

APPRAISAL REPORT

FUNCTIONS, ACTIVITIES AND RECORDS EVALUATION

Ministry of Transport

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TABLE OF CONTENTS

1	Purpose	5
2	Scope.....	5
3	Agency Information	5
3.1	Public Agency Information	5
3.2	Functions of the Ministry of Transport.....	5
3.3	Recordkeeping Systems.....	6
4	Methodology.....	7
4.1	Approach	7
4.2	Precedent	7
4.3	Gap Analysis.....	7
4.4	Appraisal Criteria	8
5	Consultation.....	8
5.1	Internal Consultation.....	8
5.2	External Consultation	9
6	Description of Classes	11
6.1	Class 1: Policy, Legislation, Rules and Regulations	11
6.1.1	Description.....	11
6.1.2	Value Statement.....	11
6.1.3	Retention and disposal recommendation	11
6.2	Class 2: Sector Leadership, Support and International Relationships.....	12
6.2.1	Description.....	12
6.2.2	Value Statement.....	12
6.2.3	Retention and disposal recommendation	12
6.3	Class 3: Funding and Revenue Management	13
6.3.1	Description.....	13
6.3.2	Retention and disposal recommendation	13
6.4	Class 4: Airports and Aerodromes	14
6.4.1	Description.....	14
6.4.2	Value Statement.....	14
6.4.3	Retention and disposal recommendation	14
6.5	Class 5: Transport Sector Crown Entity Monitoring and Reporting	15
6.5.1	Description.....	15
6.5.2	Value Statement.....	15

6.5.3	Retention and disposal recommendation	15
6.6	Class 6: Transport Sector Research and Analysis	16
6.6.1	Description.....	16
6.6.2	Value Statement.....	16
6.6.3	Retention and disposal recommendation	16
6.7	Class 7: Statutory Powers of Decisions.....	17
6.7.1	Description.....	17
6.7.2	Value Statement.....	17
6.7.3	Retention and disposal recommendation	17
6.8	Class 8: Medical Convener Records.....	18
6.8.1	Description.....	18
6.8.2	Value Statement.....	18
6.8.3	Retention and disposal recommendation	18
6.9	Class 9: Ministry Accountability and Governance	19
6.9.1	Description.....	19
6.9.2	Value Statement.....	19
6.9.3	Retention and disposal recommendation	19
6.10	Class 10: Emergency Management	20
6.10.1	Description.....	20
6.10.2	Value Statement	20
6.10.3	Retention and disposal recommendation	20
7	Access Recommendations	21
8	Appendix 1 Appraisal criteria.....	21
	<i>Criteria 1. Business value</i>	<i>21</i>
	<i>Criteria 2. Accountability.....</i>	<i>21</i>
	<i>Criteria 3. Rights and entitlements</i>	<i>22</i>
	<i>Criteria 4. Legitimacy of Authority.....</i>	<i>22</i>
	<i>Criteria 5. Treaty of Waitangi/Te Tiriti o Waitangi.....</i>	<i>22</i>
	<i>Criteria 6. Knowledge.....</i>	<i>23</i>

1 PURPOSE

This appraisal report and accompanying disposal schedule replace the Ministry of Transport's current Disposal Authority (DA319), which expired in February 2017. The Ministry faced a number of significant challenges during 2016 and 2017, (including being displaced from our offices following the Kaikoura Earthquake). An extension to the existing disposal authority of one year was granted by the Chief Archivist to give the Ministry time to complete this appraisal.

Approval of this report and disposal schedule will enable the Ministry of Transport (The Ministry) to continue to meet its recordkeeping responsibilities under the Public Records Act 2005.

2 SCOPE

This appraisal report and disposal schedule apply to current and non-current records in any format pertaining to the functions of the Ministry.

It also covers those records of predecessor agencies that may still be in the custody of the Ministry.

It excludes records covered by Archives New Zealand's General Disposal Authorities (GDA6 and GDA7).

3 AGENCY INFORMATION

3.1 PUBLIC AGENCY INFORMATION

Name of Public Office	Ministry of Transport
Agency Code	ABKL
Year establishment	1968
Year disestablished	Current
Website	www.transport.govt.nz

3.2 FUNCTIONS OF THE MINISTRY OF TRANSPORT

The Ministry of Transport (MoT) was established in 1968 through the merger of the Transport Department and the Civil Aviation Department, which also incorporated the Meteorological Service. In 1972, the Marine Department was added into the Ministry. By the early 1970s the Ministry had over 4,500 staff, integrating such diverse elements as traffic enforcement, air traffic control, weather forecasting, air accident investigation, and lighthouses.

