

# APPRAISAL REPORT

**File Reference:** 2005/1230

**Client Name:** Ministry of Justice

**Contacts:** Advisor, Information Services Centre, Ministry of Justice  
and  
External Consultant

**Disposal Type:** An ad-hoc appraisal

**Agency Coverage:** Department of Justice records

**Scope:** Multiple-number subject files, working papers and loose papers, Library copies of papers and submissions

## 1. CONTACT DETAILS

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## 2. APPRAISAL CIRCUMSTANCES

The Ministry of Justice was established in 1995, when the Department of Justice was separated into three new agencies – the Ministry of Justice, the Department for Courts, and the Department of Corrections. The Ministry of Justice inherited most of the Department's closed records.

Three appraisals have been undertaken for the Ministry of Justice of Department of Justice records, in January 1996, (ANZ job file 96/12), May 2000 (ANZ job file 00/16), and December 2000 – January 2001 (ANZ job file 01/05). In addition, the Ministry has transferred some specific Department of Justice records to Archives New Zealand in a separate transfer, and has had the disposal of Department of Justice financial records approved.

In 2002, the Ministry changed storage suppliers. When the stored records were transferred to the new supplier, some further boxes of Department of Justice records were identified. These were records that the Ministry did not know were held by the previous supplier at the time of the previous appraisals, or that the previous supplier could not find during the listing and appraisal process, or that were still held by Ministry staff in their offices at the time of the last appraisal in 2001.

The records comprise:

- records from series already appraised
- later or earlier parts of files which have already been sentenced
- non-file records from various parts of the Ministry
- records from some functional areas for which other records have been appraised.

## **2.1. Consultation**

Although the appraisal was discussed with Ministry Information Management staff, there was no wider consultation for the following reasons:

- Ministry staff were extensively consulted in the previous appraisals, and many of these records are from the same series considered then.
- It is almost 10 years since the Department of Justice was disestablished and there are few staff now in the Ministry who worked in the old Department and who used the records now being appraised.

## **2.2. Previous appraisal decisions and related holdings**

The appraisal conducted in May 2000 was used as the precedent for many decisions, particularly those concerning multiple number subject files which are later parts of records already appraised. The appraisal carried out in 1996 was also considered in terms of precedent, as it was also used for precedent in the large 2000 appraisal. The later and smaller 2000-2001 appraisal was also considered for precedent as there were similar non-file records included in this current appraisal.

## **2.3. Appraisal method**

Appraisal criteria were agreed, based on the criteria used in the appraisals of 2000 and 2001.

The appraiser first appraised the material using the lists, identified material that from its description could be sentenced without further examination, using the precedents from the previous three appraisals. At this point, the appraiser noted records that were earlier, later or missing parts of records already appraised in 1996 or in 2000. Some material that had already appeared in the previous appraisals was removed from the appraisal lists, and the Ministry of Justice database updated with the disposal details..

Following the work with the lists, the appraiser then physically examined a selection of records. Records with a system of classification were examined at the sub-series level; others were examined by block or by type, or item by item depending upon their method of arrangement and the nature of the records.

All empty files were automatically sentenced for destruction.

### **2.3.1. Application of General Disposal Authorities**

At the time the appraisal was carried out, and this report was written, the Ministry of Justice had applied to sign up to the General Disposal Authorities (GDAs), but the process was not complete. Therefore the GDAs were not used in the appraisal. However, a check was made to ensure that disposal decisions that were made were consistent with those in the GDAs. This check applies to STF files and TD files (see sections 5.1.7 and 5.1.8). The lists for these files include a column showing the GDA class that would apply. However, Department of Justice had a habit of creating 'General/policy' files. This means that in some cases the most appropriate GDA class was applied, even though some of the contents of the file would not be covered by this class.

## **2.4. Appraisal criteria**

**The criteria for recommending the permanent retention of records as archives are:**

The records:

