

The Archives Council *Te Rua Wānanga*

Annual Report 2015

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The following report covers the calendar year 2015. It is provided in accordance with section 15(3) of the Public Records Act 2005, (the Act) which requires the Council to report to the Minister each year on the performance of its functions during the preceding year.

Establishment and Functions

The Archives Council Te Rua Wānanga is an unincorporated body established under the 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 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

Membership of the Council from March 2015 was:

- Ms Diane Morcom, CNZM, CVO (Chair)
- Mr David Reeves (Deputy Chair)
- Ms Anna Blackman
- Dr Aroha Harris
- Mr Tom Norcliffe
- Dr Gillian Oliver
- Dr Angela Wanhalla

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

The following individuals completed their terms on the Council in March 2015. They were farewelled at a function on 26 February 2015 and thanked for their significant contributions to the Council.

- Mr Stuart Strachan, QSO (Deputy Chair) – Council member since 2006
- Mr Barry Holdaway, JP – Council member since 2010
- Mr George Reedy – Council member since 2010

In accordance with the requirements of the Act two members of the Council had knowledge of tikanga Māori.

Meetings

The Council met on four occasions in 2015:

- 26 February
- 18 June
- 10 September
- 12 November

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.

Activities During the Past Year

The Council's principal focus in 2015 was on the various long term challenges and opportunities facing Archives New Zealand:

- growing public interest in our history, culture and heritage;
- rapidly increasing expectations about digital access to records;
- pressure on infrastructure and storage for both physical and digital material;
- pressure on resources to fund the required changes.

Against that background the Council gave priority in 2015 to consideration of the regulatory and leadership role of Archives New Zealand; accommodation requirements; the development of a long term digital strategy; and the long term funding associated with these important initiatives.

Regulatory and leadership matters

In September 2015 the Chief Archivist completed a report, "Managing text messages under the Public Records Act". The review was undertaken in response to a request from an MP that the Chief Archivist look into a potential breach of the Act arising from the deletion of text messages from the Prime Minister's mobile phone. The review found no evidence of wilful or negligent disposal of records without authority. What it did find was that the recordkeeping advice, support and systems available to the Prime Minister – and Ministers – were inadequate.

The report was accompanied by detailed and practical advice to the Prime Minister and Ministers – and other public offices - on the management of text messages. It also made recommendations designed to ensure that Ministers are well advised on their general obligations under the Act, and have the necessary systems and support for maintaining and disposing of the public records that they create or receive. The Council considered the report

thorough and well judged. It welcomed the fact that the Chief Archivist took the opportunity to clarify and embed the wider recordkeeping responsibilities of those holding public office.

The Act, now ten years old, requires an independent audit of every public office in the five years following the commencement of the Act, and provides for the Chief Archivist to report every year to the Minister on the state of recordkeeping within public offices. The Chief Archivist released a report in late 2015 on the state of government recordkeeping, and the audits undertaken in 2014/15. This report completed the first Audit Programme under the Act for the period 2010-15. Her report noted that it is disappointing to see that, although the Act came into force ten years ago, barely half of the public offices audited in 2014/15 have a fully satisfactory approach to records management. Against that background, she concluded that it is an opportune time for Archives New Zealand to review its role as the government recordkeeping regulator. The Council shares the Chief Archivist's concerns about the state of government recordkeeping and welcomes the more robust approach signalled by her report.

In addition to her responsibilities for central government public records and archives the Chief Archivist is responsible under the Act for exercising a leadership role in facilitating and coordinating archival activities in New Zealand. The Council had a productive discussion about this aspect of her role with the Chief Archivist and senior staff of Archives New Zealand at its November meeting. The Council was encouraged by the priorities set by Archives New Zealand in this area. There was general agreement that it made good sense for Archives New Zealand to collaborate, facilitate and coordinate advice and support through other bodies in the museum/library sector, rather than duplicate the efforts of those organisations in providing support and advice to the archives sector.

