

# **Report of the Archives Council Te Rua Wānanga**

**To the Minister of Internal Affairs  
2019**

# Contents

<b>Introduction</b>	<b>- 3 -</b>
Mandate and Functions	- 3 -
Council Membership	- 3 -
Meetings	- 4 -
Remuneration	- 4 -
Council Charter	- 4 -
<b>Areas of Focus</b>	<b>- 5 -</b>
Preserving the Nation’s Memory	- 5 -
Assessment of the National Archival and Library Institutions (NALI)	- 6 -
Implementing the 2057 strategy – Archives’ Transformation programme	- 6 -
Building Digital Capability	- 6 -
Archives and Mātauranga Māori	- 7 -
Enabling Access to the Record	- 7 -
Leading the Archive Sector	- 7 -
The Chief Archivist’s Regulatory Stewardship Role	- 8 -
Education and training of Archivists and Information Management Staff	- 8 -
The Royal Commission into Historical Abuse in State Care and in the care of Faith Based Institutions	- 9 -
The Documentary Heritage and Information Management Communities	- 9 -
<b>Acknowledgement of Support for the Archives Council</b>	<b>- 9 -</b>
<b>Archives Council Charter</b>	<b>- 11 -</b>

# Introduction

This report is provided in accordance with section 15(3) of the Public Records Act 2005, (the Act) which requires the Archives Council (the Council) to report to the responsible Minister on the performance of its functions during the preceding year. The Minister must, as soon as practicable after receiving the report, present it to the House of Representatives.

The Council has in practice reported to the Minister as part of, or following, each of its meetings. This report formally brings together the activities of the Council for the calendar year 2019.

## 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 Liz Sinclair, MNZM (Chair)
- Dr Peter Adds – Te Ātiawa (Deputy Chair)
- Ms Anna Blackman
- Mr Dougal McKechnie
- Mr Karaitiana Taiuru – Ngāi Tahu / Kāi Tahu, Ngati Pāhauwera
- Ms Nina Finnigan
- Mr Gareth Winter

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

There were several changes in the membership of the Council during 2019. Ms Sandra Beatie, QSO finished her term as Chair on 30 June 2019. Mr David Reeves and Dr Aroha Harris also concluded their terms in May 2019. During 2019, Ms Tracy Puklowski moved to Australia to take up a new role and consequently resigned as a member of the Council.

Two current members will conclude their terms in April 2020: Ms Anna Blackman, and Mr Dougal McKechnie.

The Council records its thanks to the previous Chair and members for their contribution to its work.

## Meetings

The Council normally meets three or four times a year.

In 2019 it met on 13 February, 14 May, 3 October and 12 December.

## Remuneration

Remuneration for Council members is set under the Cabinet Fees Framework (Cabinet Office Circular CO-19-1 refers) for members of statutory and other bodies appointed by the Crown. The Council is classified as a Group 4 body under the framework.

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 of the Charter attached as [Annex 1](#).

# Areas of Focus

Archives New Zealand Te Rua Mahara o te Kāwanatanga (Archives) has important and interrelated responsibilities for preserving the nation's memory and promoting public access to it; and as regulatory steward of the public record in an increasingly complex and demanding information management environment. Both of these roles underpin the health of New Zealand's heritage and cultural identity, and trust and confidence in our democratic systems of government.

The Council's work during 2019 reflected its intent to support Archives in anticipating and responding to this context. There were three broad areas of emphasis:

- how Archives is addressing the immediate and long-term challenges and opportunities it faces
- the critical regulatory role of the Chief Archivist
- building relationships with the stakeholder community and ensuring an understanding of Archives' operations around the country.

Within this, particular areas of focus included:

## Preserving the Nation's Memory

The Council warmly welcomed the Ministerial announcement in August 2019 of funding to commence design and resource consent planning for a new Archives facility in Wellington. The new building will connect to the National Library creating a national documentary heritage campus, protection and access for important taonga, and the potential to extend collaboration between the two institutions. The new facility, along with related changes to other Archives facilities and technology systems will also assist to address critical safety and capacity issues that have concerned previous Councils for some years.

The Council was regularly briefed on the progress of this work and has been strongly supportive of the way design planning is being advanced. The two institutions are working together, and with Ngā Taonga Sound and Vision, in a way which respects their independent roles, and aims to maximize the once in a generation opportunity this represents for New Zealanders to be provided with a facility that will truly be of historic significance. We applaud the way in which the design work is being undertaken with a view to integrating facilities most effectively with technology systems, operational processes, and services for the public. Directly utilising the expertise of Archives staff about practical requirements is key to this.

