

APPRAISAL REPORT

*Land Information New Zealand Core
Paper Records*



JOB NO: OP 99/81

CONTRACT: # 94

AGENCY: Land Information New Zealand (LINZ)
P O Box 5501
WELLINGTON

CONTACT: [Name removed]
Senior Advisor
Cadastral Audit &
Purchase
(04) 460-0374

ARCHIVIST: [Name removed] and
[Name removed]
Appraisal Section
National Archives
(04) 499-5595

1.0 EXECUTIVE SUMMARY

This appraisal was undertaken for Land Information New Zealand (LINZ), and covers ‘core’ paper land title and survey records which are common across all district offices. The records covered include key authoritative records such as the land title register, deed records, and survey plans, as well as administrative records supporting the registration and survey processes. The records are in a wide variety of formats, including maps and plans, registers, loose leaf folios, card indexes, and files.

As this appraisal covers common records of an ongoing nature a class based schedule has been developed. LINZ initially co-ordinated individual offices’ inventories to establish what the common ‘record sets’ were. We have used those ‘record sets’ as the basis for our record classes. The classes have been developed on the basis of research into the functions and informational content of the records.

The criteria employed to determine the archival value of the records were legal value, evidence of individual and corporate land rights and interests, historical interest, and potential research value. In most cases specific retention periods have not been determined due to LINZ’s continued long term administrative use of the records. It is expected that the appropriate LINZ officer with legal authority (e.g. the Registrar-General of Land with respect to title records) will determine the appropriate retention period as required. Few records are expected to be transferred to National Archives in the immediate future.

Quantity of records covered by an appraisal decision: c. 31,536 linear metres¹

Quantity recommended for retention as public archives: c. 14,760 linear metres (47 %)

Quantity recommended for destruction: c. 16,776 linear metres (53 %)

¹ Figures calculated from quantities provided in the record set inventories

2.0 APPRAISAL CIRCUMSTANCES

Land Information New Zealand is currently in the process of establishing an online automated title and survey service known as *Landonline*. Current survey plans and all land titles and associated documents will be imaged, created and maintained electronically. This electronic record will form part of the authoritative record for land administration.

A number of district offices will be closing as a result of this change in service delivery. Invercargill is scheduled to be the first to close. The disposal of paper records from these district offices is therefore a key concern for LINZ. A Core Paper Records Project team was established to identify the core records of land administration and to assess “how LINZ can best manage and provide access to its hard copy records”. [Name removed] from the Statutory/Regulatory Group is a member of this working party

3.0 AGENCY INFORMATION

Land title administration and surveying have been the responsibility of various government agencies, all of which are documented by GAIMS². Despite the interrelationship between land title administration and surveying, the two functions have traditionally been the responsibility of different agencies. With the disestablishment of the Department of Justice in 1995³ the two functions were brought within the one agency, the Department of Survey and Land Information (DOSLI).

GAIMS code	Agency title	Dates
AAAC	Colonial Secretary’s Department / Department of Internal Affairs	1841 - 1858
BABN	Office of the Inspector of Surveys	c.1867 - 1876
AABD	Crown Lands Department/General Crown Lands Office	c.1858 - 1891
AADQ	Department of the Surveyor General / Survey Department	1876 - 1891
AADS	Department of Lands and Survey	1891 - 1987
AAFV	Department of Survey and Land Information	1987 - 1996
ABWN	Land Information New Zealand	1996 - current
ABNH	Land Titles Office	1841-1995

The records covered by this appraisal were created by any one of the agencies listed above, but are now in the custody of LINZ. The records are those created and maintained by the district offices only. Title and survey records have always been created at the local level, rather than through a centralised registry. Agency documentation for each individual district office have not been compiled, as it was agreed that this would be too high a level of documentation for a national schedule. Documentation of individual offices will need to be addressed prior to any transfer that may occur as a consequence of this exercise.

² See Appendix B for agency description forms

³ The Department of Justice controlled the Land Titles Office from 1950 - 1995. The status of this agency prior to 1950 is unclear, see agency doc for details.

At this time, LINZ offices include the Head Office based in Wellington, 5 regional offices (in Dunedin, Christchurch, Wellington, Hamilton, and Auckland), and 7 branch offices. The branch offices will close as a result of the restructuring, they are:

- ◇ Invercargill (current records go to Dunedin Regional Office)
- ◇ Hokitika (current records go to Christchurch Regional Office)
- ◇ Blenheim (current records go to Christchurch Regional Office)
- ◇ Nelson (current records go to Christchurch Regional Office)
- ◇ Napier (current records go to Wellington Regional Office)
- ◇ Gisborne (current records go to Wellington Regional Office)
- ◇ New Plymouth (current records go to Hamilton Regional Office)

The future location of non or semi-current records is one of the questions to be determined by this appraisal process.

Four other branch offices were closed in 1996⁴:

- ◇ Whangarei (records held by the Auckland Regional Office)
- ◇ Rotorua (records held by the Hamilton Regional Office)
- ◇ Palmerston North (records held by the Wellington Regional Office)
- ◇ Wanganui (records held by the Wellington Regional Office)

4.0 METHODOLOGY

Before approaching National Archives, the LINZ Core Paper Record Project team conducted a survey of records held. Each district office was asked to compile an inventory of records held by that office. The inventories were co-ordinated to form 'record sets' which enabled records common across the country (i.e. core records) to be identified. LINZ was therefore able to provide National Archives with a detailed inventory of record sets for each LINZ office. The record sets are primarily groupings of records based on the processes they document, i.e. record classes.

Sometimes though the record sets merely document a system of arrangement, i.e. an individual record series. This reflects the fact that each office handles and arranges its documents in different ways. For example, some offices hold each type of Survey Office plan (railway, forestry, proclamation etc.) in separate sequences and others as a single SO series. The record sets provided by LINZ thus contain a general class (SO plans) and individual series (e.g. Railway). The functions recorded by these documents are, however, exactly the same.

As part of this project National Archives was contracted to write a discussion paper which outlined the initial disposal recommendations for core LINZ records. The record sets developed by LINZ provided the basis for our initial discussion paper which also highlighted requirements under the Archives Act 1957 and other issues for consideration.⁵

The criteria employed to determine the archival value of the records was first and foremost primary legal value, followed by historical interest and potential research value. A significant portion of the core records also have long term administrative value to the agency. It was therefore necessary to consider

⁴ Although the LINZ office was closed, in some cases Terralink maintained an office in the district.

⁵ National Archives' discussion paper is attached as Appendix C

the level of record use by both LINZ staff and external researchers when making disposal recommendations.

We discussed with LINZ staff the function, the record processes involved, the type of information documented, and the current administrative or research use of each record set. Advice as to the records' long term research value was sought from the following Treaty researchers: [Name removed] (Crown Law Office) and [Name removed] (Waitangi Tribunal). These discussions formed the basis of our disposal decisions which were initially submitted to LINZ for comment in the Discussion and Issues Paper. Feedback received from LINZ staff has been incorporated into the disposal recommendations made in this report, which constitutes the next phase of the project - to submit an appraisal report to the Chief Archivist for approval.

