

APPENDIX B

CONSTITUTION OF THE NEW ZEALAND ARCHIVE OF FILM, TELEVISION AND SOUND NGĀ TAONGA WHITIĀHUA ME NGĀ TAONGA KŌRERO

CONSOLIDATED VERSION AS AT 27 OCTOBER 2022

CONSTITUTION

OF

THE NEW ZEALAND ARCHIVE OF FILM, TELEVISION AND SOUND NGĀ TAONGA WHITIĀHUA ME NGĀ TAONGA KŌRERO

1. CONSTITUTION NAME AND COMMENCEMENT

- 1.1 **Constitution:** This is the Constitution of The New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero, a Trust Board, which was incorporated as "The New Zealand Film Archive" under the Charitable Trusts Act 1957 on 9 March 1981, and which changed its name and acquired its current name under section 16 of the Charitable Trusts Act 1957 on 1 July 2014.
- 1.2 **Commencement:** This Constitution consolidates the amendments to the Constitution of the New Zealand Film Archive as at 1 July 2014, and the subsequent amendments to the Constitution as at 30 October 2015, 21 April 2017, 18 June 2020 and 27 October 2022.

2. DEFINITIONS AND INTERPRETATION

- 2.1 **Definitions:** In this Constitution, unless the context otherwise requires:

"**Archive**" means The New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero, incorporated as the New Zealand Film Archive under the Charitable Trusts Act 1957 on 9 March 1981. "**Board**" means the Trust Board of The New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero as described in clause 1.1 of this Constitution.

"**Chair**" means the person elected as Chair in accordance with clause 12.1.

"**Clause**" is a reference to a clause of this Constitution.

"**Co-Chair**" means a person elected as Co-Chair in accordance with clause 12.1.

"**Constitution**" means this Constitution, as altered from time to time.

"**Deputy Chair**" means the person elected in accordance with clause 12.2.

"Funds" means the funds and property of the Archive, whether raised by public subscriptions, grants, sponsorship, allocations from public revenue, or the Board's own trading operations and investment activities, and however administered for the Board's purposes.

"Interest", in relation to a Trustee and as referred to in clauses 10.1 to 10.5 inclusive, is defined according to type as set out in clause 10.3, and **"Interested"** has a corresponding meaning.

"Kaupapa" means the agenda of the Archive, as defined in the document named "Kaupapa", which is held by the Archive and published on the Archive's website (www.ngataonga.org.nz), and which is contained in the Annex to this Constitution, and can be amended by the Board according to the power set out in clause 7.1(r).

"Māori Trustees" means the Trustees who were appointed to represent Māori interests in accordance with clause 4.3.

"Quorum" has the meaning set out in clause 12.9.

"Secretary" means the person appointed as Secretary in accordance with clause 12.3.

"Sound and Vision Materials" includes:

- professional and amateur moving image productions made and stored on either film, video tape or digital file;
- professional and amateur sound recordings made and stored on cylinder, disk, wire, tape or digital file;
- any combination of such materials; and
- may also include documents, photographs and objects associated with the production and experience of Sound and Vision Materials.

"Supporters' Organisation" means the body appointed in accordance with clause 14.1 to provide financial, industry and public support for the Archive.

"Treasurer" means the person appointed as Treasurer in accordance with clause 12.3.

"Treaty of Waitangi/te Tiriti o Waitangi" means the treaty signed at Waitangi on 6 February 1840 by Consul and Lieutenant Governor William Hobson on behalf of the Crown and by over 500 Māori chiefs on behalf of the tangata whenua, and includes the Māori language version, the English translation, and the English language version.

"Trustees" means the members of the Board for the time being appointed as provided in this Constitution.

2.2 **Interpretation:** In this Constitution, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa; and
- (b) references to a statute are references to that statute as amended, re-enacted or substituted from time to time.

2.3 **Constitution to prevail:** If there is any conflict between:

- (a) a provision in this Constitution and a statutory provision, which may be superseded by an external instrument; or
- (b) a word or expression defined or explained in this Constitution and a word or expression defined or explained in any statute,

the provision, word or expression in this Constitution prevails.

