



**Reform of Vocational  
Education (RoVE)**

# **Creative, Cultural, Recreation and Technology Workforce Development Council**

## **Kaunihera Whakawhanake Ohu Mahi**

### **Order in Council proposals**

**Consultation background document**

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## Te Pānui - How to read this document

The purpose of this document is to:

- Support the ‘Consultation proposal document’, which sets out the Order in Council proposals; and
- Provide readers with the detailed background information to understand how the Order in Council proposals were developed.

# How the Order in Council proposals were developed

## Creative, Cultural, Recreation and Technology Workforce Development Council

Proposed name\* : *Toi Mai*

For more information about the Creative, Cultural, Recreation and Technology Workforce Development Council, please visit the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/creative-cultural-recreation-technology-wdc-ieb/>

\* Please note this is a proposed name, and that it is subject to the current consultation. As a result, in the consultation proposal document and the consultation background document, we refer to Creative, Cultural, Recreation and Technology Workforce Development Council.

### Appointing the Creative, Cultural, Recreation and Technology WDC interim Establishment Board

The Creative, Cultural, Recreation and Technology WDC interim Establishment Board (subsequently in this document referred to as “CCRT iEB” for short) is one of six interim Establishment Boards appointed by the Tertiary Education Commission (TEC) in June 2020 following an Expression of Interest process.

For more information about the make up of the CCRT iEB, please visit the Creative, Cultural, Recreation and Technology WDC page on the TEC website and click on ‘*interim Establishment Board members*’.

### Developing and engaging on the draft Order in Council proposals

Following its appointment, the CCRT iEB developed its draft Order in Council proposals, which included a proposed name, coverage area and governance arrangements.

As part of the Order in Council development process, the iEB engaged with its industries, to test and seek initial feedback on its draft proposals, and to start building connections across the new WDC industry groupings. The CCRT iEB carried out its engagement in September-October 2020, via several channels:

Table 1 Overview of engagement channels

Channel	Description	Participation
Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	90 responses

<b>Direct engagement with iEB members</b>	Direct engagement by iEB members with stakeholders through meetings, including one-on-one and sector meetings.	31 engagements
<b>Written submissions</b>	Written submissions via email.	13 submissions

The CCRT iEB also engaged with industry stakeholders on the Order in Council proposals via email.

In addition to the targeted industry engagement undertaken by each iEB during the engagement period, the iEBs, the Kāhui Ahumahi (made up of the Māori members across the six iEBs) and government officials are also engaging with Māori industry bodies, and Māori and iwi groups on the Order in Council proposals, as a part of the wider RoVE programme.

### **Incorporating feedback and preparing the Order in Council proposals for consultation**

Following the engagement period, the CCRT iEB incorporated the feedback it received during its engagement, and worked closely with government officials from the Tertiary Education Commission and the Ministry of Education to prepare the Order in Council proposals for consultation. The iEBs and officials aimed to ensure the Order in Council proposals are drafted in a manner that reflects the intent of the iEB and its industries, and are appropriately framed for consultation and subsequent legal drafting. As part of this exercise:

- some provisions in the proposals were clarified and/or refined.
- the preamble was transformed into a purpose statement, with corresponding accountability arrangements, which captured the intent of the preamble but also fit into the Order in Council framework.
- iEBs and officials explored how the Orders in Council could honour te Tiriti o Waitangi, in accordance with section 4 of the Education and Training Act 2020. All six iEBs adopted a proposed framework in their Orders in Council as part of their purpose statements to honour te Tiriti o Waitangi. Each iEB also considered other provisions to this effect, and included the provisions they thought were appropriate for their respective WDC and for the industries within its coverage area. Examples include provisions with regard to council composition, co-chair arrangements, industry stakeholder mechanisms, appointment of council members. In addition, the TEC will consider funding and monitoring mechanisms that would require WDCs to honour te Tiriti o Waitangi.
- some provisions in the proposals (such as some of the story behind the name of the WDC, the establishment plan and aspects of the preamble) were identified that could not be included in an Order in Council, but could be used in other governance or strategy documents of the WDC, e.g. a constitutional document, a vision statement, etc.

The redrafting and refining of proposals is part of the normal process for drafting legislation, and will continue throughout the Order in Council process, until the Orders in Council are finalised and signed into law.

The table below provides a high-level overview of the feedback received by the CCRT iEB during its engagement activities, and how this feedback shaped its Order in Council proposals. It also outlines changes that were introduced to the Order in Council proposals during the redrafting and refining process.