For the appraisal we have developed broad record classes, rather than relying on the original record sets. We have described the function of each class of records, and placed the record sets provided by LINZ within each class. Disposal recommendations are based on record class, not record set. This approach allows record sets to be rearranged without affecting the disposal recommendation. The record set inventory provided by LINZ has been annotated with individual descriptions, evaluations, and disposal recommendations and is attached as Appendix A. A similar appendix⁶ has been attached to the schedule so that it can be used as an implementation guide.

As part of this phase we had further discussion with staff at LINZ's Wellington Regional Office. [Name removed], Christchurch Regional Archivist, also examined a small number of Benchmark and Trig records which were not available in the LINZ Wellington Regional Office. Advice as to the records' long term research value was sought from the following: [Name removed], Secretary New Zealand Map Society; [Name removed], Historian Historical Branch; Dr[Name removed], Senior Lecturer Human Sciences Division, Lincoln University; [Name removed], Resident Stout Research Centre; and [Name removed], President New Zealand Society of Genealogists.

Note: This appraisal focuses only on records which are common across all offices, i.e. on the records which document core functions in relation to land administration. Each branch office also holds numerous records which are unique to that office and which will require a separate appraisal in the future.

5.0 PRECEDENT

Although a variety of land records have previously been transferred to National Archives, these records do not constitute a part of the 'core record'. This appraisal is the first opportunity to assess the core land registration and survey system as a whole.

Discharged mortgages held by National Archives Wellington were being considered in a separate appraisal when this project began⁷. This earlier appraisal has now been incorporated into the current project.

⁶ This annotated inventory does not have our evaluation comments.

⁷ See job file 98/167

6.0 ELECTRONIC RECORDS & DIGITISATION PROGRAMME

Increasingly LINZ is moving from paper to electronic record systems. This transition has in some instances complicated the formulation of disposal recommendations. While a particular set of records may be identified as having permanent value, for example title documents, the question of the best record and format of that set still needs to be determined. Consideration was given to the question of how far the electronic record supersedes the paper. Does a paper record continue to provide additional information not captured by the electronic record? Does the electronic record contain historical or only current information?

In instances where the paper record is entirely superseded by the electronic, the paper may lose its evidential value, becoming a less accessible duplicate of the information. The paper record continues however to have a long term risk management value, until such time as the electronic record is proven stable, accurate, and complete. This long term administrative use does not equate to permanent archival value, but we are reluctant to recommend destruction of the paper record while the stability of the electronic version is unknown, and while an authorised Disposal Schedule for the electronic record does not exist.

Electronic records considered as part of this appraisal process:

Landonline: An integrated land information and transaction service, *Landonline* will create a digital register. It will also provide a link to existing LINZ databases such as the SDI. From day one of the conversion all survey and title information received by LINZ will be digitised. LINZ does not envisage retaining paper copies of the conveyancing documents. While survey records will be scanned, the paper copy will be retained as the authoritative record.⁸ Of material currently held, all titles⁹, survey plans, live easements, live caveats, live covenants, and live deeds existing as easements on a title, will have been back captured. In its second phase *Landonline* will incorporate digital lodgement.

From rollout the electronic register becomes the official record. Legislation was passed to ensure the legal admissibility of the electronic record¹⁰, and the Business Plan for this project included provision for the upgrade of the system every 7 years. At this stage no purging process has been incorporated into the system. Once an image is scanned it cannot be deleted.

DCDB: The Digital Cadastral Database contains images of the current plans relating to titles, survey districts etc., as well as for electoral boundaries and National Parks. It provides access to current pictorial survey information. Historical information such as boundary changes are captured by the paper record. Plans on the DCDB which have been superseded will not, however, be removed from the database. The old plan will 'sit below' the most recent version. Thus, the database will contain historic information in the future. The public version of this database is known as the SDI.

Geodetic Databases: The New Zealand Geodetic Datum 1949 database is a list of trig stations and other survey marks which form the foundation of the New Zealand survey system. The positions and heights are listed in the database, and are used by surveyors to calculate other positions, such as the boundary of a property.

⁸ Further legislative change is required to make the digital survey record the authoritative record.

⁹ All titles (live and cancelled) will be scanned as an image, but only the live titles will be stored as structured text.

¹⁰ See Section 4 The Land Transfer (Automation) Amendment Act 1998.

The New Zealand Geodetic Datum 2000 database is a list of survey marks which have been surveyed into the new national datum for the New Zealand survey system (New Zealand Geodetic Datum 2000). This new datum will eventually replace NZGD49.

7.0 SYSTEMS OF LAND ADMINISTRATION

Since 1840 there have been two key systems of land title in New Zealand; the Deeds system, and the Torrens system.

The Torrens (Land Transfer) System: This is a system of registered and state guaranteed titles. Title depends upon the act of registration, rather than the documents upon the basis of which registration proceeds. New Zealand adopted the Torrens system in 1870 with the passing of the Land Transfer Act. Most land alienated from the Crown is now under the Torrens system and governed by the Land Transfer Act 1952.

The fundamental principles of the Act are:

1. It should not be necessary for a person who is dealing with land to investigate the history of the registered proprietor's title.
2. Everything that is registered should give an indefeasible title in the absence of fraud.
3. That a registered interest should be secure.

The Deeds system: This is a system of the registration of instruments. Registration provides a record of the instruments affecting the title to land, but it does not confer validity or pass title. The execution of the instrument passed title and created the estate or interest. The advantage to be gained in registration was that it conferred on the person claiming under the registered instrument a better right as against any person with an earlier instrument that was not registered.

The Deeds system was introduced into New Zealand by the Deeds Registration Ordinance 1841. Currently it is controlled by the Deeds Registration Act 1908, though in reality very little land remains under the Deeds system. Since 1870 all land alienated from the Crown was done so under the authority of the Land Transfer Act. From 1924 Deeds land was compulsorily brought under the Lands Transfer Act¹¹. For all intents and purposes then it is an historical system.

Within both these systems there are three parallel streams of administration: Crown Land, Private Land, and Maori Land. Both Crown and private lands are administered entirely by LINZ. Maori Land title however is administered by the Maori Land Court, while LINZ is responsible for the surveying of Maori Land. (Certain records relating to Maori Land held by LINZ will therefore require further appraisal in consultation with the Maori Land Court).

Survey System: Underpinning both title systems is the land survey system. A Surveyor-General was first appointed in 1840 to carry out surveys for the Crown. During the provincial government period surveying fell under the domain of individual provinces, and survey systems became localised and haphazard. With the adoption of the Torrens system, surveying moved back under the domain of the central government. In 1876 the Office of the Surveyor-General was established. Since this time the Survey Office has had responsibility for the land survey system - examining and approving all land survey plans, regulating the conduct of surveys, and providing a control framework for all surveys.

¹¹ Land Transfer (Compulsory Registration of Titles) Act 1924. The provisions of that act are now found in Part XII of the Land Transfer Act 1952. By 1951 conversion from Deeds land was considered "for all practical purposes" complete.

Until the introduction of user pays principles in the late 1980s, the Survey Office was responsible for all surveying work in New Zealand, whether for Crown agencies or local authorities. In the period when the department was known as DOSLI, external survey work was undertaken on a contractual basis.