3. OBJECTIVE OF BOARD

3.1 The objective of the Board is to operate the Archive so that the Archive can achieve the following purposes:

- (a) to collect, preserve and catalogue Sound and Vision Materials;
- (b) to provide premises and facilities for preserving, storing, consulting, displaying or playing, and viewing or listening to Sound and Vision Materials;
- (c) to provide access to Sound and Vision Materials held by the Archive, subject to preservation requirements and copyright restrictions;
- (d) to encourage and promote public interest and awareness in Sound and Vision Materials generally, as well as in film and sound history, culture and preservation, by issuing publications, publicly playing Sound and Vision Materials and using similar means, subject to preservation requirements and copyright restrictions;
- (e) to fulfil the principles, aims and objectives expressed in the Kaupapa, and the principles expressed in the Treaty of Waitangi/te Tiriti o Waitangi; and
- (f) to provide grants, funds and / or other assistance to any person, entity, project or programme in order to support the collection, preservation and cataloguing of Screen and Sound Materials and / or in furtherance any of the Archive's objectives set out above.

4. BOARD COMPOSITION

4.1 **Demographic representation:** In appointing Trustees in accordance with clauses 5.1 to 5.10 inclusive, the Board must take account of the need for demographic representation on the Board, and will seek to ensure the Board adequately represents the interests of all New Zealanders.

4.2 **Number of Trustees:** The Board will be composed of six Trustees, plus any person co-opted onto the Board in accordance with clause 5.13.

4.3 **Māori representation:** There will at all times be three Trustees who were appointed to represent Māori interests, through their own heritage and their connections with iwi and iwi interests. If the Board appoints Co-Chairs, one of the Co-Chairs must also be a Māori Trustee.

4.4 **Trustee skills:** All Trustees should have particular skills, including:

- (a) governance experience;
- (b) knowledge of tikanga;

- (c) financial expertise;
- (d) archival expertise;
- (e) screen, audio and / or radio industry expertise;
- (f) experience in technology/IT; and
- (g) legal expertise.

To avoid doubt, no individual Trustee needs to have all these skills and the Board may appoint Trustees with skills additional to those listed above.

- 4.5 **Publishing skills:** The Board may publish the skills provided in clause 4.4 on the Archive's website, and in any information published about a Board vacancy or about becoming a Trustee.

5. APPOINTMENT OF TRUSTEES

- 5.1 **Appointment:** The Board will appoint the Trustees, and the Board alone will make the final decision on appointments, in accordance with the requirements of this Constitution. As evidence of the appointment, the chair of the Board meeting at which the appointment was made will sign and have witnessed by two or more witnesses a memorandum in the form of [Schedule 1](#) of the Charitable Trusts Act 1957.

- 5.2 **Method of appointment:** The Board will appoint a Trustee by resolution at a meeting of the Board held in accordance with clauses 12.4 to 12.14 inclusive.

- 5.3 **Candidates:** The Board should endeavour to base its appointment on a wide canvassing of high quality individuals, taking account of the skills provided in clause 4.4. The candidates may, at the Board's discretion, be identified through:

- (a) public or targeted advertising;
- (b) use of nomination agencies or search consultants;
- (c) nominations by stakeholders;
- (d) self-nomination; or
- (e) community and professional networks

- 5.4 **Nominations from Board:** The Secretary will send all Trustees written notice advising that a new Trustee is to be appointed and calling for nominations from current Trustees, 30 working days before the Board meeting to appoint a Trustee. The Board may seek nominations in any manner that the Board determines. Any nominations must be in writing and received by the Chair or either Co-Chair no later than 15 working days before the meeting. The Chair or Co-Chairs will distribute the nominations received to all Trustees no later than seven days before the meeting.

- 5.5 **Nominations from stakeholders:** The Board may seek nominations from stakeholders, in a manner that the Board determines.

- 5.6 **Advertising:** The Board may advertise a Trustee position publicly or within a select group of organisations, in a manner that the Board determines.

