

What's in the Bill?

We've been thinking and analysing the [Education \(Vocational Education and Training Reform\) Amendment Bill](#). It's big and bold. But we know it can be even better.

There are three sections of the Bill that need attention:

- The workforce development councils (which sets out how industry will interact with the education system);
- The functions of NZIST (which sets out the role for the new network of vocational education provision); and,
- The charter for NZIST (which sets out requirements for regional provision, addressing learning needs of all learners, and ensure partnerships with community, iwi, and industry).

We need your help to make sure that the changes to our vocational education and training system works for students, staff, communities, iwi, and industry.

There are just three simple actions:

- Take two to think about the improvements that can be made to the sections of the bill attached.
- Send your thoughts to teu@teu.ac.nz so we can make sure your voice is heard by MPs during the select committee phase.
- And then [sign-up to stay involved](#).

Together we can make sure that all tertiary education institutions are great places to study and work.

Technology and Polytechnics), 3 wānanga and a large number of private training establishments—collectively known as providers—deliver vocational education outside of the workplace under the principal Act. This dual system is legislatively and operationally complex. The consequence is that the system does not always meet the needs of learners, employers, or regions. Some polytechnics are facing big challenges to their sustainability, putting access to their delivery at risk, and employers find the lack of industry input into education delivered outside of workplaces frustrating.

This Bill integrates industry training and vocational education through the establishment of a single regulatory framework for vocational education and training, bringing the provisions of the ITAA into the principal Act. The ITAA will be repealed. This will simplify the legislative framework for vocational education and training. Allied to this, the Bill establishes new entities to create a unified and cohesive system of vocational education and training.




Workforce development councils

The Bill provides for workforce development councils to be established by Order in Council. Workforce development councils will have the following functions in respect of a specified industry or industries:

- to provide skills leadership for the specified industries, including by identifying their current and future needs and advocating for those needs to be met:
- to develop and set skill standards:
- to develop and maintain industry qualifications:
- to develop training schemes:
- to develop and set training packages:
- to decide whether to endorse programmes developed by providers:
- to develop and set capstone assessments:
- to carry out moderation activities:
- to provide employers with brokerage and advisory services approved by the Tertiary Education Commission (the **Commission**):
- to advise the Commission on its overall investment in vocational education and training:
- to advise the Commission about the mix of vocational education and training needed:
- to represent the interests of the specified industries, while taking account of national and regional interests:
- to perform any other functions in relation to the specified industries conferred on it by the Minister of Education (the **Minister**).

The Commission must have regard to advice from any workforce development council in assessing any proposed plan in relation to vocational education and training. It must give effect to advice from any workforce development council about the mix of

vocational education and training needed for its industry, within certain funding limits. Workforce development councils may be disestablished by Order in Council in certain limited circumstances.



New Zealand Institute of Skills and Technology

NZIST will be a tertiary education institution established under the principal Act and a Crown entity for the purposes of the Crown Entities Act 2004. NZIST will have the following functions:

- to provide or arrange, and support, a range of education and training and conduct applied research; and
- to be responsive to and to meet the needs of the regions of New Zealand and their learners, industries, employers, and communities by utilising its national network of tertiary education programmes and activities; and
- to improve the consistency of vocational education and training by using skill standards and working in collaboration with workforce development councils; and
- to improve outcomes in the tertiary education system as a whole, including by making connections with schools and other organisations involved in tertiary education; and
- to improve outcomes for Māori learners and Māori communities in collaboration with Māori and iwi partners and stakeholders.

The Bill sets out a charter that NZIST must give effect to. The Bill sets out arrangements for the constitution and term of office of NZIST's council, and matters to be considered when appointing members. Provisions of the Crown Entities Act 2004 that currently apply to tertiary education institutions will apply to NZIST. Certain additional provisions of the Crown Entities Act 2004 will apply to NZIST and its Crown entity subsidiaries, including the requirement to produce a statement of intent and a statement of performance expectations. These accountability arrangements reflect its unique status as a national institution. Similarly, the Bill establishes a risk management framework for NZIST, and a requirement to provide information to the chief executive of the Commission if requested.

Transitional arrangements

To facilitate a smooth transfer of functions from existing organisations, there will be a transition period from the commencement of the Bill on 1 April 2020 until 31 December 2022.

Industry training organisations are currently recognised under the ITAA to develop and maintain skill standards for an industry or industries and to support work-based training. By the end of the transition period, these functions will be undertaken by workforce development councils and providers of vocational education and training respectively. No new industry training organisations will be recognised. Existing industry training organisations will be recognised as transitional industry training

Part 15A
New Zealand Institute of Skills and Technology

222A NZIST established

- (1) This section establishes the New Zealand Institute of Skills and Technology (NZIST) as a tertiary education institution. 5
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, do either or both of the following:
- (a) change the name of NZIST:
 - (b) amend this Act or any other enactment by omitting from it the name of NZIST and substituting some other name. 10
- (3) To avoid doubt, NZIST does not cease to be a tertiary education institution merely because its name is changed under **subsection (2)**.

222B Functions of NZIST

NZIST has the following functions:

- (a) to provide or arrange, and support, a range of education and training and conduct applied research: 15
- (b) to be responsive to and to meet the needs of the regions of New Zealand and their learners, industries, employers, and communities by utilising NZIST's national network of tertiary education programmes and activities: 20
- (c) to improve the consistency of vocational education and training by using skill standards and working in collaboration with workforce development councils:
- (d) to improve outcomes in the tertiary education system as a whole, including (without limitation) by making connections with schools and other organisations involved in tertiary education: 25
- (e) to improve outcomes for Māori learners and Māori communities in collaboration with Māori and iwi partners and stakeholders.

