

In the final analysis, the questions of why bad things happen to good people transmutes itself into some very different questions, no longer asking why something happened, but asking how we will respond, what we intend to do now that it happened.

— *Pierre Teilhard de Chardin* —

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**Some Things Just Are**

**2016, June 2: Short paper on activism**

I was recently asked to give a short talk to a “Meet the Students” night put on by the Australian Society of Archivists (NSW Branch) in Sydney. The subject assigned to me was “Activism”. I have written up my notes and [placed them on my website](#) for those who -

- were there and have asked for the talk in a more material form, and for those who -
- weren't there and may be interested in what I had to say on the subject.

<<**Joanna Sassoon: Lucky students who turned up! Thanks for sharing Chris**>>

**2016, June 20: Permanence and mutation**

Two interesting insights on information storage and migration involving biological carriers.

From [BBC News](#) (how Mr Su became a living record):

**South China Sea: the mystery of the missing books and maritime claims**

If you want to understand the way China really feels about its controversial claim to huge swathes of the sea off its southern shore, then the island of Hainan is a good place to start. This is a place where everything is bent towards justifying and upholding that assertion of sovereignty, from government and military policy, to fishing and tourism, and even history itself. We came to the fishing port of Tanmen, on Hainan's east coast, because of recent state media reports about the existence of an extraordinary document - a 600-year-old book containing evidence of vital, national importance ... The book, in the possession of a retired fisherman called Su Chengfen, is said to record the precise navigational instructions by which his long-distant forefathers could reach the scattered rocks and reefs of the far-flung Spratly islands, many hundreds of nautical miles away. China's insistence that these features are Chinese territory rests largely on a "we were there first" argument. So 81-year-old Mr Su's book, "cherished" and "wrapped in layers of paper" is apparently a kind of maritime Holy



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Grail ... we went to meet Mr Su and found him busily building a model boat in his front yard, a short walk from the beach. "It was passed down from generation to generation," he tells me when I ask about the book. "From my grandfather's generation, to my father's generation, then to me." "It mainly taught us how to go somewhere and come back, how to go to the Paracels and the Spratlys, and how to come back to Hainan Island." But then, when I ask to see the document - the existence of which was, just a few weeks ago, being so widely reported in China and beyond - there's a surprising development. Mr Su tells me it doesn't exist. "Although the book was important, I threw it away because it was broken," he says. "It was flipped through too many times. The salty seawater on the hands had corroded it ... In the end it was no longer readable so I threw it away."

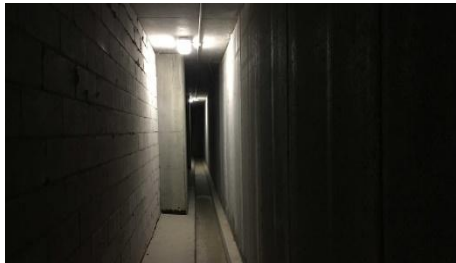
As reported on the [IRMS Group List](#) (how bacteria came to recite poetry) :

### **Harvard Scientists Create Hard Drives That Are Alive**

Geneticists Seth Shipman and Jeff Nivala have led a team of Harvard scientists to discover a way of turning living cells of bacteria into microscopic hard drives. Their research has been published in the journal [Science](#) ... the team discovered a way to use the bacteria's immune response to upload approximately *100 bytes* of data into the living cells. Each cell can hold a segment of computer code or even a line of poetry ... Essentially, the team creates 'fake viruses' that they then introduce to the bacteria. The bacteria, recognizing the invader, is able to cut out the segment of DNA that had been sandwiched between two pieces of actual virus DNA as a memory of how that virus looked. In normal circumstances this is to help defend against the virus should it invade again. In this case, the hijacked segment of the fake virus (the data) is now stored in the cell and is even passed on to progeny. It's like combining the Trojan horse with Inception. Yet, this discovery is a long way from practical applications ...

### **2016, October 24: [NLA moat](#)**

From the odd sock department at [ABC News](#) : Is there a Moat Around the National Library?



The answer it seems is yes.

### **2016, November 16: [New to my website](#)**

#### **[RCRG: Records Continuum Research Group website.](#)**

#### **[On-line access to archives \(and other records\) in the digital age \(2016\)](#)**

Paper presented to Australian Society of Archivists Conference, Parramatta (October 2016). This was a last minute addition to the programme. I took the opportunity to do three things:

- restate and expand upon some of the issues raised in the Mass Digitisation thread;
- link those issues to the *Modest Proposal*;
- present an idea for supplementary use for the Modest Proposal framework arising out of a session about *Documenting Australian Society* given at the 2015 ASA Conference in Hobart.

#### **[Postscript : Structures, Boundaries, Contingency, and Proportion Are Good for Recordkeeping](#)**

This presentation was a last minute addition to the Conference programme and, with the exception of the last part on *Documenting Australian Society*, was simply an opportunity to





re-present old ideas. Unexpectedly, the Conference provided a context in which this old wine found itself in need of new bottles. For some years, new and exciting approaches to use (and re-use) have been whirling about and they were notably on show in Parramatta. The contours and terminology of this new landscape are not settled but, in order to compare and contrast, I will proffer a summary that will serve until a better analysis emerges.

### **Documenting Australian Society: Status Report and Needs Analysis**

During the 2015 Conference of the Australian Society of Archivists in Hobart, a session entitled *Documenting Australian Society: Just how well is it being done?* was presented by Sigrid McCausland, Adrian Cunningham, Maggie Shapley, Kim Eberhard, Stefan Petrow and Kylie Percival. Afterwards I contacted the moderator, Michael Piggott, with suggestions on how the framework developed for the Modest Proposal could be used to meet some of the needs identified in that session. This is referred to again in my paper to the 2016 Conference in Parramatta. In August, 2015, I addressed these remarks to Michael.

### **2017, May 24: When is an email a memorandum?**

Agnes E M Jonker has posted a link on the Archives Professionals Group to a chapter in a 1989 book about the [emergence of the memo as a managerial genre](#). A bit turgid but interesting to those of a curious turn of mind. It got me thinking about the difference between letters and memos and which documentary form best describes an email. I am consistently accused of rudeness because of the way I write emails. I don't start with "Hi", "Dear xxxxx", or with a salutation of any kind because I have always thought of emails as memos, not letters. Here is an analysis of the difference from [another authority](#) that supports that view:

Business memos are internal documents sent to employees to convey information about the company, while business letters are external communiqués ... The formatting is different for both ... Memos are often informal, with less attention to structure, formatting, grammar and quality of paper. Letters are more formal documents sent to people outside your company ... A memo often includes a heading at the top, left-hand side of the paper that includes four lines designating who is sending the memo, who's receiving it, the topic the memo covers and the date. A letter is usually written on business stationery with the date appearing under the letterhead on the left-hand side of the page. A blank line separates the date and the address of the recipient, which includes the recipient's name, title and address. After another blank line, a salutation appears, such as "Dear Mr. Smith." ...

For several decades now (and, so far as I know, from the very beginning) all the documentary features of a memo described above and virtually none of a letter have been present in email templates. On that score I am vindicated – an email is a memo by reason of its documentary form. Moreover, there is [resistance](#) amongst lawyers to application of the [postal rule](#) to emails. In response it could be argued that:

- an email is an email and neither a memo nor a letter because its purpose may be to communicate either internally or externally and frequently to communicate privately,
- the use of a salutation in emails may be wrong but - regardless of its documentary form - it is now all but ubiquitous, and
- I need to get over myself and just do like everyone else does instead of fussing about it.

This email does not have a salutation, it is being sent "internally" to people on the two lists to which I belong (and to any spooks who may intercept it), it has a heading in the top left-hand corner designating who is sending the email, who's receiving it, and the topic the email covers. A date will be added (and read by recipients in the top left-hand corner) when it is despatched. So, kindly treat it as the memorandum it is intended to be and forgive the lack of a salutation.



<<**Andrew Waugh**: It's nice to see diplomatics being applied. I would point out that the people that originally developed email in the late '60s and early '70s were all mid level engineers working for large US organisations.

They would have been very familiar with the memo format, and would have created and received many memos. On the other hand, I would be quite surprised if any of them had any familiarity with the requirements of a formal business letter. I doubt any of them would have attended a business or administration course where such things were taught. I also doubt they would have sent, received, or even seen, many formal business letters. It's consequently not surprising (to me) that email resembles memos, not formal business letters.

(In the spirit of your email, no salutation has been used :-)>>

**2017, July 31: A return to consecutive thought?**

**Why PowerPoint is banned [at Amazon]:**

“For decision-making and strategy, PowerPoint is banned. I used to love it because you throw a few dot points and just talk... that doesn't work in Amazon.

“The narrative is a strict format – it's six pages, we have rules in terms of margins, font, headings – and the document must be completely self-supporting. It must be self-supporting because it is then scalable. I can give it to anyone outside the project, they can read it, understand the situation, they have the data and they can make an informed decision. I can send it offshore, I can send it to global teams. I don't have to explain it... It also forces deep thinking. To write a six page narrative around the idea, the market, the opportunity, the value proposition and the outcomes is really hard.... So it [the narrative]'s a really powerful mechanism.”

Who knew? Legend has it that the Second Iraq War was planned using PowerPoint.

Michael Piggott has pointed out that the link I gave takes you to a password protected page at CBA. My fault, I just thoughtlessly grabbed it from the Bank's Intranet. I might have known they wouldn't link to an external site. I usually check my links before posting but, of course, posting from behind the Bank's security wall it did work for me. Sorry. Here is another link – one of many if you google: Amazon + PowerPoint + ban. Hope this one works.

**2018, June 4: Museum of Brisbane Exhibition**

**Life in Irons: Brisbane's convict stories highlight role of Aboriginal people in penal colony**

Moreton Bay penal colony was established by the British government to "reinstate transportation as an object of real terror to all classes of society". The brutally harsh settlement, an oppressive home to 3,000 male and female convicts, was focused around present-day Queen and William streets. Some much smaller outstations existed at Dunwich, Eagle Farm, Limestone (Ipswich) and Coopers Plains. Now the colony's history is being shared at the Museum of Brisbane's exhibition Life In Irons: Brisbane's Convict Stories. With the arrival of Europeans to establish the penal colony in 1824, thousands of local Aboriginal people suddenly found themselves sharing their land with convicts and soldiers. It was also essentially "an island in Aboriginal lands", as historian and specialist on Aboriginal culture Ray Kerkhove said. In conjunction with the museum he designed a map of the inner-city area of Brisbane as it would have been settled at that time...

**2018, December 9: Diaries, tweets, and records**

An opinion piece in the *Guardian* recounts the repentance of a social media tragic.

Delete your old social media posts before they're used against you ... If you have a job or would like to get one, it's just safer to go private, scrub your history, even log off forever ... The world won't miss your old posts ... Earlier this year I deleted nearly 10 years' worth of tweets ... Most of my old tweets and statuses were so banal it's difficult to imagine why I ever



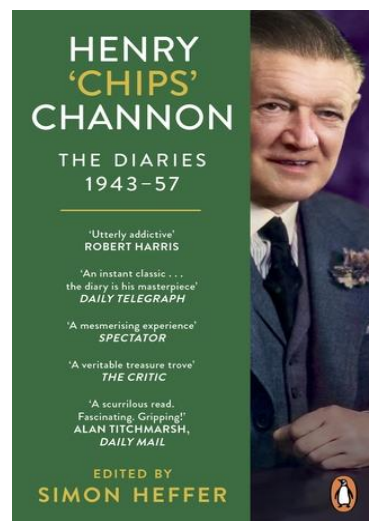
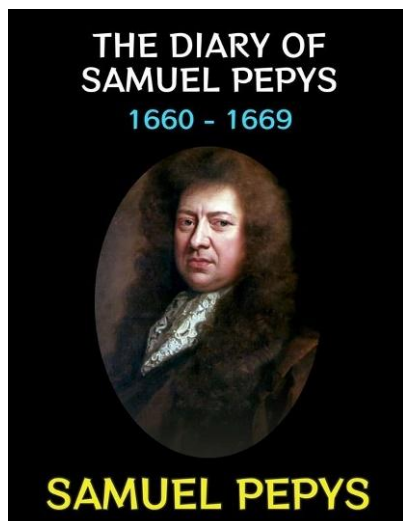
## JUST THE WAY THINGS ARE

thought anyone would be interested in them ... I discovered a few posts so acutely embarrassing they will still be popping into my head unbidden in the middle of the night in 20 years' time ... trust me when I say just thinking about some of the things I have said in public makes me want to rotate my elbows the wrong way, fold up bodily and sink into the Earth ...

A salutary warning to those of us who suffer the delusions of authorship.

... friends who've gone through the same process of archiving report experiencing similar feelings of horror and disbelief ... Consciously or not, you were putting forward an image you wanted others to see ... I realized then that social media is the closest I've ever come to keeping a diary ... the net result is something like a record of my thoughts and emotions, at least as I wanted others to see them. And just like an old journal, it's a lot more revealing than intended ... even though I deleted the public posts, I saved a record of them. Destroying them outright would have been like burning a diary or shredding old love letters ... Those old posts might have been written with everyone else in mind, but they're for me now.

Of course, the thing about a diary is that it isn't "said in public". The motives of diarists are endlessly debated. Did Pepys actually mean for THE DIARY to be read by others? The *Guardian* writer's posts are only "for me now". Was "[Chips](#)" [Channon](#) writing for himself or others (since he left instructions for their publication, it seems the latter)? Can your posts survive outside of your control even if they're deleted? Isn't social media (like listerv) a form of publication? Does it really make any difference if you hit the "private" button?



How are we to regard this stuff (collected or not) from a r/keeping point of view? Documents are the product of Deeds (purpose, function, mandate, etc.), so what is the tweeter's purpose? Is it solely "putting forward an image [the author] wanted others to see"? Is there also an intention to persuade, beguile, memorialise, celebrate, deplore, collaborate, etc. (in other words, an intention to win friends and influence people)? How do we represent this in our descriptions?

<<[Michael Piggott](#):

...Why do writers keep diaries? Why do they write autobiographies? Out of Céline-esque vanity? A Goethian sense of self-importance? A Woolfian desire not to disappear? A Proustian longing to recapture the past? A Kiplingesque need to give something of themselves? Fleur Talbot, the shrewd narrator in Muriel Spark's *Loitering with Intent*, knew the reasons: "One of them was nostalgia, another was paranoia, a third was a transparent craving on the part of the authors to appear likeable". And yet, we know that the literary appearance of confession is in fact part of an artful game in which, from the vast ragbag of his life, the writer fishes out certain choice bits, and assembles them in such a way as to present a compelling self-portrait.





Personal motives change of course and often caught up with others' motives too. A famous Australian example would be Patrick White's ignored destroy instructions. In one of the best documented examples, that of Franz Kafka, the motives of instructions ignorer Max Brod are definitely relevant. Indeed in the long afterlife of Kafka's papers and diaries a cast of players/motives were involved which link to Chris' list ("persuade, beguile, memorialise, celebrate, deplore, collaborate"), as explained in Benjamin Balint's fascinating new book *Kafka's Last Trial; the case of a literary legacy* (Picador, 2018). It remains to be seen how the National Library of Israeli answers the question "How do we represent this in our descriptions?".>>

### 2018, December 9: Holiday reading

On Saturday, I went to the city for lunch with two of my relatives. Afterwards, I disgraced myself at Dymocks and blew almost my entire monthly budget for books at one go. Purchases included:

***The Edge of Memory*** (2018) by Patrick Nunn. This concerns oral r/keeping (it even has a daring reference to "oral archives"). From just a brief glance, it appears to posit a dichotomy between illiterate societies (where oral r/keeping is to be found) and literate ones (where documentary records are). It may not be as stark as that when I read the book in full but already questions are forming:

- May not r/keeping in illiterate societies take on materiality (painting, carvings, memorials, etc.)?
- Are not oral histories also to be found in literate societies?

I have a book titled ***The Killing of William Rufus***. The site of the king's death in the New Forest in the year 1100 can only be established by oral tradition. The author points out that the foresters passed on much of their specialist knowledge orally and son often succeeded father. From 1100 to 1745 (when a stone was raised to mark the spot) only 19 generations were needed to pass the information down.

***The Square and the Tower*** (2017) by Niall Ferguson deals with networks and hierarchies.

"... informal networks usually have a highly ambivalent relationship to established institutions, and sometimes even a hostile one. Professional historians, by contrast, have until very recently tended to ignore, or at least to downplay, the role of networks. Even today, the majority of academic historians tend to study the kinds of institution that create and preserve archives, as if those that do not leave an orderly paper trail simply do not count ... my research and my experience have taught me to beware the tyranny of the archives ...."

Again, a first impression only, but it seems that a lot of definition of the concepts is needed for him to get to a point where this thesis can be defended. I'm particularly interested in the idea that networks leave fewer records and how he defines records in this context. Since the index has few references to "archives" and none to "records" I guess that aspect of the matter won't be dealt with in depth.

***The Fate of Rome*** (2017) by Kyle Harper offers a novel approach to a much discussed subject. It deals with the role of disease and environment in Rome's decline and fall – already canvassed to some extent in a book with the great title ***Justinian's Flea*** (2007). Lots of diagrams suggesting that relevant data have been acquired from one source or another and it will be interesting to see how it is used. I know my Gibbon and possess a respectable library of other authors (including a full set of Hodgkin and the incomparable J B Bury) and they range over political, military and social causes but this seems like a new approach. A standard question is why the eastern empire continued for 1,000 years after the collapse of the west. I will be looking to see whether the health and environmental factors impacted differently on one half of the empire and the other.



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Sadly, the book seems to go only to the 7<sup>th</sup> century when the east was languishing (but it revived subsequently and survived till the 15<sup>th</sup>). Interesting to see if the author has an explanation.

### 2019, March 13: [Archiving the Web](#)

The NLA's archives of Australian websites has (apparently) [just now been made available](#) online.

... the National Library of Australia has been keeping track of how Australian websites have evolved, snapshotting and archiving websites ending in ".au" since 1996. The resulting archive, [which came online this month](#), shed a light on the good, the bad, and the ugly (mostly the ugly) of late-90s, while keeping a record of what was said and done during the infancy of the internet.

I am devastated that my own web site which does not have an .au suffix (something to do with business registration) will not be part of this exciting project.

**Note: Shortly after this post, the NSW State Library contacted me to arrange for this website to be archived there. Many thanks.**

### 2019, July 22: [Archives in the news](#)

Prince Friedrich Solms-Baruth V is trying to recover family property allegedly seized by the Nazis in the aftermath of the July Plot. Now, [archival documents may help him establish his claim](#).

His mission has also been to prove that his grandfather was the victim of a cruel strategy led by the head of the Gestapo, Heinrich Himmler, to hide the seizure of land ... "We have now found incontrovertible evidence to uncover the truth. There was a major cover-up by the Nazis of what they knew themselves was an illegal action," he said ... In 2003, the family was awarded a portion of land by the federal German government. But Prince Friedrich V has been unable to convince German authorities that his family should have the remaining forestry estate handed back. Courts have ruled that he cannot prove that his grandfather was coerced into giving away his land ...

For years, Prince Friedrich has been trying to prove the Solms-Baruth estate was "stolen" as part of a plan by Heinrich Himmler to loot Germany's wealth for the Gestapo. In 2017, a researcher working on the Solms-Baruth case made a "fluke" discovery. The documents were found by chance in online government archives ... "It was top-secret. In this Himmler decree, it states point-for-point, how to take properties from enemies of the state, without confiscating it officially in the deeds book," Prince Friedrich said. "If you compare the decree and the methods that were deployed against my grandfather, they just went down the list and did it exactly according to this Himmler decree." ...

Another discovery made by Prince Friedrich's researchers could have major implications for other German families who lost their estates. At the Brandenburg State archives, experts set out to prove the instructions to destroy the Solms-Baruth title deeds were drawn up before the Nazis surrendered in May 1945. They found that the ink on the documents contained amounts of iron. In documents drawn up after the fall of the Nazi regime, the iron is missing. Prince Friedrich sees this as the smoking gun for many German families ... German landowners who were told their properties were seized by Soviet occupiers following World War II cannot win back their estates. In 2005, the European Court of Human Rights ruled that Germany could not be held responsible for the actions of Soviet occupiers ... The Solms-Baruth case has stretched 20 years; it's now reached the Federal Constitutional Court and the Federal Administrative Court in Germany. If Prince Friedrich V fails there, he would like to have the case heard at the European Court of Human Rights ...

### 2019, September 29: [One for the books](#)

Article in [SMH](#) (apparently from *Good Weekend*)



## **JUST THE WAY THINGS ARE**

With the rise of the internet, public libraries were supposed to be on borrowed time. But they're thriving – their renaissance as much about community as the literary riches they contain. It's enough to make you Dewey-eyed ... Australia has about 1500 public lending libraries [and] nine million of us – more than one-third of the population – ... are card-carrying library members ... **If attendance figures are any indication**, the public library is our most valued cultural institution. In the year to July 2018, about 7.6 million people visited Australian libraries – more than went to museums (6.7 million), art galleries (6.3 million), plays (3.9 million) or musicals and opera (3.5 million). But it was the return rate that really set libraries apart. Whereas at least half of those who visited museums or the theatre went only once in the year, three-quarters of library visitors went back at least three times, and one-third visited more than 10 times. Australians make about 114 million visits to public libraries annually.

"Thirty years ago, people were thinking libraries wouldn't survive the internet – that they'd just die out," says NSW State Librarian John Vallance, who supervises NSW's public library network. "A lot of city planners and council planners were actually planning for a future without local libraries, because the assumption was that everyone would be at home looking at their screens. It's hard to imagine pundits getting something more wrong." Far from losing relevance, "libraries are undergoing a renaissance", says Vallance. It turns out that people love being around books. "And around other people. In fact, I would say the people are just as important as the books. That's something the planners never really understood." ...

**Even now, in the digital age**, the thousands of volumes that line a library's shelves are its greatest asset. As NSW State Librarian John Vallance likes to point out, "the most cost-effective, long-lasting and energy-efficient form of data storage is paper". People with library cards have the option of downloading digital versions of books, magazines, music or movies to their electronic devices. But of the 41 million loans a year from NSW public libraries, less than 5 per cent are in digital format. "People still love having something that they can hold in their hands," Vallance says ... For those who visit libraries to use the computers and free WiFi – one in seven Australian households aren't connected to the internet – the bonus is having someone on hand to help with, say, navigating a job-search website, preparing a resumé or filling in an online citizenship application form. Through necessity, librarians have become tech experts, says Dullard. "At Mother's Day and Christmas, we get a flood of people coming in, 65-plus, who have been given an iPad as a present and don't know how to use it. They're too embarrassed to tell their children, so they sneak into the library and we teach them how to set it up." ...

### **2020, April 25: The organisation of knowledge**

A well-meaning cleaner who took the opportunity to give a locked-down library a thorough clean [re-shelved all of its books - in size order](#). Staff at Newmarket Library, Suffolk, discovered the sloping tomes after the building underwent a deep clean. James Powell, of Suffolk Libraries, said staff "saw the funny side" but it would take a "bit of time" to correct.

### **2020, August 22: Whaling, windfalls and women**

Historian Anna Claydon was wading through the Southern Hemisphere's [biggest collection of whaling logbooks](#) when she found a little girl's handwriting in the 1850s log of the whaling vessel Nimrod. It caught her attention ... "I had found this little girl's handwriting in the logbook and it was an immediate mystery," she said. "It looked as though there was this child sitting in the captain's cabin and doing her homework in his logbook, and that's what started this mad chase for the little girl." Dr Claydon then found Esther's birth record – but she was born six years after the voyages on the Nimrod were recorded in the logbook. It turned out that little Esther had been writing in the logbook while living in an intergenerational house with her grandmother, mother and her aunt, Charlotte – who had married Captain Jacobs.

"It was at this point I started to feel my way through all these relationships that were being bundled up together, and that fractured into a few different stories," she said ... it seems that [Esther] often received punishment in the form of writing lines ... "Her education seems





to be a combination of memorising street ballads, memorising some rather naughty limericks, learning geography, and going to Sunday school," Dr Claydon said ... Esther's father had become a pauper, residing in the Brookfields Invalid Depot, on the site of what is now the North Hobart football oval, and her mother was [a nurse or midwife at the notorious Cascade Female Factory](#).

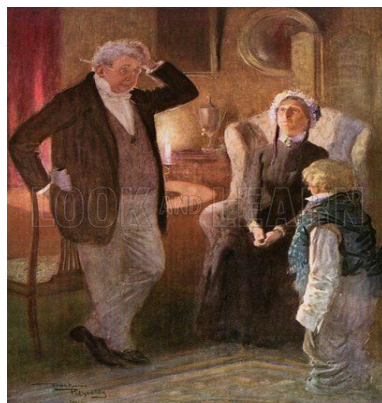
While Esther is only visible to us from a few lines she wrote in a logbook when she was five, more of her family's story was recorded when her parents had a very public spat in the letters of the newspaper, with her father demanding that the wife he deserted support him financially. In 1880, when Esther was 20, she married a prominent young chemist called Harry Lithgow and moved to Launceston, where the couple had three children: Vera, Harry and Vincent ... "I think the thing that is so compelling to me is the hidden history of Hobart in the late 19th century," Dr Claydon said. "It is one that comes about because of somebody preserving what they think is a different hidden history. "These are whaling logs but what spills out is a story of women ...

### 2020, December 24: The Gobbler mincer the season

<<**Michael Piggott:** The more arcane minded of the list's millions of subscribers will recognise Professor Afferbeck Lauder's Christmas greeting. Which brings us to prezzies. Archivists are spoilt for choice as usual, although we'll have to wait until next year for authentic replicas of **Banjo Patterson chocolates**. Some will be tempted by the very retro-trendy **Foucault iPhone case**. I'd urge everyone should get hold of **Jenny Hocking's *The Palace Letters* (Scribe, 2020)** - two-thirds is about her fight with NAA and what she has labelled very troubling aspects of its behaviour. For something more fictional, I gather Sara Sligar's ***Take me apart*** is very good.>>

Time was that Christmas and Dickens were the perfect fit. The Christmas books radiate a misleading geniality that is actually a misreading of the texts and of the man. Kate Dickens is on record as saying to an early biographer: *"If you could make the public understand that my father was not a jolly, jocose gentleman walking about the earth with a plum pudding and a bowl of punch you would greatly oblige me."* But Christmas apart, the books reek of enough recordkeeping morsels to keep us nourished into New Years. A few examples –

- *"Here's a pleasant thing to think of,"* said Tim ... *"Do you suppose I haven't often thought that things might go on irregular and untidy here, after I was taken away? But now ... The business will go on ... as well as it did when I was alive – just the same – and I shall have the satisfaction of knowing that there never were such books – never were such books! No, nor never will be such books – as the Books of Cheeryble Brothers."* **Nicholas Nickleby Ch. XXXVII**



- Many disordered papers were before him, and he looked at them about as hopefully as an innocent civilian might look at a crowd of troops whom he was required at five minutes' notice to manoeuvre and review ... Mr Rokesmith again explained; defining the duties he sought to undertake, as those of general superintendent, or manager, or overlooker, or man of business ... *"I would keep exact accounts ... I would write your*





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letters ... *I would transact your business ... I would,*” with a glance and a half-smile at the table, “*arrange your papers* –” **Our Mutual Friend Ch. XV**

- “*He is memorialising the Lord Chancellor, or the Lord Somebody or Other – one of those people, at all events, who are paid to be memorialised – about his affairs. I suppose it will go in, one of these days. He hasn’t been able to draw it up yet ... but it don’t signify; it keeps him employed.*” **David Copperfield Ch. XIV**
- The name of poor Mr Jellyby had appeared in the list of Bankrupts ... and he was shut up in the dining room with two gentlemen, and a heap of blue bags, account-books, and papers, making the most desperate endeavours to understand his affairs. They appeared to me to be quite beyond his comprehension ... and [when] we came upon Mr Jellyby in his spectacles, forlornly fenced into a corner by the great dining table and the two gentlemen, he seemed to have given up the whole thing, and to be speechless and insensible ... we found [Mrs Jellyby] in the midst of a voluminous correspondence, opening, reading, and sorting letters, with a great accumulation of torn covers on the floor. **Bleak House Ch. XXIII**

### 2020, December 27: Difference between men and women

Nothing to do with r/keeping, this. Just a bit of nonsense for the silly season.

“*Who are the [lost boys]?*” “They are the children who fall out of their perambulators when the nurse is looking the other way. If they are not claimed in seven days they are sent far away to the Neverland to defray expenses. I’m captain.” “*What fun it must be!*” “Yes,” said cunning Peter, “but we are rather lonely. You see we have no female companionship.” “*Are none of the others girls?*” “Oh no; girls, you know, are much too clever to fall out of their prams.” J M Barrie *Peter Pan*

One of the pleasures of growing old is that you slow down and notice things more. I’ve noticed (or think I have) that some behaviours in traffic differ according to gender.

- At traffic crossings, I’ve noticed (or I think I have) that men will smile and wave at drivers who stop to let them cross while women (on the whole) do not. I put this down to the fact that women drivers preponderantly obey the road rules and expect others to do so too – while men do not.
- Jaywalking, on the other hand, produces entirely the opposite effect. Female jaywalkers step out diffidently and look nervously about them; they smile and wave when you don’t run them down. Men stride out without looking to left or right – as if daring you to kill them. Same difference, same possible explanation.
- In heavy traffic, when you pause to leave a gap for some poor soul on a side street wanting to turn in, drivers who smile and wave vs the stony-faced are about 50/50 (gender-wise). I can hypothesize no possible explanation for this. Except, perhaps, that half the population is nicer than I give them credit for.

