

Event backgrounder: Meeting with Interim Establishment Board Workforce Development Council Chairs on Thursday 6 May 2021 at 10 am

To:	Hon Chris Hipkins, Minister of Education
From:	Gillian Dudgeon, Deputy Chief Executive, Delivery, Tertiary Education Commission
Date:	4 May 2021
Reference:	E-21-00188

Purpose

1. You are scheduled to meet with the Workforce Development Council (WDC) interim Establishment Board (iEB) Chairs on Thursday 6 May 2021 from 10.00 am to 10.30 am at the Beehive (Room 6.3).
2. This meeting will provide an opportunity to thank the iEB Chairs for their work to date. Information is included about matters that may be raised and questions that the iEB Chairs might ask you. Appendix A includes background information about the iEB Chairs work with their iEBs, industries and with officials on developing the Orders in Council (OiC), and on the establishment activities taking place through the Establishment Unit.
3. The biographies of the Chairs are attached in Appendix B. Note that the Manufacturing, Engineering and Logistics iEB plus the Primary Industries iEB have Co-Chairs, and that the Construction and Infrastructure iEB Chair is unable to attend and is sending an iEB member in her place.
4. Katrina Sutich, Group Manager Tertiary, Ministry of Education and I will also attend the meeting.
5. We recommend that this event backgrounder is proactively released after gazetting of the OiC, and combined with other relevant content scheduled for proactive release.

Matters you may want to raise with the iEB Chairs

6. This is an opportunity for you to thank iEB Chairs and their iEBs for:
 - The hard work, dedication and insights in developing the OiC proposals and engaging extensively with their industries.
 - Their commitment and diligence in terms of progressing Te Tiriti o Waitangi thinking and incorporating this in their Orders in Council. You may want to recognise that:
 - i. this process has not been straightforward;

- ii. the WDC Orders in Council go further in terms of incorporating Te Tiriti o Waitangi than any other body set up in legislation and reflect the Government's desire to honour Te Tiriti o Waitangi.
- The critical role they play as part of (the Steering Group for) the WDC Establishment Unit.

Matters the iEB Chairs may raise with you and suggested responses

7. Dilution of the industry-led Order in Council process.

- *From the outset, the iEBs had questions about what it meant to have an "industry-led" process to establish the WDCs.*

Response:

It has always been my intention that WDC are industry-led organisations, and I believe industry has been involved in the establishment of the WDCs at every step of the way:

- The interim Establishment Boards were set up and selected to represent industry;
 - IEBs shaped the Orders in Council and led the engagement with their respective industries;
 - The TEC consulted with industry on the content of the Orders in Council;
 - IEB Chairs have formed a Steering Group, which oversees the Establishment Unit and meets regularly to make key decisions as to how the WDCs will operate.
- *Throughout the OiC process, iEBs have felt that officials have significantly diluted and changed some of their intentions for their OiC.*

Response:

In developing the OiC, officials had to walk a tight line; trying to honour the industry-led process, while at the same time ensuring that:

- the proposed content for the OiC was able to be expressed in a way consistent with more formal secondary legislation requirements;
- we did not overstep the primary legislation; and
- we followed due process and could evidence the processes used to develop the content, especially in relation to bespoke requirements of individual WDCs (e.g. gave due consideration to all options, recorded decisions, etc.)

During the consultation process it was also communicated that much of the valuable content gathered by the IEBs could be used in the strategic documents of each WDC. These documents do not have the same constraints as secondary legislative instruments.

- *iEBs have expressed concern that further changes will be introduced by the Parliamentary Counsel Office (PCO) to their OiC.*

Response:

- PCO is responsible for converting the OiC proposals into the actual OiC, which are legislative documents. There are many and stringent requirements for drafting legislation.
- Officials have clearly communicated from the outset that PCO will change how these documents read and feel. Officials have communicated that the redrafting and refining of proposals is part of the normal process for drafting legislation.

- If anything is unclear, PCO will always refer back to the intent of the iEBs, hence why recording rationale, decisions, etc. has been so important.
- Officials have recently reached out to the iEBs to gather additional information about their rationale / considerations for Māori members on the Council (i.e. most iEBs specified “approximately an even balance between members of the Council who are Māori and non-Māori”, while others specified “at least 2” or “at least 3” Māori members). This has caused some iEB members to worry that further changes will be introduced, however this was not the intent.

