

Submission to the National Archival and Library Institutions Ministerial Group

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This submission consists of the following parts:

1. General position
2. Recommendations
3. Response to Questions 1-5

## 1. General position

My PhD research was on machinery of government reforms of the National Archives (later Archives New Zealand) particularly in the 1990s, but it also canvassed the history of the official archives in New Zealand and the reforms of the 2000-2005 period.<sup>1</sup> I subsequently submitted on the State Sector Management Bill s37-60 in 2010, opposing the merger between Archives New Zealand and the Department of Internal Affairs.<sup>2</sup>

The overall conclusion of my PhD was that so long as the organisational form of Archives New Zealand is decided by non-archivists, that form will regularly be subjected to change, reflecting changing public sector management fashions and principles, and the shifting of pieces on the state sector chessboard. There is an archival case to be made for organisational stability and the best way to achieve stability is to design the institution in a way that reflects the purpose of the official archives, one that embeds archiving values and solves archival problems.

I am not an archivist (nor a librarian) and have no particular stake in the outcome of this process. Nonetheless, I feel obliged to point out that the warnings of detrimental impacts from merging Archives New Zealand and the National Library into the Department of Internal Affairs, made during the 2009-2010 period by myself and others, came to pass. This is why we are now holding another review, and why stakeholders at the engagement meetings have been universal in their call for the Archives and the Library to be removed from Internal Affairs.

In this submission I argue that Archives New Zealand be retained as a single organisation, headed by the Chief Archivist, and that the Chief Archivist become an Officer of Parliament. As a check on the Executive, it is inappropriate for the Chief Archivist *and* Archives New Zealand (which does much of the work under the Public Records Act) to remain part of the Executive. There are strong parallels

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<sup>1</sup> Julienne Molineaux. (2009). New Zealand's National Archives: An Analysis of Machinery of Government Reform and Resistance, 1994-1999. Unpublished PhD thesis, University of Auckland. Available electronically: <http://researchspace.auckland.ac.nz/handle/2292/3869>

<sup>2</sup> Julienne Molineaux. (2010, 6 October). Submission on the State Sector Management Bill. Available electronically: <https://www.parliament.nz/resource/0000129509>

between the Auditor-General and the Chief Archivist, with both having regulatory and audit functions across the entire state sector, ensuring the accountability of state agencies.

I make some general observations on the National Library and Ngā Taonga Sound and Vision, but the focus of my submission is on Archives New Zealand.

## 2. Recommendations

These recommendations arise from my arguments in this submission. I argue from a simple position: that the new organisational form for Archives New Zealand and the Chief Archivist should be the one that *best enables the Archives to carry out its archiving function* and the arrangement should be a sustainable one rather than something that requires (or enables) regular revision.

In summary, I recommend:

- That Archives New Zealand be removed from the Department of Internal Affairs;
- That Archives New Zealand have independent agency status and not be merged in part or whole with any other state agency;
- That the Chief Archivist and Archives New Zealand are not separated into two or more organisations but stay as one organisation;
- That Archives New Zealand's new form be one of the following, in order of preference:
  - An Office of Parliament headed by the Chief Archivist, an Officer of Parliament or in the event that it was decided to limit the ability of the archives system to play its role in holding the executive to account:
  - An Independent Crown Entity (ICE), or
  - A stand-alone government department.

## 3. Response to Question 1

**What are the two or three key challenges for the national archival and library institutions? What is the most urgent challenge?**

The most urgent (and ongoing, it seems) challenge facing Archives New Zealand is that outsiders continually try to fit it into a heritage or culture or information mould, to achieve economies of scale for other organisations in these sectors. This sits uneasily with Archives New Zealand's primary function, which is a constitutional one, as it is the record keeper of the state. In this respect it is different from other archives in New Zealand, and different from special collections that various libraries hold. Some suggestions for economies of scale are well-motivated, assuming benefits to the public of a single portal for all government holdings. (This was one of the key goals of the merger of the Archives and the Library into Internal Affairs in 2010, yet eight years on, where is the common portal? The single digital repository? The combined web site?) The cost of achieving this is understated and the ease of achieving it is greatly over-stated: large scale IT projects are very expensive and routinely fail. It also wrongly assumes that digital records make up a significant portion of the Archives' holdings. Despite both agencies facing challenges from technology, Archives New Zealand does not have large overlaps in work or holdings with the National Library.