Between 1988 and 2004 many of the Ministry's roles and functions were divested to different government departments, State Owned Enterprises or private companies. Today the Ministry employs around 160 people, and is the government's principal transport adviser. The bulk of our work is in providing policy advice to the Minister and Associate Minister to shape transport policy for New Zealand. We help the government give effect to its policy by supporting the development of legislation, regulations and rules, non-regulatory approaches and by accounting for funds invested in transport. We also take a long-term view of the transport system.

In 2017, the Ministry identified a new purpose – ‘enabling New Zealanders to flourish’. A flourishing New Zealand requires a transport system that provides for healthy and safe people, resilience, inclusive access, economic prosperity and environmental sustainability.

The Ministry sets the long-term strategies to enable this to happen. We assess the trends occurring within New Zealand and overseas, we model key outcomes, we research and evaluate, and we work to understand the use of new technologies for transport. We work closely with a range of agencies across Government where we have common outcomes – for example, work on economic development, and climate change.

Informed by this, we advise ministers and develop policies to advance the broad set of outcomes that transport can shape and influence.

To achieve our purpose, the Ministry works in three ways:

Providing clear leadership and influence

The Ministry provides leadership across the transport system and in the wider government sector, making connections and influencing across the network of transport users, providers and regulators. We assist the Government to set and explain the strategic direction for the transport system and its inter-relationship with other systems. We also engage with our international counterparts, and with international regulatory bodies, to ensure that New Zealanders and their export goods can travel freely, and we can influence the development of key international standards that impact on New Zealand’s transport system.

Signalling investment and revenue priorities

The Ministry advises the Government on the appropriate mechanisms for raising revenue for the transport system, and how that revenue should be spent to maximise value from investments in the transport system. We do this through the investment signals set out in the Government Policy Statement on land transport, through providing advice on appropriate funding mechanisms to deliver outcomes, and through providing advice on funding across all transport sectors, including maritime, aviation, and search and rescue.

Undertaking our stewardship responsibilities

The Ministry has a responsibility under the State Sector Act to provide long-term stewardship of the transport system. To do this, we work closely with the transport Crown entities on a regulatory stewardship work programme, which is aimed at ensuring the transport regulatory system is fit for purpose and forward leaning.

As part of our stewardship responsibilities we also monitor the transport Crown entities and a variety of other Government owned transport assets including the Joint Venture Airports to ensure they are meeting system objectives. The role is set out in section 27A of the Crown Entities Act. In its monitoring role, the Ministry aims to support the entities to improve performance while not prejudicing its primary role as agent and trusted adviser to the Minister.

In addition to performance monitoring, the Ministry provides advice and assists the Minister with appointments to the Crown entity boards, setting and clarifying expectations for each entity, and reviewing the performance of the board overall.

Source: *Ministry of Transport Statement of Intent, 2018-2022 – What the Ministry of Transport Does, p5.*

3.3 RECORDKEEPING SYSTEMS

The Ministry has an Enterprise Content Management system with an established functions based classification structure. The current system (OpenText Content Server) was implemented in late

2017 and content from the previous system (Sharepoint 2017) as well as shared drives was migrated into this.

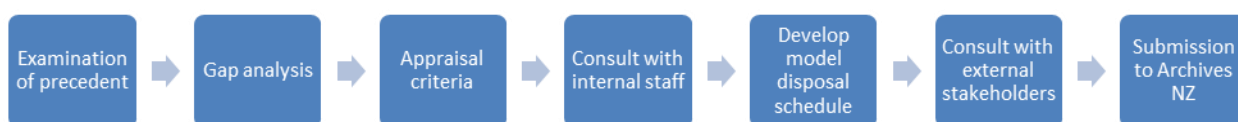
Most records are maintained electronically, with approximately 80 hard-copy files held in on-site storage.

The Ministry holds approximately 1960 boxes of hard-copy files with a commercial storage provider in off site-storage.

4 METHODOLOGY

4.1 APPROACH

The report and schedule were developed using the following approach:



4.2 PRECEDENT

A number of relevant existing disposal authorities were examined for precedent. The Ministry's current authority (DA319) was reviewed along with authorities for agencies with comparable functions, including Ministry of Business, Innovation and Employment (DA644), WorkSafe NZ (DA626) and the Department of Internal Affairs (DA633). The *List of protected records for local authorities* (August 2013) and Ministry of Civil Defence and Emergency Management disposal authority (DA582) were reviewed for content related to emergency management functions.

4.3 GAP ANALYSIS

A gap analysis was undertaken to identify any key changes that have taken place since the development of the Ministry's last disposal authority. An analysis of current records created by the Ministry was also undertaken to support this.

