Te Tāhuhu o te Mātauranga
Ministry of Education

Report: Sample Orders in Council in advance of LEG Cabinet paper

To:	Hon Penny Simmonds, Minister for Vocational Education		
Date:	16/10/2025	Deadline:	21/10/2025
Security Level:	In-Confidence	Priority:	High
From:	9(2)(a) Senior Policy Manager	Phone:	
Drafter:	9(2)(a)	METIS No:	1352911

Why are we sending this to you?

- Orders in Council are required to establish polytechnics and Industry Skills Boards, and disestablish Workforce Development Councils. We are preparing a Cabinet paper to propose these Orders.
- You are receiving samples of the three substantive groups of Order In Councils for your comment before formal consultation on their content and finalising them for the Cabinet paper
- We are proposing you issue a further technical Order in Council at the same time, that makes consequential amendments to other Acts and secondary legislation which can only happen once Workforce Development Councils are disestablished

What action do we need, by when?

- We are seeking your feedback, or a discussion, by Tuesday 21 October

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Alignment with Government priorities

1. This report supports the redesign of the vocational education and training (VET) system, which is one of your priorities for the Vocational Education portfolio.

Background

2. Following the commencement of the Education and Training (Vocational Education and Training System) Amendment Bill, which is expected to occur by 22 October, Orders in Council are required to:

    2.1. Establish polytechnics
    2.2. Establish Industry Skills Boards
    2.3. Disestablish the Workforce Development Councils

3. You have made policy decisions about the contents of the Orders [METIS 1352460, 1352459 and 1352098 refer]. The Ministry have instructed the Parliamentary Counsel Office (PCO) to draft Orders in line with these decisions.

4. The Act also provides for an Order in Council to amend other Acts and secondary legislation that can only be amended once Workforce development Councils have been disestablished.

Attached for your comment are three sample Orders as drafted by PCO

5. We are preparing the Cabinet paper required for approval of the Orders in Council for you to recommend them to the Governor General. We are planning for this Cabinet paper to be considered by LEG on 20 November. The paper will include a short report on the feedback you received from the consultation on the Orders for establishing polytechnics and Industry Skills Boards. This consultation is currently planned to run from 22 October to 29 October.
6. We intend to provide you with a draft copy of this Cabinet paper, and the associated Regulatory Impact Statement, on 23 October for your feedback. This early version of the Cabinet paper will contain the standard LEG Cabinet paper content, but will not yet have the sections related to the consultation. We will provide you with a final draft Cabinet paper for Ministerial and agency consultation, including the consultation report back, on 30 October.
7. To support this very tight timeframe, we need to ensure you are comfortable with the content of the three groups of Orders in Council. Apart from the name of the organisation concerned and the industry coverage schedules of the Industry Skills Board Orders the three categories of Orders are standardised for each organisation. We are providing you with the following sample orders:

    7.1. Education (Southern Institute of Technology) Order 2025 (Annex 1)
    7.2. Education (Disestablishment of Toi Mai Workforce Development Council) Order 2025 (Annex 2).
    7.3. Education (Transport Industry Skills Board) Order 2025 (Annex 3)

Industry Skills Board Order

8. The Orders establishing Industry Skills Boards require more detail than those establishing polytechnics. You agreed to the core content of these Orders in METIS 1352459 and confirmed elements in METIS 1352098 following engagement with industry stakeholders.
9. The final Order for each ISB will include a Schedule setting out its detailed industry coverage. This will be expressed in terms of official ANZSIC industry classification codes.
10. The names for the ISBs in the Orders are as confirmed in METIS 1352098.

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Polytechnic Order

11. The Orders establishing polytechnics are very simple and only contain a name, commencement clause and date. The name in the Order is a legal name, and a polytechnic is able to adopt another operating name and branding.

12. We note that, on the request of the polytechnics involved, a minor change has been made to the name of the Order for the merged Unitec and Manukau Institute of Technology - *Manukau Institute of Technology and Unitec*. This was advised to the TEC by the executive director of MIT and Unitec as being a name their systems can manage with. We anticipate that once established the polytechnic will undertake work on its branding, this may result in a request to amend the legal name set out in the Order at some point in the future.

Workforce Development Council Disestablishment orders

13. The Orders disestablishing each WDC are again very simple, containing a commencement date and a clause disestablishing the WDC.

14. These Orders will set the date of disestablishment as 1 January 2026, which is after the date on which ISBs will be formally established. This overlap helps avoid disruption when moving staff, assets, and activities, as it means both the 'transferring' and 'receiving' organisations legally exist at the same time.

We are proposing one further technical Order

15. We recommend that you propose making one additional Order to amend other Acts and Secondary Legislation relating to WDCs. We anticipate this will be extremely short, simple, and technical, and so have not provided content of this to you.

16. It is not strictly necessary that this Order is made now. It will do no harm if the relevant provisions remain as is for a short amount of time and they will in any event will be amended on 1 January 2027 if no Order is made due to other provisions in the Bill. However, it makes the most sense to recommend this order at the same time as the Orders for the disestablishment of WDCs, and it does not add unduly to the amount of material Cabinet and the Executive Council is considering (25 Orders vs 24, with this new Order likely consisting of only a few lines of text). We also understand that PCO would strongly prefer this option to maintain the accuracy and integrity of the legislation affected. We therefore recommend that you include this Order in the package considered by Cabinet in November.

Next Steps

17. Once the Bill receives Royal Assent and commences, officials will manage the consultation required before establishing each polytechnic and ISB [METIS 1353540 refers]. Advice on any amendments we recommend making to one or more Orders in Council as a result will be provided to you on Thursday 30 October.

18. The following table sets out the remaining steps to finalising the Orders in Council:

Phase	Timing
Royal Assent to the Bill	[By] Tuesday 21 October.
Order in Council Consultation starts	Wednesday 22 October [Royal Assent +1 day]

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Officials provide you with draft Regulatory Impact Statement and Draft LEG Cabinet paper for your comment	Thursday 23 October
Order in Council Consultation ends	Wednesday 29 October 5pm[1]
Officials provide summary of consultation and advice to you	Thursday 30 October
Officials receive decisions from you if required; draft Cabinet Paper confirmed	Friday 31 October
Ministerial and agency consultation occurs	Monday 3 November to Friday 7 November
Results of Ministerial and agency consultation considered	Monday 10 November to Wednesday 12 November
Cabinet Paper and Orders lodged for LEG	Thursday 13 November (by 10am)
LEG Committee considers Orders	Thursday 20 November
Cabinet decisions	Monday 24 November
Publication on Government Legislation website and Gazette Notice	Thursday 27 November

Annexes

The following are annexed to this paper:

Annex 1: Education (Southern Institute of Technology) Order 2025

Annex 2: Education (Disestablishment of Toi Mai Workforce Development Council) Order 2025.

Annex 3: Education (Transport Industry Skills Board) Order 2025

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Recommended Actions

The Ministry of Education recommends you:

a. **discuss** with officials the content of the sample Orders for

i. establishing polytechnics

Yes / No

ii. establishing Industry Skills Boards

Yes / No

iii. disestablishing Workforce Development Councils

Yes / No

b. **agree** that an additional Order in Council is prepared to implement technical consequential amendments to legislation as a result of disestablishing Workforce Development Councils

Agree / Disagree

Proactive Release:

c. **agree** that the Ministry of Education release this paper once the secondary legislation instruments have been issued and published with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree

9(2)(a)

Senior Policy Manager

Te Pou Kaupapahere

16/10/2025

Hon Penny Simmonds

Minister for Vocational Education

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