

Amendment to an Existing Disposal Authority

Appraisal Report for Ministry of Justice

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Disposal Authority to be changed	DA 564

Purpose/Circumstances
The purpose of the amendment is to facilitate easier use of disposal authority 564 (DA 564) by reducing the number of legacy ¹ record classes by broadening the scope of the remaining classes to allow implementation as further legacy records are identified. No changes in disposal actions are proposed.
Description of Amendment
The amendment consolidates over 70 legacy record classes in DA 564 and record types missing from DA 564 to three broader legacy classes. Appendix 1 illustrates the impact of the changes to DA 564 with the legacy classes to be amalgamated coloured red into the three new legacy classes (8.01-8.03) replacing the large numbers or former classes highlighted in blue.

1. a. Proposed Amendment (Chief Archivist approval required):

	Current Class Details	Proposed amended Class Details
Title	DA 564 Legacy records	Physical registers and indexes which provide access to court case files or created due to a statutory requirement
Number	See below for examples of records within this class	8.01

¹ Legacy records relate to defunct court functions or where the record format has changed from primarily paper to electronic. For example, the implementation of the Ministry's Content Management System (CMS) in 2003 led to many paper court registers and indexes changing from paper to electronic.

Description	<p>The following are examples of legacy record classes for inclusion in class 8.01:</p> <p>Admiralty registers (formerly DA 564 class 4.02)</p> <p>Agency registers (formerly DA 564 class 8.02)</p> <p>Agency Writs</p> <p>Aliens Act registrations, indexes and registers</p> <p>Apprenticeship records (formerly DA 564 class 8.03)</p> <p>Arbitration/Miscellaneous Arbitration registers</p> <p>Auctioneers licensing registers and indexes (formerly DA 564 class 8.02)</p> <p>Awards registers and indexes (no DA applies)</p> <p>Bail registers (formerly DA 564 class 8.07)</p> <p>Bankruptcy Minute Books (no DA applies)</p> <p>Bankruptcy registers and indexes (formerly DA 564 class 4.05)</p> <p>Children’s Court Record Books, registers, indexes and guard books (no DA applies)</p> <p>Civil record books, registers and indexes (formerly DA 564 class 8.16)</p> <p>Compensation Court registers (formerly DA 564 class 8.12)</p> <p>Coined gold register of licensed dealers under Board of Trade Act (no DA applies)</p> <p>Criminal Crown Books</p> <p>Criminal record books</p> <p>Criminal registers</p> <p>Crown books</p> <p>Crown Suits registers (formerly DA 564 class 8.14)</p>	<p>Control registers and indexes were created to access court case files. Contents usually includes a title (such as the names of a party to a proceeding), a register number, a date of registration and for some registers briefly reference the case outcome.</p> <p>Courts were required, usually because of a statutory requirement to record specific information which often resulted in a decision or approval.</p>
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Defendant indexes
Destitute Persons indexes, registers and orders
Divorce registers and indexes (formerly DA 564 class 8.22)
Domestic Proceedings registers and indexes
Emergency Powers Regulations (1939) registers
Estate Ledgers
Factories Act registers and other records (DA 564 class 8.24)
Family Court registers all types (no DA applies)
Foreign judgement summons registers (DA 564 class 8.25)
Foreign process receipt books (DA 564 class 8.26)
Guard Books; including related indexes and registers covering children and other family issues
Guardianship Act and Infants Act 1926 registers
Judgment summons registers (DA 564 class 8.30)
Jury Trial or Court Crown Books
Land agents/ real estate agents licensing registers (DA 564 class 8.32)
Land Sales Court registers (DA 564 class 8.34)
Land Valuation Appeal/Tribunal registers
Law Practitioners registers
Licensing Committee registers and indexes (DA 564 class 8.38)
Licencing Committee minutes, registers of statements including agenda and notes of evidence
Lunacy and mental defectives registers (DA 564 class 8.40)
Maintenance order registers (DA 564 class 8.42)

