

The Archives Council
Te Rua Wānanga

Annual Report 2012

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Te Rua Wānanga Annual Report 2012

The following report covers the calendar year 2012. It is provided in accordance with section 15(3) of the Public Records Act 2005 which requires that the Council must 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 Public Records Act 2005 (part 1, section 14, 15 and 16). Its role is to provide advice to the Minister responsible for Archives New Zealand on record keeping and archives matters generally, including those for which tikanga Māori is relevant. The Council also advises the Minister on authorisations to dispose of public records of Archives New Zealand, the approval of other repositories for public archives, and on appeals made to the Minister.

The Department of Internal Affairs provides administrative services to the Archives Council.

Council Membership

The Council consists of seven members:

- Richard Nottage CNZM (Chairperson)
- Barry Holdaway
- Ani Pahuru-Huriwai
- George Reedy
- Dame Anne Salmond DBE, FNAS, FRSNZ, FAHNZ
- Mel Smith CNZM (Deputy Chairperson)
- Stuart Strachan QSO

In accordance with section 14(3) (b) of the Public Records Act 2005, three Council members have knowledge of tikanga Māori.

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

Meetings

The Council met on four occasions in 2012:

- 9 February
- 19 April
- 26 July
- 25 October

Council Charter

In terms of section 16(1) of the Public Records Act 2005 the Archives Council; “may regulate its own procedure”. To this end the Council has adopted a Council Charter which is annexed to this report.

Activities During the Past Year

Integration with Department of Internal Affairs

This process continued through 2012, with further changes of senior personnel in the Department of Internal Affairs at Chief Executive and Deputy Chief Executive levels. The

Council had initial concerns about the decision to merge all Votes in the Department of Internal Affairs to a single Vote for the Department. We were reassured, however, that specific output classes for Archives New Zealand anchored in the content of the Public Records Act 2005, would continue unchanged. The Council recognised also that a merged Vote would offer more flexibility in allocating funds for common activities than a plethora of separate Votes.

The Council was informed there would be no changes to the Public Records Act following a review of the Statutes Amendment Act. The Council is of the view that in a longer timeframe a more in depth review would be useful, for example, it could look at the different provisions that apply to local and central Government and whether these might be harmonised.

The Council was pleased that Archives New Zealand would have its own business plan for 2012/13 and informed the Chief Archivist that the strategic priorities detailed in it were in keeping with the Council's thinking.

In the latter part of the year, following a review of the Knowledge, Information, Research and Technology (KIRT) branch of the Department of Internal Affairs, initiated by the new Chief Executive, two new branches were created with Archives New Zealand, the National Library and Government Information Services in one of them. The Council was informed there would be no change in the Chief Archivist's position, but it remains of the view this should be at Deputy Chief Executive level, given the statutory and whole of Government importance of the role.

Integrated Service Delivery Programme

In August 2011 the Council was informed of an ambitious proposal to leverage the development of the Molesworth Street (National Library) building to create a new integrated service for customers of Archives New Zealand and the National and Alexander Turnbull Libraries. Amongst other things, this would involve relocating the Treaty of Waitangi and other iconic constitutional documents from Archives New Zealand in Mulgrave Street to a new custom built Constitution Room in the Molesworth Street building. The Council was supportive of the direction of the proposal, but, with the Library and Information Advisory Commission and the Guardians/Kaitiaki of the Alexander Turnbull Library, believed a great deal more work was needed on the proposal, not least to ensure that there be no confusion of the different and distinct roles of the three institutions. The Council was pleased this advice was accepted by the Department of Internal Affairs. It has been kept informed of developments as the proposal has evolved. By the years end the refurbished National Library building had been officially opened by the Minister of Internal Affairs and it is expected the new Constitution Room will be completed and the Treaty relocated in due course. The Council commented favourably on the visitor centre exhibition development process.

Digital Technology and Information

“The game-changer is digital technology. We need to change Archives Australia’s business model to adapt to the digital age”.

David Fricker, Director General National Archives of Australia’s opening address to Archives and Records Association of New Zealand Annual Conference, Wellington, 23 October 2012

Collaboration between Archives Australia and Archives New Zealand is longstanding. It was therefore not surprising that the opening address of Greg Goulding echoed that of David Fricker, or that the business plans of their respective institutions are similar.

The public expects that more records should be more accessible online everywhere. At each of its meetings during the year the Council has been briefed and had an opportunity to comment on the development of the Government Digital Archive, which will enable a large expansion of the customer base, and of the wider Digital Continuity Action Plan. Some 20% of the Archives New Zealand’s budget over three years has been allocated to this work. As mentioned in the Council’s report last year, the sensible combination of information and digital technology

resources within the Department of Internal Affairs, the National Library and Archives New Zealand should augment the protection of New Zealand’s documentary heritage and provide faster, easier access to it.

