

SUBMISSION to the Petition Select Committee related to the petition Urgently Stop the National Library from Sending Thousands of Books to the Philippines -

Introduction

Following the meeting¹ in Wellington on November 11th, 2021 of New Zealand Writers protesting against the intended disposal of the Overseas Published Book Collection to the Internet Archive, we launched a petition which has gathered over a thousand signatures.

We are grateful that the petition committee has allowed us to present this submission, so they may fully consider the issue, especially our claim for a cancellation of the Internet Archive Agreement.

The latest information provided to us gives no indication of any kind of change in the position of the National Library since when we started the petition. An email dated 6 Aug. 2022, as well as information received from an OIA of July 22, 2022 only repeat what the National Library has said before; it refers people to the National Library webpage², which [at the time of writing] has not been updated since Nov 2021.

We therefore reiterate our opposition to the export of a list of 428,232 books, issuing from the Overseas Published Collection, to the Philippines for the purpose of being digitized and never returned, and we request that public consultation be organised in order to discuss and decide for the ongoing care and management, and for the future of overseas published books that will make up a part of the National Library of New Zealand.

New Zealand's First Steps to Autonomy

First of all, simply on the grounds of historicity, the Overseas Published Book Collection (over 600,000 books at present, 625,000 in 2018) is of great value. It goes back to NZ's first steps towards autonomy³ due to its link with what is now the Parliamentary Library, which was a foundational part of the newly formed National Library in 1965. Before leaving the National Library and becoming part of the Parliament Services (1986), parts of its existing collection were transferred to other sectors of the National Library. It was subsequently renamed Parliamentary Library on 1 January, 1987. The National Library also has its origins in the Country Library (est. 1939).

The choice of books that our librarians made, year after year, helps us to understand better how NZ developed its consciousness of itself in relation to overseas. This collection reflects past awareness of the need to study what has happened elsewhere in the world. The collection was concerned with other nations, while offering tools to New Zealanders to think about their own relative identity.

If this collection is dispatched, it will no longer be possible to refer to the paths followed by successive librarians, paths which contain and signal New Zealand's sense of itself.

The Actors

The group Writers Against Disposals⁴ and other groups — such as Book Guardians Aotearoa (BGA), the Society of Authors, the Publishers Association of NZ, The Labour History Project, PHANZA, as well as many different historians, librarians and artists — they all, each of them, from their own points of view and centres of interest, have pointed out the quality of the content of the Overseas Collection⁵. From its inception up until the 1980's, the collection has witnessed the historical movements of decolonisation, the

¹ <https://www.stuff.co.nz/national/126965961/authors-gather-for-literary-protest-against-national-librarys-internet-archive-deal>

² <https://natlib.govt.nz/about-us/strategy-and-policy/collections-policy/overseas-published-collection-management>

³ William Direen, *Overboard2: 160 Years of fine acquisitions and inadequate storage leading to disposals on an unprecedented scale at the NLNZ*. Percutio Publications, 2021.

⁴ <https://nodisposals.neocities.org/html/Arguments.html>

⁵ <https://nodisposals.neocities.org/html/editorial.html>

Cold War and both World Wars; it has accumulated widely different books from all around the world pertaining to those epochs.

To put it simply, there is a discrepancy between what the National Library presents to the public as being the current overseas collection it wishes to dispense with, and the reality of the Collection.

Content

In the sections that follow, we present the reasons which led us to ask for a cancellation of the Internet Archive contract. We contest the 2015 library policy regarding the OPC, which led to the loss of a protected New Zealand object. We contest the way that National Library directors, along with those of the Department of Internal Affairs, have organised and forced the public to accept the cull of the books. At the close, we express the wish that a different policy be established relative to overseas published books. We do not claim competency or ability to write that policy, but in the sections below we will offer a few, minimal, suggestions.

