

## Toi Mai Comparison Chart: Functions of ISBs vs WDCs

The table below shows the difference in functions between ISBs (left column) and WDCs (right).

What has disappeared as a function is Industry leadership. This is replaced by Workforce Analysis and Planning.

ISBs retain the function to advise TEC on the mix of provision, but no longer about its overall investment in vocational education and training. TEC doesn't have to do anything with that advice.

TEC must have regard to advice from an industry skills board when assessing any proposed plan under section and when considering funding an organisation other than via a plan in relation to vocational education and training.

TEC's requirements to "give effect to advice from a workforce development council about the mix of vocational education and training", and advise the WDC of any failure to do so, will not carry over to ISBs.

All other functions are substantially the same.

New ISB Functions	Old WDC Functions
<b>367 Functions of industry skills boards</b> (1) The functions of an industry skills board, in relation to the specified industries it covers, are—	<b>366 Functions of workforce development councils</b> (1) The functions of a workforce development council, in relation to the specified industries covered by it, are—
<b>Workforce analysis and planning</b> to undertake strategic workforce analysis and planning for the specified industries	<b>Leadership</b> (a) to provide skills and workforce leadership for the specified industries, including by identifying their current and future needs and advocating for those needs to be met through its work with the industries and with schools, providers, regional bodies, and the Government:

<p><b>Developing, setting, and maintaining standards, qualifications, microcredentials, and capstone assessments</b></p> <p>to develop, set, and maintain skill standards:</p> <p>to develop and maintain industry qualifications and micro-credentials for listing on the Qualifications and Credentials Framework and to maintain qualifications and micro-credentials for which it has become the developer:</p> <p>to develop and maintain national curricula for qualifications for which it is responsible as a standard-setting body under section 438</p> <p>to develop, set, and maintain capstone assessments based on the needs of the specified industries</p>	<p><b><i>Developing and setting standards, capstone assessments, and qualifications</i></b></p> <p><i>(b) to develop, set, and maintain skill standards:</i></p> <p><i>(c) to develop and maintain industry qualifications for listing on the Qualifications and Credentials Framework and to maintain qualifications for which it has become the qualifications developer:</i></p> <p><i>(d) to develop and maintain micro-credentials:</i></p> <p><i>(e) to develop and maintain national curricula for qualifications for which it is responsible as a standard-setting body under section 438:</i></p> <p><i>(f) to develop, set, and maintain capstone assessments based on the needs of the specified industries:</i></p>
<p><b>Endorsing programmes and moderating assessments</b></p> <p>to decide whether to endorse programmes developed by providers:</p> <p>to carry out moderation activities in relation to any standards and capstone assessments it sets:</p>	<p><b><i>Endorsing programmes and moderating assessments</i></b></p> <p><i>(g) to decide whether to endorse programmes developed by providers:</i></p> <p><i>(h) to carry out moderation activities in relation to any standards and capstone assessments it sets:</i></p>

<p><b>Advisory and representative role</b></p> <p>to advise TEC, as provided for in section 411, about the mix of vocational education and training needed for the 1 or more specified industries the industry skills board covers in the manner required TEC</p> <p>to represent the interests of the specified industries:</p>	<p><b>Advisory and representative role</b></p> <p><i>(i) to provide employers with brokerage and advisory services approved by TEC:</i></p> <p><i>(j) to advise TEC, as provided for in section 411,—</i></p> <p><i>(i) about its overall investment in vocational education and training:</i></p> <p><i>(ii) about the mix of vocational education and training needed for the 1 or more specified industries covered by the workforce development council in the manner required by TEC:</i></p> <p><i>(k) to represent the interests of the specified industries:</i></p>
<p><b>Other functions</b></p> <p>to perform any other functions that the Minister confers on the industry skills board in relation to the specified industries.</p>	<p><b>Other functions</b></p> <p><i>(l) to perform any other functions conferred on it by the Minister in relation to the specified industries.</i></p>

## Governance

A key difference in ISB board appointment requirements is that the old legislation allowed for union and Māori employer representation on the WDC boards. In the new legislation this requirement has been removed.

Another difference is that the ISB has to have two Ministerial appointees, whereas this was not a WDC requirement.

All other matters to do with Board appointments have been moved from the separate WDC Orders in Council (OIC) to the primary legislation. This means all boards are the same.

