

## Cabinet Paper material

### Proactive release

Minister & portfolio	Hon Chris Hipkins, Minister of Education
Name of package	Order in Council for changing the name of New Zealand Institute of Skills and Technology to Te Pūkenga – New Zealand Institute of Skills and Technology
Date considered	7 September 2020

#### These documents have been proactively released:

**Cabinet paper: Order in Council for changing the name of New Zealand Institute of Skills and Technology to Te Pūkenga – New Zealand Institute of Skills and Technology**

7 September 2020

Ministry of Education

**CAB-MIN-0434 Minute**

7 September 2020

Cabinet Office

## **In Confidence**

Office of the Minister of Education

Chair, Cabinet Business Committee

### **Order in Council for changing the name of New Zealand Institute of Skills and Technology to *Te Pūkenga – New Zealand Institute of Skills and Technology***

#### **Proposal**

1. This paper seeks the Committee's authorisation to submit an Order in Council to the Executive Council to change the name of the New Zealand Institute of Skills and Technology (NZIST) to *Te Pūkenga – New Zealand Institute of Skills and Technology* in the Education and Training Act 2020 and any other enactment.

#### **Policy**

2. The New Zealand Institute of Skills and Technology was established in April 2020 as the national provider of vocational education and training in New Zealand. At the same time, the 16 institutes of technology and polytechnics were transformed into Crown entity subsidiaries of the new institute.
3. Cabinet, in approving the establishment of the institute, was clear that "New Zealand Institute of Skills and Technology" was a provisional title and that the NZIST Establishment Board [which was succeeded by the council of NZIST on 1 April 2020] would advise the Minister on an appropriate permanent name [CAB-19-MIN-0354].
4. NZIST has now recommended a new name, *Te Pūkenga – New Zealand Institute of Skills and Technology*. NZIST has indicated, and I agree, that a name that uses both Te reo Māori and English name highlights the organisation's commitment to partnership under the Treaty of Waitangi, and reflects the important role the organisation will play for Māori.
5. I consider that *Te Pūkenga – New Zealand Institute of Skills and Technology* is an appropriate name for a national provider of vocational education and training. As an adjective, "pūkenga" means "skilled in" or "versed in". As a noun, "pūkenga" means repository, expert, or specialist. *Te Pūkenga* describes the gaining and mastery of certain valuable skills. This occurs through passing knowledge down from person to person, where the receiver becomes a repository of that knowledge and in time an expert in those skills.

#### *Consultation on the proposed new name*

6. NZIST's council have informed me that they have undertaken significant national consultation on an appropriate name by means of regional hui across the institutes of technology and polytechnics network, followed by online public consultation, which recommended the name *Pūkenga Aotearoa* and the English name New Zealand Institute of Technology. A hui with a number of respected Māori language experts followed, who were unanimous in their recommendation

of *Te Pūkenga* as the proposed name for the NZIST. Te Taura Whiri I te Reo Māori (Māori Language Commission) has also endorsed the name *Te Pūkenga*.

#### *Process for changing the name of the NZIST*

7. Section 314(2) of the Education and Training Act 2020 provides that the Governor-General may, by Order in Council made on the recommendation of the Minister given after receiving a recommendation from NZIST's council, change the name of NZIST in the Education and Training Act and any other enactment.
8. The Order in Council has the effect of amending a term within legislation. This is necessary because the name "New Zealand Institute of Skills and Technology" was only ever intended to be a provisional name. NZIST needed the opportunity to consult its stakeholders before arriving at a final legal name.

#### **Timing and the 28-day rule**

9. Parliamentary Counsel has not yet drafted the Order in Council. For timing reasons, I seek agreement to submit the Order to the meeting of the Executive Council on 21 September 2020 without further recourse to Cabinet.
10. It is proposed that the 28-day rule be waived for this Order in Council, on the grounds that the Order has little or no effect on the public. I do not expect that the name change will result in any unreasonable cost, restriction on rights, or additional obligations to the public.

#### **Compliance**

11. The proposed Order in Council will comply with the following:
  - 11.1 the principles of the Treaty of Waitangi;
  - 11.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 11.3 the principles and guidelines set out in the Privacy Act 1993;
  - 11.4 relevant international standards and obligations; and
  - 11.5 the LAC Guidelines on the Process and Content of Legislation (2018 edition).

#### **Regulations Review Committee**

12. There are no grounds for the Regulations Review Committee to draw the Order in Council to the attention of the House under Standing Order 319. While the Order amends primary legislation, this is a process provided for in the Education and Training Act 2020.

#### **Certification by Parliamentary Counsel**

13. Parliamentary Counsel will certify the Order when it is submitted to the Executive Council.

## Impact analysis

14. The Regulatory Quality Team at the Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the basis that they have no or minor impacts on businesses, individuals or not-for-profit entities.