8.0 RECORD CLASSES & DISPOSAL RECOMMENDATIONS

Land records are some of New Zealand's most vital and heavily used records. The records covered by this appraisal document New Zealand's land registration and survey systems. They include key authoritative records such as the land title register, deed records, and survey plans, as well as administrative records that support the registration and survey processes.

As these records guarantee the rights and interests of individuals and companies in relation to land, their legal value is high. The completeness of the records (1840 - present) means they also provide an important historical record, one heavily used by historians and genealogists. The main exceptions to this are records which duplicate information captured elsewhere, or which have a short term administrative value only.

8.1 CORE LAND TITLE RECORDS

Core land title records are those legal and historical records documenting land transactions and rights to and over land, under either the Torrens System or the Deeds Registration System. The primary functions of these records are to create and destroy legal estates and interests in land, and to "accurately record the facts existing from time to time relative to the title to each parcel of land" thus ensuring security and certainty of title.

I. Records created under the Land Transfer Act

The Land Transfer Act 1952 provides for the creation and maintenance of a number of records, most importantly the land title register¹². Secondary records created and maintained include: provisional register¹³, Registrar's minutes¹⁴, warrants¹⁵ and memoranda approvals¹⁶.

The register is the legal and evidential record of transactions concerning a parcel of land. It has been described as the "keystone of the Torrens system". The backbone of the register is a duplicate of every grant of land and every certificate of title to land. Everything else affecting the land in each grant of certificate of title is recorded or noted on the register as a memorial. The register is comprised of title documents, plans¹⁷, and registered and lodged documents.

¹² Required to be maintained by the District Registrars under section 33(1) Land Transfer Act 1952. A detailed description of what makes up the Land Register is attached as Appendix D.

¹³ Required to be maintained by the District Registrars under section 50(c) Land Transfer Act 1952. For a description of its purpose see record set 2.13 in Appendix A.

¹⁴ Created under section 193 (1) Land Transfer Act 1952. For a description see record set 5.11 in Appendix A.

¹⁵ Required to be maintained under section 13(b) Land Transfer Act 1952. For a description see record set 3.65 in Appendix A.

¹⁶ Created under section 155A Land Transfer Act 1952. For a description see record set 1.05 in Appendix A.

¹⁷ This can be any plan that forms part of the legal description, including Deposited Plans, and Survey Office Plans. Plans thus form part of both the Land Register and the Survey Office record. For ease we have dealt with them as part of the latter record, see record class 8.4.

E.g.

<i>Record Set</i>	<i>Description</i>
<u>Title documents</u>	
2.04	Certificates of Title
2.05	Part cancelled Certificates of Title
2.07	Compulsory Certificates of Title
2.08	Crown leases/licences
2.11	Mining licences
2.15	Warrant titles
<u>Registered and lodged documents</u>	
3.07	Caveats
3.10	Certificates of charge
3.11	Charging orders
3.14	Compensation certificates
3.15	Court orders
3.19	Declaration of loss
3.21	Discharge of family benefit
3.28	Easements
3.30	Gazette notices
3.35	Lease documents
3.41	Mining
3.42.01	Mortgages
3.62	Transfers
<u>Plans</u>	
21.64	Deposited Plans

(For a description of each record set see Appendix A)

In the terminology of the Land Transfer Act, title documents constitute a “separate folium of the register” while the instruments (plans and documents) are deemed to be “embodied in the register”. Originally all bound up in large volumes, it is now a loose leaf system with the title documents, plans, and registered and lodged documents filed separately. With *Landonline* the register will become a partially electronic record and the electronically stored titles information becomes the authoritative record.

The register is a continually existing legal record, to be maintained in its entirety over time irrespective of format. Its constituent parts (the title documents and registered documents) may, however, have a limited life span. A title may be cancelled, a mortgage discharged, and new technologies mean a paper record may be superseded by an electronic version. In all cases the cancelled, discharged or superseded document effectively loses its legal evidential value and becomes largely an historical record.

As an historical record do they have sufficient informational value to warrant their permanent preservation as archives? If not, can the Chief Archivist recommend their destruction?

- Title Documents

These are the pivotal documents recording the name of the registered proprietor, the nature of the estate held, the legal description of the land, and all restrictions, encumbrances or interests (the registered and lodged documents) which the land is subject to. Thus beyond the legal value once possessed, they provide an historical record of all dealings and interests in a particular piece of land. A record heavily used by historical researchers and genealogists, they have long term informational value and their permanent preservation as public archives is recommended.

While all title documents (live and cancelled) are being imaged as part of *Landonline*, the paper records may contain information not fully captured by the digital record (in particular the colour coding on the early title documents).

- Registered & Lodged Documents

These are the actual caveat, easement, and mortgage documents etc. that create or give notice of an interest in the land.

Costs: Any appraisal recommendation must weigh up the costs and benefits of retaining a group of records. The sheer quantity of registered and lodged documents currently held by LINZ (conservatively estimated at some 15,000 linear metres), necessitates a careful consideration of the costs of permanent preservation. Costs include not only those associated with long term storage, but the time, effort, and expense involved in arranging and transferring the records. Given the high costs involved in preserving a large body of records, the evidential or informational value needs to be high to warrant permanent preservation.

The current arrangement of the records means that the documents need to be considered as a whole, rather than by each type of instrument. Most offices arrange registered and lodged documents in a sequential file sequence, rather than as separate series. It would thus be unfeasible to recommend the retention of specific types of documents, it is rather a case of all or none. Similarly, no distinction is made between “dead” or “live” documents, the two are filed in the same sequential sequence. Discharged mortgages are generally the only exception. Whether it is recommended that “dead” documents are retained or destroyed, the costs of separating the two would be considerable. The practical reality is that only discharged mortgages could easily be disposed of.

Archival Value: Once discharged or superseded, registered and lodged documents have value for the purpose of risk management. Their retention for a certain period after discharge is necessary to ensure that any discharge was legally authorised, no fraud was involved etc.. It has been argued that retention should be permanent, specifically to ensure that any record of fraud will always be available. However the likelihood of fraud being detected, let alone prosecuted, significantly after the event is not thought to be so great as to warrant the retention of these records permanently. LINZ have recommended a retention period of 12 years for discharged mortgages. This seems sufficient for risk management purposes, especially given the fact that discharged mortgages have regularly been destroyed since 1960 under various disposal authorities¹⁸ without giving rise to any difficulties.

Furthermore, other information pertaining to the registration of these records will continue to be available. As the Acting Registrar-General of Land, [Name removed], has noted, “in the unlikely event that such details are required, it will still be possible to view the memorials relating to the registration of the mortgage and its subsequent discharge by searching the certificate of title against which those instruments were originally registered”.¹⁹ This applies equally to all “dead” documents, not just discharged mortgages.

In terms of informational value the registered and lodged documents are largely a duplicate record. All of the pertinent information recorded on the documents, such as names, nature of the interest, dates etc. are recorded on the corresponding title documents. None-the-less these documents are

¹⁸ See NA job file 98/167, disposal schedules for discharged mortgages were approved in 1961, 1972 & 1986.

