

Report of the Archives Council

Te Rua Wānanga

To the Minister of Internal Affairs

2016-2018

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Introduction

This report is provided in accordance with section 15(3) of the Public Records Act 2005, (the Act) which requires the Council to report to the responsible Minister on the performance of its functions during the preceding year. The Council has in practice reported to the Minister following each of its meetings. This report formally brings together the activities of the Council covering calendar years 2016 to 2018.

Mandate and Functions

The Archives Council Te Rua Wānanga is an unincorporated body established under the Public Records Act. The Act provides for the Council to advise the Minister on certain specific issues, such as recordkeeping and archives matters in which tikanga Māori is relevant; the approval of museums, libraries or other bodies as appropriate repositories for public records; the disposal of public records held by the Chief Archivist in relation to his or her own functions; and the auditing of the recordkeeping of the Chief Archivist. The Council also has a more general mandate to advise the relevant Minister on the broad range of archives and recordkeeping matters.

The Department of Internal Affairs (the Department) provides administrative and secretariat services to the Archives Council.

Council Membership

Members of the Council are appointed by Cabinet on the recommendation of the Minister of Internal Affairs. Current members are:

- Ms Sandra Beatie, QSO (Chair)
- Mr David Reeves (Deputy Chair)
- Ms Anna Blackman
- Dr Aroha Harris - Te Rarawa, Ngāpuhi
- Mr Dougal McKechnie
- Ms Tracy Puklowski
- Mr Karaitiana Taiuru - Ngāi Tahu / Kāi Tahu, Ngati Pāhauwera

Council members hold office for a term not exceeding three years, and may be reappointed.

There were a number of changes in the membership of the Council during this reporting period. Ms Diane Morcom, CNZM, CVO, finished her term as Chair on 10 March 2016. Dr Gillian Oliver took up employment in Australia and resigned her membership of the Council with Mr Dougal McKechnie taking her place from 1 May 2017. Mr Tom Norcliffe and Dr Angela Wanhalla completed their terms in May 2018 and Ms Tracy Puklowski and Mr Karaitiana Taiuru (Ngāi Tahu / Kāi Tahu, Ngati Pāhauwera) were appointed to the Council from 1 June 2018. Three current members will conclude their terms in May 2019: Ms Sandra Beatie, Dr Aroha Harris and Mr David Reeves.

Meetings

The Council normally meets three or four times a year. In 2016 it met on 10 March, 18 July and 10 November; in 2017: 9 March, 19 May, 7 September and 6 December; and in 2018: 2 March, 28 June, 26 July (workshop) and 23 October.

Remuneration

Remuneration for Council members is set under the Cabinet Fees Framework for members of statutory and other bodies appointed by the Crown. The Chair receives \$400 per day and the Members receive \$300 per day. Travel and other allowances are paid in accordance with the Fees and Travel Allowances Act 1951.

Council Charter

The Act provides for the Archives Council to regulate its own procedure. The Council adopted a Council Charter in 2006. Minor amendments were made to the Charter in 2013. A copy is attached as Annex 1.

Areas of Focus

The Council's principal areas of focus between 2016 and 2018 have revolved around supporting Archives New Zealand Te Rua Mahara o te Kāwanatanga to position itself well in order to address the immediate and longer term challenges and opportunities it faces as well as ensuring the efficacy of its regulatory role. The Council's focus has included:

- **Archives 2057 Strategy**

Development of the Archives 2057 strategy brought into focus the critical role Archives New Zealand has to play in preserving the nation's memory and the importance of improving accessibility to its holdings. In particular, the Council's input to the strategy emphasised the concept of 'taking archives to the people' through the promotion of the value of archives to audiences that are not currently served well. We would like to see a more outwardly focussed organisation with access extended beyond traditional means. Incorporated into the Council's view is also the notion of 'virtual archivists' who can connect with and act as advisers and navigators for communities wishing to access historical data or record their stories.

- **Accommodation and storage (in particular in Wellington)**

The Council has continued to be concerned about the preservation of the nation's memory in light of recurring issues with accommodation and storage. The Council received regular briefings on repairs required because of leaks and the damage to the Mulgrave Street building. The current building (a converted printing factory) requires substantial upgrading for earthquake strengthening and because plant, equipment and elements of the building fabric are at the end of their working life (the building is nearly 70 years old). The Council believes that a 'fit for purpose' facility is important given it is expected that the majority of the archival value paper records held by public offices will be transferred in the next 30 years. There is a current capacity problem as while regional offices can accommodate transfers this is no longer the case in Wellington and Archives New Zealand has had to take the step of stopping transfers of public archives to the Mulgrave site as it is effectively full.