8. Formalising of the Kāhui Ahumahi / Māori Advisory Group

- Te Kāhui Ahumahi requested that their collective is formalised in each OiC so as not to leave the establishment/continuation of a Kāhui Ahumahi to chance. IEB members are aware that you did not reject this idea, and that you have indicated that you are open to explore the potential for an ongoing role of Te Kāhui Ahumahi.

Response:

- Officials are currently focused on moving the OiC through the legislative process.
- Work considering the establishment of a Māori advisory group similar to Te Kāhui Ahumahi for the new WDCs is underway, and officials will be in touch with you regarding this.



Gillian Dudgeon

Deputy Chief Executive, Delivery

Tertiary Education Commission

4 May 2021

Hon Chris Hipkins

Minister of Education

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Appendix A – Background information

The iEBs have been shepherding the WDCs into existence

9. The primary role of each iEB has been to establish their WDC as a legal entity. Six iEBs, one for each WDC, were appointed by the Tertiary Education Commission (TEC) following a public Expression of Interest (Eoi) process.
10. Each iEB is made up of seven to eight industry and sector representatives who understand the context of their industries, such as the nature of workforce roles, skill acquisition challenges, and training cultures in their industries. The aim was to appoint people from industry with the right skills to connect and listen to what industry wants.
11. The iEBs have played a central role in setting up the six WDCs. The iEBs have worked / will work with government officials to:
 - Develop the OiC proposal document to establish each WDC;
 - Develop the Establishment Plan for each WDC, which will outline the activities and funding required for each WDC to operate;
 - Support the fast start of WDCs through WDC early establishment activities, via the Establishment Unit;
 - Represent the needs of industry in its planning and design;
 - Engage and consult with industry on its proposals and consider consultation feedback;
 - Work with Transitional Industry Training Organisations (TITO's), Te Pūkenga and other providers to provide advice and guidance to inform tertiary education system responses to COVID-19 impacts; and
 - Hand over to the first WDC Councils once the WDCs are established.
12. The names of the six WDCs, denoting their broad coverage areas are:
 - Waihanga Ara Rau Construction and Infrastructure Workforce Development Council;
 - Toi Mai Workforce Development Council (covering creative, cultural, recreation and technology industries);
 - Community, Health, Education and Social Services Workforce Development Council;
 - Hanga-Aro-Rau Manufacturing, Engineering and Logistics Workforce Development Council;
 - Services Workforce Development Council; and
 - Muka Tangata - People, Food and Fibre Workforce Development Council (covering primary industries).

The WDCs are on track to be established in June

13. It is expected that by the time of your meeting, the Cabinet Legislative Committee (LEG) will have considered the six OiC proposals for the WDCs as they progress through the legislative processes. The target date for the six OiC to be published in the Gazette (following approval by the Executive Council and Governor-General) is 11 May 2021. This will allow for the WDCs to be formally established on 11 June 2021 (following the required 28-day period).

14. In March 2021, the Ministry of Education (MoE) carried out a Treaty analysis of the governance arrangements of the six OiC proposals which included seeking iEB input on their decision-making process and how they landed on their final proposals. This analysis was used to inform Cabinet that the OiC proposals comply with Te Tiriti o Waitangi
15. An update on the OiC process is outlined below.

Process	Date (2021)
LEG Cabinet Committee meeting	6 May
Cabinet meeting	10 May
Executive Council and Governor-General approves regulations	10 May
OiCs are passed	11 May
Orders in Council come into effect (after 28-day rule)	11 June

Shortlisting for the WDC council members is planned for April/May with Ministerial appointments to be made in early / mid June

16. Following an Eol process, Nomination and Appointment Committees were announced in April to recommend and appoint Council members to the WDCs.
17. The Services WDC is being established in a different manner. It will be established via a hybrid model where some Council members are appointed by you following nominations from the TEC. A Services WDC Shortlisting Panel has been set up to support the recommendation and appointment of the remaining Council members.
18. Concurrently, the WDC member Eol period was launched on 30 March and closed on 16 April. A total of 208 Eol were received:

WDC	Eols
Construction & Infrastructure	48
CCRT	62
HCSS	57
MEL	33
Primary	26
Services	35

Note that this totals up to more than 208 due to people expressing interest in multiple WDCs.

19. The Creative, Cultural, Recreation and Technology Panel Nominations Committee, Primary Industries Nominations Committee and Services Selection Panel intend to submit their recommendations to your office by Wednesday 12 May.
20. The Ministerial appointments will need to be made in early June to meet the present timeline for WDC establishment.

