



Thursday, 11 May 2023

Te Pouhuaki National Librarian
Rachel Esson

NATIONAL LIBRARY OF NEW ZEALAND DRAFT REMOVAL AND DISPOSAL POLICY FEEDBACK

Tēnā koe Rachel,

Thank you for sharing the updated *National Library Draft Removal and Disposal Policy*. We welcome this opportunity to comment on the updated policy. We believe that the adoption of the policy will contribute to a better shared understanding between the National Library and the publishers, authors, and rightsholders our organisations represent.

Below we have provided feedback, which responds to the questions raised in your survey, and also addresses some additional points we have identified.

Circumstances for Removal

We are comfortable with the proposed scenarios for removal of items from the National Library collections.

Removal and Disposal Principles

With respect to page five point two and point seven, we welcome the acknowledgement of the role of New Zealand law and **recommend** that the removal and disposal of collection items must be consistent with a mutually agreed understanding of New Zealand copyright legislation. We also note that international law plays a significant role in copyright. We therefore **recommend** that point two and point seven should be extended to include adherence to relevant international copyright laws and treaties, including but not limited to the Berne Convention for the Protection of Literary and Artistic Works and Trade-Related Aspects of Intellectual Property Rights.¹

Process Principles

With respect to page six point twelve, we believe that the policy's commitment to transparency in decision making will be welcomed by the creative industries we represent. However, we **recommend** that the policy elucidate in detail on the procedural precautions that will be taken to ensure transparency is achieved.

With respect to point fourteen, we **recommend** that the policy provides greater detail on the process for identifying relevant groups and individuals to ensure that decisions align with the policy, and that the policy should contain a commitment to inclusive treatment of authors and publishers.

¹ Details on New Zealand's international copyright treaty obligations are available here: <https://www.mbie.govt.nz/business-and-employment/business/intellectual-property/copyright/copyright-protection-overseas/>

Other Feedback

We have valued the opportunities given to us to engage with the National Library over the development of this policy and related matters. In our engagement we have discussed the highly influential position of the National Library in the book publishing ecosystem.

It follows that we **recommend** that the policy acknowledges local creative rights holders and the wider creative industries. We **recommend** that this acknowledgement includes recognition of the rights provided to creators under domestic and international copyright, moral and human rights laws which protect both their reputation and the integrity of their work.

Commentary

Our **recommendations** have sought to identify risks and propose solutions to the problems that we anticipate. We do not believe that the points we have made are fatal to the objectives of the policy. They are based on our experience as agencies representing key sections of the creative industries, and through our routine engagement with overseas bodies operating in similar capacities overseas.

The objectives of the policy are clear and, except for the points identified here, are fully supported by our organisations. We believe that the adoption of a refined version of the policy will contribute to the strength and success of the creative industries we represent.

Ngā mihi nui,



Graeme Cosslett

President, Publishers Association of New Zealand



Jenny Nagle

Chief Executive, New Zealand Society of Authors



Sam Irvine

Chief Executive, Copyright Licensing New Zealand

[Ends]