



Te Pūkenga

Te Pūkenga Council Meeting

Date	Tuesday 4 May 2021
Time	9.00am – 1.30pm
Venue	Wintec House, Hamilton
Council Members	Murray Strong (Chairperson), Kim Ngārimu (Deputy Chairperson), Maryann Geddes, Kathy Grant, Tania Hodges, Sam Huggard, Peter Winder, John Brockies, Tagaloatele Peggy Fairbairn-Dunlop

OPEN AGENDA

Item	Subject
1.	Karakia
2.	Welcome/Apologies/Notices
3.	Minutes from 6 April 2021 (open part of meeting)
4.	Register of Interests
5.	Te Poari Akoranga report
6.	Policy Amendments - Delegations and Procurement
7.	CE Verbal Update
8.	Resolution to Exclude Public in accordance with the Public Excluded agenda
9.	Close of open part of meeting

PUBLIC EXCLUDED AGENDA

It will be moved by the Chair that the public be excluded from the remainder of the meeting. This resolution will be made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) and the particular interests protected by section 9 of the Official Information Act 1982 which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public. The general subject of each matter to be considered while the public is excluded, the reason for passing the resolution in relation to each matter and the specific grounds under section 48(1) of LGOIMA for the passing of the resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
10.	Minutes from public excluded meeting from 6 April 2021	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
11.	Council Committee verbal updates	Section 9(2)(a) of the Official Information Act – To protect the privacy of natural persons Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
12.	Quarterly 1 Report to March 2021	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
13.	Critical Roadmap	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
14.	CEs/Council only verbal update	Section 9(2)(a) of the Official Information Act – To protect the privacy of natural persons	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
15.	Programme Transition Planning (May 2021)	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
16.	Capital Asset Management Strategy (CAMS)	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
17.	Te Pūkenga Risk Management Framework	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
18.	Operating Model project update	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
19.	Subsidiary Reserved Matters	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
20.	Items to be moved to Open Agenda for next Council meeting	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

The Chair will also move that certain employees from Te Pūkenga be permitted to remain at the meeting, after the public has been excluded, because of their specific knowledge in relation to the above items. This knowledge, which will be of assistance in relation to the matters above to be discussed, is relevant to those matters because they have assisted in the progression of such matters.

Te Pūkenga - New Zealand Institute of Skills and Technology (Te Pūkenga)

Minutes of a meeting of the Council of Te Pūkenga (the Council)

Tuesday 6 April 2021 at 9.30am

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Minutes

These are the minutes of a meeting of Te Pūkenga Council held on Tuesday 6 April 2021 at the EY office in Wellington.

Present

Members present: Murray Strong (Chair), Kim Ngārimu (Deputy Chair), Kathy Grant, Maryann Geddes, Sam Huggard, Tania Hodges, John Brockies and Tagaloatele Peggy Fairbairn-Dunlop.

Murray Strong Chaired the meeting.

In attendance: Stephen Town (Chief Executive), Merran Davis (DCE Transformation and Transition), Angela Beaton (DCE Delivery and Academic), Warwick Quinn (DCE Employer Journey and Experience), Ana Morrison (DCE Partnerships and Equity), Vaughan Payne (DCE Operations), Gillian Hamilton (Executive Assistant/Council Secretariat), Phillip Jacques (Interim Director Finance), Graham Bethune (Director, Communications and Marketing), Paki Rawiri (Transformation Leader, Māori), Sinead Hart (Senior Legal Counsel 12.15pm – 12.30pm)

Quorum

The Chair noted that a quorum of members was present at the meeting and declared the meeting open.

Selwyn Hayes, Partner EY Tahi welcomed Te Pūkenga to the EY office.

Karakia (Agenda Item 1)

Member Maryann Geddes opened the meeting with Te Pūkenga karakia.

Welcome/Apologies/Notices (Agenda Item 2)

The Chair welcomed new member Peggy Fairbairn-Dunlop to her first meeting.

Peter Winder was an apology for the meeting.

The Chair welcomed other attendees of the meeting, including the members of the public in attendance.

Minutes of the meeting held on 2 March 2021 (Agenda item 3)

The Members noted the minutes from the open section of the 2 March 2021 Council meeting.

Resolution

Moved by John Brockies, seconded by Kathy Grant

The Council resolved that the minutes from the open section of the 2 March 2021 Council meeting are approved as a true and accurate record.

Register of Interests (Agenda Item 4)

Members confirmed that all interests were recorded in the Council interests register in the Council meeting papers.

Noted Member Sam Huggard's appointment on the Nominations Committee for the Primary Industries Workforce Development Council.

Te Poari Akoranga Report (Agenda Item 5)

The Members discussed the Poari Akoranga report and minutes from the meeting held on Wednesday 10 March 2021.

In particular, Members:

- Noted the update from the meeting held via zoom on Wednesday 10 March 2021;
- Noted excellence and innovation was added to the Terms of Reference;
- Noted a Community of Practice is a way of bringing academic staff together (for a group of connected programmes) and is an important change readiness process for Te Pūkenga;
- Noted the Terms of Reference should reference learners 'and their whānau'; and
- Noted a comprehensive consultation process will be undertaken to confirm the academic regulations.

Resolution

Moved by Murray Strong, seconded by Tania Hodges

The Council resolved to approve Te Poari Akoranga Terms of Reference with the addition of 'and their whānau' where learners are referenced.

Annual Shareholder Meeting for the ITP Subsidiaries (Agenda Item 6)

The Members considered a request to pass a resolution to confirm subsidiaries are not required to hold an annual shareholder's meeting for the financial year ending 31 December 2020.

In particular, Members:

- Noted the reporting has been challenging due to not being a full financial year; and
- Noted dialogue will continue with subsidiary stakeholders.

Resolution

Moved by Murray Strong, seconded by Sam Huggard

The Council:

- resolved as set out at Appendix A (Shareholder's Resolution) in respect of each ITP subsidiary confirming that the ITP subsidiary is not required to hold an annual shareholder's meeting for the financial year ending 31 December 2020;
- authorised the Chair to sign a Shareholder's Resolution in respect of each ITP subsidiary on behalf of Te Pūkenga; and
- the relevant Shareholder's Resolution be provided to the relevant ITP subsidiary on behalf of Te Pūkenga.

CE Verbal Update (Agenda Item 7)

The Members received a verbal update from the Chief Executive.

In particular, the Chief Executive:

- Noted the aim over the last month has been trying to fill the gap of the thirst for information and our ability to provide this;
- Noted communications has been resourcing up over the month and the DCEs have been busy engaging with the network meeting subsidiary ITPs, Transitional Industry Training Organisations (TITTOs), learners and employers;
- Noted the critical path is near completion and will be submitted to the May 2021 Council meeting; and
- Requested all ELT Council papers show how equity and our Te Tiriti obligations will materialise throughout projects.

Items for Information (Agenda Item 8)

Letter and response to National Nurses Leadership Group (NNLg) (Agenda Item 8.1)

Members noted the letter and response to the National Nurses Leadership Group in relation to the views of the NNLg on the impact of the Reform of Vocational Education on nursing education.

Subsidiary Board Appointments (Agenda Item 8.1)

Members noted the below subsidiary board appointments which were moved to the public agenda:

- Adam La-Hood as Chair of Otago Polytechnic Limited;
- Tracy Johnston as Chair of Nelson Marlborough Institute of Technology Limited;
- Patrick Smith as Deputy Chair of Nelson Marlborough Institute of Technology Limited; and
- Tupara Morrison as Member of Wellington Institute of Technology Limited and Whitireia Community Polytechnic Limited.