Mind you, these observations are based my experience of driving in Greater Sydney, where traffic – though frantic – is orderly (at least compared with Victoria and New Zealand).

<<**Michael Piggott: Nothing to do with recordkeeping, says Chris, with a private smile, setting up the gender binary straw person for good measure. What a delicious challenge, given that everything of course can be related to r/keeping can’t it? Anybody?>>**

### 2020, December 28:

<<**Tim Robinson: “...some behaviours in traffic differ according to gender.” Not totally sure I’ve seen this. The closest I can link it to recordkeeping is to suggest a study using dashcam footage. Of course this would raise considerable privacy issues and would**



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require the appropriate ethics approval. I can report on my experiences of driving old sports cars though:

1. You are invisible, especially to drivers of large SUVs and 4WDs. In traffic I drive with my thumb on the horn button to reduce reaction time when someone attempts to merge onto me.
2. Drivers of old sports cars are friendly to each other. The total opposite of the usual road rage in Sydney. Amongst drivers of early MX5s it is the height of rudeness not to at least wave.
3. To some male drivers of large V8s to drive a small sports car is to call into doubt their masculinity and they need to comment on your car. No, I don't understand it either.

Season's greetings.>>

<<alan ventress: My experiences riding a push bike around 20kms every day since I developed type 2 diabetes in 2000 are as follows

1. If you are not a car you cannot be seen
2. Even when wearing high visibility clothing you are still invisible
3. Young female drivers of enormous 4WD vehicles are utterly ruthless towards cyclists and resent giving way to them.
4. Cutting off and ignoring cyclists can be predicted by the type of car being driven. Those with Audi, BMW and Mercedes vehicles have an excessive sense of entitlement and hate cyclists intensely
5. In fairness to females 18 to 30 years old, male taxi drivers love to come as close as they can when overtaking cyclists, they regard it as a form of sport. Bus drivers, mostly male, often fall into the same category
6. All of the above leads me to ride my bike on Sydney roads with the mentality of a hunted animal.>>

### **2021, March 1: Good news re State Archives NSW**

Not what you were hoping for, I'm afraid

One of my nephews is involved in a boundary fence dispute. He is looking for DAs for the adjoining property and has been told by Council that they are in "archives" and unobtainable. He asked my advice. I said that some municipal property records might end up in a State Archives but it was unlikely that the operational details or DAs he was looking for would be amongst them. The "archives" referred to, I said, might be secondary or commercial storage. If they exist, he probably has a right to see them and he should persist.

I suggested also he go to State Archives NSW to find out what the retention rules are. Last night, during our fortnightly ZOOM catch-up (family likes to know if I'm still breathing) he reported that they were very helpful and friendly. And, unlike his experiences with everyone else, they actually provided the information he'd asked for – in satisfactory detail.

Nice to hear complimentary comments about what we do. I suggested he write to their Minister.

### **2022 July 21: Statistics**

When we were in the initial stages of drafting the new NZ archives law, we had some interesting discussions with Statistics NZ about the extent to which their agency should be subject to the provisions of the legislation – the usual "special case" arguments (whether to exclude them totally from the scope of the legislation or to bring them within the ambit of the Act and then make appropriate and necessary exclusions within its framework and the mistaken view that coming under an Act assigning responsibilities to an Executive Agency, viz. Archives, was tantamount to submitting to "control" by the Executive). It was always my position here and in NZ that it was better for the specials to be included and their position made explicit and provided for rather than left to ad hoc arrangements (on the argument

that regulated protections are safer than unregulated practice). But I understood and admired their motivation to uphold the integrity of the census data.

Now (irony of ironies) comes news from the NZ List of moves to remove the Statistician's "independence" in deciding what data to gather and how (and by whom) it will be used. I don't know the etiquette of copying their postings so I'll simply give the embedded links for those interested:

- [News report](#) (Statistics experts fear law change may lead to unregulated data sharing)
- [NZ Council for Civil Liberties](#) (Analysis)
- [NZCCL](#) (Guest post)

The NZ List is easy to join and often has some interesting discussion (somewhat more weighty than I've seen on this bulletin board for a while). The NZ postings also mention the [Australian Data Availability and Transparency Act 2022](#) about which I've seen no mention - let alone discussion - on this List (but maybe I missed it). From my own paranoid perspective (national security over-reach, misuse and restriction of information, assaults on free press, etc.) it got me wondering about the governance of our own ABS. Their web site is [re-assuring](#):

The legislative framework, organisational structure, planning and quality management practices of a statistical agency all affect the ability of a statistical program to meet user needs efficiently and effectively... The Census and Statistics Act 1905 (the CS Act) provides the Australian Statistician, who heads the ABS, with the authority to conduct statistical collections and, when necessary, to direct a person to provide statistical information. The CS Act imposes obligations on the Statistician to publish and disseminate compilations and analyses of statistical information and to maintain the confidentiality of information collected under it... To ensure the ABS' impartiality and independence from political influence, the Australian Bureau of Statistics Act 1975 (the ABS Act) sets out the Australian Statistician's independence...

I hope it may be so.

## **2022 October 11: [In the archives](#)**

From [The Guardian](#):

### **Eighteenth-century cockroach found in slave-trading ship ledger**

**Insect's journey probably began in west Africa on vessel that sailed from La Rochelle in 1743 to Guinea**



■ The mummified cockroach was discovered by a National Archives specialist. Photograph: National Archives



An 18th-century cockroach named Peri, discovered in the ledger of a French slave-trading vessel, has become a surprise addition to the [National Archives](#) after the book was opened for the first time in more than two centuries ... *"When it got shut in the book it created a microclimate that was perfect for preservation ... And it's male. And we've named him Peri. When we opened it, we exposed it to the elements, so*



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*[there was] a race to get it analysed and placed in nice housing to protect it.” Peri, now pinned and mounted in a box with a Perspex lid, will have his own reference number, and will be kept in a drawer available to order up for anyone wishing to inspect him further in a special room at the National Archives...*

**2022 October 12:**

**<<Peri, now pinned and mounted in a box with a Perspex lid, will have his own reference number>>**

Nice metaphor for the Life Cycle - *If it stops moving, accession it.*

**<<Angela McGing: Somehow I feel if this had happened in Australia Peri would have met a very different fate.>>**

**2022 December 1: Spike Milligan archive**

**<<Joanna Sassoon: In contrast to some of the chaos that surrounded the tapes of the Goons, here is a lovely piece about Spike Milligan’s archive. But there was nothing anarchic about his archive, which he kept neatly organised.>>**

**2022, December 2:**

Nearly every day, I drive across the Spike Milligan bridge at Woy Woy. His parents lived here and he thought the name was funny. He enjoyed wandering the surrounding hills and looking at Aboriginal rock paintings. There's more family-related stuff held in the [local history collection](#)

**Spike Milligan - From Woy Woy to Wagga Wagga**



**2022, December 3:**

Milligan called Woy Woy the world’s only example of an above-ground cemetery where if you plugged your electric toothbrush into the socket all the town lights would dim. People



up this way are [wary](#) of walking backwards for Christmas but some (including me) like being here anyway.

I made one of my increasingly rare drives to Sydney yesterday (I usually go by train) and I was astonished to find the whole city has become a car park intersected by drag racing.

He was a better recordkeeper than I. Somewhere I have a couple of boxes with almost all the Goon Shows on tape – cassettes (alas) which are now probably unplayable and I'm not sure I even have a machine anymore capable of doing so.

PS ... and we are home to [one of the world's great festivals](#).

### Tea Cosy Expo set for long weekend



The display at last year's expo

### **2023, February 2: [Strewh!](#)**

Just caught up with Phillip Adams' column in the latest *Weekend Australian Magazine*. It's about Australianisms. For those of you who wouldn't touch a Murdoch paper to wrap self-respecting fish in, here are a few samples:

*drongo* (Australian for fool or dill), *go and stick your head up a dead bear's bum* (thrust your cranium up the sphincter of a deceased bruin), *couldn't pull the skin off custard*, *a few roos loose in the top paddock*, *about as useful as a chocolate teapot*, *wouldn't know a tram was up him until the conductor rang the bell*, *face like the northern end of a south-bound camel*, *don't come the raw prawn with me*, *happy as a bastard on Father's Day*, *he's been doing that since Jesus played full back for Jerusalem*, *as flash as a rat with a gold tooth*.

And if you don't think Phillip Adams and Rupert Murdoch is an odd pairing *you need a good kick up the clacker*.

### **2023, February 28: [Systems](#)**

"Money," said John Kenneth Galbraith, "is funny stuff." I've never understood it. This post has nothing to do with r/keeping – unless your employer is reliant on public funding, I suppose (and your salary also, to say nothing of my superannuation). It is about systems, specifically about public finances. Ross Gittins has provided an admirably lucid explanation of [the difference between monetary policy and fiscal policy](#) and how the moving finger, having writ, moves on:



If you don't like what's happening to interest rates, remember that ... relying primarily on "monetary policy" – manipulating interest rates – is just a policy choice we and the other advanced economies made in the late 1970s and early 1980s, after the arrival of "stagflation" – high unemployment and high inflation at the same time – caused economists to lose faith in the old way of smoothing demand, which was to rely primarily on "fiscal policy" – manipulation of taxation and government spending in the budget ... Whereas back then we were very aware of the weaknesses of fiscal policy, today we're aware of the weaknesses of monetary policy, particularly the way it puts a lot more pain on people with home loans than on the rest of us. How's that fair?

... It's worth remembering that the change of regime was made at a time when Thatcher and other rich-country leaders were under the influence of the US economist Milton Friedman and his "monetarism", which held that inflation was "always and everywhere a monetary phenomenon" and could be controlled by limiting the growth in the supply of money. It took some years of failure before governments and central banks realised both ideas were wrong. They switched back to the older and less exciting notion that increasing interest rates, by reducing demand, would eventually reduce inflation. There was no magic, painless way to do it.

... The sad truth is that measures to strengthen demand by cutting interest rates, or cutting taxes and increasing government spending, are always popular with voters, whereas measures to weaken demand by raising interest rates, or raising taxes and cutting government spending, are always unpopular ... using monetary policy to get to the rest of us indirectly via enormous pressure on the third of households with mortgages shares the burden in a way that's arbitrary and unfair. What's more, it's not very effective. Because such a small proportion of the population is directly affected, the increase in interest rates has to be that much bigger to achieve the desired restraint in overall consumer spending.

But if the economic managers used a temporary percentage increase in income tax, or the GST, to discourage spending, this would directly affect almost all households. It would be fairer and more effective because the increase could be much smaller ... Another possibility is Keynes' idea of using a temporary rate of compulsory saving – collected by the tax office – to reduce spending when required, without imposing any lasting cost on households ...

**2023, April 12:**

### The Lamington

Ross Gittins has another piece about economics that admirably illustrates the glorious complexity in the way that systems work – the intricate inter-relations between the component parts, not unlike railway signalling systems, with many illuminating parallels for those interested in organisational behaviour. [This time also pertinent to our personal finances and not just the nation's].

... This is a story about the misleadingly named Low and Middle Income Tax Offset, known to tax aficionados as "the LAMIngTOn". It began life as stage one of the three-stage income tax cuts announced in the budget of May 2018, to take effect over seven years. The previous government kept changing the amount of the offset – a kind of tax refund – over the years ... in last year's pre-election budget, it was decided to increase it by \$420 to "up to" \$1500 a year ... This meant more than 10 million taxpayers – almost 70 per cent of the total – got a rebate on top of any other refund they were entitled to ... If it were to be continued for another financial year, a decision had to be made. Morrison and Frydenberg's last budget contained no such decision ... Decisions not to do things don't have to be announced, and this one wasn't ... You really had to be in the know to realise that this constituted a decision to *increase* the tax 10 million people would pay in 2022-23, by *up to* \$1500 a throw

... the last-ever lamington, for 2021-22, was served up between July and October last year ... the only way many lamington eaters will get a hint that they paid a lot more tax in the year to June 2023 is when, some time after July, they notice that their refund cheque is a lot smaller than last year's and wonder why ... I don't disagree with the two-party cartel's decision to be rid of the lamington. It was a stupid way to cut tax, born of creative accounting. But when they tacitly collude to conceal [as] they've done, it's supposed to be the media's job to point it out ...

I'm no economist, but I would have thought that, in view of his earlier strictures about handling inflation by over-reliance on interest rates, he'd be in favour of an effective tax



increase at this time that would “directly affect almost all households [and] be fairer and more effective because the increase could be much smaller”.

### 2023, March 3: Roman Recordkeeping

I don't get *A&M* any more so I can't be sure if this title has been noted in the book review columns, If not, some may be interested

Paul Chrystal, *Roman Record Keeping and Communications* (2017)

The assumption is that most of what we know about the Romans and their history comes from Roman and Greek historians ... the reality is that there are many other primary sources which combine to give us the composite picture we have today of the Romans and their world ... they developed and perfected records and record-keeping and other methods of information storage and communication. It is the Roman preoccupation with record keeping and dissemination that informs the picture we have today of Roman civilisation ...

I've made the link to the Booktopia site, but most other vendors say it is out of print and unobtainable. I think it was Andrew Waugh some years ago who warned that some sites allow you to order even when they are unable to supply. Can't remember if Booktopia was one.

<<Andrew Waugh: For those interested, it seems relatively easy to obtain through ABE... It's always worth checking the web sites of the sellers directly. Note the prices are in US dollars. My experience is that shipping from the UK is relatively good (about 2 weeks), but shipping from the US is horrifically slow and expensive.>>

### 2023, September 5: A book about books

As a regular user of Abbeys online, I now receive their Book Butler messages, suggestions they have obviously made based on a profile they have developed of me (unasked) derived from previous purchases. Not sure how I feel about that, but I thought others might be interested in their latest suggestion if they don't know about it already -

Blurb: Long before books were mass-produced, scrolls hand copied on reeds pulled from the Nile were the treasures of the ancient world. Emperors and Pharaohs were so determined to possess them that they dispatched emissaries to the edges of the earth to bring them back. In *Papyrus*, celebrated classicist Irene Vallejo traces the dramatic history of the book and the fight for its survival. This is the story of the book's journey from oral tradition to scrolls to codices, and how that transition laid the very foundation of Western culture. And it is a story full of heroic adventures, bloodshed and megalomania - from the battlefields of Alexander the Great and the palaces of Cleopatra to the libraries of war-torn Sarajevo and Oxford. An international bestseller, *Papyrus* brings the ancient world to life and celebrates the enduring power of the written word.

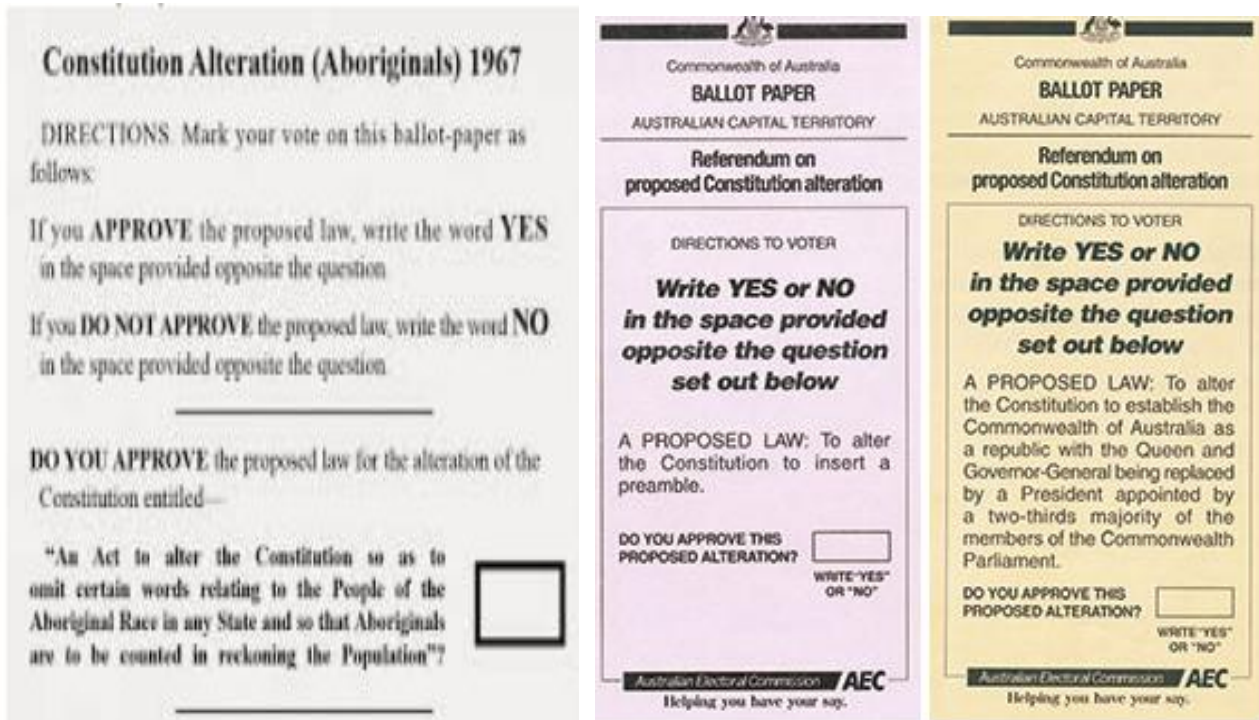
No doubt this is available from many different suppliers. Don't know if it's any good (overuse of the word "celebrate" is a bit of a worry). The decolonisers, I suppose, would want me to note (doctrinally) that paper was developed in East Asia.

### 2023 October 7: Happy Polling Day

I've already voted in the referendum. When you're my age, you vote early if possible in case you're not still around on polling day. In the midst of all the bile and vitriol that has been engendered, the Electoral Commission's design of the ballot paper has been criticised as "rigged". I think it's advantageous to "Yes" but given a choice of explanations between malice and stupidity, it's usually safer to prefer the latter. AEC and its defenders have argued from precedent. Lawyers and politicians always think stupidity is defensible if there's precedent for it.

The 1967 referendum ballot had only one box as did the ballot in the 1999 republic referendum.





The 2023 design also [has one box](#) with the option to write “Yes” or “No”.



Ticks will be accepted apparently (indicating “Yes”) but crosses (indicating “No”) will be rejected. Leaving aside the problems this creates for the illiterate and those w/o English language skills (to say nothing of senile decay, a condition for which I am developing greater sympathy), the question whether or not this design rests on precedent puts the issue into our domain. So, what’s the answer? The question may be moot because AEC has confirmed that if you vote (fraudulently) more than once (and you are not detected) both votes will have to be accepted. God forbid we ever travel down the [voter fraud](#) road that the US is on. That’s why AEC has to be so careful – not just to be but also to appear to be.

NAA has kindly put up on its website the [1916 conscription referendum](#) ballot paper. It has two boxes, one for “Yes” and another for “No”.

The 2014 [Scottish Independence](#) referendum ballot has a similar design with two boxes. The UK’s 2016 [Brexit referendum](#) has a somewhat more elaborate two-box design also.





STATE OF WESTERN AUSTRALIA.

**DIRECTIONS TO VOTER.**

The Voter should indicate his Vote as follows:—  
**IF HE IS IN FAVOUR** of the question set forth hereunder he should **MAKE A CROSS** in the square opposite the word **"YES"**;  
**IF HE IS NOT IN FAVOUR** of the question set forth hereunder he should **MAKE A CROSS** in the square opposite the word **"NO."**

**Submission of a Question to the Electors.**

**QUESTION:—**Are you in favour of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this war, outside the Commonwealth, as it now has in regard to military service within the Commonwealth?

☐ **YES.**

☐ **NO.**

**BALLOT PAPER** [Official mark]

**Vote (X) ONLY ONCE**

Should Scotland be an independent country?

**YES** ☐

**NO** ☐

---

**Referendum on the United Kingdom's membership of the European Union**

**Vote only once** by putting a cross ☒ in the box next to your choice

Should the United Kingdom remain a member of the European Union or leave the European Union?

**Remain a member of the European Union** ☐

**Leave the European Union** ☐

The 1938 [Anschluss referendum](#) had a slightly less subtle approach. In case all this is Greek to you, here's [another example](#) that may clarify things.

**Volksabstimmung und Großdeutscher Reichstag**

**Stimmzettel**

Bist Du mit der am 13. März 1938 vollzogenen  
**Wiedervereinigung Österreichs mit dem Deutschen Reich**  
 einverstanden und stimmst Du für die Liste unseres Führers  
**Adolf Hitler?**

**Ja** ☐ **Nein** ☐

**ΔΗΜΟΨΗΦΙΣΜΑ**  
 της 5ης Ιουλίου 2015

ΠΡΕΠΕΙ ΝΑ ΓΙΝΕΙ ΑΠΟΔΕΚΤΟ ΤΟ ΣΧΕΔΙΟ ΣΥΜΦΩΝΙΑΣ, ΤΟ ΟΠΟΙΟ ΚΑΤΕΘΕΣΑΝ Η ΕΥΡΩΠΑΪΚΗ ΕΠΙΤΡΟΠΗ, Η ΕΥΡΩΠΑΪΚΗ ΚΕΝΤΡΙΚΗ ΤΡΑΠΕΖΑ ΚΑΙ ΤΟ ΔΙΕΘΝΕΣ ΝΟΜΙΣΜΑΤΙΚΟ ΤΑΜΕΙΟ ΣΤΟ EUROGROUP ΤΗΣ 25.06.2015 ΚΑΙ ΑΠΟΤΕΛΕΙΤΑΙ ΑΠΟ ΔΥΟ ΜΕΡΗ, ΤΑ ΟΠΟΙΑ ΣΥΓΚΡΟΤΟΥΝ ΤΗΝ ΕΝΙΑΙΑ ΠΡΟΤΑΣΗ ΤΟΥΣ:

ΤΟ ΠΡΩΤΟ ΕΓΓΡΑΦΟ ΤΙΤΛΟΦΟΡΕΙΤΑΙ «REFORMS FOR THE COMPLETION OF THE CURRENT PROGRAM AND BEYOND» («ΜΕΤΑΡΡΥΘΜΙΣΕΙΣ ΓΙΑ ΤΗΝ ΟΛΟΚΛΗΡΩΣΗ ΤΟΥ ΤΡΕΧΟΝΤΟΣ ΠΡΟΓΡΑΜΜΑΤΟΣ ΚΑΙ ΠΕΡΑΝ ΑΥΤΟΥ») ΚΑΙ ΤΟ ΔΕΥΤΕΡΟ «PRELIMINARY DEBT SUSTAINABILITY ANALYSIS» («ΠΡΟΚΑΤΑΡΚΤΙΚΗ ΑΝΑΛΥΣΗ ΒΙΩΣΙΜΟΤΗΤΑΣ ΧΡΕΟΥΣ»).

**ΔΕΝ ΕΓΚΡΙΝΕΤΑΙ/ ΟΧΙ** ☐

**ΕΓΚΡΙΝΕΤΑΙ/ ΝΑΙ** ☐

Interestingly, “precedent” seems to prefer crosses to ticks in some of these cases.

Electors in Ipswich and West Moreton were offered a [cancellation method](#), with both “Yes” and “No” written on the ballot and you crossed out the one you disapproved of. Or, were you being asked to highlight the one you favoured?

One more example, [which may be a joke](#), has boxes for “Yes”, “No”, and “Maybe”!



<<**Andrew Waugh: A Twitter thread from an historian with an interest in political arcana on how choice selection in Australian referenda has changed - and why...>>**

**2024, February 18: Literary executors**

I have made provision for my executors to maintain my website for a specified period after my death. That website includes most (but not all) of my published work. The literary material has no commercial value any more and had little enough to begin with. Copyright payments via the journals in which I once published dried up quite some time ago.

But I still get permission requests from universities and libraries to which I always accede (three or four a year on average). The latest came a few weeks ago from

**Permissions Service  
Library, Teaching and Research (Copyright)  
[permi...@rmit.edu.au](mailto:permi...@rmit.edu.au)  
[www.rmit.edu.au](http://www.rmit.edu.au)**

Assuming (perhaps vaingloriously) that these requests may continue for a while after my death, I would like to provide for such permissions to continue to be given so long as copyright (and an interest in the works) persist. The issue of the literary executor is dealt with in an [advice sheet](#) from the Society of Authors. Para 3.7 & 3.8 read (inter alia)

... the law has tended to regard copyrights as “wasting assets” ... a ‘literary executorship’ is a separate grant of probate and continues until ... copyright has expired [or] the ‘literary executor’ appoints successor trustees ... [or] the ‘literary executor’ dies without appointing anyone else as successor trustee (in which case the role would automatically go to the ‘literary executor’s’ own personal representatives/executors which is unsatisfactory).

Section 5 deals with “Your Online Presence”.

Executors wind up the estate and distribute it to beneficiaries according to the terms of the will but copyright and permissions issues continue for many decades. Has anyone else (who writes or has written) considered any of this? If so, what is the solution? Or, am I just up myself for supposing it is worth worrying about?

**2024, May 25:**

<<**Andrew Waugh: Have you considered applying a standard license to your work? While the work remains in copyright, the license applied to it automatically grants others rights to use the work.**

**The Creative Commons license is explicitly designed for this purpose:**

**Six standard licenses are defined - typically in this case you'd use CC-BY. This allows anyone to do anything they want with your work (including republishing it for profit), but they must acknowledge you as the original author. The value of a**



## JUST THE WAY THINGS ARE

standard license is that other parties (e.g. RMIT) would be well familiar with the license, so no-one needs to answer questions or authorise anything. And it applies whether you are with us or not. In addition, the legals underpinning the license have been thoroughly gone into. Note that the license has to be applied individually to each work.

A literary executor would seem to be only worthwhile if 1) your works will generate income after you die, or 2) you have unpublished material that may become valuable or need to be controlled after your death. Think diaries that future academics might like to publish for insights into how you generated your oeuvre. You can understand why this might be of interest to the Society of Authors, but for the rest of us content creators...

If you don't do anything then the rights to your works get passed off to whoever inherits your estate. If the works are not specifically mentioned, the residual legatees get them. It very quickly becomes messy and, in practice, your works become orphan works as working out who can give permission to do anything becomes problematic.>>



### Some Things Just Ought Not to Be

#### **2016, May 20: Stuff happens**

From the Canadian List :

The [Star](#) reports that the Public Health Agency of Canada has used Scotch tape and pieces of paper to redact confidential information when meeting an FOI request. The Agency “is investigating the matter”.

#### **2016, August 10: Missing in action**

More than 400 files go “missing” each year from the National Archives (UK), [the BBC reports](#). Not unreasonably, NAUK says that many of these are likely to be mislaid rather than lost and that

We are a working archive with a robust, ongoing programme dedicated to locating misplaced documents and many are subsequently found again after a thorough search.

What I find interesting is not that stuff goes missing but how the loss is calculated. It is unclear whether they are counting files or documents (or “bundles” of the kind on which I did research in 1974/75). Bundles were documents/files brought together as one unit in anticipation of being bound as volumes in a process that was, even then, about 700 years in arrears. The bundles I was working on were unlisted so part of my research project was to produce an inventory of the files inside the boxes. I never figured out how they proposed to dismantle the files and bind them into a single volume but the entire process didn’t look like much thought had gone into it. The card index to the series was bundled up into packages of about 150 cards each and placed into boxes (called “pieces”) each containing three packages of cards. There was no way of knowing which box (piece) contained which part of the alphabetical sequence. When (after a wait of anything up to an hour) you got the box you had guessed might contain the cards you wanted to look up, as often as not you got a cross-reference to another part of the alphabetical sequence in another box altogether. I eventually persuaded them to let me look at all the boxes of index cards at once but it was still a chore because each bundle of cards within a box was wrapped up in two layers of brown paper and fastened with string!

Unless they now have comprehensive inventories and a robust audit for the entire holding, how do they know that something is missing? Or, are the 400 items simply stuff that is reported missing after it has been called for and could not be produced? Presumably that is





a much lower figure than what goes missing even if it isn't called for. In my experience, archives are pretty cagey about giving out numbers for the percentage of their holdings that are actually requested. I've seen figures as low 5% of the entire holdings that have ever (that's ever) been requested. On that basis, the number of items that go missing (based on those that can't be found when requested) might need to be multiplied 10-20 times to get the true figure – unless the reported figure comes from a proper audit process.

**2018, November 26: Some things of passing interest**

Snippets from the *Weekend Oz*

**p.5 FOI: The Glass is (literally) Half Empty**

From statistics for the last financial year released by the Office of the Australian Information Commissioner –

- 49.81% of requests granted full access (down from 55.47%)
- 11.99% of requests refused outright (up from 9.95%) 16.19% refused taking account of a batch blocked by Northern Australia Infrastructure Facility
- 37.5% of requests to PM's Office more than 90 days late
- 12.48% of requests to D. of Home Affairs more than 90 days late.

**p.10 Tasmanian trans-gender laws**

These are proceeding through Parliament and creating predictable furore. The proposed law deals with redaction of gender information from extracts issued from the Register. The reporting is unclear on whether the law (if passed) will also permit/mandate alteration of the Register itself. It seems to make gender optional (i.e. those reporting a birth, usually parents, would have to opt in) and data subjects of a certain age could reverse the decision but whether reversal means redaction from extracts or expunging from the Register itself is unclear. Apparently, [in the ACT](#) now, provision is made to list gender as "M", "F", or "X".

**p.11 Trigger Warnings for Sacred Texts**

The European Jewish Congress has recommended that new editions of the Bible and the Koran should include trigger warnings to highlight anti-Semitic passages. So far as the Bible is concerned, the New Testament seems to be the worry (esp. John) and it is unclear whether similar hate and bile warnings could also be attached to the Old Testament. It has all led to disputation amongst scholars over what the problem (if any) may be and how to deal with it (if at all). Oxford theology lecturer Christine Joynes is given the last word: "The whole Bible needs a health warning to read it through the right critical lens and in historical context." Amen to that.

