
Te Pūkenga Interim Learner Advisory Committee (ILAC) OPEN Agenda

Meeting Date: Tuesday, 5 July 2022 (special meeting)

Meeting Time: 4.30pm – 6.00pm

Meeting Venue: Audio Visual Link

Members:

- Jordan Gush (Co-Chair)
- Dahrian Watene (Co-Chair)
- Hamish Duncan
- Ezra Tamati
- Skyla Flower
- Henry Geary
- Lupe Kautoke
- Nina Lee Griffith
- Cecily Zhou

In attendance:

- Tania Winslade (Deputy Chief Executive Learner Journey & Experience)
- Simone Andersen (Kaikōkiri Director Learner & Whānau Engagement)
- Becca Brooke (Learner Governance Lead)
- Simon Karipa (Governance Director)

Te Kaupapa o te Komiti Tohutohu mo nga Kaiako | Purpose of Interim Learner Advisory Committee

The Interim Learner Advisory Committee represent the voice of learners in the development and review of key strategic matters with the Council. Its statutory functions are to provide advice to the Council on significant matters relating to the Council’s strategic direction, the Te Pūkenga Charter, and any framework/policies relevant to learners or delegated to the Interim Learner Advisory Committee by the Council.

As part of its functions and as set out in the committee’s terms of reference, the Interim Learner Advisory Committee is required to:

- 1. demonstrate giving effect to Te Tiriti o Waitangi in its deliberations and decision-making*
- 2. develop terms of reference for the Permanent Learner Advisory Committees, including decisions on membership consistent with the prescribed statutory framework and relevant council decisions, (including position descriptions, terms of reference and elections process)*
- 3. consider any specific issues delegated to it or requested by Te Pūkenga Council*
- 4. draft a relationship agreement setting out specific ways of working with Te Pūkenga Council through a co-design process*
- 5. contribute perspectives of the learner voices, without replacing the need for Te Pūkenga to also engage directly with learners on significant proposals*
- 6. deliver Council a report setting out its activities and summarising its advice on the matters referred to it by Te Pūkenga Council quarterly or at least every 6 months.*

As the Interim Advisory Committees are in place for a limited time with a defined scope and purpose as set out in the Terms of Reference, the focus of the Interim Advisory Committees is to be generated towards the key deliverables outlined in its terms of reference and work programme.

Interim Learner Advisory Committee – 2022 Work Programme

AGENDA ITEM	MAR 16	APR 12	JUNE 02	AUG 16	OCT 4	DEC TBC
GOVERNANCE (Council Priorities)						
Develop Interim Advisory Committee Relationship Agreement	●	●				
Develop Interim Advisory Committee Work Programme	●	●				
Develop an operational issues process and provide advice on a communication plan to ensure the Advisory Committees purpose within the wider network is understood and communicated effectively.		●	●			
Develop Permanent Learner Committee Framework (<i>terms of reference, relationship agreement, position descriptions, induction & handover guides</i>) noting statutory framework and Council decisions.		●	●	●	●	
Advise on the development of an Election Process for the 2023 Learner Advisory Committee (in conjunction with Kaimahi elections)		●	●	●	●	
PERFORMANCE MONITORING						
Quarter 1 report to Council		●		●		●
Quarter 2 report to Council						
Quarter 3 report to Council						
Quarter 4 report to Council – Final report from Interim Committee						
STANDING ITEMS						
Komiti Māori report	●	●	●	●	●	●
Te Poari Akoranga report	●	●	●	●	●	●
Co-Chairs report	●	●	●	●	●	●
Council Update Report		●		●		●
ONGOING - Advise on Council Strategic Matters						
Learner Voice (Contribute perspectives of Te Pūkenga Learners, without replacing the need for Te Pūkenga to also engage directly with learners on significant proposals)						

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1) Open meeting with Karakia Timatanga

<p>Whakarongo rā e Rongo ki Te Pūkenga te manawa nei ki te rongo taketake te whiwhia, te rawea te whiwhi-ā-nuku whiwhi-ā-rangi I takea mai i te kāhui o ngā ariki. Kia tūturu ka whakamau ai kia tīnā Tīnā! Hui e? Taīki e!</p>	<p><i>Listen o Rongo to Te Pūkenga offering gratitude for the peace and harmony that allows us to enjoy, the gifts of the earth and the heavens bequests of a higher order. Firmly! Do we all concur? We concur!</i></p>
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2) Introductions/Welcome

Welcome Governance Director Simon Karipa

3) Apologies

ILAC to receive and note any apologies.

Recommendation:

That the apologies from Cecily Zhou for lateness are received and accepted.

4) Confirmation of Agenda

ILAC to confirm the agenda.

Recommendation:

That the agenda is confirmed.

5) Declarations of Interest

ILAC Members to declare any conflicts of interest.

(Members are reminded of the need to be vigilant in declaring whether they may have any private or external interests relating to any matters being discussed in this agenda).

6) Amendment to Interim Learner Advisory Committee (ILAC) recommendation to Council on Learner Advisory committee representation arrangements.