- |    |   |                                 |
|----|---|---------------------------------|
| 1  | Provide proof of a particular event or agreement, document the rights/legal interests/obligations of the Government, the Department of Justice or the citizens of New Zealand, or permit the settlement of legal claims   | Evidential value                |
| 2  | Provide evidence of the structure, organisation, administration and planning of the Department of Justice or the creating agency  | Evidential value                |
| 3  | Document the performance of a substantive function of the creating agency   | Evidential value                |
| 4  | Provide evidence of the development of public policy in the area of the Department of Justice's substantive functions   | Evidential value                |
| 5  | Document the financial accountability of the Department of Justice, or the creating agency - its financial standing, obligations, and its conduct of financial affairs  | Evidential value                |
| 6  | Provide evidence of the Department of Justice's position or perspective on, or involvement in, significant national events or government initiatives  | Evidential value                |
| 7  | Provide evidence of the Department of Justice's interaction with outside groups and their influence on the development of policy and/or procedures  | Evidential value                |
| 8  | Are of continuing administrative value to the successors to the functions of the Department of Justice  | Evidential value                |
| 9  | Are 19th century records  | Historical value                |
| 10 | Are the substantive records of a Royal Commission of Inquiry or a Ministerial Inquiry   | Evidential and historical value |
| 11 | Provide information that has research potential in the areas of genealogy, social policy, corrective and penal policy, development of legislation, operation and development of the Courts, the electoral system, and the legal system of New Zealand in general; | Historical value                |
| 12 | Provide information about a current or past event significant to the history of the country or to the Department of Justice   | Historical value                |
| 13 | Provide information about persons of historical interest - persons important in New Zealand's social or political history, or significant in the history of the Department of Justice   | Historical value                |
| 14 | Complete, or complement and/or enhance records already held at Archives New Zealand   | Evidential and historical value |

**The criteria for recommending the destruction of records are:**

The records:

- 15 Concern routine administrative matters only;
- 16 Comprise material received for information only;
- 17 Are drafts and/or duplicates of other records;
- 18 Are published material;
- 19 Contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.

## **3. SUMMARY DESCRIPTION OF RECORDS SERIES/TYPES**

### **3.1. Condition of the records**

Records and working papers are generally in good condition. Some files are overfull. The JP Special Index is in very poor condition, with both covers loose, and old pressure sensitive tape coming loose from the covers. The front few pages are badly worn on the edges.

### **3.2. Quantity of records**

There are approximately 24.9 linear metres of file records and approximately 3.1 linear meters of non-file records.

### **3.3. Summary description of records**

Records comprise the following:

Department of Justice multiple number subject files from various series  
Working papers and loose papers from individual offices, file rooms, or the basement of the Charles Fergusson Building  
Department of Justice Library copies of papers and submissions from Ministerial Committees of Inquiry and Commissions of Inquiry

## **4. AGENCY INFORMATION**

### **4.1. Department of Justice**

There are Archives New Zealand agency documentations for the Department of Justice (agency code AAAR) and the Ministry of Justice (agency code ABVP).

## **5. RECORDS DESCRIPTION AND EVALUATION**

This section discusses the records by series, by type, by collection or by function.

### **5.1. Multiple number subject files**

#### **5.1.1. Administration (ADM) series (ANZ series 7404)**

Description: Multiple number subject files with ADM prefix (successor series to the J-series of multiple number subject files, which was the main series for Department of Justice records c.1945-c.1975)<sup>1</sup>. The main administrative correspondence series for Department of Justice Head Office from c. 1975 - 1993.

The series covers the main administrative functions of Department of Justice Head Office.

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<sup>1</sup> Please note that the J series of multiple number subject files is not the same as the Archives New Zealand Justice Records Group archives series, which all have J prefixes. The J prefix series mentioned here would more properly correspond to a part of what is known as the J1 archives series.

The majority of the files offered in this appraisal are ADM 11/ files – Inspections, concerning the inspection reports on various parts of the department and also internal control returns. Some of the Inspections files have their predecessor J/ series files attached. Others are mainly concerned with staffing arrangements, promotions, leave and salaries, and SSC circulars. There are two ADM 13/ files – Land and Buildings.

Date range: 1922-1993

Quantity of records: c.10 linear metres

Evaluation: These records document the main administrative functions of the Department of Justice.

Precedent decisions from previous appraisals have been used, as all sub-series have some representation in previous appraisals

Recommendation: Retain records that:

- Provide evidence of the structure, organisation, administration and planning of the Department of Justice;
- Are of continuing administrative value to the successors to the functions of the Department of Justice;

Destroy records that:

- Concern routine administrative matters only;
- Comprise material received for information only;
- Are drafts and/or duplicates of other records;
- Are published material;
- Contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.

Linear metres recommended for retention: c.5 linear metres

Linear metres recommended for destruction: c. 5 linear metres

### **5.1.2. Cultural Advisory Unit records (CAU series; ANZ series 8603)**

Description CAU prefix multiple number subject files, successor to the ADM series. A Cultural Advisory Group was established c. 1985-86 and replaced by a Cultural Advisory Unit in 1987 (but a form of Cultural Advisory Group made up of staff from various divisions throughout the country operating as an advisory body for the Secretary continued until disestablished in 1993). The CAU came under the Human Resources Group [previously HR division] in 1988/89.