The functions and ways of working for the Ministry have stayed largely the same in this time. The key changes made to the current authority were:

- The removal of records that are covered by Archives New Zealand's General Disposal Authorities GDA 6 and GDA 7
- The addition of some sub-classes that were identified as missing from the current schedule – under the 'Statutory powers of decisions' and 'Sector leadership, support and international relationships' classes – as well as the addition of a 'Ministry accountability and governance' class.

Most of the class groupings from the current authority have been retained as these still make sense in the context of the way that the Ministry works and will enable a consistent approach to the application of the schedule with earlier disposal decisions.

4.4 APPRAISAL CRITERIA

The *Appraisal Statement* issued by Archives New Zealand in 2014 has been used to inform the Ministry's appraisal process, with the criteria and indicators of value providing the guidance for the evaluation of record classes – the criteria are included in Appendix 1.

5 CONSULTATION

5.1 INTERNAL CONSULTATION

A series of meetings and follow-up conversations were held with the following representatives from across the Ministry:

Name	Team
[Name removed]	Manager, Resilience and Security
[Name removed]	Manager, Mobility & Safety
[Name removed]	Manager, International Connections
[Name removed]	Manager, Domain Strategy, Economics and Evaluation
[Name removed]	Manager, Analytics and Modelling
[Name removed]	Manager, Regulatory Policy
[Name removed]	Manager, Strategic Policy and Innovation
[Name removed]	Manager, Investment
[Name removed]	Manager, Demand Management and Revenue
[Name removed]	Manager, Urban Development and Environment
[Name removed]	Manager, Rail and Freight
[Name removed]	Manager, Governance and Commercial
[Name removed]	Acting Chief Legal Adviser
[Name removed]	Resilience and Security
[Name removed]	International Connections
[Name removed]	International Connections

[Name removed]	International Connections
[Name removed]	Domain Strategy, Economics and Evaluation
[Name removed]	Domain Strategy, Economics and Evaluation
[Name removed]	Analytics and Modelling
[Name removed]	Regulatory Policy
[Name removed]	Strategic Policy and Innovation
[Name removed]	Investment
[Name removed]	Investment
[Name removed]	Demand Management and Revenue
[Name removed]	Demand Management and Revenue
[Name removed]	Urban Development and Environment
[Name removed]	Governance and Commercial
[Name removed]	Governance and Commercial
[Name removed]	Governance and Commercial
[Name removed]	Legal
[Name removed]	Legal
[Name removed]	Legal

The Ministry's Senior Leadership team approved the final draft of the schedule on 11 March 2019.

5.2 EXTERNAL CONSULTATION

The following organisations were invited to comment and provide feedback on the draft schedule:

Agency	Responder	Feedback	Outcome
Accident Compensation Corporation	[Name removed]	No challenges or ambiguities identified; either concurred with each class or had no opinion.	No changes to draft made.
New Zealand Transport Agency	[Name removed]	No response	
Civil Aviation Authority	[Name removed]	Points noted: <ul style="list-style-type: none"> Sections 1.2/1.3 and 1.7/1.8 could be combined as processes could be 	Response: <ul style="list-style-type: none"> This possibility was considered when reviewing the existing schedule. While there is some

		<p>similar and timeframes are the same.</p> <ul style="list-style-type: none"> • The inclusion of 2.4 - Strategy development (research and analysis) could encourage copyright infringement – suggested adding note reminding people not to circulate material not generated by MoT without proper copyright permissions. • 5.7 (Crown entity monitoring and reporting - Reports, advice to ministers) could be covered by GDA 6 2.2.1, 2.1.5 	<p>overlap between policy development and the review of legislation, these activities form a large part of our core functions and we would like to leave them as separate sub-classes in the authority for ease of application of the schedule. No changes made to this sub-class.</p> <ul style="list-style-type: none"> • Agreed with this point, have added note to this sub-class. • While this could technically be covered by GDA 6, because we the class specifically refers to these activities in relation to MoT functions to do with Crown entity monitoring and reporting, we would like to make these explicit in the disposal authority. No changes made to this sub-class.
NZ Police	[Name removed]	No comments received.	
MetService	[Name removed]	No response	
Maritime NZ	[Name removed]	No comments received.	
Transport Accident Investigation Commission	[Name removed]	No response	

Consultation was collated and analysed for significance. Significant feedback was incorporated into the appraisal report and disposal schedule as outlined in the table above.

