



**Reform of Vocational  
Education (RoVE)**

# **Construction and Infrastructure Workforce Development Council**

## **Kaunihera Whakawhanake Ohu Mahi**

### **Order in Council proposals**

**Consultation proposal document**

# Ngā Whārangi - Contents

Ngā Whārangi - Contents.....	2
Te Pānui - How to read this document.....	4
<b>He Whakamarama - Background .....</b>	<b>5</b>
Te Whakahou i Mātauranga Ahumahi - The Reform of Vocational Education .....	5
Creating six Workforce Development Councils.....	6
Establishing the six Workforce Development Councils through Orders in Council .....	7
<b>How the Order in Council proposals were developed .....</b>	<b>8</b>
Ngā Whakatakotoranga - Order in Council proposals .....	10
<b>Name of the Workforce Development Council .....</b>	<b>10</b>
<b>Purpose of the Workforce Development Council and accountability arrangements .....</b>	<b>10</b>
Purpose .....	10
Accountability arrangements.....	11
<b>Governance arrangements .....</b>	<b>12</b>
Council membership provisions.....	12
Criteria for the appointment of members .....	12
Appointment of the first Council .....	13
Appointment of the permanent (or ongoing) Council .....	14
<b>Detailed governance arrangements that are unique to each Workforce Development Council .....</b>	<b>15</b>
Appointment of chairperson, co-chairpersons, deputy chairperson (as applicable).....	15
Meetings .....	15
Collective duties of the Council .....	16
Collaboration with other Workforce Development Councils.....	16
<b>Detailed governance arrangements that are the same across all Workforce Development Councils .....</b>	<b>17</b>
Eligibility for appointment .....	17
Revocation of appointment of members.....	17
Individual duties of members .....	18
Accountability for performance of duties.....	18
Personal liability of members .....	18

Continuation in office .....	19
Ordinary vacancies.....	19
Extraordinary vacancies .....	19
Administrative provisions .....	19
Conflicts of interest.....	19
Delegation .....	20
Appointment of general manager and other employees .....	20
Rules.....	21
<b>Mechanisms for industry engagement.....</b>	<b>22</b>
<b>Additional functions of the Workforce Development Council .....</b>	<b>22</b>
<b>Coverage of the Workforce Development Council .....</b>	<b>23</b>
<b>A muri ake - Next steps.....</b>	<b>26</b>

# Te Pānui - How to read this document

*Tēnā koutou katoa. Nei te mihi ake ki a koutou te hunga e kaha ana ki te awahina i enei kaupapa. Me te whakaaro ki ēnei taonga kōrero a ngā iwi Māori- “te manu e kai ana i te mātauranga nōna te ao, ā, ma te mahi ka ora”. Kāti, kia ora tātou katoa.*

The purpose of this document is to:

- Set out the Order in Council (OiC) proposals for the Workforce Development Council (WDC), as the subject matter of the consultation by the Minister of Education.
- Provide readers with the necessary context and high-level background information to understand how the Order in Council proposals were developed. For more detailed information about how the Order in Council proposals were developed, please refer to the ‘Consultation background document’.
- Set out the next steps in the Order in Council process.

The Order in Council proposal section of this document contains the following sub-sections:

- Name of the Workforce Development Council
- Purpose of the Workforce Development Council and Accountability Arrangements
- Governance Arrangements
- Detailed Governance Provisions that are unique to each Workforce Development Council
- Detailed Governance Arrangements that are the same across all Workforce Development Councils
- Industry Engagement
- Additional functions of the Workforce Development Council
- Coverage of the Workforce Development Council

Throughout the ‘Order in Council proposals’ section, commentary boxes will provide readers with a high-level description of the information included in that particular sub-section.