It is a widely shared wish that the National Library continue to offer books to the public concerning the rest of the world, and that they manage this future collection on the basis of what has been gathered under the name of OPC. Even though this seems incredibly far from the current policy, it is not in contradiction with NZ Library History. Such a direction is clearly indicated in Te Ara Encyclopedia: "With a high proportion of foreign-born people, New Zealand in the 21st century is a multicultural nation."⁶ Managing a Collection published in foreign countries is a very common and basic policy followed by many other countries comparable to NZ. Moreover, it does not contradict the development of library services that use new technologies, such as digitisation, and it does not imply any restriction to the diversity of means of access to documents in general and subsequent ways of offering knowledge to the population.

I. Internet Archive (I.A.): Why the Agreement is a Problem

1) What is I.A.?

The Internet Archive is a well-known online library, reference tool and non-profit whose mission "is to provide universal access to all knowledge." [...] It has expanded to include digitized paper texts, images, audio, and video.

Today, the public can access its archive containing over 300 billion web pages, 20 million books, 1.6 million TV news programs, 400,00 U.S. patents, 180,000 live concerts,

In the case of books, the Internet Archive strives to function like a traditional library, albeit digital: books may be "borrowed" only by users with registered accounts (e.g., a library card) depending on the availability of the specific book.[...] This practice has become known as "Controlled Digital Lending" (hereafter referred to as "CDL") and has gained support from legal scholars, academics and library-affiliated groups [...]⁷.

2) Copyright-challenge

I.A.'s copyright issues began after the 1st COVID-19 confinement in March 2020.

"In March, the Internet Archive launched a "National Emergency Library," offering free and unlimited access of over 1 million books, including many works still subject to copyright law".

A group of publishers made up of Hachette, Harper Collins, John Wiley & Sons and Penguin Random House, have sued the Internet Archive for infringement, in its "Open Library", of the copyrights of over 127 books by C.S. Lewis, J.D. Salinger, Lemony Snicket and many others.

⁶ "With a high proportion of foreign-born people, New Zealand in the 21st century is a multicultural nation. Asians, Pacific Islanders, Europeans and others from around the world have formed this new society, concentrated in Auckland. It's a dramatic change for a country whose founding cultures were Māori and British, but this heritage remains a distinctive thread in an evolving story." <https://teara.govt.nz/en/society>

⁷ <https://gr.com/publications/the-internet-archives-open-library-faces-copyright-challenge/>

The Complaint asserts that CDL is an “invented theory” with no basis in the Copyright Act, and argues that the Internet Archive “merely exploits the investments that publishers have made in their books . . . pays for none of the expenses that go into publishing a book and is nothing more than a mass copier and distributor of bootleg works”⁸.

The battle for copyright with Association of American Publishers and other publishers was ongoing on Nov 2021 and the lawsuit continues in 2022⁹.

3) Questions relevant to digitisation

Along with the fact that the lawsuit, as far as we know, has not been resolved or terminated, a series of questions arises, questions which need to be addressed if we are to accept the ongoing process:

— the most obvious concern is the immediate disadvantage of a National Library no longer offering the overseas books, books carefully chosen and professionally managed by librarians over generations; a collection constituted as a result of informed choices contains infinitely more intended cross-referential information than the mere sum of the same books offered randomly online.

— even if some agreement were reached regarding copyright breaches, rules to observe copyright are changing every year, and recent changes will not be initiated by the NZNL:

e.g. in 2020 the HathiTrust Digital Library (which has 17 million digitised items online in USA and is no stranger to copyright controversies) — announced an emergency plan that was far more limited in scope than the Internet Archive’s had been: it is now using a CDL (one-copy-one-user) model restricted to member libraries in the U.S.A. This restriction was needed because books offered to a global population could, theoretically, be constantly borrowed when the CDL is applied.

It is therefore misleading, as the NL claims¹⁰ in this case, to say that OPC books still in copyright would be available to NZ people, since, according to the CDL rule, any one book can be read only by an average of 20 to 26 readers a year (if borrowed every fortnight). It would also be misleading to make such a claim in other cases e.g. if I.A. fully adopted this method of lending.

We have no further indication of how the National Library intends to proceed, the only option offered to published authors before Dec. 2020 (the deadline given for sending the books to the Philippines) was that each writer individually withdraw his or her writings from the list of 428,232 books What would then happen to the “withdrawn” books?

