

**Retention and Disposal Schedule  
for  
Functional records of the  
Public Trust Office**

**Disposal Authorisation No. 2368**

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## **FUNCTIONS and ACTIVITIES**

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## **INTRODUCTION**

### **Archives legislation**

The *Archives Act 1983* stipulates that State and local government organisations, must not dispose of **records of any type or format** without the written approval of the State Archivist. Disposal of records involves their destruction, their removal from the custody of their creating Agency, or their transfer to the Tasmanian Archive & Heritage Office.

### **Schedule elements and arrangement**

The administrative functions covered by this schedule are arranged in alphabetical order as function headings. The activities performed under each function are listed in alphabetical order within each function.

- **Reference**

All function and activity headings and disposal classes are allocated a reference number. These reference numbers are used, in conjunction with the schedule number, to identify records in the Tasmanian Archive & Heritage Office disposal documentation. These numbers can also be used by agencies, in the same way, to indicate disposal authorisation in their records control systems, where the records have been registered in these systems.

- **Disposal classes**

The groups of records that document, and are derived from, the performance of the functions and activities are listed as disposal classes under each function/activity set.

It should be noted that Disposal Classes have been described in functional terms irrespective of the format or medium in which the records were created.

- **Status**

All disposal classes have either 'PERMANENT' or 'TEMPORARY' status. Records identified as 'PERMANENT' are those that will be transferred to the Archives Office to be retained as State archives. 'TEMPORARY' records are those that can be destroyed under the authority of this schedule.

- **Disposal action**

All temporary records identified in this schedule will have a disposal action which specifies the length of time for which the record must be retained before it can be destroyed under this authorisation.

### **Review of the schedule**

It is the responsibility of agencies to monitor administrative, legal or regulatory changes which may result in the need to alter disposal class descriptions or disposal actions for records covered by this schedule. When this occurs, this schedule should not be used to dispose of those records and the State Archivist should be informed of the need to revise the schedule. If necessary, the procedures for the disposal of unscheduled records can be used in the interim. Reviews may also be initiated by the Tasmanian Archive & Heritage Office.

### **Contacts**

Any enquiries relating to this schedule should be directed in writing to the Tasmanian Archive & Heritage Office, 91 Murray Street, Hobart, email [gisu@education.tas.gov.au](mailto:gisu@education.tas.gov.au) , or by phoning 03 6165 5581

**TASMANIAN ARCHIVE & HERITAGE OFFICE**

**DISPOSAL AUTHORISATION No. 2368**

**Title:** Disposal Schedule for Functional records of the Public Trust Office

**Authorisation:**

Under Section 20 (2) (b) of the Archives Act 1983, I hereby authorise 'relevant authorities' (as defined in Section 3 of that Act) to manage the disposal of the records described in this schedule in accordance with the procedures specified herein.

Ross Latham  
State Archivist

**Document Development History**  
**Build Status**

Version	Date	Author	Reason	Sections
I	4-4-2011	David Benjamin	DS39 revoked and replaced by DA2368	All
DS39	1998	AOT	Initial release	All

**Amendments in this Release**

Section Title	Section Number	Amendment Summary
All	All	The Office wish to significantly shorten retention of many documents by splitting the client files into two parts. This will enable the earlier disposal of financial and facilitative documents whilst still preserving the major client documents and action summaries for 25 years after finalisation

## **INTERPRETATION**

### **Definitions**

**Permanent records** are those that will be transferred to the Tasmanian Archive & Heritage Office to be retained as State Archives. The Archives Act 1983 establishes 25 years as the maximum required timeframe for the transfer of permanent records to the Tasmanian Archive & Heritage Office unless an extension of time has been approved by the State Archivist.

**Temporary records** are those that can be destroyed under the authority of this schedule after a minimum retention period, or once certain requirements have been met.

### **Coverage**

This schedule covers functional records of (name of agency or sector).

This schedule **does not cover pre-1960 records**. The disposal of those records should be managed according to the procedures for unscheduled records.

The *Disposal Schedule for Short-term Value Records - DA No. 2158* covers the disposal of short-term value records which are created by most agencies. These documents are usually of a trivial nature or of such short-term value that they do not support or contribute to the business functions of the agency.

Records not covered by these schedules, or other authorised disposal schedules, should be disposed of according to the current Tasmanian Archive & Heritage Office procedures for unscheduled records.

