National Archival & Library Institutions Ministerial Review

Submission from Ngā Taonga Sound & Vision Board of Trustees – August 2018
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National Archival & Library Institutions Ministerial Review

Submission from Ngā Taonga Sound & Vision Board of Trustees

Executive Summary

The Memory of Aotearoa New Zealand – Recorded Heritage

The National Archival and Library Institutions (NALI) Ministerial review presents a unique and significant opportunity to create a resilient, sustainable and accessible 'recorded heritage' ecosystem that supports national identity, social cohesion and a healthy democracy.

Ngā Taonga Sound & Vision (Ngā Taonga) welcomes the review, and holds great hope that the NALI Ministerial Group will take decisions that create a vibrant sector, where collaboration is the norm, where investment is able to achieve maximum impact and where New Zealanders have trust and confidence in their recorded heritage institutions – both from the perspective of their ability to perform their respective roles effectively (particularly the regulatory role of the Chief Archivist) and in relation to the exemplary services they provide to all New Zealanders – from the academic researcher, to the budding genealogist, to the kura kaupapa Māori teacher looking to support her class to explore their heritage in te reo.

Collaboration is a human trait – not an organisational one. Strictly speaking, if the leadership of these organisations had the intention to collaborate on matters of shared interest in recorded heritage, then it would already be happening. However, current structural arrangements create unnecessary barriers to effective collaboration. It is essential that this review remove these barriers.

Ngā Taonga is unusual within this review – which is very explicitly exploring whether its institutional form – an independent charitable trust – is fit-for-purpose. Arguably, there is little point in altering the form of Ngā Taonga if the other issues in the sector are not resolved. For this reason, this submission considers not only what a desirable outcome for Ngā Taonga is, but more importantly, what the best outcome for New Zealanders is, in terms of accessing their recorded heritage.

As a result of these deliberations, the Board of Ngā Taonga concluded that:

- The time is right for Ngā Taonga to become an Autonomous Crown Entity (ACE), provided some key criteria can be accommodated (pertaining to mandate, independence, influence, biculturalism, kaitiakitanga and ownership of the collections)
- For this change to have the desired impact, it is desirable to make the National Library of New Zealand (NLNZ) an ACE, and Archives New Zealand (Archives NZ) an Independent Crown Entity (ICE) so that there is governance parity between the three organisations

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1 The National Library and Archives New Zealand refer almost exclusively to documentary heritage. By which they mean paper documents. This excludes Ngā Taonga from the discussion. Ngā Taonga prefers the term ‘recorded heritage’ which is neutral about the medium in which the heritage is recorded.
• These three Crown Entities should ideally be in the same portfolio as Museum of New Zealand Te Papa Tongarewa (Te Papa), to ensure the areas of common interest with Te Papa (e.g. investment in physical storage infrastructure) are actively pursued as well

• The respective legislation for these four entities should be created (or amended) in a way that requires their Boards to engage in joint strategic planning and investment decisions in agreed shared areas

• It seems unnecessary to create the Chief Archivist as an Officer of Parliament when the ICE structure already allows the position to be free from the direction of government, and is similar to the roles of Privacy Commissioner and Human Rights Commissioner – in many ways, the person specification for the role, and the function that makes the appointment seem to be more relevant for the independence of the position, than the location of the position itself

• This review should also consider some other arrangements particular to the audiovisual archiving sub-ecosystem that could usefully be resolved, e.g. requiring New Zealand On Air (NZ On Air), Te Māngai Pāho and New Zealand Film Commission-funded content to be archived with a government-funded/endorsed audiovisual archive. (Te Māngai Pāho already do this as part of their contracted deliverables)

• Copyright issues are slightly different for material in Ngā Taonga collections than they are for government documents and books – to truly unleash the potential of the nation’s audiovisual collection, some changes to the Copyright Act 1994 are necessary

• Without an appropriate increase in funding, irrespective of institutional form and structural arrangements in the sector, Ngā Taonga Sound & Vision will not be a viable entity, and will need to return Crown collections to Archives New Zealand, and other material either to the depositors to whom they belong or to other institutions.

Opportunities such as this don’t come along often, and with a great deal of work already completed by the Department of Internal Affairs (DIA) on the scale of the investment challenges within Archives New Zealand and the National Library, Ministers are uniquely placed to make decisions now that will create a stable, sustainable, vibrant, and most importantly – accessible – recorded heritage ecosystem, of which all New Zealanders can be proud of. One that tells their stories and invites them in. One that makes no judgements about wealth or education, location or ethnicity. One that values everyone’s story... because it is the stories of all of us that make up the rich tapestry of Aotearoa New Zealand.
Background

National Library and Archival Institutions

There are three organisations/business units within scope of the NALI review. What follows is a brief introduction to each of them.

Archives New Zealand (Extract from NALI Terms of Reference)

Archives NZ is a business unit of the DIA, led by the Chief Archivist, with a regulatory function under the Public Records Act 2005. The Chief Archivist contributes to New Zealand’s democracy through promoting transparent and accountable government. The Chief Archivist sets the framework for creating and managing and disposing of information in the public sector. This includes:

- setting standards and supporting government (including local government) recordkeeping
- regulating the creation and disposal of records
- monitoring compliance
- facilitating access and use, and
- reporting annually to Parliament on the state of government recordkeeping.

Archives NZ has a particular focus on improving digital information management practices and systems to ensure that high value records created in the digital age are fit for eventual transfer into the government Digital Archive. The variability of digital information management practices and systems over the last few decades has resulted in a variety of legacy systems and formats, some of which are increasingly difficult to access.

Archives NZ’s Archives 2057 Strategy sets out the vision: People value a vibrant, trusted national archives. We will be a trusted regulator of government information through the Public Records Act 2005; experts in how to create, manage, preserve and discover information; and a gateway providing access to the nation’s history, connecting people to their stories, rights and entitlements.