## What is an Order in Council?

- An Order in Council is a legislative instrument which is made by the Executive Council and the Governor General, which becomes a piece of secondary legislation.
- The Education and Training Act 2020 sets out the regulatory framework for WDCs. However, as it is the policy intent that WDCs are industry-led organisations, the establishment of WDCs has been provided for in secondary legislation, through Orders in Council.
- Section 363 of the Education and Training Act 2020 (the Act) states that an Order in Council to establish a WDC:
  - **must include** the name, coverage, governance arrangements and additional functions (if any) of the WDC; and
  - **may include** engagement mechanisms, matters relating to the WDC’s use of its assets, imposed conditions on the performance or exercise of the WDC’s functions, duties, or powers, and other matters that are necessary or desirable to clarify the governance arrangements of the WDC.
- The WDC Order in Council cannot include anything in addition of what has been set out in the Act, i.e. the Order in Council will not include organisational structures, operational matters, etc.

# He Kupu Whakataki - Introduction

## He Whakamarama - Background

### Te Whakahou i Mātauranga Ahumahi - The Reform of Vocational Education

In February 2019, the Minister of Education launched a consultation on three proposals to fundamentally reform vocational education in Aotearoa – the Reform of Vocational Education (RoVE): These proposals involved changes to the roles, structures and funding of all vocational education organisations.

Following the RoVE consultation, the scope of the Reform of Vocational Education was announced, including seven key changes that will create a unified vocational education system:

1. **Create Workforce Development Councils:** Around four to seven industry-governed bodies, to give industry greater leadership across vocational education.
2. **Establish Regional Skills Leadership Groups:** These would provide advice about the skills needs of their regions to the Tertiary Education Commission (TEC), workforce development councils, and local vocational education providers.
3. **Establish Te Taumata Aronui:** A group to help ensure that the Reform of Vocational Education reflects the Government’s commitment to Māori Crown partnerships.
4. **Create a New Zealand Institute of Skills & Technology:** A unified, sustainable, public network of regionally accessible vocational education, bringing together the existing 16 ITPs.
5. **Shift the role of supporting workplace learning from ITOs to providers:** The new Institute and other providers would support workplace-based, on-the-job training as well as delivering education and training in provider-based, off-the-job settings, to achieve seamless integration between the settings and to be well connected with the needs of industry.
6. **Establish Centres of Vocational Excellence:** CoVEs will bring together the Institute, other providers, workforce development councils, industry experts, and leading researchers to grow excellent vocational education provision and share high-quality curriculum and programme design across the system.
7. **Unify the vocational education funding system:** A unified funding system will apply to all provider-based and work-integrated education at certificate and diploma qualification levels 3 to 7 (excluding degree study) and all industry training.

On 1 April 2020, the Education (Vocational Education and Training Reform) Amendment Act 2020 came into force, and it was subsequently incorporated in the Education and Training Act 2020, which came into force on 1 August 2020.

## Creating six Workforce Development Councils

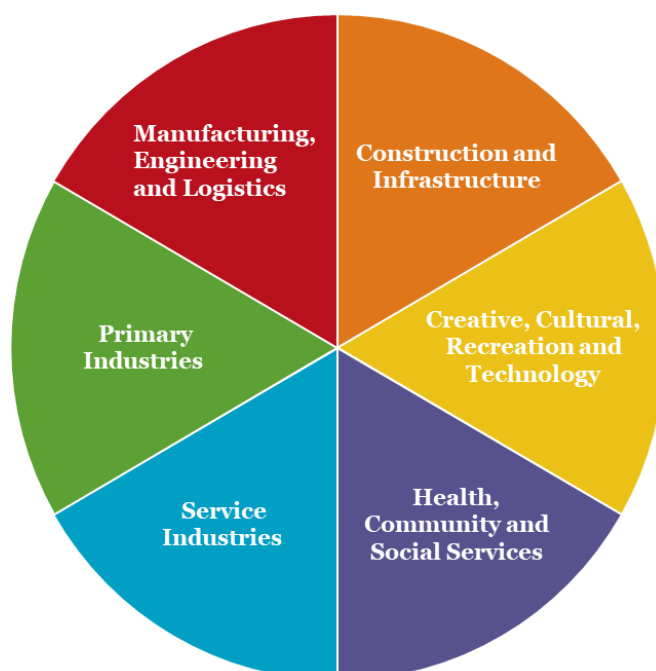
The first of the seven key changes (refer to the previous section) outlines the creation of Workforce Development Councils:

1. **Create Workforce Development Councils:** *Around four to seven industry-governed bodies, to give industry greater leadership across vocational education.*

In September and October 2019, the Tertiary Education Commission and Ministry of Education undertook engagement with industry that was focused around the potential industry groupings that Workforce Development Councils could cover ('coverage'), the number of Workforce Development Councils, and options for governance.