Resolution to Exclude Public in accordance with the Public Excluded Agenda (Agenda Item 9)

Resolution

Moved by Murray Strong, seconded by Kathy Grant

The Council resolved that the public be excluded from the remainder of the meeting in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the particular interests protected by section 9 of the Official Information Act 1982 which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public.

The general subject of each matter to be considered while the public is excluded, the reason for passing the resolution in relation to each matter and the specific grounds under section 48(1) of LGOIMA for the passing of the resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
11.	Minutes from public excluded meeting from 2 March 2021	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
12.	Council Committee updates	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
13.	Draft quarterly report template	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
14.	Draft Te Pūkenga Annual Report 2020	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is

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		who supplied or who is the subject of the information	specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
15.	Te Pūkenga Work Based Learning Limited	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
16.	Health and wellbeing education provision	Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
17.	Update on domestic EFTS positions as at 24 March 2021	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
18.	Te Pūkenga Borrowing Consent	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

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20.	Items to be moved to Open Agenda for next Council meeting	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

The Council resolved that Te Pūkenga employees Stephen Town, Vaughan Payne, Merran Davis, Ana Morrison, Paki Rawiri, Warwick Quinn, Angela Beaton, Phillip Jacques, Graham Bethune and Gillian Hamilton be permitted to remain at the meeting, after the public has been excluded, because of their specific knowledge in relation to the above items. This knowledge, which will be of assistance in relation to the matters above to be discussed, is relevant to those matters because they have assisted in the progression of such matters. Te Pūkenga Council also resolved that Sinead Hart join for item 15 to assist with this matter due to her knowledge in relation to this item.

Whakatuwhera and close of open part of meeting (Agenda Item 10)

The open part of the Te Pūkenga Council meeting was closed at 10.10am.

The public excluded session commenced at 10.20am with a short break between 11.45am and 12.15pm.

Public Excluded Agenda

The minutes relating to the Public Excluded Agenda are set out in Schedule 1 to these minutes.

Whakatuwhera

There being no further business the Chair declared the Council meeting closed at 12.35pm.

Dated: May 2021

Signed as a correct record

Murray W. Strong
Chairman

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Te Pūkenga

Register of Interests

	Member	Chairperson/ Deputy Chairperson / Member
1.	Murray Warren Strong	Chairperson
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Chairperson Centre of Digital Excellence Trustee GRŌW Ō Tautahi, Christchurch Director National Infrastructure Service, Wellington Chairman Christchurch Multi Use Arena Director Tai Poutini Polytechnic Limited (TPP) Director The Open Polytechnic of New Zealand Limited Independent Chairman - Southern Lakes Events Investment Panel - effective 1 November Director Work Based Learning Limited</p>	
2.	Mereana Kim Ngārimu	Deputy Chairperson
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Council member Medical Council of New Zealand Member Waitangi Tribunal Board member Heritage NZ Council member Māori Heritage Council Board member Te Māngai Pāhō Māori Broadcasting Funding Agency Director and shareholder NTK Limited and Tāua Ltd Husband Herewini Te Koha, CE of Te Rūnanganui o Ngāti Porou, signatory to regional submissions on RoVE. Chair Tairāwhiti DHB Director Northland Polytechnic Limited (NorthTec) Director Eastern Institute of Technology Limited (EIT) Chair Gisborne DHB Laundry Services – effective December 2020</p>	
3.	Maryann Lillian Geddes	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Director ServicelQ Director Ara Institute of Canterbury Limited (Ara) Director Otago Polytechnic Limited</p>	

	Member	Chairperson/ Deputy Chairperson / Member
	Director Southern Institute of Technology Limited (SIT)	
4.	Kathleen (Kathy) Grant	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Deputy Chair and member Dunedin City Holdings Limited</p> <p>Deputy Chair and member Dunedin City Treasury Limited</p> <p>Deputy Chair and member Dunedin Stadium Property Limited</p> <p>Person closely related Board member Leslie Groves Home & Hospital</p> <p>Person closely related Chair Dunedin Diocesan Trust Board</p> <p>Director Nelson Marlborough Institute of Technology Limited (NMIT)</p> <p>Director Wellington Institute of Technology Limited and Whitireia Community Polytechnic Limited</p> <p>Director Dunedin Railways Limited</p> <p>Trustee Central Lakes Trust (as from 1 December)</p>	
5.	Tania Lee Hodges	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Managing Director and Shareholder Digital Indigenous Ltd</p> <p>Trustee Whanau.com Trust</p> <p>Director Waikato Institute of Technology Limited (Wintec)</p> <p>Director Toi Ohomai Institute of Technology Limited</p> <p>Independent Member Waikato Tainui Koiora Strategy Panel</p>	
6.	Peter David McGredy Winder	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Director McGredy Winder & Co</p> <p>Committee member Member, State Services Commission Risk and Audit Committee</p> <p>Trustee McGredy Winder Family Trust</p> <p>Director Sound of Music Education Ltd</p> <p>Director Unitec New Zealand Limited (Unitec)</p> <p>Director Manukau Institute of Technology Limited (MIT)</p>	
7.	Sam Huggard	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Trustee 350 Aotearoa Charitable Trust</p>	

	Member	Chairperson/ Deputy Chairperson / Member
	<p>Consumer Representative Utilities Disputes Ltd Energy Complaints Scheme Advisory Committee</p> <p>Advisory Board Member Centre for Labour, Employment and Work, School of Management, Victoria University of Wellington</p> <p>Director Tai Poutini Polytechnic Limited (TPP)</p> <p>Director Western Institute of Technology at Taranaki Limited (WITT)</p> <p>Employee E tū union</p> <p>Member Lottery Grants Board Community and Outdoor Safety Committees</p> <p>Member Nominations Committee for the Primary Industries WDC (effective 12 April 2021)</p>	
8.	John Charles Brockies	Member
	<p>Director Branz Inc, Branz Ltd, Branz Pty Ltd</p> <p>Director Resolve Group Ltd</p> <p>Director Walworth Ltd</p> <p>Chair Waiari Project Advisory Board (Tauranga City Council)</p> <p>Chair Te Maunga Project Advisory Board (Tauranga City Council)</p> <p>Trustee Natomi Family Trust</p> <p>Director Northland Polytechnic Limited (NorthTec)</p> <p>Director Work Based Learning Limited</p>	
9.	Tagaloatele Dr Peggy Fairbairn-Dunlop	Member
	<p>Commissioner UNESCO National Commission</p> <p>Director Vinepa Trust</p>	

Pūrongo Kaunihera a Te Pūkenga

Council Report

4 May 2021

Agenda item number	5
Provided by	Angela Beaton, DCE Delivery and Academic
Title	Te Poari Akoranga report
For	Noting

Te Taunaki | Recommendation(s)

It is recommended that Council:

a.	receive the academic report from Te Poari Akoranga meeting held via zoom on 14 April 2021 (minutes attached)
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Te Tāhuhu Kōrero | Background