Both Archives New Zealand and the National Library have the challenge of adapting to a digital present and future; this is best achieved by the professions working through the issues with their local and international colleagues, sharing information and training within their professions and across professional boundaries where appropriate. The professions should be guided by their own values and how these define their curation of information and the use of it. This is not an issue for a machinery of government review, except to note that the best way for Archives New Zealand and the National Library to tackle their digital challenges, is from an organisational structure of independence that allows them to put their professional expertise at the fore when making judgements and deciding priorities. In the meantime, Archives New Zealand needs to be adequately resourced to maintain its 110 linear km of paper records, and the ongoing transfer of paper records for decades to come, most of which will not be digitised anytime soon.

Ngā Taonga Sound and Vision faces the challenge of being outside the public sector which reduces its ability to input into public sector policy, strategy, and budgets. However, becoming part of the state sector raises the important issue of agreements with depositors, who may have decided to donate their collections to Ngā Taonga precisely because it is not a state agency; breaching those agreements will undermine trust and may prevent future deposits from occurring. Consequently this should not be entered into lightly, and not at all if its problems can be solved in other ways (such as more financial stability).

## Response to Question 2

**Does the position of the Chief Archivist have the independence and authority necessary to be an effective regulator of records and information management within its broader regulatory mandate?**

The short answer is “no”, the Chief Archivist does not.

While the position has considerable statutory power, the ability of the Chief Archivist to exercise this power is limited: it would be unconscionable for the Chief Archivist to sue other agencies every time they breach record keeping rules and it is unlikely the Archivist would be backed by Crown Law to do this. While the law gives the Chief Archivist power, the Archivist’s ability, and the ability of their agency, Archives New Zealand, to ensure good record keeping practises throughout the public sector are best achieved by the use of soft power: visibility, persuasion, education, relationship-building, and the possibility of public shaming in a report to Parliament. This is because the hard power of the law cannot always be deployed (see above) but also because the Chief Archivist does not know what records are being made nor being destroyed in the over 3000 public offices around the country. An effective archiving regime requires the active cooperation of the agencies themselves. Being a third tier manager in a conglomerate agency with many functions reduces the Chief Archivist’s visibility, but most importantly, the *mana* of the position and the mana of the collection. The Archivist’s ability to access Chief Executives of agencies is reduced, reducing his or her ability to influence those agencies at the very top, where decisions are made that impact on record keeping budgets, cultures and practises.

The current arrangements also impinge on the Chief Archivist’s ability to carry out their role due to the loss of control over institutional resources, and the requirement to give attention to positioning the Archives within the larger organisation in which it sits. Without the ability to control budgets, staffing and institutional priorities, the Chief Archivist cannot have independence to set archival priorities and ensure they are carried out. The Chief Archivist has to have regard for the priorities

and budgets and charging regimes of Internal Affairs, even if these do not advance - or even go against - the best interests of the Archives. (The arguments in this paragraph about the Chief Archivist also hold true for the National Librarian.)

## Response to Question 3

### **What changes, if any, would you suggest to the role or structure of Archives New Zealand or the National Library?**

The current arrangements are unsatisfactory and the Chief Archivist – and Archives New Zealand – must be removed from Internal Affairs and have independent agency status. The question is which institutional form should be taken? I argue from a simple position: that the new form should be the one that *best enables the Archives to carry out its archiving function* and the arrangement should be a sustainable one rather than something that requires (or enables) regular revision.