21. The first WDC Council meetings are planned for early July with Qualification and Standard setting functions transferring into the WDCs by early October.
22. Officials are planning a two-day induction for all WDC members on 7-8 July. You are pencilled in to speak to them on the afternoon of 7 July.

Establishment activities are moving at pace

23. The WDC Establishment Unit project is working to a tight timeline.
24. Transitional plans for the WDC related functions of all 11 Transitional Industry Training Organisations (TITOs), and NZQA, are required to be considered by the TEC Board at its June meeting.
25. Once the WDCs are established, iEBs will hand over to the first WDC boards. All six interim Establishment Boards are continuing to support the establishment work of the WDCs before the permanent WDC Councils take on their governance role.
26. The iEBs and the WDC Steering Group (comprised of the iEB Chairs and Director RoVE), are meeting regularly to collectively progress key decisions in relation to Day One activities and operations, technology, office locations, shared back office services and TITO staff consultation.
27. Te Kāhui Ahumahi, which is a group made up of the Māori members across the six iEBs, was convened by those members to take a co-ordinated approach to engaging Māori and iwi industry and Te Ao Māori considerations across the iEBs. Te Kāhui Ahumahi has recently held a wānanga (31 March and 1 April) at which it discussed its role in relation to the WDC Establishment Unit work programme. Discussion included progressing a framework to guide how the WDCs will support the honouring of Te Tiriti o Waitangi. This framework will need to be consistent with the work underway by Te Taumata Aronui. Aligned to this, TEC's Chief Executive will also be providing each WDC with a letter outlining TEC's expectations of WDCs regarding Te Tiriti o Waitangi and Māori Crown relationships. The role of any future Māori advisory group representing the Māori members of individual WDCs will need to be considered alongside and cannot replace the obligations of WDCs with respect to all their Māori industry stakeholders. Having the appropriate engagement frameworks with these groups is paramount to supporting obligations of the tertiary system in relation to Te Tiriti o Waitangi. The following chairs are Te Kāhui Ahumahi members: Hinerangi Edwards, Renata Hakiwai and Erin Simpson.
28. All Councils have requirements for a minimum number of Māori members on Council (as many as half of the members for some of the Councils) and co-chair arrangements. It is the intention of the iEBs for all the WDCs to have a Te Reo Māori name, but that two WDCs (CHESS WDC and Services WDC) will develop those names, in consultation with Māori across the sectors, after they are established.
29. Te Kāhui Ahumahi have also requested to meet separately with both you and Minister Davis.

Appendix B – Biographies of Interim Establishment Board Chairs



Jan O'Neill
Member, The interim Establishment Board for Construction & Infrastructure

Jan is the Executive General Manager of People & Culture at Downer New Zealand. With over 30 years' experience, Jan has worked at the most senior level in large complex New Zealand organisations. Jan's areas of speciality include executive leadership, HR strategy, organisational development, culture development, and change management.

Jan has a strong understanding of the education system, in particular vocational education. Under Jan's leadership at Downer NZ, highly successful programmes for Māori school leavers and programmes to provide pre-employment training and entry into the infrastructure industry have been developed, along with strong partnerships with both Te Puni Kōkiri and the Ministry of Social Development (MSD) to deliver employment and training programmes.

Jan was a member of the WDC (CIWDC) Working Group since it was established late 2019.





Dr. Troy Coyle
Co-Chair, The interim Establishment Board for Manufacturing, Engineering & Logistics

Troy is the Chief Executive of the NZ Heavy Engineering Research Association (HERA). HERA provides advanced training and research services to the heavy engineering industry.

Prior to this role, Troy worked as the head of innovation within a multi-national manufacturing company in Australia and New Zealand, and in the tertiary education sector, managing industry liaison and commercial development.

Experienced in governance, including board recruitment processes, and best practice frameworks for governance, Troy sits on the Boards of Steel Construction NZ, National Association for Steel Framed Housing, Metals NZ, and is the Chair of the Sustainable Steel Council. She sits on the boards of a not-for-profits and a digital transformation start-up. Troy is also a member of the Workforce Development Council Reference Group.