Table 2 High-level overview of engagement feedback

Topic	Feedback received during engagement	How the feedback was incorporated
<b>Purpose statement / preamble</b>	<p>The majority of feedback supported the preamble (which was subsequently transformed into a purpose statement).</p> <p>Participants thought that the preamble captured the key ways that the New Zealand economy and workforce is changing and positioned the WDC to respond to that change and create opportunities, particularly for under-represented learners.</p>	<p>The iEB took much of the language from the preamble and transformed it into a purpose statement which captured the intent of the preamble but also fit into the Order in Council framework.</p> <p>The iEB decided to strengthen the wording around te Tiriti o Waitangi and Māori-Crown partnerships in the Order in Council proposals to emphasise the crucial role the WDC has in helping drive equitable outcomes.</p> <p>Accountability mechanisms were added during the drafting process to support the intention of the purpose statement, and to support consistency across WDCs.</p>
<b>WDC legal name</b>	<p>Feedback showed strong support for the te reo name proposed – Toi Mai. A number of people commented that this name was much more reflective of their industries than the somewhat clunky “Creative, Cultural, Recreation and Technology WDC” name. Queries were made whether the iEB had gone through the proper steps when deciding on this name and whether there was Māori support.</p>	<p>The iEB refined the Order in Council to remove the “Creative, Cultural, Recreation and Technology WDC” name entirely, and only propose the name “Toi Mai”.</p> <p>The iEB sought support of the iEB’s honorary kaumātua in granting this name.</p>
<b>Coverage</b>	<p>Coverage was the issue that the largest percentage of participants disagreed with.</p> <p>Feedback included:</p> <ul style="list-style-type: none"> <li>- Concern that the coverage is too wide and disparate. Some participants indicated weak linkages between some of the industries and professions (e.g. creative arts and ski instructors) or did not want to be closely associated with other areas.</li> <li>- However, some participants were pleased that there might be the chance for cross-industry collaboration due to the proposed groupings, including the mention of “creative technologies” which easily crosses several areas of the WDC.</li> </ul>	<p>The iEB acknowledged these concerns, but noted that the number of WDCs and the broad coverage areas have been previously engaged on and decided. As a result, the iEB did not feel empowered to make large changes – such as moving entire sectors into their own WDC.</p> <p>More nuanced changes within the broader WDC coverage were made as a result of engagement, see below.</p> <p>The iEB felt the wide industry coverage made mechanisms for industry engagement even more critical, discussion on these is also outlined below.</p> <p>The iEB did not consider expressing the coverage by reference to the Transitional</p>

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	<ul style="list-style-type: none"> <li>- Some were concerned that smaller voices would be lost in the broadness of the industries covered or that their specific part of industry was not well covered by the language chosen.</li> <li>- Some feedback was received that coverage should be expressed with reference to the Transitional ITO coverage.</li> <li>- There was some excitement about the creative sector having the support of a WDC, as there has not been a clear creative sector ITO.</li> <li>- There was general cynicism about the use of ANZSIC codes as a mechanism to delineate coverage.</li> <li>- Some concerns were raised by participants in the technology sector who do not believe that this WDC is right for them.</li> </ul>	<p>ITOs as an appropriate way to look forward.</p>
	<p>There were specific coverage concerns raised by two industries:</p> <ul style="list-style-type: none"> <li>- Racing and Equine – Industry bodies felt this industry should sit within the Primary Industries WDC.</li> <li>- Skin therapies and nail technology – Some industry bodies and members of the industry felt this sub-industry of the beauty industry should sit within the Health, Community and Social Services WDC.</li> </ul>	<p>In both cases, the CCRT iEB discussed the concerns with the other iEB involved, and both industries were moved from CCRT to the other iEB.</p>
<b>Partnership with Māori</b>	<p>There was considerable feedback about whether or not the proposal adequately reflected the Māori-Crown partnership and whether enough had been done to get Māori voice and representation. Many people thought that more representation was needed but there were also contrasting views.</p> <p>Some participants wanted more seats for Māori (and Pacific and Asian people), including to avoid having only a single Māori voice on the council.</p>	<p>The iEB adapted the proposal to demonstrate commitment to Māori partnership in a number of ways:</p> <ul style="list-style-type: none"> <li>- The minimum number of members who identify as NZ Māori was increased from 1 to 3.</li> <li>- The language in the purpose statement was adjusted and accountability statements were added to emphasise the critical importance of Māori partnerships for the WDC.</li> <li>- Iwi/hapū were explicitly included in sections around engagement.</li> </ul>
<b>Appointments</b>	<p>Most feedback was supportive of the proposed approach to council appointments, though some participants</p>	<p>The iEB has responded to the request for more industry involvement in the appointment process by making it clear</p>