- Approved Te Poari Akoranga Terms of Reference tabled and noted. Ohu Whakahaere o te Poari Akoranga Terms of Reference and the establishment of these sub-committees is now a priority for Te Poari Akoranga.
- One-year Te Poari Akoranga membership terms coming up. As previously, a skills/expertise based approach is being taken to review the coverage to identify any areas where additional expertise may be required to ensure Te Poari Akoranga is best placed to provide robust academic governance for the network over the coming year.
- 1- page summary plans for the Academic and Delivery Innovation workstreams were provided for Te Poari Akoranga, highlighting for each what stage the project is at, for the following workstreams: Communities of Practice, Regulating for Excellence – Policies, Procedures and Key Forms, Te Arotake – Quality Management System, Programme Stocktake and Transition Plan, and Ako – Learning and Teaching Directions. A proposed plan for reporting to Te Poari Akoranga over 2021 for key stages of these workstreams was also tabled.
- Te Poari Akoranga members noted challenges experienced by some staff across the network balancing the management of higher volumes of delivery and responses to transition and transformation workstreams.
- Receipt of Te Poari Akoranga feedback on Te Pae Tawhiti working draft acknowledged, and Te Poari Akoranga were updated on the progress on Te Pae Tawhiti – subsidiary report mahi.
- Te Poari Akoranga sub-working party established, to clarify the role of existing local academic committees (Komiti akoranga-a-rohe) and how these will work and interface with Te Poari Akoranga through 2021 and 2022 to meet our current delegated roles and functions requirements, and to ensure the most effective use of network capability and capacity. A draft proposal is being prepared for Te Poari Akoranga feedback.
- Update provided on the programme development workstream, including an outline of the proposed process for programme transition and development.

Te Poari Akoranga MINUTES – Open

14 April 2021 from 10am – 10.30am, via Zoom

WELCOME AND ATTENDANCE

Karakia timatanga (Angela Beaton)

Chair welcomed everyone to the online meeting.

Whanaungatanga

Present

Dr Angela Beaton (Co-Chair), Dr Shane Edwards (Co-Chair), Greg Durkin, Lorna Gillespie, Jeanette Grace, Oonagh McGirr, Kieran Hewitson, Nita Hutchinson, Sue Smart, Deborah Young, Natalie Waran, Neil Carroll.

In Attendance

Kelly Hynes (Minute taker).

Observer

Chris Williams, Wintec

Apologies

Glynnis Brook

Moved by Nita Hutchinson, seconded by Deborah Young

Absent

Luana Te Hira

1. Minutes of the Previous Meeting

1.1 Scheduled Meeting

Scheduled Meeting – 10 March 2021

Resolution

Moved by Sue Smart, seconded by Deborah Young

Te Poari Akoranga resolved that the minutes of Te Poari Akoranga meeting held on 10 March 2021 were approved as a true and accurate record.

2. March Academic Report to Te Pūkenga April Council Meeting

- Council received the March Te Poari Akoranga report. The key updates for Council from the March Te Poari Akoranga meeting were noted.
- Council approved the Terms of Reference (ToR) for Te Poari Akoranga, further to a couple of minor additions.
- 1-page summary plans for the Academic and Delivery Innovation workstreams were provided for Council, highlighting what stage each project is at.
- Funding request being made to TEC to address the increase in domestic demand.
- Health and wellbeing education provision strategic discussion paper was presented and was well received.
- Council are very engaged in the academic space and eager to hear more about progress.



3. Te Poari Akoranga Terms of Reference – Council approved

Te Poari Akoranga Terms of Reference approved by Council tabled and noted.

Discussion included:

- Priority and importance for the six Ohu Whakahaere o te Poari Akoranga Terms of Reference and the establishment of these sub-committees
- Some current Te Poari Akoranga members terms coming up, for those appointed on one-year terms. As previously, a skills/expertise based approach will be taken to review the coverage to identify any areas where additional expertise may be required to ensure Te Poari Akoranga is best placed to provide robust academic governance for the network over the coming year. Memberships may be reconfirmed for a further 12 months or call for expressions of interest from across the network.
- Ohu Whakahaere Chairs will likely need to be operationally focused
- The possibility for Te Poari Akoranga members to be involved in Ohu Whakahaere noted as a positive for helping with the transition and continuity
- Reliance on other Te Pūkenga committees being stood up for Te Poari Akoranga membership – drawing from interim groups during transition
- Clarity sought, where possible, in terms of transitional timeframes for when each committee will be fully stood up
- Communication to network will be important throughout the transition and as things progress

Closed sessions

Moved by Jeanette Grace, seconded by Neil Carroll

Te Poari Akoranga resolved to move to the closed sessions of the agenda.

IT WAS RESOLVED THAT TO THE EXTENT THAT THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA) MAY APPLY, THE PUBLIC BE EXCLUDED FROM THE CLOSED SESSION OF THE MEETING IN ACCORDANCE WITH SECTION 48(1) OF LGOIMA AND THE PARTICULAR INTERESTS PROTECTED BY SECTION 9 OF THE OFFICIAL INFORMATION ACT 1982 (SPECIFICALLY, TO PROTECT THE PRIVACY OF NATURAL PERSONS AND TO PROTECT INFORMATION WHERE THE MAKING AVAILABLE OF SUCH INFORMATION WOULD BE LIKELY UNREASONABLY TO PREJUDICE THE COMMERCIAL POSITION OF TE PŪKENGA, WHICH WOULD BE PREJUDICED BY THE HOLDING OF THE RELEVANT PARTS OF THE PROCEEDINGS OF THE MEETING IN PUBLIC.



Pūrongo Kaunihera a Te Pūkenga

Council Report

4 May 2021

Agenda item number	6
Provided by	Vaughan Payne, Deputy Chief Executive Operations
Author	Sinead Hart, Senior Legal Counsel
Title	Policy Amendments - Delegations and Procurement
For	Approval

Te Taunaki | Recommendation(s)

It is recommended that Council:

a.	receive the report 'Policy Amendments - Delegations and Procurement' (Council, 4 May 2021);
b.	approve the proposed amendments to the Procurement Policy
c.	approve the proposed amendments to the Delegations Policy

Te Tāhuhu Kōrero | Background

Procurement Policy: On 1 April 2020, the then New Zealand Institute of Skills and Technology was established and a Procurement Policy was adopted. The next review date of that policy was April 2021. In compliance with this review requirement, the Procurement Policy has been reviewed by the Finance and Legal function of Te Pūkenga and the proposed amendments to the policy are identified in tracked format in **Attachment 1** to this report.

Delegations Policy: On 20 April 2021, Te Pūkenga Work Based Learning Limited (**WBL**) was incorporated. To ensure accuracy of the current Delegations Policy, it is recommended that certain amendments are made to recognise the existence of WBL and provide scope for differences between its Operational and Financial Parameters Direction and that of the ITP Subsidiaries.

Ngā Kōwhiringa me Te Tātaritanga | Options and analysis

In deciding to establish Te Pūkenga Work Based Learning Limited, Council is asked to review its Delegation Policy. The review of the Procurement Policy is an annual requirement.

Te Pae Tawhiti | Tiriti Excellence Framework

Not relevant in context of this report

Pānga ki Ngā Ākonga/Kaitukumahi | Learner/Employer Impact

Not relevant in context of this report

Ōritetanga | Equity Impact

Not relevant in context of this report

Te Uiuinga Whānui | Engagement/consultation

Not relevant in context of this report

Ngā tino raru ka heipu mai | Key risks

Not relevant in context of this report

Te tirohanga taha pūtea | Financial considerations

Not relevant in context of this report

Te Ahunga Ki Mua | Next steps

Council approve the proposed amendments to the Delegations Policy and the Procurement Policy.