Three strategic focus areas are identified:

- Taking archives to the people. This strategic focus area is about enabling users to discover, use, celebrate and connect with the growing scale of the record of government. This means a shift from users having to find [ANZ] and understand [its] systems, to pushing information out using channels that are relevant to different communities
- Upholding transparency. This strategic focus area is about using [its] regulatory mandate strongly to require agencies to create and manage their information while safeguarding privacy and security concerns. A shift to access from the point of creation and the proactive release of information will support open government principles around transparent and accountable government. This is also about managing information well over time so that access permissions are reviewed and there are no unnecessary restrictions
- Building systems together. This strategic focus area is about leading, influencing and regulating across the government information system to improve information processes, technology, standards, culture and behaviours. [It] will work with others and build these systems together. This benefits New Zealanders as the needs, rights and entitlements of individuals will be included in system design.
The National Library of New Zealand is a business unit within the DIA and is New Zealand’s legal deposit library. The National Library is required to "enrich the cultural and economic life of New Zealand and its interchanges with other nations" under the National Library of New Zealand (Te Puna Matauranga o Aotearoa) Act 2003 (the National Library Act). The National Library also houses the collections of the Alexander Turnbull Library (ATL) which is the foremost research library on New Zealand and Pacific studies.

Under the National Library Act 2003, the National Library is expected to collect, preserve, and protect documents, particularly those relating to New Zealand. It must make them accessible for all the people of New Zealand, in a manner consistent with their status as documentary heritage and taonga.

The National Library also has roles of:

- supplementing and furthering the work of other libraries in New Zealand
- working collaboratively with other institutions with similar purposes, and
- supporting schools through Services to Schools, which provides reading resources and has curriculum and advisory staff.

*Turning Knowledge into Value*, The National Library’s Strategic Directions to 2030, sets out the following outcomes:

- **Taonga:** New Zealanders will trust that their documentary heritage and taonga are collected, preserved and accessible, enabling the creation of new knowledge
- **Knowledge:** New Zealanders will easily access, share and use New Zealand’s knowledge resources to innovate and create new knowledge
- **Reading:** New Zealanders will have the literacy skills to achieve social, educational and employment success and be inspired to create new knowledge.

**Ngā Taonga Sound & Vision**

Ngā Taonga Sound & Vision is New Zealand's audiovisual archive. It saves and cherishes the stories, creativity and history of Aotearoa New Zealand in sound and moving images. With strong values of connection, creativity and conservation its purpose is to collect, share and care for New Zealand’s audiovisual taonga. Its kaupapa expresses commitment to the principles of the Treaty of Waitangi and reflects Māori and Pākehā perspectives, language and aspirations. It guides the way it works with others, with audiovisual taonga and with those connected with it.

Ngā Taonga Sound & Vision is the working name for the New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero and is an independent charitable trust. Ngā Taonga was formed in 2014 as a result of the amalgamation of three organisations: the New Zealand Film Archive, Radio New Zealand’s Sound Archives Ngā Taonga Kōrero (RNZ Archive) and the Television New Zealand Archive (TVNZ Archive). The amalgamation of these collections left Ngā Taonga with a diverse property portfolio to manage, and a legacy of different databases and systems. The size of the collection is also significantly larger than that held by its predecessor, the New Zealand Film Archive. In addition, Ngā Taonga faces challenges in common with other archival organisations of preserving and providing access to items in a wide range of formats, including some that are obsolete or very fragile.

Ngā Taonga has an ambitious **Strategic Plan 2016-2024** that describes desired future state conditions across all of the organisation’s major work areas, an assessment of the current state (as at June 2016), and highlights key projects and work that would need to be completed in order to meet those goals.
Ngā Taonga is a digital archive. This is necessary due to the format that new audiovisual material is now created in. This means digital preservation is a significant work programme within the organisation (this is not the same as digitisation – which typically is not of preservation standard). Caring for digital audiovisual assets requires meticulous planning and ongoing investment to ensure that the digital migration pathways are robust and sustainable.

At the same time, many of the items that Ngā Taonga cares for cannot be digitally preserved (e.g. props and costumes) or the original analogue material holds heritage value in its own right. Consequently, the analogue collections also require ongoing care and conservation.

Almost 100% of the collections Ngā Taonga cares for are not owned by Ngā Taonga, with approximately 60% owned by the Crown (the TVNZ collection is owned by Manatū Taonga Ministry for Culture and Heritage (MCH) and the RNZ Ngā Taonga Kōrero collection is owned by RNZ), with the remainder owned by private depositors.

Ngā Taonga creates and/or upholds three discrete kinds of rights: copyright, depositor rights (similar to property rights), and kaitiaki rights (similar to what is anticipated by WAI262 in terms of Māori intellectual property rights).

Current Relationships Between the NALI Organisations

They share some things in common...

Substantial Physical Storage Footprint
All the organisations in the NALI review have significant physical collections that require specialist environmentally controlled storage facilities. These facilities differ slightly depending on the kind of material being stored within them, and there are important considerations in relation to physical risk management and mitigation. For example, the National Library would ideally store the second copy of legal deposit books in a different location from the first copy, so that if something happens to one, the other is safe. Similarly, Ngā Taonga must consider geographical separation of multi-element formats, like master film material, where the negative film and positive film prints would ideally be stored in different locations.

Some of these locations need to be readily accessed by staff (working storage) and some contain material that is already digitally accessible and needs to be accessed rarely (deep storage).

In addition, both Archives New Zealand and Ngā Taonga have cellulose nitrate film which needs to be stored in strictly controlled conditions. Te Papa Tongarewa also has nitrate material. Currently, the majority of these collections are stored together in a facility that Ngā Taonga built at Titahi Bay.

Physical and Digital Access for the Public
All three organisations hold material that is of national (and international) significance. The public, rightly, expects ready access to these collections. With the advent of modern technology, these expectations are for instant 24/7 access, every day of the year.

The public doesn't really care which organisation is caring for the material – they simply want to find it quickly and easily when they look.

There is also significant value in proactively sharing the collections and raising awareness amongst New Zealanders about the collections and why they matter. This means public programming, lending and a range of other tools and techniques to reach New Zealanders, wherever they may be.

Digital Infrastructure
Managing large collections – particularly with a view to making them accessible – requires fit-for-purpose digital infrastructure. This is both in terms of hardware (server infrastructure and digital preservation equipment) and software (collection management systems, digital asset management systems and searchable online catalogue systems).
Ideally, these systems would be interoperable (if not the same) so that the public could find what it was looking for, regardless of which collection it was located in, and all three institutions would be able to discover the other collections so that combined approaches to public programming, description and preservation could be made as easy as possible.

