagement period, and developed a revised draft proposal.

The MEL iEB also engaged with industry stakeholders on the Order in Council proposals via email, and via one or more of the Transitional ITOs.

In addition to the targeted industry engagement undertaken by each iEB during the engagement period, the iEBs, the Kāhui Ahumahi (made up of the Māori members across the six iEBs) and government officials are also engaging with Māori industry bodies, and Māori and iwi groups on the Order in Council proposals, as a part of the wider RoVE programme.

Incorporating feedback and preparing the Order in Council proposals for consultation

Following the engagement period, the MEL iEB incorporated the feedback received, and worked closely with government officials from the Tertiary Education Commission and the Ministry of Education to prepare the Order in Council proposals for consultation. The iEBs and officials aimed to ensure the Order in Council proposals are drafted in a manner that reflects the intent of the iEB and its industries, and are appropriately framed for consultation and subsequent legal drafting. As part of this exercise:

- some provisions in the proposals were clarified and/or refined.
- the preamble was transformed into a purpose statement, with corresponding accountability arrangements, which captured the intent of the preamble but also fit into the Order in Council framework.
- iEBs and officials explored how the Orders in Council could honour te Tiriti o Waitangi, in accordance with section 4 of the Education and Training Act 2020. All six iEBs adopted a proposed framework in their Orders in Council as part of their purpose statements to honour te Tiriti o Waitangi. Each iEB also considered other provisions to this effect, and included the provisions they thought were appropriate for their respective WDC and for the industries within its coverage area. Examples include provisions with regard to council composition, co-chair arrangements, industry stakeholder mechanisms, appointment of council members. In addition, the TEC will consider funding and monitoring mechanisms that would require WDCs to honour te Tiriti o Waitangi.
- some provisions in the proposals (such as some of the story behind the name of the WDC, the establishment plan and aspects of the preamble) were identified that could not be included in an Order in Council, but could be used in other governance or strategy documents of the WDC, e.g. a constitutional document, a vision statement, etc.

The redrafting and refining of proposals is part of the normal process for drafting legislation, and will continue throughout the Order in Council process, until the Orders in Council are finalised and signed into law.

The table below provides a high-level overview of the feedback received by the MEL iEB during its engagement activities, and how this feedback shaped its Order in Council proposals. It also outlines changes that were introduced to the Order in Council proposals during the redrafting and refining process.

Table 2 High-level overview of engagement feedback

Topic	Feedback received during engagement	How the feedback was incorporated
Purpose statement / preamble	A purpose statement (preamble) that was similar / generic across all the WDCs was found to be appropriate given the commonality of functions of WDCs.	The iEB took much of the language from the preamble and transformed it into a purpose statement which captured the intent of the preamble but also fit into the Order in Council framework. Accountability mechanisms were added during the drafting process to support the intention of the purpose statement, and to support consistency across WDCs.
	Extraneous information in the purpose statement that was not directly tied to the training and workforce development of the relevant industries covered by the Manufacturing, Engineering and Logistics WDC should be removed.	The iEB considered that aspirational statements in the purpose statement was desirable giving the wider purposes that education, training and workforce development ought to serve.
WDC legal name	There was a general consensus in favour of the bilingual name proposed.	The iEB adopted the bilingual (te reo Māori and English) name: <i>Hanga-Aro-Rau Manufacturing, Engineering and Logistics Workforce Development Council</i>
	There were concerns that a te reo Māori name would be confusing or irrelevant.	
Coverage	The coverage of the WDC was broadly appropriate.	The iEB agreed the coverage, with exceptions as noted below.
	The “Wall frames and roof truss manufacturing” industry should be covered by the Construction and Infrastructure WDC, and not the Manufacturing, Engineering and Logistics WDC.	Coverage for this industry was transferred to the Construction and Infrastructure WDC from the Manufacturing, Engineering and Logistics WDC.
	The “Security systems installation and repair” industry should be covered by the Construction and Infrastructure WDC, and not the Manufacturing, Engineering and Logistics WDC.	Coverage for this industry was transferred to the Construction and Infrastructure WDC from the Manufacturing, Engineering and Logistics WDC.
Partnership with Māori	The provisions relating to representation of Māori were appropriate given the obligations of te Tiriti o Waitangi and the	The iEB adopted and strengthened the proposed provision for Māori members of the WDC council.

Topic	Feedback received during engagement	How the feedback was incorporated
	persistent disparities in educational outcomes experienced by Māori.	
	The specific provisions for Māori were not appropriate and emphasis should be placed on equity for all learners.	The iEB was not convinced that equity for learners and Māori were mutually exclusive propositions.
	There were concerns that there was an insufficient pipeline of experienced Māori governance professionals to meet the requirements of the composition provision.	The iEB was not satisfied that these concerns were warranted but affirmed provisions relating to governance associates to ensure a pipeline exists.
Appointments	Feedback from participants indicated that continuity of council members should be enabled as an aid to continuity and stability.	The iEB adopted the relevant provisions.
	The Minister of Education should not make appointments to an industry-led body.	The iEB considered that transitional arrangements involving the iEB overseeing a selection process on behalf of the new WDC council would offer the opportunity for greater industry input and be more timely.
	Participants found that the future appointment process for council members after the initial appointments were made was unclear.	The iEB determined that an Industry Stakeholder Group with a selection committee would provide a transparent process.
Council composition	The proposal for co-chairs was welcomed, as it offers a more collaborative leadership model. However, some thought that the proposal for co-chairs was impractical and inconsistent with good leadership practice.	The iEB adopted the provision for co-chairs, with the addition of a clause requiring the chairs to have a demonstrable commitment to working together.
	There was support for the proposed composition of the council.	The iEB adopted the composition provisions, but chose to strengthen the representation requirements for Māori, proposing equal representation of Māori on the council.
	The requirements for council members should provide for a skills-based council, and for people with industry experience to be appointed preferentially.	The iEB strengthened requirements for council members beyond experience in relevant industries to provide for leadership experience among other skills.
Representation of Māori employers	The proposed provisions were welcomed.	The iEB noted the legislative requirement for representation of Māori employers.

Topic	Feedback received during engagement	How the feedback was incorporated
Collective representation	There were no widely-held objections to the proposed provisions.	The iEB noted the legislative requirement for collective representation.
	These provisions were seen to disadvantage employers.	
	Representation from industry associations were considered more appropriate than trade unions for some industries.	
Additional functions	The additional functions proposed were welcomed by participants, however, it was noted that funding was required to ensure the WDC can carry out these functions.	<p>The iEB adopted the relevant provisions, but adopted language that indicated that additional functions ‘may be provided’ so that unsustainable obligations were not assumed.</p> <p>During the drafting process the additional functions were taken out because some of them were already included in the Act under the current WDC functions. Other functions can be considered for inclusion later, so that the WDC can focus initially on its core functions.</p>
Advisory group mechanisms	There was concern about the mechanisms whereby industry would influence the work of the WDC.	The iEB adopted provisions relating to the Industry Stakeholder Group to provide a broad-based representative group to provide feedback on the WDC’s performance and offer insights, in addition to the national industry advisory groups.