In terms of ongoing work in this area, Council is also asked to note the following:

- Te Pūkenga ELT is currently reviewing the Letter of Expectations and the Operational and Financial Parameters Directions that have been issued to Te Pūkenga subsidiaries. The purposes of the review is threefold: to ensure there is greater clarity around the operational parameters of the subsidiaries (as requested by the subsidiaries); to reiterate the need to adhere to the Charter when making decisions at a subsidiary level; the need to manage and report risk so that Te Pūkenga can operate on a 'no surprises' basis. The intention is to present drafts of these documents for discussion purposes at the Subsidiary Chair and CE forum in mid May 2021. The final draft will be presented to Council for review, comment and approval once complete.



Te Pūkenga

Procurement Policy

Effective date	4 May + April 2021	Policy owner	Chief Executive
Version	2+	Policy Section	Governance
Approved by	Te Pūkenga NZIST Council	Policy review frequency	Annually
Date approved	4 May + April 2021	Last reviewed	1 April 2020

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Purpose

The purpose of this policy is to set out the principles of best practice and minimum standards for the purchase and procurement of goods, services and works by [Te Pūkenga NZIST](#).

Scope

This policy applies to all purchasing and procurement undertaken by or on behalf of [Te Pūkenga NZIST](#), including procurement undertaken by contractors or consultants.

Our Objective

Our purchasing and procurement decisions will be based on our guiding principles which provide a broad framework that supports accountability, sound practice and successful procurement results.

Principles and Expectations

[Te Pūkenga NZIST](#) is committed to making fair, ethical and defensible purchasing and procurement decisions. To help guide those decisions, there are Five Principles of Government Procurement set out in the Government Procurement Rules that we must follow:

1. Plan and manage for great results

- Identify what you need, including what Broader Outcomes should be achieved, and then plan how to get it.
- Set up a team with the right mix of skills and experience.
- Involve suppliers early – let them know what you want and keep talking.
- Take the time to understand the market and your effect on it. Be open to new ideas and solutions.
- Choose the right process – proportional to the size, complexity and any risks involved.
- Encourage e-business (for example, tenders sent by email).

2. Be fair to all suppliers

- Create competition and encourage capable suppliers to respond.
- Treat all suppliers equally – we don't discriminate (this is part of our international obligations).
- Seek opportunities to involve New Zealand businesses, including Māori, Pasifika and regional businesses and social enterprises.

- Make it easy for all suppliers (small and large) to do business with government.
- Be open to subcontracting opportunities in big projects.
- Clearly explain how you will assess proposals – so suppliers know what to focus on.
- Talk to unsuccessful suppliers so they can learn and know how to improve next time.

3. Get the right supplier

- Be clear about what you need, and fair in how you assess suppliers – don't string suppliers along.
- Choose the right supplier who can deliver what you need, at a fair price and on time.
- Choose suppliers that comply with the Government's Supplier Code of Conduct
- Build demanding, but fair and productive, relationships with suppliers.
- Make it worthwhile for suppliers – encourage and reward them to deliver great results.
- Identify relevant risks and get the right person to manage them.

4. Get the best deal for everyone

- Get best public value – account for all costs and benefits over the lifetime of the goods or services.
- Make balanced decisions – consider the possible social, environmental, economic and cultural outcomes that should be achieved.
- Encourage and be receptive to new ideas and ways of doing things – don't be too prescriptive.
- Take calculated risks and reward new ideas.
- Have clear performance measures – monitor and manage to make sure you get great results.
- Work together with suppliers to make ongoing savings and improvements.
- It's more than just agreeing the deal – be accountable for the results.

5. Play by the rules

- Be accountable, transparent and reasonable.
- Make sure everyone involved in the process acts responsibly, lawfully and with integrity.
- Stay impartial – identify and manage conflicts of interest.
- Protect suppliers' commercially sensitive information and intellectual property.

The Government Procurement Charter sets out Government's expectations of how agencies should conduct their procurement activity to achieve public value.

The New Zealand Government directs agencies to:

Seek opportunities to include New Zealand businesses

Openly work to create opportunities for local businesses and small-to-medium enterprises to participate in your procurement processes.

Undertake initiatives to contribute to a low emissions economy and promote greater environmental responsibility

Ensure that economic and social development can be implemented on a sustainable basis with respect for the protection and preservation of the environment, reducing waste, carbon emissions and pollution.

Look for new and innovative solutions

Make sure you don't overprescribe the technical requirements of a procurement, give businesses the opportunity to demonstrate their expertise.

Engage with businesses with good employment practices

Ensure that the businesses you contract with operate with integrity, transparency and accountability, and respect international standards relating to human and labour rights. For businesses operating within New Zealand, ensure that they comply with all New Zealand employment standards and health and safety requirements.

Promote inclusive economic development within New Zealand

Engage with Māori, Pasifika, and regional businesses and social enterprises in order to actively contribute to our local economy. Openly working to include and support these businesses and enterprises through procurement will promote both skills development and a diverse and inclusive workforce.

Manage risk appropriately

Responsibility for managing risks should be with the party – either the agency or the supplier – that is best placed to manage the risk. Agencies and suppliers should work together on risk mitigation strategies.

Encourage collaboration for collective impact

Look to support greater collaboration, both across-agency and across-businesses to give likeminded groups the opportunity to find common solutions within your procurement opportunities.

[Te Pūkenga NZIST](#) is not required to comply with the Government Procurement Rules, but will endeavour to conduct procurement activities in a manner that is consistent with the Government Procurement Rules and the Controller and Auditor General's Procurement Guidance for Public Entities, as statements of good practice.

If there is an existing supply arrangement or contract (such as a panel agreement or government collaborative contract) that meets the requirements, it must be used – person responsible for procurement will advise on available contracts and how to access them.

If there is no suitable supply arrangement or contract available, the following table applies:

Contract value	Minimum Requirement
Up to \$100,000	A single written quote
\$100k to \$250k	At least three written quotes
Over \$250,000 (other than construction)	Openly advertised procurement process
Over \$9 million (construction projects)	Openly advertised procurement process

For procurements over \$250,000 a procurement plan must be prepared and approved by a delegate with the relevant level of authority in accordance with the Delegations Policy before [Te Pūkenga NZIST](#) approaches the market.

Flexibility to respond

In a genuine emergency, [Te Pūkenga NZIST](#) will need to be flexible in how they procure the goods and services that are required for their response. In these circumstances it is permitted to forgo routine procurement procedures. In adopting a more flexible procurement process [Te Pūkenga NZIST](#) will consider what is reasonable and justifiable given all of the facts and circumstances they have to hand. [Te Pūkenga NZIST](#) may be permitted to purchase direct from a supplier if the delay involved in conducting a routine procurement (i.e., which involves advertising and competitive tendering) will prevent them delivering the goods or services in time to bring effective relief.

Examples of emergency are:

- natural or manmade disasters: such as earthquakes, cyclones, tsunamis, volcanic eruptions, flooding, fires or contamination
- failures of critical infrastructure or equipment: such as failure of a prison security system or critical hospital infrastructure
- critical health or environmental emergencies: such as a pandemic or food safety incident
- political emergencies: such as a war, coup, or civil insurrection in New Zealand or countries where the New Zealand government offers support
- critical security emergencies: such as a terrorist attack, serious crime or major cyber security emergency
- unanticipated events that make it impossible for an agency to perform a statutory or critical function in the necessary timeframe: for example, the destruction of critical election supplies immediately prior to an election would be an emergency for the Electoral Commission.