Following this engagement, it was announced that there would be six Workforce Development Councils with the following industry groupings:

Figure 1 Overview of the six Workforce Development Councils



For more information about the engagement undertaken about the high-level industry coverage, the number of WDCs, and governance options, please visit the WDC pages on the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/>

## Establishing the six Workforce Development Councils through Orders in Council

Section 363 of the Education and Training Act 2020 (the Act) provides for the establishment of Workforce Development Councils by Order in Council, which is a type of secondary legislation. The Act specifies what an Order in Council, used to establish a WDC, must and may include.

*For a more detailed description of what an Order in Council is, please refer to the 'How to read this document' section of this document.*

The Reform of Vocational Education intends that Workforce Development Councils be industry-led organisations, and that their Orders in Council would be developed through an organic process, led by six industry working groups. On 23 April 2020, the Minister of Education decided to accelerate the establishment of six WDCs in response to Covid-19, and introduced the formation of six WDC interim Establishment Boards (iEBs). While the iEBs are now more formally appointed groups, and they operate in a less organic manner than originally envisioned, the process for developing the Orders in Council remains a process that was led by industry.

As a result of the industry-led Order in Council process, the six Orders in Council proposals developed are bespoke, which reflects the unique circumstances and unique needs for the industries covered by each WDC.

## How the Order in Council proposals were developed

For more detailed information about how the Order in Council proposals were developed, please refer to the 'Consultation background document'.

### Six interim Establishment Boards were appointed

In June 2020, following an Expression of Interest process, six interim Establishment Boards were appointed by the Tertiary Education Commission (TEC). Each iEB consists of 7 to 8 representatives from the industries within the coverage area of their respective Workforce Development Council.

For more information about the appointment of the six iEBs, please visit:

<https://www.tec.govt.nz/rove/workforce-development-councils/wdc-interim-establishment-boards/>

### The iEBs developed their draft Order in Council proposals and engaged on their content

Following their appointments, the six iEBs developed their 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 iEBs engaged with their industries, to test and seek initial feedback on their six draft proposals, and to start building connections across the new WDC industry groupings. Engagement on the draft proposals took place from August to October 2020.

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.

### The iEBs and government officials incorporated engagement feedback and prepared the Order in Council proposals for consultation

Following the engagement period, the iEBs incorporated the feedback received during their 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.

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 Minister of Education is required to consult on the content of the Orders in Council**

The Act provides that the Minister of Education must make recommendations to the Governor-General about the content of an Order in Council. The Minister must not recommend making an Order in Council unless the Minister has consulted the representatives of one or more of the industries covered by the WDC, and taken into account any views expressed by those representatives.

The next section sets out the Order in Council proposals the Minister of Education is consulting on.

# Ngā Whakatakotoranga - Order in Council proposals

## Name of the Workforce Development Council

### Summary

*Establishes the Workforce Development Council under the proposed legal name.*

The **Waihanga Ara Rau Construction and Infrastructure Workforce Development Council** is established on the date the Order in Council is made.

## Purpose of the Workforce Development Council and accountability arrangements

### Summary

*Includes a purpose statement that outlines the Workforce Development Council's broad contribution to New Zealand Society. Includes accountability provisions such as a statement of strategic direction and an annual report to ensure the Workforce Development Council is fulfilling its purpose over time.*

## Purpose

The purposes of the Waihanga Ara Rau Construction and Infrastructure Workforce Development Council are:

- to use its industry voice to contribute to the creation of a sustainable, globally engaged and adaptive Aotearoa New Zealand;
- to contribute to an education system which provides opportunities for all people to reach their full potential and capabilities, including those who have been traditionally underserved by the education system;
- to contribute to an education system that honours Te Tiriti o Waitangi to help ensure fair and equitable outcomes for all;
- to plan, implement and support the responses to Aotearoa New Zealand's current and future workforce needs, taking into account:
  - the transition to a low-emissions and climate resilient Aotearoa New Zealand;
  - new global challenges;
  - emerging technologies;
  - global sustainability goals;
  - the changing nature of work, and
  - the skills, knowledge and qualifications learners need in future to achieve success for themselves and their communities.