**2018, November 28:**

<<**Gene Melzack**:In relation to the Tasmanian legislation, the proposed law seems to imply that the register should maintain records of a person's assigned sex at birth as well as any subsequent changes of sex or removals of sex or gender information (28K. Historical records to be kept). When a change to the register has been made a new birth certificate can be issued and there are provisions for issuing certificates that either a) show no sex or gender information, b) "show the person's gender as registered without any notation or indication that the person was previously registered as of another sex or gender", or c) "issue an extract from the Register which shows the person's gender as registered with a notation that the person was previously registered as of another sex or gender." This seems sensible to me. It maintains a historical record with a clear legal statement that this record is not to be used as relevant to person's current identity. The practical documents (birth certificates) that most people use as evidence in their day to day lives to prove their current identity can then be tailored to fit that identity.>>

**2019, November 15: Funny headline**

Not about r/keeping but it's Friday and this is funny. This week's [Coast Community News](#) carries the following headline on page 1





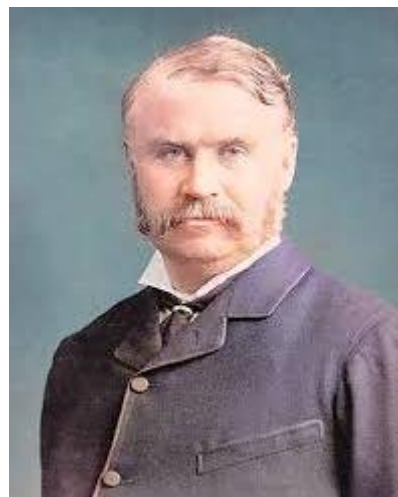
*Prime Minister makes a flying visit to the Central Coast but has nothing new to offer*

You can see that up here we place little value on pith.

Now, before you start sneering at our parochialism, consider this. Our politicians are offering little these days besides pork-barrelling. Larger issues are evaded or obfuscated and the dominant message is about what's in it for me - unless they can panic people into voting for them by working on their fears and prejudices. Why wouldn't a respectable newspaper report a prime ministerial visit in just this way?

**2020, May 5: What does "records continuum" mean?**

<<Michael Piggott:...the new US archivists' definition for records continuum is "A model of recordkeeping practice that emphasizes the overlapping dimensions of recordkeeping and the related axes of accountability". Accompanying this are (i) a 99 word explanatory note stressing evidence and accountability and (ii) three citations, none referencing Frank Upward. The 2005 glossary definition it replaces was: "A model of archival science that emphasizes overlapping characteristics of recordkeeping, evidence, transaction, and the identity of the creator". Accompanying it was (i) a one sentence explanatory note and (ii) a single citation, again not Upward. Neither definition mentioned memory...It's surely a staggering downgrading: in 2005 it was a model of archival science and in 2020 merely a model of recordkeeping practice, but needing more words and citations! ... however you respond to Frank's writing and thinking, wouldn't basic professional courtesy alone dictate he is referenced - quite apart from the simple fact of his two part article in the mid 1990s which announced it to the world? If I had to choose, I'd stick with the 2005 attempt.>>



When Queen Victoria had a command performance of *The Gondoliers* at Windsor, it was announced in the court circular as a work by Sir Arthur Sullivan whose grand opera (*Ivanhoe*) had just flopped. Gilbert quipped: "I suppose I shouldn't complain about not getting credit for *The Gondoliers*, I might have been given credit for *Ivanhoe*." Sounds like Frank might say much the same about this.

Perhaps the sub-title here should be *For Use in the North American Mainstream*. In my experience, archivists there can be very parochial. More so than here I think because the North American community is large enough and diverse enough to accommodate both acuity and parochialism at the same time and for some of them to feel just a wee bit self-sufficient. But should we be hard on them? How well is FRANK'S STUFF understood even here?

It's another example of adumbration really. There's Frank's stuff and then there's the understanding of FRANK'S STUFF (here and abroad). And they're not the same. It's the curse of authorship to be misunderstood but I believe there is (for whatever reason) a special problem with OUR STUFF (including FRANK'S STUFF).



There was chatter about this a few years ago but nothing came of it (that I'm aware of). Some of the youngsters wanted to take OUR STUFF forward but I felt that we'd been so active and venturesome in developing our ideas that they hadn't solidified into what I called a canon that could serve as the basis for further development. The purpose of the canon (*a list of texts accepted as genuine or important, not an adaptation*) would not be to stamp out heresy but to clarify what we mean (if that is even possible) and to identify authentic source material before taking it further. Preferably, before some of us have fallen off the twig..

So, Michael, what is the "single citation" (not Upward) that they have used? Where did their understanding of continuum come from? If our stuff is going to be rendered like this, where can we tell them to go to find a better explanation of it? Or to which we can appeal to impeach their understanding. The sources should not be invisible or impenetrable. Are they just hidden in plain sight? Is this a case of them misunderstanding those sources or of the sources themselves being inadequate for the purpose?

**PS** The continuum is not just nested within OUR STUFF. It is also (uniquely) a framework for locating everybody's stuff (including ours). In that sense it is value- and emphasis- neutral and not a "model" of anything. I once facetiously remarked that it was God's view of recordkeeping.

**2020, August 23: Impossible things just happen**

From ABC News

... about 97 episodes of Doctor Who are currently missing — not through time or space, but from the BBC's own archives ... the disappearance of these early episodes — filmed during the 1960s and '70s — was less nefarious than it was routine. Faced with limited storage space, the BBC regularly deleted archived content, consigning thousands of hours of programming to the memories of television buffs ...

In the same period, copies of the programs were sent around the world to other broadcasters (including the ABC). While the BBC had ordered they be returned or destroyed, over the years a variety of episodes thought to have been lost forever have resurfaced ... In a storeroom in Jos, a little-known tourist town in Nigeria's Middle Belt, Philip Morris's [heart skipped a beat](#) ... It was 2013, and Morris, the director of Television International Enterprises Archive — a company that helps TV stations search for lost footage — had just stumbled upon a slice of history: nine missing episodes of the iconic series, buried away in a local television relay station. "He found those because there was an old shipping transcript that had said that the BBC had sent these episodes to Africa, but there was nothing to ever say they'd been returned," ... Of the 50 episodes recovered since 1978, 15 have been reclaimed from Nigeria, while another 24 have been returned from broadcasters in countries including Cyprus, the United Arab Emirates and even Australia ...

Enter: Paul Vanezis, a freelance producer, director and archive consultant, who has worked on Doctor Who since the mid '90s. Based in the United Kingdom, Vanezis has been actively involved in the search for missing episodes — a quest also being undertaken in Australia ... Before these early episodes could be broadcast to local audiences, they were sent to the Film Censorship Board for classification and approval ... For decades, the fate of these censored clips remained a mystery. That is, until 1996, when Vanezis's colleague Damian Shanahan tracked them down to the National Archives of Australia ... More than a decade later, another lost episode with ties to Australia would again resurface — this time in the hands of a film collector in the United Kingdom. "It turned out to be the original ABC print that was returned by the ABC in 1975, and then thrown away by the BBC because it had been [censored]," Vanezis says.

Australia's role in the long-running series piqued Vanezis's curiosity. For two decades, he'd been aware of a mysterious film languishing in the National Archives, simply titled Doctor Who ... While it wasn't a missing episode, the footage — now being released by the ABC's RetroFocus program — shows a young(ish) Tom Baker being interviewed by school children for an episode of Behind the News ... The rediscovery of this clip, some 40 years after it was filmed, begs the question: could other long-lost episodes still be in Australia?



Vanezis points to the Dalek's Master Plan, the mostly-missing third serial of Doctor Who, which aired in the United Kingdom from November 1965 to January 1966. While the ABC had purchased the series, the Film Censorship Board recommended so many cuts "it would have rendered it unwatchable". And so, the episodes were relegated to a storage room at the ABC's Gore Hill studio, which was sold off in 2003 ... Missing episodes were stored at the ABC's Gore Hill studio, which was sold off in 2003 ... And while the fate of these films remains uncertain, Whovians hope they may one day re-emerge ...



<<[Michael Piggott](#): Off and on this weekend, I've been mulling over Chris' three posts, "How Collections End", "Whaling Windfalls and Women", and now (below), re Impossible things and Dr Who. Is there a linking archival thread, apart from the obvious?

There is, and it's "the human factor" (with apologies to Graham Greene) - something our systems and principles and standards and theories at best just assume will be in play. Usually ignored, it is part of the "context is everything" point made by Peter Crush last week. Thus, in Chris' first post, there's a passing mention of what can only be described as the highly individual thinking of the current NAA D-G, and the judgment calls needed re mitigating collaborating or fighting. Gung-ho or get your head down? For want of a better term, personality types are inevitably, unavoidably involved. Then there's the determined historian Anna Claydon, intrigued by the whaling logbook with a child's writing in it, leading to discovering a father demanding that the wife he deserted support him financially!! As for Dr Who, it's clear neither Philip Morris, director of a company called Television International Enterprises Archive and described as the Indiana Jones of the Film world, nor Paul Vanezis, a freelance producer, director, and archive consultant, are average everyday chaps.

The human factor was definitely evident in a recent item about the infamous [Carnegie Library theft](#). Two extracts will give the flavour: "there is a tradition of librarians and archivists stealing from collections they are meant to steward..."; and "It was Schulman's responsibility, as one bookseller told me, to notice there was something odd about the treasures Priore was handing over. The ethics code of the Antiquarian Booksellers' Association of America states that members 'shall make all reasonable efforts to ascertain that materials offered to him or her are the property of the seller,' and members 'shall make every effort to prevent the theft or distribution of stolen antiquarian books and related materials.' Schulman was not only a member of the ABAA. He had served on its ethics and standards committee." Of course, insider jobs happen here too, cf [Major Rex Clark](#) (1935-1978), another who was definitely [not an average everyday character](#). >>

<<[Andrew Waugh](#).. leading to discovering a father demanding that the wife he deserted support him financially!!

One of the more interesting side lights of my research into the 19th century Victorian Railways was encountering William Shiels - briefly Minister for Railways in the early 1890s. His real job at the time was Attorney General - he was a lawyer by training - and he had a most unusual interest for the time: women's rights.





It's largely forgotten now, but in 19th century British law (and consequently in the colonies) wives were considered legally indivisible from their husbands. The property of the marriage was the husband's to do with as he wished, as were the children. The situation that Michael finds surprising was, in fact, common. If the going got tough the husband could quite happily desert the wife leaving her to support herself and the children. Catherine Bishop wrote a very interesting book 'Minding her own Business' on the types of occupations that women in 19th century Sydney could enter into when they were widowed or deserted. The catch was that, because the women were still married, the absconding husband could turn up at any time and demand 'his' assets and the business that the wife had created. Why couldn't she divorce him? Ahh, because while the law allowed the husband to divorce his wife if she deserted him, she could not divorce him if he deserted her.

The rate of desertion in the Australian colonies was such that it was a significant social problem. The deserted wife was stuck - she couldn't legally set up in another happy nuclear family. (One social problem the politicians were concerned with, though they couldn't name it, was prostitution.)

NSW made the first attempt to resolve this problem by amending the marriage act to allow women to divorce their husbands on the grounds of desertion. Although passed by the NSW parliament, the Governor refused his assent on the grounds that it was important that marriage be uniform across the British empire. What would happen if a woman was divorced in NSW, but was still legally married in Britain? Subsequently it was realised that this was legal nonsense - the marriage and divorce laws were already inconsistent across the British empire; in particular Scotland had different laws to England. There was no problem. Once divorced, anywhere, the marriage was legally over everywhere.

Once this was realised, Shiels then took the running in Victoria and got the necessary amending act passed through Parliament. This was against the hysterical opposition of the various churches - what God had joined together let no man tear asunder, sanctity of marriage, etc, etc. This feat was even more impressive as Shiels was not only a backbencher at the time, he wasn't even a government backbencher. The Victorian Governor followed the precedent of his NSW counterpart and refused his assent, declaring that only Queen Victoria herself could assent to such an act.

So Shiels travelled, as a private citizen, to London to get the necessary assent. Technically, he was not representing the Victorian government, and the churches forced the Premier to publicly so state. Of course it wasn't just a matter of Shiels having a private chat to Vicky. The Queen was advised by the British Prime Minister. Essentially, Shiels had to convince the British cabinet to support the new Victorian divorce law. In the other corner was the hierarchy of the Church of England who were absolutely against the innovation of allowing women to divorce their husbands; it would absolutely destroy the sanctity of marriage. The British cabinet was, not surprisingly, listening to the CofE.

Shiels, as a lawyer, didn't even attempt to argue about the divorce law. Britain had granted Victoria responsible self government; the change to the divorce laws was within the powers delegated to the Victorian parliament; consequently if responsible self government meant anything the British cabinet couldn't block this. In this, Shiels was backed by the Agent Generals of Victoria, NSW, and, I think, Queensland and South Australia. Shiels turned the divorce law into an argument about colonial self government. Reluctantly, the British cabinet agreed, and so recommended approval to Queen Victoria, who assented to the Act.

I found this interesting story at the time of the 'debate' about gay marriage in Australia. You couldn't change the marriage act. It would destroy the sanctity of marriage. All the same arguments that Shiels faced. It was not a positive reflection on certain members of the federal parliament that the Victorian parliament had earlier faced down such arguments from their churches, despite the fact that they lived in a far more religious society and were all practicing members of their respective faiths.

Nothing to do with archives, except, perhaps, as an example of how easily we forget the past.>>



**2020, August 24:**

**<<Nothing to do with archives, except, perhaps,  
as an example of how easily we forget the past.>>**

I would say it has everything to do with archives because it is well also to avoid remembering the past solely through the prism of today's values and it is archives that enable us to do that. Without wishing to inflame the list, it is possible to reflect that both [coverture](#) (the doctrine referred to by Andrew) and the related notion of [dowry](#), both of which had evolved into something rather horrible by the 19<sup>th</sup> century, had complex and not wholly unworthy origins in medieval Europe. A lot of it had to do with the inheritance of property - surprise, surprise – as well as power relationships between the sexes.



The Church fought for nearly 1000 years to establish the idea of marriage as both a religious and a social good. In its purest form, dowry was a process whereby daughters, upon marriage, took their share of parental property into the new family unit that was being formed (or enlarged). The sons had to wait for the parents to die to get their share but, upon marriage, a son (especially an eldest son) might bring part of his parents' wealth into the marriage. More usually, however, the newly joined husband/wife adhered to and lived within the husband's (now enlarged) family unit until his parents died and there was a new share out. Amongst the nobility, it was all about how best to preserve estates (domains).

If the marriage dissolved (e.g. by death), complicated laws of inheritance had to decide who got what. The widow might be able to take the dowry, or part of it, with her into a new marriage but any children of her first marriage might also have claims. Since property was involved, theory soon degenerated into greed and distortion of principles that were fairly abstruse to begin with. Daughters, especially amongst the nobility where vast estates were in play, didn't necessarily lose their property rights in the event of widowhood (especially if she and her husband remained childless). Medieval English history is replete with women bringing titles and estates into unions with second, third, and even fourth or fifth husbands when there was no heir. But a key question remained: who got it in the long run? Rather than a simple formulation that the wife lost her rights to the husband, coverture was partly about the management of the combined property for the duration of the marriage and its distribution in the event of contingent circumstances.

Both principles, it has been argued, were about protecting the woman's (property) rights within marriage as well as subjugating her. But the principle, as Andrew explains, had certainly become debased by the time of which he writes. Even in its origins, it wasn't all that high-minded. In her Introduction to [Georges Duby's](#) *The Knight, the Lady and the Priest: the Making of Modern Marriage in Medieval France* (mine is the 1984 translation), Natalie Zemon Davis writes –

... he places aristocratic marriage within a system fraught with conflicts – between pope and king and priest and seignior in the first instance, but also between young



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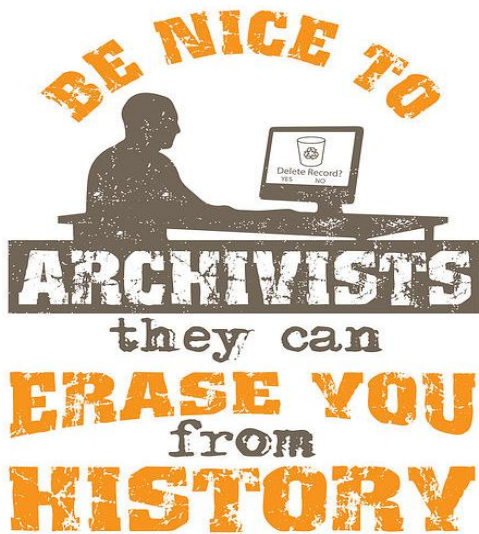
men and old men, married priests and celibate priests, disaffected heretics and the evil world, and finally between men and women ... Duby suggests that [by the 13<sup>th</sup> century] the construction of a marriage system and a sexual economy was connected with the construction of political and ecclesiastical systems and an economy of feudal property ... Georges Duby gives to medieval marriage not only its complex system and historical dynamic – but also both its sexes.

Look [elsewhere](#) for another view of Duby's work.

### **2021, April 4: What, if anything, is a listserv?**

Assuming it's an age thing, I've taken to describing it as *a kind of social media for old folks*. Is this unusual or have listservs become old hat?

<<**Chris Gousmett: As an old folk I would prefer to say that a listserv is a kind of old social media for folks. Let's not presume that all archivists and record keepers are in the upper age brackets.**>>



### **2022, June 1: Machinery of Government Changes**

<<**Tim Sherratt: In case you missed it, the Archives Act is back under Communications & Arts, after many years with A-G. I wonder what this means for the NAA?**>>

#### **2022, June 21:**

The alignment of NAA within the [Administrative Arrangements Order](#) of 1 June gives a hint of the new Government's attitudes.

**Attorney-General** responsibilities include: Privacy; Freedom of Information; Fraud and anti-corruption policy; Whole of government integrity policy and activities; Copyright.

**D. of Finance** responsibilities include: Public data policy and related matters; Whole of government information and communications technology; Information and communications technology procurement policy and services.

**D. of Infrastructure**, Transport, Regional Development, Communications and the Arts responsibilities include: Content policy relating to the information economy; Cultural affairs, including movable cultural heritage and support for the arts; Classification; Management of government records; Old Parliament House.

If I'm not mistaken, "classification" is weasel-speak for censorship. Legislation administered includes: *Archives Act 1983*; *Australia Council Act 2013*; *Australian Broadcasting Corporation Act 1983*; *Australian Film, Television and Radio School Act 1973*; *Australian National Maritime Museum Act 1990*; *National Film and Sound Archive of Australia Act 2008*; *National Gallery Act 1975*; *National Library Act 1960*; *National Museum of*



*Australia Act 1980; National Portrait Gallery of Australia Act 2012; Protection of Cultural Objects on Loan Act 2013; Protection of Movable Cultural Heritage Act 1986; Public Lending Right Act 1985; Screen Australia Act 2008.* AWM, as usual, is assigned to Defence.

Under the *Archives Act 1983*, NAA is not designed as a policy department. The implication, though this was not much thought about at the time of drafting, was that it would be operational - leaving archives policy (and, more broadly, information policy) to others. In the teeth of opposition from the then Public Service Board (and Treasury to a lesser extent), we did manage to get a species of guidance and standards in. Interestingly, at that time (the 1970s), Attorney-General's which had not historically been much interested was becoming so because of its new interest in FOI and, while not an ally, saw the PSB/Treasury approach to information as retrograde. My impression was that the gnomish Prime Minister's Department (a long-term but tepid patron of the Archives) wasn't much interested in this aspect of the matter but this probably had more to do with the fact that they didn't especially want anyone else involved in high-level policy on anything.

There is nothing that I can see reflecting the national responsibilities assigned to NAA by the *Archives Act*. The emphasis is on an alignment with GLAM. NAA's role in internal housekeeping is reflected in the unusually prominent space given to it in [the guidance](#) on MoG put out by D. of Finance.

NAA supports the implementation of MoG changes by:

- permitting the transfer of custody or ownership of records outside the Commonwealth where appropriate
- providing advice on policy, mechanisms and standards for the transfer of information, records and data between entities.

What is interesting in the Finance Guidelines is the second bullet point which describes a policy role that is reflected in neither the *Archives Act* nor (so far as I can see) in the new MoG Order. It reflects, I imagine, a perception of itself that NAA has worked very hard over the years to establish for itself within the public sector and in which the new Government displays no apparent interest.

## **2022, September 13: Continuity and change**

Forgive my continuing to post after bowing out (seemingly) from the List in July, 2021, but I am moved to share this "big think" analysis (as Terry Cook used to call them) from "fund manager (and Sinophobe) Mike Mangan" repeated in an [article](#) by Michael Pascoe. Harking back to some of my own [recent comments](#), I note that this analysis of the decline of the US as a great power is almost entirely structural, rather than social or moral.

Why should this be of interest to us? Well, as old men do, I've come to [reflect](#) on our social context. If, as many of us seem to believe, our work cannot be isolated from that context, it behoves us to understand it and to place our efforts and our values proportionately within it.

The thesis here is that the US (and, I suppose, by extension the whole Anglo/European capitalist system) is irreversibly in decline based on what is ultimately a moral judgement after all (viz. that it is beyond the system's capability to repair itself). The possibly more dubious conclusion is that we are all less safe as a result. My own view is that (historically) collapse of some kind or another is more likely to be a positive step towards progress (not away from it) but who knows? For us there are two issues, as I've indicated before:

- a) How to maintain enduring memory within a changing context without isolating ourselves (on the one hand) or betraying the evidence (on the other)
- b) More mundanely, how to position ourselves for survival in a changing world.





Reading this analysis, I am left wondering – in relation to (a) – whether we need to rebalance turbulence with social harmony in our thinking and – in relation to (b) – how our memory institutions fit with the unexpected (by me) public musings over continuity and change following the death of EIIR. Here is the Mangan analysis of what ails America. I've no way of verifying the data's accuracy. Enjoy. Pascoe says he has edited and added to the list:

1. **Trickle-down economics.** It never trickled down; it just boosted asset prices
2. **TBTF (too big to fail)** Bailouts. Post-GFC response exacerbated inequality. If you keep your profits and socialise your losses, you have a magical business model
3. **Zero interest rates and QE.** Central bankers have been saving speculators since the 1987 crash. These policies debase 'fiat' currency and also exacerbate inequality by favouring asset owners over wage earning plodders
4. **Unsanctioned market rigging:** Since the GFC, investment banks paid nearly \$US460 billion in fines and restitutions. They've pled guilty to involvement in the drugs trade, WMD, bribery, trading with the enemy and funding terrorism. They've been caught in more than 900 other cases where criminality couldn't be proved beyond reasonable doubt, so fines and restitutions were the only sanctions. You could count on one hand the number of prison sentences handed down for this massive crime wave
5. **Gun violence.** In 2022 America has averaged [about two mass shootings a day](#)
6. **Police violence.** The [cops average more than 1000 kills per annum](#)
7. **Opioids.** [More than 100,000 lives lost per annum to opioids](#) since COVID, roughly double the 2015 rate
8. **Alcohol.** Deaths related to [alcohol consumption](#) spiked 25 to 40 per cent since COVID
9. **Mass incarceration:** America's [two million convicts](#) is one of the largest prison populations in the world. It's also one of the largest in history. Nearly a quarter of Americans have a criminal record. [Nearly a third have a relative touched by their prison system.](#)
10. **Food insecurity.** The richest country on Earth has more than 10 per cent of its population, or [about 38 million Americans – including 12 million children,](#) facing daily food insecurity
11. **Negative net wealth.** [About 13 million American households](#) or 40 to 50 million Americans live in households that owe more than they own
12. **COVID failure.** America has 4.5 per cent of the world's population, but 15 per cent of official global COVID deaths.

**PS.** If (like me) you don't know about QE, it means [Quantitative Easing](#).

<<[Peter Arfanis: Might be worth selling everything for this](#)>>

### 2022, October 22: [Frontier Wars](#)

Not so long ago, the Australian War Memorial held that Frontier Wars weren't its business (see [my post](#) of 15 Nov., 2020) -

"As defined in the Australian War Memorial Act 1980, the Memorial's official role is to develop a memorial for Australians who have died on, or as a result of, active service, or as a result of any war or warlike operation in which Australians have been on active service. The definition does not include internal conflicts between the Indigenous populations and the colonial powers of the day."

Those with a taste for irony will be amused by reporting in the *Weekend Oz* (available in print on p.3 of today's edition and to online subscribers only) about a barney that has broken out between AWM, Returned Soldiers' League (RSL), and the National Museum (NMA) over





AWM's [reversal](#) of this policy to give "a much broader, much deeper depiction and presentation of the violence committed against Aboriginal people").

- Greg Melick for the RSL ("inundated with phone calls from concerned veterans") objects to the change and thinks this subject is the proper province of NMA ("it was a story that should primarily be told by the National Museum rather than the War Memorial ... go and try to find the frontier wars in the National Museum – good luck if you can find it"). There's a hint that some AWM supporters are miffed that part of their \$550M windfall should be spent on this.
- Mathew Trinca for NMA, while claiming to have honourably covered the topic for several years ("We have been telling the story of frontier conflict and violence ... for more than two decades"), denies that it has sole responsibility ("he did not believe the National Museum had a greater responsibility to tell the story than did the AWM").
- Brendan Nelson for AWM says (in effect) *don't worry, we're doing something but it won't be much* ("the expansion of the focus on frontier wars in the enlarged memorial would be only 'modest' ... we will professionally and sensitively ... set the context for their service to and suffering for Australia (But) it will be of modest dimensions, It will also complement the full story ... that is the responsibility of the National Museum of Australia.") One wonders whose PR advice he's taking.
- Peter Stanley, former principal historian with AWM says "that if there was only a 'modest' expansion ... it would be an insult to First Nations people."

So far as I can see, no one is objecting to NMA's treatment of the subject. They are not even bickering about whether the story should be told, but rather about whose responsibility it is. For now at any rate, it's all about the teller, not the tale. Very odd.

<<**Michael Organ: What do you believe? During 1816 Governor Lachlan Macquarie, Commander in Chief of the colony's forces, declared that Aboriginal people about Sydney would be taken "prisoners of war" by his military regiments. That is, the British declared war on the Aboriginal population, even though theoretically they could not. This is the Frontier Wars. It is therefore the responsibility of the Australian War Memorial to present the facts around this. They need to stop quibbling about it.**>>

**2023, June 3: Miss Marple – a critical thinker**

**"It's very dangerous to believe people, I haven't for years."**

– Agatha Christie, *Sleeping Murder*

**We kept our word. Shame about the fly screens.**

After the Minns government won the [New South Wales](#) election, Norrie May-Welby finally invested in a mod con to her home that would seem humdrum to most: she bought new fly screens. This, she thought, was the end of seven years spent waiting for the day she would be relocated from her home at Waterloo South public housing estate. But now, May-Welby is one of more than 3,000 residents awaiting answers after a string of conflicting Labor messages has left them confused about the future of the estate. "They told us they would protect our homes ... I thought OK I can breathe a sigh of relief; I can throw out my packing boxes; I spent \$500 on new fly screens for the side of my house. "What a waste of money that's turned out to be." Residents say they feel misled by Labor ahead of the election, and in limbo as they await news of the estate's future ...

[Housing Minister] Jackson has assured residents the redeveloped estate will remain in government hands, with a higher proportion of social and affordable housing than the previous Coalition' government's privatisation plan. But tenants say they are frustrated and confused because Labor's pre-election commitments led them to believe that ending privatisation meant the site would no longer be redeveloped ... May-Welby said she felt duped by a letter and texts tenants got from Ron Hoenig, the state MP for Heffron, in the lead-up to the election urging tenants to send the Liberal party a message – "Hands off Waterloo" – by



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voting Labor ... Minns has maintained the government's plan to push ahead with the redevelopment is not privatisation and in line with its election policies. "They seem to be trying to say it is not privatisation because it's only partial privatisation," May-Welby said. "For them to equivocate and say that's not privatisation, that's outrageous."

In March, the City of Sydney councillor Linda Scott posted "a huge announcement" [to her Facebook account](#): that Labor would end the sale of public housing. "If you live in public housing, Labor will protect your home," Scott, a Labor party councillor, wrote. "Your home will not be sold, and you will not be relocated." ...

Geoff Turnbull, the spokesperson for community group REDWatch, said the problem was the government was "putting out these one liners" to tenants without explanation. "I think what happened is they were quite happy to be ambiguous and for people to make from that messaging what they wanted to," Turnbull said. "Understandably those who read those pre-election messages are pissed off and in part because there's all of a sudden this wiggle room around when it is a sale and when it is not."

### **2023, December 30: Who "owns" the records?**

#### **Originals, copies, renditions**

Leisa Gibbons has posted this story on [Linkedin](#):

What began in 2022 as a one-paragraph public records request has morphed into a full-blown court fight over who owns digital copies of Pennsylvania's historical records ... [Reclaim the Records](#) ... asked PHMC [[Pennsylvania Historical and Museum Commission](#)] for all records the state agency turned over to Ancestry to digitize [and] for the metadata on the digitized documents, as well as any indexes Ancestry created for them. PHMC denied the request ...

### **2024, September 15: Does History Really Cast a Shadow?**

"Long Read" by Nick Bryant on the [ABC website](#). No attempt to draw parallels with Oz unfortunately. Some parallels here perhaps but, supposing Bryant's analysis has something to it, I don't have a sense (pace John Howard) of anything in our politics like the passion we are seeing in the US. So, just a warning for us perhaps. But then, if History really does have this kind of power over us, could we do anything to stop it? Maybe we should be grateful that most Aussies (a few intellectuals and diletantes apart) seem to have only a caricature view of our past. And a disengaged one at that.