Accountabilities and Responsibilities

Employees and contractors undertaking procurement	<ul style="list-style-type: none">• make sure that all purchasing has appropriate prior approval.• apply this policy and related policies and guidelines during purchasing and procurement activities.• understand and apply the Government Procurement Rules and the Controller and Auditor General's Procurement Guidance for Public Entities (good practice guide).• report any policy breaches.• complete appropriate training before participating in any purchasing and procurement activities.
Approver / Financial Delegation Holder	<ul style="list-style-type: none">• apply this policy when conducting purchasing and procurement activities.• operate within your financial delegation in accordance with the Delegations Policy when approving purchasing and procurement activities.• authorise purchasing appropriately, using good judgement and in line with the purchasing and procurement principles.

Finance Manager or delegate	<ul style="list-style-type: none"> • apply this policy and related policies and guidelines during procurement activities. • understand and apply the Government Procurement Rules and the Controller and Auditor General's Procurement Guidance for Public Entities (good practice guide). • make sure that all purchasing has appropriate prior approval. • proactively manage responsibilities within Te PūkengaNZIST finance systems. • monitor purchasing and procurement activities, including for compliance with this policy, report policy breaches, and identify opportunities for new supply arrangements.
Legal Support	<ul style="list-style-type: none"> • provide assistance with contracts that are large, complex and/or significantly different to any standard terms we may have.
Director Finance Chief Operations Officer (or delegate)	<ul style="list-style-type: none"> • update, publish and communicate the procurement and purchasing policy and related guidelines. • provide leadership and development of Te PūkengaNZIST procurement capability.

Recordkeeping

Staff undertaking procurement must maintain records documenting the procurement process, including all recommendations and decisions and the contract as awarded. Records must be kept for at least seven (7) years.

Policy Breaches

If the standards set out in this policy are not met, it may be considered a breach of the policy and disciplinary action may be taken.

If you are aware of a breach or possible breach of this policy you must raise it with a manager.



Delegations Policy

Effective date	4 May 4 March 2021	Policy owner	Chief Executive
Version	54	Policy Section	Governance
Approved by	Te Pūkenga Council	Policy review frequency	Annually
Date approved	4 May 2021 2-February 2021	Last reviewed	4 May 2 February 2021

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1. Introduction

- 1.1 Te Pūkenga – New Zealand Institute of Skills and Technology (**Te Pūkenga**) was established on 1 April 2020 as a tertiary education institution pursuant to the Education Act 1989 (now repealed). Te Pūkenga is continued by section 314 of the Education and Training Act 2020 (**Education and Training Act**), which was enacted on 1 August 2020. It is a Crown entity for the purposes of the Crown Entities Act 2004 (**CE Act**) and is treated as a statutory entity for the purpose of applying the provisions of Part 2 of Schedule 4 of the CE Act.
- 1.2 The main function of Te Pūkenga, as New Zealand's largest tertiary education provider, is to create a sustainable, national network of regionally accessible vocational education and training. On 1 April 2020, Te Pūkenga brought together 16 existing Institutes of Technology and Polytechnics as new Crown entity subsidiary limited liability companies_ (each, an **I~~TP~~ Te Pūkenga Subsidiary**), and over time will develop the capability to support work-based, provider-based and online learning in a unified system. On 20 April 2021, Te Pūkenga Work Based Learning (WBL) was incorporated as a further 100% subsidiary company of Te Pūkenga. The purpose of WBL is to be the vehicle through which Te Pūkenga will acquire those Transitional Industry Training Organisations who wish to transfer their arranging training activities into Te Pūkenga. WBL together with the ITP Subsidiaries are collectively referred to as the **Te Pūkenga Subsidiaries** for the purpose of this policy, with each being a **Te Pūkenga Subsidiary**.
- 1.3 This Policy specifies the delegations from the Te Pūkenga Council (**Council**) to the Chief Executive (**CE**) (including as set out in Appendix 1), together with the limitations on those delegations. It also specifies the Council's delegations to the Chairperson (in Appendix 1) and sets out the Council's agreement to certain permitted sub-delegations by the CE (including standing sub-delegations to particular Tier 2 or 3 roles pursuant to paragraph ~~6.56-4~~). Appendix 2 to this Policy sets out the form of written notice and consent to sub-delegation to be given to the CE as required by sections 73 and 74 of the CE Act. Appendix 3 to this Policy sets out the form of written notice to be given to any sub-delegate(s) pursuant to paragraph 6.2 notifying that person or people of the relevant sub-delegations.
- 1.4 The CE (and any sub-delegates) and the Chairperson must act within the scope of their delegated authority as set out in this Policy and in a responsible manner.
- 1.5 Specified matters which must be referred to, or require the approval of, the Chairperson of the Council are also set out in this Policy.

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2. Objectives

- 2.1 The objectives of this Policy are to ensure that delegations are implemented in a way that ensures that:
- Te Pūkenga performs its functions and gives effect to its Charter efficiently and effectively, and in a financially responsible manner which maintains the long term viability of Te Pūkenga;
 - the Council is able to meet its statutory and other obligations, including public accountability; and
 - Te Pūkenga operates in a manner consistent with its functions and Charter, current statement of intent, and current statement of performance expectations.

3. General Delegation and Specified Delegations

- 3.1 The Council delegates to the CE all management powers and functions necessary for the operation of Te Pūkenga, subject to the limitations set out in this Policy.
- [3.2](#) The Council also delegates to the Chairperson of the Council the specified approval powers set out in this Policy.

4. Principles of Delegation

- 4.1 In accordance with section 73 of the CE Act¹, this Policy does not delegate the general power of delegation. In addition, it is recorded that, per section 73 of the CE Act, no functions or powers specified in the Education and Training Act as not being capable of delegation have been delegated under this Policy on the basis that, as at the date of this Policy, there are no such functions or powers specified in the Education and Training Act in respect of the Te Pūkenga Council.²
- 4.2 The delegations set out in this Policy are standing delegations made in relation to positions within Te Pūkenga, rather than named individuals.
- 4.3 The organisational structure of Te Pūkenga as at the date of this Policy is:
- the CE, who reports to the Council (**Tier 1**);
 - 6 direct reports to the CE (**Tier 2**), being:
 - Deputy Chief Executive, Transformation and Transition;
 - Deputy Chief Executive, Delivery and Academic;
 - Deputy Chief Executive, Learner Journey and Experience;

¹ Note this applies pursuant to Part 2 of Schedule 4 of the CE Act.

² Note that while section 285 of the Education and Training Act provides that the council of an institution may delegate to the chief executive of the institution or to a committee appointed under section 283(4) any of its functions and power under the Education and Training Act except the power to appoint a Chief Executive, section 285(6) provides that section 285 does not apply to the Council of Te Pūkenga.

- Deputy Chief Executive, Employer Journey and Experience;
- Deputy Chief Executive, Partnerships and Equity;
- Deputy Chief Executive, Operations;
- an Executive Assistant/Council Secretariat, who reports to the CE; and
- staff who report to a Tier 2 Manager (**Tier 3**).

4.4 It is recognised that before adopting a standing sub-delegation in accordance with paragraph 6.5 below, vacancies may arise or additions may be made to the Tier 2 sub-delegates set out above. To the extent that the CE appoints a new Tier 2 or an acting Tier 2 to fulfil any vacant role, then the Tier 2 appointed by the CE shall be deemed to have the same delegated authority as all other Tier 2 sub-delegates (except for the Deputy Chief Executive Operations who has additional delegated authorities in order to implement the Group Treasury Policy).

4.4.5 The CE and all sub-delegates must act in good faith and in a manner that maintains the reputation of Te Pūkenga and is consistent with and gives effect to the functions (as set out in section 315 of the Education and Training Act) and the Charter (as set out in Schedule 13 of the Education and Training Act) of Te Pūkenga.

