



**Reform of Vocational
Education (RoVE)**

Primary Industries Workforce Development Council

Kaunihera Whakawhanake Ohu Mahi

Order in Council proposals

Consultation background document

Ngā Whārangī - Contents

Ngā Whārangī - Contents	2
Te Pānui - How to read this document	2
Primary Industries Workforce Development Council	3
Appointing the Primary Industries WDC interim Establishment Board	3
Developing and engaging on the draft Order in Council proposals	3
Incorporating feedback and preparing the Order in Council proposals for consultation	4

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

Primary Industries Workforce Development Council

Proposed name* : *Muka Tangata People, Food and Fibre Workforce Development Council*

For more information about the Primary Industries Workforce Development Council, please visit the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/primary-industries-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 Primary Industries Workforce Development Council.

Appointing the Primary Industries WDC interim Establishment Board

The Primary Industries WDC interim Establishment Board 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 Primary Industries WDC iEB, please visit the Primary Industries 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 Primary Industries WDC 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 Primary Industries WDC iEB carried out its engagement in August-October 2020, via several channels:

Table 1 Overview of engagement channels

Channel	Description	Participation
Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	41 responses
Direct engagement by iEB members	Direct engagement by iEB members with stakeholders	238 engagements

	through meetings, including one-on-one and sector meetings.	
Written submissions	Written submissions via email.	2 submissions

The Primary Industries iEB also engaged with industry stakeholders on the Order in Council proposals via email.

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 Primary Industries iEB incorporated the feedback it received during its engagement, 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 Primary Industries 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	There was general agreement among participants on the preamble (which was subsequently transformed into a purpose statement).	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.
WDC legal name	There was strong support for the bilingual (te reo / English) name.	The iEB decided to keep the proposed name of Muka Tangata People, Food and Fibre Workforce Development Council.
Coverage	The coverage of the WDC was broadly appropriate.	The iEB agreed the coverage, with exceptions as noted below.
	The “Hemp/Marijuana” industry should be covered by the Primary Industries WDC.	This industry is covered by the Primary Industries WDC.
	The “Racing and Equine” industry should be covered by the Primary Industries WDC.	Coverage for this industry was transferred to the Primary Industries WDC from the Creative, Cultural, Recreation and Technology WDC.
	The “Landscape Construction” industry should be covered by the Primary Industries WDC.	Coverage for this industry was transferred to the Primary Industries WDC from the Construction and Infrastructure WDC.
	The “Arboriculture” industry should be covered by the Primary Industries WDC.	Coverage for this industry was transferred to the Primary Industries WDC from the Service Industries WDC.
Partnership with Māori	There was moderate agreement around the proposed partnership with Māori, though some felt that representation on the council should reflect the overall New Zealand population.	The iEB discussed this topic and the feedback in depth. It believes that the WDC should reflect the makeup of the industries covered by the Primary Industries WDC, to honour te Tiriti o Waitangi.
Appointments	There was strong agreement with the proposed appointments process, noting that industry voices should be heard throughout the appointment process.	The iEB weighed up pros and cons of having the Minister appoint council members, noting the agreement with the proposed process. The Council will use a skills and representation matrix to inform appointments decisions by the Minister.

Topic	Feedback received during engagement	How the feedback was incorporated
Council composition	There was moderate agreement with proposed council composition, noting alignment with other structures within RoVE. Industries highlighted the importance of skills and capability for members.	The iEB noted the need to develop a skills and capability matrix to ensure that the rights skills and capabilities are considered when appointing members to the council.
Representation of Māori employers	There was strong agreement with the proposed representation of Māori employers. Industry highlighted the importance of minority cultures and ethnicities being serviced.	No significant changes were made to the proposals.
Collective representation	No significant feedback received.	Subsequent changes have been made to the nomination processes for collective employee representation to reflect what is required by the Act.
Additional functions	<p>There was strong agreement from participants with the proposed additional functions.</p> <p>Some questions were raised regarding how certain functions can be made explicit in the Order in Council, rather than implicit by referring to the primary legislation (Education and Training Act 2020).</p>	<p>The iEB discussed the feedback and changes were made to the original proposals as follows:</p> <ul style="list-style-type: none"> - The intentions supporting the proposed additional functions were retained in the most appropriate section of the draft Order in Council, or where they would have the most impact (for example in the purpose statement). - When the proposed additional functions overlapped with activities already covered by other parts of the education system, they were not included in the draft Order in Council. The WDC will give further consideration to include these issues in the WDC strategic plans.
Advisory group mechanisms	There was strong agreement with the proposed advisory functions, although concern was raised around the potential for too many advisory groups to be created, which may lead to the WDC becoming less agile and flexible.	The iEB discussed the feedback and no changes were made to the original proposals, as the iEB wanted to ensure that mechanisms such as advisory groups are available to fill short or long-term knowledge and perspective gaps in the actual council.