6 DESCRIPTION OF CLASSES

6.1 CLASS 1: POLICY, LEGISLATION, RULES AND REGULATIONS

6.1.1 Description

Records in this class cover the development and review of policy, legislation, rules and regulations under the Ministry's mandate as well as the development of standards and frameworks related to the transport sector and contributions to transport sector related policy. The class also includes reviewing and commenting on legislation, rules and regulations developed by other agencies that impact on the wider transport sector.

6.1.2 Value Statement

These records provide evidence of one of the Ministry's core functions: to provide policy advice to the Minister of Transport, develop transport sector related policy, legislation, rules and regulations and contribute to policy development by other agencies that impact on the wider transport sector.

Records related to the Ministry's development of policy and frameworks that guide transport sector practices hold long term informational value, provide evidence of the decision making process within the Ministry, and contribute to the overall history of the development of New Zealand's transport policy.

Records recommended for retention meet the *Appraisal Statement* criteria of **accountability**, **legitimacy of authority** and **knowledge** by demonstrating the decisions made in relation to transport in New Zealand, how these decisions came about and changes in policy direction over time.

Records recommended for destruction include those related to advice and contributions provided to the development or review of policy, legislation, rules and regulations developed by other agencies and records related to routine operational policy as these hold little information value once the policy is superseded.

6.1.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
1.1	Policy advice to the Minister
1.2	Policy development and review where MoT is the lead agency - significant policy
1.4	MoT involvement in developing and reviewing policy that impacts on wider transport sector operations
1.5	Consultation with external organisations and wider transport sector
1.6	Development of policy frameworks for guiding transport sector practices
1.7	Development, implementation and administration of transport sector related legislation, regulations and rules where MoT is the administering agency

Recommended for destruction

Class id	Title
1.3	Policy development - routine operational policy and policy review where MoT is not the lead agency but is a stakeholder
1.8	MoT involvement in developing and reviewing legislation, regulations and rules where MoT is not the administering agency

6.2 CLASS 2: SECTOR LEADERSHIP, SUPPORT AND INTERNATIONAL RELATIONSHIPS

6.2.1 Description

These records relate to the Ministry's role in providing leadership across the transport system and in the wider government sector, making connections and influencing across the network of transport users, providers and regulators. It includes records documenting the Ministry's responsibility to provide long-term stewardship of the transport system, the development of transport sector strategies, input into the development of Regional Land Transport Strategies and strategic stakeholder relationships.

Records relating to international facilitation and the negotiation of international agreements and treaties are also contained in this class. This includes International Air Service Agreements and International airline regulation records, including the licensing of airlines flying to/from New Zealand, policy work and tariffs.

6.2.2 Value Statement

Records recommended for retention as public archives in this class meet the **accountability, legitimacy of authority and knowledge** criteria of the *Appraisal Statement*. They provide evidence of one of the Ministry's core functions: to provide leadership, develop and implement strategies and provide assistance and support to transport sector agencies and organisations. They provide evidence of Ministry decision making, illuminate the history of the Ministry leading the transport sector's inter-relationships, and document the Ministry's regulatory stewardship role. Stakeholder relationships at a strategic level demonstrate the Ministry's accountability by documenting how it works with other organisations to fulfil its functions, and records relating to agreements, treaties and facilitation with other countries provide a picture of the international relationships that New Zealand has with those countries.

Records recommended for destruction in this class include reference material, working papers and minor drafts of strategies, as once the strategies have been developed these records hold little or no ongoing information value and are no longer required for administrative purposes. Also recommended for destruction are administrative, low level records related to relationships with stakeholders as these have no long-term business or informational value.

6.2.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
2.1	Transport regulatory stewardship
2.2	Strategy development (significant drafts, annotations and final strategies)
2.5	Regional Land Transport Strategies (RLTSs)
2.6	Stakeholder relationships - strategic

2.8	International transport treaties (non-air)
2.9	International air services agreements and treaties
2.10	International facilitation

Recommended for destruction

Class id	Title
2.3	Strategy development (minor drafts, routine correspondence)
2.4	Strategy development (research and analysis)
2.7	Stakeholder relationships - minor

6.3 CLASS 3: FUNDING AND REVENUE MANAGEMENT

6.3.1 Description

The Ministry of Transport is responsible for setting the level of funding for road transport through Fuel Excise Duty and Road User Charges, and assists the Minister of Transport in developing the Government Policy Statement on Land Transport, which allocates funding to different classes of activity. Records in this class relate to the Ministry's responsibilities of administering the National Land Transport Fund (NLTF), funding allocation and revenue and charging decisions, as well as revenue forecasting activities.