4.6 If and to the extent this Policy conflicts with other internal policies of Te Pūkenga, this Policy takes precedence.

5. Matters reserved for the Council

5.1 Notwithstanding anything to the contrary in this Policy, the CE **does not have** any authority to:

- undertake any action or transaction exceeding the limitations specified in this Policy, including Appendix 1. Where the CE considers that a matter delegated to the CE may have wider material ramifications for Te Pūkenga, the CE will at his or her discretion bring the matter to the attention of the Chairperson;
- unless section 282(5) of the Education and Training Act applies, undertake any of the following as contemplated by section 282(4) of the Education Act:
 - sell or otherwise dispose of property assets (land and buildings) or interests in property assets; or
 - mortgage or otherwise charge assets or interests in assets; or
 - grant leases of land or buildings or parts of buildings; or
 - borrow, issue debentures or otherwise raise money,

in each case, unless the Council provides a separate express authority to do so;

- enter into:
 - any commitment or arrangement exceeding the applicable annual budget for Te Pūkenga; or
 - any commitment or arrangement exceeding any sub-limit within the applicable annual budget for Te Pūkenga,

in each case, unless the Council provides a separate express authority to do so; and

- undertake and/or approve any action, transaction or activity where the Group Treasury Policy provides that the Council retains authority to approve that action, transaction or activity,

and such authority shall remain with the Council.

- 5.2 In the event the CE is uncertain as to the scope of the CE's delegated authority, the CE must discuss the matter with and take direction from the Chairperson of the Council prior to exercising the delegated authority and may, if the CE still considers it necessary after having discussed with the Chairperson, take appropriate legal or other advice prior to exercising the delegated authority.
- 5.3 Any or all delegations to the CE under this Policy may be withdrawn, amended (where this involves a partial revocation of a delegation) or reduced at any time by a written confirmation from the Chairperson of the Council to the CE, or may be amended (where, alternatively, this involves any further delegation) by a formal Council resolution.
- 5.4 Where this Policy conflicts with any laws or regulations or any decision made by the Council, the laws, regulations or Council decision (as applicable) take precedence. Notwithstanding any delegation made to the CE or any sub-delegate, this Policy does not invalidate any decision made by the Council, and does not restrict the Council's ability to make any decision.

6. Ability of CE to sub-delegate

- 6.1 Appendix 1 to this Policy identifies the specific functions and powers, delegated to the CE in accordance with this Policy, which the CE may sub-delegate, together with specific limitations relating to such delegations and sub-delegations (including where consultation with others may be required). By way of this Policy, the Council has given its standing consent to the sub-delegations set out in Appendix 1.

Sub-delegations to specific Tier 2 and Tier 3 individuals

- 6.2 The CE may sub-delegate the identified functions and powers set out in Appendix 1 to:
- any one or more of the Tier 2 and Tier 3 fixed-term or permanent employee(s) of Te Pūkenga; and/or
 - having taken legal advice as to the appropriateness of the delegation in the circumstances including with reference to the fact that Te Pūkenga is a Crown entity, to any one or more temporary or contracted Tier 2 and Tier 3 (or equivalent) staff member, including secondees, who have an assignment of 3 months or more.
- 6.3 Any sub-delegation must be consistent with this Policy and subject to the sub-delegate agreeing to comply with all specified delegation limitations (including those in this Policy) in the form attached as Appendix 3.

Sub-delegation to Executive Assistant/Council Secretariat

- 6.4 The CE may sub-delegate the identified function and power set out in section B.9 of Appendix 1 to the CE's Executive Assistant/Council Secretariat.

Standing sub-delegations to Tier 2 and Tier 3 roles

- 6.5 The CE may sub-delegate, by way of a standing sub-delegation, the identified functions and powers set out in Appendix 1 to any one or more of the Tier 2 and Tier 3 roles of Te Pūkenga (or the CE's Executive Assistant/Council Secretariat in respect of section B.9 of Appendix 1). Any standing sub-delegation to such Tier 2 or Tier 3 roles or the CE's Executive Assistant/Council Secretariat must be consistent with this Policy and must be set out in a Standing Sub-Delegations Policy, to be made available on the intranet site of Te Pūkenga.
- 6.6 When taking leave, the CE must make arrangements for ~~his/her~~ ~~their~~ responsibilities, including the exercise of their delegated authority, to be carried out by a Tier 2 employee in accordance with this Policy (or as otherwise consented to by the Council). By way of this Policy, the Council has given its standing consent to this sub-delegation, subject to the limitations set out in this Policy.
- 6.7 Any sub-delegation given by the CE pursuant to this Policy may be revoked at will by written notice to the sub-delegate in accordance with section 76 of the CE Act.
- 6.8 The CE must notify the Council as soon as possible and at least every six months of any sub-delegation that has been made in accordance with this paragraph 6 and of any sub-delegation that has been revoked pursuant to paragraph 6.5.

7. Conflicts of Interest

- 7.1 Where the Council has delegated any of its functions or powers to the CE, the CE must consider whether or not he or she has a conflict of interest in respect of the matter before exercising the delegated authority.
- 7.2 Equally, where the CE has sub-delegated any of ~~his/her~~ ~~their~~ delegated authority pursuant to, and in accordance with, this Policy, the sub-delegate must consider whether or not he or she has a conflict of interest before exercising the delegated authority.
- 7.3 If the CE or the relevant sub-delegate identifies the risk of an actual, potential or perceived conflict of interest, he or she must give the Council (through the CE in the case of sub-delegates) a statement in good faith disclosing the nature of the conflict. Any such statement will be recorded in the Interests Register of Te Pūkenga.
- 7.4 Except with the prior written approval of the Council, neither the CE nor any sub-delegate may exercise any delegated authority in relation to a matter where he or she has a conflict of interest.
- 7.5 Each delegate under this Policy should have regard to the conflicts of interest policy of Te Pūkenga from time to time (and to the extent applicable).



Te Pūkenga

Appendix 1 – Schedule of Delegations

Notes:

- for any of the following which are prepared as a deed, the CE may only enter into the deed on behalf of Te Pūkenga if the CE has been appointed by Te Pūkenga as its attorney, in accordance with sections 127(2) and 129 of the CE Act; unless a sub-delegate has been appointed as an attorney, it will not be entitled to enter into any deeds on behalf of Te Pūkenga; and
- specified matters which must be referred to, or require the approval of, the Chairperson of the Council are also specified in this Schedule.

A. APPROVAL OF TE PŪKENG A RESERVED MATTERS

The CE has authority to approve or decline any requests from Te Pūkenga Subsidiaries for approval by Te Pūkenga of any matters which require the approval of Te Pūkenga as a reserved matter under the relevant Te Pūkenga Subsidiary's Constitution or under any Operational and Financial Parameters Direction issued by Te Pūkenga to a Te Pūkenga Subsidiary, except to the extent otherwise specified below.

	DECISION / ACTION	LIMITATION ON DELEGATION
1.	Capital Expenditure	The CE does not have delegated authority in respect of any request that is identified on the capital expenditure approvals flowchart for Te Pūkenga Subsidiaries attached as Appendix 4 as being a decision that must be referred to the Chairperson, who will refer it to the Capital Asset Management and Infrastructure Committee of the Council of Te Pūkenga for a decision.
2.	New debt and borrowing limits	Any request: <ul style="list-style-type: none"> • to enter into any new borrowing, issuing of debentures or otherwise raising money (except in relation to any finance leases) where the borrowing also requires the Secretary's consent; and • in respect of new borrowing limits in relation to any existing debt or borrowing facilities where the Secretary's consent would separately be required if a Te Pūkenga Subsidiary were to actually incur debt or borrowing up to the maximum of those new borrowing limits, must be referred to the Chairperson for a decision by Council.