- 5.7 **Agencies and consultants:** The Board may engage the services of a nomination agency or search consultant in order to increase the size and diversity of the pool of candidates. The Board should provide an engaged nomination agency or search consultant with all information relevant to Trustee appointments, including the skills required and the underlying objectives of the Archive.
- 5.8 **Schedule of interested persons:** The Board may maintain a schedule of persons who are interested in serving as a Trustee. The Board is not bound by this schedule in appointing Trustees.
- 5.9 **Stakeholder consultation:** The Board may consult with stakeholders of the Archive on the appointment of Trustees, in a manner determined by the Board.
- 5.10 **Term of office:** A Trustee's term is three years. At the end of their term, the Trustee may apply to the Board for a renewal in accordance with clause 5.12. A Trustee may apply to the Board for a renewal only once except where the Board invites a further renewal of a Trustee term in accordance with clause 5.15. The Board may appoint a Trustee for a term of less than three years.
- 5.11 **Continuation of term:** A Trustee whose term of office has expired will hold office until a successor has been appointed in accordance with clauses 5.1 to 5.10 inclusive.
- 5.12 **Renewal:** Renewal itself is not automatic. If the outgoing Trustee wishes to renew their term, they must apply to the Board in writing no later than 10 working days of the end of their term, and in any event no later than 15 working days before the next Board meeting. The Board may renew the Trustee's term if it is satisfied there are sound reasons for doing so, taking into account the following considerations:
- (a) the bicultural requirement and demographic representation;
 - (b) the benefits from continuity of service;
 - (c) the value of gaining new ideas and perspectives;
 - (d) the need to avoid losing experienced members over a short period of time; and
 - (e) the immediate goals and performance of the Board and the Archive.
- 5.13 **Co-opting Trustees:** The Trustees may co-opt a person onto the Board for a limited period of time for the purposes of:
- (a) filling a casual vacancy in the number of Trustees, until the Board appoints a new Trustee;
 - (b) filling a specific skills shortage amongst the Trustees; or
 - (c) mentoring and supporting a person to take up future Board vacancies.
- 5.14 **Re-appointment:** The Board may re-appoint a retired Trustee, but only at least one year after that Trustee retired.
- 5.15 **Second renewal of a Trustee's term in certain circumstances:** Notwithstanding the requirement in clause 5.10 that a Trustee may only apply for a renewal of a term once, the Board may invite a Trustee who is in their second term to apply in writing, in the manner set out in clause 5.12, to further renew their term, and may appoint that Trustee for an additional term provided:
- (a) the Board unanimously resolves that:

- (i) there are sound reasons for the appointment taking into account the considerations set out in clause 5.12 (a) to (e); and
- (ii) the appointment is otherwise in the best interests of the Board and the Archive;
- (b) the reasons for the additional term are recorded in the relevant resolution; and
- (c) the term is for a finite period no longer than a further three years; and
- (d) in relation to any particular Trustee, this power appointment is only used once.

6. RETIREMENT OF TRUSTEES

6.1 **Termination of office:** A Trustee ceases to be a Trustee if they:

- (a) resign by giving notice to the Chair or Co-Chairs;
- (b) are absent without leave from three consecutive Board meetings;
- (c) are declared bankrupt;
- (d) become of unsound mind;
- (e) are subject to an order under the Protection of Personal and Property Rights Act 1988;
- (f) become unfit or unable to act as a Trustee;
- (g) are convicted of a Category 2, Category 3 or Category 4 offence, as defined in the Criminal Procedure Act 2011;
- (h) are disqualified from acting as a company director; or
- (i) die.

6.2 **Timing:** A Trustee whose office is terminated under clause 6.1(a) ceases to be a Trustee from the date of the Secretary receiving the notice. A Trustee whose office is terminated under clause 6.1(b) ceases to be a Trustee from the date of the first Board meeting after that Trustee's third consecutive absence without leave. A Trustee whose office is terminated under clause 6.1(c)-(g) ceases to be a Trustee on the date of the event described.

6.3 **Removal of Trustee:** Notwithstanding anything contained in or implied in this Constitution, the Board may by majority vote decide to terminate a person's position as Trustee.

6.4 **Vacancy:** The Board will appoint Trustees in accordance with clauses 5.1 to 5.10 inclusive, in order to fill vacancies on the Board as these occur.