	<p>Massage parlour licensing registers and indexes (DA 564 class 8.44)</p> <p>Minute Books and registers</p> <p>Miscellaneous registers and indexes</p> <p>Moneylenders licensing registers (DA 564 class 8.46)</p> <p>Mortgage Relief registers, indexes and minutes</p> <p>Mortgagee Sales registers</p> <p>Motor Vehicle Dealer registers and indexes</p> <p>Newspaper/print registration registers and case files (DA 564 class 8.47, 8.48)</p> <p>Notices of general appeal, criminal and civil</p> <p>Offenders Probation Act registers and indexes</p> <p>Originating summons registers (DA 564 class 8.50)</p> <p>Pawnbrokers licensing registers and indexes (DA 564 class 8.52)</p> <p>Petitions registers (DA 564 class 8.54)</p> <p>Police Summons Record Books</p> <p>Power of attorney registers (DA 564 class 8.56)</p> <p>Probate registers (DA 564 class 4.30)</p> <p>Proofs of Debt and Assets and Claims registers</p> <p>Rating Sales registers (DA 564 class 4.32)</p> <p>Reciprocal enforcement of Judgment registers</p> <p>Religious, charitable and educational trust registers</p> <p>Second-hand dealers licensing registers and indexes (DA 564 class 8.62)</p> <p>Special partnerships registers (DA 564 class 8.68)</p>	
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	<p>Summary instalment order registers (DA 564 class 8.71)</p> <p>Warrant books (DA 564 class 8.73)</p> <p>Writs of sale registers (DA 564 class 8.75)</p> <p>Vaccination registers</p>	
Retention Period	Retention periods vary in DA 564 for the various legacy record classes e.g.10 years after date of last entry or as soon as practical	25 years after closure
Disposal Action	Transfer to Archives NZ	Transfer to Archives NZ

Justification

The appraisal report for DA 564 specified permanent retention of court registers and indexes on the following basis: Registers (and indexes) are recommended for retention as public archives because they provide a summary record of what cases were heard in the situation where the case records have not been recommended for retention as public archives. Registers also provide a means of accessing individual case records which have been transferred to Archives NZ. Separate indexes were sometimes created to assist accessing registers.

The appraisal report supporting DA 564 required permanent retention of court registers and indexes as they contain information required to be provided to the court usually for a regulatory purpose such as licensing and massage parlour registers and newspaper ownership details pursuant to the Printers and Newspapers Registration Act 1868 and its successors.

In terms of the Appraisal statement criteria registers and indexes facilitate access to case files and as such, meet the following:

Criteria 2 Accountability – evidence of the well-being of the community and the impact of government activities (in this context, courts) on individuals and the intervention of the government (courts) intervention in people’s lives.

Criteria 3 Rights and Entitlements – evidence of the legal status and fundamental rights and entitlements of individuals and groups

Criteria 4 Legitimacy of authority – judgments and rulings determining the extent of jurisdictions or powers.

While no changes to disposal decisions in DA 564 are proposed, a standardised retention period prior to transfer is recommended as:

- (1) Archives NZ are increasingly not accepting transfers of records closed for less than 25 years.
- (2) As control records, registers and indexes are often required by courts to identify specific case files for longer than 10 years.
- (3) A single disposal trigger will simplify implementation.

	Current Class Details	Proposed amended Class Details
Title	DA 564 Legacy records	Legacy courts administrative and operational records
Number	See legacy records classes listed below.	8.02

Description	<p>The following are examples of legacy record classes for amalgamation into the new class 8.02:</p> <p>Abstract books</p> <p>Apprenticeship records (DA 564 class 8.03 applies)</p> <p>Auctioneers licensing case files (partially DA 564 class 8.04 applies)</p> <p>Bail case files (DA 564 class 8.06 applies)</p> <p>Chattels registers (DA 564 class 8.10). To be retained indefinitely by each court)</p> <p>Chattels case files (DA 564 class 8.09 applies)</p> <p>Children’s Court case files (excluding the formal court record)</p> <p>Children’s Court Record Sheets (to be retained indefinitely by each court)</p> <p>Claims registers</p> <p>Company balance sheets other financial records and annual reports</p> <p>Confiscated vehicle registers</p> <p>Criminal case files end of year microfilm</p> <p>Criminal record sheets (to be retained indefinitely by each court)</p> <p>Estate ledgers and indexes</p> <p>Exhibits registers</p> <p>Fixtures and Special Fixtures lists</p> <p>Inland Revenue Estate Indexes</p> <p>Judgments removed</p> <p>Judgment by default or in Court (to be retained indefinitely by each court)</p> <p>Jury lists</p>	<p>This class consists of records which (1) either supported the operations of courts are low-level case files for which adequate summary information is retained in registers and indexes which are proposed for transfer to Archives NZ.</p> <p>In addition, where there is a court requirement to indefinitely retain the permanent court record for some classes of records such as criminal record sheets which is not recommended for transfer to Archives NZ. This requirement will be specified in advice provided to court staff.</p>
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	<p>Land agents/real estate agents licensing case files (DA 564 class 8.32 applies)</p> <p>Legal aid registers and case files (DA 564 class 8.35-8.36 applies)</p> <p>Licensing committee case files (DA 564 class 8.37 applies)</p> <p>Maintenance order payment records</p> <p>Massage parlour licensing case files (DA 564 class 8.43)</p> <p>Miscellaneous case files (to be retained indefinitely by each court)</p> <p>Moneylenders licensing case files (DA 564 class 8.45)</p> <p>Motor Vehicle Dealer registers and case files</p> <p>Originating summons case files (to be retained indefinitely by each court)</p> <p>Pawnbrokers licensing case files (DA 564 class 8.52)</p> <p>Praecipe books</p> <p>Reciprocal enforcement of Judgment case files and registers</p> <p>Records of documents issued to the police</p> <p>Record of home processes – documents received by the bailiff for execution or service</p> <p>Search books</p> <p>Second-hand dealers licensing case files</p> <p>Security Guard Licensing registers and case files</p> <p>Shops and offices registers and case files</p> <p>Stamp duty book</p> <p>Summary instalment case files (DA 564 class 8.70)</p> <p>Tenancy Sales Act case files</p>	
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	Transport Board Appeal registers (no DA applies)	
Retention Period	10 years	10 years after closure
Disposal Action	Destroy	Destroy
Justification	This class consists of low level case records. In circumstances where records do not have sufficient archival value to warrant transfer to Archives NZ but there is a court requirement to retain records indefinitely, advice to staff will be to retain records indefinitely.	