#### **Two different versions of the US are on the table, ..... but both of them are captive to the past.**

Of all the schisms which cleave contemporary America, few are more stark than the divide between those who consider themselves to be victims of US history and those who fear they will be casualties of its future ... [T]he 2024 presidential election ... has become a fight between avatars of these contrasting and conflicting Americas .... Make America Great Again ... is a slogan saturated in nostalgic nationalism ... Kamala Harris, by contrast, is promising to look beyond the horizon ... modern-day US politics has often become a battle over the past, revisiting histories that have never been properly resolved ... all politics is history.

#### **Yesterday's gone**

The political theorist Francis Fukuyama proclaimed the end of history and the triumph of liberal democracy ... Fast forward to the present day and US politics has become even more captive to the past ... racism has again come to the fore ... In the abortion debate, yesteryear has become the present day ... The gun debate is a clash over the meaning of the 27 words of tortured syntax and questionable grammar that make up the Second Amendment ...

Contemporary political ideology has become more historical. On the conservative side of politics, originalism is one of the few core ideas to have survived the Trump years intact. This legal credo posits that the Constitution should be interpreted to reflect the original thinking and intentions of the founding fathers ... Presentism has become a driving idea on



the left, the notion that historical figures can legitimately be judged by modern-day mores and values ...



### **Duelling visions**

In recent years, the history wars have become ever more angry. On becoming president in 2021, one of Joe Biden's first acts was to banish from the White House website the 1776 Report. That was Donald Trump's pet presidential project to push back against what he called a "radicalised view of American history" ... The 1776 Report became a rebuttal to the 1619 Project at the New York Times, which was first published in 2019 on the 400th anniversary of the first ship carrying enslaved Africans reaching shore in what was then the British colony of Virginia. Its aim was "to reframe the country's history by placing the consequences of slavery and the contributions of black Americans at the very centre of our national narrative". Do Americans align with the 1776 Report or the 1619 Project? Increasingly, the debate over the meaning of America's complicated and contradictory history is conducted in a crassly binary form.

The battle over how history should be taught in schools has been fought with almost the same angry vituperativeness as battles over abortion and guns. Critical race theory, the inarguable nostrum that America's institutions were riddled from the start with systematic racism, has become the focus of fierce, sometimes even violent, contestation ... Statues and monuments have become lightning rods ... History has not only become a driver of popular protest but of populist politics ... During the January 6 insurrection, many of the rioters chanted "1776" as they stormed the US Capitol. Rather than seditionists, they cast themselves as patriots acting in the spirit of the revolution. For them, the violence was historically legitimate ...

For commentators attempting to contextualise this election, history has become a touchstone ... Often ... it feels as if America is facing a problem of historical overload. It is being overwhelmed, and paralysed to an extent, by a welter of unresolved history ...

### **Passing the torch**

... A problem for contemporary America is that news cycles have become the historical cycle in microcosm. On guns, abortion, race, the division of power between the states and the federal government, the apportionment of power between the presidency, Congress and the judiciary, we keep on revisiting the same arguments. We keep on going over the same ground. We keep on confronting the same unresolved problems ... History, then, is not an anchor, but rather stormy seas that never calm ... The United States is buckling under the weight and contradictions of its past for the simple reason that so much of that history is still being contested. All politics is history. All history is politics.



**2024, September 16:**

According to the [Pew Research Center](#), the concerns of American voters don't exactly suggest that they are being over-whelmed by History:

- As concerns around the state of the economy and inflation continue, about eight-in-ten registered voters (81%) say the economy will be very important to their vote in the 2024 presidential election. While the economy is the top issue among voters, a large majority (69%) cite at least five of the 10 issues asked about in the survey as very important to their vote. There are wide differences between voters who support Harris and Trump when it comes to the issues.
- Among Trump supporters, the economy (93%), immigration (82%) and violent crime (76%) are the leading issues. Just 18% of Trump supporters say racial and ethnic inequality is very important. And even fewer say climate change is very important (11%). For Harris supporters, issues such as health care (76%) and Supreme Court appointments (73%) are of top importance. Large majorities also cite the economy (68%) and abortion (67%) as very important to their vote in the election.
- Most voters cite several issues as very important to their vote this November. Very few – just 5% – say only one issue or no issues are highly important. Majorities of both Harris supporters (71%) and Trump supporters (69%) say at least five of 10 issues included in the survey are very important to their vote. Harris supporters are more likely than Trump supporters to say most of the issues included are very important. About a third of Harris supporters (32%) say at least eight of 10 issues are very important, compared with 17% of Trump supporters.

Some of these issues do, of course, track back to the demons of American history (e.g. race)

Last February, [The Guardian](#) (Intifara Chowdhury) looked at what is concerning Australian voters, comparing changes between 2010 and 2022:

- Cost of living: 23 up from zero
- The economy: 18 down from 22 [surprisingly]
- Global warming: 16 up from 8
- Health and Medicare: 11 down from 27
- The environment: 8 up from 4
- Taxation: 7 up from 6
- The field: between 1 and 5, including national security, immigration, and [depressingly] education
- Non-starters: unemployment, interest rates, and industrial relations

Not many shadows of history here that I can see. Nothing about race, diversity, equity, inclusion, politics itself, corruption, history wars, or even statues. I'm not quite sure what the units of measurement used in the article are. Typically, this journal equates "issue-focussed" with "progressive" but that is just commentary, not factual. How strange that some people don't seem to connect cost-of-living with the economy. And, despite the urgings of the Reserve Bank, they don't seem to be identifying interest rates as a measure of cost-of-living pressures (but it was 2022 admittedly). Americans are more likely, apparently, to understand the link between inflation and cost-of-living.

**2025, February 25: [Chickens](#)**

Ghosts of the free-spending Andrews' Government are coming home to roost as Victoria decides to [save money by cutting](#) "*thousands of public sector jobs to rein in spending*". The Premier has pledged that "*the review would include all departments and their entities but will not include integrity agencies or parliament.*" So, what are these integrity agencies? Do they include PROV?





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The [Integrity & Oversight Committee](#) of the Victorian Parliament has a very constricted list (set out in their terms of reference, no doubt). *The Committee is responsible for monitoring and reviewing the performance of the following agencies:*

- Independent Broad-based Anti-corruption Commission (IBAC)
- Integrity Oversight Victoria (IOV)
- Office of the Victorian Information Commissioner (OVIC)
- The Parliamentary Workplace Standards and Integrity Commission (PWSIC)
- The Victorian Ombudsman (VO).

Doesn't even include the Auditor-General.

According to an IBAC Report of 2016, the list is more expansive. They are:

- Independent Broad-based Anti-corruption Commission
- Victorian Ombudsman
- Victorian Auditor-General
- Local Government Investigations and Compliance Inspectorate
- Freedom of Information Commissioner
- Victorian Public Sector Commission
- Victorian Equal Opportunity and Human Rights Commission
- Commissioner for Privacy and Data Protection

Excluding PROV from these lists is entirely appropriate. The listed bodies all have regulatory and oversight roles, our archives authorities do not. An archives sets standards, assists in their execution, and approves proposed actions but do not (and should not) regulate or enforce. Being a standard-setter and an approver means you cannot also be the auditor or enforcer. It's fundamental. The Victorian Ombudsman once explained to me, when I was Keeper, that he could enforce r/keeping standards but first I had to set them.

What is distressing, however, is the failure of the IBAC Report to make any mention (so far as I can see) of recordkeeping as part of the Victorian integrity framework and it does not include the *Public Records Act* in a list of relevant legislation. It is distressing to see, after all this time, how shallow the roots still are linking corruption with poor r/keeping – “[like flies to a carcass](#)”.

**PS** Not trying to single out Victoria for special mention. The only serious analysis (apart from a few slogans and airy persiflage) that I can remember seeing of the role of the Archives in upholding integrity has been in WA. But I am open to correction on that.



### **Valedictions**

#### **2017, May 5: The end of narrative**

From the archives professionals list comes a story about the [demise of the great NY Times Index](#). Sad.

The best narrative I have ever seen in an index was in a book about the early Vasas (Swedish royal house). It went something like this :

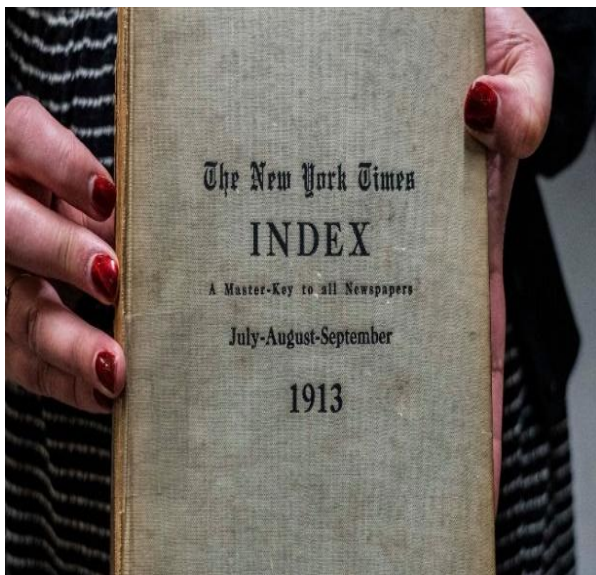
Vasa, Ulrike

- born p.29
- married p.78
- loses her hair p.156
- and her reputation p.217



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Authors and publishers leave indexing to the last minute and seldom check. I once thought of becoming an indexer in retirement and having a bit of fun.



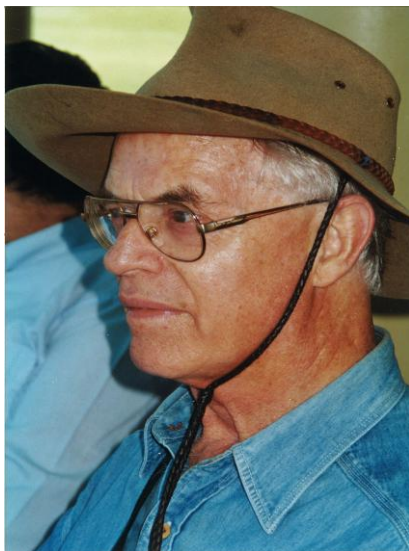
### Historical New York Times with Index

- The New York Times (1851-2006) with Index (1851-1993)
- ProQuest has digitized and integrated The New York Times Index with the Historical New York Times



The New York Times is the newspaper of record in the United States

### **2017, August 28: James Lindsay Cleland 1928-2017**



Lindsay and I briefly shared responsibility for NAA's ACT Operations in the mid 1970s under a crazy experiment in separating that responsibility from Head Office – represented by our counterparts, Thea Exley and Peter Scott. His part of the operation was in the Nissen Huts and mine was above a hardware store in Kingston. It was an experiment doomed to fail and fraught with potential for conflict and ill-feeling to which it duly gave rise.

Later, after I returned from a year studying in London, he and I spent months alone in a weird kind of exile on Northbourne Avenue while others acted in our respective positions – until Bob Neale's arrival put an end to that nonsense. Lindsay was not your typical bureaucrat (which I found appealing; others didn't) and he and I found common ground in a growing discontent with the way NAA (then called Australian Archives) was being managed.

There were things on which we didn't see eye to eye and he held strong opinions (like me, I suppose), but I remember him as a courteous, generous man – slow to pick a fight and always reaching out to find a mutually agreeable solution.

### **2020, May 16: ABC news on the sad death of Michael Saclier (1937-2020)**

<<Adrian Cunningham: Many would have heard the recent [sad news](#) about the passing of former Noel Butlin Archives Chief Archivist and founding member of the ASA, Michael Saclier. It seems that he died from Covid-19 in somewhat mysterious circumstances.>>

### **2020, May 20:**

<<Tim Robinson: ... How terribly sad. Mike was one of the giants. I have two particular memories of him. In the early 1980's I visited a friend then working at the Archives of Business and Labour (as it was). There were a couple of notices to staff around the archives, each signed "Michael Saclier, Supreme Archivist". I wonder if any have survived?

The other strong memory comes from Mike talking about the importance of student records to a university. I don't quite recall where this was, probably a



conference. He said" "Without good student records a university degree is not worth the paper it can be forged on". I have repeated that, with appropriate acknowledgment, for decades to staff new to the University. It always had the desired effect.>>

His contribution to development of the profession, not least in the formation of ASA, was one facet of a multi-dimensional career. With the help of Michael Piggott, I have offered a review of this aspect of his life which I hope ASA will publish.

**From Archive Matters, 7 April 2020:**

Very sadly, Michael Saclier, Honorary Member of the ASA, has recently passed away. He was the ASA's first President from 1975 to 1977 and on Council to 1979. Michael was Convenor of the Steering Committee that laid the groundwork for the establishment of the ASA and you may read the early newsletters he prepared in our [History](#) section. He was also the Archivist at the ANU Noel Butlin Archives from 1972 to 1997 amongst many other roles. The [citation for his honorary membership](#) in 1985 is available from the A&M Online Archives. A more detailed obituary will be prepared and I welcome contributions from members with memories of Michael they would like to share.

<<**[Katie Bird](#)**: Posted on behalf of ASA President, Julia Mant:



The April edition of *Archive Matters* included a short tribute to Michael Saclier, and at the time the family did not wish to include reference to his death from COVID-19. They were very pleased to hear from the ASA Council with condolences and are supportive of [an obituary](#) being published in *Archives & Manuscripts*. That is in train, thanks to Chris, Michael and Colleen McEwen, and if anyone would like to contribute to it with their memories of Michael, the Journal Editor, Viviane Frings-Hessami would be pleased to hear from you:

**2022 December 28: Hardy tree**

**Gravestone-encircled 'Hardy Tree' falls in London**

"Beauty lay not in the thing, but in what the thing symbolized."

— [Thomas Hardy](#), *Tess of the D'Urbervilles*

Now no matter, child, the name: / Sorrow's springs are the same.

Nor mouth had, no nor mind, expressed / What heart heard of, ghost guessed:

It is the blight man was born for, / It is Margaret you mourn for.

— [Gerard Manley Hopkins](#) *Spring and Fall*

I will refer to these processes and practices as *living archives* – practices and environments that connect the organisation, curation and transmission of memory with present-bound creative, performative, and participatory processes (Living Archives, [2018](#)). The quintessence of these practices does not stand necessarily in the use of archival records strictly defined; nor are they driven uniquely by archival institutions and stakeholders.

Rather, at the core of living archives is the performative celebration of the past through contemporary acts of creation and transmission.





Living archives marry the archival and the artistic by recording and tracing the past with contemporary creative practice. The archival component points, here, to a concern with memory, memory sharing, and ways of bringing memory into a space of presence (and co-presence) through the mediation of memory texts.

According to Ketelaar (2005), memory texts are ‘cultural tools’ (Wertsch, 1998, 2002) that mediate meaning-making, knowledge and memory transmission, and which can encompass equally physical objects, texts in literal sense, but also monuments, buildings and even human bodies.

### **2023 January 16: Ronald Blythe 1922-2023**

He is being remembered (justly) as a writer about nature (*Akenfield*). But my favourite is *The Age of Illusion* – not necessarily the best history of the period (Britain between the Wars) but hilarious all the same. I kept it by me through four years at University (along with a few others I turned to for light relief to get me by when studying became too much of a chore). The chapter (Ch. 8) on the Rector of Stiffkey, pronounced Stewky, is a gem.

*... When human conduct reaches a certain point the ordinary laws cannot apply. Where one insists on applying them there is set in motion a comic process in which retribution slips on its own banana-skin, as it were. For Church and State to conspire together so elaborately to exact a penalty from the Rector was a hopeless gesture from the very beginning. That much is plain now ... When the trial opened, on March 29<sup>th</sup>, Stiffkey was as notorious as Babylon and its incumbent as celebrated as Al Capone ... Nobody present that cold March afternoon dreamed that they would still be present in June. Nobody guessed that the thin line between jurisprudence and entertainment was to become invisible. Nobody mentioned lions ...*

The chapters on Bodyline (Ch. 7) and the Jarrow March (Ch. 9) are equally good – the one farcical and the other full of pathos. Having taken *The Age of Illusion* down from the shelf on the occasion of its author’s death, I can’t help sharing a few more extracts that take me back to when I first read it and a time when I was young.



### **From Ch.2 (The Salutory Tale of Jix)**

... D.O.R.A. was the Defence of the Realm Act, though the rather grand patriotic title and its spinsterly abbreviation seemed to have nothing in common, the one suggesting halberds and the





other pins. In 1922 D.O.R.A. was enthroned as the Big Auntie of England. The politicians, the bishops and the sermonizing generals all declared that they regretted having to trouble her, particularly so soon after her untiring and selfless labours during the war to end all wars, but they had no option. The country was going to pot ... A new morality campaign was put into action. The forces of reaction swept to the colours. The police were alerted, vigilance committees sprang up and the popular press gave a great rich sigh of pure pleasure as it saw stretching before it a decade of state-subsidized prurience ... The young people listened to all this with amazement. It was like being lectured on the preciousness of one's pearl of greatest price by one's rapist. Very soon they found they were not able to listen to such talk any more, partly because they found it indecent and partly because they were too busy dancing ...

### **From Ch.7 (Fall from Grace)**

... half-way through the match the Australian Board of Cricket Control sent the Committee of the M.C.C. a cable accusing the English team of un-sportsmanlike tactics. If a cable had arrived at Lord's accusing the English Eleven of cannibalism it could scarcely have produced greater horror. When the full nature of the charge was understood England drew back in stunned silence, while *The Times* cleared its correspondence columns of all extraneous matter and waited for the deluge ... Wisden, in the exalted language taken for granted by cricketers, says, 'the plan of the campaign was to reduce Bradman to mortal limits'. To the crowd which watched it looked more as if Bradman and his colleagues were to be reduced to mortal remains ... The elaborately chivalric structure of the game momentarily rocked and looked as if it was about to cave in, and for a fraction of time it seemed that from these sublime ruins there would emerge a knock-about summer pastime which would be so obviously 'not cricket' that another name would have to be invented for it ...



### **From Ch. 10 (Jarrow)**

... Jarrow is unique among all the inhabited places of England in that at two distantly separated dates in its history it became identified with the ultimate light and some of the worst darkness known to the human spirit. In the eighth century it was the fulcrum which Bede used to preserve art, literature and Christianity when Britain and all northern Europe were temporarily blacked out by the barbarians. It was the chink in the darkness through which the divine light never ceased to stream ... Jarrow during the Dark Ages had Bede and the first stained-glass windows in Britain; Jarrow during the nineteenth century, when the churches were packed to the doors, had Charles Palmer and the first British armour-plate industry ... To this belching enterprise, from all over the North and from Ireland, came the 'hands', the faceless labour, in their thousands. In 1851 the population of Jarrow was 3,500, and in 1921 it was 35,000. All these people lived in stinking darkness, near sickness and obscene poverty. Yet when the Slump hit Jarrow in the early thirties and Palmer's was liquidated the fearful human dereliction which followed caused people to look back to these days with longing ...

This is a great book.



**2023 January 18:**

**PS ...** and if you want a [connection](#) with our world:

He was the reference librarian at Colchester Public Library during his twenties. It was whilst working there that he read extensively and began to enter the literary world, writing essays, poetry and short stories, and where he founded the Colchester Literary Society.

**2023 June 18: [Daniel Ellsberg \(1931-2023\)](#)**

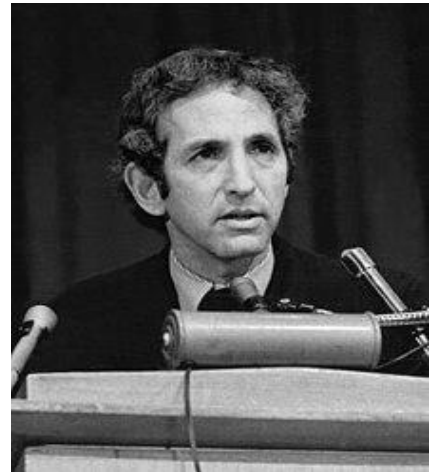
We, who are committed to the importance of making and keeping fact-based records and who uphold giving the public access to Truth – subject to legitimate restrictions but unimpeded by devious false-flag appeals to secrecy and privacy - should remember him. Ellsberg was both a creator of records and a champion for their release. And [this obituary](#) contains a warning about how fickle popular and political support for our values can be and suggests we should be wary of fluctuations in both populist and mainstream enthusiasms.

... contrary to popular belief, the “Plumbers”, the criminal unit set up in the basement of the White House and currently [the subject of an HBO miniseries](#), was not formed to break into the vaunted Watergate Hotel. No, it was created to discredit Daniel Ellsberg ... Ellsberg’s impact can be even found in the draft impeachment articles against Nixon ...

Article 2, section 2 of the charges read: “[Nixon] has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.”

Every word of that refers to Daniel Ellsberg. To this day, there’s no evidence Nixon directly ordered the Watergate break-in, but there is direct evidence the White House tried to destroy Daniel Ellsberg through multiple illegal means ...

... Ellsberg’s memoir about his foreign policy career, his personal transformation, and the Pentagon Papers saga, [aptly titled Secrets](#), details this incredible story and so much more – including the nationwide manhunt for him that lasted almost two weeks, where the FBI could not catch him. He infuriated the feds by continuing to distribute more of the classified Pentagon Papers to newspapers around the country and appearing on national television with Walter Cronkite. (The Pentagon Papers [also led to the most important press freedom decision](#) in American history, and paved the way for the Guardian and others to be able to publish the Snowden disclosures.)



[Secrets is absolutely engrossing](#) and it was released to universal rave reviews – yet it flopped. It happened to be published in the fall of 2003, a few months after the start of the Iraq war, at the peak of this country’s unhinged patriotic fervor. He would later lament that none of the networks would invite him on television to talk about it. Apparently, no one wanted to hear about a dissenter attempting to stop a war built on lies in George W Bush’s post-9/11 America ...

**2023 June 19:**

**<<... how fickle popular and political support for our values can be and suggests we should be wary of fluctuations in both populist and mainstream enthusiasms ...>>**



## JUST THE WAY THINGS ARE

If “our values” rest on anything those foundations are rules-based and evidence-based. How can leaking records in violation of law and trust be incorporated into them (or, at least, aligned to them)? Can there be a struggle between respecting the rules and respecting the evidence? Can any such struggle be resolved by respecting something else as well? Is there a tension (a conflict even) between passivity and [activism](#)? Verne Harris has suggested, I think, that passivity (in the belief that professional values in themselves embody sufficient virtue) is the [role of a pawn](#).

In other professions, the rules are qualified by dedication to a “higher purpose”. In medicine, it is patient well-being (do no harm) that may lead the practitioner to violate government secrecy laws. In law, it is an obligation to the justice process (if necessary, despite the client’s wishes). In engineering, it is the safety of structures used by the public (regardless of cost). In religion, it is the sanctity of the confessional. For us, it was once described to me in a job interview by the late Frank Upward as “our secret purpose” – something we do not necessarily share with our employers, something in us that they cannot own.

For me it is easy to admire the revelation of secrets that conceal crime (Ellsberg, [Vanunu](#), Koh, [Wigand](#), Manning, Assange, [Snowden](#)). That very much aligns with my personal standards. For others maintaining trust in us (beyond mere loyalty and in the service of trustworthiness at many levels) has a greater appeal. But I believe, wherever we stand, we cannot simply subscribe wholly to one or the other – passivity **or** activism (keeping faith with our trust or making better records to count the heads as they pass into the gas chamber).

Our personal standards (whatever they may be) cannot be the basis for resolving the dilemma since our differences at that personal level are un-resolvable (as they should be). We must be able to draw back and agree that our professional values cannot rest simply on passivity **or** activism or be resolved at the personal level. Our professional values must settle, in some unsatisfactory and complicated way, somewhere in between and we should learn how to be able to agree about that – even if we cannot agree on exactly where. But I challenge you to find, anywhere in the codes of ethics or other prognostications put out by our professional bodies, anything that articulates such a settlement, or even acknowledges that a conflict exists. Perhaps Frank was right and it must remain our secret purpose.

**PS** Of course, it is also dedication to a higher purpose that leads the spy to betray his country.

### **2023, December 4: [David Bearman \(1950-2023\)](#)**

**<<Adrian Cunningham: ... I learned from Laura Millar last week that David Bearman passed away in Canada in September ... Bearman first visited Australia in 1991 ... He was a frequent visitor here over the remainder of that decade ... It would be no exaggeration to say he exerted a seismic impact on our discourse and practice - which today would be totally different had he never visited.>>**

I can only speak for myself, but David’s impact on my life in archives was certainly seismic.

For me, there is before Bearman and after Bearman.

Like Aristotle, it was not **what** he thought but **how** he thought it that made the difference. The ideas kept coming - Terry Cook said that David could change his mind over lunch.







### David Bearman

David Bearman died peacefully, on September 13, 2023, at Kingston General Hospital. David found home on Grindstone Island in Big Rideau Lake, after an international career exploring strategies to ensure technology served cultural heritage. On Grindstone, with family, friends and a few lucky colleagues, life slowed down, thoughts ran deep, and everything tasted better. David is survived by his wife, Jennifer Trant, his siblings Richard (Karen), Peri (Harrie Sloodbeck), and Peter (Alessandra Nicifero), his daughter (Amanda, mother Toni Carbo), his grandchildren (Jacob, Bianca and Marcella), Jennifer's mother (Sheila Trant), her siblings Tim, Jody (Glen Albert), and Mary (Stephen Barrett), and his many nieces and nephews. He was pre-deceased by both parents, Dorothy and Sidney Bearman. David's love of the lake manifested itself in support of the Big Rideau Lake Association (BRLA), the Rideau Lakes Environmental Foundation (RLEF), and the Rideau Waterway Land Trust (RWLT). David asked that he be remembered with donations to the Rideau Waterway Land Trust: see [www.canadahelps.org/en/pages/in-memory-of-david-bearman/](http://www.canadahelps.org/en/pages/in-memory-of-david-bearman/) or their web site at [www.rwlt.org](http://www.rwlt.org). Development threatens the places that we love, and RWLT preserves special landscapes in our local area for those who come after us.



Like many others back then, I was anguishing in a muddle-headed way about e/recordkeeping (people were actually talking about setting up museums of technology). His core message (for me) was drawn from systems analysis:

- ◆ first, figure out your requirements;
- ◆ second, figure out the methods needed to achieve them;
- ◆ third, be adaptable when implementing the methods.

Some people thought he was about destroying archival principles but he was telling us how to save them by adapting to change.

It's a lesson I've never forgotten.

*Things will have to change if they are to stay the same*

([Guiseppe Tomasi di Lampedusa](#))

And he taught us not to fear technology.

He told us that what we needed to know wasn't all that hard and that what we had to teach was pretty wonderful.

Vale

### 2024, January 10:

<<Mark Brogan: ... Sadly, I don't arrive at the same conclusion about the impact of David's ideas. The fact is that nothing much has been done about delivering authentic, reliable digital memory at scale and risks are growing with every new iteration of the technology. My estimate is that if his ideas had been embraced and acted upon by industry and government, we would have been in a better position to respond to the 21st century threats posed by fake news, false digital memory and rogue AI.

In principle, many of systems ideas articulated by David Bearman remain relevant. Will he be re-discovered and acknowledged when we have become wiser about digital memory? I hope so. We need people like him more than ever.>>

### 2024, January 11:

<<Adrian Cunningham: ... I would argue that Bearman did have a seismic impact on our professional theory and practice. But whether that transformed professional practice in turn had the desired impact on the wider world of electronic recordkeeping is a whole other question. I tend to agree with Mark that the wider world of recordkeeping has not been transformed in the ways we hoped it would. Remember that we cannot do the recordkeeping for organisations - all we can do is offer solutions and hope that those solutions are adopted - and often they are not. You can lead a horse





to water, but you cannot make it drink. Despite some successes here and there, in general I would say that recordkeeping has just kept getting worse and is still doing so - all despite our best efforts. We think we have the solutions but people are usually not that interested in our messages, or they see them as too hard, or they think they have better answers.

Why might the horse not drink the water? Perhaps it does not think it is thirsty? Perhaps it thinks it doesn't like the taste of the water and thinks there is better water somewhere else? Perhaps it has other things on its mind? Perhaps it is just stupid?

Bearman always said we should be prioritising talking to records' creators about good recordkeeping - and by and large we have done that (even though some of our messaging may have been confused from time to time). But he never said that convincing them to do the right thing would be easy.>>

**2024, January 31:**

<<[John Waddingham](#): ... [From [Exec Summary](#)]

16. During the course of the Review, we identified a number of systemic issues which contributed to the breakdown in process:

- incomplete standard operating procedures regarding transfer processes;
- an absence of records management expertise within Cabinet Division;
- no consistent knowledge of Archives Act transfer obligations within the Cabinet Division; and
- no effective central control of Cabinet records.>>

**2023, December 19: [Prudence or Insanity?](#)**

On the NZ List, [Russell Clarke](#) has drawn attention to a dispute in the UK over digitisation of [historic wills](#). The [article](#) canvasses opposing opinion:

“Sheer vandalism” and “insane”. This is how leading historians on Monday described government plans to destroy millions of historical wills ... dating back more than 150 years in an effort to save £4.5m a year. But Tom Holland, the classical and medieval historian and co-host of The Rest is History podcast, said the proposal to empty shelves at the Birmingham archive was “obviously insane”. Sir Richard Evans, historian of modern Germany and modern Europe, said “to destroy the original documents is just sheer vandalism in the name of bureaucratic efficiency”... The government is proposing to keep the originals of some wills of “famous people” – likely including those of Charles Darwin, Charles Dickens and Diana, Princess of Wales – but others would be destroyed after 25 years and only a digital copy would be kept ...