7. POWERS OF TRUSTEES

7.1 In addition to the powers the Trustees have by law, the Trustees have the following responsibilities and corresponding powers:

- (a) appointing and dismissing Trustees in accordance with clauses 5.1 to 6.4 inclusive;
- (b) appointing and dismissing the Chief Executive of the Archive, and fixing their terms of appointment, responsibilities and powers;
- (c) investing the Funds:
 - (i) in securities approved by law for the investment of trust funds;
 - (ii) in shares, stocks or debentures listed on any stock exchange in New Zealand or Australia;
 - (iii) on any mortgage including a contributory mortgage; and
 - (iv) in the purchase of any assets.
- (d) borrowing funds from any person on security of all or any Board assets, for the purposes of the Board, and on terms and conditions the Board determines;
- (e) fixing appropriate charges for the supply of Archive services and for access to Sound and Vision Materials;
- (f) establishing a separate charitable trust that has purposes and objectives that are consistent with the purposes and objectives of the Archive;
- (g) using the Funds to make payments to any person or entity (including a charitable trust established under clause 7.1(f)) in furtherance of the Archive's objectives as the Trustees think fit;
- (h) transferring material to a charitable trust established under clause 7.1(f) subject to any required consent of any person;
- (i) ensuring the employment of staff for the Archive;
- (j) ensuring the Archive's payment of any salaries, wages, and administrative expenses, including setting conditions for the remuneration of Trustees under clause 9.1;
- (k) making, repealing and amending bylaws for the administration of the Board's affairs;
- (l) delegating all or any of the Board's responsibilities and powers to a Committee, which must have at least one Trustee as a member;
- (m) authorising by resolution any person to sign cheques on behalf of the Board;
- (n) keeping full and proper accounts for the Archive as appropriate for a body receiving public funding;
- (o) appointing an independent firm of chartered accountants to audit the Archive's accounts annually;
- (p) appointing and disestablishing a Supporters' Organisation in accordance with clauses 14.1 to 14.2 inclusive;
- (q) calling Annual General Meetings, at the Trustees' discretion, for the Supporters' Organisation and other stakeholders; and

- (r) amending the Kaupapa in accordance with the procedure set out in clause 17 of this Constitution.

8. ESTABLISHMENT OF SEPARATE TRUST

- 8.1 If the Trustees establish a separate charitable trust under clause 7.1(f) they shall ensure that they have the sole power to appoint and remove the trustees of that charitable trust and shall use that power of appointment in such a way to ensure that charitable trust carries out its activities in a manner that is consistent with the purposes and objects of the Archive.

9. REMUNERATION OF TRUSTEES

- 9.1 Trustees are entitled to receive remuneration from the Archive only in accordance with the following provisions:
 - (a) a Trustee may be remunerated for their services as Trustee based on a scale of fees, which accounts for the rates of comparable publicly funded organisations, and complies with any conditions set from time to time by the Board;
 - (b) a Trustee may be paid appropriate sitting fees for meeting attendance;
 - (c) the Board may reimburse any Trustee for any expenses actually or reasonably incurred by the Trustee in the conduct of the Trustee's responsibilities; and
 - (d) no person associated with the Archive may receive any benefit from the Archive, which would result in the Archive no longer qualifying for an income tax exemption under sections CW34(1)-(3) and CW35 of the Income Tax Act 2004.

10. INTERESTS OF TRUSTEES

- 10.1 **Register:** The Board will keep a register specifying the nature of Trustees' interests, and this register will be held by the Chair or Co-Chairs.
- 10.2 **Entries:** Every Trustee must enter any of their interests onto the register, which may affect the current or future potential interests or activities of the Board or the Archive.
- 10.3 **Interests:** The types of interest of a Trustee may include:
 - (a) financial interests;
 - (b) family or personal relationships; and
 - (c) business or professional relationships.
- 10.4 **Review:** The Board must review the interests register at each Board meeting, and must decide whether any Trustee's interest could adversely affect the interests of the Board or the Archive.
- 10.5 **Policy:** The Board must develop and implement a policy to address conflicts of interests and possible adverse effects under clause 10.4. In developing this policy, the Board should take into account guidance and best practice applicable to state sector organisations.

11. INDEMNITY OF TRUSTEES

- 11.1 **Indemnity:** All Trustees and all employees of the Archive will be indemnified out of the Funds against any liabilities they incur in successfully defending any criminal or civil proceedings against them, which are taken against them because of their actions connected with the Archive.
- 11.2 **Liability:** No Trustee is liable for any loss arising out of the investment or administration of the Funds, unless the loss was caused by the Trustee's own negligence or wilful default.
- 11.3 **Insurance:** The Board may maintain insurance for the Trustees and must meet all costs associated with that insurance.