### **Preservation of records**

Section 10 (1) (a) of the *Archives Act 1983* requires agencies to preserve records until they are dealt with under the Act. This places a statutory obligation on agencies to ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

### **Permanent records**

All disposal classes of records identified as having 'PERMANENT' status in this schedule should be transferred to the Archives Office 25 years after the date of creation. Agencies may make application to the Tasmanian Archive & Heritage Office for earlier transfer of particular groups of records and the Tasmanian Archive & Heritage Office may also initiate an earlier transfer arrangement.

Records for transfer should be arranged and described in accordance with any instruction provided by the Tasmanian Archive & Heritage Office.

### **Temporary records**

All records identified as having 'TEMPORARY' status in this schedule will have a disposal action which is the authorised date for destruction. These disposal actions specify minimum retention periods. Temporary records can be kept as long as the agency wishes following the expiration of the specified period, but the provisions of the *Archives Act 1983* regarding their proper care and custody will still apply to them.

Frequently the disposal actions will refer to '**after action completed**' which means after completion of the transaction to which the records relate. The disposal action '**destroy when reference ceases**' authorises the destruction of records when all business needs to refer to the records have ceased.

## **Destruction of records**

The destruction method chosen for records authorised for destruction in this schedule should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed, and that this process is confidential and secure. The following issues should be considered before destruction of any documents.

## **Right to Information**

Right to Information legislation prescribe rights and processes for access to documents held by government agencies. If a request for access under the legislation has been lodged, all records relevant to the request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and any subsequent reviews are completed.

## **Investigations and inquiries**

If an investigation or inquiry is in progress, all records relevant to the investigation or inquiry must be identified and preserved until the action and any subsequent actions are completed.

## **Records relating to indigenous people**

Key recommendations of the Bringing Them Home Report 1997 relate to the need for the identification, preservation, indexing, management and access to records relating to Indigenous individuals, families and/or communities in accordance with established privacy principles.

Records relating to indigenous families and communities or which document links between indigenous people and localities are not to be destroyed and should be the subject of consultation with the Tasmanian Archive & Heritage Office.

## **Native title**

If a native title claim is in progress, all documents relevant to the claim must be identified and preserved until the action and any subsequent actions are completed.

## **Registration of destruction**

Central to the accountability process built into the disposal schedules is the requirement that agencies maintain a *Register of Records Destroyed*. It is important to recognise that the formal evidential record of destruction is contained in this registration process. The register is to be made available to the State Archivist (or his nominee) on request.

The register must be clearly identified as the *Register of Records Destroyed* (under Section 20 (2) (b) of the *Archives Act 1983*) and should include the name of the agency. The register can be the same used for registering destructions authorised under other disposal schedules. A sample format indicating the required elements for the register and related procedures are available on the Tasmanian Archive & Heritage Office website.

Reference	Disposal class	Status and Disposal Action
<b>01.00.00</b>	<b>PUBLIC TRUSTEE</b>	
<b>01.01.00</b>	<b>Client Registration</b> From 1988 the Trust Accounting (TACT) database has been used to register client information.	
01.01.01	Client Information contained in the TACT database including client number used as the case file number	PERMANENT
01.01.02	Index cards containing client information	PERMANENT
<b>01.02.00</b>	<b>Deceased Persons Estates</b> This includes Testamentary Trusts arising out of deceased estates. <i>See 01.08.00 for Later and No Asset Wills</i>	
01.02.01	<b>A' DOCUMENTS</b> The following records are A documents: <ul style="list-style-type: none"> <li>• asset sheets</li> <li>• beneficiary statutory declaration</li> <li>• copy of application for grant of probate or administration</li> <li>• copy of record of death</li> <li>• copy of will</li> <li>• Form 211 Details of the Beneficiaries – including certification</li> <li>• grant of administration (including elections etc)</li> <li>• liability sheet</li> <li>• other certificates (marriage, divorce etc)</li> <li>• particulars form (Estate first interview – details and particulars form)</li> <li>• interim or final distribution statements</li> <li>• deed of family arrangement, appointment or assignment</li> <li>• court orders</li> <li>• family tree and supporting certificates</li> <li>• realty transfer – valuation</li> <li>• evidence of forwarding of certificate of title</li> <li>• investment reviews</li> <li>• external investment advice</li> <li>• statements of account (testamentary trust)</li> </ul>	<b>TEMPORARY</b> Destroy 25 years after matter finalised
01.02.02	<b>B' DOCUMENTS</b> Correspondence and associated records including: <ul style="list-style-type: none"> <li>• bank statements</li> <li>• correspondence to beneficiaries</li> <li>• general correspondence</li> <li>• claims details</li> <li>• payment of claims</li> <li>• draft statements and workings</li> <li>• invoices</li> <li>• letters of discovery</li> <li>• reply information</li> <li>• tax returns</li> </ul>	<b>TEMPORARY</b> Destroy 7 years after matter finalised.