It also contains records relating to Road User Charges (RUC) - an essential component of gathering of revenue to assist the funding of Government land infrastructure costs. This sub-class includes RUC policy and system reviews and activities around the Cost Allocation Model (CAM), used to distribute road costs.

Value Statement

Records in this class relating to NLTF funding decisions are recommended for retention as public archives as they meet the **accountability** and **knowledge** criteria of the *Appraisal Statement* by documenting funding decisions related to transport in New Zealand. Similarly, records relating to the Cost Allocation Model and modifications to the RUC model and associated statistical modelling, provide insight regarding the funding allocation specifics and also meet these criteria and are recommended for retention.

Records recommended for destruction are NLTF administrative records as these are generally of a transitory nature and relate to low-level administrative activities. Records relating to revenue forecasting are also of a transitory and routine operational nature and are recommended for destruction.

6.3.2 Retention and disposal recommendation

Recommended for retention

Class id	Title
3.2	National Land Transport Fund - funding decisions
3.4	Cost Allocation Model (CAM) – modifications to the CAM
3.5	RUC system reviews and improvements

Recommended for destruction

Sub-class	Title
3.1	National Land Transport Fund - administration
3.3	National Land Transport Fund - revenue forecasting

6.4 CLASS 4: AIRPORTS AND AERODROMES

6.4.1 Description

These records relate to the high-level governance, operation and management of the Milford Sound/Piopiotaahi aerodrome, and to joint venture, partly or formerly owned airports.

Milford Sound/Piopiotaahi aerodrome, situated in Fiordland National Park, is wholly owned and operated by the Ministry as a non-certificated aerodrome. It is the only aerodrome in New Zealand solely owned by the Ministry. The Ministry also oversees the Crown's interest in joint venture (with councils/local authorities) airports and airports that are partly owned or formerly owned by the Crown.

6.4.2 Value Statement

Records related to the governance and high-level decision-making around Milford Sound/Piopiotaahi aerodrome provide a unique view of the Ministry's management of a key asset. Records in this class also provide evidence of legal ownership or occupancy that can be utilised if disputes or Treaty of Waitangi and Public Works Act claims arise, as has happened on previous occasions where historical records proved useful to the Ministry when placed under scrutiny.

Records relating to the Ministry's ownership/part ownership and/or governance and high-level decision making around regional and joint venture airports are of historical and research value. They provide a history of the Ministry's key relationships with various local authorities and operators and provide evidence of high-level decision making in relation to the management of airports/aerodromes and surrounding land.

These records meet the **accountability, rights and entitlement, legitimacy of authority, and knowledge** criteria of the *Appraisal Statement* and are recommended for retention as public archives.

Records related to routine administrative activities and operation of Milford Sound/Piopiotaahi aerodrome and jointly owned airports are recommended for destruction as they are of limited on-going informational value.

6.4.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
4.1	Management of Milford Sound/Piopiotaahi aerodrome - governance
4.3	Joint Venture Agreements and/or partly owned airports - governance

Recommended for destruction

Class id	Title
4.2	Management of Milford Sound/Piopirotahi aerodrome – operational
4.4	Joint Venture Agreements and/or partly owned airports - operational

6.5 CLASS 5: TRANSPORT SECTOR CROWN ENTITY MONITORING AND REPORTING

6.5.1 Description

Records in this class relate to the Ministry's role of negotiating, monitoring and reporting on performance agreements, work programmes with transport sector Crown entities, and other agencies set up by the Government. These records also relate to the Ministry's role in the management of the Crown entities' Board appointment processes and ongoing support and assistance for the Boards.

6.5.2 Value Statement

These records provide evidence of the Ministry's role of agent for the Ministers of Transport in the government's relationship with the transport Crown entities, including the management of appointments to Crown entities' governing bodies and input into the development of Crown entities' statutory documents.

Records related to the agreements and contracts that the Ministry has with transport Crown entities provide an overview of the entire transport sector at any particular time and evidence of the Ministry's stewardship role. These meet the **accountability** criteria of the *Appraisal Statement* and are recommended for retention as public archives.

Records held by the Ministry concerning ongoing monitoring and reporting as well as the input that the Ministry has into transport sector Crown entities' planning and reporting documents are of short-term informational value and are recommended for destruction as the agency responsible for producing these documents is responsible for appropriately retaining related records.

Records related to the Crown Entity Board appointment process are predominately of an administrative nature, and are also recommended for destruction.