12. BOARD ADMINISTRATION AND PROCEEDINGS

12.1 Chair(s):

- (a) **Election:** The Board must elect one Chair or two Co-Chairs from the current Trustees. If practicable, the Board should prefer two Co-Chairs over a single Chair. If the Board elects:
- (i) a single Chair, the Board may subsequently elect a Co-Chair when a suitable candidate becomes available; or
 - (ii) two Co-Chairs, one of the Co-Chairs must also be a Māori Trustee.
- (b) **Selection process:** Unless the Board determines otherwise, the process for selecting new Chairs and Co-Chairs will be as follows:
- (i) When a new Chair or Co-Chair needs to be elected, the remaining Co-Chair or Deputy Chair will call for expressions of interest from eligible Trustees, allowing at least 10 working days for responses.
 - (ii) A sub-committee of the Board, in consultation with the remaining Co-Chair or Deputy Chair, will assess any expressions of interest and provide a recommendation for appointment (with reasons) to the full Board.
- (c) **Term of office:** The term of the Chair's and Co-Chairs' office will be determined at the time of their election by the Board. If practicable, each Co-Chair's term of office should end at different times. A Chair or Co-Chair whose term of office has expired, will hold office until a successor has been appointed in accordance with this clause 12.1.
- (d) **Re-election:** The Chair and Co-Chair will be eligible for re-election.
- (e) **Co-Chairing Kaupapa:** The Kaupapa of co-chairing is about bringing two perspectives to the Board. The role requires two people who want to work together which means they need to be appointed as a complementary and willing pair. Accordingly, Co-Chairs must act jointly unless:
- (i) specified otherwise in this Constitution; or
 - (ii) agreed otherwise by the Board (e.g. the Board may agree that individual Co-Chairs can approve minor expenses up to a value of \$500 (exclusive of GST) or perform administrative tasks such as approving leave requests).

- 12.2 **Deputy Chair:** If the Board elects a single Chair, the Board must also elect one Deputy Chair from the current Trustees. The term of the Deputy Chair's office will be determined at the time of their election by the Board. The Deputy Chair will be eligible for re-election. If the Board subsequently elects Co-Chairs, the Deputy Chair appointment will be deemed to have ended at the start of the Co-Chair's term of office.
- 12.3 **Secretary and Treasurer:** The Board may appoint a Secretary and Treasurer of the Board, who may be Trustees, employees of the Archive or contractors. The Board will define the Secretary's and the Treasurer's responsibilities.
- 12.4 **Call of meetings:** The Board must meet regularly and at least six times per year. A Board meeting may be called at any time by the Chair, either Co-Chair, or by any two Trustees.
- 12.5 **Notice of called meetings:** The Chair, either Co-Chair or Secretary will give all Trustees notice of any called meeting at least seven days before the meeting. The notice requirement may be waived by a majority of Trustees present at a meeting that has been held with less than seven days' notice.
- 12.6 **Trustee attendance:** All Trustees must attend all Board meetings, except when the Chair or a Co-Chair gives leave of absence. Continued failure to attend may lead to their removal by a decision of the Board. Trustees absent with leave from a Board meeting where a decision is to be made may vote by sending a letter or an email to the Secretary at least 48 hours before the meeting.
- 12.7 **Chairing meetings.** Board meetings will be chaired by the Chair. If there are Co-Chairs, meetings will be chaired by them on an alternating basis. However, if:
- (a) the chairing Co-Chair is absent, the other Co-Chair will chair the meeting;
 - (b) the Chair or both Co-Chairs are absent, then the Deputy Chair if a Deputy has been elected, will chair the meeting; and
 - (c) the Chair, both Co-Chairs and Deputy Chair are absent, then the Board will elect a person to chair the meeting from among the Trustees present.
- 12.8 **Chief Executive attendance:** The Archive's Chief Executive or an Archive staff member nominated by the Chief Executive must attend all Board meetings, except when the Board gives leave of absence. The Chief Executive or nominee attending may speak at the meeting but may not vote.
- 12.9 **Quorum:** A quorum for a meeting of the Board is three Trustees including at least one Māori Trustee present in person or by electronic medium. No matter may be considered at a Board meeting if a quorum is not present.
- 12.10 **Decisions:** Unless the Board determines otherwise, the Board will answer questions and reach decisions by a majority vote, with each Trustee, including the Chair and each Co-Chair, having one deliberative vote. If the voting is tied, the Chair or Co-Chair who is chairing the meeting will have a casting vote. If voting is held by secret ballot, the Chair or Co-Chairs will appoint an independent person to count the votes, deliver the result and destroy the voting papers at the end of the vote-count.
- 12.11 **Resolutions:** A resolution passed by a simple majority of Trustees present at a meeting will bind all Trustees. A resolution signed by all Trustees outside a Board meeting is valid as if it had been signed at a meeting, and a signature sent by electronic means will suffice for these purposes.

