



Report of the Petitions Committee

Petition of Sandra Bianciardi: Urgently stop National Library from sending thousands of books to Philippines

April 2023

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Hon Jacqui Dean
Chairperson

Petition of Sandra Bianciardi

Recommendation

The Petitions Committee has considered the petition of Sandra Bianciardi—Urgently stop National Library from sending thousands of books to Philippines—and recommends that the House take note of its report.

Request to stop sending National Library books to the Philippines

The petition was presented to the House on 22 November 2022. It requests:

That the House of Representatives urgently stop the National Library from sending overseas published books from its collection to the Philippines, require it to publicly consult about the best way of preserving, managing and offering these books to the public; and note that 1,020 people have signed an online petition to this effect.

Background

The National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 states that the purpose of the National Library is to enrich the cultural and economic life of New Zealand. It is to do this by collecting, preserving, and protecting documents, particularly those relating to New Zealand, and making them accessible for all the people of New Zealand.¹

Since 2018, the National Library has been reviewing and rehoming titles from its Overseas Published Collections. It has explained that the purpose of the review is to make room to grow its Māori, Pacific, and New Zealand collections.²

In July 2021, the National Library announced an agreement with the Internet Archive for all books left over at the end of the review process to be donated for digitisation and preservation.³ The Internet Archive is a project taking place in the United States to provide a non-profit library of digitised paper texts, images, audio, and video.⁴ It has a digitisation facility in the Philippines.

¹ Section 7, National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, [available on the New Zealand legislation website](#).

² Information about the review and rehoming of Overseas Published Collections is [available on the website of the National Library of New Zealand](#).

³ National Library of New Zealand: [National Library signs historic agreement with Internet Archive](#), 13 July 2021.

⁴ As at April 2023, the Internet Archive includes 800 billion websites, 37 million books, 15 million audio recordings, 9.7 million videos, 4.6 million images, and 1.6 million collections. It is available at <https://archive.org/>.

Comments from the petitioner

Ms Bianciardi told us that the petition was started in November 2021 after a public meeting of New Zealand writers who opposed the donation of books to the Internet Archive. She said the Overseas Published Collections have historical value both in themselves and as a record of the decisions made by generations of New Zealand librarians. She said these choices help present-day New Zealanders understand how New Zealand developed its consciousness of itself in relation to international trends and movements.

The petitioner said that public concern about the National Library's disposal practices increased after the library donated books to a second-hand book sale in 2020.⁵

Copyright concerns

The petitioner said the National Library has previously given assurances that digitisation of the Overseas Published Collections by the Internet Archive will enable New Zealanders to continue to access these books.⁶ However, she argues that this cannot be guaranteed, even if the books are digitised.

We understand that the Internet Archive has recently lost a lawsuit taken by a group of publishers.⁷ The publishers took this legal action after the Internet Archive offered free and unlimited access to its online collections, including material still subject to copyright. We understand that the Internet Archive is planning to appeal. However, even before this decision in March 2023, Ms Bianciardi's submission told us that New Zealand authors and publishers had copyright concerns about the digitisation and lending practices of the Internet Archive.

Consultation

The petitioner submitted that the National Library has not sufficiently engaged with members of the public, despite publicly stating that it has consulted with stakeholders. She pointed to similar concerns about the disposal process that have been expressed by organisations including the following, as well as by individual historians, librarians, and artists:

- Writers Against Disposals
- Book Guardians Aotearoa—Ngā Kaitiaki o ngā Pukapuka
- the Labour History Project
- the New Zealand Society of Authors—Te Puni Kaituhi o Aotearoa (PEN NZ Inc)
- the Professional Historians' Association of New Zealand/Aotearoa (PHANZA)
- the Publishers Association of New Zealand—Te Rau o Tākupu (PANZ).

⁵ For one account of the book sale, see Newsroom: *Special report: flogging the family silver for \$2*, first published 14 November 2020.

⁶ One News: *Future of 600,000 books being culled by National Library saved by digital library*, 12 July 2021.

⁷ Hachette Book Group Inc v. Internet Archive, U.S. District Court for the Southern District of New York, 1:20-cv-04160, reported in The Verge: *The Internet Archive has lost its first fight to scan and lend e-books like a library*, 25 March 2023.

Ms Bianciardi asks that the House inquire into National Library decisions made to date about the review of its Overseas Published Collections. She wants an opportunity for public input into future policy development.

Comments from the National Library of New Zealand

The National Library told us that it is not currently sending any books to the Philippines. Nor are any items from its Overseas Published Collections being disposed of at present.

The National Library told us that, following discussion with various interested parties, it announced in November 2021 that it was pausing the disposal process.⁸ It said at that time that it would not send overseas any of the items in its Overseas Publications Collections before considering next steps.

The National Library said it is currently developing a removal and disposal policy. An external advisory group has been formed and is providing input and advice into the draft policy. Members of the public can also provide feedback on the draft removal and disposal policy on the National Library website.⁹ The public engagement period will run for six weeks from 3 April to 12 May 2023.

Our response to the petition

We thank the petitioner for outlining her concerns about the review and rehoming of material from the National Library.

We note the assurances of the National Library that no books are currently being sent to the Philippines, and that the process of rehoming items has been paused. We note also the storage problem that the library has been trying to address.

We are pleased that the National Library has opened a consultation process for feedback from the public and all stakeholders on its draft removal and disposal policy. We encourage the petitioner to participate in this consultation and we hope that a solution can be found that all parties can be happy with.

⁸ National Library of New Zealand: *National Library reconsiders agreement with Internet Archive*, 29 November 2021.

⁹ National Library of New Zealand: *Removal and Disposal Policy*

Appendix

Committee procedure

The petition was referred to us on 22 November 2022. We met between 23 February and 6 April 2023 to consider it. We received written submissions from the petitioner and the National Library of New Zealand—Te Puna Mātauranga o Aotearoa.

Committee members

Hon Jacqui Dean (Chairperson)
Dr Liz Craig
Nicole McKee
Sarah Pallett
Jamie Strange
Teanau Tuiono

Evidence received

The documents we received as evidence in relation to this petition are available on the Parliament website.