



AIDE MEMOIRE

Update on timelines for establishing Workforce Development Councils

Date:	22 September 2020	Priority:	Medium
To:	Hon Chris Hipkins, Minister of Education	METIS No:	1241627
From:	Katrina Sutich, Group Manager, Graduate Achievement, Vocations and Careers.	Security Level:	In Confidence

Purpose

- At the Education agencies meeting on Monday 7 September you indicated that by the end of the first quarter in 2021 (31 March 2021):
 - the Order in Councils (OIC) process should be completed,
 - Workforce Development Councils (WDC) should be established, and
 - leadership appointments should be made/in place.
- This aide memoire provides you with a preferred timeline for achieving this following the 2020 General election.

Recommendations

- It is recommended that you:

Note that as soon as a new Government is formed, officials will provide the Minister with draft consultation and communications material and a more detailed timeline.



Hon Chris Hipkins
Minister of Education

14/10/20

We get the job done Ka oti i a mātou ngā mahi

We are respectful, we listen, we learn He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou

We back ourselves and others to win Ka manawanui ki a mātou me ētahi ake kia wikitoria

We work together for maximum impact Ka mahi ngātahi mō te tukinga nui tonu

Great results are our bottom line Ko ngā huanga tino pai ā mātou whāinga mutunga

Process and timing for establishing WDCs by the end of March 2021

- Our preferred timeline for establishing WDCs by the end of March 2021 is presented in the table below. The timeline takes into account that there is no set date for Government formation following a general election, and that the Cabinet committee and meeting dates for 2021 have not yet been announced.

Table 1: Timeline for establishing WDCs by the end of March 2021

Dates	Timeline for establishing Workforce Development Councils
September	Engagement (now to 16 October)
October	
November	General Election & Government formation
December	Consultation (Begins ASAP after the election, but by 11 Dec at the latest) 4-6 weeks
January	
February	Summary of submissions
	Cabinet policy approval
March	Parliamentary Counsel Office drafting six Order in Councils (1 month)
	Cabinet Legislation process and Governor General Waiver sought to 28 day rule

- This timeline provides for the Minister to approve the consultation as soon as possible after the election, but by 11 December at the latest. If the Minister approved the consultation in mid-November then the consultation could run for four weeks and be finished by Christmas. Otherwise the consultation would run over the Christmas period and could be extended to six weeks. Consultation over the Christmas period may be difficult for industry and may result in lower levels of engagement.
- Cabinet approval to the policy would then be sought in February. Because the number of Cabinet meetings in February are usually limited, and because PCO

needs adequate time to draft the orders, the next opportunity for the OICs to be approved by Cabinet could be in March. This means the establishment date for WDCs may need to be extended beyond the end of March, or the Minister could apply for a waiver of the 28 day rule.

Applying for a waiver for the 28 day rule

7. The Minister could seek a waiver to the 28 day rule on the basis that the OICs will have little or no effect on the public, or will confer only benefits on the public. Officials consider that the establishment of six WDCs will not result in any unreasonable cost, restriction on rights or additional obligations that would otherwise warrant the 28 day wait.
8. A waiver could also be sought on the basis that the OICs are a response to an emergency. In particular, the establishment of WDCs has been brought forward to accelerate the Reform of Vocational Education reforms as part of the Government's COVID-19 response. There is a need to prioritise retraining in trades and vocational skills as a response to potential significant job losses. The 28 day waiver reflects the urgency of embedding the reforms as soon as practicable, including the establishment of WDCs.

Alternative timeline

9. If the Minister does not wish to apply for a waiver to the 28 day rule then an alternative timeline is available. The Minister could seek Cabinet in-principle policy approval as soon as possible after the election, but by 14 December at the latest. It is likely that consultation would then run for 6 weeks over the Christmas period. The policy would then be confirmed by Cabinet alongside the OICs in February and the orders would come into effect in March as per the 28 day rule.

Leadership appointments (WDC boards)

10. If the intended governance arrangements for any of the WDCs requires a Ministerial appointment process, this will be carried out in parallel to the OIC process – i.e. the TEC would provide the Minister with a draft Cabinet paper seeking agreement from the Cabinet Appointment and Honours committee (APH) to the WDC Establishment Board members in February
11. Based on the process established by each OIC, officials will work with the WDC interim Establishment Boards (iEBs) and industry to support non-Ministerial appointments by the end of March 2021 where possible. The Chief Executive and second tier appointments will be completed by WDC Boards as soon as possible after the OIC have been approved.

What the interim Establishment Boards could achieve by the end of March 2021

12. Officials are currently working with the members of the six iEBs to explore options to start some of the establishment activities early. iEBs are currently limited by the fact that they do not have decision powers or funding available to them to spend, and they are also unable to enter into any contractual agreements. Potential establishment activities that iEBs may undertake, or start to undertake include, but are not limited to:
 - a. Appointment of the first WDC Boards

- b. Arranging a secretariat function
- c. Development of position descriptions
- d. Commence recruitment process for WDC Chief Executives
- e. Development of key day one policies and procedures
- f. Identification of options for head / regional office locations and premises
- g. Developing an approach and procuring support and enabling functions (i.e. corporate services)

Next steps

13. Once a new Government is formed, officials will be ready to provide the Minister with the draft consultation and communications material.