- 12.12 **Minutes:** All Board proceedings and resolutions must be recorded in writing, available to Trustees, the Chief Executive, the Secretary, the Treasurer and the auditor appointed under clause 7.1(o).
- 12.13 **Procedure:** Except as provided for in this Constitution, the Board may regulate its own procedure.
- 12.14 **Common Seal:** The Board will keep a common seal. Any documents that must be executed under the Common Seal must be attested by any two Trustees.

13. METHOD OF CONTRACTING

- 13.1 The Board may enter into an obligation, a contract or a deed only in accordance with section 19 of the Charitable Trusts Act 1957.

14. SUPPORTERS' ORGANISATION

- 14.1 **Purpose:** The Board may at any time establish or disestablish a Supporters' Organisation to provide financial, industry and public support for the Archive, to the extent and in the manner determined by the Board.
- 14.2 **Powers:** The Board may at any time:
- (a) establish a Supporters' Organisation by resolution at a meeting of the Board held in accordance with clauses 12.4 to 12.14 inclusive;
 - (b) disestablish a Supporters' Organisation by resolution at a meeting of the Board held in accordance with clauses 12.4 to 12.14 inclusive;
 - (c) determine and vary a Supporters' Organisation's mandate and the terms on which a Supporters' Organisation will conduct its business in order to fulfil that mandate; and
 - (d) appoint or dismiss any member of the Supporters' Organisation by resolution at a meeting of the Board held in accordance with clauses 12.4 to 12.14 inclusive.

15. NOTICES

- 15.1 **Address:** Any notice required by this Constitution will be deemed to be validly given if in writing and delivered by hand, or in writing and delivered by courier, post or email:
- (a) where the recipient is the Secretary or Treasury, to Archive's usual address or to the recipient usual email address at the Archive; or
 - (b) in the case of other recipients, to the address last notified by the recipient to the Secretary.
- 15.2 **Timing:** Unless the contrary is shown, a notice will be considered to have been received:
- (a) if sent by email, at the time the email enters the recipient's information system as evidenced by a delivery receipt requested by the sender (which is not returned undelivered or as an error);
 - (b) if delivered by hand or courier, on the date it is delivered; and

- (c) if sent by post within New Zealand, on the 3rd working day after the date it was sent.

However, a notice received after 5pm on a working day, or on a day that is not a working day, will be considered to be received on the next working day.

16. WINDING UP

16.1 **Distribution by Board:** If the Trustees decide to wind up the Board, or if the Board is wound up by operation of law, and after the payment of costs, debts and liabilities, any surplus in the Fund will be given to an archival authority with a solely charitable purpose, as determined appropriate by the Trustees.

16.2 **Distribution by Court:** If the Trustees are unable to decide on an appropriate archival authority under clause 16.1, the surplus in the Fund will be disposed of in accordance with the directions of the High Court under section 27 of the Charitable Trusts Act 1957.

17. ALTERATION OF CONSTITUTION

17.1 **Notice:** Subject to clause 17.2, the Board may amend this Constitution at any Board meeting, providing the Chair gives all Trustees notice to move the amendment at least 14 days before the meeting.

17.2 **Permitted amendments:** Amendments to the Constitution may not:

- (a) be inconsistent with the charitable purposes of the Archive;
- (b) detract from the exclusively charitable nature of the Archive; or
- (c) result in the distribution of the Archive's assets on winding up or dissolution for any purpose that is not exclusively charitable.