222C NZIST's charter

- (1) NZIST must give effect to its charter as set out in **Schedule 22**. 30
- (2) NZIST must report in its annual report on how it has given effect to the charter.
- (3) The duty in **subsection (1)** is owed to the Minister.

222D Minister may specify administrative regions for NZIST

The Minister may, by notice in the *Gazette*, specify administrative regions for the purposes of aligning with the regions as specified by the Government. 35

222E Academic freedom of NZIST

- (1) It is declared to be the intention of Parliament in enacting the provisions of this Act relating to NZIST that NZIST's academic freedom is to be preserved and enhanced.
- (2) For the purposes of this section, **academic freedom**, in relation to NZIST, means—
- (a) the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions; and
 - (b) the freedom of academic staff and students to engage in research; and
 - (c) the freedom of NZIST and its staff to regulate the subject matter of its courses; and
 - (d) the freedom of NZIST and its staff to teach and assess students in the manner they consider best promotes learning; and
 - (e) the freedom of NZIST through its chief executive to appoint its own staff.
- (3) However, nothing in **subsection (2)** limits or affects a workforce development council carrying out its relevant functions.
- (4) In exercising academic freedom, NZIST must act in a manner that is consistent with—
- (a) the need for institutions to maintain the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards; and
 - (b) the need for institutions to be accountable and to properly use resources allocated to them.
- (5) In performing their functions, NZIST's council and its chief executive, Ministers, departments of State, authorities, and agencies of the Crown must act in all respects so as to give effect to the intention of Parliament as expressed in this section.
- (6) NZIST's academic freedom also applies in relation to NZIST subsidiaries that provide education and training.

222F NZIST must establish regional divisions

- (1) NZIST must establish regional divisions for the purposes of—
- (a) appointing members to a staff committee or a students' committee established under **section 222L**;
 - (b) appointing directors to an NZIST subsidiary.
- (2) NZIST may make statutes for the purposes of **subsection (1)**.

Schedule 3
New Schedule 22 inserted

s 69(1)

Schedule 22
NZIST's charter

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s 222C(1)

- 1 The New Zealand Institute of Skills and Technology (NZIST) exists to provide, arrange, and support a range of education and training in the workplace and in formalised learning environments using a variety of delivery methods.
- 2 NZIST will be responsive to the needs of all regions of New Zealand, their learners, industries, employers, and communities. 10
- 3 To meet the needs of regions throughout New Zealand, NZIST must—
- (a) offer in each region a mix of education and training, including on-the-job, face-to-face, and distance delivery that is accessible to the learners of that region and meets the needs of its learners, industries, and communities; and 15
 - (b) operate in a manner that ensures its regional representatives are empowered to make decisions about delivery and operations that are informed by local relationships and to make decisions that meet the needs of their communities; and 20
 - (c) ensure that international learners are attracted to train and study in regions throughout New Zealand; and
 - (d) ensure that there is collaboration across its national network; and
 - (e) maintain a high-quality coherent network of infrastructure that meets regional skills needs. 25
- 4 NZIST must operate in a way that allows it to—
- (a) empower students and staff on academic, non-academic, and well-being matters and matters relating to the organisation's practices and services; and
 - (b) develop meaningful partnerships with— 30
 - (i) industry across the country, including Māori and Pacific employers; and
 - (ii) communities at a local level, including hapū and iwi, and Pacific communities; and
 - (c) use the insights gained through partnerships to— 35
 - (i) develop and provide vocational education and training that meets short-term and long-term skills needs; and

- (ii) align education and training delivery to support the unique social and economic goals of local communities; and
- (d) reflect Māori-Crown partnerships in order to—
- (i) ensure that its governance, management, and operations give effect to Te Tiriti o Waitangi; and 5
- (ii) recognise that Māori are key actors in regional social, environmental, and economic development; and
- (iii) respond to the needs of and improve outcomes for Māori learners, whanau, hapū and iwi, and employers; and
- (e) hold inclusivity as a core principle, recognising and valuing the diversity of all of its learners, and providing the unique types of support different learners need to succeed; and 10
- (f) meet the needs of all of its learners, in particular those who are underserved by the education system, including, but not limited to, Māori, Pacific, and disabled learners; and 15
- (g) have culturally responsive delivery approaches, whether on campus, in the workplace, online, or otherwise; and
- (h) work collaboratively with schools, wānanga, and other tertiary education organisations to improve the outcomes of the education system as a whole. 20
- 5 In giving effect to clause 4, NZIST must ensure that—
- (a) students and employers can transition seamlessly between delivery sites and educational modes, including between workplaces and other forms and places of learning; and
- (b) programmes of study and qualifications are portable and consistent, yet flexible enough to meet local needs; and 25
- (c) New Zealand’s reputation as a quality study destination for international learners is sustained; and
- (d) the range of education and training options available to learners and employers is appropriately broad and current; and 30
- (e) future skill needs are anticipated and quickly responded to; and
- (f) teaching and learning is supported by research, evidence, and best practice; and
- (g) learning pathways provide learners with a range of opportunities to progress to higher levels of education and training; and 35
- (h) the needs of adult and second-chance learners are afforded high priority.