Professional Training and Development
All three organisations employ staff with similar professional backgrounds and common values and dispositions.

Many of our staff move between organisations during their careers – they know each other well, and they belong to the same professional bodies.

Ideally, there would be a shared approach to professional development, including engagement with tertiary education providers to ensure that training programmes were aligned with professional requirements and standards that all employees were trained to the same shared standard, and that specialist training was available within New Zealand, rather than overseas (as is currently the case for conservators, for example).

At an informal level, there are significant benefits to sharing best practice, and ensuring that each organisation is able to draw upon the areas of speciality of the others, rather than training their own or competing directly for employees.

Collection Overlaps
There are some areas where the collections overlap directly. This isn’t a problem in and of itself, but can be an issue where that means two competing technical units are established to perform basically the same work.

Ideally these overlaps would be well understood, and the organisation with the greatest expertise and/or resources in a particular area would undertake that work on behalf of the others.

Regional Leadership and Support
There are significant opportunities for joined-up approaches to leadership, training and support for regional and community organisations, including local government, specialist institutions such as the New Zealand Air Force Museum at Wigram (which has a significant audiovisual collection), and even support for other national institutions across the Pacific.

... But there are also some important differences

On the face of it, these similarities are compelling and cover quite substantial and important facets of these organisations. However, there are some very important differences as well.

Chief Archivist Role
The regulatory role of the Chief Archivist is unique and constitutionally significant. Any change must ensure that this is protected and/or enhanced.

Legal Deposit
Legal Deposit for published material is a function of the National Library, at least for published music and writing (books, newspapers, websites). However, film and television (including publicly funded film and television) has no legal deposit requirements.

Difference Between Archives and Libraries
The ethos for collecting is slightly different, which leads to different approaches to description and cataloguing, and slightly different preferences around access – although these are not insurmountable.

Copyright and Creative Commons
Government collections are generally considered to be available under Creative Commons licensing wherever possible. However creative works covered by copyright need to be considered differently. This covers almost all of the collections Ngā Taonga cares for, and means that without revision of the Copyright Act 1994, making Ngā Taonga a Crown Entity will not mean more of its collections can be made freely available online.

**Collection Ownership**
There are significant differences in who owns the collections. For Ngā Taonga, almost all of the collections it cares for are owned by others, all of whom have rights in relation to use and reuse. For example, the TVNZ collection consists of physical items that are now owned by Manatū Taonga – Ministry for Culture & Heritage (MCH) on behalf of the Crown and the majority of the intellectual property (copyright) is owned by TVNZ. TVNZ expects to exploit this for revenue generation in a way that is currently not consistent with public good and not-for-profit reuse.

**Digital Demands**
It cannot be stressed enough that the digital load of audiovisual preservation exceeds that of paper material and sound material by a massive amount.

To illustrate:

- The entire amount of digitally preserved material from the Ngā Taonga Kōrero sound collection is able to be stored on one server (mirrored in two locations)
- The digital film and video work carried out to date by Ngā Taonga equates to 1.5 petabytes, and cannot be stored ‘online’. It has to be stored on LTO tapes offline or near-line (in a robotic tape library)
- We currently store approximately 300 terabytes of data in our online Storage Access Network, which has been one year’s worth of work
- To the best of our knowledge, the entire National Digital Heritage Archive (managed by the National Library) is about 250 terabytes after 10 years of digital preservation
- One afternoon’s digital film preservation work recently amounted to 7 terabytes of data. This is not an uncommon occurrence, and once the preserved file has been created, it needs to be duplicated so that it can be moved around, accessible, retrievable, and editable.

Approximately 75% of the collections Ngā Taonga cares for are audiovisual, rather than audio.

This means that joined up digital specifications – for storage and speed – would need to be driven by the needs of Ngā Taonga, rather than any of the other entities within this review.

**Specific Services Delivered**
There are a number of specific services that are unique to each organisation, for example Services to Schools in National Library and Broadcast Production Library services to TVNZ and RNZ at Ngā Taonga.

These may have leverage points for the other organisations, or they may not.

... and how does Te Papa fit?

Te Papa is an Autonomous Crown Entity established in 1998, after the merging of the National Museum and the National Art Gallery. More than 1.5 million people visit every year.

Its five main collection areas are Arts, History, Taonga Māori, Pacific Cultures and Natural History.

Te Papa shares all of the commonalities outlined above with the NALI organisations, particularly physical storage and digital infrastructure. If the purpose of the NALI review is – at least in part – to allow joined up strategic planning around long-term investment, then Te Papa really needs to be considered alongside any solutions proposed.
Ngā Taonga works closely with Te Papa on film preservation, storage of nitrate, public programming, and because both organisations are funded by MCH, there is a great deal of information sharing and engagement that happens more organically and opportunistically than is currently the case between Ngā Taonga and the DIA.

**Matters the NALI Ministerial Review Seeks to Resolve**

This section sets out the Board’s understanding of the matters that this Ministerial Review seeks to resolve, based on public statements, meetings with the Associate Minister for Arts, Culture and Heritage, meetings with the NALI officials group and the NALI Terms of Reference.

**Independence (Real and Perceived) of the Chief Archivist**

The role of the Chief Archivist is an important constitutional role, designed to provide a ‘check and balance’ on record-keeping practices within the executive branch of government.

This role must not only be independently able to perform these responsibilities free from direction and duress, but it must also be seen to be independent.

Public trust and confidence in the Chief Archivist is a vital pillar in the ability of the incumbent to perform his or her duties effectively.

The process of settling historic Treaty grievances is a prime example of why records matter. Officials and governments don’t always know in advance what records will be needed in the future, so public trust and confidence has to be high at all times. This means visibility, and the ability to ‘speak out’ if practices are lax or challenges arise.

**Collaboration and Joined-up Strategic Leadership Where it Makes Sense**

**User Centred Approach to Accessing Heritage and Constitutional Documents**

The public expects access to its heritage and constitutional documents to be easy, speedy and user-centred. Digital technology means that demand greatly exceeds current ability to supply, because the process of digital preservation is rather slow compared with, for example, downloading the latest episode of your favourite show on Netflix or uploading a home video to YouTube.