This is one of numerous examples displaying a lack of williness for discussion and reflection, which in practice has resulted in intransigent behaviour verging on the contemptuous, which all the different groups involved have had to put up with until now.

In November, 2021, the National Library merely “suspended” the proposed exportation of international titles not because of such questions as we are asking, not because of nation-wide opposition, not because of care and concern for the public, but out of fear for the fines I.A. could get as long as the trial was ongoing, and fear of themselves being implicated.

Since then, they have proposed nothing to the groups opposed to this process, and they have made it clear in mass emails that they do not intend to stop culling the quantity of the Collection, regardless of growing awareness of its quality.

That the National Library refuses to fully cancel the agreement is the result of many years of unclear management: getting rid of this Collection has been a long, haphazard process, not at all following a

8 idem

9 <https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/87810-publishers-aap-hit-back-in-internet-archive-discovery-dispute.html>

10 cf PDF 1News article, 12 July 2021, "Future of 600,000 books being culled by NL saved by digital library"

scientific and professional humanist line, as it should have done given its status as an essential humanist_ institution. It was, rather, motivated by political, economical and ideological interests¹¹

Another example of political and economic elements being twisted in NZ National Library Policy since 2015, is an article in Stuff¹² alerting us that at the time, the NL was taking advice from a lawyer unauthorised to practise in Aotearoa. Did the library's director respond to a letter sent by a Wellington QC informing her of this ? No. She continued, regardless, to devalue the OPC.

II Policy of the libraries

1) A Short Recent History of the Collection

The first attempts to eliminate the 625,000 strong collection were made in the late 90's, and were stopped by Helen Clark's government¹³ The last noticeable event was Sept 2021 when 50,000 books were disposed of in a Book Sale at Trentham, Wellington. In parallel with these more public events, the National Library was compiling a list of 6,275 books to be sent to the National Library of Greece (OIA 2122-0578 released on 28 Feb 2022). There are many other such events¹⁴, whose haphazardness shows how disorganised the process was. One might cite the various lots of books hastily chosen without consultation and sent to the Department of Corrections in 2019 and 2020.

Both examples (the Greece National Library and the Corrections disposals) are striking because they show how 'blanket' and indiscriminating the choice of the disposed books is: who would dare to claim that an entire collection of classical books which touches all the different branches Philosophy at all stages of its history, is of no interest to a country like New Zealand? Or that thousands of books about the English Language and foreign languages, linguistics, dictionaries of foreign languages, or about the history and roots of Western languages, the religion or the history of western countries are irrelevant to NZ, which, while being multicultural, has committed itself to saving and working on Te reo Māori. We have a special link to languages, it is an ongoing preoccupation, we understand their symbolic aspects, the issues created by translation, the importance of learning foreign languages, the relations which languages and cultures owe to each other. An international collection is indispensable.

2) The Reasons Given for 'Dropping' the Collection

The reason given for the cull of the books, the 2015 NL Policy¹⁵, is presented as being in line with the 2003 Library Collection Policy Act, and is often called the "2003 revision of the Library's Collection Policy"¹⁶. This gives the feeling that this "first major revision to the Collections Policy since 2003" is a natural consequence of the 2003 Act, and the terms used suggest that both 2003 and 2015 policies are very close to each other. Whether it was intentional or not, confusion between both policies persists in the presentation of the following plan 2021-2023¹⁷, where the date 2015 is not even mentioned, while the plan refers specifically to it, in reality, and not to the 2003 Act. We believe it is inappropriate to conflate the 2003 Act and 2015 policy. The truth is that this 2015 library policy goes far beyond the limits and guidelines regarding the OPC set by the 2003 Act¹⁸:

11 <https://nodisposals.neocities.org/index.html>

12 <https://www.stuff.co.nz/entertainment/books/126701209/international-concern-about-internet-archivenational-library-deal> (or cf PDF Stuff-18 Oct. 2021)