While Archives New Zealand is a multifaceted organisation, its core function relates to government record keeping – setting standards, providing expert advice, monitoring compliance, reporting on the state of government records management, negotiating disposal schedules. This is a policy area with a constitutional function: records are not just information, they are *evidence* about the functioning of the state.

The institutional form that best enables these functions is for the Chief Archivist to become an Officer of Parliament, with Archives New Zealand as their agency. There are comparisons with the Auditor-General, who also has a regulatory and monitoring function across the entire state sector, holding state organisations to account.

The Auditor-General has two operational units, The Office of the Auditor-General (a regulatory unit) and Audit New Zealand (an operational unit), with both units sharing corporate services. Should the Chief Archivist wish it, a similar division could take place, with staff from both units on a senior management committee, to enable a sharing of information between regulations and operations, and all staff housed in the same building, as happens in the Audit case. This separation beneath the Chief Archivist level has worked well in the past and avoids some key downsides of functional separations experienced in the New Zealand state sector in the 1990s.

With a staff of over 300, the Auditor-General's operating units are considerably larger than Archives New Zealand and therefore it cannot be argued that Office of Parliament status is inappropriate for an agency of this size.

**Why an Officer or Parliament?** Because it removes the Chief Archivist and the Archives staff from the Executive that they are a check on; independence from another agency (such as Internal Affairs or the National Library) reduces conflicts of interest; it enhances the status of the Chief Archivist, giving the position *mana* in accordance with the position's legal powers, which better enables the Archivist to carry out those statutory duties; and unlike department or Crown entity status, being an Officer of Parliament will prove a sustainable organisational form because it reduces the potential for meddling in the Archives by other government organisations.

While some areas of public policy are complex, or involve contested values, archiving is comparatively straightforward. New challenges do arise, such as how to preserve born-digital records, but these challenges can be addressed by archivists utilising the expertise of their discipline. Providing a very long timeframe on government activity as documented in records, the Archives is

best suited to continuity and stability in its organisational form. It does not benefit – and it is harmed by – being in the state sector where it is subjected to continual restructuring pressures from other state organisations. As an Officer of Parliament, with Archives New Zealand as the operational agency, the Chief Archivist would experience relief from this restructuring and would be able to focus on the role's actual work.

In the past the Archives was criticised by reviewers for putting professional archiving values, instead of the then-current management fashions, at the heart of decision-making; in the 2009 review, Archives New Zealand was criticised by the State Services Commission for not aligning its work more to the government of the day's strategic priorities. *As if the point of an official Archive is to support the government's or SSC's priorities, instead of enabling the government and its agencies to be held to account.* This confusion is possible when the Archives is part of the Executive and this is another reason why it should be removed, answerable instead to Parliament.

**Should Archives New Zealand and the National Library merge outside of Internal Affairs? No.** The suggestion of a Library-Archives merger comes up periodically, usually by an official who knows little about either profession, and believes that since both of them collect things and make them available to the public, they are essentially the same. The professions are not the same. They have fundamentally different approaches to information; the information they handle is of very different character; their key stakeholder relationships are with different groups; and their primary purposes are not the same. It is debatable how much could be gained in economies of scale by merging collections when the collections are of different materials and the access to the archival materials cannot be done by librarians because of the specialist nature of their arrangement and description.

It is no accident that *archivists* never suggest a merger between the Archives and the Library, but some librarians see little harm in it. This is because librarians would be the dominant profession in the new organisation. While I am sure the National Library would be a more sympathetic home to Archives New Zealand than the Department of Internal Affairs has been, the same situation would exist on a different scale. As the smaller institution, Archives New Zealand would be a minor player in a much larger institution, where the management positions would be dominated by non-archivists (for the simple reason that there are many more librarians than archivists), leaving the Archives fighting to have their priorities recognised and funded adequately, and creating confusion as to who speaks for government record keeping in New Zealand. I draw your attention to the submissions of people such as Ray Grover, with considerable experience of the work of archivists and librarians who can attest to the differences and similarities.