In addition, there are significant proportions of New Zealand society that have no idea that these three organisations exist, and who would be – frankly – intimidated to enter any of our head-office buildings in Wellington. These same people my not spend a lot (if any) time in their local public library. Yet the stories and resources within these three collections can teach us a lot about who we are, where we’ve come from, how we got here, the mistakes and successes along the way... and they can even point us towards the direction we might like to go next.

Accessibility for diverse communities currently poorly served by these organisations must become a priority, and is considerably easier when considered as a joint challenge, where engagement can be tailored to the needs of specific communities, rather than being driven by the ‘nature’ of the engaging organisation.

**Long-Term and Innovative Strategic Planning**
The long-term perspectives required for inter-generational care and preservation for Aotearoa New Zealand’s recorded heritage need to be recognised, prioritised and supported. Archives and libraries need to be able to plan for 30 to 50 year horizons, particularly in relation to physical storage needs for file formats, but also in relation to investment in technology infrastructure. Ngā Taonga raises this not because it is possible to predict what technology will be available in 50 years’ time, but because these institutions need to be tasked explicitly with trying to anticipate and plan for technological change over large time periods.

In addition, the NALI organisations all have a stewardship role on behalf of future New Zealanders that needs to be recognised. The taonga in their collective care are not only for us to look backwards at where we’ve come from, but for our mokopuna to be able to see where we are right now, and to enable them to understand the choices we faced as a nation... and the decisions we made as a consequence. This is a responsibility that is confounded by unconscious bias and needs to be deliberately and carefully considered and challenged on a regular basis.

**Strategic and Cohesive Approach to Investment – Best Value for Public Funding**

The cost of caring for New Zealand’s recorded heritage and constitutional documentation is not small, but the investment should be cohesive and holistic, wherever there is the possibility to do so, at least so that waste and duplication can be minimised, but also so that the strengths of each institution can be maximised.

There are some obvious areas where joined-up investment appears to make sense:

- Property and Physical Storage
- Digital Infrastructure and Preservation Equipment (including digital storage)
- User Experience and Access
- Professional Development and Leadership of the Profession/s
- Reduction of Duplication Between NALI Organisations (and Others).

It is highly likely there are other areas as well, but these are currently invisible to the parties, because of the lack of integrated planning and strategy.

**Appropriate and Sustainable Structural Solutions that Enable Success**

*Including whether or not Ngā Taonga should become a Crown Entity.)*

It is evident, particularly from the stakeholder roadshows recently carried out as part of the NALI process, that there is a desire for structural change amongst stakeholders. Whatever the final decision regarding structure is, one of the considerations needs to be how sustainable the decision is. Structural change – in and of itself – is expensive, both financially, and in terms of lost productivity during and immediately after the change. Such change seldom brings the level of synergistic ‘efficiency’ that officials anticipate, largely because matters of organisational culture are largely invisible during the process.

If change is to be made, it should be done with a view to creating a long-term sustainable solution that best serves the New Zealand public, rather than something that promises much, but delivers little benefit to the people who use the services.

Furthermore, it is not desirable that in 10 to 15 years, another Ministerial Group is again considering the structural form of these three organisations, each of whom (or better still, jointly) is trying to plan for 30 to 50 years from now.
Additionally, it is important that the selected organisational form/s is that which best supports the purpose of these three entities, rather than that which is preferred by any particular organisations, individuals or stakeholder groups, if it is to be sustainable, stable, and effective at delivering the anticipated lift in services to New Zealanders.

Ngā Taonga Perspective

In forming a ‘Ngā Taonga perspective’, we do acknowledge that we have a partial view of some of the intricacies affecting National Library, Archives New Zealand and/or the DIA. However, as a national collecting institution outside of the Crown, an approved repository under the Public Records Act, and an organisation striving to work in partnership with iwi and the New Zealand public, we bring a unique external perspective that may be relevant here.

Below we present our organisational perspective on each of the matters we believe the NALI review is intended to resolve.

Independence of the Chief Archivist

The role of Chief Archivist is a vital role in a healthy democracy. Not only must it be independent from direction or duress from the government of the day (and its departmental heads) but it must also be seen to be independent from such intervention.

The New Zealand public, and their elected public representatives over time, are entitled to have trust and confidence that the public records that enable transparent governance and fair review of decision making at a later date are free from ‘editing’ by those same representatives. It is no accident that when despotic or totalitarian regimes come into power that one of the first things they do is destroy the records that don’t agree with their desired narrative.

It is challenging for those outside the state sector, and not familiar with Machinery of government, to understand how a ‘tier three’ manager at DIA can be truly independent, irrespective of the actual truth of the matter.

We also observe that when resources are constrained, the Chief Archivist’s ability to effectively regulate the sector is severely curtailed, irrespective of the independence or intention of the incumbent. This financial curtailment is much less transparent (to the public) when it is buried within the financial decision-making of a large government department than it would be if Archives New Zealand was a stand-alone entity, irrespective of organisational form.

Collaboration is Vital

Lowering the Transaction Cost of Collaboration

One of the questions we have been asking ourselves (and the other institutions) is, given all this shared interest in areas of significant importance to our business, why aren’t we collaborating already?

The answer to this is that we are collaborating, occasionally, in small areas, like exhibitions that draw on two or more collections and film preservation with Archives NZ.

However, the reality is that collaboration carries a cost, both in terms of time, and to a lesser extent money. Any organisation that does not have enough resources to carry out its core business will struggle to make time to collaborate with like-minded institutions, irrespective of how logical it is to do so, except as a matter of necessity.

Necessity could be that one organisation has resources that another needs to achieve an objective, or it could be that a joint objective naturally draws on the expertise of more than one party.
Collaboration is as much about organisational culture as it is about any structural mandate, but having a structural mandate helps if there is already goodwill.

**Significant Investment in Infrastructure**

**Property**
There is no need for these organisations to own and manage their own standalone physical storage facilities.