	DECISION / ACTION	LIMITATION ON DELEGATION
3.	Drawdowns on existing debt facilities	Any request to draw-down on any existing debt or borrowing facilities where total draw-downs would be more than 105% of total budgeted draw-downs must be referred to the Chairperson for a decision by Council.
4.	Disposal of property assets	Any request to dispose of property assets or interests in property assets above the property asset disposal threshold determined by the Minister pursuant to section 282(5) of the Education and Training Act must be referred to the Chairperson, who will refer it to the Capital Asset Management and Infrastructure Committee for a decision.
5.	Disposal of non-property assets	Any request to dispose of non-property assets or interests in non-property assets above the property asset disposal threshold determined by the Minister pursuant to section 282(5) of the Education and Training Act must be referred to the Chairperson, who will refer it to the Capital Asset Management and Infrastructure Committee for a decision.
6.	Charging of assets	Any request to mortgage or otherwise charge assets or interests in assets.
7.	Granting of leases	Any request to grant a lease of land or buildings or parts of buildings where the Secretary's consent is required pursuant to section 282(4) of the Education and Training Act.
8.	Annual Academic Programme	<p>Subject to any exception which may apply in the context of WBL (with prior approval of the Council and DCE Delivery and Academic), the CE must notify and consult with Poari Akoranga prior to making a decision to approve or decline a Te Pūkenga Subsidiary's request to develop or change any qualifications, programmes or related course material outside of any annual academic programme agreed with Te Pūkenga from time to time.</p> <p>Any request for approval that relates to material or strategic changes to the annual academic programmes, (e.g., nature of delivery and the mix of provision, and any material changes to qualifications) which may (in the CE's opinion) have wider material ramifications for Te Pūkenga, must be brought to the Chairperson's attention prior to approval.</p>
9.	Changing the name of the Te Pūkenga Subsidiary	Any request to change the name of a Te Pūkenga Subsidiary must be referred to the Chairperson for a decision by Council.
10.	Incorporating, establishing or acquiring a subsidiary	Any request to incorporate, establish or acquire a subsidiary of a Te Pūkenga Subsidiary must be referred to the Chairperson for a decision by Council.



	DECISION / ACTION	LIMITATION ON DELEGATION
11.	Ring-fenced amounts	Subject to any exceptions which apply in the context of WBL (with prior approval of the Council) . Any request where the expenditure, drawing-down or otherwise dealing with a ring-fenced amount is also separately required under this Policy to be referred to the Council for a decision. Where it is not separately required under this Policy to be referred to the Council for a decision, the CE has the delegated authority to approve or decline the request to expend, draw-down or otherwise deal with a ring-fenced amount.
12.	Director remuneration	Authorisation of director remuneration must be referred to the Chairperson for a decision by Council.
13.	Director indemnity and insurance	Authorisation to provide an indemnity and effect insurance of the directors of a Te Pūkenga Subsidiary must be referred to the Chairperson for a decision by Council.
14.	Asset management and utilisation plan	Approval of an asset management and utilisation plan must be referred to the Chairperson, who will refer it to the Capital Asset Management and Infrastructure Committee for a decision.

B. CONTRACTS FOR GOODS AND SERVICES / OPERATING EXPENDITURE

The contracts for goods and services referred to in this section exclude employment matters, the relevant limitations for which are set out separately below.

For the avoidance of doubt, the CE has the authority to enter into (in writing) the contracts set out below on behalf of Te Pūkenga, including where they are deeds (provided an attorney is in place), pursuant to sections 127(2) and 127(3) of the CE Act.

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
Financial contracts and commitments					
1.	Approve and sign contracts within the annual budget (and, to the extent any contract has a term extending beyond the annual budget, approve and sign contracts which are likely to involve annual expenditure of up to \$5,000,000 (plus GST, if	CE	Chairperson to be notified prior to commencement of all contract negotiations exceeding \$5,000,000 (plus GST, if any) per annum.	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Authority given but subject to reduced threshold of \$500,000 (plus GST, if any).



	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
	any) in respect of the extended term).		Must also comply with the Procurement Policy of Te Pūkenga. Does not apply to contractors which is dealt with below under Human Resources.		
2.	Approve operating expenditure within the annual budget.	CE	Must also comply with the Procurement Policy of Te Pūkenga.	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Authority given but subject to reduced threshold of \$500,000 (plus GST, if any).
3.	Authorise individual purchase orders/or invoices within the annual budget (and, to the extent any purchase order or invoice is in respect of a term extending beyond the annual budget, authorise purchase orders or invoices up to \$5,000,000 per annum (plus GST, if any) in respect of the extended term).	CE	Must also comply with the Procurement Policy of Te Pūkenga.	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Authority given but subject to reduced threshold of \$500,000 (plus GST, if any)
4.	Sign leases (as lessee) within the annual budget (and, to the extent any lease has a term extending beyond the annual budget, sign any lease up to \$2,000,000 (plus GST, if any) per annum in respect of the extended term), in each case where the total term, including renewals, is less than 15 years. <i>Note, as a lease is a deed, the CE may only enter into a lease on behalf of Te Pūkenga if the CE has been appointed by Te Pūkenga as its attorney, in accordance with sections 127(2) and 129 of the CE Act.</i>	CE	N/A	N/A	N/A



	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
Non-financial contracts and documentation					
5.	Approve and sign contracts which do not involve Te Pūkenga incurring any expenditure.	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	N/A
6.	Without limiting paragraph 3.1 of this Policy, Authority to approve and sign any administrative documents or forms necessary for, or in connection with, Te Pūkenga operations or business.	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	N/A
Finance related functions					
7.	Approve the issue of any Purchasing-Cards or Credit Cards up to \$10,000 limit.	CE	N/A	Deputy Chief Executive, Operations.	N/A
8.	Write off bad debts up to \$50,000.	CE	N/A	N/A	N/A
General, incidental and sundry expenses					
9.	Incur incidental and sundry expenses, including on an Te Pūkenga Purchasing Card	CE	N/A	Executive Assistance/Council Secretariat and Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy	Authority given but subject to an annual threshold of \$5,000 (plus GST, if any)



	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
10.	Approve general expenses incurred by Council Members	Chairperson	N/A	N/A	N/A
11.	Approve general expenses incurred by CE	Chairperson	N/A	N/A	N/A



C. TREASURY, FUNDING AND REVENUE

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
1.	As specified in the Group Treasury Policy, undertake Treasury related tasks and activities and exercise approval rights as set out in the "Delegated Authorities" section of that Policy	CE	Must comply with the Group Treasury Policy	Deputy Chief Executive of Operations and/or Director Finance, as specified in Group Treasury Policy	Authority given but subject to limits specified in the Group Treasury Policy
2.	Approve and sign any funding or revenue contracts.	CE	N/A	Except in respect of funding or revenue contracts with the TEC or Ministry of Education, Tier 2 and Tier 3 individuals (in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy).	N/A
3.	Provide and/or distribute funding to Te Pūkenga Subsidiaries	CE	N/A	Deputy Chief Executive of Operations and/or Director Finance, as specified in Group Treasury Policy	N/A

D. CAPITAL EXPENDITURE

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
1.	Approve capital expenditure within the annual budget (and, to the extent the capital expenditure commitment extends for a term beyond the annual budget, approve capital expenditure of up to \$20,000,000 (plus GST, if any) per item or related series of items	CE	Must also comply with the Procurement Policy of Te Pūkenga.	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Authority given but subject to reduced threshold of \$500,000 (plus GST, if any).