¹⁹ See NA job file 98/167 Robbie Muir letter dated 18/11/99.

used by a large variety of researchers; genealogists, land historians, economic historians etc.. As part of this appraisal, discussions were had with a number of past users of this type of record. They all stressed the importance of the documents for building up a complete picture of land ownership, especially its financial underpinnings. Mortgage documents in particular enable an assessment of the financial standing of landowners to be made. This has been an important aspect to the study of large land owners in the 19th century. The point was stressed that land settlement and ownership are still largely unexplored areas of historical research.

Potential research value was considered in the first appraisal of discharged mortgages undertaken in the 1960s. At that time National Archives considered discharged mortgages to be of historical significance given the unique financial data they contained and its importance for social research. None-the-less, it was recognised that the sheer volume of discharged mortgages meant the transfer of all discharged mortgages would be unfeasible. Thus when the first disposal schedule was approved a cut-off point was included. 1 April 1960 was selected as the cut-off date. From this date the consideration amount on the mortgage began to be entered on the journal, and it was felt that future research needs could be met by retaining the journal only.

Looking at the modern mortgage document it is hard to ascribe it any long term informational value. Historical researchers have placed most value on the financial data contained on mortgage documents, i.e. the mortgage principal. However as many modern mortgages are no longer for a fixed sum, specific financial data is often absent. And as most mortgages are now taken out with the major lending institutions, the documents tend to be of a standard format.

While no previous appraisal of other “dead” documents, such as transfers has been attempted before, National Archives has previously considered the question of their long term value.²⁰ As with the discharged mortgages, importance was placed on the unique financial data they provide. Again, consideration details came to be recorded on the journal lessening the unique value of these documents. Similarly, consideration details are increasingly not recorded on current documents, and on future forms the consideration entry will be dropped altogether. These factors, together with the availability of alternative sources of information, such as valuation records, lessen the informational value of the modern record at least.

Grandfather clause: National Archives does not have a formal policy on grandfather clauses (i.e. the retention of archives of a certain age). However, general practice has been to recommend the preservation of pre-1914 records given the relative scarcity of 19th Century material.

In the case of land records, it could be argued that the completeness of the record militates against the need for a grandfather clause. A complete record of land transactions under the Torrens System can be preserved by retaining only those records with the highest informational value (i.e. title documents). While there is much merit in this argument, the potential for public disquiet over such a decision is great. It would thus seem prudent to apply a grandfather clause to the registered and lodged documents.

National Archives has generally used 1914 as a cut-off point. This date is seen as marking a significant change in government record keeping practices, i.e. the move from registered correspondence to subject files. In the case of land registry records, the most significant change in record keeping practices took place in 1961. In 1961 the register was converted from bound volumes to a loose leaf format. At a similar time most registries started filing all registered and lodged

²⁰ See NA job file 2/47/1 pt 1

documents in one numerical sequence rather than by type. Arguably then this would be the most logical cut-off point. As discussed previously, 1 April 1960 was chosen as the cut-off point for discharged mortgages. For consistency it seems appropriate to retain this date and to apply it to all registered and lodged documents. For ease of identification the cut-off date would relate to the date of registration or lodgement.

While it is a late date for a grandfather clause, it will ensure that a full record of all land interests and dealings is kept for an historically significant period. 1870-1960 covers a period of significant change in land owning and settlement, and events of national importance, such as the depression and the world wars, which impacted on land ownership. On a rough estimate applying 1960 as the cut-off point, some 3,000 linear metres²¹ of “dead” registered and lodged documents would be permanently retained. While this is a substantial quantity it is only around 20% of the total current holding. Its retention enables a balance to be made between research needs and the costs of permanently retaining such a large group of records.

Authority to destroy: Can authority for destruction be given? Independently of this report a reappraisal of post 1960 discharged mortgages was undertaken²². The question of whether a discharge operates to remove a mortgage from the register was raised. The Acting Registrar-General of Land, [Name removed], has advised National Archives that while there is no express provision to that effect, a discharge “becomes a matter of “historical” significance only. Such matters are of no relevance to persons searching the register for details of registered interests affecting the land. This is reflected in section 67 of the [Land Transfer] Act which only requires memorials of unsatisfied mortgages to be brought forward upon the issue of a new certificate of title.”²³

Section 111(3) of the Land Transfer Act 1952 provides that duplicate discharged mortgages are to be maintained by the Registrar-General. The Act does not, however, stipulate that they need to be permanently preserved. The Chief Legal Advisor at the Department of Internal Affairs advised that the requirements of the Land Transfer Act did not limit the Chief Archivist’s right to authorise the destruction of discharged mortgages under section 16(1)(b) of the Archives Act²⁴. The Acting Registrar-General is in agreement with this. With respect to discharged mortgages he felt they could be destroyed under the authority of section 16(1)(b) as they are “not required for search purposes in the ordinary course of registry business”. [Name removed] has recommended a period of 12 years as an appropriate retention period prior to destruction.²⁵

While consideration thus far has only been given to the discharged mortgages, it would seem logical for a similar decision to be made with respect to all other “dead” documents, especially given there are no specific provisions re the long term retention of other discharged or superseded documents, as is the case with the discharged mortgages. The question of a specific retention period for “dead” documents was discussed with the Acting Registrar-General of Land. Given the current difficulty of identifying the “dead” registered and lodged documents from the “live”, it was not felt appropriate at this stage to set a specific time frame for destruction.

²¹ This does not include discharged mortgages as pre 1960 discharged mortgages have already been transferred to National Archives under previous schedules.

²² Se NA job file 98/167

²³ See letter of 18/11/99 in NA job file 98/167. Section 67 reads “The Registrar shall note upon every certificate...the memorials of all unsatisfied mortgages, leases, and other estates and interests, outstanding or otherwise, to which the land is subject at the issuing of a new certificate...”.

²⁴ See memo 21/06/99 in NA job file 99/167

²⁵ Section 20(1) Limitation Act 1950 specifies that “no action shall be brought to recover any principal sum of money secured by a mortgage ...after the expiration of 12 years from the date when the right to receive the money accrued”.

II. Records created independently of the Land Transfer Act

Not all land interests can be registered against the title. For certain of these, Registrars are required to maintain records separate to the register. This requirement will usually be specified in the statute creating the interest.

I.e.

<i>Record Set</i>	<i>Description</i>
3.36.02	Pastoral Run leases and licences ²⁶
3.36.03	Prospecting licences ²⁷

(For a description of each record set see Appendix A)

These records provide evidence of legal interests in land and are thus of authoritative value. Documenting mining interests and large land interests, they are likely to be of interest to genealogists and historians. However, being interests created by statute and granted by government officials, they will tend to duplicate records already held by the authorising government agency. For example, the Ministry of Commerce maintains a national and regional set of mining licence files. These cover all licences and permits to explore, prospect and mine, and include the applications, maps, inspection reports etc.. Arguably then this is a far greater research source than the individual licences. The files are subject to a disposal authority whereby both the regional and national records will be permanently preserved.²⁸

Given the retention of the files, it is not necessary to retain the individual prospecting licences as well. However, as Commerce's national and regional records are scarce prior to 1900 a grandfather clause would be appropriate. The Ministry of Commerce's Head Office licence files generally start from the 1970s,²⁹ while the Regional Office records date from c.1901 (though this is by no means the case in all offices). A grandfather date of 1945 is recommended as this will ensure that a complete record of prospecting licences is kept for a document scarce period.