6.5.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
5.1	Agreements and contracts with Crown entities and other agencies created by Government
5.7	Reports, advice to Minister and input to significant transport sector Crown entity issues and/or activities

Recommended for destruction

Sub-class	Title
5.2	Input into Crown entity planning and reporting documents
5.3	Monitoring and reporting
5.4	Board minutes and documents
5.5	Board appointment process
5.6	Training and resource material
5.8	Sectorial meetings

6.6 CLASS 6: TRANSPORT SECTOR RESEARCH AND ANALYSIS

6.6.1 Description

Records in this class relate to the research and analysis that the Ministry conducts to provide information and support for the transport sector and the public.

6.6.2 Value Statement

The output of the research and analysis undertaken by the Ministry provides transport sector stakeholders and the public with valuable information, statistics and facts related to a variety of transport sector topics.

Records related to the research outputs are of historical and informational value as they provide a picture of the transport sector in New Zealand and particularly developments in road safety and the New Zealand public's behaviours towards travel and transport. Outputs of the research and analysis meet the **accountability** and **knowledge** criteria of the *Appraisal Statement* and are recommended for retention as public archives.

Once the research outputs have been published, the raw data and working papers related to those outputs are of no long-term informational or administrative value as the outputs provide the ongoing research value and are recommended for destruction.

6.6.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
6.1	Transport sector research and analysis - outputs

Recommended for destruction

Class id	Title
6.2	Transport sector research and analysis - raw data and working papers
6.3	Research strategy and public consultation
6.4	Transport sector original research data

6.7 CLASS 7: STATUTORY POWERS OF DECISIONS

6.7.1 Description

The records in this class relate to decisions made under the Ministry's statutory powers under transport legislation.

Records include those related to:

- The consideration of foreign shipping companies' requests to carry coastal cargo in New Zealand
- Powers executed under the Submarine Cables and Pipelines Protection Act, involving the Ministry working with pipeline and cable owners and operators to protect undersea pipelines and cables, and the establishment of protected areas.
- The legalisation/creation of roads by the Minister of Transport and closing or renaming of roads.
- Declarations of major maritime events under the Maritime Transport Act
- Approval of amendments and alterations to port company constitutions, exempting port companies and related companies from certain provisions of the Port Companies Act
- Statutory delegations and sub-delegations to Ministry staff and to external agencies (e.g. Civil Aviation Authority, Maritime New Zealand, New Zealand Transport Agency). Includes delegations that have the consent of the Minister of Transport.

6.7.2 Value Statement

Records in this class meet the **legitimacy of authority** criteria of the *Appraisal statement* and provide evidence should a decision become subject to public or Parliamentary scrutiny, and also that the Ministry has carried out its statutory functions. They are recommended for retention as public archives.

Likewise, statutory delegations are a critical accountability document and have long-term value as evidence of how the Ministry has executed its statutory powers.

No records in this series are recommended for destruction.

6.7.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
7.1	Coastal Cargo Authorisations

7.2	Powers of the Minister/Ministry of Transport under the Submarine Cables and Pipelines Protection Act
7.3	Legalisation of roads by the Minister of Transport and the Governor General
7.4	Legislative stoppings of roads
7.5	Major maritime events declarations
7.6	Administration of the Port Companies Act,1988
7.7	Statutory delegations

No records in this class are recommended for destruction

6.8 CLASS 8: MEDICAL CONVENER RECORDS

6.8.1 Description

The convener and deputy convener are appointed by the Minister of Transport to review medical certification decisions made by the Director of Civil Aviation as allowed under Section 27J of the Civil Aviation Act 1990. The convener or deputy has two functions:

- To review certain decisions in relation to a medical certificate and,
- To advise the Director of Civil Aviation on applications for a medical certificate as a result of a joint referral by the applicant and the Director

Records in this class relate to the administration and support services that the Ministry provides to the convener in the application and review process.

6.8.2 Value Statement

These records are of a predominately administrative and routine operational nature and, with the exception of the final review reports which hold longer term informational value, are of limited informational or evidential value once the review process is complete. These records are recommended for destruction.

Although the final reports are also recommended for destruction, it is recommended that these are retained for a longer period of time as they provide evidential value should a decision result in subsequent court action and are of informational value in terms of providing precedent for future review decisions.

No records in this class are recommended for retention.

6.8.3 Retention and disposal recommendation

Recommended for destruction

Class id	Title
8.1	Administration and application process
8.2	Applications
8.3	Final reports

6.9 CLASS 9: MINISTRY ACCOUNTABILITY AND GOVERNANCE

6.9.1 Description

This class covers records to do with Ministry (internal) accountability and governance. It includes the records of formal governance groups, committees and forums established to provide governance, guidance and decision-making at a strategic level (e.g. Senior Leadership Team, Executive Leadership Team, Risk and Audit Committee).