**But they've merged the Library and Archives in Canada.** Yes, the national library and archives were merged in Canada in 2004 to create Library and Archives Canada/ Bibliothèque et Archives Canada and it has not been a success. While it is hard to disentangle which part of the institution's failures can be attributed to the merger, and which parts are attributable to the information policies and budget cuts of the Harper government (2006-2015), and how much to the appointment of a career bureaucrat (an economist) with little understanding of archives or libraries as the head of the organisation (2009-2013), it has not thrived. Neither archivists (the dominant profession in this case) nor librarians are happy and staff morale scores sit near the bottom of the Canadian public sector. In Canada it is the library sector that is most unhappy with the merger as the library is the smaller of the two organisations; it has felt more keenly the loss of profile, sector leadership, and control of its priorities and budgets under the merged entity. There are few librarians in the senior management of the organisation as there are fewer librarians than archivists overall.

Organisations are not “mechanical objects with interchangeable parts,” but are “living system[s] of people.”<sup>3</sup> Understanding those people is crucial to ensuring any reorganisation results in an effective workplace that attracts and retains competent, specialist staff. Forcing archivists into a merger with a library, or some other heritage or culture or information agency, is a recipe for organisational failure. It is not enough to merge the systems and assume synergies and cooperation will flow forth. Librarians and archivists are different professions with strong commitments to their respective professional values and practises, and these differ from each other in significant ways. In a merged Library-Archives, archivists would still have a primary allegiance to archiving, not the new institution.<sup>4</sup> (It should be noted that the majority of mergers in the private sector – for which researchers have the most information – fail to achieve their goals, with as many as 80 per cent destroying wealth, and a third to a half of these failures attributable to staff resistance.<sup>5</sup>)

All agencies and policies have overlaps with some other agencies and policies. A Venn diagram of ‘Police’ and ‘Health’ would have an overlap particularly in the area of mental health, but that does not mean mental health services should be removed from Health and placed in Police. What it does suggest is that cooperation between them on mental health issues would be beneficial. Archiving is analogous to this. It has overlaps with heritage, culture and information agencies and they should all cooperate on issues of commonality. But we can draw a different Venn diagram, too, where the Archives overlaps with the Ombudsman and the Auditor-General, commissions of enquiry and the justice system.

Archiving is not some variation on librarianship and the organisational form of Archives New Zealand needs to recognise this.

### **Should the Chief Archivist’s regulatory role be separated from the management of collections? No.**

Many agencies have multiple functions so the question has to be asked: why is this option on the agenda? Presumably it is being considered as part of a scenario whereby the Chief Archivist is an Officer of Parliament and the archives collection is merged with another heritage-culture-information agency such as the National Library? See my response to that above.

Separating the regulatory and collections management functions of Archives New Zealand is not consistent with international best practice. It goes against the ‘continuum’ theory of record keeping used by archivists in New Zealand, and which is at the heart of the Public Records Act. To separate these functions is to break the interrelated archival functions of the Chief Archivist’s role which include appraisal, arrangement and description, and access and preservation. All of these functions are carried out with the other functions in mind and their interrelatedness is part of the strength and coherence of the collection. For example, providing expert assistance to users requires understanding the appraisal, arrangement and description of the collection, which includes knowledge of the originating agency, its internal structure and its place in the wider public sector, and how these have changed over time. Having parts of this sequence done by differing

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<sup>3</sup> Richard Norman and Derek Gill. (2011). *Restructuring – An Over-Used Lever for Change in New Zealand’s State Sector?* Victoria University of Wellington Institute of Policy Studies Working Paper 11/06, p. 2. <http://researcharchive.vuw.ac.nz/xmlui/handle/10063/2571>

<sup>4</sup> Eliot Freidson. (2001). *Professionalism: The Third Logic*. Chicago: University of Chicago Press.