New Governance	Old Governance
<p><b>363 Membership of industry skills board</b></p> <p>An industry skills board must have 8 members, comprising—</p> <p>(a) 2 members appointed by the Minister by written notice to the industry skills board; and</p> <p>(b) 6 members appointed by the industry skills board.</p>	<p><b>363 Establishment of workforce development councils</b></p> <p><i>(3) In making a recommendation relating to the governance arrangements for a workforce development council, the Minister must, as far as is reasonably practicable, ensure that those arrangements provide for—</i></p> <p><i>(a) the collective representation of employers and employees in the 1 or more specified industries covered by the workforce development council in the governance of the council; and</i></p> <p><i>(b) the representation on the council of Māori employers from any or all of the 1 or more specified industries.</i></p>
<p><b>365 Matters to be considered when appointing members</b></p> <p>When appointing members, the Minister and the industry skills board must ensure</p>	<p><b>Toi Mai Order in Council</b></p> <p><i>Membership</i></p>

<p>that the board as a whole, as far as is reasonably practicable:</p> <p>(a) reflects the makeup of the current and anticipated workforce of the specified industries; and</p> <p>(b) has sufficient—</p> <p>(i) skills and abilities to perform the functions of the industry skills board, having regard to the matters set out in section 370; and</p> <p>(ii) experience in the specified industries covered by the board; and</p> <p>(iii) experience as employers in the specified industries covered by the board; and</p> <p>(iv) experience in governance, public administration, and financial analysis and management; and</p> <p>(v) knowledge of the vocational education and training system.</p>	<p><i>(1) The Council comprises 7, 8, or 9 members, as determined by the Council and made up as follows:</i></p> <p><i>(a) at least 1 member nominated by Māori employers in the specified industries to represent them; and</i></p> <p><i>(b) at least 1 member nominated by employers in the specified industries to represent them; and</i></p> <p><i>(c) at least 1 member to represent employees in the specified industries nominated by—</i></p> <p><i>(i) the New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU) or NZCTU Runanga; or</i></p> <p><i>(ii) any of the trade unions who represent employees of the specified industries; or</i></p> <p><i>(iii) individual employees (including the nominee) or other groups of employees involved in the specified industries; and</i></p> <p><i>(d) a number of additional members appointed by the Council as required to bring the total membership of the Council up to 7, 8, or 9 members as determined by the Council.</i></p> <p><i>(2) In addition to the members appointed under subclause (1), the Council may coopt 1 or 2 persons to be members if it considers it is necessary to ensure that the Council has an appropriate mix of skills, leadership, and experience.</i></p>
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## Duties

Duties of ISBs are almost the same as WDCs. The one difference is that the requirement to have regard to the needs of Māori and other population groups identified in the tertiary education strategy is gone.

New Duties	Old Duties
<p><b>369 Duties of industry skills boards</b></p> <p>(1) An industry skills board must comply with any prescribed quality assurance requirements set by NZQA relating to the performance of its functions.</p> <p>(2) In performing its functions, an industry skills board—</p> <p>(a) must take into account the needs of employers and employees in the 1 or more specified industries the industry skills board covers but, in doing so, must also consider national and regional interests:</p> <p>(b) must, to the extent that is necessary or desirable in the circumstances, work collaboratively with—</p> <p>(i) providers in relation to the functions set out in section 367(1)(b) 35 to (d) and, in the case of wānanga, while respecting their special character under section 398D(c):</p> <p>(ii) other industry skills boards, particularly on setting of standards, quality assurance of institutions, setting fees for institutions, and other matters of common interest:</p> <p>(iii) NZQA, in relation to moderation, qualifications and micro-credentials</p>	<p><b>369 Duties of workforce development councils</b></p> <p><i>(1) A workforce development council must comply with any prescribed quality assurance requirements set by NZQA relating to the performance of its functions.</i></p> <p><i>(2) In performing its functions, a workforce development council—</i></p> <p><i>(a) must take into account the needs of employers and employees in the 1 or more specified industries covered by the workforce development council but, in doing so, must also consider national and regional interests:</i></p> <p><i>(b) must have regard to the needs of Māori and other population groups identified in the tertiary education strategy issued under section 7:</i></p> <p><i>(c) must, to the extent that is necessary or desirable in the circumstances, work collaboratively with—</i></p> <p><i>(i) providers in relation to the functions set out in section 366(1)(b), (c), and (e) and, in the case of wānanga, while respecting their</i></p>

<p>development, programme endorsement, and developing, setting, or maintaining skill standards or national curricula:</p> <p>(iv) any relevant regulatory body that performs or exercises any functions, duties, or powers under an enactment in relation to entry to an occupation in any of the specified industries the industry skills board covers:</p> <p>(c) must, when performing its functions under section 367, take all reasonable steps to avoid any adverse impact on its relationship with a provider or providers.</p>	<p><i>special character under section 268(2)(d)(ii)(B):</i></p> <p><i>(ii) other workforce development councils, particularly on matters of common interest:</i></p> <p><i>(iii) NZQA, in relation to qualifications development, programme endorsement, or developing, setting, or maintaining skill standards or national curricula:</i></p> <p><i>(iv) any relevant regulatory body that performs or exercises any functions, duties, or powers under an enactment in relation to entry to an occupation in any of the specified industries covered by the workforce development council:</i></p> <p><i>(d) must, when performing its functions under section 366(1)(i) to (k), take all reasonable steps to avoid any adverse impact on its relationship with a provider or providers.</i></p>
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## Performance of duties

How WDCs act when performing duties was contained in OICs. This section has now moved to the primary legislation.

