National Archives of Australia

'Functional and Efficiency' Tune Review

Australian Historical Association Submission.

The Australian Historical Association (AHA) is the peak national body of historians which includes academic, professional and other historians working in all fields of history. The AHA currently has over 900 members ranging from established scholars, to mid-career, early career historians, and to students. The AHA hosts an annual conference and runs the journal *History Australia* which is published four times a year.

The function and efficiency of the National Archives of Australia (NAA) is pertinent to the AHA. The availability and accessibility of archives is fundamental to the work of historians. The examination of primary archival sources constitutes the basis on which historical argument and discussion is formed. The discipline of history itself is shaped by the analytical and interpretative skills that are brought to archival research.

This review is then most welcome and we respond to three of the key areas.

- **the enduring role of the National Archives in the protection, preservation and use of Commonwealth information**

It is vital and essential that consistent, sufficient and continuing funding is provided for the role of the National Archives to be maintained. In particular, the NAA urgently requires more investment in human resources to be able to fulfil its legal obligations. It currently appears to be under-resourced in the personnel area as the wait time for open period files to be cleared has resulted in untenable delays in the delivery of material to researchers.

- **how the National Archives might best perform this role**

Without any doubt, the major issue from the perspective of the AHA is the delay in making files available to researchers. This has now reached crisis point where researchers have often waited for years for clearance of records. Clearly this is an unacceptable timeframe. Conducting research under such conditions is impossible. Evidence suggests researchers' work is adversely affected by the delays, compromising studies, careers and futures. This is particularly acute for Honours, PhD and Early Career Researchers who do not have the luxury of waiting for long periods for records to be released. In his article in *Inside Story* (2nd February 2018) on the delays, Tim Sherratt gives the example of a researcher who had requested the 1967 file 'Hong Kong – Communist Activities Within the Colony' who could have completed two PhDs in the time it took for the file to be processed. Researchers report waits of 2-4 years, by which time books and articles have already been published. There are also major problems for researchers who find themselves unable to acquit grants from bodies such as the Australian Research Council.

The practice of routinely returning documents to the original agency for approval means that documents languish on departmental desks, sometimes for years. This practice must end and a more efficient approval process needs to be adopted which does not, except in the minority of highly sensitive cases, require approval from the government agency which created the file.

Benchmarking internationally shows that the National Archives of Australia is slow and the processes used cumbersome in comparison with US and other national archives. This has resulted in post-graduate students choosing an American or other research topic as they can guarantee access to records and complete their theses and research in a timely manner. Unless this process is revised immediately, the delay in making available archives will have a serious, detrimental and long term impact on research undertaken on Australian topics.

The dramatic increase in the cost of digitising files is also limiting the availability of material for many researchers especially PhD and ECR scholars who have limited access to funds.

- **what powers, functions, resources, and legislative and governance frameworks the National Archives needs to effectively and efficiently undertake this role in the digital age.**

Academic historians who rely on the availability of archives to conduct research which opens new avenues of historical inquiry are currently not represented on the Advisory Council. This body does not include a single university-based specialist historian. This needs to be corrected if the National Archives are to be relevant in the digital age and to the community who uses the Archives. Moving into the future, representation from leading historians on the Council who are regular users of the archives will provide direction and insight into how the Archives can best serve the research community.

Further, it is not only the research community that is affected by issues of Archives management. It is crucial to note that academics who are involved in heritage impact assessments are no longer able to include NAA records because of delays, which has also affected Native Title and land claim work. This is a major issue and one that needs to be urgently addressed.

These restrictions raise questions about the strength of our democracy. A process which restricts or even refuses access to government documents without adequate justification does not reflect an open and free democratic process. We note Professor Anne Twomey's excellent discussion on these matters published in the *Australian* (8th May 2019). Professor Twomey writes that some files containing legal opinions have not been released because they are 'contrary to public interest' and the 'the potential for damage to the Commonwealth's position in litigation or other forums'. These given reasons she dismisses as 'nonsense' as the Commonwealth could not be bound by litigation advice given 50 years ago. Files that are 'Withdrawn Permanently' for no reason require explanation and justification. Transparency on this issue is urgently needed.

Recommendations for future directions

Files referred to agencies for approval

First, the Archives should produce a public policy document explaining how decisions are made to open or close certain files. The Archives Act (http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/aa198398/s35.html) at section 35 says the Archives can determine the exemption status. Transparency here would be valuable. It is worth noting too that

the Archives has produced a public policy document concerning exemptions 33(1)(g) and 33(1)(j) that relate to privacy and business affairs (http://www.naa.gov.au/about-us/organisation/accountability/foi/aep/index.aspx). A similar policy that spelt out how the national security exemptions are interpreted and applied would illuminate decision making and help users to understand why files are referred to agencies for advice.

Second, there is the issue of how the agencies manage the requests from the Archives. Agencies have no specific obligations to respond within a particular timeframe. This part of the Act needs to be examined. One solution could be a time limit for responses — if the Archives has not heard from the Agency within three months then it is assumed the Agency has no objection to the file being released.

Third, the Archives is dependent upon the collaboration of Agencies in order to do its business so it can be difficult for the Archives to push back against recalcitrant agencies. One solution may be to establish an advisory council independent from the Archives which has the job of managing the task of assessing which records should be made available to researchers. The UK example is worth citing here where the Advisory Council on National Records and Archives is independent of the National Archives and 'represents the public interest in deciding what records should be open or closed' (http://www.nationalarchives.gov.uk/about/our-role/advisory-council/). It is telling that 'The Advisory Council regularly challenges government departments to provide evidence to justify requests for permission to retain documents or for them to remain closed'. This model is well worth considering.

Digitisation Policies and Costs
Digitisation of files can be initiated either by the Archives or by users. There are two points the AHA would make here. First, we would welcome the production of publicly available guidelines concerning the way the Archives assesses priorities for conducting the digitisation itself and at its own cost.

Second, the fees to researchers for digitisation of files should be lowered. When the Archives implemented the 'digitisation on demand' scheme, with the idea that users would pay for digitisation but then the file would be publicly available to all, was innovative. But the huge increase in digitisation fees has essentially killed digitisation on demand. It is now often cheaper to travel to the Archives and photograph files, with the result that the broader public benefit of digitisation is lost and researchers maintain their own private collections. It would therefore benefit both the individual researchers and the Archives digitisation programme for fees to researchers to be lowered.