13 Quote: "A brief background: a review of the OPC was conducted in 1999, when the National Library first sought to remove books. It sold 32,000 to a second-hand dealer and was poised to get rid of more until a change of government (Helen Clark's Labour) put a halt to it" <https://www.newsroom.co.nz/readingroom/an-end-to-the-national-library-affair>

14 <https://nodisposals.neocities.org/html/Who-Is-Responsible.html>

15 cf PDF NL-collections policy-oct2015

16 cf PDF NL General Collection collecting Plan 2016-2018 and NL Collection plan_ 2016-2018-New Zealand and Pacific Published Collections

17 cf PDF NL General Collection collecting Plan 2021-2023

18 <https://legislation.govt.nz/act/public/2003/0019/latest/DLM191962.html>

"The 2003_revision of the Library's Collection Policy designated six non-New Zealand collecting areas for the National Library's General Collections: library and information science, music, reference works, children's literature, family history and print disabilities. Collecting for these areas was based on known client demand and existing collections of some strength"

Quoted from National Library of New Zealand Collecting Plan
– Overseas Published Collections: 2016-2018.¹⁹

To our knowledge, there is no mention of these 6 areas in the 2003 Act. The 2003 Act mentions the need for economic and cultural relations of an International nature²⁰. The revision of 2015 began to take form in subsequent announcements of policy (2016-2018) and it has been reaffirmed in 2023 with no change or consideration that it is contrary to the spirit and the letter of the 2003 Act.

Evidently, such a restriction of categories was coincident with the impoverishment of the Collection in the years leading up to the revision, and the implementation of such a policy will have then reinforced the decision to cull it.

The revision that took place in 2015 of the 2003 Act is said to be the result of a wide consultation, but we do not know whether the supposed consultation ever mentioned the new policy regarding the OPC. Nothing indicates that a communal decision was taken about the OPC after consultation, even though the outcome of "consultations" was to considerably impact National Library Policy. A document which sets out the strategic directions to 2030, *Te huri mōhiotanga hei uara /Turning knowledge into value*²¹, informing people about the new National Library Policy, pretends to be the result of feedback from the ill-defined "stakeholders" and to focus "on how to enable New Zealanders to access knowledge [...] the right skills and literacies". However, it does not mention the OPC at all. At the same time, they establish that "approximately 40 per cent of adult New Zealanders lack the functional literacy skills (everyday reading, writing and numeracy) that enable them to fully participate in a high-productivity economy", and that "New Zealand has a diverse population with over 200 ethnicities represented", and that they want to "make NZ more competitive in the global economy". An international collection curated at national level and accessible for free would begin to address these issues.

This shows that there is a discrepancy between the current National Library justifications regarding the OPC and the facts. The Library acknowledges the reality of NZ's situation, with all that it implies for necessary policy concerning Library, Education and Culture, while on the other hand it takes the decision to reduce acquisition to 6 areas, which, with the exportation of the rest of the books (to avoid their "secure destruction") leads ineluctably to the annihilation of any project concerning a National Collection of overseas published books.

III. Cull of National Library – a Campaign Supported by Marketing Analysis, the Internet and Populist Discourses.

1-The Decision to Remove the Books

The decision was taken by the DIA Minister in 2018, but public concern mounted in September 2020, just before the Lions and Rotary booksale of 50,000 books in Wellington, donated by the NL: an array of questions relating to this have, as far as we know, never been adequately answered. The strategies which the NL adopted in order to not answer questions involved ordering a "Risk Analysis"²², which enabled them not to consult with the public, but to "inform" them and to "explain" their decision. In this Risk Analysis the risks are to be gauged as moderate, high etc., and "stakeholders" are presented with appropriate readymade

¹⁹ Cf. PDF NL General Collection collecting Plan 2016-2018

²⁰ "the purpose of the NL of NZ Policy 2003 Act is "to maintain and enhance the National Library" and the purpose of the NL is: "to enrich the cultural and economic life of New Zealand and its interchanges with other nations"[...]working collaboratively with other institutions having similar purposes, including those forming part of the international library community(7, c)

²¹ cf PDF strategic direction-2030 *Te huri mōhiotanga hei uara/Turning knowledge into value*

²² Cf Extracted from OIA 2122-0040, "OPC decant" released on 18 October, 2021, under the title "key messages".

answers to different matters, for instance, to the perception that books might be burnt or disposed of, they should answer with "clear messaging around reasons decisions made" [verbatim], or to "ensure efforts to find other storage solutions are clearly communicated", instead of being asked for real solutions for storage, or being given the opportunity to request guarantees that the books will not be destroyed.