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OF
THE NEW ZEALAND ARCHIVE OF FILM, TELEVISION AND SOUND NGĀ TAONGA
WHITIĀHUA ME NGĀ TAONGA KŌRERO

ANNEX



NGĀ TAONGA
SOUND & VISION

THE NEW ZEALAND ARCHIVE OF FILM, TELEVISION AND SOUND NGĀ
TAONGA WHITIĀHUA ME NGĀ TAONGA KŌRERO

Kaupapa

Te Tiriti o Waitangi

Ko Wikitōria te Kuini o Ingārangi i tana mahara atawai ki ngā Rangatira me ngā Hapū o Nu Tirani i tana hiahia hoki kia tohungia ki a rātou o rātou rangatiratanga me tō rātou wenua, a, ki a mau te tonu hoki te Rongo ki a rātou me te āta noho hoki kua wakaaro ia he mea tika kia tukua mai tētahi Rangatira - hei kai wakarite ki ngā tāngata Māori o Nū Tirani - ki wakaaetia ē ngā Rangatira Māori te Kāwanatanga o te Kuini ki ngā wāhi katoa o te wenua nei me ngā motu - na te mea hoki he tokomaha kē ngā tāngata o tōna lwi kua noho ki tēnei wenua, a, e haere mai nei.

Nā ko te Kuini e hiahia ana kia wakaritea te Kāwanatanga kia kua ai ngā kino e puta mai ki te Tāngata Māori ki te Pākeha e noho ture kore ana.

Nā kua pai te Kuini kia tukua ahau ā Wiremu Hopihona he kapitana i te Roiara Nawi hei kawana mō ngā wāhi katoa o Nū Tirani e tukua aianeī a mua atu ki te Kuini, e mea atu ana ki ngā Rangatira o te wakaminenga o ngā hapū o Nū Tirani me ēra Rangatira atu ēnei ture ka kōrerotia nei.

Ko te tuatahi

Ko ngā Rangatira o te wakaminenga me ngā Rangatira katoa hoki kīhai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingārangi ake tonu atu - te Kāwanatanga katoa o o rātou wenua.

Ko te tuarua

Ko te Kuini o Ingārangi ka wakarite ka wakaaeki ngā Rangatira, ki ngā hapū - ki ngā tāngata katoa o Nu Tirani te tinorangatiratanga o o rātou wenua o rātou kainga me o rātou taonga katoa. Otirā, ko ngā Rangatira o te wakaminenga me ngā Rangatira katoa atu ka tuku ki te Kuini te hokongā o ēra wāhi wenua e pai ai te tangata nōnā te wenua - ki te ritenga o te utu e wakarite ai e rātou ko te kai hoko e meatia nei e te Kuini hei kai hoko mōna.

Ko te tuatoru

Hei wakaritenga mai hoki tēnei mo te wakaaetanga ki te Kāwanatanga o te Kuini - Ka tiakina e te Kuini o Ingārangi ngā Tāngata Māori katoa o Nu Tirani ka tukua ki a rātou ngā tikanga katoa rite tahi ki ana ki ngā Tangata o Ingārangi.

[ko te hainatanga o] W.Hobson Consul & Lieutenant Governor

Ko mātou ko ngā Rangatira o te Wakaminenga o ngā hapū o Nu Tirani ka huihui nei ki Waitangi ko mātou hoki ko ngā Rangatira o Nu Tirani ka kite nei i te ritenga o ēnei kupu. Ka tangohia ka wakaaeia katoatia e mātou ingoa o mātou tohu.

Ka meatia tēnei ki Waitangi i te ono o ngā rā Pepuere i te tau kotahi mano, e waru rau e wā tekau o tō tātou Ariki.

The Treaty of Waitangi
(English translation of Māori Version by Professor Hugh Kawharu)

Victoria, The Queen of England, in her concern to protect the chiefs and sub-tribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queens Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

So the Queen desires to establish a government so that no evil will come to Māori and European living in a state of lawlessness.

So the Queen has appointed me, William Hobson a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the sub tribes of New Zealand and other chiefs these laws set out here.

The First

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government over their land.

The Second

The Queen of England agrees to protect the Chiefs, the sub tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The Third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

[signed] William Hobson Consul and Lieutenant - Governor

So we, the Chiefs of the Confederation and the sub tribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus.