While this is only a first stage, and further investment by government will be required to bring this project to fruition, it is cause for real optimism about the future of our documentary heritage.

The Council has also been thoughtful in its discussions with Archives staff about the chance to connect this work to the wider opportunity created by new requirement to teach New Zealand's histories as part of the curriculum in all schools and kura by 2022.

## **Assessment of the National Archival and Library Institutions (NALI)**

The work of the Ministerial Group looking at the National Archival and Library Institutions continued to be an important issue for the Council in 2019. The Council's submission as part of the consultation process has been published previously, and since then the Council has provided advice as requested.

The Council, while appreciating the need to work through these issues carefully, continues to emphasise the criticality of progressing these considerations urgently to provide certainty about the future pathway. We see this as crucial for the institutions themselves and their staff, and for the wider sector.

## **Implementing the 2057 strategy – Archives' Transformation programme**

### **Building Digital Capability**

The Council has been regularly briefed on Archives' transformation work programme and has been impressed with the progress being made with limited resources. This is particularly the case with the work on building Archives' digital capabilities. These are critical to meeting increased expectations around digital access, digital ways of working across government, and the significant challenges ahead associated with digital archives transfers.

Although Archives has been challenged by demands on its digitisation service capacity from the Royal Commission into Historical Abuse in State Care and in the Care of Faith-based Institutions (the Royal Commission), it has stepped up to respond effectively to this, and moved at the same time to keep the resourcing up within its digitisation team. With approximately 9% of its holdings now digitised this compares favourably with other jurisdictions, however future demand can be expected to increase exponentially in this space. The Council endorses long-term investment in these capabilities to establish them on a sustainable basis.

Progress on updating Archives' legacy systems and using input from staff and customers through the design and implementation of these changes, has also been heartening for the Council. This starts to de-risk Archives' core operations, and establish a platform for new ways of working, providing access and delivering services. The launch of the new Archives online channel in June 2019 was a tangible front-facing demonstration of this progress.

## Archives and Mātauranga Māori

In February 2019 the Council was pleased to meet Trevor Himona (Ngāti Tūkorehe and Ngati Raukawa ki te Taonga), newly appointed as Kaitohutohu Mātāmua Ratonga Māori for Archives. The Council has continued to be supportive of Archives extending its understanding of how it manages archives in respect of Māori and tikanga. Over the course of the year we have noted the benefits of this role playing out, for example, in the way Archives is carefully considering data sovereignty matters as part of its implementation of new systems, and the strengthening of relationships with Iwi and the other government agencies working with Māori in this space.

The Council appreciated participating in a workshop as part of the consultation initiated by the Minister of Māori Affairs on the proposed Government response to the Waitangi Tribunal's Wai 262 report. The progress over this year represents useful steps in this area, but it is recognised as only the beginning of long-term work. The Council intends to engage closely with how this develops and gets integrated with the other significant workstreams discussed in this Report.

Archives' commitment was highlighted at the end of 2019 by the Ngāti Porou internships which are part of giving effect to the Letters of Commitment between this Iwi and Archives.

## Enabling Access to the Record

The Council understands the shift in demand to digital services that is driving the proposed changes to reading room access hours, to be piloted in 2020. When the Council was advised of the proposed changes we accepted the rationale but advised that concerns would need to be worked through carefully with user and stakeholder groups, and that flexibility demonstrated about how the hours were structured may assist.

The Council has had a long-term emphasis on the importance of "taking archives to the people" and has previously highlighted the success of *He Tohu* and endorsed opportunities to make these taonga accessible in regional areas. During this year we have therefore been pleased to learn of the positive response to the *He Tohu Tāmaki* resources for educators and learners.

## Leading the Archive Sector

The Public Records Act 2005 requires the Chief Archivist to lead the archiving sector (section 11(1)(g) refers). Archives' long-term strategy recognises the importance of a joined-up approach to our documentary heritage as the important first step and is working towards this. Looking forward to 2020, the Council will include a focus on how Archives can support Iwi and Community Archives.

We consider this timely as education initiatives drive a new focus on New Zealand's historic record.

As part of this we have encouraged Archives to work with stakeholders to find alternative ways of supporting the Community Archive Directory and online presence in a more sustainable way.

