

The Archives Council *Te Rua Wānanga*

Annual Report 2014

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The following report covers the calendar year 2014. It is provided in accordance with section 15(3) of the Public Records Act 2005 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 Public Records Act 2005. 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 provides administrative and secretariat services to the Archives Council.

Council Membership

Membership of the Council in 2014 was:

- Ms Diane Morcom, CNZM, CVO (Chair)
-
- Mr Stuart Strachan, QSO (Deputy Chair)
-
- Dr Aroha Harris
-
- Mr Barry Holdaway, JP
-
- Dr Gillian Oliver
-
- Mr George Reedy
-
- Mr David Reeves

In accordance with the requirements of the Public Records Act 2005 two members of the Council had 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 2014:

- 20 March
- 5 June
- 11 September
- 27 November

Remuneration

Remuneration for Council members is set under the Cabinet-approved 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 Public Records Act 2005 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

Invercargill City Libraries and Archives: Approved Repository Status

The Public Records Act 2005 provides for institutions to apply for approved repository status, allowing them to hold public archives on behalf of the Chief Archivist. In 2013 the Invercargill City Libraries and Archives (ICLA) applied for approved repository status, the first such application since the 1980s. Applications for approved repository status are analysed by Archives New Zealand staff. If the applicant institution is deemed suitable to hold public archives, the Chief Archivist recommends that the Archives Council advise the Minister to authorise the approval.

The Council considered that it was important to have an approved repository in Southland, given that many significant public archives relating to that part of the country would be most appropriately housed and accessed locally. We considered that the ICLA was the most suitable institution for this role, especially as it has long held, informally, the archives of the Southland Education Board. We were satisfied that it would give public archives the required level of care and security; we considered that it met the statutory guidelines required by all approved repositories; had experienced staff, and showed willingness to work in partnership with Archives New Zealand to manage Southland public archives. We accordingly recommended to the Minister that he authorise the ICLA as an approved repository. The Minister authorised ICLA as an approved repository on 8 May 2014.

Audit of the Recordkeeping Practices of the Chief Archivist

The Public Records Act 2005 requires the Chief Archivist to commission an audit of the recordkeeping practices of every public office at regular intervals. It is her role to specify the aspects of recordkeeping to be assessed; to develop criteria for the audit; and to manage the process. In the case of the Chief Archivist's own recordkeeping practices it is the Minister of Internal Affairs who is required to specify the aspects of recordkeeping practices that are to be audited, and the criteria for the audit. The Act requires the Archives Council to provide advice to the Minister on the audit.

The objectives of the recordkeeping audits carried out under the Act are to provide an independent opinion of an organisation's implementation of the standards mandated by the Act; report on its recordkeeping direction, capability and practices; and identify the significant business risks that it may face as a result of inadequate recordkeeping.

In the Council's view the audit of the Chief Archivist's records is of particular significance, given her role in auditing all other public offices. We considered that it was accordingly critical that the audit be carried out by respected, competent auditors, and in a way that is impartial, and seen to be independent of the Chief Archivist. Following information received

by Archives New Zealand, the Council provided advice to the Minister in October 2014 on the aspects the audit should cover; the criteria for the audit; and the way in which it should be carried out. The Minister accepted the Council's advice and the audit began November 2014.

Community Archives

In 2013 the Council considered recordkeeping in central and local government. In 2014 we examined community-based and iwi archives, talking as part of our assessment to a number of individuals working in this area. We observed that:

- There is a high degree of voluntary effort involved in community-based archives. Some organisations have part-time staff dedicated to their archiving role, while others combine these responsibilities with other duties. This situation is in most cases appropriate, but can lead to great variability of standards and practice;
- Few community archives have official collection development policies to guide what is collected and what is not. Many organisations understandably focus their collections around their wider organisational interests or purposes, which gives a degree of direction to staff (paid and unpaid) about collection acquisition and care decisions. There is probably room to build greater understanding and co-ordination in this area;
- Expertise in digital archiving is almost non-existent in community archive organisations. Approaches to digitisation of paper-based records are highly variable, as is the degree of electronic description of archives. There is almost no awareness of how to handle born-digital records appropriately, not surprising given the great complexity of the digital archiving field, and the fact that even the largest and better-resourced organisations nationally and world-wide are yet to adequately deal with the scale and range of issues it presents;
- There is increasing interest and capability amongst iwi organisations in developing their own archives. Access to records pertaining to Māori, and appropriate finding aids and services for Māori remain areas with potential for continued improvement. Heightened awareness among Māori of community identity, and the part that historical records can play in building positive self-identity are likely to place additional expectations on archival organisations in the coming years;
- There a number of examples of very well-run and active community and iwi archives. Several organisations that had aligned themselves or partnered with local government were able to deliver improved access services and reasonable care of collections;
- Training, standards and professional guidance, acquisition policies, digital archiving and responsiveness to Māori are the key issues which could profitably be addressed in the foreseeable future in order to make the most of the potential of community archives. The Council intends to explore with the Chief Archivist whether there might be opportunities for central Government agencies to facilitate increased capacity in these areas for the community sector.