<p><b>01.03.00</b></p>	<p><b>Represented Persons</b>  Matters administered under provisions of the <i>Guardianship and Administration Act 1995</i> at the request of the Guardianship and Administration Board (GAB).   <u>See DA2157 for accounting records.</u></p>	
<p>01.03.01</p>	<p>Correspondence and associated records including:</p> <ul style="list-style-type: none"> <li>• Assets sheets</li> <li>• Contact sheet</li> <li>• Liabilities sheet</li> <li>• Action sheet</li> <li>• Budgets</li> <li>• Residential tenancy agreement</li> <li>• Nursing home residential care agreement</li> <li>• Income and assets agreement</li> <li>• GAB financial administration order</li> <li>• Particulars form</li> <li>• Work sheet</li> <li>• Annual reports – GAB</li> <li>• Bank statements</li> <li>• Nursing home statements</li> <li>• Invoices</li> <li>• Records of payments made and monies received</li> <li>• Medical affidavits and reports</li> <li>• Discovery of assets and liabilities</li> <li>• Title searches and dealings with real estate</li> <li>• Dealings with investment and investment reviews</li> <li>• Copies of income tax returns and assessments</li> <li>• Letters to clients</li> <li>• General correspondence</li> <li>• Reply information</li> <li>• Statements</li> </ul>	<p>TEMPORARY   Destroy 7 years after matter finalised.</p>

<p><b>01.04.00</b></p>	<p><b>Powers of Attorney</b> Matters administered under provisions of the <i>Powers of Attorney Act 2000</i></p>	
<p>01.04.01</p>	<p>Correspondence and associated records including:</p> <ul style="list-style-type: none"> <li>• Power of Attorney</li> <li>• discovery of assets and liabilities</li> <li>• records of payments made and moneys received</li> <li>• dealings with real estate</li> <li>• dealings with investments</li> <li>• copy of investment reviews completed</li> <li>• copies of income tax returns and assessments</li> <li>• bank statements and records</li> <li>• budgets</li> <li>• residential tenancy agreement</li> <li>• nursing home residential care agreement</li> <li>• income and assets assessment</li> <li>• statements</li> <li>• asset sheet</li> <li>• contact sheet</li> <li>• copy of will</li> <li>• liability sheet</li> <li>• particulars form</li> <li>• work sheet</li> <li>• hourly rate cost sheets</li> <li>• invoices</li> <li>• medical reports</li> <li>• letters to client</li> <li>• general correspondence</li> </ul>	<p>TEMPORARY Destroy 7 years after matter finalised.</p>
<p><b>01.05.00</b></p>	<p><b>Non Testamentary Trusts</b> Matters relating to the administration of trusts arising by statutory enactment or at common law where Public Trustee has been appointed Trustee or has accepted appointment.</p>	
<p>01.05.01</p>	<p>Correspondence and associated records including:</p> <ul style="list-style-type: none"> <li>• court orders and associated documents</li> <li>• reasons for judgment</li> <li>• copy of trust instrument</li> <li>• records of trustees and transfers of holdings</li> <li>• trust deeds</li> <li>• prospectus' to trust offerings</li> <li>• record of birth</li> <li>• records of payments made and moneys received</li> <li>• records of investments</li> <li>• completed investment reviews</li> <li>• copies of income tax returns and assessments</li> <li>• statements of account and distributions</li> <li>• assets sheet</li> <li>• particulars form</li> <li>• invoices</li> <li>• letters to clients</li> <li>• minor maturing checklist</li> <li>• payment advice</li> <li>• general correspondence</li> </ul>	<p>TEMPORARY Destroy 7 years after matter finalised</p>