Similarly, a duplicate record of the pastoral run leases and licences is likely to be found amongst the Crown Property records (see record set 32). Given this it is felt best to leave a final determination as to their long term value until such time as the Crown Property records have been fully appraised.

²⁶ Section 83(1) Land Act 1948 "The District Land Registrar shall keep ...a register of leases and licences not required to be registered under the Land Transfer Act 1952 pursuant to section 48 of this Act...".

²⁷ Section 81(3b) Crown Minerals Act 1991 "the District Land Registrar shall... record and file one of the copies in his or her office..."

²⁸ See NA job files 95/171 & 99/15.

²⁹ AATJ Series 6092

III. Records created under the Deeds System

A separate body of records is maintained for the Deeds system.

I.e.

<i>Record Set</i>	<i>Description</i>
3.17	Crown Grants
4.01	Applications
4.02	Books of Primary Entry
4.03	Conveyances
4.04	Deeds Index Books
4.04	Deeds Record Books
5.09	Wills

(For a description of each record set see Appendix A)

While comprised of a number of discreet records (Crown Grants, indexes, registers, primary entry books etc.), they are an integrated record. Together they provide a unique record of the chain of title and registered instruments affecting it, tracing back to the original Crown Grant. While most of the deeds land is now under the Transfer System, the deeds records remain the sole record of its history prior to conversion. This is not always a purely historical record, as a small number of the registered instruments recorded remain as live interests.³⁰

Recommendations:

- ◇ Core land title records (and any associated indexes) documenting legal rights to and over land, capturing an evidential record of land transactions, or providing an historical record of land ownership and interests are recommended for retention by LINZ. When no longer of administrative use to LINZ they may be transferred to National Archives.
- ◇ The exceptions being:
 - Discharged mortgages registered after 1 April 1960 may be destroyed by LINZ 12 years from date of discharge.
 - “Dead” registered and lodged documents, registered or lodged after 1 April 1960, which the Registrar-General of Land has ruled are of a class not required for search purposes in the ordinary course of registry business, may be destroyed when the designated legal officer determines they are no longer of administrative use.
 - Prospecting licences filed after 1 January 1945 may be destroyed when the designated legal officer determines they are no longer of administrative use.
 - Memoranda Approvals may be destroyed when the designated legal officer determines they are no longer of administrative use.
 - Any Duplicate (Escrow) Titles³¹ held by LINZ are to be retained by LINZ until the title is collected by the registered proprietor, or the title is cancelled in which case it may be destroyed.

8.2 ADMINISTRATIVE RECORDS SUPPORTING LAND TITLE SERVICES

³⁰ Landonline will be back capturing all live easements.

³¹ For a description see record set 2.10 in Appendix A.

These are records that have been created and/or maintained to support the administration of the land registration system. Primarily these are records that expedite the registration process and/or assist with risk management. Two types of records are included here:

‘Receipt’ records that allow LINZ to trace their actions in relation to the registering of titles and documents.

I.e.

<i>Record Set</i>	<i>Description</i>
1.01	Land Transfer Journals
1.01	Abstracts
1.01	Receipt books
5.12	Production receipts

(For a description of each record set see Appendix A)

and supplementary files where additional information re a title or survey is stored.

E.g.

<i>Record Set</i>	<i>Description</i>
1.02	Deposited Plan files
1.03	CT files

(For a description of each record set see Appendix A)

All of these records have long term administrative value to LINZ, particularly the ‘receipt’ records which have an important risk management function. In terms of informational value, ‘receipt’ records are largely a duplicate record. Details recorded on such records are generally also found on the certificates of title. Prima facie then, these records do not warrant permanent preservation. But as the use of the word “generally” suggests, they can contain unique information. This is particularly the case with the Land Transfer Journals. Created from 1871 to 1974 they were a daily listing of all instruments lodged for registration, recording instrument type, affected titles, interested parties etc.. From 1960, details as to the consideration amount on a mortgage or transfer were also entered. This change in practice was central to the justification used to destroy discharged mortgages from 1960. National Archives felt the Land Transfer Journals were of “historical importance...and give sufficient facts to allow other documents to be destroyed”.³² A number of Land Transfer Journals have already been transferred to National Archives.³³

Given their value as a comprehensive summary record dating from 1871 through to the 1970s, it is recommended that the Land Transfer Journals be permanently retained as public archives.

From 1974 the Land Transfer Journals were replaced by loose leaf abstracts which were filled in by the lodging party. The details recorded on the abstracts are fewer and the quantity of records far greater. Beyond their important administrative use, the abstracts are not of permanent archival value.

The supplementary files provide additional evidence of land transactions, ownership and survey details likely to be of long term historical value.

Recommendations:

³² See NA job file 2/47/1 memo from Archivist, Rosemary Collier dated 12 August 1971. See also M Hodder’s 1986 letter to Registrar-General of Land.

³³ National Archives Wellington holds Journals dating from 1871- 1947, they were transferred from the old Wellington Land Transfer Office [see accession W299].

- ◇ Supplementary files documenting title or survey information are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Land Transfer Journals created between 1871 and 1974 are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Abstracts & receipt records (the receipt books and production receipts) are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

8.3 AUTHORITY RECORDS

These are records that provide evidence of an individual's legal authority to deal with land. Generally there is a statutory duty to send authority notifications to the Registrar.³⁴

I.e.

5.01	Powers of Attorney
5.02	Friendly Societies & Credit Unions
5.03	Trustees
5.04	Deeds of Appointment
5.06	LSP Declarations
5.07	Probates
5.10	Land Valuation Tribunal
5.13	Certificate of Purchase Crown Land

(For a description of each record set see Appendix A)

Authority records have long term administrative value to LINZ, providing evidence that individuals are acting with legal authority. They do not have sufficient informational value to warrant their permanent preservation however. Generally they will only be a record of an individual's name, which does not seem sufficient to warrant the retention of such a large group of records. Obviously probates record much more information, but these are merely a duplicate of the court record which is already archived.

As Powers of Attorney, Friendly Society and Trustee notifications date back to the 1870s, it is felt appropriate to incorporate a grandfather clause into the disposal recommendation. The early records have intrinsic value primarily due to their age and the relative scarcity of documents for this period. 1914 is recommended as the cut-off date. This is the date commonly applied by National Archives and, unlike the registered and lodged documents, no significant date in terms of record keeping practices attaches to these records.

Recommendation:

- ◇ Authority records, with the exception of pre 1914 Powers of Attorney, Friendly Society and Trustee notifications, may be destroyed when the designated legal officer determines they are no longer of administrative use.
- ◇ Pre 1914 Powers of Attorney, Friendly Society and Trustee notifications may be transferred to National Archives when no longer of administrative use.