While there are differences in terms of exactly what environmental conditions each format requires, and the best configuration of internal spaces, and there are differences in the future demand on physical storage space (e.g. Ngā Taonga has almost reached ‘peak-analogue’ whereas Archives New Zealand is forecasting a switch from predominantly paper records to digital records in 2045 (slowing from 2030).

Any concerns about security and access can be easily managed with modern technology.

This is not to suggest that ‘one facility for all’ is the answer though, as risks from natural disaster need to be mitigated, and geographical separation is one way to assist this.

**Information Communication Technology**
While different kinds of recorded heritage are digitally preserved in different ways, and archives are often described and accessed in slightly different ways to library collections, there are very broad areas of overlap. Technology now exists that enables convergence where it makes sense, and Application Programming Interfaces (API) can create bridges between those aspects that cannot be converged. APIs also mean that many ‘off-the-shelf’ technology systems in the archives/libraries/museums space no longer require as much customisation to meet institutional ‘quirks’.

Consequently, irrespective of institutional arrangements, a combined, long-term technology strategy makes good sense.

**Avoid Unnecessary Duplication of Investment**

- With Archives New Zealand (e.g the National Film Unit Collection) and National Library/Alexander Turnbull Library (e.g. music masters)

There are some areas of overlap between the NALI institutions that this review could usefully shine a light on; not necessarily in terms of who holds the collections, but in terms of who carries out the preservation work.

For example, the National Film Unit collection is cared for by Archives New Zealand, however Ngā Taonga has considerable expertise in the area of film preservation and conservation (particularly digital preservation) which would be highly complementary to the analogue preservation being undertaken by Archives NZ.

Enabling each institution to focus on its own areas of expertise and strength, rather than trying to build capability in areas that are not their core business would lead to more effective use of funding and resources, and reduce competition between these organisations for professional, skilled staff.

- With the Screen/Broadcasting sector (e.g. NZ On Screen, NZ Film Commission, Te Pūna Ataata/New Zealand Film Heritage Trust, Te Māngai Pāho (TMP), TVNZ, RNZ, Māori Television)
For Ngā Taonga there is another area of duplication that it strongly feels needs to be recognised and resolved.

For example, NZ On Air funds a charitable trust called the Digital Media Trust to run two websites – New Zealand On Screen and AudioCulture. These are both highly successful websites and have strong brands in their own right, which is excellent news for the New Zealand public. However Ngā Taonga is accountable for providing access to New Zealand’s audiovisual taonga, but is not currently funded to do so. AudioCulture has a great deal of interest and overlap with the Alexander Turnbull collections, and could readily supplement the work of the ATL.

While the legislation for both NZ On Air and NZ Film Commission include a requirement to ‘archive’ material funded by the public, neither entity is currently requiring compliance with the archiving provisions for projects that get funded, and consequently the likelihood of currently funded projects being available to New Zealanders in 30 to 50 years is slim at best, particularly in an era of digital production. Without long-term planning and regular quality control and migration, digital files become irretrievable within a comparatively short period of time.

RNZ is increasingly producing video content to supplement its radio journalism (e.g. Checkpoint). This is not currently anticipated in any archiving legislation and RNZ does not have the digital infrastructure for long-term archiving of this video content.

TVNZ has recently invested significant money to produce a digital production library (effectively a large scale digital file storage facility) that is incompatible with long term audiovisual preservation standards, meaning that programmes being broadcast now are not in an appropriate format to be archived.

By comparison, TMP-funded programme makers do not receive their final payment until a master copy has been deposited with Ngā Taonga.

Consequently, it is vital that any legislation to make Ngā Taonga a Crown entity needs to address these issues clearly, so that New Zealand’s audiovisual heritage isn’t lost, and to reduce confusion and duplication of costs.

The Public Should Expect a Single Access Point

The potential to create a single access point for New Zealand’s national recorded heritage collections is exciting and without precedent. New Zealanders want (and even expect) easy, fast and useful access to material they need. They don’t necessarily want to visit a cinema or go to a reading room. They want to view it online right now.

Access strategy needs to be user-centred and focus on lowering barriers for New Zealanders, no matter where they live, how educated they are or how much money they have. This includes prisoners in correctional facilities, home-schooling families in remote and rural New Zealand, older New Zealanders in retirement villages and young Māori in kura kaupapa Māori wanting to learn about New Zealand history in te reo. It includes creatives wanting to reuse and remake. It includes companies wanting to make informed business decisions, and it includes academics and researchers who may draw conclusions that we do not always appreciate right away.

It shouldn’t be up to the potential user to figure out which institution holds which collection, or to have to learn the intricacies of how things are described or catalogued by each organisation.

Support for Regional Archive and Library Institutions

There are significant opportunities (and in some cases, desperate need) for support for regional archives and libraries – they need access to expertise, training and sometimes leadership and direction from the centre. The example we are most aware of, institutionally, is the Air Force Museum at Wigram, which has a sizeable collection of audiovisual material that is not considered by Archives New Zealand to be Public Records. Wigram is behind the Defence firewall, and cannot embrace digital
preservation yet, but desperately wants support to carry out its analogue preservation to the best of its ability.

Furthermore, there is a highly problematic assumption that these central entities are the best placed to care for nationally significant taonga, irrespective of the wishes of those to whom they are most significant. This is particularly true for iwi, many of which are creating cultural centres with settlement funds. These ‘keeping places’ are usually part archives, part museum. In this context, leadership from the centre means asking iwi how we can help them care for their taonga exactly where they are, which could mean going to their rohe and providing training and internships to support people from within the iwi to learn the professional skills and expertise to perform that role. This would be an ongoing partnership, not a one-off arrangement.

Ngā Taonga has discovered through experience that this naturally creates the opportunity for creative apprenticeships and internships within the institutions as well.

**Strong Need for Centrally Mandated Standards and Guidance**

Technology is developing quickly, and there is a genuine need for centrally mandated standards for digital preservation (particularly in the audiovisual space, which is our area of expertise, but also cataloguing, use of Māori subject headings, and sustainable digital technologies and migration pathways).