	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
	in respect of the extended term).				

E. DISPOSAL OF ASSETS

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
1.	Dispose of non-property (land and building) assets with a value of up to \$5,000,000 (plus GST, if any) per item or related series of items.	CE	Inform the Chairperson prior to entry.	N/A	N/A

F. HUMAN RESOURCES

Employment Conditions and Remuneration

	AUTHORITY TO	DELEGATED TO	IN CONSULTATION WITH	MAY BE SUB-DELEGATED TO	REQUIREMENTS
1.	Appoint direct reports to the CE with remuneration packages or payment up to \$500,000 per annum (Tier 2 staff).	CE	Chairperson	N/A	N/A
2.	Appoint staff within their direct reporting line with remuneration packages or payment up to \$250,000 per annum (Tier 3 staff).	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Consult with CE.
3.	Appoint consultants and contractors on contracts within the annual budget (and, to the extent any appointment has a term extending beyond the annual budget, appoint consultants and contractors on contracts which are likely to involve annual expenditure of up to	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Authority given but subject to reduced threshold of \$500,000 (plus GST, if any).



	AUTHORITY TO	DELEGATED TO	IN CONSULTATION WITH	MAY BE SUB-DELEGATED TO	REQUIREMENTS
	\$2,000,000 (plus GST, if any) in respect of the extended term).				
4.	Allocation of salaries within any bands approved by the Council.	CE	N/A	N/A	N/A
5.	Approve other benefits in addition to salary (e.g. Superannuation, removal expenses, etc.).	CE	N/A	N/A	N/A

Leave

	AUTHORITY TO	DELEGATED TO	IN CONSULTATION WITH	MAY BE SUB-DELEGATED TO	REQUIREMENTS
6.	Approve paid discretionary leave over 5 days.	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Inform CE
7.	Approve cashing up of annual leave (in compliance with legislation).	CE	N/A	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	Inform CE



Travel

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
8.	Approve staff overseas travel.	CE	All overseas travel must be approved by the CE prior to any reservations being made. CE overseas travel is to be approved by the Chairperson.	Tier 2 and Tier 3 individuals, in accordance with paragraphs 6.2 and 6.4 of this Delegations Policy.	All individual staff overseas travel is to be approved by the CE. No Tier 2 or Tier 3 individual may be sub-delegated the authority to approve their own travel.
9.	Approve personal travel done with business travel.	CE	Chairperson prior approval required.	N/A	N/A

Other

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
10.	Suspend staff without pay.	CE	N/A	N/A	

Note: All actions taken in relation to discipline of staff should be in accordance with the current Disciplinary Policy.



G. LITIGATION

	AUTHORITY TO	DELEGATED TO	REQUIREMENTS	MAY BE SUB-DELEGATED TO	REQUIREMENTS
1.	Authority to enter without prejudice negotiations in relation to any proposed litigation or arbitration.	CE	CE must first notify the Council before entering such negotiations. CE to regularly inform the Council. CE has no authority to settle any such matter without Council approval.	N/A	N/A





Te Pūkenga

Appendix 2: Form of written notice of delegation and consent to sub-delegation to Chief Executive

Pursuant to sections 73(1)(b) and 74(1)(b) of the Crown Entities Act 2004

TO: Stephen Town, Chief Executive, Te Pūkenga - New Zealand Institute of Skills and Technology (Te Pūkenga)

- (1) The Council of Te Pūkenga (**Council**) may delegate any of its functions or powers, either generally or specifically, to certain persons, including the chief executive, by resolution and written notice to that person, pursuant to section 73(1)(b) of the Crown Entities Act 2004.
- (2) ~~The~~ ~~At its meeting on 4 May 2 February 2021, the~~ Council ~~passed a resolution on 3 November 2020~~resolved to approve an updated Delegations Policy pursuant to which the Council delegates its functions and powers relating to the management of Te Pūkenga to the role of the Chief Executive, subject to the limitations set out in the Delegations Policy (a copy of which is attached).
- (3) This document constitutes the Council's written notice of:
 - the delegations set out in the Delegations Policy (but subject to the limitations set out in that Policy) to the person employed as the Chief Executive of Te Pūkenga for the purposes of section 73(1)(b) of the Crown Entities Act 2004; and
 - its consent to the sub-delegations set out in the Delegations Policy (but subject to the limitations set out in that Policy) for the purposes of section 74(1)(b) of the Crown Entities Act 2004.
- (4) Please sign and return a copy of this written notice to confirm you have read and understood the contents of the attached Delegations Policy and agree to comply with it.

DATED: 2020~~1~~

SIGNED

Chairperson – Te Pūkenga

ACKNOWLEDGED, ACCEPTED AND AGREED

Stephen Town – Chief Executive, Te Pūkenga





Te Pūkenga

Appendix 3: Form of written notice of sub-delegation from Chief Executive to employee(s) of Te Pūkenga

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Pursuant to section 74 of the Crown Entities Act 2004

TO: _____ *[insert role title]*, Te Pūkenga - New Zealand Institute of Skills and Technology (Te Pūkenga)

- (1) The Council of Te Pūkenga (**Council**) may delegate any of its functions or powers to any employee or office holder of Te Pūkenga by resolution and written notice to the person, pursuant to section 73(1)(b) of the Crown Entities Act 2004.
- (2) ~~At its meeting on 4 May 2 February 2021, the Council passed a resolution on 3 November 2020 resolved~~ to approve an updated Delegations Policy pursuant to which the Council delegates its functions and powers relating to the management of Te Pūkenga to the role of the Chief Executive, subject to the limitations set out in the Delegations Policy (a copy of which is attached).
- (3) On 3 November 2020 the Council also gave its written consent to the ability of the Chief Executive to sub-delegate certain of their delegated functions and powers to:
 - (a) any one or more of the Tier 2 and Tier 3 fixed-term or permanent employee(s) of Te Pūkenga, and the CE's Executive Assistant/Council Secretariat; and/or
 - (b) having taken legal advice as to the appropriateness of the delegation in the circumstances including with reference to the fact that Te Pūkenga is a Crown entity, to any one or more temporary or contracted Tier 2 and Tier 3 (or equivalent) staff member, including secondees who have an assignment of 3 months or more,in each case, pursuant to and subject to the limitations set out in the Delegations Policy.
- (4) This notice is provided for completeness that the Chief Executive sub-delegates ***[insert any specifics of which delegations are being given to the specific individual from Appendix 1 of the Delegations Policy]*** (but subject to the limitations set out in that Policy) to you as a relevant individual in accordance with section 74(1) of the Crown Entities Act 2004.
- (5) Please sign and return a copy of this written notice to confirm you have read and understood the contents of the attached Delegations Policy and this notice and agree to comply with each.

DATED: 20201

Te Pūkenga Delegations Policy

~~November 2020~~ ~~May Feb- 2021~~

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Te Pūkenga

SIGNED

Stephen Town – Chief Executive, Te Pūkenga

ACKNOWLEDGED, ACCEPTED AND AGREED

[insert name of sub-delegate] – [insert role title], Te Pūkenga



Appendix 4: Capital Expenditure Approvals Flow Chart – Te Pūkenga Subsidiaries

Te Pūkenga Subsidiaries Capital Expenditure Approvals Flowchart