8.4 CORE SURVEY RECORD

³⁴ For example Powers of Attorney are notified under s 151 Land Transfer Act 1952, and Friendly Society and Credit Union returns under s 32 Friendly Society & Credit Union Act 1982.

The survey record begins from the earliest years of New Zealand's government and covers both title systems (Deeds and Torrens), and all areas of land administration, i.e. Crown, Private, and Maori lands.³⁵ The survey record supports the administration of land title by providing a pictorial representation of each crown grant, land title, survey district etc. and its retention is required under the Survey Act 1988³⁶.

The survey record comprises plans and their supporting survey data³⁷

E.g.

<i>Record Set:</i>	<i>Description:</i>
21.59	Field Books
21.60	Traverse books
21.66	SO (Survey Office) plans
21.70	Crown Grants and Warrants
26	Crown Land Allocation

(For a description of each record set see Appendix A)

The core set of plans is known as the SO Series. This includes record sets which have been described separately by some LINZ offices, e.g. Amuri deposit plans and Railway plans. Also incorporated are the Deposited Plans. DPs are plans drawn up by registered surveyors on behalf of an applicant. They are lodged during the title process and examined by Survey Office staff as to accuracy. Once approved they form part of the official survey record.

Current survey plans have been digitised and are available on the DCDB (Digital Cadastral Database). The paper record provides historic information of changes in boundaries etc.. While all plans forming part of the register are being scanned into *Landonline*, the paper record remains the authoritative one.

The survey plans are in turn supported by survey data contained in Field books (i.e. surveyor's notebooks) and Traverse books (a more recent record of survey reference points). These records are not being imaged due to costs and technical limitations in regard to the quality of the image from pencil drawings and annotations.

As the core record of survey information these records are clearly of permanent legal value and continue to be of high administrative use to LINZ. Dating from 1840, these records provide a comprehensive picture of the landscape overtime. As was emphasised by the researchers spoken to, these core survey records are an invaluable and irreplaceable historical record.

³⁵ Plans of Maori land with the prefix ML are part of the SO Series, however other plans with prefix MLC are received from the Maori Land Court and will require further appraisal (see Record Set 23 and Section 8.11 of this report).

³⁶ Under section 11(1)(c) one of the Surveyor-General's functions is "to arrange for the maintenance in suitable format of cadastral survey documents and systems of cadastral survey documents..."

³⁷ Each set of records includes indexes and registers which provide access to the main record. (Indexes to the Deposited Plans are listed with title documents as record sets 1.02 and 3.26).

Recommendation:

- ◇ All SO series plans, Deposited Plans, Crown Grants, survey data, and associated indexes are recommended for retention by LINZ. When no longer of administrative use to LINZ they be transferred to National Archives.

8.5 CORE TECHNICAL DATA

Core data concerning the physical position of New Zealand's land is used as a reference point for future surveys, and for measuring land movement over time.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.12	River half tones
21.54	Benchmark
21.55	Trig
24	Aerial photographs

(For a description of each record set see Appendix A)

Benchmark cards were compiled for the Department of Scientific and Industrial Research, providing a vertical reference, i.e. height from sea level data. These cards have been imaged and are now superseded by the Geodetic database.

Trig cards contain the horizontal reference, i.e. the precise location of each trig station which is the reference point from which all surveys are conducted. A second set of data contains the access details to these points, i.e. the easiest way to get there. The Trig data is also available on the Geodetic database. The access details have also been imaged but are of administrative use only.

Both Benchmark and Trig index data is now available to most offices electronically, although the cards are often referred to when the electronic system is 'down'. The cards may also be annotated with additional information that has not been digitised. In some offices the cards are supported by plans which provide a pictorial index to the location of data. Although imaged the index cards continue to have value in terms of risk management until such time as the electronic version is proven stable and reliable.

Note: the electronic version will retain any changes made to the data.

The Benchmark and Trig cards have been largely superseded by the electronic copy. However the quantity of records involved is small and the data contained in these records is essential to the monitoring of changes in New Zealand's landscape and to future survey work. It is therefore felt that the paper record should be preserved, especially given that there is, as yet, no disposal authority governing the electronic record.

Although not core data, aerial photographs date from the 1920s and are similarly used to measure land changes such as erosion and changes in river courses. The need for LINZ staff to access these records is low. The photographs may also be of additional value to researchers, providing information concerning landmarks and archaeological sites. Other records associated with the photographs are details of the flight plans etc. which are used to identify the location photographed.

Note: 21.12 River half tones are found only in the Christchurch and Invercargill offices but serve a similar purpose.

Recommendations:

- ◇ The paper records of Benchmark and Trig data are recommended for transfer to National Archives when no longer of administrative use.
- ◇ The paper records of access details to Trig points are recommended for destruction when the designated legal officer determines they are no longer of administrative use.
- ◇ Aerial photographs & River half tones are recommended for transfer to National Archives when no longer of administrative use.

8.6 SHORT TERM MAPS

The Surveyor-General is legally required to produce, maintain, and make publicly available current maps of National Parks, Statutory Boundaries, and Electoral Maps.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.67	Statutory boundary maps
21.68	National Parks
25	Electoral maps

(For a description of each record set see Appendix A)

These maps are maintained on the DCDB, but only in the current form. Historic maps are not maintained electronically, and in the case of Electoral maps, neither the paper or electronic maps are retained by LINZ.³⁸

These maps provide pictorial details of boundary changes to electoral districts, local authorities etc. over time, and thus are likely to be of research value. They also complement the records of the agencies responsible for determining these changes, such as the Local Government Commission [AANX].

As non-current electoral maps are now transferred to National Archives under schedule by the Electoral Commission³⁹, it is not felt necessary to retain the LINZ copy, especially as LINZ do not appear to hold historical copies. If any historical copies are found in district offices they will be captured by the general grandfather date (see record class 8.8). National Archives has fairly complete holdings of post 1945 Electoral Boundary maps.

Recommendations:

- ◇ Non-current plans of National Parks and Statutory Boundary maps are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Non-current Electoral maps are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

³⁸ The original maps are transferred to the Department of Statistics who have not maintained an historic set.

³⁹ See NA job file 97/134. National Archives also holds a substantial number of Electoral Maps from a variety of other agencies.

8.7 MAPS AND INDEXES CREATED FOR ADMINISTRATIVE PURPOSES

Maps are often created as indexes to gazette notices, legislation etc., i.e. they provide a link between a specific area of land and the other records affecting that land. Road Legality sheets for example show the instrument under which land for roads was acquired. All of these maps and indexes have administrative value to LINZ staff. Those which relate to the acquisition and disposal of Crown lands or legislative actions also have long term informational value, for they provide valuable references for research into land ownership and transfer.

Based on record descriptions provided by survey staff and regional archivists there appear to be two types of documents classed as record maps under record set 20. One type of record (Record maps A) are a graphic index of land subdivisions and survey plans, they provide a reference between survey information and cadastral information. Recording parcel boundaries, appellations, areas, and SO and DP references, they are the only single point where all underlying information is held. Constantly updated, they show the cadastral pattern of land at that time. They were used by researchers to access the actual survey records, and as a base for the published cadastral map series. The early record maps (Imperial Record Maps) were drawn on block paper, and the later cadastral record maps on foil. Record maps have now largely been superseded by DCDB. As an index record to the core survey record and a record of the changing cadastral pattern they are of long term research value.

