

Submission by Mark Zanker, Private Citizen to the Function and Efficiency Review of the National Archives of Australia.

I have been a user of the National Archives of Australia (NAA) for a number of years, mainly for researching for private purposes historical matters of interest to me. As an assistant secretary in the Attorney-General's Department (AGD), I often dealt with cases where the NAA had referred files to AGD for advice as to whether the files could be opened for access.

2. I have read all the submissions made to date available on the NAA website and I wish to associate myself with those made by Dr Anne Twomey, the Australian Historical Association and the Northern Territory Stolen Generations Aboriginal Corporation.

3. I consider the appropriations to the NAA are insufficient, as indeed they are to most cultural organisations under Commonwealth control, with the exception of the Australian War Memorial, (AWM) which has received a disproportionately large share of the funds. Perhaps the task of digitising and releasing war service records should be transferred to the AWM as the NAA's resources could be better utilised in preserving other historical material of interest to the broader society. War service records are, of their very nature, much more likely to be of interest only to the relatives or associates of former service personnel than to the public at large.

4. The following passage appears in Dr Twomey's submission:  
"I can only assume that the decisions to deny access are made by junior officers who apply rules literally without any understanding of their purpose or any flexibility to make a rational decision, as this is how the system appears to work in practice. For example, some years ago I was denied access to a document because it would damage Australia's security and threaten its sovereignty. As I couldn't imagine what document would be capable of doing this, I initiated an internal appeal to see what would happen. On this rare occasion, I was granted access. The document simply mentioned that someone thought the claim of another country to part of Antarctica was dubious. It had nothing to do with Australia's security or sovereignty or even Australia's territory in Antarctica, yet someone had mechanically denied access to the entirety of the document simply because the word sovereignty was mentioned. This is indicative of how the whole system operates, or more accurately, fails to operate."

5. In my experience at AGD, it was usual for NAA requests for advice about whether files could be released to be passed to quite junior and inexperienced officers for consideration. NAA always specified a date by which they would like to receive the advice, but I dare say that didn't occur in many cases, as I expect such requests would usually be given a low priority by the Department receiving them. Dr Twomey infers that to be the case, and I think she draws the correct inference.

6. My practice in contrast was to deal with NAA requests immediately upon receiving the file in my office, because I did not expect less experienced staff would be able to make decisions about them rapidly. I remember in particular receiving a raft of Department of External Affairs files classified as either secret or top secret that dated from the 1946 to 1949 period and which dealt with the transfer of the Territory of Heard Island and the McDonald Islands to the Commonwealth at a time when there was some expectation that the United States might lay claim to those islands in the wake of their Operation Highjump, carried out by the US Navy in the immediate post WW2 period.

7. Obviously, these files were of considerable sensitivity at the time they were created but by the early 2000s when they came across my desk any sensitivity had long since gone as all the matters they dealt with were matters of public record, if not notoriety because of such things as histories written by Dr Philip Law, former director of Australian National Antarctic Research Expeditions, and Tim Bowden's various accounts of Australian activity in Antarctica that dated from at least the early 1980s if not before. My own view is that the NAA itself could have made a decision to release these files without consulting other agencies, and that perhaps the position ought to be that the NAA does not need to consult other agencies where the Director has certified that such consultation is unnecessary. I have not given sufficient thought to how the problem mentioned by Dr Twomey might be overcome, but it is clearly a problem for researchers and

others interested in materials held by the NAA. There may be a case for automatic declassification of materials, once they are sentenced to archives. Many national security classified documents refer to matters that become public knowledge as soon as they have occurred, and I think the case for them retaining classification after that is underwhelming.

8. Another aspect of the clearance procedure - at least at the time I was dealing with these matters - was that the paper files were bundled up and sent to agencies for consideration, after which they were returned to NAA. Obviously this made the clearance procedure quite slow, especially if it was the case that a number of agencies had to consider the suitability of the files for release. A preferable approach today would be for the files to be digitised first, and for agencies to be provided with an electronic link to them. This would also avoid the possibility of damage occurring to the paper files, which could easily occur if they are very old or fragile.

9. I am severely mobility impaired, so I rely on record search to find materials that I am interested in to decide whether to access particular files. As I understand the process, if the file is marked "not yet examined" then the process of seeking agency clearance for release of the documents is activated. When this process is completed, NAA advises you by email that the document is now accessible. Once I am advised of this, I have to decide whether to pay for the file to be digitised. I have experienced difficulties with this process - it operates like a sort of a lottery where the tickets mostly cost the same price but the result can be very disappointing. Two examples I can think of were when I was interested in researching the removal of wartime shipwrecks from Darwin Harbour. I had Department of Immigration files relating to this digitised and those files contained a wealth of information about post war sensitivities about Japanese commercial operations in Australia, the white Australia policy, industrial relations in the Northern Territory and the like. I next requested access to a file made by the Royal Australian Navy (RAN) relating to this issue. I had not the faintest idea what this file contained, but it turned out to be newspaper clippings that had deteriorated to the extent that they were mostly unreadable, and digitising the file cost me \$85 - a complete waste of money as it turned out. I would have appreciated it if a NAA officer could have called me on the telephone and advised me that the file had substantially deteriorated, contained mostly illegible and decayed material and would be a waste of my money to digitise - as well as a waste of their time to do it. It seems little common sense is applied to some of these matters.

10. Another example related to my request to digitise files relating to the acquisition, operation and maintenance of Budd Railcars imported by Commonwealth Railways from the Budd Corporation of Pennsylvania in 1949, and operated by them and their successor organisation into the 1990s. One of the files consisted of one folio only, but cost \$85 to digitise. I think it would be a relatively simple matter for the NAA to telephone me and indicate that the file consists of only one folio and would not be worth my money or their time digitising, however that did not happen of course.

11. Let me say that the NAA has some excellent services by comparison with the Records Office in NSW, for example. I find the staff very dedicated and helpful by and large and I admit that I probably would have been best off inquiring from NAA myself as to whether the files that I referred to above were worth my while getting digitised, rather than hoping they would contact me on this - my error perhaps.

12. The FER might consider the following:

- (a) responsibility for maintenance and management of war service records to the AWM, with no associated transfer of resources;
- (b) where paper records have deteriorated to the extent that they are illegible, they should simply be destroyed;
- (c) if it has not already occurred, files should be digitised before the clearance process commences so that the process of clearance and release can be speeded up and also to avoid the possibility of damage to the paper files;
- (d) NAA should concentrate resources on preserving records of historical importance to the whole Australian community, rather than matters of interest to particular individuals;
- (e) give researchers the opportunity to decide whether to pay for digitisation of files by advising them of the state of the paper file, as mentioned in subparagraph (b) and also paragraph 10 above.

13. I would be happy to elaborate on any of these matters with the FER should they wish to contact me - I would prefer telephone contact and can be reached on 0418281950. Should I not answer, please leave a message and I will return the call as soon as I am able to do so.

*Mark A Zanker*

Mark A Zanker  
NSW

4 June 2019