... The proposal comes amid growing concern at the fragility of digital archives, after a cyber-attack on the British Library left the online catalogue and digitised documents [unavailable](#) to users since late October ... “My real anxiety is that if everything is digitised, somebody pulls the plug,” said Holland ... Hardware goes out of date ... he said. Access to original documents was vital as “the physicality of the evidence matters ... it is an important part of the material culture”. Evans ... said the idea that officials can choose which wills to keep because, in the words of the MoJ, they “belong to notable individuals or have significant historical interest”, is “the typical arrogance of bureaucracy”... “You can see the indent of the pen and if the writer is excited or tense. There are minute details on the page which digitisation [can’t capture] ...

Will Iredale, a second world war historian, and author of The Pathfinders, said: “There’s nothing like getting your hands on the original documents ... How can you trust whoever is digitising them has scanned them correctly and you are seeing the entire document ... Justice minister, Mike Freer, said: “We want to make it as easy for amateur and professional historians alike to access these documents. Digitalisation allows us to move with the times and save the taxpayer valuable money ... the MoJ [claimed] that once digitised, access requests will be serviceable much more quickly. But the Society of Genealogists is “seriously concerned” ... “We are advocates of digitisation but not at the cost of destroying originals,” she said. “In any digitisation projects mistakes get made. We don’t know what



further information could be gained in the future from the original documents. There could be somebody in there who did something extraordinary.”

There are four strands to the argument (as detailed in the *Guardian* article) – and many more that the article does not canvass.

### **The Emotional Argument**

The thrill of handling the original. ‘Nuff said. There’s no argument against that. Whatever turns you on, I suppose.

### **The Technical Argument**

Exposing the records to hazard, the critics allege, by reducing them to unreliable digital format – the untrustworthiness of the process and the fragility of digitally stored materials. This is good push-back against those idiots who believe digital materials are safe and inviolate. Like any other medium they are open to hazard. But, as we well know, the originals are equally at risk – fire, flood, attack, etc. etc. (the whole range of risks we have to deal with alongside risks to which digital materials are prey) and, in the case of NZ, earthquake and tsunami as well. The other strand to this argument is that digitised assets are easier to handle, access, and distribute (which is undoubtedly true). Then there is the matter of forensics (pressure points, “minute details” which digitisation can’t capture, etc.).

### **The Recordkeeping Argument**

The idea that officials can choose which wills to keep because, in the words of the MoJ, they “belong to notable individuals or have significant historical interest”, is “the typical arrogance of bureaucracy”. Should a bureaucrat (i.e. us) be empowered to decide what is “significant”? Like many other archives authorities, NAA’s [“framework”](#) for disposing of records of archival value in its custody following digitisation” proceeds on the basis that the “creator” (whose role in a custodial world is assumed by the archivist) determines issues relating to “disposal of records of archival value in its custody following digitisation to an agreed standard.” Such practices by our archives authorities (they can hardly be termed policy) are weak on records that are not determined to be of “archival value” (whatever that means) and are not “in custody”. These policies also tend to be weak on their connection with [electronic transactions laws](#) which should, in a right-thinking world, subordinate archival disposal frameworks so that those frameworks are represented as exceptions rather than sovereign. To say nothing of the [abolition](#) of the “original document rule” in evidence laws. Debate over the question of archival authority over disposal (the “god-archivist” syndrome as Barbara once described it) is a long and bitterly contested one.

### **The Financial Argument**

I have remarked before about the [difference](#) between accountants and economists. As set out in the article, and leaving aside the quaint notion of keeping **both** originals and the digitised copies, this boils down to the difference between “savings” for their own sake (the accountancy argument) and “savings” for a purpose (the economic argument). Accountants just want to put any money saved into the kitty. Economists assume that finite resources are allocated for a purpose and ask what is the best way of allocating them. The economic argument is complicated by assumptions that must be made about opportunity cost within the boundaries of a closed system. Are we talking about the best way of allocating finite resources available just to preserve wills? Or is it about re-allocation of resources expended on all registration documents (deeds, probate, BDM, land title, etc.)? Are we constraining the economic argument by reference to MoJ or across the whole of government? The variables change depending on which boundaries you choose.

**PS.** A variation can be rung on the “quaint notion of keeping both” by developing an argument that we are keeping the originals (for whatever reasons) and also digitising them as an enhancement to accessibility. Accountants would be sceptical and economists indifferent to that argument.



## JUST THE WAY THINGS ARE

<<[Joanna Sassoon](#): ... Do the English learn nothing from history and the recriminations that followed the 1966 Denning Committee on legal records. The NAA have an [interesting blog](#) here.>>

<<[Andrew Waugh](#): Someone tagged TNA on Twitter with this, and they responded early this morning (our time) with

Government has issued a consultation on storage and retention of original will documents. The National Archives, as the official government archive and sector leadership body, is engaging with the Ministry of Justice on this.>>

**2023, December 28:**

### When is enough too much?

... in the years since it was salvaged, the 17th-century Swedish warship *Vasa* has gone on to become [one of Sweden's most popular tourist attractions](#). The vessel, however, now faces a fresh challenge to its survival as its conservators warn it is at risk of collapse if it does not get a new 150m kroner (£11.8m) support structure ... Since it was raised from the protective brackish waters of the Baltic in 1961, it has had an active afterlife and attracted more than 1 million visitors a year ... the wood of the ship [is] already starting to fracture ... "In the end, the ship would collapse."

... perhaps the most challenging element of the renovation process, due to start in the spring, is that all of the work needs to be carried out while keeping the ship completely still. They also plan to do it, bit by bit, while keeping the museum open ... But the project is coming at a substantial cost, which the self-funded museum is appealing to donors and sponsors to finance. The museum's director, Jenny Lind, said ... *Vasa* ... is one of a kind ... "To be able to see it like this in reality is unique because not everyone can dive direct and see [the wrecks] for themselves."

It's a variation, in our terms, of [managing the record or preserving the relic](#)? And about prioritising spending on cultural resources (the economist's question). Also, the issues of what to do with "originals" once they're digitised. In the British wills debate, the question being asked by historians is whether, once you've extracted all the knowledge, there still remain physical features that later scholars may want to examine.



[The Vasa](#)



[Chartres Cathedral](#)

**PS** When I was a member of the ICA Commission on Descriptive Standards and we met in Stockholm, I joined the others in a special out-of-hours tour of the *Vasa* exhibition arranged by [Jan Dahlin](#) that included an actual walk on the deck – no special shoes or anything!

**PPS** Whether the source of funding is public or private is secondary from an economic point of view. It's all about allocation of resources. Occasionally, I [donate](#) to the preservation of [Chartres Cathedral](#) - once seen, never forgotten - and that's donation money I can't send to help deserving students (at least, I hope they're deserving) at Sydney University (my alma mater).





### 2024, July 1: So It Goes

At my age, I think I can be forgiven for regretting the passing of a time-honoured, document-based system that I still use regularly (but not for much longer, it seems). I rent a gas cylinder as a back-up energy source. The supplier, ELGAS, has just now sent me the following message:

We have recently been advised by our bank that they will no longer be offering the cheque processing service in response to Treasurers' announcement that cheques would be phasing out in the foreseeable future.



As an inveterate user of cheques, I expect to receive similar messages in the coming months. This anticipates the Government's projected ban on cheques to come into operation "no later than" 2030 – a move which is already being anticipated by the financial services sector:

From June 2023, we're making changes to cheque access:

- Some new and existing accounts will no longer have cheque access available
- New and existing accounts will no longer have replacement cheque books issued automatically

While replacement cheque books will no longer be issued automatically, they are still available if you contact us or visit a branch. (CBA).

### Cheques

... In an increasing number of countries cheques have either become a marginal payment system or have been completely phased out ... Paper money (also on the way out to the fury of some libertarians) evolved from promissory notes, another form of negotiable instrument similar to cheques in that they were originally a written order to pay the given amount to whoever had it in their possession (the 'bearer') ...

The cheque had its origins in the ancient banking system, in which bankers would issue orders at the request of their customers, to pay money to identified payees. Such an order was referred to as a *bill of exchange* ... The ancient Romans are believed to have used an early form of cheque known as *praescriptiones* in the 1st century BC. Beginning in the third century AD, banks in Persian territory began to issue letters of credit. These letters were termed *čak*, meaning "document" or "contract" ... In the 13th century the *bill of exchange* was developed in Venice as a legal device to allow international trade without the need to carry large amounts of gold and silver. Their use subsequently spread to other European countries

...

By the 17th century, bills of exchange were being used for domestic payments in England. Cheques, a type of bill of exchange, then began to evolve ... In 1717, the Bank of England pioneered the first use of a pre-printed form ... Daily cheque clearing began around 1770 when the bank clerks met at the Five Bells, a tavern in Lombard Street in the City of London, to exchange all their cheques in one place and settle the balances in cash. This was the first bankers' clearing house ...

In Australia, following global trends, the use of cheques continues to decline. In 1994 the value of daily cheque transactions was A\$25 billion; by 2004 this had dropped to only A\$5 billion, almost all of this for B2B transactions. Personal cheque use is practically non-existent thanks to the longstanding use of the EFTPOS system, BPAY, electronic transfers, and debit cards ...



## JUST THE WAY THINGS ARE

One consequence of this further slide into the dreary and the unmemorable world of digital is that it will make the whimsy of the [negotiable cow](#) seem even more anachronistic.



**[Albert Haddock](#) ([Roy Dotrice](#))**



**[Mr Justice Swallow](#) ([Alistair Sim](#))**

The “negotiable cow” is one of A P Herbert’s *Misleading Cases*, later televised. Almost all of the episodes from the [televised series](#) have been lost.

On a more serious note (or, perhaps not) I have never really had resolved for me a question I posed to myself and others some years ago concerning ATM transactions – viz. what is the record? We get a “print-out” (but it is optional). Is that a record of the transaction? I think not. Would the print-out be conclusive evidence in a dispute with the bank? The transaction is executed, not at the interface between the customer and the machine but in the automated system with which the ATM communicates. The bank’s record of the transaction (the only record) is kept in the bank’s system. The print-out from the ATM is not that record (i.e. the record of the transaction); it is rather more akin to a bank statement informing you of your account details – a transmission of information rather than documentary evidence of an event. It is established (I think) that if a bank issues a statement containing an error (telling you, for example that there is \$1m in your account when there’s only \$1), you are not entitled to \$999,999. In the unlikely event that an ATM print-out was wrong, I suspect the bank would rely on its own system to provide the evidence, but as far as I know, it’s never been tested.

At least with EFT, your view of the record of the transaction is available to you in real time on the screen. But I’m still sorry to see cheques phased out. The cheque itself is a record of the customer’s instructions, whereas the bank keeps its own record of the payment made in response to those instructions. With EFT, whether or not such a distinction is preserved depends entirely on the design of the bank’s system.

**PS.** Did you know that retailers are [not obliged to accept cash](#)?

If you’re a [business owner](#) who’s looking to reduce costs, take comfort in knowing that you can refuse to accept cash.

Bob Katter was [outraged](#) to learn of this. It is particularly annoying when the retailer passes on the bank charges for credit card use in the form of a “surcharge” which (if they refuse cash) is inescapable. Bank charges on credit card transactions are a cost of doing business and should not (in my opinion) be passed on to the customer who is already (in most cases) paying bank fees to use the card. [[Personal gripe](#): I would like to see a law forbidding retailers, esp. hotels, from passing on “bank surcharges” unless they also accept cash]. The alternative problem (“[cash only](#)”) is becoming rarer, I imagine.

**PPS.** The Reserve Bank offers [some surcharge relief](#) (not very rigorously enforced, I imagine):

- Surcharges must not be more than the amount that it costs a merchant to accept a particular type of card for a given transaction. For example, debit cards are typically less expensive for merchants to accept than credit cards. It is important that merchants do not impose surcharges in excess of their actual payment costs ... If merchants wish to surcharge two or more payment methods at the same rate (e.g. all credit cards from American Express, Mastercard and Visa; or both debit and credit cards from a particular system) they are required to set the surcharge at the lowest cost of those different payment methods.
- Merchants that choose to surcharge will generally offer a non-surcharged payment method. This will typically be a payment type with a lower cost of acceptance for the merchant. If no surcharge-free method is offered, the amount of the surcharge should be built into the base price and not added on to the price of an item. Consistent with requirements under the Australian Consumer Law, merchants are required to prominently disclose the terms of any surcharge. A consumer who wishes to avoid paying a surcharge should ask the merchant to identify an alternative non-surcharged payment method.



**Andrew Waugh**

**<<On a more serious note (or, perhaps not) I have never really had resolved for me a question I posed to myself and others some years ago concerning ATM transactions – viz. what is the record?>>**

You might find [this section](#) from a 2010 ALRC report on the uniform evidence law interesting.

About half way through it specifically mentions the question, though does not resolve, of judging a passbook versus a bank's systems.

Note that the context of this section is about a principle embedded in the Australian uniform evidence act that the output of a computer system is, by default, accepted as accurate in a court case (provided the output is one normally produced by the system). This assumption is rebuttable, that is, the other side can introduce evidence that the system was not working correctly. However, rebutting the evidence is difficult as knowledge of the correct functioning of the system is held by the operators and maintainers of the computer system.

This assumption is designed to facilitate the introduction of computer derived evidence (records). It was based on similar provisions in the UK Civil Evidence Act.

This is all, of course, the root cause of the recent UK British Post Office scandal, in which the British Post Office claimed that its agents were defrauding it. Many were forced to pay disputed amounts to the Post Office; those that couldn't or wouldn't were prosecuted for fraud and generally sentenced to jail. The real reason for the account discrepancies was the malfunctioning of the Post Office's system. That the system was not reliable was well known within the relevant sections of the Post Office, but this, of course, not divulged in the court cases or known by the agents. There is a





very long running inquiry (equivalent to a Royal Commission) attempting to determine exactly the culpability of the senior staff within the Post Office.

As far as I am aware, this principle is still very broadly accepted in Australia. Certainly it is included in the current Victorian Evidence Act [sections 146 & 7](#).

You would note, of course, that both the ATM receipt and the internal report on the transactions on your account would be documents produced as normal operation of the bank's computer system.

Oh, and A.P. Herbert, author of the 'cheque on a cow' piece, was an entertaining character, and his [Wiki bio](#) is definitely worth a read.

My favourite story about him was that during WWII he was the only MP who was a non-commissioned officer, and was quite happy to wear his uniform in Commons. He refused several pointed offers from Churchill to make him an officer.

### **Chris Hurley**

**<< About half way through it specifically mentions the question, though does not resolve, of judging a passbook versus a bank's systems >>**

Some passbooks used to bear the bank's imprint in a column beside each entry, put there by the teller and so, arguably, constituted documentary evidence of a transaction between the customer and an agent of the bank. Similarly, deposit slips you took away from an across-the-counter deposit/withdrawal were sometimes stamped or initialled. That could arguably constitute evidence. Not so sure about "transaction records" from an ATM but an analogy could be made, I suppose.

**Back to cheques:** Earlier this year, for reasons that surpass understanding, I joined a club in Queanbeyan. I sent off my application by post enclosing a cheque in payment of dues. When I turned up in person to collect my card, they said they no longer accepted payments by cheque. They gave me my membership for free.

My favorite A P Herbert yarn is "The Missing Day Case" which is (from memory) about a legatee who inherits if he has attained his twenty-first birthday and the death of his benefactor on that anniversary while crossing the international date line. On the serious side, [The Secret Battle](#) is still worth reading.

### **2024, July 9:**

**<< 1 July, 2024: Did you know that retailers are [not obliged to accept cash](#)? >>**

#### **National Seniors**

tell us that we are now spending \$960.26 million per year on surcharges.

Surcharges of up to 2% are not uncommon and that can amount to paying extra hundreds of dollars over a year, just by using a credit or debit card. According to the RBA's analysis – and this is especially annoying – we should be paying less for using a debit/EFTPOS card than a credit card, but merchants appear to now be charging the same percentage surcharge no matter what the card or device function used. As cash fades from use, some businesses are refusing to accept it and then applying the surcharge for using a card. What choice is there? In the United States and Europe there is no charge for using cards. In part, that's because the UK and the European Union ban card surcharges. However, under an earlier RBA reform, Australian retailers are allowed to recoup their payment costs through surcharging their customers – as long as they are not making a profit out of it.

According to the [ACCC](#) there is a "ban" on excessive surcharges (viz. surcharging more than the actual cost to the business) but curiously while it applies to EFTPOS, MasterCard, and Visa it does not apply BPAY, PayPal, Diners, AMEX, or taxi fares. What kind of regulatory regime actually permits excessive surcharges? One that's not very effective at regulating anything, I suppose.

There is now [speculation](#) about the possibility of placing a surcharge on the use of cash!!!!

Cash was once a staple in the economy, but it's fast becoming a relic of the past. Just a decade ago, more than half of transactions were cash. Now it's just one in seven ... The federal government and the RBA are committed to keeping cash as a payment option in Australia, but the central bank's governor Michele Bullock has said the cost of providing cash services is becoming more expensive ... "It could be that ... they actually charge you more if you want to pay with cash than if you pay electronically," John Hawkins from the University of Canberra School of Politics, Economics, and Society said ...

**2024, July 11:**

Apparently, 60% of transactions [now attract a surcharge](#), and surcharging is replacing the practice of minimum card spend.

*There is "a direct correlation between annual turnover and the decision to surcharge ... While 54% and 64% of businesses operating in New South Wales and Victoria, respectively, are surcharging, the rest of the country is yet to adopt the practice with the same enthusiasm ... Surcharging is also much more commonplace in metropolitan cities than it is in regional areas, with nearly 60% of metro-based Zeller businesses choosing to surcharge compared to just 33% of regional businesses."*

And, as with so much else, [consumers apparently get used to it](#) fairly quickly:

In 2020, a [study by Amex](#) found that 78% of customers thought surcharging was unfair. However, as credit card surcharges become more commonplace, consumers are beginning to understand the "why" behind surcharging better – and are slowly starting to see it as fair. Fast forward two years, and a [2022 study](#) found that 85% of customers pay credit card surcharges without issue or complaint – highlighting a shift in customer sentiment.

### **According to ACCC**

Data on merchants' costs of accepting card payments show large differences in payment costs across both merchants and card systems. Smaller businesses typically face higher payment costs than larger businesses, credit card transactions are generally more expensive than debit cards, and debit card transactions tend to be more costly for most merchants when processed through the international card schemes compared with the domestic debit scheme. Overall costs of accepting card payments have nevertheless declined over the past decade, following the implementation of various reforms by the Bank.



From the retailer's point of view, there's no level playing field. In my observation, many smaller, shop-front retailers refrain (for the moment) from imposing the surcharge (even though they are, apparently, suffering "higher payment costs") and, at the other end of the scale, large supermarkets (Coles & Woolies) don't do so either – but Aldi do. Where the customer isn't paying a surcharge, the merchant's payment costs must either result in higher prices or lower profits. According to the ACC Report, the Reserve Bank is addressing this by looking at streamlining costs (to lower them) rather than focussing on surcharging per se.



It surprises me that, while there is so much discussion about a cost-of-living crisis, the cost of money (including the cost of credit) is not highlighted more as part of the debate. The very idea of credit has changed (it seems to me) from being buy-now-pay-later (a debt system) to a de facto currency system (used for convenience in routine, everyday transactions like buying a cup of coffee). Credit cards offer the consumer what is, in effect, an interest free loan until the card is paid off (with penalties for not paying it off by the due date), whereas a debit card transfers the money instantly from the customer's account. Payment fees for credit cards should comprise the cost of transaction + the cost of credit, whereas those of debit cards should comprise transaction costs only.

In the world I feel most comfortable in (cash and cheques) currency costs me nothing, apart from account fees for storing my money and honouring my instructions to disburse it (cheques). But both, of course, do involve costs (the cost of collecting and distributing cash, for example, and the cost of processing and storing cheques) but these were customarily absorbed by businesses and banks and not passed on to the consumer.

R/keepers might look at currency in its various forms as documentary objects relating to transactions. Cash is the only form of currency where the documentary object itself does not remain behind as part of the memory of the transaction. Every other form of currency, in its widest sense, leaves behind (or can potentially leave behind) a trace of itself as part of the memory. I object to surcharges, but professionally I should perhaps applaud non-cash transaction systems as a boon to better r/keeping.

**PS.** The Wikipedia definition of [currency](#) is all encompassing: *a system of money in common use within a specific environment over time.* [Credit](#), on the other hand, is defined as *the trust which allows one party to provide money or resources to another party wherein the second party does not reimburse the first party immediately (thereby generating a debt), but promises either to repay or return those resources (or other materials of equal value) at a later date.* Without impeaching the validity of these definitions, it appears to me that the way we use credit cards now in everyday life makes them, for all practical purposes, part of a system of money and not just a system of debt.

**PPS.** I was more than a little peeved last weekend when a bookshop (in Blackheath, of all places) had a sign up saying they were surcharging now. I paid in cash, but I was tempted to offer them a cheque.

### 2024, July 20:

During yesterday's Global IT Outage, credit card (and some ATM) transactions were suspended. Still are, apparently. I've just returned from my Saturday shop and the local Woolies had a sign up asking customers to "bare" with them. I'm now living in times that are not only increasingly cash-less but also increasingly illiterate it seems. What would happen, I wondered, if credit and ATM transactions were affected for days (or even weeks) instead just a few hours?

Would we have to rely on cash? Would there be enough cash to go around? Would it all mount up in the registers of the stores, stop circulating, and leave none in the pockets of customers? How much cash do bank branches keep on hand these days? Would cash become so scarce that there would have to be transaction fees placed on its use? Would the cost of the circulation of cash to retailers become inflationary?

The credit card has, in some ways, displaced the concept of "[tick](#)" (a form of credit extended to customers by allowing them to pay later) not to be confused with TIC (viz. "[true interest cost](#)"). There were still memories of tick when I was a lad. Local stores often had notices reading: *please do not ask for credit as refusal often offends*. My mum, who was a child of the Great Depression, used a phrase I didn't understand until I was older and better educated: *we don't deal there*, she would say when restraining me from entering a local store





we did not frequent. That went back to times when local retailers (not “convenience stores” but the corner retail shops used by the downtrodden) “carried” their customers (by extending tick) during hard times – out of a job, recession, the Great Coal Strike, that sort of thing. There was a social contract that if they carried you in hard times you would stick by them and use no one else when you were flush. The practice was dead by the time I heard my mum using the phrase, but the social memory of it persisted for at least one generation.

In the TV cop shows, the baddies are often caught by tracing the records of their financial transactions left behind by credit card and ATM use. It’s cash transactions that leave behind no record and baffle the detectives. Does this mean that right-wing conspiracy theories about withdrawing cash and encouraging [credit card use](#) being part of a plot by the [Deep State](#) to take over the world are actually a ruse by organised crime to frustrate the forces of law and order?

Turns out that the concept of [financial surveillance](#) is acquiring some form of respectability (amongst American legislators, at any rate) – a fresh aspect of the idea that records can be [instruments of oppression](#) as well as [liberation](#).

**PS** When I was at CBA Archives, I was enchanted by an image we had of long lines of cash-less customers lining up with their pass books in front of tellers' counters on a Tuesday morning after a long weekend holiday because they had run out of money. A small visual marker stone for how society had changed.

### 2024, July 26:

**<<AW 1 July, 2024: Note that the context of this section is about a principle embedded in the Australian uniform evidence act that the output of a computer system is, by default, accepted as accurate in a court case (provided the output is one normally produced by the system). This assumption is rebuttable, that is, the other side can introduce evidence that the system was not working correctly. However, rebutting the evidence is difficult as knowledge of the correct functioning of the system is held by the operators and maintainers of the computer system. This assumption is designed to facilitate the introduction of computer derived evidence (records). It was based on similar provisions in the UK Civil Evidence Act. This is all, of course, the root cause of the recent UK British Post Office scandal, in which the British Post Office claimed that its agents were defrauding it ... The real reason for the account discrepancies was the malfunctioning of the Post Office's system. That the system was not reliable was well known within the relevant sections of the Post Office, but this, of course, not divulged in the court cases or known by the agents. There is a very long running inquiry (equivalent to a Royal Commission) attempting to determine exactly the culpability of the senior staff within the Post Office. As far as I am aware, this principle is still very broadly accepted in Australia.>>**

### 25 May, 2024:

A bill quashing the convictions of hundreds of sub-postmasters has entered into law after being brought forward due to the general election. Many were wrongly prosecuted after faulty software said money was missing from their Post Office branch accounts ... More than 900 sub-postmasters were prosecuted for stealing because of incorrect information from a computer system called Horizon. It has been called the UK's most widespread miscarriage of justice ...

Many sub-postmasters went to prison for false accounting and theft, and many were financially ruined ... New legislation to [clear victims' names and pay them compensation](#) was brought forward after a general election was called. It became law on Friday 24 May and applies to England, Wales and Northern Ireland. The Scottish parliament is to pass its own bill ... Many former sub-postmasters and sub-postmistresses say the scandal ruined their lives ... Marriages broke down, and some families believe the stress led to serious health conditions, addiction and even premature death ...



## JUST THE WAY THINGS ARE

Horizon was developed by [the Japanese company Fujitsu](#), for tasks such as accounting and stocktaking. It was introduced by the Post Office in 1999. Sub-postmasters quickly complained about bugs in the system after it falsely reported shortfalls - often for many thousands of pounds - but their concerns were dismissed. The Horizon system is [still used by the Post Office](#), which describes the latest version as "robust".

To Andrew's point, they seem more concerned with human wrongdoing than with the flawed legal principle that a computerised r/keeping system can do no wrong. It's all about *who shot Fred?* They're fixing the problem by introducing a more "robust" version of the system, not by asking whether or not a more sophisticated understanding of r/keeping might prevent the same kind of thing when a different, less "robust" system goes wrong. Much easier to simply establish what the lawyers call a [presumption](#) aka [deeming](#). As Lord Mildew said in *Travers v Travers* (The Missing Day Case) "*there's too much of this damned deeming.*"

### Ep 153



## Presumptions of Law

Presumption of Marriage  
Presumption of Legitimacy  
Presumption of Death

IGNORANCE IS  
THE MOTHER OF  
PRESUMPTION.

They said it: cf. 1931 NZLR 559 [Ah Chuck v Needham](#) ("*The presumption of legitimacy ... when a child is born in wedlock can be met only by ... definite proof that sexual intercourse between husband and wife did not or could not take place at the time the child was conceived. Evidence that the child has physical characteristics which suggest Mongolian paternity is not in itself sufficient to constitute such proof where the mother and her husband are Europeans ...*") On the other hand, the [presumption of innocence](#) is probably a good thing.

PS

### 29 March, 2024:

A draft report uncovered by the BBC shows the Post Office spent £100m fighting sub-postmasters in court despite knowing its defence was untrue. The document reveals the Post Office was shown evidence by 2017 that losses could be due to errors in the Horizon IT system or remote tampering. But it kept arguing in the *Bates v Post Office Ltd* case that theft or mistakes by sub-postmasters must be to blame ... The total cost to the Post Office in the legal action was £100m of public money ...

### 2024, July 26:

<<AW 1 July, 2024: About half way through it specifically mentions the question, though does not resolve, of judging a passbook versus a bank's systems.>>

Just went down to the post office to collect a parcel. Three, in fact. They do money as well, of course. And what did my tired old eyes behold? A man (my age) withdrawing cash using a passbook.

A passbook!

Something I thought never to see again. It did me a power of good.

### 2024, August 17:

<<1 July, 2024: PS. Did you know that retailers are [not obliged to accept cash](#)?>>



### **Moving on ...**

On March 24, 2023, in Sweden, cash was no longer accepted as a means of payment ... A unique law in Sweden enables merchants to make customers pay electronically despite the status of cash as a legal tender ... Once Sweden becomes a cashless economy, citizens and visitors will no longer be able to use cash to make purchases. They will have to make all payments electronically.

Coins and banknotes will not completely disappear at the beginning. But no one will be able to use them in a practical sense. They will become just collectibles and will be included in museums' collections ...

In 1661, Sweden was the first country in Europe to introduce banknotes ... And in 2023, Sweden proudly became the first cashless nation in the world, with an economy that goes 100 percent digital. About 80 percent of Swedes use cards, with 58 percent of payments made by card and only six percent made in cash, according to the Swedish Central Bank.

Electronic payments have rapidly increased, with more restaurants and shops not accepting cash payments. Mobile payment services also make payments from one individual to another much more accessible. Most Swedish banks have stopped allowing customers to make cash transactions over the counter. Many branches across the country have closed. Cash is costly to manage due to the high-security systems. If someone wants to make a deposit or withdraw money, they must go to an ATM ...

Only less than 13 percent of the total population in Sweden relies on cash. Children are also part of the transition. Many will never know what it was like to live in a world where cash transactions were widely accepted. Most Generation Alpha children in Sweden will see printed money only through photos, videos, and museums.

Swedish banks issue debit cards to citizens aged seven or older (with parental permission), translating to more than 97 percent of the population. This introduces these young citizens to the cashless society that will be part of their future ... Cash accounts for less than 1 percent of the total transactions in Sweden. Cash transactions are heavily discouraged ... Several years ago, Stockholm's public transport stopped accepting cash. Tickets are pre-paid, paid using a mobile application, or bought by debit/credit card from the driver or a ticket machine ... In many stores, signs read, "No cash payment in this store." ...