Was done at Waitangi on the sixth day February in the year of our Lord 1840.

The Chiefs of Confederation.

The Treaty of Waitangi
[English text of the Treaty]

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands.

Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess, over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

[Signed] W Hobson Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and

We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified

Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

PRINCIPLES

- 1.1. The New Zealand Archive Of Film, Television and Sound Ngā Taonga Whitiāhua Me Ngā Taonga Kōrero (the Archive), its staff and Trustees will incorporate the principles embodied in the Treaty/te Tiriti into its policies and practices.
- 1.2. Treasured cultural possessions/taonga are specifically referred to in Article 2 of the Treaty/te Tiriti. As a storehouse/pātaka tūturu of taonga, the Archive sees the Treaty/te Tiriti as having specific implications for partnership, participation and protection.
- 1.3. It sees the Treaty/te Tiriti as a charter of two peoples in Aotearoa New Zealand and recognises Māori as tangata whenua. It will work to uphold the Treaty/te Tiriti as a joint partnership between Māori and Pākehā of resources, institutions and decision-making which guarantees Māori people rangatiratanga over their lands, homes and taonga while giving a legitimate place to Pākehā people. The Archive regards the Treaty/te Tiriti as a living document with a wairua of its own.

2. AIMS

- 2.1. To be a storehouse/pātaka tūturu of moving image materials/taonga whitiāhua in accordance with the Treaty of Waitangi/te Tiriti o Waitangi principles of partnership.
- 2.2. To be national in outlook, responsible for offering balanced and equitable services at all local, regional and tribal levels.
- 2.3. To be specific in its focus on the Sound and Vision Materials and their derivatives, and archival in its commitment to the dual aims of preservation and accessibility.

3. OBJECTIVES

- 3.1. To acquire and receive Sound and Vision Materials/ngā taonga whitiāhua me ngā taonga kōrero of permanent national and cultural significance in fulfilment of the above aims, with due regard for and reference to mana tūturu and the rights of the materials themselves, the rights of the copyright owners and the rights of the depositors.
- 3.2. To ensure the preservation of Sound and Vision Materials/ngā taonga whitiāhua me ngā taonga kōrero of permanent national and cultural significance without loss or degradation.
- 3.3. To encourage and provide public access to the sound and vision heritage. Access and preservation are seen as complementary concepts of equal importance. The aim of preservation is permanent accessibility but the imperatives of preservation will not be compromised in order to provide access. The Archive will cater for general as well as specialist needs, encouraging and undertaking research, and creative and entrepreneurial activity.
- 3.4. To have regard to international developments in the archiving of Sound and Vision materials and, when appropriate, to lead, participate in or otherwise support international fora relating to these objectives.
- 3.5. To maintain a special relationship with the sound and vision industries, whose output and history it preserves and embodies. It shall work to merit their support and trust, and to complement, aid and stimulate their creative activity.
- 3.6. To maintain and defend its own professional integrity, independence and judgment in its role as a publicly accountable body.

4. DEFINITIONS

- 4.1. The Sound and Vision Material/ngā taonga whitiāhua me ngā taonga kōrero of Aotearoa New Zealand embraces sound and vision in all their manifestations, whether as art, communication, historical record, entertainment, industry, technology, science, cultural and social phenomenon or otherwise. This heritage shall include, but not be limited to, the following:
 - 4.1.1. Film, television or other productions comprising moving images created or released within Aotearoa New Zealand, or by Aotearoa New Zealand, or with reference to Aotearoa New Zealand, whether or not primarily intended for public release.

- 4.1.2. Sound productions and recording created or released within Aotearoa New Zealand, or by Aotearoa New Zealand, or with reference to Aotearoa New Zealand, whether or not primarily intended for public release.
- 4.1.3. Objects, materials, works and intangibles relating to Sound and Vision Materials/ngā taonga whitiāhua me ngā taonga kōrero whether seen from a technical, industrial, cultural, historical or other viewpoint; this shall include material relating to the New Zealand film, television, sound and broadcasting industries and fields such as literature, scripts, stills, posters, advertising material, manuscript material and artefacts such as technical equipment and costumes. It also includes such concepts as the perpetuation of obsolescent skills and environments associated with the presentation of these media.