There is a very real danger that in the absence of strong leadership and engagement from the national bodies soon, future generations will lament the absence of recorded heritage from the early decades of the 21st Century. Ngā Taonga uses the term ‘digital dark-ages’ to describe this very real and looming possibility. Digital files and their associated hardware are far more fragile than any of the analogue audiovisual formats of the past. They also lack the physical ‘presence’ that a reel of film, or even a cassette tape holds in terms of recognising that it had inherent value. The ubiquity of recording devices means that we make more ‘stuff’ and we value it less.

Leadership, education and technological solutions are required to resolve this issue. This includes the publication of preservation formats and digital storage guidance, and also moving the point of collection much closer (physically and temporally) to the point of production. For example, Ngā Taonga sees a potential solution in creating the necessary technological infrastructure for publicly funded broadcasters to archive at the point of broadcast.

**Structural Change**

**Ngā Taonga Decision Criteria**

Unlike the other NALI institutions, the NALI Terms of Reference explicitly include consideration of whether or not Ngā Taonga should become a Crown Entity. In considering its position on this matter, the Board has developed the following decision criteria to evaluate any proposals.

**Perceived Independence of the Chief Archivist**

While not strictly an issue for Ngā Taonga to consider, as an entity regulated by the Chief Archivist, we endorse the need for the Chief Archivist to not only be independent from direction in relation to the exercise of its regulatory function, but also its perceived independence.

Furthermore, Ngā Taonga has, at times, found it frustrating that Archives NZ has not had sufficient resources to support us in exercising our obligations as an approved repository (e.g. in relation to the TVNZ collection being available to the public or resolving whether or not the former TVNZ facilities at Avalon are adequate for long-term storage of public records). Consequently, we consider that any change to the role or structure of the Chief Archivist needs to be accompanied by sufficient funding to exercise its functions.
Legislative and/or Policy Mandate for Ngā Taonga

Ngā Taonga has a constitution that sets out a clear purpose for the organisation, and the Board is very clear about what its responsibilities are. However, this purpose, as New Zealand's national audiovisual archive, has never been endorsed by government, either in policy or legislation. This has meant that other institutions have been free to ignore us, or to claim that they cannot trust a charitable trust to carry out such important functions. For example, the New Zealand Film Commission pays to ‘archive’ (which in this context simply means stores) funded productions at Park Road Post Production, without any backup at Ngā Taonga, contract to the New Zealand Film Commission Act 1978 that requires it “to encourage and promote the proper maintenance of films in archives”. Professionally speaking, these digital files are not backed-up or geographically separated, which means they are not preserved.

On the basis of our past experience, we know that at some point, Park Road Post will decide that this line of business is no longer profitable and will arrive at Ngā Taonga with potentially hundreds of LTO Tapes (a digital preservation storage format) that they no longer want to care for. We will be left to carry the cost of migrating these files to current formats/generations, assuming that the files are even accessible. This has previously happened in analogue form when Park Road Post closed its film lab – in that instance it was multiple deliveries of film that took approximately two years for us to process into the collection.

Governance Parity

Different kinds of organisation have different mechanisms for undertaking long-term strategic planning. The boards of Crown entities and charitable trusts are normally responsible for strategy, supported by their chief executive. government departments are very different entities, where generally (with the exception of some long-term policy units) the responsible Minister or Ministers set the direction, and chief executives are responsible for providing free and frank advice to inform that direction and then implementing enthusiastically.

Both are perfectly adequate, but they don’t work well together.

Ngā Taonga has found it virtually impossible to engage with DIA in a strategic sense, not only because it is outside of the Crown (and therefore Budget-sensitive material cannot be shared with it) but also because there is no mechanism that allows a charitable Board of Trustees to undertake joint strategic planning with a government department, without becoming subservient to the responsible Minister/s.

Consequently, Ngā Taonga asserts that governance parity is an essential outcome of any structural change. The benefits of joint work in long-term planning and investment decisions will not be realised if the entities are significantly different in how they are governed.

Kaitiakitanga and Biculturalism

Ngā Taonga Sound & Vision has a bicultural constitution and includes partnership with iwi Māori as a consequence of Te Tiriti o Waitangi as a central facet of its kaupapa, even though it is not an instrument of the Crown. It requires that 50% of the Board of Trustees “represent Māori interests, through their own heritage and/or their connections with iwi and iwi interests” at all times.

The Board of Trustees has explored this in some detail and considers that this is one of the characteristics that has enabled Ngā Taonga (and its predecessor, the New Zealand Film Archive) to build strong and trusting relationships with iwi, to the extent that there are collections in its care that otherwise would not be.

Central to the practice of biculturalism is the recognition of kaitiakitanga, and acknowledging decision making rights to kaitiaki in terms of how particular material within the collection (generally referred to as Taonga Māori) are cared for and how they are accessed, presented or re-used.
Ngā Taonga considers that these practices are in advance of those within the Crown, in some instances, and that this special character needs to be preserved if Ngā Taonga becomes a Crown Entity.

In fact, the Board and management of the organisation would consider it a great honour to share this knowledge and these practices with the other NALI institutions, if the opportunity presents itself.

**Treatment of Private Deposit Arrangements**

Most of the collection material cared for by Ngā Taonga is deposited, with property ownership rights being retained by the depositor. This takes the form of a deposit agreement – a contract – between Ngā Taonga Sound & Vision (or one of its predecessors) and the depositor.

In some rare cases it has been very explicit that collections have been entrusted to our care because Ngā Taonga is not part of the Crown. There is some potential that these depositors may wish to withdraw their collections if the entity’s status is changed.

Ngā Taonga does have some preliminary views about how this risk can be managed, including the creation of a small independent foundation that could be the second party to the deposit agreement, and that would provide a voice for private depositors.

What is very clear, however, is that any solution cannot include the transfer of physical or intellectual ownership of non-Crown collections from private depositors to the Crown.

**Treatment of Film Archive Assets**

There are a small and active group of Ngā Taonga stakeholders who were financial supporters of the then New Zealand Film Archive through some of its leanest and most challenging periods. These individuals put their hands in their pockets and enabled the purchase of our Taranaki Street building, and the purpose-built collection storage vaults at Titahi Bay and Plimmerton.

Consequently, the Board believes that these assets (including the proceeds from the recent sale of 84 Taranaki Street) should be kept separate from those assets that would transfer to the Crown if Ngā Taonga becomes a Crown Entity.