## Accountability arrangements

### Performance of functions

- The Council in the performance of its functions must give effect to:
  - the purposes of the Council; and
  - the Tertiary Education Strategy issued under section 7 of the Act.
- The Council must consult with persons or bodies who, the Council considers on reasonable grounds, represent Māori in relation to the performance of the Council's duty [in section 369(2)(b) of the Act] to have regard to the needs of Māori in the performance of its functions.
- The Council must consult with persons or bodies who, the Council considers on reasonable grounds, represent specific population groups in relation to the performance of the Council's duty [in section 369(2)(b) of the Act] to have regard to the needs of those population groups in the performance of its functions.

### Statement of strategic direction

- At least every 3 years the Council must publish on an Internet site maintained by, or on behalf of, the Council a statement setting out its strategic direction for the next 5 years, including how the Council intends to give effect:
  - to the purposes of the Council; and
  - to relevant parts in the Tertiary Education Strategy.
- The Council must consult with the specified industries, the Minister, vocational education providers, and with persons or bodies the Council considers on reasonable grounds represent Māori, before issuing a statement on its strategic direction.

### Annual report

- The Council must present to the specified industries and to the Minister an annual report on the performance of its functions, including (without limitation):
  - an outline of the progress made towards achieving the goals and objectives set out in the statement of strategic direction; and
  - the audited financial statements of the Council.

## Governance arrangements

### Council membership provisions

#### Summary

*Outlines the size and make-up of the Council including any mandatory membership requirements.*

- The Council comprises 6, 7 or 8 members, as determined by the Council, made up as follows:
  - at least 1 member is a person nominated by employers in the specified industries to represent them;
  - at least 1 member nominated by trade unions and endorsed by the Council of Trade Unions to represent employees in the specified industries;
  - at least 1 member is a person nominated by Māori employers in the specified industries, to represent them; and
  - the remaining members are appointed by the Council to bring the total membership of the Council up to 6, 7 or 8 members.
- The Council may co-opt one person to be a member if necessary, to ensure that the Council has an appropriate mix of skills, leadership and experience, provided that the Council comprises in total no more than 8 members.
- When seeking nominations for an employee representative, the Council/selection committee:
  - must take all reasonable steps to notify employees in the specified industries about the process for nominating members; and
  - must ensure that the persons nominated for appointment have the support of a sufficient number of employees in the specified industries; and
  - must not specify who is eligible to be nominated for appointment as a member except as provided for in the Order, or in any rules.

### Criteria for the appointment of members

#### Summary

*Outlines the criteria by which appointments to the Council must be made.*

- When appointing members of the Council, the Council or the appointments committee must:
  - apply the principle that membership of the Council should, as far as reasonably practicable, reflect the diversity of ethnicity, cultural background and gender of the people within the specified industries and in New Zealand as a whole; and
  - ensure that at least 3 of the members are Māori (inclusive of the member who is appointed as Māori co-chairperson); and
  - ensure that the Council has sufficient knowledge, skills or experience in the following:
    - te ao Māori;
    - the specified industries;
    - the governance of organisations;
    - vocational education;
    - public administration; and

- community organisations.
- ensure that during the two years following the establishment of the Council, the Council has:
  - sufficient experience in establishing new organisations, enterprises or businesses; and
  - sufficient experience in leading industry, business transformation and change management.

## Appointment of the first Council

### Summary

*Provides the process for appointing the first Council according to the Council membership provisions.*

- The first members of the Council must be appointed in accordance with the membership provisions and membership criteria of the Order.
- For the purpose of making appointments to the first Council, the Chief Executive of the Tertiary Education Commission must establish an appointments committee comprising 5 representatives from the specified industries.
- The appointments committee must:
  - determine the constitution of the Council in accordance with the membership provisions, including the number of members on the Council (6, 7 or 8 members) and the manner in which the directly appointed members are to be selected and appointed;
  - seek expressions of interest in, or nominations for, appointment as a member of the Council;
  - identify the persons who it considers are suitable for appointment as member of the Council; and
  - appoint the first members of the Council.
- Members of the first Council may be appointed for a period of between 2 and 5 years.

