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Questions for written answer

7326 (2015). Hon David Parker to the Minister of Internal Affairs (10 Jun 2015): If the National Library has restricted access or censored it's collection, what legislative basis does it have for those actions?

Hon Peter Dunne (Minister of Internal Affairs) replied: There are multiple reasons that may require the National Library of New Zealand to restrict access to its collection material. These include protection of original items for preservation purposes; protection of cultural rights or an item's status as taonga; recognition of conditions placed on access by creators, donors or former owners of an item; recognition of restrictions placed by the publisher on an item's access or use by members of the public; and protection of privacy. Censorship is a function of the Office of Film and Literature Classification. In regard to access, the National Library adheres to classifications of material in its collections which may require restriction or may be objectionable as determined by the Office. Access may also be restricted where there is a dispute about ownership or copyright, or where there are legal proceedings underway or court decisions that relate to collection material held by the National Library. The relevant legislation includes: • The National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 • The Privacy Act 1993 • The Films, Videos, and Publications Classification Act 1993. • The Copyright Act 1994 The National Library also adheres to any and all other legal obligations it has under New Zealand law.

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7327 (2015). Hon David Parker to the Minister of Internal Affairs (10 Jun 2015): Has the National Library removed from its collection any material that it earlier held in respect of Cathy Odgers or Cactus Kate, if so what?

Hon Peter Dunne (Minister of Internal Affairs) replied: No.

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Questions for written answer

7328 (2015). Hon David Parker to the Minister of Internal Affairs (10 Jun 2015): Has the National Library placed any restriction on access to the blogs, emails, or other material it holds or held relating to Cathy Odgers or Cactus Kate, and if so what are those restrictions?

Hon Peter Dunne (Minister of Internal Affairs) replied: As advised in my reply to Question 07325 (2015), the National Library has followed its standard practice of restricting access to the material held while its status is being determined. The material is not currently accessible online or in the National Library reading rooms, and is not searchable in the National Library's catalogue.

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7408 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Is he aware of any attempts to censor or restrict access to any materials held by the National Library in respect of Cathy Odgers or Cactus Kate, if so, what was the response of the National Library to any such attempt?

Hon Peter Dunne (Minister of Internal Affairs) replied: I am not aware of any attempts to censor or restrict access beyond the standard practice described in my reply to Question 07325 (2015).

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7409 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Is he aware that internet links to Cactus Kate blog posts on the National Library website are now no longer working, if so why have these posts been removed?

Hon Peter Dunne (Minister of Internal Affairs) replied: Yes. I refer the member to my replies to Question 07325 (2015) and 07328 (2015).

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7417 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Has he been advised by the National Library why the following message is being displayed in response to attempts to access Cactus Kate blog posts in material held by the National Library; "Access is not permitted. Permission is required to access this item within the Alexander Turnbull Library's Katherine Mansfield Reading Room. Please contact a librarian"?

Hon Peter Dunne (Minister of Internal Affairs) replied: I refer the member to my replies to Question 07325 (2015) and 07328 (2015).

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7419 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Has the National Library received any complaints asserting that the National Library is not permitted to collect or allow unrestricted access to materials relating to Cathy Odgers or Cactus Kate, and if so what sections in the relevant legislation is the complainant alleging apply?

Hon Peter Dunne (Minister of Internal Affairs) replied: I refer the member to my reply to Question 07325 (2015). While the request is not focusing on the specific sections of any Act, the analysis and investigation that is being done in relation to this request requires the National Library to consider its interpretation of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 (primarily sections 9, 29, 31 and 34 of that Act), and the National Library Requirements (Electronic Documents) Notice 2006.

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7421 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Does the National Library believe there is a difference between traditional media like newspapers and digital media including blog posts?

Hon Peter Dunne (Minister of Internal Affairs) replied: Yes, the National Library understands that there is a wide range of differences between the treatment of traditional and digital media in regards to legal deposit. These differences have been recognised in the relevant legislation. Section 29 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 (definitions in relation to legal deposit), provides separate definitions for public documents, electronic documents and Internet documents. Even though the Act defines all Internet documents as electronic documents, and all electronic documents as public documents, separate definitions are necessary because different law applies to the collection, storage, use and distribution of material collected in different formats. Many of these distinctions are reflected in the National Library Requirement (Books and Periodicals) Notice 2004, and the National Library Requirement (Electronic Documents) Notice 2006, which give different powers to the National Library and place different obligations on publishers to deposit their publications, depending on the format of the material. One of the key differences is that the National Library Requirement (Electronic Documents) Notice 2006 authorises the National Librarian to copy any Internet document. There is no equivalent authority for print-based books and periodicals.

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7428 (2015). Hon David Parker to the Minister of Internal Affairs (12 Jun 2015): Is the National Library restricting access or censoring its collection, is so why is this?

Hon Peter Dunne (Minister of Internal Affairs) replied: I refer the member to my reply to Question 07326 (2015).

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7325 (2015). Hon David Parker to the Minister of Internal Affairs (10 Jun 2015): Has the National Library received any complaint or representation from, or on behalf of Cathy Odgers, in respect of material collected or held by the National Library concerning Cathy Odgers or Cactus Kate including blogs, emails, websites, or other materials?

Hon Peter Dunne (Minister of Internal Affairs) replied: Yes. The National Library of New Zealand has received a request from Cathy Odgers to remove its archived copies of her blog that were made between 2008 and 2012 on the basis that her permission was not obtained beforehand. The National Library relied on the relevant provisions of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 and the National Library Requirements (Electronic Documents) Notice 2006 to make copies of the blog material from the Internet, and make that material available to researchers both offline and online. The National Library is currently reviewing the request and has followed its standard practice of restricting access to the material while its status is being determined.

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