The Council acknowledges the work the Department of Internal Affairs has been undertaking to establish longer term options that will ultimately require Government decisions. And, we are pleased to note the investment made to address the weather tightness issues for the Auckland office and to re-establish a permanent home for the Christchurch regional with the opening of the new facility at Wigram in October 2018.

- **Digital processes and expertise**

Archives New Zealand has developed very good capability in digital preservation. It has a working Digital Archives repository and has taken in a number of transfers of digital archives. The requirements of digital archiving are only going to grow as public offices become digital by default and have largely ceased to create paper based records (with some notable exceptions). The digital archiving processes currently operate at a small scale and the capability in public offices to prepare digital records for transfer is limited. Meeting the scale and challenge of digital records being the primary form of public recordkeeping will require substantial resource and shifts in emphasis over time. The Council will need to continue to keep close to these developments and in particular the capacity of the sector to manage the transition of paper based records of the 1990s being archived at the same time as substantial ramping up of digital transfers that require new processes and capabilities.

- **Regulatory Role**

One of the core functions of the Council is to provide advice to the Minister on the authority to dispose of a public record created or received by the Chief Archivist. The authority was last approved in 2008 and was further tied to a recordkeeping system that was due to be replaced in March 2017. During the 2016 year a revision of the authority was commenced by the Chief Archivist which included consultation with the Council and the sector. Following due consideration the Council in accordance with Section 20 (4) of the Public Records Act advised the former Minister in May 2017 to authorise the disposal authority and Schedule. This was subsequently approved by the Minister.

The Council was briefed in July 2018 and invited to provide input into a substantive programme of work Archives New Zealand is undertaking aimed at raising information management capability across the public sector and ensuring the regulatory approach is 'fit for purpose' in an increasingly digital environment. We were pleased to see the utilisation of a range of methods to obtain the views of stakeholders including an online, open source collaborative tool which allowed real time moderated discussions and exploration of issue. Our expectation is for this work to lead to a strengthening of Archives New Zealand's role and engagement with the sector.

The Council was also briefed on the intervention by the Chief Archivist over an attempted sale of public records on Trade Me. This led to an agreement between Archives New Zealand and Trade Me to prevent the unauthorised sale of public records.

- **Education and Training of Archivists**

The Council has taken a close interest in the ongoing development of professional archivists. In New Zealand, the Victoria University of Wellington Masters in Information Management is the main qualification programme. The Council shares with other parties within the sector a concern to this programme remains relevant in an increasingly changing record keeping and archival management world.

The Council has also been supportive of the efforts of the former and current Chief Archivist to provide development opportunities and partnerships with Māori as a means of enhancing knowledge and expertise in record keeping, regulation and archival preservation.

- **Assessment of National Archival and Library Institutions**

The Council was informed at its meeting in March 2018 that you as Minister of Internal Affairs and Minister Robertson as the Associate Minister for Arts, Culture and Heritage were intending to lead an assessment of national archival and library institutions and their contribution to New Zealand's democratic and cultural infrastructure.

Council members subsequently attended a statutory body's workshop (incorporating Guardians of the Turnbull Library, Library and Information Advisory Commission and the Archives Council) on 20 April 2018 to discuss the scope of the assessment and the proposed Terms of Reference for the work of a Ministerial Group overseeing it and to hear from you as the co-chair of the Ministerial Group. Following the workshop the statutory body chairs made representations to you and Minister Robertson seeking some amendments to the Terms of Reference which were incorporated.

The Council has continued to take a close interest in the progress of this work including reiterating its desire to be involved and urging that this assessment does not just focus on what is now but what is needed for 21st century leadership of information and records management and the role of the Chief Archivist. On 26 July 2018 the Council held its own workshop to develop the outline of a submission to you as part of a consultation programme with the sector. Council members also attended consultation meetings in Auckland, Dunedin and Christchurch.

The Council is of the view that if the current organisational form is to change with any consequential upheaval then the outcome needs to be sustainable over time. To that end it is supportive of the sector's call for continued ongoing dialogue.