### Membership of Council reduced until all appointments made

- The number of Council members is proportionately reduced until the date on which each member referred to in the membership provisions is appointed to the Council.
- No action of the Council is invalid merely because any member has not been appointed to the Council on the commencement date of the Order.

## Appointment of the permanent (or ongoing) Council

### Summary

*Provides the process for appointing the permanent (ongoing) council according to the council membership provisions. Outlines the skills and experience that council members need to have to be appointed. Also includes any further requirements for representation on the council.*

### Process for appointment of members

- The Council must establish a selection committee comprising representatives of the specified industries and appoint an independent chairperson to oversee the appointment of members to the Council.
- The selection committee must:
  - seek expressions of interest in, or nominations for, appointment as a member of the Council; and
  - recommend to the Council the person who it considers is suitable for appointment as member of the Council.
- The Council must consider the recommendations made by the selection committee and appoint as members of the Council those persons who are best suited for appointment as a member, in accordance with the membership provisions and the membership criteria.

### Term of appointment

- When making appointments the Council must specify a term of appointment having regard to the need to maintain enough continuity in membership of the Council in a given calendar year.
- Members may be appointed by the Council for a period of between 2 and 5 years.
- Members may be reappointed to the Council if the total of any consecutive or non-consecutive terms does not exceed 8 years.

## Detailed governance arrangements that are unique to each Workforce Development Council

### Summary

*Provides details of governance arrangements. Each Workforce Development Council will have slightly different arrangements to reflect the unique nature of the industries they represent.*

### Appointment of chairperson, co-chairpersons, deputy chairperson (as applicable)

#### Appointment of co-chairpersons

- The Council must appoint two of the members to be co-chairpersons, one of whom must be Māori, by notice in writing stating the date on which the appointment takes effect.
- When appointing co-chairpersons, the Council must ensure that each co-chairperson has demonstrated a commitment to working with each other as active partners with a shared kaupapa/outlook aligned with the purposes and functions of the Council.
- Each co-chairperson holds that office until:
  - the co-chairperson resigns from that office; or
  - the co-chairperson is removed from it by the Council; or
  - the co-chairperson ceases to hold office as a member; or
  - the term of office specified on appointment expires.
- A person may be reappointed as co-chairperson for a further term.
- A co-chairperson may, without resigning as a member, resign from that office by written notice to the Council. The notice of resignation must state the date on which the resignation takes effect.
- The Council may, after consultation with the person concerned, remove a co-chairperson of the Council from that office by written notice to the person. The notice of removal must state the date on which the removal takes effect.
- The Council must determine a policy relating to the functions and responsibilities of the co-chairpersons including the process for determining:
  - which co-chairperson will chair each meeting;
  - the allocation of the duties and responsibilities between the co-chairpersons; and
  - which co-chairperson is for the time being responsible for the overseeing the performance of the general manager.

#### Meetings

- The co-chairperson may convene meetings to be held at the time and place that the co-chairpersons determine and must give at least seven days' notice in writing of those meetings to members.
- Meetings can be held by means of electronic communication.
- The quorum for the meetings is 4 of the members then holding office.
- All questions arising at any meeting must be decided by a majority of those members present with the co-chairperson chairing the meeting having a casting vote.
- A resolution in writing signed by a majority of members is as valid as if it had been passed at a meeting of those members.
- An irregularity in a notice of a meeting is waived if all members entitled to receive the notice either:
  - attend the meeting without objection to the irregularity; or

- do not attend the meeting but agree before the meeting is held to the waiver of the irregularity.
- Except as set out above or by law, the Council may determine its own procedures for regulating meetings and conducting its affairs.

### Collective duties of the Council

- The Council must act in a manner consistent with its functions, duties, and powers.
- The Council must perform or exercise its functions, duties, and powers efficiently and effectively.
- The Council must ensure that it operates in a financially responsible manner and, for this purpose, that it prudently manages its assets and liabilities.