Accommodation and storage initiatives

The Archives New Zealand building in Christchurch was badly damaged in the 2011 earthquake. The Council welcomed the decision, announced in the 2015 budget, to build a new repository at Wigram. We also have a keen interest in seeing a satisfactory long term solution to the weather tightness issues that have arisen in the Auckland repository. The Archives New Zealand building in Wellington will run out of capacity in two to three years time; significant investment will be required to provide necessary additional storage for the next 20 to 30 years.

Appropriate storage is fundamental to the core purpose of national archives institutions in properly maintaining, and providing access to, the record of government. We hope that Ministers will look favourably on this investment when the case for additional funding is made.

The digital environment

In the course of 2015 Archives New Zealand completed the transfer of the digital records of two closed Royal Commissions. Work has also been undertaken on how to build on these transfers to develop the ability and capacity to undertake the transfer of government records in bulk over the next few years. One of the challenges of digital archiving is the need for appropriately qualified digital archivists. The Council is to consider the matter of capacity in the sector during 2016.

The digitisation of the NZDF personnel files of all New Zealanders who served in World War One – completed during 2015 - has captured the interest of thousands of New Zealanders who have accessed the Archives New Zealand website to look at the war records of family members. The challenge now for Archives New Zealand, and for the National Library, is to

provide improved digital access to more of our national records. Council members have been pleased to have regular briefings on the development of a digital services strategy, and looks forward to the completion of this vital piece of work in 2016.

The search for sustainability

The Council is aware of the very significant funding implications of the various long term issues before Archives New Zealand (and the National Library), particularly those arising from the digitisation of government records and their preservation and storage. The coming wave of digital records, and how to prioritise and fund their storage and access will require investment on a major scale. Council members attended a workshop organised by the Department in May 2015 to discuss possible options for meeting the high future costs for both the National Library and Archives New Zealand. We welcomed the initiative and appreciated the opportunity to be involved.

The Archives Council is supportive of efforts to explore new sources of funding and welcomes the Department's appointment of a Commercial Manager on a one year fixed term contract to further explore these options. But it is of the view that the options for Archives New Zealand are likely to be more limited than for the National Library. In particular philanthropic and commercial partnerships, which may offer possibilities for the Library, seem unlikely to be so promising for Archives.

Other matters

The Council received regular briefings on progress in relocating to the refurbished departmental building in Molesworth Street the contents of the Constitution Room at Archives New Zealand – the 1840 Treaty of Waitangi, the 1893 Women's Suffrage Petition and the 1835 Declaration of Independence. The Council has been impressed by the collaboration with technical experts, consultation with affected parties, and thorough planning that has been central to this important project. It looks forward to the opening of the new exhibition in early 2017. In the meantime we are pleased that the Constitution Room at Archives New Zealand has been re-opened, so that pending the move of the documents they remain available for viewing. Council members had the opportunity to view the Waitangi sheet during the November meeting: that viewing heightened our appreciation of the document's extreme fragility.

The Council's 2013 report drew attention to the risk of the loss of records during central or local government amalgamations or reorganisations. During 2015 we discussed our concerns with the Local Government Commission. We were pleased to have their undertaking that in the event of any reorganisation in local government they would use the powers available to them to ensure that those involved managed records appropriately.

The Council has continued its collaboration with the Archives and Records Association of New Zealand (ARANZ). Council members attended the ARANZ conference in Auckland in September 2015; the President of ARANZ attended part of a Council meeting in September 2015.

Support from Archives New Zealand and Department of Internal Affairs

Marilyn Little has continued to provide strong, thoughtful, and focused leadership. We have very much appreciated the support we have had from her, her senior 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. Of special interest to the Council in 2015 was our visit to the Auckland office.

We have welcomed the interest that Peter Murray, Deputy Chief Executive (Information and Knowledge Services) of DIA has shown in the work of the Archives Council, and 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 have provided excellent secretariat and administrative support to the Council throughout the year.

This report is my last as Chair of the Council. It has been a privilege and a pleasure to work with you as Minister of Internal Affairs, with Council members, the Chief Archivist and others in helping to ensure the ongoing health of recordkeeping and archives in New Zealand. 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.



Diane Morcom
Chair
Archives Council
15 April 2016

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).
- 7.2 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