



**Reform of Vocational
Education (RoVE)**

Service Industries 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

Service Industries Workforce Development Council

Proposed name* : *Services Workforce Development Council*

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

<https://www.tec.govt.nz/rove/workforce-development-councils/services-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 Service Industries Workforce Development Council.

Appointing the Service Industries WDC interim Establishment Board

The Service 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 Service Industries WDC iEB, please visit the Service 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 Service 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 Service Industries WDC 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 7 and 11 September 2020), which included a briefing on the key elements of the draft Order in Council proposals and the facilitation of breakout groups to gather feedback on the proposals.	48 participants

Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	33 responses
Direct engagement by iEB members	Direct engagement by iEB members with stakeholders through meetings, including one-on-one and sector meetings.	19 engagements
Written submissions	Written submissions via email.	3 submissions

The Service Industries 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 Service 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 Service 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	No significant feedback was received.	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	Participants had mixed opinions about the name of the WDC. Some people supported the proposal to have a generic legal name and then for the first council to develop a trading name while others wanted the iEB to develop a more meaningful legal name.	The iEB decided that a trading name will be worked through after the statutory consultation, and as a result, the name included in the Order in Council will be 'Services Workforce Development Council'. The iEB has been working with TEC to set up a framework for developing a te reo name.
Coverage	The coverage of the WDC is considerably larger and more variable than most people have been used to in the Transitional ITO structure. Some participants were concerned that the voice of individual industries, particularly smaller industries, could be lost in the new WDC.	The iEB has spent considerable time articulating mechanisms for industry engagement so that voices of a wide range of industry players are not lost. Some of this thinking has been incorporated into the Order in Council and more detailed arrangements are being considered as part of the establishment planning process.
	Concerns were raised by the New Zealand Arboriculture Association about the inclusion of Arboriculture in the Service Industries WDC as they felt it fit better in the Primary WDC.	The iEB discussed these concerns and raised them with the Primary iEB. Both iEBs agreed to move coverage for Arboriculture from the Service Industries WDC to the Primary WDC.
Partnership with Māori	There was feedback about the need to explore Māori governance structures further, and whether there should be a co-chair arrangement and/or dedicated Māori seats on the council.	The iEB amended the proposed composition of the council to explicitly require there to be a minimum of two members who identify as NZ Māori. The concept of having a co-chairs was explored but the iEB ultimately decided to propose a single chair as they felt this

Topic	Feedback received during engagement	How the feedback was incorporated
		would be provide the best operating environment for the WDC.
	Some stakeholders felt that Te Tiriti o Waitangi, Te Ao Māori and mātauranga Māori needed to be more prominent in the Order in Council and that there needed to be ways to firmly embed these in the WDC.	The iEB included additional skills requirements in the council composition to ensure the council had these skill sets. Work is continuing on how these concepts can be embedded in the establishment plan and the other founding documents of the WDC.
Appointments	There was some feedback about the need to have representatives from particular industries on the council.	The iEB discussed whether the council should be solely skill based or be a mix of skills and representatives. They decided that all appointments should be based on skills and abilities, but that the council as a whole should try to reflect a diverse mix of the industries within the wider services industry.
	Some stakeholders suggested that the council needed to be bigger to ensure that the diverse range of industries was represented on the council.	The iEB decided to keep the proposed number of nine council members as they felt that a larger council could be unwieldy and that nine was sufficient to allow for a mix of people in a skills-based council. The industry engagement provisions require the Council to make arrangements (for example by establishing industry stakeholder groups) for ensuring that the specified industries have an adequate opportunity to provide input to the Council.
Council composition	A number of participants provided feedback about the need to ensure that the council had people from diverse backgrounds and in particular the need to have Māori, Pasifika, female, and young voices on the council. Conversely, there were comments from a small number of people about not wanting to have what they saw as preferential treatment for any particular group.	The iEB amended the composition of the council to explicitly require there to be a minimum of two members who identify as NZ Māori and a minimum of one member from the Pasifika Community.
Representation of Māori employers	No significant feedback was received.	The iEB noted the legislative requirement for representation of Māori employers.
Collective representation	No significant feedback was received.	The iEB noted the legislative requirement for collective representation.

Topic	Feedback received during engagement	How the feedback was incorporated
Additional functions	No additional functions were proposed.	Not applicable
Advisory group mechanisms	A number of participants noted that it was important to have a way for learner voice to be heard by the council, either through representation or advisory group structures.	<p>The iEB considers learners as an important and distinct group when considering who needs to be included in industry engagement. This may either be included directly in the Order in Council or in some of the other founding documents of the WDC.</p> <p>All council appointments will be based on skills and abilities and reflect the WDC's coverage of sectors, relationships with iwi, and ability to meet the needs of all learners, including those underserved.</p>