Topic	Feedback received during engagement	How the feedback was incorporated
	<p>thought there should be more industry involvement in the process and others wanted us to ensure that there were Māori involved in appointments. Participants also called for transparency in the process.</p>	<p>that people who are nominated should state who in the industry they have support from.</p> <p>In addition, the iEB proposed that the appointments panel is required to undertake research on the candidates to test their suitability and the level of industry support for their nomination. The make up of the panel should include Māori representation.</p>
<p><b>Council composition</b></p>	<p>A number of participants provided feedback about the need to ensure that there is representation on the council from diverse backgrounds and in particular the need to have Māori, Pasifika, female, tertiary providers and young voices (rangatahi) on the council.</p>	<p>The iEB changed language in the description to embed the desirability of council members from a range of backgrounds.</p> <p>In addition, the iEB thought about other ways to ensure people had voice into the WDC if they weren't at the board table. This includes advisory groups and other mechanisms for wide industry engagement.</p>
	<p>Some stakeholders suggested that the council needed to be bigger to ensure that the diverse range of industries was represented on the council.</p>	<p>The iEB decided to keep the proposed number of 7-9 council members as they felt that a larger council could be unwieldy and that 7-9 was sufficient to allow for a mix of people in a skills-based council.</p> <p>Industry voice is important to the proper functioning of the WDC, but the iEB thought that the best place for that is through industry engagement.</p> <p>The iEB discussed whether the council should be solely skills based or be a mix of skills and representatives. They decided that all appointments should be based on skills and abilities, but that the council as a whole should try to reflect a diverse mix of the industries within the coverage area of the WDC.</p>
<p><b>Representation of Māori employers</b></p>	<p>There was feedback from a range of stakeholders that there needed to be more Māori representation on the council. There were also a number of questions raised about the definition of a "Māori employer".</p>	<p>As outlined above, the iEB increased the minimum number of members who identify as NZ Māori from 1 to 3. This includes the Māori employer representative.</p> <p>The iEB noted that additional work needs to happen to clearly understand</p>

Topic	Feedback received during engagement	How the feedback was incorporated
		the definition of a Māori employer within their industries.
<b>Collective representation</b>	Some participants highlighted the need for representation of independent earners.	<p>The iEB noted the legislative requirement for collective representation.</p> <p>The iEB noted the need for consideration of independent earners (also called self-employed by some) elsewhere as the industries covered by the WDC have high numbers of independent earners.</p>
	Some feedback received suggested that one organisation that represents a large number of employers in New Zealand should directly appoint the “collective employer” representative on all WDCs.	The iEB did not think it is appropriate that one organisation should appoint representatives directly.
<b>Additional functions</b>	No additional functions were proposed.	Not applicable
<b>Advisory group mechanisms</b>	A number of participants expressed concerns that the voice of particular industries, especially smaller and/or less vocal industries could be lost in the new structure.	The iEB has spent significant time considering mechanisms for industry engagement so that voices of a wide range of industry players are not lost. Some of this thinking has been incorporated into the Order in Council and more detailed arrangements are being considered as part of the establishment planning process. The iEB is conscious to make sure that the Order in Council expresses the importance of the industry engagement, without dictating how that engagement will take place as the best people to decide that are those who are actually managing the WDC, based on further engagement with industry once they are up and running.
<b>Other comments</b>	There were some concerns raised that the new WDC didn’t align with organisations that already existed or initiatives that were already taking place in industries.	<p>The iEB discussed ways to ensure that initiatives and good practice weren’t lost during the creation of the WDC. The detail of how this will happen will be developed as part of the establishment planning process.</p> <p>The iEB agreed that they would like the WDC to engage with organisations that already exist in industry on an ongoing basis as part of industry engagement.</p>

Topic	Feedback received during engagement	How the feedback was incorporated
		This is enabled by the industry engagement approach proposed, but will need to be implemented by the WDC.
	A number of participants provided feedback that the WDC needed effective ways to listen to those who are independent earners (or self-employed).	The iEB recognises how important this group is to the industries within the CCRT WDC and so have explicitly included them in the groups that need to be involved in industry engagement.