### Collaboration with other Workforce Development Councils

- The general manager must:
  - identify the specified industries where close collaboration with another workforce development Council is required to ensure that the industry training needs of those industries are met; and
  - establish appropriate engagement models with those other workforce development Councils and specified industries to ensure that the industry training needs of those industries are met.



## Detailed governance arrangements that are the same across all Workforce Development Councils

### Summary

*Provides the details of standard provisions across all Workforce Development Councils, which cover the detailed mechanics of governance.*

### Eligibility for appointment

- The following persons are disqualified from being members of the Council:
  - a person who is an undischarged bankrupt;
  - a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment;
  - a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988;
  - a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's:
    - competence to manage their own affairs in relation to their property; or
    - capacity to make or to communicate decisions relating to any particular aspect or aspects of their personal care and welfare.
  - a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless the person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
  - a member of Parliament;
  - a person who is disqualified under any Act.

### Revocation of appointment of members

- The Council may revoke the appointment of an appointed member of the Council for just cause.
- The revocation must be made by written notice to the member, stating the date on which the revocation takes effect, which must be no earlier than the date on which the notice is received, and the reasons for the revocation.
- The Council may revoke the appointment of a member with as little formality and technicality, and as much expedition, as is permitted by:
  - the principles of natural justice;
  - a proper consideration of the matter; and
  - the Council's policy, if any, on revocation of appointment of members.
- A member of the Council is not entitled to any compensation or other payment or benefit relating to the member ceasing, for any reason, to hold office as a member.
- The term "**just cause**" includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the collective duties of the Council or the individual duties of members (depending on the seriousness of the breach).

## Individual duties of members

- A member of the Council may not contravene, or cause the contravention of, or agree to the Council contravening the Education and Training Act 2020.
- A member of the Council must, when acting as a member, act with honesty and integrity.
- A member of the Council must, when acting as a member, act in good faith and not pursue the member's own interests at the expense of the Council's interests.
- A member of the Council must, when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation):
  - the nature of the Council;
  - the nature of the action; and
  - the position of the member and the nature of the responsibilities undertaken by the member.
- A member must comply with a code of conduct for members issued by the Council.
- A member of the Council who has information in the member's capacity as a member that would not otherwise be available to the member, may not disclose that information to any person, or make use of, or act on, that information, except:
  - in the performance of the Council's functions; or
  - as required or permitted by law; or
  - when the member is first authorised to do so by the Council and the disclosure, use, or act in question does not, or is unlikely to, prejudice the Council.
- Members must:
  - act in the interests of the Council as a whole; and
  - act in a manner that promotes the performance of the functions and the duties of the Council.

## Accountability for performance of duties

- The duties of the members of the Council are owed to the Council.
- A member is not liable for a breach of an individual duty except as provided below:
  - if a member does not comply with their individual duties, the Council may revoke the appointment of that member;
  - the Council may bring an action against a member for breach of any individual duty.
- This provision does not affect any other ground for removing a member from office.
- Accountability for performance of duties under this provision does not affect anything else for which the member may be liable under any Act or rule of law arising from the act or omission that constitutes the breach.

## Personal liability of members

- A member of the Council is not personally liable for any act done or omitted to be done by the Council or any loss to the Council arising out of any act done or omitted to be done by the member if the act or omission was (so far as the member's involvement is concerned):
  - in good faith; and
  - in performance or intended performance of the functions of the Council.

## Continuation in office

- Each member of the Council continues in office (unless the member ceases to hold office) until a successor is appointed.
- A member may resign from office by written notice to the Council signed by the member.
- The resignation is effective on receipt by the Council of the notice, or at any later time specified in the notice.
- A member of the Council ceases to hold office if the member:
  - resigns; or
  - is removed from office; or
  - becomes disqualified from being a member; or
  - otherwise ceases to hold office in accordance with any enactment.

## Ordinary vacancies

- The Council must fill any ordinary vacancies as soon as practicable using the process by which the departing member was appointed, unless the process by which the person was appointed is no longer available or applicable to the position.