The Council met with Stuart Wakefield, Director Government Chief Information Office and was briefed on the work of the team developing the Government ICT Strategy 2013-2017. The Council was pleased to note the central role of information management at this early stage in the development of the strategy. It is a positive sign that the strategy will not be focusing exclusively on technology, but will recognise the importance of managing information well. We expect this will help to place Archives New Zealand and the Public Records Act in a central role in the Government’s ICT framework.

Responsiveness to Māori Needs and Interests

An ongoing concern of the Council through 2012 has been to seek to ensure that, with integration, strategic directions in archiving and ICT are responsive to Māori needs and interests. Also, that there should be no diminution of the strengths that Archives New Zealand and the National and Alexander Turnbull Libraries have built up their engagement with Māori.

Progress on this facet of the integration has been slower than the Council would have liked and we have expressed concern that, as a consequence some key staff and expertise could be lost. That appears not to have happened yet, but there will be further delays pending the appointment of a new Deputy Chief Executive who must decide on a single third tier manager and specialist roles for Māori within KIRT branch. The Council’s view is that sharing services between Archives New Zealand and the National and Turnbull Libraries should be capitalised on; that advisory groups like Te Pae Whakawairua should continue to exist; and engagement with iwi and support offered to staff pending decisions on these matters should occur.

Other Issues

Cooperation with Chief Ombudsman and Office

The Council met with the Chief Ombudsman, Dame Beverly Wakem and Deputy Ombudsman, Leo Donnelly, during the year under review, thus continuing a cooperative relationship. One issue provided a solution to a long standing matter relating to disposal of certain records of Archives New Zealand.

A second matter relates to Section 61 of the Immigration Act 2009 and an internal instruction to Immigration officials in the Department of Labour in November 2011 not to record any reasons for granting or declining visas to people who are unlawfully in New Zealand but not subject to a deportation order. The Council considers this instruction is a dangerous precedent because it is at odds with the purpose of the Public Records Act 2005 to provide for accountability and transparency of decision making, and with the requirements under Section 18 to create and maintain full and accurate records. Both the Chief Archivist and the Chief Ombudsman have taken up this matter with the Department of Labour (now Ministry of Business Innovation) from whom a definitive response is awaited.

Review of Archives New Zealand's Appraisal Framework

At our final meeting for the year the Council was briefed on a current review of Archives New Zealand's appraisal strategy and methodology. This is an important element of one of several key strategic drivers for Archives New Zealand vis-à-vis to establish stronger control over the appraisal and acquisition process in order to ensure that the information flowing into the national archival system is the right information and that appropriate disposal action is applied during the acquisition process. The Council appreciated the Chief Archivist's offer to consult Councillors on the development of the Appraisal Plan and Acquisition Statement.

Valedictory

This is my last Annual Report. Appointed inaugural Chairperson of the Council in 2006 I advised the Minister, Hon Chris Tremain, that after six years it was time for a change and that I did not wish to be considered for another reappointment. I have enjoyed the task, including its challenges, some of which are documented in earlier reports. I thank particularly all members of the Council who have served with me for their advice, support and encouragement through the years.

Mel Smith who has been Deputy Chairperson from the onset, Ani Pahuru-Hurawai and Dame Anne Salmond will also depart at the conclusion of their terms. They have made especial contributions to the Council, as has Stuart Strachan, who will continue for a third term.

It has been a pleasure to have worked closely with Chief Archivists Diane Macaskill and Greg Goulding.

I cannot overstate the importance of Archives New Zealand and the Chief Archivist as the guardians of the public record of the nation, which is a cornerstone of democracy. Nor the importance of sustaining an Archives brand-authentic, reliable and usable.

Funding and Secretariat Services

Funds for the operation of the Council are provided from the budget of the Department of Internal Affairs. The Council expresses its appreciation to the Chief Archivist, Greg Goulding, for his assistance with the Council's deliberations during the year.

Expenditure Items

Remuneration and Expenses	\$ 12,300.00
Travel and Accommodation	\$ 1492.00
Other (catering, representation)	\$ 628.00
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Total	\$ 14,420.00



Richard Nottage
Chairperson, Archives Council

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 Maori 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 record keeping 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 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.
- 2.2. 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.
- 2.3. 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.

- 2.4. The Chief Archivist and other Archives New Zealand staff, as appropriate, may attend Council meetings at its invitation.
- 2.5. 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.
- 2.6. 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
- 2.7. 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. *Provisions of Business of Professional Services by Members*

- 4.1. 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.

- 4.2. Members who are conflicted regarding a particular issue should absent themselves from discussion and decision-making relating to that issue.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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.

5. *The Secretary*

- 5.1. The Department of Internal Affairs is responsible for providing administration and secretariat support to the Council.
- 5.2. 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.
- 5.3. All Members, particularly the Chairperson, have access to the advice and services of the Secretary for the purposes of the Council's affairs.

6. *Council Relationships*

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