<sup>5</sup> Susan Cartwright. (2008). “Mergers and acquisitions: Why 2 + 2 does not always make 5,” in *The Sage Handbook of Organizational Behavior Vol 1 Micro Approaches*, eds. Julian Barling and Cary L. Cooper. Los Angeles: Sage, pp. p.583-4; Marie H. Kavanagh & Neal M. Ashkanasy. (2006). “The Impact of Leadership and Change Management Strategy on Organizational Culture and Individual Acceptance of Change During a Merger.” *British Journal of Management*, vol. 17, p. S86.

organisations will weaken the continuity of the work done and the overall understanding of the collection.

The theory of continuum, reflected in law, says that the Chief Archivist is responsible for the entire life-cycle of records in the collection. To contract out one aspect to another agency would lead to inter-agency conflict and blurred lines of accountability and decision making. Lessons from the functional separations of the 1990s include major coordination problems, accountability problems, and increased costs. Would the Chief Archivist have any say over the budgets, staffing or access practises at the collections agency? Would the other agency – with a predominance of managers who are not archivists – have enough understanding of the difference between this collection and other collections they oversee? Former Chief Archivists write of their continual battles to have archiving taken seriously throughout the public sector. Keeping the organisation intact, with one clear professional leader, is a way organisational design can aid the integrity of government record management practises and archival collections. The other important element is organisational independence.

It is worth noting that a functional separation of the National Archives was proposed by consultants in the mid-1990s (as was the fashion of the times), separating out the policy, purchase and delivery parts of the Archives. Practical problems were identified as there were not clear demarcations between areas of work. Instead, separation of functions took place within the same organisation, under the oversight of the Chief Archivist.

## Response to Question 4

**What opportunities exist for the national archival and library institutions to work more effectively together in collecting, preserving and providing access to New Zealand’s documentary heritage? In particular, what opportunities exist in relation to digital preservation and access?**

I see this question as one for the archiving and library professionals to work through, guided by their professional values. Although I recommend separation for the two institutions – both from Internal Affairs and from each other – this separation does not preclude collaboration and the sharing of challenges and solutions, across the archives-library divide.

An independent Archives New Zealand and an independent National Library will be better placed to lead their respective sectors as they adapt to the digital revolution. Staff in Archives New Zealand and the National Library should take a role in leading professional conversations and professional development in their respective sectors, as other archiving and library institutions are also working through ways of coping with the opportunities and problems posed by digital records. Smaller-scale and sector-specific digital initiatives are more likely to be successful than more ambitious over-arching schemes.

It should be noted, once again, that the bulk of Archives New Zealand’s collections are paper-based and this will remain the case for decades to come.

Both the Archives and the Library, in their long-term strategic plans, emphasise access to their collections.

## Response to Question 5

### **What does the public need in the next 30 years from the national archival and library institutions?**

There is no need to reinvent the wheel. Both Archives New Zealand and the National Library have long-term strategic documents that were extensively consulted on. If the organisations are given independence, they will be in a position to action these strategies. At present their ability to do so is dependent on the whims of the Department of Internal Affairs. If the organisations are removed from Internal Affairs, but merged with each other, the Archives, as the smaller institution, will struggle to have its priorities and professional values to the fore.

Ngā Taonga Sound and Vision needs more certainty over its funding in order to plan long-term.

Archives New Zealand, *Archives 2057 Strategy*:

[http://archives.govt.nz/sites/default/files/archives\\_2057\\_-\\_strategy\\_english.pdf](http://archives.govt.nz/sites/default/files/archives_2057_-_strategy_english.pdf)

National Library of New Zealand, *Turning knowledge into value: Strategic directions to 2030*:

<https://natlib.govt.nz/files/strategy/strategicdirection-2030.pdf>