The future of money and the analysis of the development of the cashless society, which includes the analysis of the means to achieve it, and the analysis of the challenges and benefits it can bring, have been studied and discussed by academia regularly in Europe since the early 2010s ... Sweden's Central Bank has been testing before introducing its digital currency: The e-Krona. The digital currency is backed by the Central Bank and is meant to accelerate the country's transition into a fully cashless society. The e-Krona pilot scheme started in 2019. The Swedish digital currency will be implemented throughout the country in 2021.

I'd like to see more about how all this affects the indigent, the unemployed, the downtrodden, the credit risks, and the demented. Not to mention the ornery (like me) - the stubborn 3% who don't use debit cards..

**PS.** It was in Stockholm that I attended my first meeting of the ICA Commission on Descriptive Standards (my time in Purgatory developing ISAD/ISAAR). I armed myself with Swedish money from a bank in Melbourne but when I got there I found the notes had been withdrawn and I had to exchange them at a Swedish bank. This was all doubly painful because they refused to take my money to pay for a gin & tonic (just as well really because I found out at the same time that the cost of spirits in Scandinavia is/was prohibitive).

### **Andrew Waugh**

The claim that Sweden went cashless on 24 March 2023 does not seem to be true...

- <https://fullfact.org/online/sweden-not-cashless/>
- <https://www.paymentchoicealliance.org/swedens-far-from-accidental-cashless-journey-halted-by-swedish-government>





It's fairly easy to be suspicious of this claim. Going completely cashless would be a very significant global step, and you would expect it to be mentioned in travel guides (e.g. lonely planet

- <https://www.lonelyplanet.com/articles/things-to-know-before-traveling-to-sweden>)

or the Wiki entry for Sweden

- <https://en.wikipedia.org/wiki/Sweden>

But it's not.

**Chris Hurley:**

Misinformation or disinformation?

**2024, August 18:**

### Toils and Travails

“No Cash Accepted” signs are increasingly common in Australian shops ... For the most part Australians have taken cashless payments in their stride. A fully cashless society is often envisaged as inevitable. But the experiences of Sweden and Zimbabwe, two very different countries that have gone much farther down the path to a cashless society, highlight the pitfalls of such thinking ...

Sweden was quick to move toward a cashless society. In the decade to 2018, its central bank, [the Riksbank](#), says the proportion of purchases in shops using cash dropped from about 40% to 13%. Now even panhandlers and [public toilets](#) take cards or a mobile payment system called Swish. But the bloom started coming off Sweden's cashless rose relatively quickly. Over the past few years Swedes have been increasingly concerned about the elderly, those living in rural areas and people from migrant backgrounds being left behind by businesses switching to Swish no longer accepting cash. Last year all but one of Sweden's political parties supported new laws requiring Sweden's major banks to continue to offer cash services across the country ...

In Australia, research by the Reserve Bank of Australia (from 2019) suggests [about a quarter](#) of the population remain “high cash users”, for whom no longer being able to use cash would be “a major inconvenience or genuine hardship”: *These high cash users are more likely to be older, have lower household income, live in regional areas, and/or have limited internet access ...*

In Sweden the transition to cashless payments was overwhelmingly welcomed. In Zimbabwe, the change was mixed up with bigger economic travails. It was neither wanted nor particularly welcomed. Zimbabwe's chequered history of economic crises include hyperinflation hitting [231,000,000% in October 2008](#). To deal with that problem, in 2009 the government suspended the Zimbabwean dollar and instead allowed Zimbabweans to use foreign currencies as legal tender. US dollars fast became the cash of choice.

This de facto “dollarisation” stabilised the economy, but it also resulted in a scarcity of cash ... Zimbabweans instead turned to electronic payment platforms such as Ecocash, a phone-based money-transfer service. By 2017, 96% of all transactions were [electronic](#). In Sweden, the transition to cashless payments has not fundamentally affected people's concepts of money and value. In Zimbabwe, however, the move toward cashlessness has been experienced as a disruption of pre-existing forms of economic life, rather than their seamless extension.

Chris Vasantkumar ([Conversation](#) 29 Sep., 2020)

**2024, August 25:**

### Foiled again (by a whisker)

If I'm still alive in October, I'm going to the Christchurch Conference and (daringly for my age) travelling on by train/ferry to Wellington afterwards. Guess what?

#### **Interislander is going cashless**

From Monday 2 September 2024 cash will no longer be accepted at our terminals and onboard Interislander ferries. This allows us to provide faster and more efficient service, and



## JUST THE WAY THINGS ARE

increases the safety and security of passengers and staff. Interislander is joining a number of other businesses in moving to cashless purchasing.

Since the COVID-19 pandemic, the use of cash internationally has declined significantly and it's now common for retailers and service providers to only accept electronic payments.

Passengers will have a number of options to pay, including debit and credit cards via eftpos or payWave, as well as via smartphones with Apple Pay and Google Pay. We are confident our passengers will be comfortable with the move, but if any do require support, our terminal staff and on-board crew will be there to help.

Nothing about a surcharge. I'll add somewhat to the thermal ambience if there is one. I just hate the mealy-mouthed excuses (COVID-19 did it, everyone else is why not us, cashless can be fun, and so on). I don't suppose the card-less indigent travel on the ferry much but I'm getting a discounted fare on the strength of my Australian Seniors Card, so they must have some cognizance of senile decay. And I'm becoming increasingly angry about the casual assumption that everyone has a smartphone (I don't) and I'm now wondering if plastic will become obsolete.

I was planning to go on by car to Mt Maunganui, Auckland, and Bay of Islands but recent trips here have convinced me that this kind of travel is now out of reach for me. Pity. When I lived there, I never got north of Auckland which everyone said I should and I would like to have seen the [Archives Auckland](#) building (the "new" building) which I had to fight for against other contenders to get onto the Archives budget when we were (briefly) flush back in the oos. Ah, me!



### **Interislander has gone cashless**

Interislander is no longer accepting cash at our terminals and onboard ferries.



### **2024, September 30:**

In preparation for my trip to Christchurch, I am trying to buy some \$NZD. Turns out that our financial institutions don't just disdain cash but also dealings in foreign currency:

#### **ANZ Bank**

*It's a good idea to take a mix of payment methods, like foreign cash and your ANZ Visa Debit and/or credit card ... We don't buy or sell foreign cash. To access foreign cash, you can use your ANZ Visa Debit card to withdraw cash from overseas ATMs ... We don't issue travellers' cheques. We only accept travellers' cheques previously issued by ANZ if these will be deposited into an ANZ account.*

How's that again?

To add insult to the injury of debit/credit card surcharges, I'll probably also be wacked a foreign transaction fee every time I use them over there. It's enough to make you want to pen your letter of protest onto the flank of a cow.

Apparently you can still buy \$NZD from the Post Office.

**<<Apparently you can still buy \$NZD from the Post Office>>**

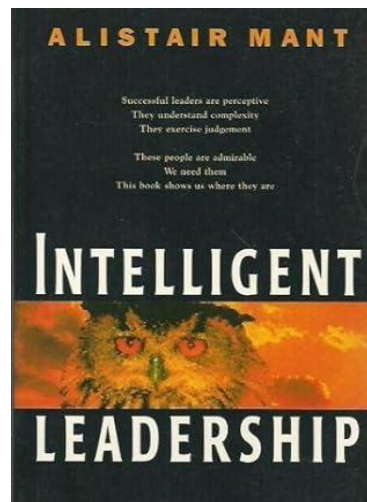
I am finding the Post Office these days to be a good and useful thing. They tell me that some of this is owing to [Christine Holgate](#), the former CEO denounced (for no good reason) by Scott Morrison in the Cartier-Gate Affair.

... Her appointment came as Australia Post began to position itself as the leading Australian e-commerce postal delivery service. Her job was to manage the modernisation of Australia Post's logistics system and its 33,000 workforce ... Holgate visited branches across Australia to meet postal employees and noticed the scepticism of the workforce. Before her arrival, Australia Post had divided its business into two product lines, the profitable transport and logistics operation [StarTrack](#) and the traditional postal service. After consulting staff, Holgate received agreement to unify the two businesses, which was done preserving traditional red livery and name Australia Post.

In 2018, Holgate launched the "Everyone Matters" promotion, an advertising campaign supporting postal workers and post offices in regional areas. The [net promoter score](#) increased over 30 percent in six months. She also tackled the trust problems of employees and launched an "equal pay for equal work" campaign. She invested \$300 million to upgrade parcel processing systems using automation and tracking devices. She restructured the Australia Post's executive team to align with her customer-oriented and Asian-focused strategies.<sup>[39][40]</sup>

During the [COVID-19 pandemic](#), Holgate had to deal with a number of problems at Australia Post, including significant delays and cuts in service, allegations of the intrusive surveillance of staff, the planned payment of executive bonuses at a time when public servants were expected to take pay cuts, a bipartisan Senate committee accusing Holgate of attempting to avoid parliamentary scrutiny of Australia Post,<sup>[45]</sup> and Holgate's personal intervention in the attempted delivery of [Pauline Hanson's One Nation](#)-branded [stubby holders](#) to locked-down public housing towers in Melbourne after Hanson made inflammatory comments about tower residents.

Further controversy arose when Holgate revealed at an appearance before a [Senate committee](#) on 22 October 2020 that Australia Post had purchased four [Cartier](#) watches valued approximately around \$20,000 in total as gifts for senior management executives who secured a lucrative deal with three Australian banks. Communications minister [Paul Fletcher](#) announced an investigation into Australia Post and asked Holgate to step aside as CEO. During question time in the House of Representatives that day, Prime Minister [Scott Morrison](#) said that if Holgate wished not to stand aside then she could go. On 2 November 2020, she offered her resignation, stating that she would not seek financial compensation. A subsequent report by law firm Maddocks, commissioned by the government, found that no specific policy that would support provision of Cartier watches had been identified, and that there was no evidence of fraud or corruption.



Sounds like a candidate for inclusion in Alistair Mant's [Intelligent Leadership](#). "So – the bike and the frog" [[hint](#): a bike is a machine; a frog is a system].





**2024, October 16:**

With an election looming and voters feeling the pinch on their wallets, the Albanese government is rolling out consumer-friendly announcements as if they're half price at a spring sale. Yesterday's was particularly promising, with the government flagging a ban on debit card surcharges that, according to the Reserve Bank's calculations, would save the average shopper \$140 a year. Nationwide, the annual savings would add up to \$500 million – or a cool \$1 billion if the policy were extended to credit card transactions too.

But as Angel Zhong warns, the savings [might be short-lived](#). The government and ACCC will need to ensure businesses don't simply claw back the money by raising prices or introducing arbitrary service fees. This is exactly what happened when Europe and the UK abolished most surcharges.

[The Conversation](#) 16 Oct 2024

**2024, October 29:**

### **From 9 News**

The federal [government](#) has promised to crack down on the surcharges [Australians](#) face whenever they pay for something using a debit or credit card ... They exist because it isn't free for businesses to accept payments using those methods. Vendors are charged merchant fees for accepting electronic transactions.

They always were. The cost of extending credit is not new. Widespread imposition of a surcharge on customers is what has changed.

Under Australian consumer law, businesses are allowed to apply a surcharge to cover the cost of processing payments made by card – although it can't be higher than what they are charged ... There is a long list of other regulations about the fees, which the [Reserve Bank covers in some detail](#).

**Why is there a push to get rid of card surcharges?** In short, the cost. With cash on the decline and cards on the rise, surcharges are applying to more and more payments. ... Not all businesses face the same costs, too – major retailers can often negotiate cheaper rates while small businesses can't – and there's also a concern about payment methods being treated differently, as cash surcharges aren't allowed, even though businesses face costs for those payments. "There is also a fee for collection of cash," Assistant Competition Minister Andrew Leigh said. "So it's not as though any way of paying for things is cost-free for the business.

If the rationale for card surcharges is “cost” and cash payments are not cost-free, then why aren't businesses able to impose surcharges on cash transactions to recover the “cost” of cash payments? Dead hand of the past, I suppose. But as businesses increasingly refuse cash (as I discovered the other day on the Inter Islander) debit cards (under the proposed scheme) could be the new cost-free alternative to credit (for the consumer), effectively replacing cash in our brave, new digital world.

But if debit card transactions also come at a cost, the proposed distinction – abolishing debit card surcharges but not surcharges on credit cards - makes no logical sense.

Both the United Kingdom and European Union have banned card surcharges, as has Malaysia. Debit card surcharges are also illegal in the United States and Canada, although fees for credit card payments are allowed.

The poor and desperate use credit because they don't have the readies. Those in easy circumstances will be able to use cash or debit cards to escape the fees the downtrodden can't. How equitable is all this?

My debit card with ANZ is (to my eye) indistinguishable from a credit card. How do businesses differentiate between a debit transaction and a credit transaction? Will businesses start banning debit transactions as many now do with cash? How will government police the distinction they are creating between credit and debit? Sounds like



they're proposing to set up a complicated regulatory system which, if it is enforced, will necessitate lots of lovely recordkeeping.

**2024, December 30:**

**<<The poor and desperate use credit because they don't have the readies. Those in easy circumstances will be able to use cash or debit cards to escape the fees the downtrodden can't. How equitable is all this? ... Sounds like they're proposing to set up a complicated regulatory system which, if it is enforced, will necessitate lots of lovely recordkeeping.>>**

### **The world we live in**

I have just returned from a road trip and I was astonished by the number of small businesses en route now refusing to accept cash – even for purchases as small as a cup of coffee.

The number of bank branches and ATM terminals across the country has halved in the past seven years, as access to cash becomes harder and harder ... In the past financial year alone, more than 200 bank branches have disappeared ... And the total number of ATM terminals across Australia has collapsed by about 2000 in two years ...

Finance expert Associate Professor Lee Smales from The University of Western Australia said many of the 2000 bank branches to close since 2017 were in rural and regional areas ... “Branches themselves are costly to maintain. In addition to rent, wages and security costs, it is expensive to move cash around the country – often prohibitively so for the more remote reaches of Australia.” An interesting phenomenon that has impacted the viability of branches and ATMs concerns the armoured trucks that transports cash, Dr Vasantkumar said ... “Armaguard, a subsidiary of the trucking company Linfox, plays a key role in getting cash to the banks and businesses that need it. “Unfortunately, the decrease in cash use combined with the increased demand for cash that doesn't end up circulating ... has made it unprofitable to be in the cash-handling business. That has led to Armaguard having to be bailed out financially to stay in business ... Will some customers need to pay more to access cash? Will cash distribution be taken over by the government? We don't really know, so in this sense, in the medium term and beyond, the future of cash in Australia is quite uncertain.”

...

It's not just big banks shifting away from cash, with a number of small businesses also refusing to accept it for cost reasons. Steve Worthington, an adjunct professor at Swinburne University of Technology, said some businesses don't like cash for good reasons. “While cash transactions don't come with a surcharge fee like bank cards, they do carry a wide range of other hidden costs,” Dr Worthington wrote for *The Conversation* ...

The overwhelming majority of bank transactions now occur digitally ... in just three years, the share of cash payments halved from 32 per cent of all in-person transactions to just 16 per cent. “If one considers all payments, including online payments, cash payments made up 13 per cent by number and around eight per cent by value in 2022,” the RBA said. “While cash was used less across payments of all sizes, the decline was particularly pronounced for smaller-sized payments. Indeed, the share of payments under \$10 made with cash nearly halved over the three years to 2022 ... (while) cash use for higher value transactions also continued to decline, although at a slower pace.”

I am now (unfashionably) carrying wads of cash and using it (wherever possible) to avoid “surcharges”, but I too am finding it harder and harder to get at it. When branches first began to close, they told us that ATMs (fee-free for customers) would be available in their stead. Now bank-owned ATMs are being replaced by generic machines that charge an impost on all users. Although in Canberra recently I found a generic machine that was fee-free for a network of allied banks including ANZ (from whom I have a debit card) but not CBA (from whom I have a credit card). But not everyone is in easy enough circumstances to be able to do this.

The real injustice here is that the poor and the desperate, who tend to live on credit (sometimes to the max), are getting it in the neck several times over. There's bank costs for



the card, surcharges on its use, interest on unpaid balances at the end of the month. And now, charges to get at cash using a generic ATM when your local branch has been shut down. Regulation might be able to do something to relieve this burden, but it seems (not unexpectedly) that the social forces bearing down on cash will be harder to control.

It is interesting to speculate on how all this affects us all as recordkeeping mammals. Using a card creates a digital evidence trail (as shown repeatedly on TV shows). It is often the first thing Vera and her team look for when solving the crime. As well as the other social impacts, documenting people's financial footprint could be seen as good for us (as r/keepers) and bad for everyone (as regards privacy).

**PS.** Not all businesses are imposing surcharges (yet) – petrol stations and supermarket chains (except for Aldi) still seem to be exceptions. Purely from my own observation, however, the big growth area seems to be in medium- to small- businesses.

**PPS.** I don't actually drink coffee, so the increasing number of coffee vendors refusing cash is of small moment to me. My main point holds, however.

**<<Finance expert Associate Professor Lee Smales from The University of Western Australia said many of the 2000 bank branches to close since 2017 were in rural and regional areas ... >>**

I am the last person to describe Canberra as cosmopolitan, but on a recent Canberra trip I was annoyed to note that CBA branches in Dickson and Fyshwick had closed down.

### **2025, January 2:**

**<<Not all businesses are imposing surcharges (yet) – petrol stations and supermarket chains (except for Aldi) still seem to be exceptions. Purely from my own observation, however, the big growth area seems to be in medium- to small- businesses.>>**

Those interested in this subject should have a look at [\*Payment Surcharges: Economics, Regulation and Enforcement\*](#) (Sept., 2024) on the RBA website. Inter alia, the paper reveals-

- The surge in surcharges has not been random; it has a precise point of origin in decisions taken by the RBA in 2003 and 2016,
- Nothing prevents businesses from imposing a surcharge on cash transactions,
- Small transactions imposing fixed amount-surcharges (e.g. for a coffee) are most likely to breach the allowed limits.

... While many businesses find electronic payments to be more convenient and often cheaper to accept than 'paper-based' payment methods (cash and cheques), they still incur costs when taking payments electronically ... To recover these costs, a merchant may apply an additional fee, or surcharge, for accepting particular payment methods. The Reserve Bank first introduced rules in relation to surcharging in the early 2000s to support competition and efficiency in the payments system. The right to apply a surcharge applies not just to electronic payment methods but extends to all payment methods – for example, there is no rule saying that cash and cheques cannot be surcharged ...

In the early 2000s, the Payments System Board decided that the Bank should introduce regulation to address several aspects of card scheme rules that it considered hindered competition and efficiency in the payments system. One such rule was the 'no-surcharge' rule, which had prevented merchants from passing on the costs of accepting cards to customers. A regulation introduced in 2003 required Mastercard and Visa to remove their no-surcharge rules so that merchants could, if they chose, surcharge customers for Mastercard and Visa credit card payments. These requirements were later extended to the Mastercard and Visa debit card schemes, and American Express and Diners Club voluntarily agreed to remove their no-surcharge rules around the same time. Following these reforms, merchants started to exercise their right to surcharge more expensive payment methods ...

While the removal of the no-surcharge rules contributed to improved competitive dynamics and price signals in the payments system, over time, it became apparent that some merchants





were surcharging excessively ... The airline industry was a prominent example, where the presence of fixed-dollar surcharges represented a very high surcharge, in percentage terms, for low-cost airfares ... These concerns were considered in the 2014 Financial System Inquiry (FSI) ... The Reserve Bank reviewed the surcharging framework as part of a comprehensive review of its card payments regulation in 2015–16. This occurred at the same time as legislation to ban excessive surcharges was being developed, consistent with another recommendation of the FSI. The outcome was that the Bank introduced new rules in 2016 to replace the existing surcharging rules (or standards) ... preserv[ing] the right of merchants to impose a surcharge on card payments, but limit[ing] the amount of any surcharge to what it costs the merchant to accept a card payment ...

The ACCC is responsible for enforcing the law relating to excessive payment surcharges, as set out in the *Competition and Consumer Act 2010* (CCA). The CCA operates in conjunction with the Reserve Bank's new rules on surcharging. The provisions commenced application to large merchants on 1 September 2016, and to all merchants on 1 September 2017 ...

If the rationale for surcharges is “transparency”, one has to ask why the cost of cash transactions is not also being made transparent and “passed on” in the form of surcharges on cash transactions the same way they are “passed on” for cards - especially since “*cash payments [made] up [only] 13 per cent by number and around eight per cent by value in 2022*”. Incorporating all the costs into a single, unadorned ticket price that is the same for all customers irrespective of the payment method chosen may violate some esoteric economic theory but it might make more sense.

The problem, it seems to me, is that the RBA began making these rules when credit was still the exception and they haven't adjusted their mind-set now that it has become the rule. This could be corrected by going back to the “no surcharge rule” that seems to have applied before 2003. The RBA response might well be (as indicated in the referenced article) that the consumer has choices about which payment method to use but this assumption is daily becoming more and more of an illusion.

**PS** On the other hand, if nothing prevents businesses from imposing surcharges on cash, re-introducing a “no surcharge rule” on cards might perversely reverse the situation and put even more pressure on cash.

### 2025, January 3:

**<<If the rationale for surcharges is “transparency”, one has to ask why the cost of cash transactions is not also being made transparent and “passed on” in the form of surcharges on cash transactions the same way they are “passed on” for cards - especially since “*cash payments [made] up [only] 13 per cent by number and around eight per cent by value in 2022*”. Incorporating all the costs into a single, unadorned ticket price that is the same for all customers irrespective of the payment method chosen may violate some esoteric economic theory but it might make more sense ... This could be corrected by going back to the “no surcharge rule” that seems to have applied before 2003. The RBA response might well be (as indicated in the referenced article) that the consumer has choices about which payment method to use but this assumption is daily becoming more and more of an illusion.>>**

Everyone agrees that, as a method of payment, cash is not cost free (production, storage, transport, etc.). Different methods of payment (cash, credit, debit) all give rise to costs (in different ways) that must be paid by someone, somewhere – costs that bear, in one way or another, on financial services, middle-men, merchants, or customers. How and where the costs fall (who “pays” for them) depends on the arrangement of affairs along the way leading up to the point of sale. The RBA’s “transparency” argument posits that the difference between a cash transaction at the register and a card transaction at the register is significant. But, as the volume of cash transactions reduces, this is becoming a difference without a distinction.

The cost of cash is “paid” by all customers but the cost of credit is “paid” by only some. A credit user pays \$5.10 for a cup of coffee for which the cash user (if he can find someone to sell it to him) pays only \$5.00. At the supermarket next door, both pay \$3.00 for a jar of coffee; the cost of providing credit and the cost of permitting use of cash are both being amortised by the supermarket into the ticket price at the register and paid for by everybody. If the same approach were taken in pricing the cup of coffee next door, everyone would end up paying \$5.08 – i.e. the price paid by everyone would reflect costs arising from the methods of payment available without regard to the differences.

The alternative (the one we have now) is that the cost of cash is paid by everyone and the cost of credit is paid by only some on top of that. This can be seen as rational or equitable only if it allows for consumer choice but consumer choice is being limited by the incredible, disappearing cash economy. Moreover, the consumer’s choices were limited to begin with by the fact that not all merchants differentiate between cash and credit transactions (supermarkets no, coffee shops yes). And consumer choice is being yet further limited by the rising number of merchants refusing to accept cash at all.

Beyond that, the disappearance of cash is distorting the cost structure (cf. the Armaguard dilemma) so that the cost of providing reducing amounts of cash to regional Australia is having to be subsidised either by the taxpayer or by all other users.

A return to the “no surcharge rule” would disadvantage me at a personal level, as a cash user, because the cost of providing credit would then be amortised into the higher ticket price that I would have to pay along with everyone else. But that might reduce some of the pressure bearing down on cash and that is a price I (for one) would be prepared to pay if it fends off the imposition of surcharges on cash transactions or the disappearance of cash altogether. Or at least, to put it another way, if it trashes the illusion that lies at the heart of this mess – viz. that cash transactions themselves are cost free.

### **2025, January 10:**

I’ve always been grumpy and as I get older I’m finding more things to be grumpy about.



Navigating the Aged Care system is the gold standard. After that the list continues with the packaging industry and car parks – to which I can now add card surcharges.

Guess what? I’m not alone. The National Seniors are running a campaign: I got to their website (I’m a member) because I wanted to draw their attention to what’s happening with pricing of pre-pay mobile phones: minimum renewals going up, expiry periods coming down so that low-use customers (like me) lose their money long before they can ever use it up.

One more thing to be grumpy about.

### **2025, January 19:**

The [surcharge wars](#) are getting nasty as vested interests scramble to protect their turf and the Government tries to please everyone:

... Merchant fees comprise three aspects: interchange fees paid to the bank, scheme fees that go to companies like Visa and Mastercard, and acquirer margin which is paid to the bank that supplies the physical payment terminal. Commonwealth Bank called on the RBA to scrap both credit and debit card surcharges while Westpac only supported bans on debit



surcharges, NAB opposes a blanket ban on surcharging and ANZ called for a “uniform approach” to surcharges. Meanwhile, Visa and Mastercard have both called for an end to all surcharges while Qantas and Virgin Australia both oppose them ...

Banks and the credit card providers are happy for the surcharges to become “hidden” again, so long as they continue to get their cut.

The Australia Competition and Consumer Commission, which received about 2500 reports of businesses allegedly imposing illegal card surcharges in 2024, called for reform ... [and] Brad Kelly, the co-founder of Independent Payments Forum which greatly urged for more transparency into the merchant fee process in its submission, attacked the ACCC ... Mr Kelly highlighted the enormous merchant fee disparities between major players and small businesses in a call for urgent overall reform .... He noted the large card surcharges and thin profit margins of small businesses meant outright scrapping the payment would ultimately leave Aussie consumers in the same position ... the fact of the matter is that the cost will then be pushed back onto the small business,” Mr Kelly said ...

Not precisely the “same position”. All consumers would then pay the merchant fees instead of it being only the card holders who do so. The cake would simply be cut up a different way, that’s all. The real problem is the flaws in the commercial system that allow big business to get off more lightly than small business. Bad deal, but why should the consumer foot the bill for government’s failure to regulate properly?

... Backing in Mr Kelly’s call was Ben Pfisterer, the CEO of fintech start-up Zeller, who warned customers should expect to pay more as small businesses passed their costs along. “While consumers might feel better no longer seeing a surcharge applied, they would still be paying the increased costs and the industry would no longer have any visibility into payment costs,” Mr Pfisterer told [SkyNews.com.au](https://www.skynews.com.au). “This would undo a lot of the work that has been implemented over the last decade to ensure costs are transparent and declining due to increased competition.”

This is the RBA’s transparency argument and full of nonsense. First of all, merchant fees are not new. What is new (over the last 20 years) is the widespread practice of passing them on. The elements are the same as they always were, they’ve just been shaken up and arranged differently. Mr Pfisterer (and the RBA) have to explain how this changed arrangement increases transparency and lowers overall cost. If all that’s happening is that the same merchant fees are being paid by the consumer in a different form, how does that lower overall costs? And how many of us take the time when buying a cup of coffee to consider the competition aspects of our purchase? Gimme a break.

The Australian Restaurant & Café Association called for lower interchange fees [and] warned that outright scrapping debit surcharges without touching interchange fees would mean Aussies end up paying the same amount ... the CEO of the Council of Small Businesses Organisations Australia Luke Achterstraat echoed ARCA’s sentiment, arguing a potential change would put small businesses in a precarious position ...

The merchants want to reduce costs overall by reforming the system that imposes the merchant fees in the first place (the ones that the Banks and credit card providers don’t want touched – see above).

... Labor vowed to crackdown on the surcharges in October with Treasurer Jim Chalmers stressing that small businesses be protected. “This is all about getting a better deal for consumers, reducing costs for small businesses and promoting a more competitive payments system,” he said ...

And the Government just wants the whole mess to be a [magic pudding](#) that can be sliced up to please everyone without anything changing (except voter satisfaction).

Why is this a r/keeping issue.





## JUST THE WAY THINGS ARE

**First:** As conflicting interests and the complexities created by RBA's fanciful pursuit of transparency lead to ever more complicated requirements for oversight and regulation along with tortuous rules that have to be imposed at the point of sale, recordkeeping becomes more necessary and onerous (red tape).

**Second:** The logistics of running such a system in place of the relative simplicity of currency (and cheques) as a means of exchange, raise all sorts of interesting ideas about the documentation of human activity (to say nothing of cows).

**2025, March 7:**

**<<The logistics of running such a system in place of the relative simplicity of currency (and cheques) as a means of exchange, raise all sorts of interesting ideas about the documentation of human activity (to say nothing of cows)>>**

### Denmark postal service to stop delivering letters

Denmark's state-run postal service, PostNord, is to end all letter deliveries at the end of 2025, citing a 90% decline in letter volumes since the start of the century. The decision brings to an end 400 years of the company's letter service. Denmark's 1,500 post boxes will start to disappear from the start of June ... Postal services across Europe are grappling with the decline in letter volumes ... Denmark had a universal postal service for 400 years until the end of 2023, but as digital mail services have taken hold, the use of letters has fallen dramatically ... Denmark ranks as one of the world's most digitalised countries. There's an app for almost everything: few people use cash, and Danes even carry drivers' licences and health cards on their smartphones. Bank statements, bills, and correspondence from local authorities are all sent electronically ...

The decision will affect elderly people most. Although 95% of Danes use the Digital Post service, a reported 271,000 people still rely on physical mail. "There are many who are very dependent on letters being delivered regularly. These include hospital appointments, vaccinations or decisions regarding home care," Marlene Rishoj Cordes, from *Aeldre Sagen* (DaneAge) told Denmark's TV2 ...