## Extraordinary vacancies

- An extraordinary vacancy occurs when a member dies or ceases to hold office.
- If an extraordinary vacancy occurs within 6 months of the expiry of the vacating member's term the Council may appoint a replacement or leave the vacancy open.
- If an extraordinary vacancy occurs more than 6 months before the expiry of the vacating member's term, the Council must appoint a replacement using the process by which the departing member was appointed, unless the process by which the person was appointed is no longer available or applicable to the position.
- A person appointed or elected to fill an extraordinary vacancy holds office only for the remainder of the vacating member's term.

## Administrative provisions

- The powers of the Council are not affected by any vacancy in its membership.
- The Council may appoint committees to advise it on any matters relating to the Council's functions and powers.

## Conflicts of interest

- A member who has an interest in a matter relating to the Council must disclose to the Council details of the interest as soon as practicable after the member becomes aware that the member is interested.
- The details that must be disclosed are:
  - the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
  - the nature and extent of the interest (if the monetary value cannot be quantified).
- A member who has an interest in a matter:

- may not vote or take part in any discussion or decision of the Council or any of its committees relating to the matter, or otherwise participate in any activity of the Council that relates to the matter; and
- may not sign any document relating to the entry into a transaction or the initiation of the matter.
- A person has an interest in a matter if the person:
  - may derive a financial benefit from the matter; or
  - is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
  - may have a financial interest in a person to whom the matter relates; or
  - is a partner, director, officer, board or Council or committee member of a person who may have a financial interest in a person to whom the matter relates; or
  - otherwise directly or indirectly has an interest in the matter.
- The term '**matter**' means the Council's performance of its functions or exercise of its powers or an arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Council.

## Delegation

- The Council can delegate any of the functions or powers of the Council (other than the power to appoint a general manager) to a member or members of the Council, the general manager, a committee appointed by the Council, any other person approved by the Council, or a subsidiary of the Council.
- Delegations are made by resolution and written notice to the delegate.
- The power to delegate cannot be further delegated.
- The person to whom functions or powers are delegated can exercise those functions or powers with the same effect as if the delegate were the Council.
- A person who purports to act under delegation is presumed to be acting in accordance with a delegation unless proven otherwise.
- The Council can still exercise a power or function that has been delegated and remains liable for all acts that are performed under delegation.
- A delegation can be revoked by the Council by notice in writing, or by any other method specified in the delegation.

## Appointment of general manager and other employees

- The Council:
  - must appoint a person who is not a member of the Council to be its general manager; and
  - may appoint any other employees it thinks necessary for the efficient performance of its functions.
- The general manager is:
  - responsible for the efficient and effective management of the Council; and
  - must give effect to the policies and directions of the Council in relation to the performance of its functions.
- The general manager may be referred to by any other title that the Council determines.

## Rules

- The Council may make rules providing for the nomination and selection of candidates for appointment of members to the Council.
- The Council may make rules for any purpose relating to the performance of its functions.
- When preparing rules (and any amendments to them), the Council must take all reasonable steps to consult those affected by the rules.
- The Council must take all reasonable steps to ensure that those affected by the rules are aware of their existence and are able to obtain copies of them.

## Mechanisms for industry engagement

### Summary

*Describes how the Workforce Development Council will engage with industry over the performance of its functions.*

- The Workforce Development Council must establish enough national industry advisory groups to enable the specified industries to provide input that will assist the Council in the performance of its functions.
- The engagement model must:
  - take into account the needs of particular industries and specialist areas within the coverage of the Council and the specified industries as a whole;
  - specify the means by which a specified industry can raise any concerns arising from the Council's performance of its functions; and
  - describe the arrangements or opportunities for regular interaction between the specified industries and the Council, including at least one annual meeting with representatives of the specified industries.

## Additional functions of the Workforce Development Council

### Summary

*Provides for any functions additional to those provided for in section 366 of the Education and Training Act 2020.*

There are no additional functions.