Long term issues

The Council's 2013 Annual Report commented on the halting of the Government Digital Archive Programme at the end of 2013. Since that time the Department of Internal Affairs has been considering a range of options designed to ensure the long term viability and sustainability of New Zealand's archive (and library) functions against the backdrop of the challenges and opportunities of digital developments; the Government's ICT Strategy and Action Plan; and the need to address long term funding issues.

The Council remains strongly of the view that it is critically important that a long term solution be found to the problem of preserving born-digital archives across the whole of government. The absence of such a solution poses eventual risks to the preservation of the permanent record of government.

The Council is pleased at the opportunities it has had to work with the Department as its thinking on these critical issues is developed. The Council's starting point in considering these challenges and opportunities has been that the key principles that inform public records legislation provide a sound basis against which to consider possible options. These principles, set out in the Public Records Act 2005, are:

- Effective and efficient government;
- Transparent and accountable government;
- Treaty of Waitangi obligations;
- Historical and cultural heritage requirements.

Flowing from those general principles the Act sets out some secondary but important requirements:

- Broad application to all government branches and agencies, including local government;
- Comprehensive application to all forms of public record;
- Integrated and standardised approach to public records management;
- Independent assurance of the integrity (quality and continuity) of the public record clearly separated from ministerial and departmental direction. This is vested in the statutory office of Chief Archivist for standard setting, audit, disposal and reporting;
- A secure, independently administered repository for all public records deemed worthy of permanent preservation as public archives with mandatory transfer. This is the Archives New Zealand repository under the statutory control and management of the Chief Archivist;
- Universal access to public archives free of charge;
- Harmonisation with privacy and official information legislation.

These principles and associated requirements will continue to guide the Council's thinking as options for the future are developed. The Council will in due course provide its views to the Minister.

Other Matters

The Council's 2013 Annual Report noted that there had been a delay in relocating to the refurbished departmental building in Molesworth Street of the contents of the Constitution Room at Archives New Zealand – notably the 1840 Treaty of Waitangi, the 1893 Women's Suffrage Petition and the 1835 Declaration of Independence. The Council received briefings in 2014 on progress on the concept development and design phase of the project. We look forward to the opportunity the completed project will provide in terms of engaging the wider public in our history and archives.

The setting up of a film preservation laboratory at Archives New Zealand, following the purchase of processing equipment from Park Road Post Productions in 2013, has been a very pleasing development, allowing Archives New Zealand to continue the restoration and preservation of its film collection, and to retain national capacity that would otherwise have been lost.

In the course of the year the Council strengthened its links with the Archives and Records Association of New Zealand (ARANZ). The President of ARANZ attended part of a Council meeting in June 2014; the Chair of the Council attended part of an ARANZ Council meeting in August 2014; the Deputy Chair attended the ARANZ/Australian Society of Archivists Conference in Christchurch in September/ October 2014. The Council has agreed to have a representative at future ARANZ conferences on a regular basis.

Support from Archives New Zealand and the Department of Internal Affairs

Marliyn Little was appointed as Chief Archivist for a period of a year in early 2014. The Council has appreciated the energy, focus, thoughtfulness, and determination she brought to steering Archives New Zealand through a demanding period. We were pleased to learn in late 2014 that she had been appointed to the role on a long term basis. She brings to the role a passion for archives and much experience as a senior manager.

We have very much appreciated the support we have had from the many staff at Archives New Zealand who have briefed us during the year on work of interest to the Council, and have shown us aspects of the important work they do. The Council is also grateful to Claire Reeves of the Ministerial and Secretariat Services branch of the Department of Internal Affairs, who has provided excellent secretariat and administrative support to the Council throughout the year.



Diane Morcom
Chair
Archives Council
28 May 2015

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
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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