The class also includes records of advice to the Chief Executive and/or Deputy Chief Executives – this is documented advice provided specifically at the executive management level (e.g. from principal or chief advisers). Records to do with litigation are also contained in this class.

6.9.2 Value Statement

The records related to internal leadership and governance groups as well as advice to the Chief Executive or Deputy Chief Executives, provide information at a high level about the performance of the Ministry's functions, strategic direction and decisions. They also demonstrate the Ministry's accountability to the government and citizens about how it has performed its functions and fulfilled its legislated mandate.

These records provide evidence of the application and implementation of legislation and regulation and meet the **knowledge** and **legitimacy of authority** criteria of the *Appraisal Statement* and are recommended for retention as public archives.

The records related to significant litigation cases provide evidence of the Ministry's **legitimacy of authority** by providing evidence of the powers, mandates and functions of the Ministry and its perspective and involvement in those cases. These are recommended for retention as public archives. The summary litigation records are also recommended for retention as they provide a summary of litigation events that the Ministry has been involved in.

Litigation that is of a routine nature, where there is no public interest and does not set a precedent is of limited informational value and is recommended for destruction.

6.9.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
9.1	Internal leadership and governance groups and committees – formal records
9.2	Advice to the Chief Executive and/or Deputy Chief Executives
9.3	Litigation records - significant cases
9.5	Litigation summaries

Recommended for destruction

Class id	Title
9.4	Litigation records - routine cases

6.10 CLASS 10: EMERGENCY MANAGEMENT

6.10.1 Description

The Ministry along with the other transport sector agencies, has a role to play in managing nationally significant hazards. The Ministry is:

- the lead for major transport accidents and other major transport incidents (e.g. a critical infrastructure failure of a transport asset)
- Supports the lead for major incidents that affect the transport sector, or where transport assets are required in the response and recovery but where another agency provides the overall lead (e.g. a major earthquake).

Records in this class relate to strategy and planning for emergencies, emergencies exercises and real life events and operations.

6.10.2 Value Statement

Records relating to the strategy and planning for emergencies, real life emergency management operations co-ordinated or supported by the Ministry and reports, reviews and evaluations of emergency management exercises provide evidence of the Ministry's significant involvement in the wider transport sector and of decisions made in this area. These records meet the **accountability, legitimacy of authority** and **knowledge** criteria of the *Appraisal Statement* and are recommended for retention as public archives.

Records relating to emergency management exercises coordinated and/or supported by the Ministry (excluding reports, reviews and evaluations) are of business value for reference purposes in the short-term but do not have long-term ongoing informational value to the Ministry and are recommended for destruction.

Note: Ministry internal emergency management plans should be sentenced under GDA 6

6.10.3 Retention and disposal recommendation

Recommended for retention

Class id	Title
10.1	Strategy and planning
10.3	Emergency management exercise reviews/evaluations/reports
10.4	Emergency management operations

Recommended for destruction

Class id	Title
10.2	Emergency management exercises

7 ACCESS RECOMMENDATIONS

[Details removed]

8 APPENDIX 1 APPRAISAL CRITERIA

From Archives New Zealand *Appraisal statement* March 2014

Criteria 1. Business value

Information and records that are fundamental to the ability of a public office or local authority to carry out its business and enable continuity of services to the New Zealand public.

Statement

Information and records identified will be considered essential for the particular business processes or services of an agency or public office, or for fulfilment of other requirements whether legislative, regulatory or commercial. This information and records will need to be retained for a period of time as opposed to those of a transitory nature.

Guidance

Indicators of value may include:

- requirements for business continuity – high value information and records;
- evidence of decision-making;
- use for business intelligence for the development of new services;
- risk management; and
- use in other business processes by other agencies.

Length of retention will be determined by the business need for access to that information and records. Although information and records determined to have business value may need a long retention period their value beyond that date may not merit them becoming public archives.

Criteria 2. Accountability

Information and records that are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.

Statement

Information and records identified will be considered essential for the protection and well-being of current and future generations and enhance public confidence in the actions of public offices and local authorities. This includes information and records documenting the impact of government activities on the community or individuals, and the intervention of the government in people's lives.

Guidance

Indicators may include evidence of:

- the impact of Public Office or Local Authority's actions, on people's lives;

- agreements between governments; and
- audit or monitoring of government interventions in response to inequalities.

Length of retention will be determined by the type of activity and influenced by the scale of impact and the level of accountability. Many activities have a big impact on individuals for a relatively short period of time, but once that activity is over accountability will diminish. However, the impacts of other activities have longer and wider implications and the level of accountability remains high.

Criteria 3. Rights and entitlements

Information and records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups.