Other Matters

- ***He Tohu***

The bringing together of the 1840 Treaty of Waitangi, the 1893 Women's Suffrage Petition and the 1835 Declaration of Independence into a purpose built exhibition housed at the National Library Te Puna Mātauranga o Aotearoa was a major undertaking. The collaborative effort between Archives and the Library and the close working relationship with iwi and other stakeholder groups was pivotal to its success. While the closure of the Constitution Room at Archives New Zealand was an emotional wrench for staff that had cared for the documents for so long, they made a lasting impact at the opening of *He Tohu* through their moving, respectful delivery of the documents into the exhibition space. *He Tohu* visitor numbers in its first year were impressive and the Council was pleased to hear of the number of schools who have brought students through the exhibition. The Council has voiced its support for finding ways to make these taonga accessible in regional areas around the country.

- **Stakeholder Engagement**

The Council decided in 2017 to review its engagement with the sector and has set aside time at each of its meetings to hear from different stakeholders. These have included:

The President of the Archives and Records Association of New Zealand (ARANZ), the Chair, Te Pae Whakawairua Archives New Zealand Māori Advisory Group and, members of the Council of Australasian Archives and Records (CAARA). The Council held one of its meetings during

2017 in Dunedin incorporating visits to the Archives New Zealand Regional Office and a tour of the impressive Hocken Library collections. In addition it held meetings with a Professor of History and health researcher from Otago University and with information managers and librarians representing local government, the DHB and University of Otago. The last meeting of the Council for 2018 was held in Christchurch which afforded the opportunity to see the new Archives New Zealand facility at Wigram in operation and to visit the Māori Land Court.

Acknowledgement of support from Archives New Zealand and Department of Internal Affairs

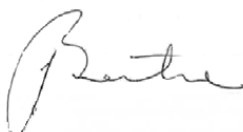
Marilyn Little as Chief Archivist provided strong leadership until taking up her new position as Deputy Chief Executive (Policy, Regulatory and Communities) for the Department of Internal Affairs. The Council very much appreciated the support we had from her and subsequently from Richard Foy who has been Chief Archivist since April 2018. We are also appreciative of the open discussions we have had with members of the leadership team and the staff of Archives New Zealand. They have briefed us on their work, engaged with us on the topics we have wanted to explore, and willingly showed us aspects of their work and sought our views and input.

Peter Murray, the Deputy Chief Executive (Information and Knowledge Services) of DIA has shown close interest in the work of the Archives Council, and we are grateful to him for his thoughtful and collaborative approach in leading work on the long term issues before Archives New Zealand and the National Library.

The Council is grateful to Claire Reeves and Wendy Balfour who provided secretariat and administrative support to the Council at different times during 2016 and 2017 and to Lillie Le Dorré who took over the secretariat role in 2018.

It has been a privilege and a pleasure to Chair the Council during this reporting period and work with the Hon Peter Dunne, and then over the past year with Hon Tracey Martin as Minister of Internal Affairs. We are fortunate in this country to have a strong democratic tradition, and to have had successive governments which have recognised the critical part that robust and well regulated public recordkeeping and archives play in underpinning that tradition.

In conclusion, the Council sees opportunities for greater emphasis to be placed on Local Government, Health and Education public record-keeping in addition to the current focus on core public sector records. To that end we believe there is an ongoing role and a need for the Chief Archivist's mandate as the independent regulator and steward but also as a lead voice on the changing nature of information management for the 21st century.



Sandra Beatie
Chair
19 November 2018

Council Charter

Functions of Archives Council

- (1) The function of the Archives Council is to provide to the Minister, on the request of the Minister or on its own initiative.
 - (a) advice concerning recordkeeping and archives matters including (without limitation):
 - (i) recordkeeping and archive matters in which tikanga Māori is relevant
 - (ii) the Orders in Council that may be made under section 5
 - (iii) authorisations to dispose of public records under section 20(3)
 - (iv) the approval of repositories under section 26
 - (v) appropriate criteria for the independent audit of the recordkeeping practices of the Chief Archivist conducted under section 34
 - (b) recommendations under section 55 on appeals to the Minister.
- (2) For the purpose of performing its functions under this Act, the Council has full powers, rights, and privileges.
- (3) The Council must report to the Minister each year on the performance of its functions during the preceding year.
- (4) The Minister must, as soon as practicable after receiving a report under subsection (3), present the report to the House of Representatives.

Council Governance Process

1. The Council's Relationship with the Minister

- 1.1. A 'No Surprises' policy. The Minister will be kept informed of the Archives Council's activities and any matter that is likely to be controversial. The Chairperson or, in his/her absence, the Vice Chairperson will speak for the Council.