This, when considered with the point above about collection ownership, could provide the means for private depositors (who are almost exclusively Film Archive depositors) to have a body for advocacy and archival prioritisation within an organisation that is now largely dominated by Crown collections (tVNZ and RNZ).

This would also mean managing stakeholder relationships through any transition to becoming a Crown Entity would be substantially smoother.

**Sustainability of Funding**

Under any scenario, it is clear that Ngā Taonga needs substantial additional funding to remain viable. This funding falls mostly under the following headings:

- Acceptable throughput – no new backlogs
- Property challenges (possibly resolved through inclusion in Preserving the Nation’s Memory business case if funded)
• Digital infrastructure and access
• Project-based funding for specific backlogs (e.g. urgent Betacam tape preservation)
• Compliance if the solution involves Ngā Taonga becoming a Crown Entity (includes such things as a records management system to enable compliance with the Official Information Act, salary pressures from being part of the state sector salary market and some general price increases associated with no longer being a charitable organisation).

If Ngā Taonga is not sufficiently funded, irrespective of its organisational form, it will need to return Crown collections to Archives NZ, and potentially return former Film Archive collections to depositors or offer them to other institutions.

Evaluation of Structural Options

Status Quo

The status quo is no longer a viable option for Ngā Taonga, without a significant injection of funding – both capital (for property and digital infrastructure, along with some major archival projects, like digital preservation of the TVNZ Betacam tape collection) and operating costs. While almost all archives have substantial backlogs of work (including many of our sister organisations around the world), current backlogs are growing faster than the organisation is able to process them. In effect, the organisation is going backwards in terms of its archival activity, in spite of best efforts. At the same time, the collection has grown significantly, while the funding available per item has decreased from $15 to $8.70 over the past eight years.

The Board feels strongly that the extent of the original vision of those who created and supported the organisation as a Charitable Trust has been pushed to the maximum extent of its viability. Our efforts to fundraise have been met with anecdotal evidence that our stakeholders believe that the services we provide should be government funded, and that donating to our work only serves to exacerbate or reward the existing arrangements.

Opportunities for long-term strategic planning with other like-minded entities within the state sector, including NLNZ and ANZ, are challenging, because we are not able to be party to Budget sensitive information and because there is no strategic planning body for the Board to engage with as an equal party.

As a small charitable trust outside of the Crown, our key sectoral colleagues, including NZ On Air and the NZ Film Commission are able to selectively choose what matters they engage with us on, and they do not see us as equal partners due to the lack of policy or legislative mandate for the work Ngā Taonga does.

Consequently, the Board evaluates the Status Quo as follows:

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One Government Department
The Board is not aware of any options contemplating the creation of three new government departments, so this option explores the evaluation criteria against the creation of one government department containing all three of the NALI institutions.

Moving the position of Chief Archivist from one department to another department, even if it has a more coherent recorded heritage purpose, simply elevates the position from tier three to tier two. This may help slightly, but does not significantly alter the status quo.

One department could have a clear purpose, and would provide Ngā Taonga with a policy mandate (and potentially with a legislative one as well). Likewise, this option does resolve the governance parity challenge.

Government departments do not have a Board of Trustees (or similar) and are the Crown – therefore the perception of genuine partnership in the leadership and decision making of the institution that cares for their taonga is likely to be considered a step in the wrong direction by some of our current depositors. Furthermore, while the Crown is obviously a party to te Tiriti o Waitangi, and is therefore a Treaty partner, there have been examples in the past where this has not extended to involving iwi in decision making about their own matters. Consequently, Ngā Taonga considers that moving all the way from charitable trust to government department is likely a challenging journey for it to take its stakeholders on.

Treatment of private deposits can be resolved by establishment of an independent foundation for managing relationships with depositors that do not wish to enter into an arrangement with the Crown.

Treatment of Film Archive assets seems more problematic, but may be resolvable. Ngā Taonga has not sought specific advice on this matter.

While becoming part of a larger department with Archives NZ and the National Library would likely result in additional funding, the Board has concerns that, in the same way the two NALI entities have struggled to compete for resources alongside other functions within DIA, there is a risk that the same thing could happen to Ngā Taonga, which is arguably the smallest, and the organisation where reprioritisation of resources can occur with evidence not becoming apparent until several years down the track.

Furthermore, government departments are directly controlled by the responsible Minister, and funding can be reallocated with relatively little difficulty, whereas other institutional forms are slightly more difficult to de-prioritise without Cabinet decisions.

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Three Crown Entities

This option would include three Crown Entities – with Ngā Taonga and the National Library being ACEs and Archives New Zealand being an ICE. It would be possible to create legislation for these entities that included requirements for them to work together on long-term planning, strategy and investment decisions where it made sense to do so.
The ICE model delivers greater independence for the Chief Archivist role, including that it could be a member-level role, and appointments would be made by the Governor-General on recommendation by the responsible Minister.

The establishing legislation for Ngā Taonga as a Crown Entity would include clear purposes for the entity, and therefore meet the Board’s criteria for a clear mandate for the organisation.

Three Crown Entities would meet the governance parity criteria, because all three entities would have a governance board with the explicit purpose of setting the strategic direction and making long-term investment decisions or preparing joint business cases for investment by government.

Legislative drafting can take care of the Ngā Taonga Board’s concerns about bicultural membership and an independent foundation can manage the relationships with the small number of private depositors who might be reluctant to entrust their collections with a Crown agency. This same foundation could be entrusted with the former Film Archive assets to support these depositors and provide them with advocacy and voice.

Becoming a Crown Entity would likely resolve sustainable funding, at least for the immediate term, and joined-up business cases from the combined entities could carry more weight and credibility in Cabinet decision-making processes. In addition, the TVNZ Archive facilities at Avalon could be transferred onto the new Crown Entity's balance sheet, absolving DIA from providing property management services for a building that it does not use.

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**Chief Archivist as Officer of Parliament**

The Ngā Taonga Board does not consider that the Chief Archivist needs to be an Officer of Parliament. There are a very small number of Parliamentary Officers, including the Ombudsman, to whom the Chief Archivist has recourse if he or she considers that there is undue influence being exerted over decision-making or regulatory functions.

