

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