	Current Class Details	Proposed amended Class Details
Title	DA 564 Legacy records	High Court and District Courts records (including predecessor courts) case files and related records that (a) were identified for transfer to Archives NZ previously via DA 53 or (b) or are family related records with substantial rights and entitlements value.
Number	See legacy records classes listed below	8.03

Description	<p>The following are examples of legacy record classes for amalgamation into the new class 8.02:</p> <p>Agency case files (DA 564 class 8.01 applies)</p> <p>Aliens Act case files</p> <p>Applications under Courts Emergency Powers Regulations case files</p> <p>Children’s Court Guard books</p> <p>Commissioner of Oaths files</p> <p>Compensation Court case files (DA 564 class 8.11 applies)</p> <p>Crown suits case files (DA 564 class 8.13 applies)</p> <p>Domestic Proceedings (DP) case files (DA 564 class 8.23 applies)</p> <p>Family Proceedings (FP) case files (DA 564 class 8.77 applies)</p> <p>Guardianship Act and Infants Act 1926 applications and case files (no DA applies)</p> <p>Industrial agreements</p> <p>Insolvency case files</p> <p>Intestate files, letter books and orders</p> <p>Judgment Summons case files</p> <p>Land Sales Court case files (DA 564 class 8.33)</p> <p>Law Practitioners case files</p> <p>Lunacy and mental defectives case files</p> <p>Military Tribunal correspondence</p> <p>Miscellaneous case files</p> <p>Miscellaneous Domestic Proceeding (MDP) case files (DA 564 class 8.78 applies)</p>	
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	Mortgage Relief case files Orders in Chambers Petitions case files (DA 564 class 8.53 applies) Power of Attorney case files (DA 564 class 8.55 applies) Religious, Charitable and Educational trust case files Special partnerships case files (DA 564 class 8.67 applies) Stabilisation regulations records Writs of Sales Case files DA 564 (class 8.74 applies)	
Retention Period	Retention periods vary in DA 564 for the various legacy record classes e.g.10 years after date of last entry or as soon as practical	25 years after closure
Disposal Action	Transfer to Archives NZ	Transfer to Archives NZ

Justification

Records within this class were identified as high value records in DA 564 on the basis of:

- (1) Family related records have value due to their legal value and their potential use by social historians and genealogists
- (2) Follow the precedent from the earlier disposal authority (DA 53) which, for most classes, did not provide justification for their disposal decisions.

In terms of the Appraisal statement criteria:

Criteria 2 Accountability – evidence of the well-being of the community and the impact of government activities (in this context, courts) on individuals and the intervention of the government (courts) intervention in people's lives.

Criteria 3 Rights and Entitlements – evidence of the legal status and fundamental rights and entitlements of individuals and groups.

The change with the **retention period** before transfer to Archives NZ was influenced by the following factors:

- (1) Archives NZ are increasingly not accepting transfers of records closed for less than 25 years; this change recognises this reality.
- (2) a single trigger will simplify implementation of the disposal authority.