Apart from equity issues that arise because not everyone is wired-in, the question is: can digital services adequately replace the physical? In Denmark, the article says, *Bank statements, bills, and correspondence from local authorities are all sent electronically*. I still get my bank statements by snail-mail despite repeated invitations to switch, the reason being that the bank is not offering like-for-like. They want me to log into NetBank from home to see my statement but I don't have the security at home that gives me confidence to do that, so I use Netbank terminals set up in the diminishing network of branches that are still available. They don't or won't send statements digitally (for security reasons, they say). They won't even allow me to email a copy of my statement to myself from a Netbank terminal.

Denmark's [Digital Post](#) is not just a replacement of services based on a lazy assumption that digital will do. It is a proper replacement service with security features that claims "... *digital communication between you and the public authorities is secure. This means that no one but you and the relevant authority are able to read your Digital Post. Safety is important because sensitive personal data is often exchanged.*". Doesn't help the oldies and the downtrodden w/o digital access, however.

**PS** When I worked at CBA, the Archives was (at one stage) part of the Division running IT. A techo working for the Bank told me he never accessed his bank accounts from home because he didn't trust the security when coming in from outside the Bank's own firewall.

**<<They won't even allow me to email a copy of my statement to myself from a Netbank terminal>>**



## JUST THE WAY THINGS ARE

From Netbank, they will allow me to email a notification of payment details for an account transaction both to my home and to the payee (or, it seems, to almost anyone else) w/o regard for “security considerations”. Go figure.

It occurs to me that perhaps I could offer them a friendly suggestion that they set up something like the Danish Digital Post and then I’d be happy for them to stop sending my statements through the mail. They might even have something in place that I don’t know about that already does the job. So, always wanting to be helpful, I thought I might email CBA Enquiries attaching copies of my last posting to the List suggesting they might do something to overcome the “security considerations” that prevent me from receiving digital communications and dispensing with paper statements. I found a page called [How do I email CommBank?](#) which reads:

For security reasons we don’t have a general banking enquiry email address. You’ll need to get in touch with us securely in NetBank, by chatting to [Ceba](#), [calling us](#) or visiting your nearest branch.

I don’t have a “smart” ‘phone, I don’t use apps (someone told me I do really but I just don’t realise it) and I don’t “message” or “chat” online. So I’m going to print out these postings and send them into CBA by post.

**PS.** Have you ever tried to find a postal address for a financial institution? The [Complaints-and-Compliments](#) page tells me I can “Write to our complaints team (no need to use a stamp) at CBA Group Customer Relations Reply Paid 41 Sydney, NSW 2001” - I might try that.

**PPS** On a site called [Pissed Consumer](#) it is suggested “*The Commonwealth email customer...@cba.com.au is available to request general information and assistance from the company agent*” – sounds a bit dodgy. [CEO Email.com](#) suggests [customer...@cba.com.au](#) - not contact information I was able to find easily for myself on the CBA website.

**PPPS.** The Danish system looks to be more sophisticated than something a single institution has set up. A government initiative perhaps or a consortium? Bit *avant-garde* for Oz?

**PPPPS** CBA has an “Enquiries” page. Perhaps (still being helpful) I should [compliment](#) them for being British:

*Inquiry* and *enquiry* are two of the most commonly confused words in English. They have almost identical meanings and come from similar root words but understanding the subtlety of the differences between *inquiry* and *enquiry* is important and will make your writing look more elegant ... In British English, you will come across words *enquiry* and *enquire*. Basically, they have the same meaning as *inquiry* and *inquire*, but they are used in different contexts. In British English, *inquiry* means a formal investigation, of the type carried out by government, police, scientists or an official organization. *Enquiry* has the same meaning, but it is reserved for less formal investigations. For example, you might see an *enquiry* desk at a library, or you might make an enquiry (ask) if someone is feeling well.

and praise their [understanding of homophones](#):

*Complement*, with an 'e,' has meanings that have to do with completing or completion, as in “a scarf that complements the suit” and “a scarf that is a perfect complement to the suit.” *Compliment*, with an 'i,' concerns admiring remarks or praise, as in “complimenting her on her suit” and “a suit that always gets compliments.”

## **2025, April 26: [Casualties of War](#)**

According to [a BBC report](#) on the ousting of Rapid Support Forces (RSF) from Khartoum:

... tens of thousands of artefacts were either destroyed or shipped off to be sold during the time the RSF was in control of central Khartoum, where [Sudan's National Museum] is situated ... "The militia [the description Sudanese officials give to the RSF] took so many of the unique and beautiful collections, and destroyed and damaged the rest." Looting has been reported at other Sudanese museums and ancient sites. Last September ... Unesco, warned of a "threat to culture" and urged art dealers not to import or export artefacts smuggled out of Sudan ...

Sudanese officials ... strongly suspect RSF fighters took some of the valuables to the United Arab Emirates (UAE). The UAE has been widely accused of funding the RSF, although both parties have always denied these accusations ... So the whereabouts of pieces like a gold collar from the pyramid of King Talakhamani at Nuri, which dates to the 5th Century BC, are unknown ... Many of the artefacts that remain have been damaged ... recovering the artefacts seems a difficult and perhaps even dangerous task, with little immediate prospect of success.

The government, and other Sudanese observers, say the RSF's attacks against museums, universities and buildings like the National Records Office are a conscious attempt to destroy the Sudanese state - but, again, the RSF denies this ... According to the UN, nearly 13 million people have been forced from their homes since the fighting began in 2023, while an estimated 150,000 people have been killed ...



## Stolen Assets and Repatriation

**2017, November 22: National Archives' 3000 box gift**

<<**Michael Piggott**: The final step in the National Archives gift of captured business archives to Japan occurred yesterday ... How commendable of the National Archives to alienate some of its collection ... It was especially noteworthy that the archives returned originals rather than just copies ... Perhaps other national cultural institutions will emulate the NAA? The National Library might consider returning its 19th century official NSW and Tasmanian documents collected by Sir John Ferguson, and the War Memorial its documents captured from German New Guinea during World War I ... when I was at AWM in the 1980s it/we returned Japanese soldiers' diaries and post office savings books to the Japanese next-of-kin [This] is rich in all sorts of archival issues and questions ...>>



### **THE FIGHT FOR THE FILES**

... Since the laws of war consider captured records spoils of war, the victorious state may use, exploit, or dispose of them according to its own discretion. There is no obligation to repatriate them after the end of armed hostilities. Nonetheless, countries may return captured records to former adversaries as a gesture of normalizing relations ...

Bruce P Montgomery *Captured records* Encyclopedia of Archival Science edited by Duranti & Franks (Rowman & Littlefield, 2015), pp.127-130





Notions of return, repatriation, and gifting do, indeed, raise “all sorts of archival issues and questions”, not to mention cans of worms. These issues arise not so much because the ideas are unclear or difficult to grasp but because practice is inconsistent. Possibly because, as some of the literature makes clear, these issues cannot be quarantined from political, social, and diplomatic considerations also. On a broader front, the issues are not dissimilar to the question raised a few days ago by Andrew Waugh regarding who “owns” culturally sensitive records – to say nothing of contested claims over ownership and provenance of other GLAM materials held in museums, galleries, and libraries (viz. Elgin Marbles). The question of return (replevin) has many aspects to it, beginning with distinctions that should be made, by us at any rate, between-

- The different purposes of an archives (viz. custody) and those of other GLAM bodies (viz. collection).
- The different ideas about “creation” (parallel provenance) that we are coming to recognise as having legitimacy in our world.

The circumstances which result in possession of records created by one party and held by another include –

- Seizure of enemy archives and records in the enemy’s country after the defeat of that country (sometimes from formed archival holdings, sometimes from r/making sources; seizure of property vs seizure of heritage).
- Seizure of records and archives belonging to aliens operating in one’s own country during wartime or in any other circumstances (usually from r/making sources).
- Acquisition/appropriation in circumstances that fall outside the laws and protocols governing international conflict (or pre-dating them) e.g. illegal wars such as Iraq 2 – cf. Cox below.
- Allocation/division of records of a colonial administration post-independence (e.g. the [Mau Mau records](#)). Here in Australia, what is the proper home for 19<sup>th</sup> century naturalisation records? Where do the records of the pre-separation Districts then part of NSW belong, e.g. Port Phillip District 1836-1851, Moreton Bay Penal Settlement 1824-42, Moreton Bay District 1842-1859, Van Diemen’s Land to 1856 : in Melbourne, Sydney, Hobart, or Brisbane?
- The stage the r/keeping process had reached at the critical moment. The gathered SBV archives are held “on loan” from CBA at PROV but material ungathered at the time of the CBA/SBV merger, supporting on-going business of the merged entity, is still now coming into CBA Archives because there is no mechanism for accessioning it into the gathered archives at PROV.
- Seizure by administrative fiat vs seizure according to law (and the possibility of sustaining that legal basis indefinitely or in the face of conflicting legal claims).
- Uncertain or disputed ownership/control from the outset (e.g. joint operations; the recent Canadian [residential schools case](#) judgement).

I leave aside theft and the snapping up of unconsidered trifles (because they are ineffectively guarded from the depredations of collectors or even arguably neglected or abandoned) such as the Ferguson case because true archivists would not, of course, indulge in such unsavoury practices. Issues affecting disposition include –

- Uncertainty over succession (e.g. which of the two Germanies post 1949, if either, should have been given the captured WW2 German archives held by US & Britain?) Who succeeds the WPHC?
- Dissolution or disappearance of the source r/maker-keeper (e.g. archives of the Confederacy, Holy Roman Empire, etc.) In the case of the NAA/Japan handover, the



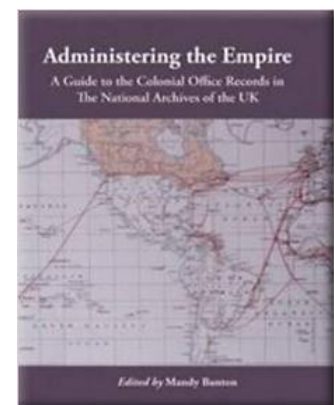
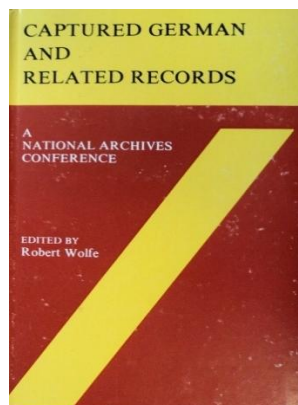
## JUST THE WAY THINGS ARE

records were apparently created by private concerns and are being handed over to the Japanese government which seemingly had no part in their creation – why?

- Absence of universally recognised principles governing the processes involved (how do we justify the lodgement in Canberra of “Australian constitutional documents” which are, properly speaking, creations of a process for enacting imperial legislation in the Westminster Parliament and seemingly estrays from the British Imperial Archives held in London?)
- Post seizure uses giving new life to seized records (e.g. German records used as evidence at Nuremberg incorporated into a new r/keeping process, arguably making them different or top-numbered records).
- Suspicion over the capacity, intentions and/or bona fides of the party seeking return of the records (viz. British historians fearful, however unreasonably, that the Germans wanted their records back in order to tamper with the historical evidence).

To say nothing of the social, political, emotional, or moral issues involved (refer [Hudson's Bay archives](#) now lodged in Winnipeg). Michael is right; this would make a great conference session. A quick google came up with some useful references –

- James Lowry (ed) [Displaced Archives](#) (Routledge, 2017)
- Douglas Cox [Archives and records in armed Conflict: international law and the current debate over Iraqi records and archives](#) Catholic University Law Review (vol.59, pp.1001-1056)
- Philip P Brower [The U.S. Army's Seizure and Administration of Enemy Records Up To World War II](#) American Archivist 1963 pp.191-207.
- Panel at the German Studies Association, San Diego, California, October 3–6, 2002. Co-sponsored by the German Historical Institute, Washington, D.C., and the German Historical Institute, Paris. [The Fight For The Files: Captured German Records After World War II](#)



<<Michael Piggott: Chris - thanks for illustrating perfectly the extent of this subject (and of the numerous Australian cases) and showing why it is professionally so interesting. Just to add a further category, i.e. of defectors who arrive with "stolen" documents, a perfect illustration being the [Petrov Papers](#). Chris' which Germany? question is raised here too in a way, were return ever contemplated or sought: USSR in 1954 when the Petrovs defected is not Russia now.>>

**2025, March 22:**

<<2017: Notions of return, repatriation, and gifting do, indeed, raise “all sorts of archival issues and questions”, not to mention cans of worms. These issues arise not so much because the ideas are unclear or difficult to grasp but because practice is inconsistent ... Possibly because, as some of the literature makes clear, these issues cannot be quarantined from political, social, and diplomatic

**considerations also ... Issues affecting disposition include – Uncertainty over succession ... Dissolution or disappearance of the source r/maker-keeper ... Absence of universally recognised principles ... Post seizure uses giving new life to seized records ... Suspicion over the capacity, intentions and/or bona fides of the party seeking return ... To say nothing of the social, political, emotional, or moral issues involved (refer [Hudson's Bay archives](#) now lodged in Winnipeg).>>**

On the [Canadian List](#), Scott Gooding (Archives of Manitoba, which houses HBCA) has posted news of the latest developments in its story following reports that the [Hudson's Bay Company](#) (HBC) is facing bankruptcy and the liquidation of assets. He states that the archive receives operational and staffing funding from the Hudson's Bay Company History Foundation (HBCHF), a charitable foundation separate from the HBC, which will be able to continue supporting the HBCA regardless of the future of the company.

This archive, or at least some of it, was re-located following the company's move to Canada in 1970 when Head Office functions were transferred from London to Winnipeg. I was told (when I visited back in the '80s when, if I recall correctly, it was housed in the Provincial Archives) that no less a hand than that of Sir Hilary Jenkinson was at one time involved in its formation. It continues to identify and receive, according to Gooding, transfers from HBC (unlike the case of SBV records that came into CBA Archives following deposit of the formed SBV Archives with PROV). The HQ records are already an example of *contra-repatriation* (if I may use that term) where records are moved from their place of origin and "returned" to a place they never were – but less egregiously than Australia's [foundation document](#) ripped from the UK archives and now on display at NAA. If the bankruptcy goes ahead, that will also create an instance of "dissolution or disappearance of the source r/maker" but not, it seems, of the "r/keeper".



**PS.** I do not mean to suggest that the relocation of HBC HQ records was archivally improper – records follow function after all and the HQ moved to Winnipeg. Quite right that their archives should too. The relocation of our nation's "[birth certificate](#)", on the other hand, is a [different story](#) –

*"This document originated in the British Parliament and was in the custody of the National Archives of the United Kingdom until it was loaned to Australia in 1988; in 1990 the British Government made a gift of the document to the Australian people".*

An object lesson perhaps in the danger of lending your stuff.

**PPS.** In the course of its long history from its incorporation by royal charter in 1670, HBC underwent many changes before becoming the private corporation it is today. At one time, it exercised semi-sovereign power under the Crown over Rupert's Land for nearly 200 years until the HBC relinquished control of the land to Canada in 1869. On this basis, an argument might be made that portion of the archive comprises official estrays.

**2018, October 15: [Turning over Belgian colonial archives](#)**

The [New Times article](#) just posted to Archives Live is part of a wider discourse on "misplaced" post-colonial archives.





... good news landed in Kigali with the announcement that Belgium was ready to turn over archives related to the colonial period, which make up a huge chunk of what is displayed in the Central African Museum located in Tervuren. The Museum is home to many artifacts and documents carted away by missionaries and colonial administrators from Rwanda, Burundi and present day DR Congo, though there is no mention that the other two countries will be part of the deal. The archives have been an insatiable [insatiable!!!] source for researchers and academics and now they will find a fitting home as Rwanda is in the process of building a modern state-of-the-art national archives edifice. What the government now needs to do is strike a similar deal with Germany who were the first colonial administrator after the Berlin Conference that partitioned Africa. Africa has a lot to tell, but it should not do so only after peeking into a former colonial master's cupboard.

The discourse on repatriation of colonial archives is a lively one which raises lots of juicy issues. Here are just a few of them arising out of this reportage.

- What is meant by “archives related to the colonial period”? Should repatriation be based on the **informational content (related to ...)** or the **r/keeping context (formed by ...)**? If records from Belgium were now to be joined with similar records from Germany (a possibility raised in the article) would this be a re-formation of estrays into their original order or a continuation of the archival process (always becoming reduced to its most physical manifestation)?
- Why the focus on the Central African Museum at Tervuren? Is that a **repository for non-official archives** (like the former [Royal Commonwealth Society Library](#) containing, inter alia, deposits of “private papers” from missionaries and colonial officials, and disposed of to a British University when RCS wound up)? Is it more like the [India Office “Library”](#) which contained many (indeed most) of the official archives of the old India Office in London and which (implausibly) ended up with the British Library?
- Do artefacts/documents have to be “carted away” in order to qualify for repatriation? Do they have to have been **physically located at one time in the former colony** before they can qualify for repatriation? Does this exclude records pertaining to a colony compiled back home at the colonising power's HQ (such as the pre-separation [Port Phillip records](#) at State Records of NSW)? What about records formed in the colony and transmitted to Colonial HQ as part of a contemporaneous r/keeping process (ditto the pre-separation Port Phillip records in NSW)? Even if the process was not contemporaneous, is there any legitimate r/keeping justification for carting them away at the dissolution of the colonial administration (e.g. [Western Pacific High Commission records](#))?
- If so, should such legitimate purposes (if they were legitimate) be revisited after an effluxion of time (ditto the WPHC records)? Should they **only be revisited if they weren't legitimate in the first place**? Who decides legitimacy? For everything there is a season: a time for carting away and a time for repatriating (?). I have always wondered if the body of records at TNA dealing with [English domains in France](#) were HQ records or “carted away” when the English were booted out (they seem to be a bit of both); should they now be repatriated, in whole or in part, to the Archives Nationales?
- Why is it OK for the Belgian colonial archives to go to an “edifice” in Rwanda rather than to **whatever home might be found for them** in Burundi or DR Congo? Why is it OK for the WPHC records to be in Auckland when NZ was never part of WPHC? Should the Belgian colonial archives be split? Do we care about custody, control, or curation? In this case, three former colonies appear to be involved. At what point does such a “collection” acquire an integrity of its own such that evidence of its formation would be violated if division were allowed – five former colonies, ten, fifty?



Oooh, the brain is dazzled by the possibilities.

### 2018, October 17: [Recordkeeping in the news](#)

#### **Privatised Land Titles ([SMH 6 Oct. 2018](#))**

The new private operator of NSW's land titles registry surreptitiously hiked some fees by 1900 per cent before it was caught and forced to amend them, Fairfax Media can reveal ... NSW Land Registry Services (LRS) – owned mostly by First State Super and Utilities Trust Australia – reinterpreted the rules and in July started charging a lodgement fee of \$141.60 for every title in a dealing, rather than for every 20 titles ... the government's Registrar-General, Jeremy Cox, intervened in August, ordering LRS to stop applying fees that were not charged before the privatisation ... In the lead-up to the privatisation, surveyors and developers said they [feared the cost](#) of a property transaction would rise. In one recent example, homebuyers and sellers now have to go through a licensed broker to conduct a land titles search. They now have to pay, in some cases, triple the price for the same information ... The Registrar-General is now engaged in a separate fight to keep prices in check. Mr Cox has requested the national e-conveyancing platform PEXA, which is planning a sharemarket float, to cap its prices. PEXA, the country's only online property settlement company, has [threatened legal action](#), saying Mr Cox had moved beyond the scope of his powers to regulate activities other than the lodgement of documents ... Since the privatisation, LRS has shed 20 per cent of its staff ...

Land titles belong to the select group of government functions ((the registration functions) where r/keeping does not simply support an agency's business objectives it **is** the agency's business. Other examples include life data (BDM), valuation, and motor vehicles (licences and vehicle registration). They've always been self-funding and, indeed, a revenue source but turning them into commercial enterprises has public service consequences (it seems) to say nothing of possible impact on their wider community role (sustaining an orderly and reliable social fabric).

#### **Estrays for Sale ([SMH 18 Oct. 2018](#)) – no link**

An auction of historic documents was halted on 11 Oct when Vickers & Hoad received a “legal threat” from the State Archives and Records Authority of NSW. “After a comparison of records held in the State Archives Collection there is no doubt that the documents being offered for sale are State Records under the terms of the State Records Act 1998 ... These records therefore also appear to be estrays from the New South Wales Government. NSW Archives require additional time and research to determine if any or all of these items are of archival significance.” Auctioneer, Colin Vickers, said: “It's ridiculous. We had ... to pull them ... much to the disappointment of the vendors, one of which had bought the document some 30 years ago ... at auction ... one of the vendors was hoping the sale would go towards their retirement fund ...”

It is reported that one of the prospective purchasers was Paul Keating. There is a [fact sheet](#) on estrays :

Estrays are records created by a NSW government or public sector organisation which are not under that organisation's control ... The *State Records Act 1998* provides for the recovery of estrays back to official control ... The process for recovering estrays varies according to the significance of the records ... State Records is given powers under the State Records Act to:

- inspect records believed to be estrays
- direct a person not to sell, remove or dispose of an estray
- take action to recover an estray in a court of competent jurisdiction
- direct a person to hand over an estray pending legal proceedings
- make agreements with persons in possession of estrays for the preservation, security and confidentiality of the record
- acquire an estray by purchase, gift or bequest
- act outside NSW for the protection and recovery of estrays.

<<Michael Piggott:... it would be wonderful if the SMH item means that state archives now have the confidence and determination to assert their rights in such matters. Here are two for starters, both items "collected" by Sir John Ferguson held by the National Library, which should be returned.

One is NLA MS 3221, "Order book of the New South Wales Mounted Police, 1832-1841 ". The NLA catalogue entry even adds a note "The 1841-1850 order book is held in N.S.W. Archives (A/5718)" see <https://nla.gov.au/nla.cat-vn1271501>

Another is NLA MS 3539, a Tasmanian Supreme Court Minute book, 1835-1839 "of cases tried before Mr Justice Montagu" <https://nla.gov.au/nla.cat-vn2794908> and explains why at TAHO there is a gap in series SC32 Minutes of Proceedings in Criminal Cases, where SC32/1/3 ends in Jan 1835 and SC32/1/4 starts in January 1839.

Merely sharing scans of course misses the point. And in another sense, misses great publicity and good will. Of course if libraries started returning estrays or even "estrays", where would it end?>>

"Can of worms" would not begin to describe any serious approach to stray-hunting, but (so far as I am aware) that pursuit usually stops at the threshold of another archives, library, gallery or museum. Interestingly, the repatriation of artefacts with cultural sensitivity from museums appears to be an exception. Keep an eye on the Elgin Marbles.

One of the arguments for the *Modest Proposal* is the proposition that it doesn't matter where the stuff is so long as we know about it and where it ought to be. One argument against stray-hunting is that once the stuff acquires a market value it is likely to be better looked after than in the hands of the neglectful government that mislaid it in the first place.

## 2020, October 2: [What a difference a word makes](#)

What makes cultural misappropriation (theft) different to common or garden larceny? Napoleon and Hitler were responsible for the theft or attempted theft of thousands of cultural objects, some of which now reside in museums maintained by the heirs of the plunderers (e.g. [The Louvre](#)). Once the dust has settled, people seems fairly relaxed over leaving stuff pillaged from institutions where it is but less so about artefacts stolen from individuals (viz. [looted Jewish property](#) from WW2). But different attitudes seem to be applied now to artefacts in state-owned institutions (less so in private collections) with different ethnic or cultural backgrounds to the victims. Hence the idea of cultural "repatriation" as distinct from restitution – since many of the objects in dispute cannot be demonstrably shown to have been stolen and in some cases (e.g. Egyptian mummies) restitution of cultural rights rather than property rights is the only coherent basis for action. Activists in France are [on trial](#) for trying to do something about it.



**NAZI THIEVES,  
LOOTED ART,  
AND STOLEN  
LEGACIES**

Five activists have gone on trial in Paris for trying to remove a funeral staff from France's pre-eminent indigenous art museum as part of a campaign to pressure the government into restituting items they claim were stolen. Emery Mwazulu Diyabanza, 41, led





the operation at the Quai Branly museum last June, condemning “the pillage of Africa” ... “We had no intention of stealing this work, but we will continue as long as the injustice of pillaging Africa has not been remedied,” Diyabanza told AFP ahead of the trial ... Diyabanza himself sued the French state after his arrest in June, accusing it of “theft and receiving stolen goods” in amassing a huge collection of native artworks beginning in the colonial era. However the presiding judge told the court: “We are here to judge an infringement, not to judge history.”

... French officials condemned the stunt, which followed president Emmanuel Macron pledge, shortly after his election in May 2017, to look at the [restitution of African cultural treasures](#). France has since returned a ceremonial sword to Senegal and promised to return 26 dozen works to Benin – including a royal throne – that were seized by French troops in the late 19th century .... An expert report commissioned by Macron in 2018 counted some 90,000 African works in French museums, but suggested a “circulation” of some works between museums rather than an outright return, saying not all were pillaged or stolen. “Macron has acknowledged the pillaging, but he’s the one who decides how many works are returned, and whether or not there should be a property transfer – it’s an insult for us,” Diyabanza said.

How confusing! There’s poor old Macron burbling on about property transfer whereas the activists (no doubt) would say they want to restore cultural rights – not property rights. And what about stuff that was gifted but people now challenge the legitimacy of that. Isn’t that an issue with [Strehlow](#)?

The issue of repatriation of archives from colonial powers is lively (especially when the former colonies didn't have the same jurisdictional boundaries as the independent nations that succeeded them. And repatriation isn't new - the [Vatican had to struggle](#) to get its archives back after the Napoleonic Wars.

### 2020, December 13: [A public record or a personal record?](#)

<<[Andrew Waugh: The Department of Immigration ... took a visa from an immigrant and put it on file. The file is now in the NAA, and the descendents of the immigrant consider it a significant personal object and want it back. \(The visa was granted to a German Jewish family in 1940 to travel to Japan, from where they travelled to Australia. The visa, granted by a sympathetic consulate official, enabled part of the family to survive the holocaust.\). The \[article\]\(#\) canvasses the arguments made about custody.](#)>>

Whether the visa is a public record or a personal record? From the information given, it appears to be both -

- **In the parallel provenance sense:** the intersection of the office and the person resulting in placement of the artefact within a r/keeping event that would not have occurred without the participation of both parties as creators..
- **In the traditional r/keeping sense:** of belonging (successively) to two series (Michael Margolin’s personal archive now subsisting, inter alia, in the passport from which the visa was removed) and then to the official series now held by NAA into which it was placed.

The visa was issued to Margolin much like any certificate (birth, naturalisation, etc.). One would expect that a record-copy was retained by the issuing authority. But in this case, the visa is one of many issued unofficially by Japanese Consul, Chiune Sugihara. It is unlikely that clandestine activities of the Japanese Consulate in Lithuania have generated an extant archive. At some stage, the visa was seized or surrendered and incorporated into another series maintained by Australian authorities and there it remains. We don’t seem to know how or why. It might even be the case that the authorities didn’t mean to keep it and would have handed it back if asked but we just don’t know. If that intention (to hand it back if



asked) could be established, there might be an argument for handing it over now so that it could complete its r/keeping journey.

But it seems there is now yet another dimension – the museum dimension. It seems the family doesn't want to restore the personal archive but to make the artefact part of the proposed exhibition. It would not be preserved either as an official record or a personal record but as part of a celebratory display (a collection) gathering diverse materials from diverse sources without reference to honouring a r/keeping purpose surviving from the past. Rather, the artefact would enter a new phase by reference (prospectively) to the formation of the exhibition - a legitimate purpose in its own right but having no relevance to the question posed. An argument might be mounted that the proposed exhibition honouring Sugihara amounts to a restoration of the non-extant archive of unauthorised activity in the Japanese Consulate in Lithuania in 1939 – but that would be a bit thin.

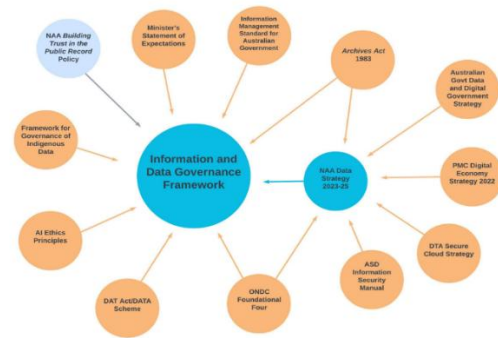
So, it would be wrong to portray the return of the visa as “restoring” the personal archive of Michael Margolin. The purpose of handing it over would be to sunder it from both the series to which it once belonged and re-create it in another dimension – which you may or may not choose to regard as a r/keeping process in its own right. How typical of the museum guy to give over-riding emphasis to originality of the artefact. Good luck to NAA trying to explain context and structure. I didn't find the *Blade Runner* analogy convincing (perhaps because I've not seen the film).

But the discussion does raise interesting issues. In Victoria, I could never come up with convincing arguments why we couldn't hand over records we had decided to destroy to train buffs who wanted them. NAUK had a similar problem with military buffs and tally sticks (if I recall correctly). Should we have the same attachment to originality as museum guys (and some librarians and, alas, even some archivists)? What does originality prove? NAA offered a high-resolution copy to the family. Why shouldn't a high-resolution copy (made in accordance with standards for preserving evidential quality) be retained by NAA instead of the original? With all the digitisation going on, what becomes of the digitised hard copy? Why can't that be destroyed? Not the Domesday Book, perhaps, but everything else. In which case, it's the same issue as the tally sticks. If NAA has a satisfactory evidential scan why do we care whether some museum gets the original? Our ideas of authenticity don't begin and end with weakening knees as we gaze on an historical artefact. Or do they?

These are questions, by the way, not answers.