2- Reference to "stakeholders"

The NL has never clearly indicated who the stakeholders are. Over the past 2 years, NL has never ceased from claiming that they would consult "their stakeholders", rather than negotiating with complainants, or presenting solutions to our modest enquiries. This attitude has been qualified by some as "arrogant", making them wonder whether they really live in a democracy. Different meetings contained in the OIA released in 29 June, 2021²³, show the same equivocal statements being reeled out without offering any flexibility in the NL position, and outright refusal to adjust the NL attitude regarding donations to overseas libraries and, eventually, regarding the destruction of the Collection.²⁴

Nevertheless, the decision to cull the books and the agreement with Internet Archive did touch many people throughout the country. Minister Jan Tinetti²⁵ appeared to have consulted some of them in Wellington, but we have no descriptions of those consultations (OIA 2122-08, p1), and when there are any reports, they only consist of statement communications, the kind that are reduced to briefings.

A long series of emails, dated 11/2020, visible in the OIA²⁶ eloquently expresses grave concerns, many of which were prompted by Book Guardians Aotearoa (a.k.a. BGA, founded in Oct 2020). No replies were received respecting these concerns.

Book Guardians Aotearoa²⁷ engaged with former Prime Minister Helen Clark and former Attorney General Chris Finlayson as legal advisor to actively contest the export of the OPC. After the Internet Archive agreement was suspended, at the end of 2021, BGA, the Book Guardians, called for the public to list a number of books which they hoped could be saved. We have never heard of any substantial outcomes of this initiative.

Look only at the email they sent to the then-Minister Tinetti on March 25, 2021 after a meeting on March 24: they wish that a discussion might take place along with such organisations as PHANZA, the NZHA (NZ Historian Association), Holocaust Centre (since books related to the Holocaust had been found at the booksale in Nov 20, 2020) and "other groups", to discuss the purposes of NL, the appropriate location of the existing OPC, the resources it needs to fulfil its function for New Zealanders, etc. Nothing came of this. Other emails sent by PHANZA (Professional Historians Association of NZ) received no answers (OIA p36). The Labour History Project posted a long letter of protest to the Minister in April 2021, following their discovery that important labour history books were included in the cull. The Minister's responded with an automated reply. The Labour History Project sent a further long letter of protest to the Minister in February 2022. The Minister replied with a letter stating the National Library took their concerns seriously, was considering its next steps and would continue to communicate with interested parties²⁸.

3-Campaigning Through the Internet

A page of the site²⁹ librarylearningspace.com seemed to raise questions relating to the so-called "rehomeing" of 600,000 books, apparently inviting the reader to link to answers given by the previous NL Librarian from 2011 to 2020, Bill Macnaught. (The questions were raised in Sept 2020, because of the now notorious booksale at Trentham). But, instead of answers, the link leads the reader to a 1971 photo of the Director of

23 OIA released 29 June, 2021. 92pp, for example p91, "talking points on next steps...date 27 Nov 2020, the end of the doc. stays confidential

24 idem: p86 from a DIA briefing dated November 13 2020.

25 idem: p91-92/p 84.

26 Idem: p11-35

27 idem p3 and 8

28 cf. PDF letters from the Labour History Project and Tinetti's answer

29 <https://librarylearningspace.com/new-zealand-national-librarys-answers-on-rehomeing-its-overseas-published-collections/>

the General Assembly Library standing among piles of books during a redecoration recess, clearly suggesting that the OPC books are in a state of semi-disarray due to the “normal” process (by analogy, similar to redecorating) of being disposed of The photo was accompanied by a 404 ERROR type message.