## Publicity

15. The Order in Council will be notified in the *New Zealand Gazette*.

## Proactive release

16. We plan to proactively release this Cabinet paper once the Order in Council has been gazetted.

## Consultation

### *Relevant government departments or other public bodies*

17. The following agencies were consulted in the preparation of this Cabinet paper, the Tertiary Education Commission, The Treasury, Te Puni Kōkiri, Te Arawhiti, the Public Service Commission. The Department of Prime Minister and Cabinet has been informed of the Order.

### *Relevant private sector organisations and public consultation processes*

18. NZIST has indicated the following engagement and consultation activities:
  - 18.1 In November 2019, Designworks was contracted by the NZIST Establishment Unit to provide a shortlist of 5 potential names for the NZIST (all the names were Māori). As part of this process, Designworks consulted with a number of respected Māori individuals;
  - 18.2 Regional hui were held in early February 2020, across the institutes of technology and polytechnics (ITP) network, which alerted stakeholders to the upcoming online consultation;
  - 18.3 An online survey ran from February to March 2020, which sought feedback on the five shortlisted names for the NZIST and noted that the preferred name was *Pūkenga Aotearoa*. The survey received 695 submissions, more than half were from ITP staff or management and 7.9% of respondents identified as Māori. Respondents did not strongly support any of the proposed names, although *Pūkenga Aotearoa* was the most preferred out of the five suggested. More than 100 alternative names (mostly English) were suggested, out of these, *New Zealand Institute of Technology* was the most common;
  - 18.4 Submissions indicated some common themes with the proposed names:
    - language equality – English and te reo Māori;
    - ability to market the institute internationally;
    - being able to identify the organisation as a tertiary or educational institution.

18.5 A hui was held on 22 May with a number of respected Māori language experts, who were provided a shortlist of potential names. The group were unanimous in their recommendation of *Te Pūkenga* as the proposed name for the NZIST.

18.6 Following this, Te Taura Whiri i te Reo Māori (Māori Language Commission) was asked by the NZIST to consider the proposed name and the process undertaken. They endorsed the name *Te Pūkenga* and approved of the process.

*The Government caucus and other parties represented in Parliament*

19. Consultation with the Labour, New Zealand First, and Green party caucuses will occur prior to the submission of the Order in Council to the Executive Committee.

**Recommendations**

20. The Minister of Education recommends that the Cabinet Business Committee:

1. **note** that the New Zealand Institute of Skills and Technology has recommended that its name is changed in statute to *Te Pūkenga – New Zealand Institute of Skills and Technology*
2. **note** that the Education and Training Act 2020 provides that the Governor-General may, by Order in Council made on the recommendation of the Minister of Education given after receiving a recommendation from New Zealand Institute of Skills and Technology's council, change the name of New Zealand Institute of Skills and Technology in the Education and Training Act and any other enactment
3. **note** that the Order in Council has not yet been drafted by Parliamentary Counsel Office
4. **authorise** the Minister of Education to submit to the Executive Council an Order in Council changing the name of New Zealand Institute of Skills and Technology in the Education and Training Act 2020 and any other enactment to *Te Pūkenga – New Zealand Institute of Skills and Technology* by 21 September 2020
5. **note** that a waiver of the 28-day rule is sought on the grounds that the Order in Council has little or no effect on the public
6. **agree** to waive the 28-day rule so that the Order in Council can come into force on the day after the date of its notification in the *New Zealand Gazette*.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

Proactively Released by the Minister of Education



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Name Change for New Zealand Institute of Skills and Technology to Te Pūkenga – New Zealand Institute of Skills and Technology: Order in Council

Portfolio                      Education

On 7 September 2020, Cabinet:

- 1        **noted** that the New Zealand Institute of Skills and Technology has recommended that its name is changed in statute to Te Pūkenga – New Zealand Institute of Skills and Technology;
- 2        **noted** that the Education and Training Act 2020 provides that the Governor-General may, by Order in Council made on the recommendation of the Minister of Education given after receiving a recommendation from New Zealand Institute of Skills and Technology's council, change the name of New Zealand Institute of Skills and Technology in the Education and Training Act and any other enactment;
- 3        **noted** that the Order in Council has not yet been drafted by Parliamentary Counsel Office;
- 4        **authorised** the Minister of Education to submit to the Executive Council an Order in Council changing the name of New Zealand Institute of Skills and Technology in the Education and Training Act 2020 and any other enactment to Te Pūkenga – New Zealand Institute of Skills and Technology by 21 September 2020;
- 5        **noted** that a waiver of the 28-day rule is sought on the grounds that the Order in Council has little or no effect on the public;
- 6        **agreed** to waive the 28-day rule so that the Order in Council can come into force on the day after the date of its notification in the New Zealand Gazette.

Michael Webster  
Secretary of the Cabinet