## **The Chief Archivist's Regulatory Stewardship Role**

2019 marked a tangible shift in the profile of this crucial regulatory role within government. Archives substantively advanced its programme of work in this area by undertaking a comprehensive baseline survey of the current state of government record keeping across both central and local government agencies. The results of the survey were provided to Parliament as a digital report, in conjunction with the Annual Report on the State of Government Recordkeeping.

The survey surfaced significant governance and capability issues, which are fundamental to the integrity of the record of government and supporting the health of our democratic system. This was further highlighted during the year by the media and public concern concentrated on the sensitive issues of open access to information related to the Royal Commission. The Chief Archivist is now engaging with senior Executive Sponsors in government agencies and preparing for the first round of the new audit programme that will examine information management performance more closely.

The Council has been thoroughly briefed on the survey and report and endorses all of these moves. There is a climate of increasing public concern and interest in information related to both individuals' information held by government agencies and the workings of government. The disruptive and rapidly changing impact of technology on information management creates new problems for both agencies and the regulator that could not have been envisaged a decade ago. Coupled with New Zealand's commitment to open government, this demands a rapid strengthening of information management capabilities across the system.

## **Education and training of Archivists and Information Management Staff**

The recordkeeping survey and Chief Archivist's report emphasised the need for capability building and support for staff.

The Council continues its interest in encouraging innovative approaches to developing a workforce with the capabilities to meet the rapidly evolving needs of record keeping, regulation and archival presentation, and the unique areas of expertise that New Zealand requires.



## **The Royal Commission into Historical Abuse in State Care and in the care of Faith Based Institutions**

The Council has been well informed about Archives' role in supporting the processes of the Royal Commission. It is a substantial demand on Archives' staff both in handling large scale information requests and developing policy responses to issues that require the Chief Archivist to exercise his authority. The Council has noted the care and responsiveness exercised by the Archives team in this area and endorses the commitment to working digitally and engage appropriately with the relevant agencies to support but also ensure the integrity and safety of the records involved, and the staff who are dealing with them.

As commented earlier, this work is stretching the operational resources within Archives. And it has underscored the criticality of the regulatory role of the Chief Archivist and his responsibility to act independently to protect the integrity of the record.

## **The Documentary Heritage and Information Management Communities**

The Council sees it as increasingly important for everyone involved in this broad sector to work together and has sought to advance this over the past year. The relationship between Archives' and other information regulators such as the Chief Ombudsman was explored through discussions with the Ombudsman's Office, and the Council also met with the new president of the Archives and Records Association of New Zealand (ARANZ).

Opportunities to learn from relevant other jurisdictions are also valuable. Council member Anna Blackman attended the advisory bodies meeting hosted by the Council of Australian Archives and Records Authorities (CAARA) and held in conjunction with the Designing the Archives conference in September 2019. This is the first time New Zealand has been invited to participate in this way and will have clear future benefits in enabling the sharing of capabilities and experience.

## **Acknowledgement of Support for the Archives Council**

The Council has greatly appreciated the support it consistently receives from the Chief Archivist Richard Foy, his leadership team and the staff at Archives. The work of the Council is enhanced by their open engagement across a broad range of issues and it is inspiring to see the commitment Archives staff have to their work, and their care for the taonga they are entrusted with.

Peter Murray, Deputy Chief Executive (Information and Knowledge Services) at the Department of Internal Affairs who has the responsibility for Archives has continued to be constructive, helpful, and very supportive of the Council's role. Paul James, Chief Executive of Internal Affairs has given priority to engaging with the Council and understanding our concerns.

Lillie Le Dorré has provided excellent secretariat and advisory services to the Council in 2019, and we have valued her extensive knowledge and networks.

The Council exists to provide independent advice to the Minister. In 2019 the Minister of Internal Affairs Hon Tracey Martin has been generous both with her time for discussion with the Council and through her interested commitment and tangible support for tackling the issues that matter most for Archives. This bodes well in what will be a critical period for securing the future of public record-keeping in New Zealand.

This present Council is conscious of the role it has to play in advising Ministers during an important phase in the life of Archives New Zealand. There is a unique conjunction of work underway on critical issues and opportunities. There is also a healthy climate of heightened public interest. We stand alongside a long list of committed individuals – both those who have worked on the Council previously, and those in the wider New Zealand communities and agencies who will value and need a robust public records management system now and for the future.



Liz Sinclair, MNZM  
Archives Council Chair

29 April 2020

# Archives 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 CouncilIn 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).

7.2. 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.

7.3. 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