Date range: 1987-1995

Quantity of records: c. 1. 3 linear metres

Evaluation: Most of the records are concerned with routine housekeeping matters, finance, staff matters or contain information about management planning also available in EM or ADM files. Files for specific divisions within the Department of Justice document the range and type of activities performed for the Department by the Cultural Advisory Unit. There are also several files documenting the development of criteria and testing for the payment of a Te Reo allowance, and one concerning guidelines for koha.

Recommendation: Retain records

- documenting the activities performed by the CAU, including policy development

Destroy

- routine housekeeping records

Linear metres recommended for retention: c. 0.3 linear metres

Linear metres recommended for destruction: c. 1 linear metres

### **5.1.3. Legal Section/ Law Reform Division records (LEG series; ANZ series 7410)**

Description Successor to J- series files. Files are divided into three broad categories - Relating to Bills, Topics, and General Correspondence.

Bills files contain (generally annotated) drafts of legislation/amendments to legislation, departmental reports on the drafts, additional material on overseas legislation, and ministerials.

Topics are subject files with supplementary material; reports etc on generic topics or specific legislation or legal issues; e.g., Medico-legal issues. In the Liquor sub-series, the Topic files also contain reports and returns from Licensing Trusts

General correspondence files contain letters and submissions from individuals and organisations on the particular legislation or legal topic under discussion or review. In some cases, e.g. liquor issues and indecent publications, the letters tend to be expressing opinions on the subject. In other cases, particularly those dealing with matrimonial property, custody and trusts and wills, the letters are largely about individual circumstances, and case histories relating to the writer or a friend/relative of the writer.

Date range: 1975-1993

Quantity of records: c. 5 linear metres

Evaluation: These files record some of the key functions of the Department of Justice Head Office. They document the Department's provision of policy advice on, and implementation of, legislative change in major areas of the law. Precedent decisions from previous appraisals have been used, as all sub-series have some representation in previous appraisals.

- Recommendation: Retain records that
- Provide evidence of the performance of a substantive function of the Department of Justice,
  - Provide evidence of the development of policy and
  - Provide evidence of the Department's relationships with other bodies
- Destroy records that:
- Comprise material received for information only;
  - Are drafts and/or duplicates of other records;
  - Are published material;
  - Contain information summarised, more complete and/or more readily accessible in other records recommended

Both LEG and LRD series contain files dealing with specific topics in which named individuals are either referred to or have supplied information, often in ministerials and submissions. Restriction of such files is discussed elsewhere in this report.

Linear metres recommended for retention: c. 4.5 linear metres

Linear metres recommended for destruction: c.0.5 linear metres

#### **5.1.4. Law Reform Division records (LRD series; ANZ series 7411)**

Description: Multiple number subject files with subject areas covering the range of legal issues the Department was involved with, as well as administration of the Law Reform Division, Office Solicitor's work, legislative monitoring, and law reform.

The informational content of the files is generally the same as that of the LEG series.

Although this series was closed in early 1996, some LRD staff continued to file papers to it until 1997.

Date range: 1982 - 1997

Quantity of records: c. 4 linear metres

Evaluation: Successor series to the LEG files series, Law Reform Division files document the same functions and activities.

Files concerning the Law Reform Division's role in providing legal advice to the Department of Justice itself provide evidence of the Department's legal obligations and its position in cases of litigation and claims against the Department.

Both LEG and LRD series contain files dealing with specific topics in which named individuals are either referred to or have supplied information, often in ministerials and submissions. Restriction of such files is discussed elsewhere in this report.

**Recommendation:** Retention decisions for this series are substantially the same as those for its predecessor, the LEG series, and generally follow precedent decisions of earlier appraisals, as all sub-series have some representation in previous appraisals.

Retain records that:

- document the performance of a substantive function of the Department,
- document the development of policy and
- document the Department's relationship with other bodies
- are of continuing administrative value to the Department of Justice's successors
- provide evidence of the Department's legal obligations and its response to legal action and claims against it

Destroy records that:

- Concern routine administrative matters only

Linear metres recommended for retention: c. 3 linear metres  
Linear metres recommended for destruction: c. 1 linear metres

### **5.1.5. Planning and Development records (P&D series; ANZ series 7406)**

**Description:** Successor series to the RES and ADM series. Multiple number subject file series documenting the functions of the Planning and Development division - research and evaluation, policy advice and planning and information (public relations, communications and official information).