In the OIC, the requirement to act in a manner that contributes to an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relations was the first provision. In the new legislation, it's the last provision.

The need to contribute to an education system that helps to ensure fair and equitable outcomes for all, including people who have been underserved by the education system remains in the new legislation.

But gone is the need to take into account the transition to a low-emissions and climate-resilient New Zealand; new global challenges; emerging technologies; global sustainability goals; and the changing nature of work.

Also gone is the requirement for ISBs to consult persons or bodies they consider on reasonable grounds represent the interests of Māori and those population groups identified in the tertiary education strategy in relation to their needs.

New Performance	Old Performance
<p><b>370 Performance of industry skills board's functions and duties</b></p> <p>When performing its functions and duties under sections 367 to 369, the industry skills board must act in a manner that—</p> <p>(a) contributes towards the creation of a workforce that meets industry needs and is fit for work in a sustainable, globally engaged, and adaptive New Zealand; and</p> <p>(b) seeks to contribute to an education system that helps to ensure fair and equitable outcomes for all, including</p>	<p><b>Toi Mai OIC</b></p> <p><b>7 Performance of Council's functions and duty</b></p> <p><i>(1) When performing its functions under section 366 of the Act, the Council must act in a manner that—</i></p> <p><i>(a) contributes to an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relations; and</i></p> <p><i>(b) seeks to contribute to an education system that helps to ensure fair and equitable outcomes for all; and</i></p>



<p>people who have been underserved by the education system; and</p> <p>(c) contributes to a well-functioning labour market system in which the specified industries can access the skills required to meet their current and future needs; and</p> <p>(d) aims to support and respond to New Zealand's current and future workforce needs, taking into account the skills, knowledge, and qualifications that learners will need in future to achieve success for themselves and their communities; and</p> <p>(e) contributes to an education system that honours Te Tiriti o Waitangi and 30 supports Māori–Crown relations.</p>	<p><i>(c) facilitates the voices of the specified industries to contribute to the creation of a sustainable, globally engaged, and adaptive New Zealand; and</i></p> <p><i>(d) seeks to contribute to an education system that provides opportunities for all people in the specified industries to reach their full potential and capabilities, including those who have been traditionally underserved by the education system; and</i></p> <p><i>(e) aims to support the responses to New Zealand's current and future workforce needs, taking into account—</i></p> <p><i>(i) the transition to a low-emissions and climate-resilient New Zealand; and</i></p> <p><i>(ii) new global challenges; and</i></p> <p><i>(iii) emerging technologies; and</i></p> <p><i>(iv) global sustainability goals; and</i></p> <p><i>(v) the changing nature of work; and</i></p> <p><i>(vi) the skills, knowledge, and qualifications that learners will need in future to achieve success for themselves and their communities; and</i></p> <p><i>(f) contributes to a well-functioning labour market system in which the specified industries can access the skills required to meet their current and future needs.</i></p> <p><i>(2) When performing its functions under section 366 of the Act, the Council must give effect to the relevant parts of the tertiary education strategy.</i></p>
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	<p><i>(3) When performing its duty under section 369(2)(b) of the Act to have regard to the needs of Māori and other population groups identified in the tertiary education strategy, the Council must consult the persons or bodies it considers on reasonable grounds represent the interests of Māori and those population groups.</i></p> <p><i>(4) The Council may appoint committees to advise it on any matters relating to the performance or exercise of its functions, duties, or powers.</i></p>
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## New provision

A major point of difference is that under section 373 Industry skills board may charge fees for quality assurance functions. This was something ITOs could previously do, but WDCs were not allowed to.

(1) An industry skills board may, by notice, fix fees payable by providers in relation to the board’s activities in performing its quality assurance functions.

(8) In this section, quality assurance functions, in relation to an industry skills board, means—

(a) the activities of the industry skills board in relation to its functions in developing, setting, and maintaining standards and capstone assessments; and

(b) moderation activities of the industry skills board in relation to any standards or capstone assessments that it sets.

## Transition

The Bill contains a separate section (Part 7) Provisions relating to Education and Training (Vocational Education and Training System) Amendment Act 2025; Subpart 3—  
Transitional provisions relating to WDCs

## Transfer of functions

As soon as practicable after the Act’s commencement (which won’t be until October 2025), WDCs must develop a transition plan for approval by TEC that provides for the allocation and transfer of the WDC’s functions, rights, assets, and liabilities to an ISB or NZQA.