Statement

Information and records that are essential for the establishment and protection of fundamental rights and entitlements of individuals, legal or natural, and groups within the community and nation, and the ongoing administration of the government of New Zealand. This includes information and records documenting the existence of individuals or groups, their rights to participate in the affairs of the nation and make claim to entitlements, and protection provided by the government.

Guidance

Indicators may include evidence of:

- impact on individuals/groups, people who are disadvantaged, affect on wellbeing, and the right to participate;
- the effect on individual identity; and
- proof of rights/qualification for ongoing rights.

Length of retention will be influenced by the nature of the right or entitlement and the length of time that right or entitlement may need to be proved.

Criteria 4. Legitimacy of Authority

Information and records that identify and document the source of authority and foundation of the machinery of government of New Zealand and its public sector bodies.

Statement

Information and records that document the establishment and allocation of functions to government agencies and local authorities. They will define the nature and extent of their jurisdiction, obligations and powers. They will originate from legislation and central agencies of the public service.

Guidance

Indicators may include evidence of:

- validation of authority e.g.: high level public service appointments;
- formal instruments or authorities establishing or dis-establishing functions, jurisdictions, mandates, powers and operations; and
- judgments or rulings determining the extent of jurisdiction or powers.

Length of retention will be determined by requirement for proof of authority.

Criteria 5. Treaty of Waitangi/Te Tiriti o Waitangi

Information and records that provide evidence of recognition and respect for, fulfilment of or aspirations to the Treaty of Waitangi/ Te Tiriti o Waitangi principles and the Crown's obligations, or in the absence of this, evidence

of failure to fulfil obligations and/or principles.

Statement

Information and records provide evidence of government decisions that have been documented in relationship to consultation, negotiations, debates and discussions including those that document failure to fulfil obligations. They will also provide evidence of post Treaty settlement relationships and partnerships with Iwi Māori. They will be taonga available for all New Zealanders, iwi and the Crown.

Guidance

Indicators may include evidence of:

Treaty negotiations and settlements;

- the principles of the Treaty of Waitangi/Te Tiriti o Waitangi being acknowledged and embedded;
- strategies to identify opportunities for partnerships with tangata whenua; and
- the Crown sustaining and protecting Mātauranga Māori

Length of retention will be determined by the level of evidential value.

Criteria 6. Knowledge

Information and records that will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society, culture and achievements and New Zealanders' sense of their national identity.

Statement

All information and records carry knowledge through time. Ongoing retention is only justified for information and records identified as having the capacity and potential to substantially contribute to the body of knowledge or understanding that will materially improve the life of New Zealanders now and in the future.

Guidance

Societal

Indicators may include evidence of:

- cohesion and conflict between social groups and the government
- development and management of infrastructure
- social well-being.

A 'New Zealand' Identity

Indicators may include evidence of:

- New Zealand's place in the world, international relations, involvement in, or opposition to global developments
- involvement with, relevance to, global events, movements
- uniquely New Zealand enterprises, systems, services
- contributions of notable individuals to New Zealand's character Treaty settlements.

Whakapapa/genealogical

Indicators may include evidence of:

- Family relationships – links between the past and the present.

Cultural

Indicators may include evidence of:

- iwi, hapū, ethnic community/group identity, issues and initiatives
- government responses to, or services for, specific ethnicities
- management /registration/preservation of areas of cultural or heritage importance/meaning
- initiatives to preserve and/or promote a resurgence of languages.

Scientific/technical/engineering

Indicators may include evidence of:

- innovation, development or improvement to services / processes / infrastructure
- degree of transformation of a service, delivery or process
- major discoveries of importance for communities/New Zealanders.

Stewardship/Kaitiakitanga

Indicators may include evidence of:

- environmental monitoring, data - collections and analysis of environmental data
- changes to land use e.g.; National Parks, marines reserves
- contaminant usage, hazardous substances.

Length of retention will be determined by the level of contribution that can be demonstrated.

Caveat

Refer to any sentencing guidelines accompanying this report for specific recommendations:

- **Records must be kept for the minimum period specified.**
- **The retention periods in the disposal schedule do not override any other retention period required by law.**
- **Records may be destroyed at any point once the minimum retention periods have passed. Records do not have to be destroyed; the agency may keep them for longer if required.**
- **No disposal action may be taken under this authority to any record in respect of which an OIA request has been made under the Official Information Act 1982 until such time as access has been granted to the requestor, or in the case where access is denied, an appeal against refusal has been determined or, in the case where no appeal is made, 3 months after the refusal.**

This authority is valid for a period of 10 years from date of signing, unless previously agreed with the Chief Archivist.