	<p>Renata Hakiwai Co-Chair interim Establishment Board for Manufacturing, Engineering & Logistics</p> <p><i>Note: Renata is a member of Te Kāhui Ahumahi</i></p> <p>Ngāti Kahungunu, Rongomaiwahine, Ngati Porou, Tainui, Tūwharetoa nga Iwi</p> <p>Renata is the Managing Director of HTK Group Ltd, an organisation established in 2015 to meet the growing demand for a Māori and indigenous business advisory organisation. A successful entrepreneur with more than seven years' experience in senior executive positions, Renata has also excelled in a diverse range of governance positions across a range of organisations.</p> <p>Renata has played a major role in the Māori and Pasifika Trades Training policy initiative that was rolled out in 2011, post the Christchurch earthquakes and later across the country, developing and operating several iwi initiatives. Renata has extensive knowledge of the tertiary and vocational education sector (PTE, ITP, ITO) system, associated industries, and particularly has subject matter expertise in economic development with a focus on Māori workforce development and employment.</p>
	<p>Victoria Spackman ONZM Chair, iEB for Creative, Cultural, Recreation and Technology</p> <p>Victoria is a strategic leader with extensive CEO, senior executive and governance experience across the arts, culture and creative sectors as well as for business, government, and tertiary education.</p> <p>Her experience includes Chair for Ackama - a fast growing trans-Tasman tech company - Chair of BATS Theatre, and a Board Member for Education New Zealand and Screenrights. Victoria is experienced at building teams and enacting rapid change through her work at the Gibson Group, Te Auaha, BATS Theatre and in many of her current directorships.</p> <p>She has strong connections across creative industries, business and education and is well supported by the sector.</p>

	<p>David Waters Chair, iEB for Health, Community & Social Services</p> <p>David is the current Chief Executive of Ambulance New Zealand, Chief Executive of the Council of Ambulance Authorities, and the President of the Aeromedical Association of Australasia.</p> <p>David has held various leadership positions throughout his career and has significant governance and strategic planning experience. He is also currently a Director of Global Resuscitation Alliance and QA Health Ltd. He is passionate about the health and education sectors and growing the skills of the New Zealand workforce.</p> <p>He has an in-depth understanding of the vocational education sector and was previously a Director of the Skills Organisation. He has provided leadership and governance in the education sector including primary school education through to the delivery of undergraduate, post graduate and Masters Programmes.</p>
	<p>Erin Simpson Co-Chair, iEB for Primary Industries</p> <p><i>Note: Erin was appointed as iEB co-chair in April 2021.</i> <i>Note: Erin is a member of Te Kāhui Ahumahi</i></p> <p>Erin's extensive career in the Horticulture Industry started in the 1980s. His experience gives him a robust and insightful understanding of the skills needed by employers to be effective members in today's industries. He is passionate about ensuring skills and training delivered and developed today are agile, adaptable, and fit for purpose in the unknown world of tomorrow.</p> <p>Erin has been active in the education sector through programme development and teaching and in his current role with New Zealand Apples and Pears Inc has the capability development mandate to engage and collaborate with Government and Industry training providers to attract, grow and retain talent for the sector.</p>

	<p>Hinerangi Edwards Co-Chair, iEB for Primary Industries</p> <p><i>Note: Hinerangi is a member of Te Kāhui Ahumahi</i></p> <p>Ko Taranaki te maunga. Ko ngā Aotea, Kurakaupo me Tokomaru ngā waka. He whakapapa anō noku ki Te Arawa, Tainui me ngā moutere o Hamoa. Kei Te Wairoa, ki te Tairāwhiti au e noho ana ki ngā hapū o tōku tane. Hinerangi was born and raised in her haukāinga of Taranaki, and has whakapapa to Te Arawa, Tainui and Samoa also.</p> <p>Hinerangi has a background in career planning and employment. She co-founded AATEA Solutions in 2000 and has been an employer for 20 years. Hinerangi is actively involved on her whānau farm in Hawera, and served 12 years on the board of Taranaki’s biggest farming whānau, Parininihi Ki Waitotara.</p> <p>Other board roles include community development, digital technology, Māori economic development and education.</p>
	<p>Jill Hatchwell Chair, iEB for Service Industries</p> <p><i>Note: Jill replaced Alistair Carruthers, who resigned as iEB Chair in February 2021 but who is still an iEB member</i></p> <p>Jill is an experienced director with more than 30 years’ experience in financial and corporate management and has been involved in the formation and growth of a range of entities.</p> <p>Jill’s involvement with industry training organisations began with her appointment to the ATTO board: she served on the merger committee leading to formation of ServiceIQ. She has extensive aviation industry experience from her involvement with the growth of Vincent Aviation in to one of New Zealand’s largest privately-owned, international airlines.</p> <p>Jill is a Chartered Member of the Institute of Directors; her current board roles include ServiceIQ, the CAA (Civil Aviation Authority), NZX-listed SMW Group Ltd and Chatham Rock Phosphate Ltd (both NZX and TSX-listed).</p>