**Date range:** 1989  
**Quantity of records:** 1 file

**Evaluation:** One file concerning the publication of an induction information pamphlet

**Recommendation:** Destroy records

- which concern routine administrative matters only

Linear metres recommended for retention: 0



Linear metres recommended for destruction: 1 file

### **5.1.6. Policy and Research records (P&R series; ANZ series 7407)**

Description: Multiple number subject files covering the administration of the Policy and Research Division, as well as the substantive areas of work of the Division. Successor series to P&D series. The one file in this appraisal concerns responses to UN questionnaires on criminal justice matters

Date range: 1990-1992

Quantity of records: 1 file

Evaluation: The questionnaires in the file were provided to the Department of Justice by either the Department of Statistics or the Department of Foreign Affairs, which will hold the substantive record of the questionnaire responses on behalf of the NZ Government.

Recommendation: Destroy records that:

- Contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.

Linear metres recommended for retention: 0

Linear metres recommended for destruction: 1 file

### **5.1.7. Staff section records (STF series; ANZ series 7962)**

Description: Multiple number subject files with STF prefix, successor to ADM series. Files record the activities of staff section: Records in this appraisal deal with staffing arrangements and establishment, allowances, occupational classification/group claims, promotions, and State Services Commission circulars.

Date range: 1964-1993

Quantity of records: c. 3.5 linear metres

Evaluation: Records are mainly of a routine, housekeeping nature. Former agency staff advise that STF 17 files on occupational classes and grading that have information dating from after the passage of the State Sector Act may have continuing administrative value for successors of the Department of Justice in negotiating collective contracts. These records have been marked with R, denoting 'Retain' in the lists.

Recommendation: Retain records that :

- are of continuing administrative value to the Department of Justice's successors

Destroy records that:

- Concern routine administrative matters only
- Comprise material received for information only;

Linear metres recommended for retention: c.0.2 linear metres

Linear metres recommended for destruction: c.3.3 linear metres

### **5.1.8. Training and Development records (TD series [ANZ series 8068] and loose papers)**

Description: Successor series to STF and ADM series. The Training Division was part of Staff Section and was responsible for the organisation and arrangement of staff training. Files in this appraisal concern the internal administration of the section, the development of induction courses, applications for study leave, and the training consultancy services provided to groups within the Department of Justice. Loose papers in manila folders that were boxed with the files contain a similar mix of brochures, application forms, internal administrative documents.

Date range: 1975 - 1994

Quantity of records: 1.1 linear metres

Evaluation: Most of the training files contain routine administration, organisation of courses, general information about outside courses and are of no long term value. There are a number of empty files. Two files on consultancy services to other parts of the Department concern the technical training of Courts staff and the Penal Training Advisory Committee, which latter includes proposals for changes to training after the inquiry into management practices at Mangaroa prison. There are also two files concerning career development planning within the Department.

Recommendation: Retain records

- documenting the development of training for Courts and prisons staff
- documenting the development of career development planning and policy in the Department of Justice

Destroy records that

- contain routine administrative matters only
- are published material

Destroy all empty files.

Linear metres recommended for retention: 0.1 linear metres  
Linear metres recommended for destruction: 1 linear metres

## **5.2. Non-file records**

### **5.2.1. Library sets of Commission and Committee reports and submissions**

Description These records are similar to and from part of the same collection as, some records appraised in the December 2000 appraisal of Department of Justice records. The Department of Justice Library either collected or was given by staff sets of copies of submissions, proceedings, and reports of Royal Commissions, Commissions or Committees of Enquiry, and similar material.

The collection offered for appraisal here includes copies of some records of

- the Commission into the Sale of Liquor 1973-74;
- the Royal Commission on the Electoral System 1985;
- Royal Commission on Licensing 1944,
- Committee of Inquiry into the 1979 Accommodation/Liquor Link;
- Royal Commission on the Courts;
- Committee on Women;
- Licensing Control Committee decisions, appeals and hearing; bound Proceedings of the Pacific Island Law Officers meeting 1991,
- Penal Policy Review submissions

plus various publications of Australian liquor laws and other legislation

Date range: 1944 – 1991

Quantity of records: 3 linear metres

Evaluation: Archives New Zealand holds the substantive records of the Commissions and the LCC in either the COM records group (COM 21, COM 37, COM 62, COM 70) or the Justice records group (J 61, 62, 63, 71). The Committee on Women papers are not complete and are copies, as are the proceedings of the Pacific Island Law Officers Meeting. A more comprehensive record of the latter can be found in the files of the Law Reform Division.

The other items are simply publications that have been used for reference purposes.