2. Council Procedures

- 2.1. The Council regulates its own procedures.
- 2.2. The Archives Council will ensure that its work encourages the spirit of partnership and goodwill envisaged by the Treaty of Waitangi as provided for by section 7 of the Public Records Act.
- 2.3. Members will use their best endeavours to attend Council meetings and to prepare thoroughly. Members are expected to participate fully, frankly, and constructively in Council discussions and other activities and to bring the benefit of their particular knowledge, skills and abilities to the Council table. Members unable to attend will advise the Chairperson at a date as early as possible and confirm in writing to the Secretary.
- 2.4. Council discussions will be open and constructive, recognising that genuinely held differences of opinions can, in such circumstances, bring greater clarity and lead to better decisions. The Chairperson will, nevertheless, seek a consensus in the Council but may, where considered necessary, provide the Minister with differing opinions. All discussions and their record will remain confidential unless there is specific direction from the Council to the contrary, or disclosure is required by law.
- 2.5. The Chief Archivist and other Archives New Zealand staff, as appropriate, may attend Council meetings at its invitation.

2.6. The Council has sole authority over its agenda and exercises this through the Chairperson. Any member may, through the Chairperson, request the addition of an item to the agenda. The Chairperson in consultation with the Secretary will set the agenda.

2.7. The Council will normally hold 4 meetings per annum and will hold additional meetings as the occasion requires. At each normal meeting the Council will consider:

- matters raised by the Chief Archivist
- matters raised by the Minister
- issues and opportunities for the Council

In addition the Council will, at intervals of not more than one year:

- review the Council's focus
- approve its annual report to the Minister
- undertake a Council evaluation
- review Archives New Zealand's risk management strategy
- review customer and other stakeholder relations

2.8. Members are entitled to have access, at all reasonable times, to all relevant Council information.

3. Chairperson and Vice Chairperson

3.1. The Council will appoint one of its members as Vice Chairperson.

3.2. The Chairperson has a responsibility for promoting a productive and positive Council culture.

3.3. The Chairperson has primary responsibility for representing the Council to the Minister and stakeholders.

3.4. The Chairperson is responsible for ensuring the integrity and effectiveness of the governance process of the Council

3.5. The Chairperson is responsible for maintaining regular dialogue with the Chief Archivist over substantive and operational matters and will consult with the remainder of the Council promptly over any matter that gives him or her cause for major concern.

3.6. The Chairperson will prepare the agenda and manage the meeting process to ensure that no member dominates discussion, that appropriate discussion takes place and that relevant opinion among members is forthcoming. The Chairperson will ensure that discussions result in logical and understandable outcomes. Where consensus cannot be achieved the Chairperson will ensure minority opinions are conveyed to the Minister.

4. Quorum

4.1. A quorum of the Council is four members where the Council is at full capacity.

5. Remuneration

5.1. Council Members are entitled to be paid out of money appropriated by Parliament for the purpose of fees determined by the Minister in accordance with government policy and reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the Council.

6. Provisions of Business of Professional Services by Members

6.1. Council Members should avoid conflicts of interest so far as possible. Where a conflict of potential conflict arises, at a minimum, Members must disclose it to the Council.

6.2. Members who are conflicted regarding a particular issue should absent themselves from discussion and decision-making relating to that issue.

- 6.3. A Member who has a continuing conflict of interest of a material nature, that cannot be satisfactorily resolved after consultation with the Chairperson, should consider resignation as a Member, in particular where the continuing conflict of interest prejudices his or her ability to contribute to the affairs of the Council to the same extent as the other Members.
- 6.4. Because a conflict of interest (actual or perceived) may be created, Council Members should not, generally, provide business or professional services of an ongoing nature to the Council.
- 6.5. Notwithstanding the general rule, the Council is at liberty to engage the services of any Member, having special expertise in the particular field for the purpose of a special assignment, so long as the terms of engagement are competitive, are clearly recorded and all legal requirements for disclosure of the engagement are properly observed.

7. The Secretary

- 7.1. The Department of Internal Affairs is responsible for providing administrative and secretariat support to the Council (including the appointment of the Secretary).
- 7.1. The Secretary is responsible for ensuring that Council procedures are followed, that the applicable rules and regulations for the conduct of the affairs of the Council are complied with and for all matters associated with the maintenance of the Council or otherwise required for its efficient operation.
- 7.2. All Members, particularly the Chairperson, have access to the advice and services of the Secretary for the purposes of the Council's affairs.

8. Council Relationships

- 8.1. Between Council meetings the Chairperson will maintain an informal link between the Council Members, the Minister and the Chief Archivist.
- 8.2. The Council will foster relationships with relevant external groups.

Adopted 22 April 2013