<b>01.06.00</b>	<b>Mortgages</b> Mortgages held with the Public Trustee.	
01.06.01	Correspondence and associated records including: <ul style="list-style-type: none"> <li>• copies of titles</li> <li>• documentation relating to title searches</li> <li>• mortgage documents</li> <li>• applications</li> <li>• valuations</li> <li>• copies of discharge of mortgage</li> <li>• financial accounts and statements</li> <li>• security papers</li> <li>• comments/decisions by members of Public Trustee Investment Committee</li> </ul>	<b>TEMPORARY</b> Destroy 7 years after matter finalised
<b>01.07.00</b>	<b>Workers Compensation</b> Matters administered under provisions of the <i>Workers Rehabilitation and Compensation Act 1988</i> .	
01.07.01	Correspondence and associated records including: <ul style="list-style-type: none"> <li>• advice of and apportionment of moneys payable</li> <li>• court orders and associated documents</li> <li>• records of payments made and moneys received</li> <li>• records of investments</li> <li>• birth evidence of dependents</li> <li>• copies of income tax returns and assessments</li> <li>• statements of account and distributions</li> <li>• completed investment reviews</li> <li>• asset sheet</li> <li>• particulars form</li> <li>• invoices</li> <li>• letters to clients</li> <li>• minor maturing checklist</li> <li>• payment advice</li> <li>• general correspondence</li> </ul>	<b>TEMPORARY</b> Destroy 7 years after matter finalised
<b>01.08.00</b>	<b>Later and No Asset Wills</b> Matters where a later will had been executed or there were no assets requiring formal administration.  <u>See 01.02.00 Deceased Persons Estates where the estate is managed by the Public Trustee</u>	
01.08.01	Correspondence and associated records including: <ul style="list-style-type: none"> <li>• original revoked wills</li> <li>• instructions for wills</li> <li>• details of assets and beneficiaries</li> <li>• copies of valid last wills</li> <li>• advice of later will</li> </ul>	<b>TEMPORARY</b> Destroy 7 years after matter finalised

<p><b>01.09.00</b></p>	<p><b>Financial Records</b>                  These are records relating to all financial transactions, reports and financial statements of the Public Trustee in its capacity as Executor, Trustee, Attorney or Financial Administrator (Represented Person).</p>	
<p>01.09.01</p>	<p>Correspondence and associated records including:                  Investment Funds:</p> <ul style="list-style-type: none"> <li>• GIF statements</li> <li>• distributions</li> <li>• unit pricing</li> <li>• investment fund reports</li> </ul> <p>TACT:</p> <ul style="list-style-type: none"> <li>• miscellaneous</li> <li>• periodic payments</li> <li>• receipts</li> <li>• payments</li> <li>• journals</li> <li>• daily transaction listings</li> <li>• fee charges</li> <li>• pensions</li> </ul>	<p>TEMPORARY                  Destroy 7 years after matter finalised</p>
<p><b>01.10.00</b></p>	<p><b>Legal Records</b>                  These relate to all records where legal action has been required to be taken, or defended, by Public Trustee in its corporate capacity or in its capacity as Executor, Trustee, Attorney or Financial Administrator.</p>	
<p>01.10.01</p>	<p>Legal records including:                  correspondence</p> <ul style="list-style-type: none"> <li>• file notes,</li> <li>• memoranda,</li> <li>• pleadings,</li> <li>• copies of titles and searches</li> <li>• deeds</li> <li>• orders and judgments of Courts, Tribunals and Boards</li> </ul>	<p>TEMPORARY                  Destroy 7 years after matter finalised</p>

<p><b>01.11.00</b></p>	<p><b>Other administrations</b></p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• sundry administrations as custodian trustee</li> <li>• trustee of pension</li> <li>• acquisitions</li> <li>• charitable trusts</li> <li>• divorce settlements</li> <li>• unclaimed trust monies</li> </ul>	
<p>01.11.01</p>	<p>Correspondence and associated records including:</p> <ul style="list-style-type: none"> <li>• deeds of appointment</li> <li>• letters of appointment</li> <li>• court orders and associated documents</li> <li>• evidence of birth</li> <li>• valuations</li> <li>• title searches and copies of titles</li> <li>• records of payments made and moneys received</li> <li>• copies of income tax returns and assessments</li> <li>• dealings with real estate and investments</li> <li>• statements of account and distributions.</li> </ul>	<p><b>TEMPORARY</b></p> <p>Destroy 7 years after matter finalised</p>