The second type of record (Record maps B) were created to provide a link between imperial and metric plans. While of administrative use, they do not have the same informational value. Primarily relating to the development of internal administration systems they are recommended for destruction.

Recommendations:

- ◇ Record maps which document land changes are recommended for transfer to National Archives when no longer of administrative use.

E.g.

3.39	LT Block sheets
20	Record maps (type A)
21.15	Survey District maps
22.03	State Highway record maps

(For a description of each record set see Appendix A)

- ◇ Maps and indexes relating to legislative actions, and the acquisition and disposal of crown lands are recommended for transfer to National Archives when no longer of administrative use.

E.g.

21.73	Legalisation cards
22.01	Road legality sheets
22.02	Road legality index

(For a description of each record set see Appendix A)

- ◇ Maps and indexes relating to the development of internal administration systems are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

E.g.

1.06	Street Index cards
20	Record maps (type B)
21.56	DCDB development

(For a description of each record set see Appendix A)

8.8 HISTORICAL MAPS AND PLANS

Given that each district office is likely to have a number of non common “historical” survey plans, cadastral, topographical, and boundary maps etc., it was felt a general grandfather clause should be included in this national schedule. This would allow the transfer, without further appraisal, of records that should be permanently preserved due to their age and research value. 1945 was considered the most appropriate date as National Archives’ 19th Century and early 20th Century cartographic holdings are less extensive. And secondly, it was not until after the Second World War that large scale mapping, i.e. the production of the NZMS map series, was undertaken by the Lands and Survey Department.

E.g.

21.17	Historical maps
21.20	Old Land Claim plans
21.29	Lease, mortgage, and transmission plans
21.46	Script plans
21.77	Boundary description maps
22.04	Road plans
22.05	Road division ordinances maps

(For a description of each record set see Appendix A)

Recommendation

- ◇ All plans and maps created prior to 1945 are to be retained by LINZ, when no longer of administrative use they may be transferred to National Archives.

8.9 PUBLICATIONS

LINZ offices hold many volumes of published land information, many of which are now rare but not necessarily of archival value.

E.g.

<i>Record Set:</i>	<i>Description:</i>
21.02	Geographic index information
21.04	Cadastral maps (i.e. NZMS published series)
21.69	Maori Purchase records

(For a description of each record set see Appendix A)

Cadastral maps which are published, such as the NZMS series, have also been considered as published documents. As National Archives already has substantial holdings of cadastral maps⁴⁰, most NZMS maps held by LINZ are likely to be surplus to our requirements .

Some volumes and cadastral maps have been annotated by surveyors and other staff providing important historical information and contemporary views of events.

⁴⁰ Substantial NZMS holdings can be found in the following accessions: W1641, W1642, W1663, W1684, W2664, W2809, W3134, W3151, W3154, W3668, W3680, W3719, W3853, W3854, W3855, W3586, W3857, W3861, W3862, W3881, W3882, W3883, W3884, W3889, W3890, W3891, W3977, W3978, W3979, W2980, W3983 & W3984.

Recommendations:

- ◇ Material which has been annotated with significant information by LINZ staff is recommended for transfer to National Archives when no longer of administrative use.
- ◇ Published material which is not of administrative use, and which has not been annotated should first be offered to National Archives, but if surplus to their requirements could then be offered to other institutions. Material not required by such institutions is recommended for destruction.

8.10 FINANCIAL RECORDS

Records documenting the routine financial transactions and accounting procedures of individual district offices. Such records include invoices, tax receipts, banking records etc.. These are records of short term administrative value only.

I.e.

<i>Record Set:</i>	<i>Description:</i>
41.	Financial records

Recommendation:

- ◇ Financial records may be destroyed 7 years from date of closure of the record.

8.11 RECORDS WHICH REQUIRE FURTHER APPRAISAL

A number of record sets were excluded from this appraisal for a variety of reasons, these will require appraisal by the appropriate office of National Archives at a future date.

I Records shared with other agencies:

LINZ, and its predecessor agencies, has often worked closely with other government departments and / or shared a role with other departments in certain functions. In such cases records although held by LINZ may be controlled by a different agency. It is therefore not appropriate to dispose of such records without consultation, and the approval of the controlling agency. It will also be necessary to make detailed comparisons of records held by each agency to identify the source of the best record. These records have therefore been identified as requiring further appraisal.

Many LINZ offices also hold orders received from the Maori Land Court for partitions etc. which have not been surveyed. These are a core record of amendments to land ownership, but have been excluded from this appraisal because they should be considered in consultation with the Maori Land Court.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.78	Miscellaneous Maori Land Orders
23	MLC records
27	Crown Minerals ⁴¹

(For a description of each record set see Appendix A)

⁴¹ A schedule for the disposal of Crown Minerals maps was approved by the Chief Archivist in December 1999. See NA job file 99/15.

II Records created for other agencies:

The Survey Office has always been responsible for the survey work required by government departments, but in recent years this became a more commercial arrangement. DOSLI in particular undertook a lot of contract work for other departments and local authorities. The records created by this work are not core records nor related to LINZ's core functions. Many of these records, with the exception of Scheme Plans, are unique to a specific office and therefore excluded from the scope of this appraisal.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.09	Geological Survey maps
21.21	Scheme plans
28	L&S and DOSLI one-off jobs
29	Maps for other agencies

(For a description of each record set see Appendix A)

III Indexes:

Although they may be described differently by each office, the majority of indexes and registers relate to core records and are covered by the previous record classes. Indexes which are not covered by these earlier classes (i.e. not related to the core record) will require further appraisal on a case by case basis.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.61	Indexes and registers

IV Microfilms:

Numerous copies of microfilm are available as reference copies in all offices. Microfilms have been excluded from the appraisal at this stage because of the variety of records copied, and the need to confirm that the original documents have been preserved.

I.e.

<i>Record Set:</i>	<i>Description:</i>
21.58	Microfilm

V Crown Property records and indexes:

Crown Property records and indexes include a wide range of documents which are not necessarily common across all offices. Although some records are clearly of permanent value, others are not, and the variety of documents within this record set prohibits a disposal recommendation being made at record set level. These records will require appraisal at some future point. Depending on the availability and detail of office inventories, an appraisal could be undertaken at individual office level or using a national schedule. Any appraisal would also need to take into account LINZ Head Office holdings, particularly records held in the Muniments Room.

I.e.

<i>Record Set:</i>	<i>Description:</i>
31	Crown Property records indexes
32	Crown Property records

VI Records unique to specific offices:

I.e. records which are not common across all offices and are therefore not part of the core record. If these records are found to be part of the record classes described above (i.e. they have simply been described differently) they should be disposed of according to the most appropriate record class.

Many of these records are clearly of historic interest but as non-core records fall outside the scope of this appraisal. It is recommended that these records be appraised by the appropriate office of National Archives in the near future.

I.e.