And what were the questions that led to this photo? Here they are:

- Will researchers in New Zealand be able to get books on subjects other than New Zealand?
- Will New Zealand children be able to learn about the rest of the world?
- How important are these books for researchers?
- Is the National Library carrying out wholesale destruction of these books?
- Will the knowledge contained in these books disappear forever?

4-Obstacles and Difficulties that Obstruct Dialogues and Access to Public Information:

Consider the lack of clarity in the figures provided:

Approximately 500,000 books³⁰ were listed for the donation process in 2019-2020 — a very short time for such a quantity of books. During that time, 40 local Libraries in NZ chose 2,176 books³¹. As well, 10% had been retained by the National Library or the NZ library network, the rest ended up being donated or exported (according to a decision at the end of 2020). We know that other donations of several thousand books took place (to jails, to overseas libraries, to NZ Universities, to the Auckland Gallery and to private institutions ...), but it is extremely difficult to calculate an exact total of the actual number donated by merely requesting OIAs — the lists of books, even when they are provided, are difficult to decipher, and the exact number of books is impossible to figure out.

Without clear figures being available to the public, nobody at the National Library can be made accountable for the dispatching of the books.

5. A Constant Preoccupation with the Cost

Saving money is a subject that regularly comes up in meetings and documents related to the OPC (as recorded and released to us in OIAs). Such savings are made to the detriment of the interests of the population: if digitisation seems at first to be more economic than managing ‘real’ collections of books, what about its consequences at the level of education of the population in the long term. Remember that NL established that 40% of adults lack everyday reading and writing skills). Digitisation and the part it should play in the library’s policies is a subject for researchers; shouldn't NZ Library Policies take into account the complexity of it as an unpredictable ongoing subject, instead of simplifying it with talk and decisions about making savings in their budgets?

An instance of the way this poor argument was used is to be found in a declaration by David Reeves of the Library and Information Advisory Commission: he told Newstalk³², in Oct 2020, before the Lions and Rotary booksale in Wellington, that "there is no point in taxpayers paying for storage on books that can be found elsewhere".... A closer study on the content of the OPC proves the contrary, there is much in the collection that is not found anywhere else ... Moreover, any professional librarian knows that books are chosen not because they might be difficult to find but for all sorts of other reasons, such as their educational value, coherence of the content, and their relation to other books in the collection, bearing witness itself to the times a country is living through. Here again we can see a penny-pinching preoccupation is revealed through inaccurate, populist arguments; one of the main reasons given for the cull of the Collection is money and refusal to spend money for a service which is not primarily and has never been a source of income.

Noting such behaviour led us to seek to find out more about both meetings that occurred between LIAC and NL in Sept. 2021 and March 2022, but the discussion is not provided to the public, being deemed "out of scope" in the OIA 2122-0801 released 14 June 2022, p14 to 22.

30 OIA released 29 June, 2021. 92pp, p87

31 idem p6

32 <https://www.newstalkzb.co.nz/on-air/heather-du-plexis-allan-drive/audio/david-reeves-national-library-resumes-plans-to-cull-books-from-overseas-collection/> or cf PDF Newstalk OPC- Oct2020

The same poor kind of arguments were reiterated by the current NL Director in Stuff³³, on 29 Jan. 2022
 ““People care so passionately. But the world’s moved on, and we don’t need to keep these,” she says. “It’s not good for New Zealand.””

IV. Hasty Evaluation Leading to Authorisation to Export a Protected NZ Object

(see OIA 7930 released by the Ministry for CULTure and Heritage Aug 21, date of request 12 July21)

1. The description of the OPC in the application for permission to export a protected NZ object

The description of the OPC given in the application for permission to export a protected NZ object, sent by NL to the DIA, is inaccurate, and is expressed in a way which reduces its value. Data given are approximated and don't allow a true answer to a question like "What is the age of the object?"

[quote]

"The origins of the OPC were in the Country Library Service in 1939",

"Approximately 225,000 of the books were published prior to 1971 but "the median date in 92 fell between 1965 and 1969 across most subjects"....

(However): "The OPC was actively developed until 1996"...