- Recommendation: Destroy records that:
- Comprise material received for information only;
  - Contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
  - Are drafts and/or duplicates of other records

Linear metres recommended for retention: 0 linear metres

Linear metres recommended for destruction: 3 linear metres

### 5.2.2. Miscellaneous loose papers and non-file records

- Description
- Several boxes contain a collection of records that have been retrieved from offices and storage areas. They comprise:
- 1 two reels of microfilm labelled 'Staff employed in the Department of Justice 1863-1921' ( the whereabouts of the original register is unknown, and the date of the microfilming is unknown).
  - 2 a soft bound register book labelled 'JP Special Index', which is a register of (and index to) resignations of JPs from 1938 to 1988, containing the name, date, file reference and reason for resignation. This volume is in poor condition.
  - 3 A copy of a report to the Minister of Justice on the Walter James Bolton case, with the following documents:
    - report of the trial judge
    - report from the Auckland Mental Hospital and the director of the Division of Mental Hygiene
    - report of a psychologist of the Department of Justice
    - case history by a district probation officer
    - submissions from counsel for WJ Bolton
    - a memorandum from the Secretary for Justice
  - 4 A Communications Unit file on the publication of a the book 'Out of the Home and into the House', commissioned for the Women's Suffrage Centenary
  - 5 Two folders labelled Secretary for Justice containing information about the State Sector Reviews
  - 6 One folder labelled Secretary for Justice containing material relating to Treaty of Waitangi negotiations
  - 7 A box of copies of submissions on the Crimes Bill 1989
  - 8 Submissions on the Contractors Liens Bill, which should have been filed to J 18/1/145

Date range: 1938 - 1993

Quantity of records: 2 reels of microfilm

0.1 linear metres

Evaluation:

- 1 As the original register does not appear to be held in either the Ministry of Justice or Archives New Zealand, the microfilm of the staff list may be of some genealogical or historical value.
- 2 The 'JP Special Index' complements the JP records already held by Archives New Zealand. Because the reason for resignation is given and is often of a personal nature, a restriction of 70 years from date of transfer is recommended so as to protect the privacy of individuals who might still be living. see section 7 below.
- 3 WJ Bolton was the last man to be hanged in New Zealand. There do not appear to be any files specifically on the Bolton case in any Department of Justice records held by the Ministry or by Archives New Zealand. There may be an inmate record or other records held by the Department of Corrections. This document is a copy and may also exist elsewhere. However, as the existence of any other material is not proven, and there is continuing interest in this case, the material should be retained.
- 4 The Communications Unit file contains mainly routine publication management information, rather than information about the development of the content of the book.
- 5 Most of the material in these folders about State Sector Review originated from the State Services Commission, which is where the substantive records will be held.
- 6 This material appears to date for the period in which the Treaty of Waitangi Policy Unit (a predecessor to the Office of Treaty Settlements) was operating in the Ministry of Justice. It contains both copies and originals and should be retained as complement to any surviving TOWPU records from this time.
- 7 This collection is simply a set of copies of submissions retained in someone's office. The substantive record is in the LEG series files.
- 8 As this bundle of papers is labelled with a file reference, it seems likely that they should have been filed onto part 3 of J 18/1/145, which was recommended for retention in the 1996 appraisal.

- Recommendation: Retain records that:
- Provide proof of a particular event or agreement, document the rights/legal interests/obligations of the Government, the Department of Justice or the citizens of New Zealand, or permit the settlement of legal claims;
  - Provide evidence of the structure, organisation, administration and planning of the Department of Justice or the creating agency ;
  - Provide information that has research potential in the areas of genealogy, and the legal system of New Zealand in general;
  - Provide information about a current or past event significant to the history of the country or to the Department of Justice;
  - Provide information about persons of historical interest - persons important in New Zealand's social or political history, or significant in the history of the Department of Justice;
  - Complete, or complement and/or enhance records already held at Archives New Zealand

Destroy records that:

- Concern routine administrative matters only;
- Comprise material received for information only;
- Are drafts and/or duplicates of other records;
- Are published material;
- Contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.

Linear metres  
recommended for  
retention: 2 reels of microfilm  
0.03 linear metres

Linear metres  
recommended for  
destruction: 0.07 linear metres

## 6. RESTRICTIONS ON ACCESS TO RECORDS

[have been removed]

## 7. Retention and disposal quantities

### **7.1. Quantities for retention:**

The quantity of records for retention is approximately 13 linear metres.

### **7.2. Quantities for destruction**

The quantity of records for destruction is approximately 15 linear metres.