<i>Record Set:</i>	<i>Description:</i>
3.73	A Files
7.01.02	Indexes to Birth, Deaths and Marriages
21.10	Marginal Lands plans
21.13	R files
21.28	Land parcel tracings
21.30	Nomenclature plans
21.36	Detached survey maps
21.39	A series
21.43	Kauri gum reserves
21.45	Pre-emptive rights plans
21.48	Tai Tapu map
21.49	Survey control data
21.71	Survey Technical Circulars
21.74	LT miscellaneous files
21.75	SO miscellaneous files
22.06	Road files
22.07	Closed road files
22.08	Building line books.

(For a description of each record set see Appendix A)

9.0 FUTURE LINZ ACCESS

All records, once transferred to National Archives, become the legal property of National Archives. The Archives Act 1957 allows, however, for the temporary loan of archives, subject to conditions, back to the transferring government agency. Public archives are lent to enable government offices to fulfil current administrative commitments. Through National Archives' Government Loan Service LINZ offices may temporarily borrow back any LINZ records deposited with National Archives. Where preservation concerns prevent the loan of a record, LINZ staff will have access through National Archives' Reading Rooms.

In most instances once a record is transferred to National Archives documents may not subsequently be added to or removed from it. Where the record is a legal register however, updating may be made with the agreement of LINZ and the Chief Archivist. Agreement for individual records should be made at the time of transfer.

10.0 ACCESS PROVISIONS

[Has been removed]

11.0 TRANSFER CONDITIONS

[Has been removed]

Head Archivist, Arrangement & Description Head Office National Archives of New Zealand P O Box 12 050 WELLINGTON Phone: 04 499 5595	Regional Archivist Auckland Regional Office National Archives of New Zealand P O Box 91 220 AUCKLAND Phone: 09 270 1100
Regional Archivist Christchurch Regional Office National Archives of New Zealand P O Box 642 CHRISTCHURCH Phone: 03 377 0760	Regional Archivist Dunedin Regional Office National Archives of New Zealand P O Box 6183 DUNEDIN Phone: 03 477 0404

12.0 RETENTION PERIODS

Specific retention periods have not been determined due to the long term administrative use for the majority of records. In some cases the issue is complicated by legislation which specifies that certain records should be kept, but does not stipulate retention periods, nor does it state that the records should be retained permanently. It is recommended that the Registrar-General of Land (or the Surveyor-General in respect of survey records) determine the appropriate retention period for each record set as required.

With discharged mortgages this determination has already been made. Thus it is recommended that they are retained for 12 years from date of discharge before being destroyed.

For records identified as having permanent archival value we have recommended that they be retained by LINZ whilst they are of administrative value. Given that these records are central to the operation of LINZ's core functions, most are likely to be retained by LINZ for the foreseeable future. None-the-less when determining the administrative value of records, regard needs to be had to who the core users are. Where they are core business clients (in house or external) the administrative use can be classified as high. Where they are non business clients, for example historical researchers, the administrative value can be regarded as low, and the records may be more appropriately housed by National Archives.

Regard also needs to be had to the age of the records. It may be argued that a large portion of these core records have ongoing, permanent administrative value to LINZ and thus should always be retained by them. There comes a point, however, where the age of the record means that preservation needs will outweigh the administrative convenience of having the records close at hand. Consideration of this will be necessary for determining whether to retain older records at LINZ or transfer them to National Archives.

13.0 SUMMARY OF DISPOSAL RECOMMENDATIONS

Cross reference to section 8.0

8.1 Core land title records

- ◇ Core land title records (and any associated indexes) documenting legal rights to and over land, capturing an evidential record of land transactions, or providing an historical record of land ownership and interest are recommended for retention by LINZ. When no longer of administrative use to LINZ they may be transferred to National Archives.

- ◇ The exceptions being:
 - Discharged mortgages registered after 1 April 1960 may be destroyed by LINZ 12 years from date of discharge and then destroyed.

 - “Dead” registered and lodged documents, registered or lodged after 1 April 1960, which the Registrar- General of Land has ruled are of a class not required for search purposes in the ordinary course of registry business, may be destroyed when the designated legal officer determines they are no longer of administrative use.

 - Prospecting licences filed after 1 January 1945 may be destroyed when the designated legal officer determines they are no longer of administrative use.

 - Memoranda Approvals may be destroyed when the designated legal officer determines they are no longer of administrative use.

 - Duplicate (Escrow) titles held by LINZ are to be retained by LINZ until the title is collected by the registered proprietor, or the title is cancelled in which case it may be destroyed.

8.2 Administrative records supporting land title services

- ◇ Supplementary files documenting title or survey information are recommended for transfer to National Archives when no longer of administrative use.

- ◇ Land Transfer Journals created between 1871-1974 are recommended for transfer to National Archives when no longer of administrative use.

- ◇ Abstracts and receipt records are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

8.3 Authority records

- ◇ Authority documents, with the exception of pre 1914 Powers of Attorney, Friendly Society and Trustee notifications, are recommended for destruction when the designated legal officer determines they are no longer of administrative use.
- ◇ Pre 1914 Powers of Attorney, Friendly Society and Trustee notifications are recommended for transfer to National Archives when no longer of administrative use.

8.4 Core survey records

- ◇ All SO series plans, Deposited Plans, Crown Grants, survey data and associated indexes are recommended for retention by LINZ. When no longer of administrative use to LINZ they may be transferred to National Archives.

8.5 Core technical data

- ◇ The paper records of Benchmark and Trig data are recommended for transfer to National Archives when no longer of administrative use.
- ◇ The paper records of access details to Trig points are recommended for destruction when the designated legal officer determines they are no longer of administrative use.
- ◇ Aerial photographs and River half tones are recommended for transfer to National Archives when no longer of administrative use.

8.6 Short term maps

- ◇ Non-current plans of National Parks and Statutory Boundary maps are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Non-current Electoral maps are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

8.7 Maps and indexes created for administrative purposes

- ◇ Record maps which document land changes are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Maps and indexes relating to legislative actions, and the acquisition and disposal of crown lands are recommended for transfer to National Archives when no longer of administrative use.
- ◇ Maps and indexes relating to the development of internal administrative systems are recommended for destruction when the designated legal officer determines they are no longer of administrative use.

8.8 Historical Maps

- ◇ All maps and plans created prior to 1945 are to be retained by LINZ, when no longer of administrative use they may be transferred to National Archives.

8.9 Publications

- ◇ Published material which has been annotated with significant information by LINZ staff is recommended for transfer to National Archives when no longer of administrative use.
- ◇ Published material which is not of administrative use, and which has not been annotated should first be offered to National Archives but if surplus to their requirements could then be offered to other institutions. Material not required by such institutions is recommended for destruction.

8.10 Financial Records

- ◇ Routine financial records may be destroyed 7 years from date of closure of the record.

Quantity recommended for retention as public archives: c.14,760 linear metres (47 %)

Quantity recommended for destruction: c. 16,776 linear metres (53 %)

Signed:

[Name removed]
Archivist, Appraisal Section
National Archives
(04) 499-5595 ext. 330

[Name removed]
Archivist, Appraisal Section
National Archives
(04) 499-5595 ext. 306