Pūrongo Kōmiti Ākonga a Te Pūkenga Interim Learner Advisory Committee Report

5 July 2022

Provided by	Becca Brooke, Learner Governance Lead – Learner Journey Experience
Author	Chelsey Stewart, Advisor – Learner Journey Experience
Title	Amendment to Interim Learner Advisory Committee (ILAC) recommendation to Council on Learner Advisory Committee representation arrangements
For	Approval

Te Taunaki | Recommendation(s)

It is recommended that the committee:

a.	Receive the report;
b.	<p>Revoke the following recommendation (b(iii)) to Council regarding future Interim Learner Advisory Committee arrangements:</p> <p>i. One representative is appointed (selected from a national pool of nominated candidates) for each of the following learner groups:</p> <ul style="list-style-type: none"> • Māori • Pasifika • Disabled • LGBTQI+ • International • Work-based Learner
c.	<p>Recommend as part of the overall recommendation to Council on future Interim Learner Advisory Committee arrangements, that:</p> <p>i. One representative is nationally elected from a national pool of candidates for each of the following learner groups:</p> <ul style="list-style-type: none"> • Māori • Pasifika • Disabled • LGBTQI+ • International • Work-based Learner

d.	Note that the election system will require careful consideration to ensure appropriate representation of all priority learner groups is achieved.
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Te Tāhuhu Kōrero | Background

On 2 June 2022 the Interim Learner Advisory Committee (ILAC) received a report presenting a recommended option for representation arrangements for the future permanent Learner Advisory Committee (LAC). At that meeting ILAC agreed a recommendation to Council on the committee's preferred representation arrangements.

However, since that resolution staff have received further legal advice clarifying that the current legislation does not provide for making appointments to the LAC. As a result, the recommendations with respect to appointments for the permanent committee are no longer able to be carried out.

This report seeks to amend the 2 June 2022 ILAC recommendations in a way that retains the same intent while complying with all legislative interpretations.

Ngā Kōwhiringa me Te Tātaritanga | Options and analysis

On 2 June 2022 the ILAC resolved the following:

- Recommend to Council the following governance arrangements for the permanent Learner Advisory Committee:
 - i. The committee comprise 12 learner representatives
 - ii. One representative is elected from each region (noting five regions have been indicatively signalled) by the learner community of each region;
 - iii. One representative is **appointed** (selected from a national pool of nominated candidates) for each of the following learner groups:
 - Māori
 - Pasifika
 - Disabled
 - LGBTQI+
 - International
 - Work-based Learner

Before discussing representation arrangement options with ILAC, staff sought advice on whether the legislation allowed for representatives to be appointed to the LAC. They were advised this was not prohibited and as such included appointments within the range of options.

However, advice has since been received confirming representatives are unable to be appointed to the LAC as legislation states each member must be elected by their peers:

- *When appointing members of its staff committee or its students' committee, Te Pūkenga—New Zealand Institute of Skills and Technology's council must ensure:*
- *Each member of the students' committee is a student enrolled at Te Pūkenga—New Zealand Institute of Skills and Technology or a Te Pūkenga—New Zealand Institute of Skills and Technology subsidiary whom the students have elected to represent them.*

To ensure legal compliance, staff recommend ILAC revoke the component of the original recommendation relating to appointments and replace it with the following:

- i. One representative is **nationally elected** from a national pool of candidates for each of the following learner groups:

- Māori
- Pasifika
- Disabled
- LGBTQI+
- International
- Work-based Learner

It is recommended priority learner group representatives be elected at the national level rather than at a regional level to keep the overall size of the committee similar to the current one - this has previously been noted as the ILAC's preference.

It must also be noted that national elections present challenges in terms of ensuring an open, democratic election process that also guarantees all priority learner groups are represented.

The following questions will need to be carefully addressed when developing the elections system to ensure a sound and equitable process:

- Who can vote for priority learner group candidates – only those who identify as belonging to that group or every learner?
- How many votes would a learner have if the above is the case – if they identify as multiple priority learner groups do they have more votes (and therefore more influence over the make-up of the LAC than others)?
- What data management and privacy concerns might need to be considered in confirming if someone is entitled to stand as (or vote for?) a candidate for a priority learner group position.
- If electing representatives nationally, how are candidates supported to establish a presence across the country (and with their specific learner community)?
- How to manage the imbalance of opportunity for candidates from smaller geographical areas (e.g. a risk that all candidates come from the main centres simply because they have a bigger voter base affiliated to their geographical area)?

Te Ahunga Ki Mua | Next steps

Should ILAC approve the recommendations in this report, staff will take the amended recommendations to the August 2022 Council meeting.

7) Resolution to exclude the public

Recommendation:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows:

General subject of matter to be considered	Reasons for passing this resolution	Ground(s) founder section 48(1) for the passing of this resolution
Governance Review	Good reasons to withhold information exists under Section 7 Local Government and Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Governance Review	To prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7 (2) (j)
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