The members of an Independent Crown entity are appointed by the Governor-General on the recommendation of the responsible Minister. This is the same process as for the Privacy Commissioner and the Human Rights Commissioner, and appears to offer not only actual independence, but also the perceived independence necessary for public trust and confidence.

**Hybrid Models**

Obviously, there are also a range of hybrid options, such as Archives NZ and the National Library forming a government department and Ngā Taonga remaining a charitable trust.

All of these models fail to meet the governance parity criteria, and therefore are not individually evaluated because they would not deliver the kind of joined-up strategic planning and investment cohesion that appear to be among the objectives of the NALI review.
Ngā Taonga Preferred Option

After careful deliberation, the Board is of the unanimous opinion that the best option, not only for Ngā Taonga, but for the recorded heritage ecosystem more broadly, is for the creation of three Crown entities, with Archives New Zealand as an Independent Crown Entity, and the National Library of New Zealand and Ngā Taonga Sound & Vision as Autonomous Crown Entities.

This meets or partially meets all of the criteria that the Board used to evaluate the potential options, and also addresses the problems that the NALI Ministerial Group set out to solve: it delivers a strong independent Chief Archivist role, at arm's length from political or official interference, it delivers three strong organisations, each with their own brand and special character, and it also has the flexibility to legislate in a way that reinforces Minister’s expectations of the entities to collaborate, share best practice, and make joined-up investment decisions that are in the best interests of the recorded heritage sector as a whole.

Furthermore, the Board considers that, if at all possible, the three Crown entities should be monitored by the same Department or Ministry as Te Papa, allowing further synergies to be explored and exploited.

Shared corporate services are seldom the efficiency-driving, money-saving solutions that officials expect them to be, but there are a couple of very unique things that affect these three (four) organisations where the opportunity to create a ‘centre of excellence’ exists:

- Collection storage property, and
- Archival digital preservation ICT

These two functions are completely unique at the centre of government (although Land Information New Zealand does digital preservation of still images), and could create a world-leading approach that ultimately would be of benefit not only to New Zealanders, but potentially to neighbouring countries in the Pacific. These functions don't need to be housed in one particular agency but can be a feature of closer/more joined-up governance, particularly if the agencies are closely co-located.

As an aside, the Board feels that this solution would be the easiest to explain to its stakeholders in relation to the benefits of Ngā Taonga becoming a Crown entity. The other scenarios create compromises that don't greatly outweigh the status quo.

Next Steps

Consultation on Proposed Option

Once Ministers have agreed a preferred option for potential structural change as it relates to Ngā Taonga, the Board will need to consult on the specific option with its stakeholders.

Whatever the option is that Ministers select, it is very important to note that how it is implemented matters a great deal. No matter the structural arrangements, collaboration depends on trust. If any of the ‘entities’ feel they have compromised too much, or are being taken for granted, collaboration will remain challenging, even if it is explicitly expected and prioritised.

External Stakeholders

Ngā Taonga has a sizeable group of private depositors who feel strongly about the organisation and have ownership in its current structure and form. This can be managed with a carefully crafted consultation process, along with some additional options being available, like entering into a deposit arrangement with an independent Trust rather than the Crown.
Furthermore, there are a smaller group of former Convocation and Board members, who were often also donors, who were heavily involved with the former Film Archive during its formative years. Their care and attention to the organisation in those times is part of the reason the organisation still exists. Their support will be important for smooth transition.

**Internal – Employees**

The employees of Ngā Taonga are currently not state servants, and while there might not be structural change as a consequence of Ngā Taonga becoming a Crown entity, there will be cultural change: becoming state servants means ensuring they understand and comply with the state sector Code of Conduct, political neutrality, and guidelines for state servants during an election period, for example. None of these are particularly challenging, and many of these have been observed in practice for the past three years regardless, but managing the transition sensitively will be important to ensuring productivity and engagement remain high.

**Detailed Planning and Costings on Proposed Option**

In the financial sustainability section, it was indicated that there were some costs that would be incurred in becoming a Crown Entity.

Some of these costs are direct, like ensuring the organisation has a records management system that is compliant with the Public Records Act and that enables ease of responding to Official Information Act requests. Board costs would increase, and there would also be some wage pressures. Ngā Taonga Sound & Vision’s current remuneration system is based on market based salary data, comparing with the 75th percentile of the not-for-profit sector. Becoming a Crown entity would mean the comparable market would be the public sector, which is significantly higher than the not-for-profit sector. Anecdotal evidence (DIA has been asked for actual data, but has not supplied it at the time of writing) is that Archivists at Archives New Zealand earn approximately $10,000 to $15,000 more than comparable roles at Ngā Taonga. We employ approximately 40 people in these roles, and we will need substantially more archivists if we are going to address the ‘archival throughput’ challenges noted earlier.

Another example of likely cost increases is that vendors frequently offer Ngā Taonga discounted rates as a consequence of it being a charitable trust. For example, it received $10,000 worth of pro-bono legal advice to support the Board’s deliberations about becoming a Crown entity. The organisation receives discounted goods and services on a regular basis, and also currently does not need to comply with state sector guidelines around procurement, accommodation and so forth.

On their own, none of these issues are major, but they do add up, so it will be important to qualify and quantify these during the planning phase.

Furthermore, to answer the cost of addressing backlogs, and articulating what an appropriate level of ‘sustainable throughput’, Ngā Taonga will need to carry out some detailed business analysis and financial modelling. Approximately 2,000 new items come into the collection each year (when large institutional deposits like TVNZ, RNZ and Māori Television are excluded). In order to fully process and preserve all 2,000 items and make some progress on non-urgent backlogs, what is the number of employees in each role to deliver, for example, end-to-end digital preservation of 2,200 items. It will be possible to make choices about this, within some parameters.

**Review of Constitution and Involvement with Legislative Drafting**

The Board will take the opportunity to review its Constitution in light of Ministers’ decisions, in order to make any transition process as seamless as possible. This could include the establishment of an independent Trust if necessary.

Furthermore, the Board would like to be involved in the drafting process, as this will assist with the stakeholder communications and help avoid and unexpected delays or obstacles.