This tells us that in 2021, 325,000 books were published after 1971, the rest of the data only indicate that there was a drop in the acquisition number between 1992 and 1996. However, the way it is expressed leads one to think that the collection is out of date, even though more than half of the books cover the last 50 years!

Besides that, fifty years is a very short span of time for a National Library whose roots go back a great deal before 1939.³⁴

The same application states that:

"....1996 after which the focus for the collection was confined to targeted areas – business information, family history, music, and library and information science.”

But to our knowledge, these targeted areas, were not decided officially until 2015, in the aforementioned 2015 Library policy revision of the 2003 Act. This later shift in categories can have had no other purpose than to lead the minister to believe that the OPC is of low value.

This is an intentional deception on two levels: firstly, the "targeted areas" do not match. In 2015, there was no "business information" area (remember that the categories of 2015 were Library and Information Science, Music, Reference Works, Children’s Literature, Family History and Print Disabilities). Moreover, a simple check on the list of books to be sent to the Philippines proves this claim to be false since many books not related to these fields (nor to the 2015's ones, except for Dictionaries) were purchased after 1996. To see the truth of this, you only need to take note of acquisitions of volumes published after 1997, which appear in the lists of books. They relate to business, dictionaries, biographies, health, politics, religion, corruption, copyright, war history, education, secret services, sculpture, design, biodiversity, recent wars, history, myths, poverty reduction, technical assistance to countries, archeology... And if the principles of retention³⁵ were reference works and books less than 20 years old, then why are there so many dictionaries, encyclopedias etc... and several thousand books dated after 2000 in the donation and list to be sent to the Internet Archive?

Later in the application, we learn that

³³ <https://www.stuff.co.nz/entertainment/books/127618485/help-us-the-national-librarys-unsolvable-dilemma> (or PDF Stuff 29 Jan 2022 The National Library's unsolvable dilemma)

³⁴ <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/fact-sheets/history-of-library/> (accessed 10 January, 2023): “Following long deliberations on a national library, Parliament’s library became part of the new National Library in 1966. ... In the following twenty years the library clarified its purpose and shifted less relevant parts of its large collections (now close to half a million volumes) elsewhere in the National Library." Note: ‘Parliament’s library’, part of the National Library from 1966 to January 1st 1987, was the General Assembly Library, whose origins lie in the 19th century.

³⁵ Described in OIA 7930, p5 released in Aug 2021 by the Ministry for Culture and Heritage.

" Since 1996 the collection has been managed according to the National Library Collections Policy. The National Library Collections Policy was updated in 2015 following extensive consultation."

The rest of the description lacks accuracy:

"...issues have been in decline and last year less than 1% of them were used"

" The purpose of the OPC is to supplement and further the work of other libraries in New Zealand, a purpose it is no longer serving."

"The National Library Collections Policy was updated in 2015 following extensive consultation."

" Other checks have been completed such as comparing the Ministry for Culture and Heritage[’s] complete bibliographies of titles cited in Te Ara: [...] There was found to be very little overlap between the OPC and the [Te Ara] bibliographies".

According to the information we have gathered, these statements need to be reevaluated and further information should be provided, such as the pertinency of comparing the Te Ara bibliographies with the contents of the overseas collection, since both projects have completely different goals. Effectively, an overseas published Collection, without being completely foreign to NZ, is by definition a collection of items which shows interest in the rest of the world; its purpose is to present to NZers an image of other cultures, without which it is impossible to really build an identity. Whereas, by definition, Te Ara gathers information about NZ itself and NZ personages.

2) Summary of Arguments and Decision

But the conclusion and answer from the Minister is in itself questionable, since one expert confirmed its status of protected objects, in opposition to the opinion of the other expert in whose opinion the books were not protected objects. Without recommending that further expertise be commissioned, a workaround was employed : the recommendation was, that the books be considered protected objects but that the minister grants permission to export, nevertheless, on 10 May 2021 (OIA 7930 p25).