## Coverage of the Workforce Development Council

### Summary

*Provides details of the coverage of the Workforce Development Council.*

The coverage of the Council comprises the workforce development activities in relation to employers, providers, and employees or people seeking to be employed in work related to construction and infrastructure in any of the industries listed below, with the following qualifications:

- Coverage of 1492 'Wooden Structural Fitting and Component Manufacturing' limited to prefabricated timber wall frames and roof trusses, as all other aspects are covered by the Manufacturing, Engineering and Logistics WDC.
- Coverage of 3234 'Fire and Security Alarm Installation Services' limited to closed circuit video surveillance system installation, repair of installed burglar security alarm systems and security system installation, as all other aspects are covered by the Manufacturing, Engineering and Logistics WDC.

ANZSIC L4 Code	ANZSIC L4 Description
D261100	Fossil Fuel Electricity Generation
D261200	Hydro-electricity Generation
D261900	Other Electricity Generation
D262000	Electricity Transmission
D263000	Electricity Distribution
D264000	On Selling Electricity and Electricity Market Operation
D270000	Gas Supply
D281100	Water Supply
D281200	Sewerage and Drainage Services
E301100	House Construction
E301900	Other Residential Building Construction
E302000	Non-Residential Building Construction
E310100	Road and Bridge Construction
E310900	Other Heavy and Civil Engineering Construction
E321100	Land Development and Subdivision
E321200	Site Preparation Services
E322100	Concreting Services

<b>ANZSIC L4 Code</b>	<b>ANZSIC L4 Description</b>
E322200	Bricklaying Services
E322300	Roofing Services
E322400	Structural Steel Erection Services
E323100	Plumbing Services
E323200	Electrical Services
E323400	Fire and Security Alarm Installation Services (circuit video surveillance system installation only)
E323900	Other Building Installation Services
E324100	Plastering and Ceiling Services
E324200	Carpentry Services
E324300	Tiling and Carpeting Services
E324400	Painting and Decorating Services
E324500	Glazing Services
E329100	Landscape Construction Services
E329200	Hire of Construction Machinery with Operator
E329900	Other Construction Services n.e.c.
F333200	Plumbing Goods Wholesaling
F373100	Furniture and Floor Covering Wholesaling
G421200	Floor Coverings Retailing
G422100	Electrical, Electronic and Gas Appliance Retailing
G423100	Hardware and Building Supplies Retailing
J580100	Wired Telecommunications Network Operation
J580200	Other Telecommunications Network Operation
J580900	Other Telecommunications Services
L663100	Heavy Machinery and Scaffolding Rental and Hiring
M692100	Architectural Services
M692200	Surveying and Mapping Services
S942100	Domestic Appliance Repair and Maintenance
S942200	Electronic (except Domestic Appliance) and Precision Equipment Repair and Maintenance (excluding Locksmithing)



ANZSIC L4 Code	ANZSIC L4 Description
C149200	Wooden Structural Fitting and Component Manufacturing (prefabricated timber wall frames and roof trusses only)

# A muri ake - Next steps

The establishment of the six Workforce Development Councils is a significant step in the Reform of Vocational Education, and we look forward to hearing your views about the Order in Council proposals.

To participate and provide feedback on the Order in Council proposals, you can:

- Visit <https://wdcconsultation.tec.govt.nz/> and complete the online submission form
- Send us an email on [WDCConsultation@tec.govt.nz](mailto:WDCConsultation@tec.govt.nz)
- Send us your feedback via post to
  - C/O RoVE - WDC Consultation  
Tertiary Education Commission  
PO Box 27048  
Wellington, 6141

The consultation is open from **16 December 2020** until **5 February 2021**.

For more information about the Order in Council proposals or about the Order in Council process, and for the opportunity to ask questions, you can register to attend one of our Zoom information sessions:

<https://wdcconsultation.tec.govt.nz/consultation-zoom-information-sessions>

If you have any questions about the consultation or the consultation process, you can send an email to [WDCConsultation@tec.govt.nz](mailto:WDCConsultation@tec.govt.nz) or give us a call on [0800 601 301](tel:0800601301).

Following this consultation, the Minister of Education will consider and take into account any views expressed and feedback received through the consultation. The proposals will then go through the Order in Council process, until they are recommended by the Minister to the Governor-General.

Once the Orders in Council are approved and signed into legislation, the six Workforce Development Councils will be formally established.