### **2020, December 14:**

**<<Michael Piggott: Requests for the removal and gifting of an item from a file has happened before at NAA and the arguments well-rehearsed ... requests from descendants for the personal file relating to a family member which is destined for destruction need careful handling. But for any government archives confident of its professional authority and expertise, weighing the arguments for and against ... should be pretty straightforward ... Chris' point re *Blade Runner* also highlights the risks in not keeping arguments simple, clear (and free of references to Occam's razor and *Beati possidentes*). As we know, archives themselves alienate records, as NAA did in 2017-18 when 3,300 boxes of originals of captured Japanese Australian businesses were handed to Japan (in fact the National Archives of Japan). Decades ago the War Memorial made a gift of soldiers' postal savings books - the originals, not copies - taken from Japanese prisoners and bodies and kept initially by the Allied Translator Intelligence and Service.**



### “Foundation documents”

### ... governance framework (NAA)

Then there was the famous Bob Hawke request for one of the originals of the UK Act which brought the Australian federation into being, ie the Commonwealth of Australia Constitution Act signed by Queen Victoria. There was considerable argy-bargy and understandable disquiet at the House of Lords Record Office and the then Public Record Office, but eventually, as Graeme Powell explained:

Thatcher relented and, although still concerned about the risk of setting a precedent, the Government introduced an Australian Constitution (Public Record Copy) Bill in the British Parliament. It was passed unanimously. On 23 August 1990 the Foreign Secretary formally presented the document to Hawke, saying that it was ‘entirely natural and right that Australia would want to possess its ‘birth certificate’’. Since 2001 the Constitution Act has been on display in the Federation Gallery in the National Archives of Australia.>>

### **2021, February 8:** More on repatriation

#### Another approach

... If coronavirus had not closed most of Europe’s museums, [Mwazulu Diyabanza] would probably be inside one right now, wresting African objects from their displays to highlight what he sees as the mass pillaging of the continent by European colonialists ... As the leader of a pan-African movement called Yanka Nku (Unity, Dignity and Courage), Diyabanza is on a mission is to recover all works of art and culture taken from Africa to Europe. He calls his method “active diplomacy” ...

Last June, in between French lockdowns, Diyabanza and several others entered the Quai Branly museum in Paris [and] wrenched from its setting a 19th-century African funeral post that belonged to the Bari people of Chad ... A month later, in Marseille, Diyabanza attempted to remove an ivory spear from the Museum of African, Oceanian and Native American Art ... Then, come autumn, he was in the Netherlands attempting to remove a Congolese statue from the Afrika Museum at Berg en Dal. He was given a two-month suspended sentence and a €250 fine. “The prosecutor had wanted me convicted to discourage others,” says Diyabanza over the phone. “But the judge recognised that I was not guilty of ‘theft’ but of a political act. He opened

“We will be looking at Spain, Germany, Portugal, the Vatican and – yes – the UK,” he says. “We will be visiting the British Museum once it reopens. It contains some *chef d’oeuvres* that are very symbolic.” On its website, the British Museum admits that some objects in its Africa collections have “difficult histories, including the contested means by which some collections have been acquired, such as through military action”...

Diyabanza has now widened his campaign with the creation of the FMAS, the Front Multicultural Anti Spoliation, or the Multicultural Front against Pillaging. This aims to reunite people across the globe with what he calls their robbed heritage. These include artefacts belonging to Native American tribes, aborigines and indigenous peoples of the Philippines, Indonesia, Peru and elsewhere ... “For the moment, we are concentrating on museums. We are optimistic governments will eventually cooperate. Then we will ask people who have objects in private collections to act with goodwill and return the things that have been stolen from us. But, eventually, it’s not just our artefacts but our land and our riches:



the minerals, diamonds and gold; the animals, flora and fauna. And reparations – but that is another campaign.”

Diyabanza is not concerned if his movement leaves many European museums practically empty. He has described the removal of art and cultural objects from Africa between 1880 and 1960 as a “vast operation of theft and pillaging that came just after Africa suffered one of the greatest crimes against humanity: slavery”. He is not opposed to African and other objects being displayed in Europe. But he wants to see them returned first and then they can be lent on their owners’ terms ...

There are two issues bearing on recordkeeping –

- Records kept by houses of memory, financial institutions, insurance companies, etc. that bear upon [history of provenance, ownership, and acquisition](#). Very gradually, houses of memory seem to be moving towards a posture of coming clean, but the picture is far from undiluted.
- More particularly, there are your actual looted archives. These are a [sub-set](#) of the story of Nazi, Soviet, and American looting during WW2 (which is mostly about art and artefacts).

Archives and records are now being listed in presentations about [repatriation](#) of cultural materials and, as we know, this is also a [powerful strand](#) in archival thinking now and not just about the status of the records of pre-independence colonial administrations.



**2021, 26 March:**

From [The Guardian](#) another quirky illumination of the [Doctrine of the King’s \(or in this case the Queen’s\) Two Bodies](#) -

Police have been barred from searching the Queen’s private estates for stolen or looted artefacts after ministers granted her a personal exemption from a law that protects the world’s cultural property ... an exemption that prevents police from searching Balmoral and Sandringham. A spokesperson for the Queen dismissed any suggestion that stolen or looted artefacts were being held on the monarch’s private estates.

The Department for Digital, Culture, Media and Sport (DCMS), which gave the monarch the special dispensation ... [is] keeping secret a set of emails that may shed light on why the Queen was granted immunity from the law ... the Cultural Property (Armed Conflicts) Act [is] a 2017 law that seeks to prevent the destruction of cultural heritage – such as monuments, archaeological sites, works of art and important books – in future wars.

... Although the law predominantly relates to the preservation and protection of cultural property in war zones, parts of it relate to stolen or looted artefacts that have been trafficked out of those countries. It made the buying or selling of these stolen or looted artefacts a [criminal offence](#) punishable by up to seven years in jail. Police have the power to search premises if it is suspected that they are being used to store illegally obtained artefacts ...

... the exemption applies only to the Queen and her private estates. Police are still allowed to search properties within the [crown estate](#), for example, a huge swathe of land that historically belonged to English monarchs and now belongs to the nation. A significant proportion of its profits are used to fund the monarchy.



The Cultural Property Act is the result of an international push to clamp down on the destruction of cultural heritage during conflicts. In the wake of the destruction of artistic works at the hands of the Nazis during the second world war, the United Nations drew up an international treaty in 1954 to prevent the destruction of cultural heritage in future armed conflicts. It only became part of British law when the UK government [passed the 2017 act](#).

**2021, March 28:**

**From the ABC –**

When the Shiva Nataraja — a 16th century bronze statue believed to have been looted from a temple in 1982 and then illegally exported — was returned to the South Indian town of Kallidaikurichi in Tamil Nadu in 2019, thousands turned out to welcome its arrival ... The statue was one of at least eight antiquities ... that Australian museums have repatriated to India since 2014 after conclusive evidence showed they had been removed from their country of origin illegally. All the museums concerned say they were unaware of this at the time of acquisition.

Experts in looted antiquities say the repatriations aren't over, with many more items with similarly dubious provenance, or record of ownership, still remaining in Australia's most high-profile galleries and museums. According to Jason Felch, an expert on the illicit antiquities trade and the author of the Chasing Aphrodite book and website, the vast majority of antiquities in museums or galleries around the world were originally looted. However, he said there were legal and ethical differences between looting centuries ago and more recently.

"If you buy a piece that was illegally excavated 100 years ago, the thinking goes that you are not actively encouraging criminal behaviour today," he said. "But because there's no black and white line between what's looted 100 years ago and what we did last week, 1970 is the agreed upon cut off. "It's a gentleman's agreement. It doesn't have legal standing, but it has international recognition under a UNESCO [United Nations Educational, Scientific and Cultural Organization] convention." ...

Indian antiquities sleuth Vijay Kumar, who had a hand in gathering evidence for most of the repatriations so far, has a list of 12 pieces still in the National Gallery of Australia (nine items) and Art Gallery of NSW (three items) that he says were looted from India around or after 1970 ... He said he found the attitude of the Australian institutions "very strange" ... "They are only returning objects that we can clearly prove from where it was stolen with [photographic] evidence but all the other paperwork is equally fraudulent," he said ...

The ABC sent the NGA, AGSA and AGNSW a series of questions asking how many items in their collections may have been removed from their country of origin illegally, how their provenance projects were going, how many staff were dedicated to provenance research ...

- The Art Gallery of South Australia (AGSA) said it did "not believe that any works in its collection were removed from their country of origin illicitly or obtained improperly" and was "not aware of any object with any major provenance concerns". They said they had a full-time staff member working on provenance issues ...
- The Art Gallery of NSW's statement did not address most of the questions put to them ... However, they did say the gallery had an internal provenance committee which reported to the gallery's trustees ...
- The NGA said it "continues to devote significant resources to the ongoing research of works with incomplete provenance and historical issues identified over the last seven years" including a full-time provenance manager while all curators also devoted time each week to provenance issues ...

... In recent years, more and more governments and individual institutions have been attempting to come to terms with the troubling past of their stolen heritage and make restitution. [France is this year planning to restore items stolen from Benin and Senegal during the colonial era](#), [Germany is negotiating to return dozens of antiquities to Nigeria](#) and [the Dutch government last month agreed to repatriate any stolen colonial-era items](#), even those without full provenance records. Mr Kumar said the Australian institutions' approach to problematic provenance had so far resulted in them having to return objects almost every year since 2014 ... "They seem to rather bet that we will not find the proof, and it's a bet they seem to be on the losing side of more often than not," he said ... The next scandal



for Australian galleries, he said, likely won't stem from a dubious collector being exposed — it will come from countries like Thailand and Cambodia demanding their items be returned ....

**2021, April 5:**

### **Looted artefacts: desecration or a “pious work of salvage”?**

In November 2013, Nora von Achenbach, curator at the Museum of Arts and Crafts in Hamburg, Germany, examined the catalog for an upcoming auction by the Paris-based dealer Boisgirard-Antonini ... [She] was interested in a pale marble tablet, carved with arabesques, vines and Persian script. Lot 104, an “important epigraphic panel with interlacings from the palace of Mas’ud III,” ... dated to the 12th century, from the capital of the Ghaznavid Empire, in what is today Afghanistan ... [The] catalog simply stated that the marble’s provenance was “a private French collection.” But von Achenbach ... may have been reassured by the lengthy description of the archaeological site where the marble was originally found, the royal palace in Ghazni, where a legal Italian-led excavation broke ground in the 1950s. Moreover, as the catalog noted, three panels from the same site were held by the Brooklyn Museum, San Francisco’s Asian Art Museum and the Institut du Monde Arabe in Paris. Von Achenbach ... sent in a bid, the equivalent of around \$50,000, and won ... von Achenbach invited Stefan Heidemann, an expert on Islamic art ..., to view the panel. Heidemann ... had worked at the Metropolitan Museum of Art in New York, where, as chance would have it, a colleague of his, Martina Rugiadi, wrote her doctoral thesis on the Italian excavation in Ghazni ... Rugiadi told him the Hamburg marble had indeed been stolen from the Afghan government ... Rugiadi had ... emailed Pierre Antonini to warn him around the time of the sale. He replied asking for more information. But the auction house shipped the panel to Hamburg anyway, without informing the museum of the evidence that it was stolen ... The Hamburg museum notified German authorities, but did not pursue legal action against Boisgirard-Antonini; it kept the marble in storage and out of sight. In August 2018, I received an email from Tobias Mörike, a curator of Islamic Art, introducing himself and the marble ... the museum was now planning to exhibit the marble as part of a series called “Looted Art?” — a mea culpa, of sorts — and wanted to return the artifact to the Afghan government ...

**Two months later**, I stood in central Hamburg in front of the three-story former vocational school that housed the MKG, as it is known by its German initials ... Silke Reuther, the museum’s provenance researcher, led me on a tour of the collection ... Occasionally, she pointed out the little orange tags she had affixed to certain exhibits — much to the irritation of some of her fellow curators — intended as footnotes about how that artifact came to the museum. “The question I ask of every object,” she said, “is, ‘Are you stolen or not?’” ... You might know that a painting was really a Velázquez, say, if you could find its original bill of sale, or that a desk was a genuine antique if it was recorded in a 17th-century will. But in recent decades, provenance research has come to be wielded against the perceived wrongs of the past. Like many professions pushed by a new generation of [activists](#) and [scholars](#), the museum world is coming to grips with thorny issues of power and inequality ... A fierce debate is underway about whether some of these objects should be returned to their former owners or places of origin, in what is [known as “restitution.”](#)



**... In the summer** of 2019, I flew to Kabul to investigate the marbles’ journey. Fighting raged between the government and insurgents; even as American troops withdrew,





the violence was getting worse ... One day, I got a call from Ghulam Rajabi, a native of Ghazni who worked on the original Italian dig that excavated the Hamburg marble ... Under the agreement between the Italian mission and the Afghan government, a portion of the excavated antiquities were shipped to the Museo Nazionale d'Arte Orientale in Rome. The remainder, including the Hamburg panel, numbered C3733, belonged to Afghanistan; some were displayed in the new Rawza Museum housed in a 16th-century mausoleum in Ghazni. Other marbles were shipped to Kabul, where they were exhibited in the Islamic gallery at the National Museum of Afghanistan ... Afghanistan had laws to protect its cultural heritage, but they were not well enforced. At the time, a trade in illegally excavated antiquities was carried out openly ... Exporting antiquities required permission from the government, but border controls were lax, and bribery common ... Could these marbles have been legally exported from Afghanistan? Selling cultural property to foreigners was completely forbidden by Afghan law after 1980; before that, exporting antiquities required written permission, which, according to Carla Grissman, who worked with the Kabul Museum and who died in 2011, the government stopped issuing in 1964. "Our main objective was preserving an endangered cultural heritage for future generations," ... During the war, almost 100 Ghazni marbles, including the Hamburg panel, disappeared from the government's possession ... As tragic as the looting of the museum was, such illicit excavations were worse in an important sense, because they destroyed the archaeological record ... Shorn of their connection to their sites of discovery, a rich stream of antiquities crossed Afghanistan's borders ...

**Historically, collectors and** museums in the West were rarely concerned with — or challenged over — the provenance of antiquities, as long as they were legally bought and sold in their own destination countries. In other words, finders keepers. That began to change after 1970, when a UNESCO treaty against antiquities trafficking made buyers responsible for checking that artifacts were legally exported from their countries of origin ... Norms and national laws changed slowly, spurred by high-profile court cases ..., "In a world that is well on its way to becoming one vast quarry," Susan Sontag wrote in her essay "Melancholy Objects," "the collector becomes someone engaged in a pious work of salvage." ... [In] the influential 2008 book "Who Owns Antiquity?" by James Cuno, the president of the Getty Trust, which defends the traditional idea of the encyclopedic museum, [argued] "the museum dedicated to ideas, not ideologies, the museum of international, indeed universal aspirations, and not of nationalist limitations, curious and respectful of the world's artistic and cultural legacy as common to us all." ...

**For the marbles** that were taken from the countryside, the lack of an identifiable former owner makes the question of restitution more difficult. But the Hamburg panel had both a clear legal case for its restitution and someone to return it to ... In October 2019 ... the museum returned the Ghazni panel to the Afghan Embassy ... Mörike, the curator, told me "What the Ghazni case shows is that recent acquisitions are as problematic as historical acquisitions," ... He questioned why museums needed to acquire new antiquities from the art market at all. "The storehouses of the museums are full. We're already in possession of millions of objects." This view, once heretical, has been gathering currency in mainstream institutions ... In the near future, the Hamburg marble will complete its circular journey by jet aircraft, returning to the National Museum in Kabul. But will it be safe there? The specter of past destruction hangs over Afghanistan's future. During my trip to Kabul, I walked around the museum with Saifi, the conservator, and he pointed out where the smoke marks had been painted over, the discoloration still visible ... By risking their lives, the museum's staff members had [managed to preserve](#) many of the most important items from its collection ... The museum continues to depend on international funding and support — a drop in the bucket, it must be said, compared with the amount foreign countries have spent on arms and ammunition here ...

The museum's archives had burned, making it difficult to know exactly how many objects were missing, but [a project to catalog its holdings](#), assisted by the University of Chicago's Oriental Institute, was nearly complete. "You have to bear in mind what happened to this museum," Alejandro Gallego, the project's field director, told me. "That the museum is still standing, and that it still has its objects and artifacts — it's the epitome of resilience." When Gallego showed visitors around the museum, he would shuttle back and forth among the various donor rooms, trying to link the objects into the familiar story line from Stone Age



to Medieval Age. But amid the reconstructed, preserved and restituted artifacts, an alternate narrative would emerge: of cycles of human endeavor in the face of repeated destruction, with the scars of the building and the people themselves as the exhibits. “There’s the story that the museum tells,” he said. “But sometimes the story that the museum doesn’t tell is more interesting.”

**To conclude the** story of the Hamburg marble, I wanted to go to the spot where the Italians dug it up. Even though the palace site had been destroyed by decades of looting, war and urban encroachment, I thought I could imagine things as they once were ... at the end of my trip to Kabul in June 2019 I went with a photographer and our drivers to a new archaeological dig, at a relatively safe site two hours north of the city ... I was met by Azizudin Wafa, from the Afghan Institute of Archaeology, who was overseeing the excavations ... In 2016, the ... stupa was a crumbling stub poking up amid a mound of detritus, its elaborate patterns of arches nearly worn away. The ... Afghan Cultural Heritage Consulting Organization, in partnership with the Afghan government and with funding from the U.S. State Department, has since begun [a restoration project](#). ... Looking down toward the main valley, we could see two helicopters flying toward the immense American base at Bagram ... The story of the marbles, I realized, had no end; the return of the Hamburg panel meant a new chapter was beginning, one that would be written by Afghans themselves ...

### 2021, 5 April:

One of the reasons I despise “collection” (both the word and the concept) is its exaltation of proprietary rights. *This is our stuff, it’s not your stuff*. You can imagine, therefore, how galling it was for me that “property of the Commonwealth” became the statutory test for the definition of “Commonwealth record”. So, it is with a certain amount of glee that I observe collectors in a spot of bother as they are assailed by disputes over entitlement to possession (both cultural and as to legal title). This comes with what I think of as a degree of archival detachment (tho’ the predatory archivist is not unknown). What moral difference is there, I ask myself, between a collection in Kabul and another in Hamburg, New York, or London? Leaving aside the dubious ethics of the process of collection itself, irrespective of whether it is done parochially or globally, the answer (unless you’re a confirmed culture warrior or overly attached to the significance of place) must be that there is none. Well, maybe Hamburg is a safer location than Kabul. I would not impose this attitude on the rest of the world (even if I could) but it must be ours. Otherwise, our understanding of what the material means (what it is) is sullied by who has it or by ideas about who should have it.

For the archival mind, the place where the stuff is housed is one of its least interesting characteristics and certainly not the most important determinant of its quality or value. As a means of protecting its survival and integrity, safe storage was an historically important tool in our armoury – still is. And that much we have in common with collectors. As Bearman once quipped, “storage is important, someone should do it”. Moreover, location can be a determinant and guarantee of access rights so that counts also. But morally speaking it matters little where the stuff is stored or (I would argue more controversially) by whom so long as the “unbroken chain” is maintained by someone if not physically then virtually or by regulation.

The defence of “encyclopedic” collections by the Getty and others may be more nuanced than it appears so long as they take pains to preserve, document, and display the stuff in its true context (viz. by establishing and maintaining relationships between and within ambience + provenance + structure) – a mammoth task for them and I question whether it is within the capability of the non-archival mind. Context is, of course, just another way of understanding and asserting ownership – our way. A more focused collection, one supposes, would have an easier task so long as it was not distracted by obsessions with [compilation](#) (“the act of collecting information from a variety of places”) over [context](#) (“the situation within which something exists or happens, and that can help explain it”). Either way, the ultimate goal (however idealistic) should be to document and display the stuff contextually not simply



within but also beyond and across institutional boundaries via a universal gateway that transcends location.

**PS** To anticipate a threadbare response: yes, some curators, librarians, and even collectors may display a proper understanding of context but when they do they are being archivists and to avoid bickering I would even be happy to abandon that name and adopt some other collective noun for us all ([annalists](#), perhaps, or guardians of memory, maybe even *right-thinking-persons*).

### **2021, 14 March: [Who owns the past?](#)**

Not a cultural question after all it seems – it's [all about property](#).

Boris Johnson has used his first interview with a European newspaper since becoming the UK's prime minister to issue a point-blank rejection of the [Parthenon marbles](#) being returned to Greece. Johnson insisted that the sculptures, removed from the monument by Lord Elgin in circumstances that have since spurred [one of the world's most famous cultural rows](#), would remain in Britain because they had been legally acquired ... "the UK government has a firm longstanding position on the sculptures, which is that they were legally acquired by Lord Elgin under the appropriate laws of the time and have been legally owned by the British Museum's trustees since their acquisition." ... Last year, Greece's culture minister, Lina Mendoni, branded Elgin a "serial thief" who used illegal tactics to take the marbles ...

Greece has long argued that reunification of the sculptures, displayed in museums across [Europe](#) but mostly in London, is integral to understanding the artworks in the context of the temple they once embellished ... In a move that some believed might embarrass Britain, France agreed to return to Athens part of the frieze that the Louvre had long regarded as one of the most precious pieces in its possession, in return for the museum being loaned spectacular Greek bronzes that had never been seen before ...

In 1816 the British Museum acquired the sculptures from the then bankrupt Elgin, who, as Britain's ambassador to the Sublime Porte, had ordered them to be torn down from the Parthenon after purportedly receiving a permit from the Ottoman forces occupying Athens at the time. Reacting to Johnson's remarks, the Greek culture minister threw down the gauntlet, saying Athens could provide "the necessary documentary evidence" to prove that the British Museum possessed the sculptures illegally. In written comments she said: "Upon careful review of the statements by prime minister Johnson, it is clear that he has not been properly informed ... of the new historical data regarding Greece's occupation by the Ottomans, which show there was never a legitimate acquisition of the Parthenon sculptures by Lord Elgin, and therefore neither by the British Museum" ...

Once you start giving this kind of stuff back, where do you stop? Slippery slope indeed. What is interesting is that the debates on this and other cases seem (for the casual observer) to take place in a vacuum so far as agreed principles on how to resolve them. Is it property - ownership? Is it moral rights? Is it cultural integrity? Is it restitution of stuff with place or context? Is it bringing together related works? What about all the British literary manuscripts sitting incongruously in US libraries? Is it something else? Has UNESCO or somebody tried to lay down the rules for resolving these kinds of questions?

But consistent rules, consistently applied, would only be the beginning. Even if you decide to give them back, to whom do you return them? In 1816, when allegedly flawed title passed to Elgin and thence to the British Museum, Greece didn't exist as a juridical entity. Who is it that was robbed by Elgin and who now has the better title? Does today's Greece (arguably the successor to the local Ottoman Administration in Athens in 1816) or modern Turkey (as the successor to the government of the Sultans) have the better claim? [Historically](#), Athens has been ruled inter alia by the Romans (? an Italian claim), the de la Roche family (? a French claim), and the Catalans (? a Spanish claim).

If the Brits rest their claim in this case on property rights, how will they resist repatriation claims in cases where title is unclear? Do they have a moral claim based on the [neglect of the](#)

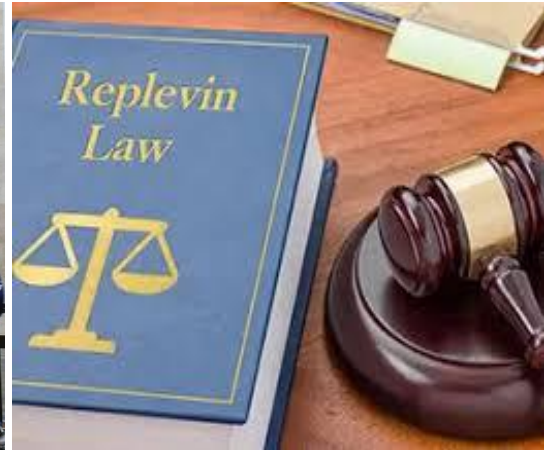




## JUST THE WAY THINGS ARE

[marbles](#) endangering their very existence from which Elgin's removal supposedly saved them? If collection = preservation, what right do those who were neglecting them have to come along afterwards to claim them back? The craziest comment I've seen is that repatriation is what the [ancient Greeks would have wanted](#) (as if modern Greeks can be shown to be racially and culturally descended from them or, even more spookily, claim to speak for them now).

And what about the argument that anyone who thinks they have a claim should just make do with copies?



Archivists, hung up on originality and authenticity, used to call this [replevin](#). We want the thing itself, not a copy or even compensation. But the recordkeeping goal is somewhat more subtle than mere cultural avarice because it is often our purpose to restore the thing to its proper place (in a series or a fonds, for example). But the concept of “proper place” is not unproblematic – even for us – especially when it comes to broader context.

**“...as if modern Greeks can be shown to be racially and culturally descended from them..”**

A completely racist comment on my part but, *pace* political correctness, justified because it is an issue that is fiercely contested down to the present day. For some people, ethnic origins still seem to be important. As one who claims Irish descent, I can understand this a little (without being passionate about it). Are the residents of Greece and the Greek diaspora descended from the ancients? Some say [yes](#) and some say [no](#). How many Macedonians can fit on the head of a pin? We're all descended from someone, I guess. When Alec Douglas-Home was twitted by Harold Wilson for being the 14th Earl of Home, he replied: “*Well, I suppose he must be the 14th Mr Wilson*”.

Politically, the question may be moot. In AD 212, the Emperor Caracalla (in the [Constitutio Antoniniana](#) in Latin: "Constitution [or Edict] of Antoninus") declared that all free men in the Roman Empire were to be given [full Roman citizenship](#) and all free women in the Empire were given the same rights as Roman women, with the exception of the *dediticii*, people who had become subject to Rome through surrender in war, and freed slaves. So, from that point on, the Greeks were Romans – like everybody else.

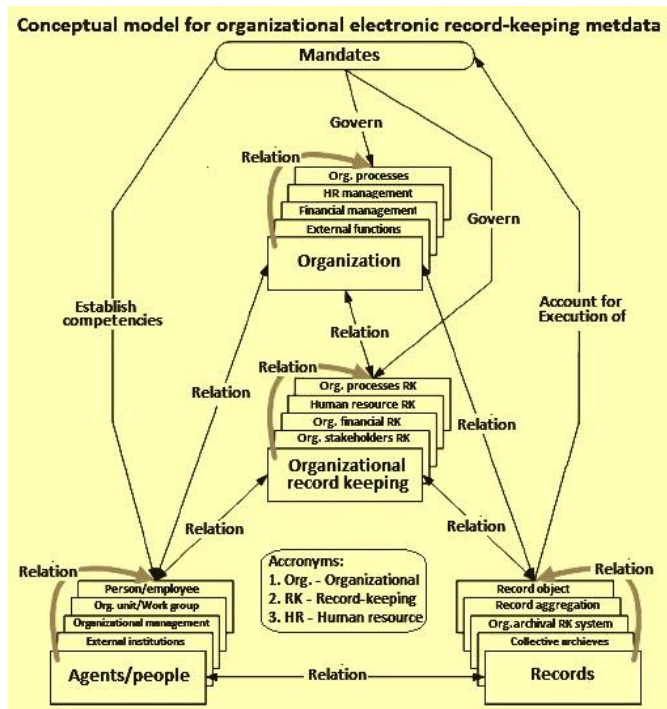
### **2023 November 6: [Archives and Australia/PNG](#)**

<<**Andrew Waugh: Australian archivists - particularly Chris - may find [this article](#) on the fate of the archives of PNG interesting. The Australian agency (Department of External Territories) had decided to steal 'sensitive' records from PNG archives. I use the word steal deliberately - formal legal advice on the ownership of the records was requested from the Attorney General's department. Draft advice came back adverse, with a hand written top cover from the author suggesting they ignore it. It was not finalised.>>**

Yes. I was there at NAA (then CAO) at the time and even nominally in charge of the section (Context Control) responsible for handling the PNG records due for repatriation. But I had very little involvement – it was very much Peter Scott’s baby (assisted by Hilary Rowell). My recollection is that, whatever was happening higher up the food chain, CAO’s involvement was based on an honourable commitment to returning the archives in their entirety. So far as I am aware there was no process of extraction but I couldn’t swear to it.

Our concern was to microfilm the archives so a complete filmed copy remained in Canberra. There may have been a muted concern about their safety once they left our shores (a “racist” concern some would argue). That meant they had to be arranged and described first and the filming process funded and overseen. Some of them were in German and hand-written in Gothic cursive script. Peter the linguist was in his element.

We were in the midst of implementing the Australian (“Series”) System and PJS was determined (and you had to work with him to know how determined he could be) that the A&D would be impeccably done according to that System before filming. It led to delays but the intent was impeccably correct: to preserve the integrity of the archives and hand them over fully arranged and described. As a closed archive it represented an almost irresistible temptation to show off.



Peter’s devotion to the doctrine that records follow function was strong. At the same time (mid 70s), we were already identifying (by the use of series prefixes – CRS A, B, C, D, etc.) which NT material would go when the Territory achieved independence and which would stay. He took an equally strong line (without result) on colonial records (e.g. naturalisation) that **should** have come to the Commonwealth after federation but didn’t because some States held on to them whereas others had handed them over with the result that the whereabouts of 19<sup>th</sup> century naturalisation records, etc. are (to this day) unpredictable.

I am speaking here from a worm’s eye view, not on the plane of high policy covered by the article. There are some references to NAA material in the article but I can recall a mountain of files dealing with all this in the CAO registry. Perhaps there is more to this story that could be told but not (alas) by me.