These arguments were enough for permission to be granted for permanent export, by excluding the Collection from the Protected Objects Act 1975. Quote:

‘ [...] permission to export [Protected Objects] was not requested. [...]. This [unnamed] Expert Examiner advised that “My knowledge of overseas collections held at [an unnamed location] (not as large, but comparable material) gave me a comparison collection with which to form an assessment”’. (sic, quoted verbatim).³⁶

The only argument which the expert Examiner mentions is that "it cannot be said that there is strong evidence it is used now" (sic). We believe that this opinion is only partially informed, and that many more criteria should be used before deciding whether such a Collection is of any use. We strongly suggest that Authorisation to Export the Collection was given without appraisal of the true facts pertaining to the Overseas Collection.

3 – A Further Questionable Argument – the Diminishing Number of Requested Items

" Until the 1990’s, books from the OPC were regularly borrowed by readers through New Zealand’s network of public and university libraries, but issues have been in decline and last year less than 1% of them were used"³⁷

The numbers show that this collection was loved by the readers: 82,000 book loans³⁸ were made in 1992, which is quite a high number if we consider the population of NZ 30 years ago. It represents over 1,500 books a week, 214 a day, and this represents a real expenditure in term of staff and time spent to manage this service.

³⁶ Described in OIA #7930, p. 25.

³⁷ OIA 7930, p4.

³⁸ OIA (released 29th June 2021, 92p): p. 9.

We suggest that the decline of this number was due not to a lack of interest but to other factors, such as changes in the way this Collection could be accessed. Such changes include a supplementary cost, dissuasive delays, difficulties of access to actual lists of the books themselves etc.

Altogether, we understand through different documents released in OIAs³⁹ that instead of prompting debate or taking advice as they pretended, the NL used all means to get around the opposition to a "rehoming" of the 600,000 books, deliberately ignoring requests for discussion and publicly claiming that they were about to consult their stakeholders. But the decision to cull of the books was made unilaterally.

Conclusion

We would like to see further enquiries undertaken by both committees — the Governance and Administration select committee and the Education and Workforce select committee — on the different points mentioned above, and we hope that both committees will inquire in such a way as to answer these points. Since the cancellation of the Internet Archive Agreement doesn't offer in itself a specific solution to the management of the OPC in particular, we urge them to consider the following:

1) whether it is appropriate to send the books to the Internet Archive considering the uncertainty of copyright, the ongoing trial, the inequality of access to the NZ population (which digitisation not carried out by NZ itself implies)? Isn't it time to cancel this agreement once and for all?

2) What is the real value of the OPC — its historical, social, scientific, literary value etc. — in itself, and in the context of a country as isolated as NZ in 2023?

Couldn't an independent body with competent staff be designated to make a study? Wouldn't another evaluation of the OPC, done with the prospect of developing another policy regarding overseas published books bring about quite a different outcome? They would have to consider the different issues which it has itself gone through and which it now faces, e.g. the matter of quality in the digitisation of the catalogue (since 2000), staff, the place for conservation of acquired books, costs for borrowing the books, access to the catalogue, library policy deciding which books will be promoted, published lists of books deleted or donated.

3) Is the 2015 Library Policy, as it pertains to the OPC, really relevant in the context of 2023, after the crises experienced in recent years? Haven't COVID-19 and the effects of climate changes, the war in Ukraine etc.. proven the depth and extent of NZ's relationships with overseas and the need for an international collection?

Furthermore, did the cull of the OPC follow extensive consultation? And was the decision to drop the entire Collection (after an initial period of donations) taken following extensive consultation?

If so, it should be easy to list the events: the chief actors, the meetings including details about the subjects of discussion, the date and length of time, the outcomes and what was effectively done, showing that consultation occurred.

We request that the committee recommend immediate action, first and foremost that the Government cancels the decision made by the Minister in 2018 to allow the cull of the OPC; they could instead organise public consultation and open a discussion about library policies, towards a new approach regarding books published overseas and their acquisition as part of the National Library of New Zealand, which would ultimately confirm the OPC's status as protected New Zealand Object.

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³⁹ Mainly in the OIA released on 29 June 2021, (92p) asking for a copy of project to rehome the OPC, aide-memoire of meetings, talking points and correspondance with the DIA from Nov 2020.